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**SUBJECT:** Expert opinion is presented social historical-anthropological.

**LIC. ROGELIO EDUARDO LEAL MOTA**

Second District Judge in the State of Yucatán

**PRESENT**

The undersigned **Dr. María del Carmen Castillo Cisneros**, research professor at the National Institute of Anthropology and History attached to the INAH-Yucatán Center, has been appointed by the complaining party to issue a **historical-anthropological expert opinion**.

**social** in the area of the "Geohydrological Reserve of the Yucatán Cenote Ring" located in the Municipality of Homún, where the pig farm called "Pork Food Production" is currently installed. Rural Production Company of Limited Liability of Variable Capital with the objective of accrediting the existence of a Mayan community with historical continuity in the municipality of Homún, with specific cultural practices, as well as the relationship that said community has with its territory and some of its main elements such as water and cenotes. Likewise, identify the social impact that this project generates for the indigenous Mayan community of Homún. Having said the above, having accepted and protested the position conferred, I proceed to answer the questions offered by the parties.

## FIRST PART

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### 1. What does the expert determine? If there is historical continuity of the town of Homún and a collective identity associated with it?

The evidence found in different sources and archives that support the argument of historical continuity of the Mayan people of Homún is listed below. They are shown in chronological order:

- The Archaeological Atlas of the state of Yucatán<sup>1</sup> records the **existence of three archaeological sites in the current municipality of Homún** under the names of Homún [plate 16Qd (8):67], Cuzamá [plate 16Qd (8):71] and Kampepén [plate 16Qd (8):48]. The three belong to rank IV, which range from isolated complexes to large settlements and numerous structures, but with very little monumental architecture<sup>2</sup>.  
Although pre-Hispanic Mayan sites are famous for their tall pyramids and majestic buildings, low platforms and foundations for rooms are always present in abundance... more humble elements that can be studied from the **first known Mayan communities to the present day**<sup>3</sup>.  
That said, **the population of Homún is of pre-Hispanic origin**.
- The most important natural resource for the ancient Maya was land for agriculture. Areas without arable soil lack archaeological sites. **Drinking water** and access to the coast also influenced the location of settlements<sup>4</sup>.  
In the case of the Yucatan Peninsula, **the sources of drinking water that made the first human settlements feasible are the cenotes**.  
• Fray Diego de Landa, Franciscan and bishop of Yucatán wrote in the middle of the **century XVI** in section V Provinces of Yucatán: The main ancient buildings within his work *Relation of the Things of Yucatán* that existed, among other pre-Hispanic provinces, one subject to the city of Mérida called **Hocabai Humun**<sup>5</sup>.
- In **1579**, in the report of the city of Mérida<sup>6</sup> made by Don Guillén de las Casas, it is reported that the city of Mérida was founded in a region of **four provinces of Indians** who took the name from the surname of the lords who owned them.  
They include many guardianships of monasteries of religious of the order of San Francisco, which are: the guardianship of this city and of Concal, Motul, Yzamal, Tecanto, Zizontun, Hocabai, **Homún**, Many, Tecax and Zotuta, which fall into three, seven, eight, ten, twelve, fifteen and twenty leagues from this city and each province has many **towns of native Indians** with particular lords and governors who come to this city as a capital and bring to it the necessary maintenance of what the land produces, with which the Spanish neighbors and foreigners who live there sustain themselves<sup>7</sup>.
- Juan de Aguilar, Andrés González and Alonso Pech report in the Relation of Mama and Kantemo (**1580**) in point 12 the following: The said town of Mama has few regional towns, because it is a road that can go to the city as I have said, which falls from the head of Mani towards the northern side; It only has one town that is said

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<sup>1</sup> Garza Tarazona, Silvia and Edward Barna Kurjack Bacso, 1980. *Archaeological Atlas of the State of Yucatán*. Volume 2, SEP-INAH.

<sup>2</sup> Garza Tarazona, Silvia and Edward Barna Kurjack Bacso, 1980, *Archaeological Atlas of the State of Yucatán*, Volume 1, SEP-INAH, pp.37.

<sup>3</sup> *Ibidem*, pp.45.

<sup>4</sup> *Ibidem*, pp.81.

<sup>5</sup> Diego de Landa, *Relation of the things of Yucatán*. <https://www.wayeb.org/download/resources/landa.pdf> (downloaded January 25, 2023).

<sup>6</sup> The documents known as Geographical Relations of the Indies, prepared in the second half of the 16th century during the reign of Philip II of Spain, are among the richest sources for knowledge of the geographical and economic conditions of the vast American regions conquered by the Spanish where the pre-Hispanic customs and beliefs of the indigenous groups stand out (De la Garza, *et al.* 2008:XI).

<sup>7</sup> De la Garza, *et al.* 2008, *Historical-Geographic Relations of the Government of Yucatán (Mérida, Valladolid and Tabasco)*, UNAM, pp.65.

Tekit a league from here, where you go to the province or guardianship of **Homun [Homun]**<sup>8</sup> .

- The encomiendas of Yucatán **1549-1700** were:
  - § Homun ½ Cusama ½
    - Royal Crown **1549** only Cusama and **1551** with 900 Indians
    - Juan Vela **1564** (both halves) and in **1607** with 300 Indians
    - Doña Catalina de Rúa y Santillán **1666** with 188 Indians
    - Juan Serrano **1687-1688** with 121 ½ Indians
  - § Homun ½ Cusama ½
    - Gómez de Castrillo (**1579** both halves)
    - Cristóbal Gutiérrez Flores (**1607**) with 300 Indians
    - D. Juan del Castillo y Quiñones and Pedro de Mesquita in **1629 (1688)** with 160 Indians<sup>9</sup> .
- In **1639**, there were 1609 people of confession in Homún under the administration of the Franciscans<sup>10</sup>.
- In **1700** the Franciscans had lost the predominance in the religious administration of the Indians that they undoubtedly held during the 16th century and much of the 17th century. Many of the doctrines that were in charge in 1639, such as Calotmul, Tizimin, Sucopo, Homún, Tecoh, Mama, Hunucma, Uman, Xequelchekan, Champotón and Sahcabchen, passed under the jurisdiction of the seculars<sup>11</sup>.
- During the encomienda regime (first half of the **18th century**), its main headlines were:
  - § Beneficiary of the Homun-Cuzama encomienda (halves) granted in **1710** with 162 Indians but in an integrated manner in **1716** to D. Alonso de Aranda y Aguayo with 353 Indians by 1711<sup>2</sup>.
  - § Encomienda made up of the halves of Homún and Cuzama awarded in **1725** to D. Antonio del Castillo y Carrillo with 469 Indians<sup>13</sup>.
- It should be noted that during the **colonial period**, the Indians or natives identified mainly with **their cah (community)** and their **chibal (lineage)**<sup>14</sup>.
- In **1825**, when the Independence of Yucatán was promulgated, Homún became part of the Low Profits Party with headquarters in Sotuta.
- On March 8, **1844**, it acquired the category of town.
- The only colonial construction located in Homún is the parish of San Buenaventura, built in the **17th century**.
- There is one of a religious nature, which relates that during the indigenous uprising of **1847** , Saint Buenaventura, patron saint of the population, descended from his altar and walked towards the Mayans and prevented them from committing more abuses against him<sup>15</sup>.

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<sup>8</sup> *Ibidem*, pp.109.

<sup>9</sup> García Bernal, Manuela Cristina, 1978, *Population and encomienda in Yucatán under the Austrias*, School of Hispanic American Studies of Seville, Seville, pp.489.

<sup>10</sup> *Ibidem*, pp.90.

<sup>11</sup> *Ibidem*, pp.134.

<sup>12</sup> García Bernal, Manuela Cristina, 1972, *The society of Yucatán, 1700-1570*, School of Hispanic American Studies of Seville, Seville, pp. 79, 143.

<sup>13</sup> *Ibidem*, pp. 59.73, 143.

<sup>14</sup> Restall, Mathew, 1997. *The Maya World. Yucatec Culture and Society, 1550-1850*, Stanford, Stanford University Press.

<sup>15</sup> [https://mexico.pueblosamerica.com/i/homun/\(visited](https://mexico.pueblosamerica.com/i/homun/(visited) January 26, 2023).

- In **1915**, Homún owned 757 hectares. Therefore, some Mayan farmers dedicated to the cornfield and the planting of other inputs, request some land from the Local Agrarian Commission. At that time, the town of Homún had 1,715 inhabitants. • On **August 13, 1932**, the residents of Homún requested an extension of ejidos because they were not able to cover their needs with the uncultivated land that was given to them in definitive possession on **February 17, 1921** in accordance with the presidential resolution of **November 27, 1932**. **1920** that benefited 375 people<sup>16</sup>.
- On **September 19, 1939**, a new resolution granted Homún 10,470 hectares for 368 ejidatarios and 238 acasillados who provide their services as laborers and workers<sup>17</sup>.
- The file contains the call dated **June 29, 1972**, for the extraordinary general assembly of ejidatarios, regarding the deprivation of agrarian rights, against the ejidatarios for having stopped carrying out the work corresponding to collective exploitation for more for two consecutive years; assembly that took place on **August 8, 1972**, in which it was proposed to recognize agrarian rights to the peasants who have been carrying out the work corresponding to collective exploitation in the ejido for more than two uninterrupted years and to recognize their agrarian rights to the peasants who opened lands to cultivation, and the seven peasants who occupy the endowment units declared vacant by the Presidential Resolution dated **December 21, 1961**, published in the Official Gazette of the Federation dated **November 5, 1962**<sup>18</sup>.
- According to the Register and History of agrarian nuclei (PHINA-RAN) reviewed in January **2023**, the municipality of Homún has 801 registered ejidatarios belonging to the agrarian nuclei of Chichi and Yalahau, Homún, Polaban, San Antonio Kanun and Kampepen and San Isidro Ochil<sup>19</sup>.

Now, in terms of a **collective identity associated with the People of Homún**, both in paragraph 2 of article 1 of Convention 169 of the International Labor Organization, as in article 2 of the Political Constitution of the United Mexican States, is based on the premise that “**Awareness of indigenous or tribal identity must be considered a fundamental criterion.” to determine the groups to which the provisions apply**” and in that sense, the inhabitants of the town of Homún known as **homunenses**, **homuneños or homuniles** ascribe themselves as **indigenous Mayans**, today identified as Yucatecan Mayans, thereby showing a historical-cultural continuity that is reflected in the sociocultural institutions that are listed in the answer to the second question in this section.

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<sup>16</sup> Resolution in the file for the extension of ejidos to the town of Homún, State of Yucatán.

[https://dof.gob.mx/nota\\_to\\_imagen\\_fs.php?codigo=4484418&fecha=19/09/1939&cod\\_diario=190339](https://dof.gob.mx/nota_to_imagen_fs.php?codigo=4484418&fecha=19/09/1939&cod_diario=190339) (accessed January 26, 2023).

<sup>17</sup> Resolution in the file of extension of ejidos to the town of Homún, State of Yucatán

[https://dof.gob.mx/nota\\_to\\_imagen\\_fs.php?codigo=4484418&fecha=19/09/1939&cod\\_diario=190339](https://dof.gob.mx/nota_to_imagen_fs.php?codigo=4484418&fecha=19/09/1939&cod_diario=190339) (accessed January 26, 2023).

<sup>18</sup> DOF: 08/29/1975. Resolution on deprivation of agrarian rights and new allocation of the same in the town called Homún (Kanún and Kampepen Group), municipality of Homún, Yucatán.

[https://www.dof.gob.mx/nota\\_detalle.php?codigo=4809579&fecha=29/08/1975#gsc.tab=0](https://www.dof.gob.mx/nota_detalle.php?codigo=4809579&fecha=29/08/1975#gsc.tab=0) (accessed January 25, 2023).

<sup>19</sup> <https://phina.ran.gob.mx/index.php> (accessed January 27, 2023).

On the other hand, in 2020, the population in Homún was **8,090 inhabitants** , of which 4,069 are men and 4,021 women (50.3% men and 49.7% women). Compared to 2010, the population in Homún grew by 11.5%. Of the total population, **6,531 reported themselves as indigenous** and 293 as the Afro-Mexican population<sup>20</sup>. Due to this, Homún is considered a **type A indigenous municipality** , that is, a municipality where the majority of the population is indigenous.

**As has become clear, the ethnic identity of the Homunenses makes them self-ascribe as INDIGENOUS MAYANS beyond the use of the original language, thus claiming their right as an indigenous people to self-determination and the management of their territory to which for years They have belonged, guarding and working the land and water resources that belong to them since pre-Hispanic times.**

## **2. What the expert determines: What are the sociocultural institutions of the Mayan culture in the town of Homún?**

The Mayan culture, although it refers to an original culture present in Mexico and other countries, Since its existence is prior to the origin of national states, it must always be understood as a heterogeneous culture that shares traits, traditions and systems that over time have adapted to different contexts, integrating at the same time elements of other cultures of yesterday and today. . In that sense, every culture and the institutions that form it are dynamic, they incorporate elements, replace, resignify or also resist.

In the town of Homún, different sociocultural traditions remain in force, which, although they have changed over time, are preserved and it is precisely due to this dynamic, flexible character and adaptation to the contemporary context that today they can be observed in its practice.

Below I list those that in my opinion are those present, significant and that reveal significant features of the Mayan culture.

§ **Use of the Mayan language:** more than 70% of the inhabitants in the municipality<sup>21</sup> are Mayan speakers.

§ **Traditional clothing (hipil)** is in everyday use, mainly by older women.

§ The cornfield is cultivated .

§ There is the presence of **guilds** associated with the annual festivals of the town's patron saint.

§ There are **dairy farms**.

§ The **monte-milpa-cenote** complex is known and practiced .

§ Celebration of **Hanal Pixán**.

§ Existence of **forms of collective organization** and traditional forms of resolution of conflicts (justices of the peace).

§ Performing **jéets méek'** or first ritual of the cycle of life with godparents and presenting related objects to boys and girls.

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20 INEGI, 2020, 2020 Population and Housing Census. <https://www.inegi.org.mx/programas/ccpv/2020/> (accessed January 27, 2023).

21 [https://www.yucatan.gob.mx/docs/diario\\_oficial/diarios/2004/2004-07-21.pdf](https://www.yucatan.gob.mx/docs/diario_oficial/diarios/2004/2004-07-21.pdf) ( downloaded January 27, 2023).

§ Carrying out the agricultural ritual or opening of a cenote known as **jéets luum** (on March 15 of this year I attended this ritual from beginning to end in the vicinity of a cenote in Homún and an ethnographic and visual record was made).

§ Festival dedicated to the Patron Saint around the Parish of San Buenaventura.

§ Consult **Mayan ritual specialists or jméen**. The last of Homun died.

I personally met the son-in-law of the **jméen** of Cuzamá who is now the one who heads the rituals in Homún.

§ Ritual to request rain

among Mayan farmers: **ch'a' cháak**

§ Existence of a **culinary ritual** associated with the aforementioned ritual and which is fully followed taking into account ingredients, specific preparations and counts.

Likewise, **altars are placed with offerings** and there is **ritual sacrifice of animals**.

§ Knowledge of **herbalism, traditional medicine, midwifery**.

§ Presence of **surnames of Mayan origin** such as: Pisté, Pat, Pool, Euan, Huchin, Hau, May, Ix, Chi, Ek, Chin, Kuk, Chuc, Xequé, Chan, Pech, Poot, Puc, which are the ones they currently carry many people who call themselves Mayans and who are also those who appear in documents such as the one from 1975 about the Resolution on the deprivation of agrarian rights and their new allocation in the town called Homún (Kanún and Kampepen Group), municipality of Homún, Yucatan.

### **3. What does the expert determine? What is the sociocultural value of the cenotes for the Mayan people of Homún?**

The town of **Homún is surrounded by cenotes**; Together with Cuzamá, it is part of the most important ring of cenotes on the Peninsula. Known in Mayan as *ts'onot'*, they have been since ancient times one of the **main sources of water** in the state as well as **central places of sacred geography for ritual life, worldview and the generation of myths**<sup>22</sup> both for the ancient and contemporary Mayans. In Homún there are around 300 cenotes whose sociocultural value is broadly linked to the following:

§ From Mayan thought and cosmoperception, each cenote has its own owner or guardian known as *yuum*. It is from them that you must ask for permission to enter a cenote or to open it to the public. To do this, the **jéets luum** ritual is carried out led by a **jméen** or Mayan ritual specialist that involves a certain order, rules and preparation of food to offer. "The mountain is the space that contains: plants, animals, cenotes, wells, caves, mounds, and it is where different beings or caretakers live, called in different ways according to the town and the people, these can be *yuumtsilo ob*, *aluxo 'ob*, *báalamo'ob*, beings all in charge of caring for the mountain and what lives there" <sup>23</sup>. **Visitors are also urged to ask permission, it is as if they were entering a house and they must say hello.**

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<sup>22</sup> To go deeper into this see:

Quintal, Ella Fanny et. al., 2003, "Ulu'umil Maaya Wiinko'ob: the land of the Mayans" in Barabas, Alicia M. (coord.), *Dialogues with the territory. Symbolizations about space in the indigenous cultures of Mexico*, vol. 1, Mexico, INAH-Conaculta, pp. 273-361.

Quintal, Ella Fanny et. al., 2015 "Rituals of the life cycle among the Mayans of the Yucatán Peninsula" in Lourdes Báez Cubero (coord.), *Unveiling the tradition. Ritual processes in the indigenous communities of Mexico*, vol. 1, Mexico, INAH-Conaculta, pp. 221-291.

<sup>23</sup> Velázquez Solís, Alberto Carlos, 2020, *U tookchajal u lu'umil, u k'áaxil maaya kaaj Arrest/defense of the land, the mountain of the Mayan people*, Thesis to qualify for the degree of Doctor in Social Anthropology, CIESAS, Chiapas, pp. 290.

- § The cenotes are sacred places and **home of the *aluxes* and the *chacoob* or rain gods**. *Aluxes* can manifest as iguanas.
- § Many of the cenotes are **associated with pre-Hispanic settlements**.
- § They constitute at the same time a **source of water (life)** that allowed the settlement of ancient settlers and on the other hand, they represent and represented the **entrance to the underworld or Xibalbá**, place of the dead. Therefore they are a **symbol of duality: life and death**.  
for the Mayans of yesterday and today.
- § Cenotes have a local classification: they can be ***áaktun* or *ts'ono'ot***. *Áaktun* is the generic for caves. If it has water, it is a *ts'ono'ot*, but if the entrance to said cave is shaped like a well (*ch'e'en*), that is, the entrance is like the neck of a turtle, then it is a *aaktun ch'e'en*. If the *áaktun ts'ono'ot* has nowhere to step, that is, it is a stone cavern in which there is only water (without stones or earth to step on), it is *xkuum ch'e'en* (pot well). In addition, it is classified depending on the type of water or its presence: *k'aamtun ch'e'en* or well seasoned or mature, *tikin ts'ono'ot* or dry cenote, *sooj ch'e'en* or dry well, in Both cases refer to those who no longer have water. Finally there is the *sujuy ts'ono'ot* that has *sujuy ja'*, that is, the cenotes that are only used to collect virgin water for agricultural ceremonies.  
**The way in which the elements that are in the mountain are classified and named show this way of maintaining a relationship that is both cultural and symbolic**<sup>24</sup>.

§ Cenotes are associated with **appearances of virgins or snakes** such as the *tsukán* or giant snake. It is said that she dwells in them and some people report having seen her.

§ In many of them there is **the presence of human remains, animals, vessels** and others archaeological material that can be studied for scientific purposes.

§ Cenotes are associated with **rain and fertility, in some of them they follow doing corresponding ceremonies for it**.

§ Cenote water is spoken of as **healing water**, which purifies, in this sense there is a **cenote-healing-health** relationship expressed in:

- or midwives used to use it to give water to the woman in labor and then bathe her body and that of the baby.
- or bathing children with fresh water from the cenote when they have a fever.
- or water that was traditionally used to prepare ritual meals.
- or if you are stressed, distressed, you are going to bathe in a cenote to leave all the discomfort there.

In summary: **the water of the cenotes is considered purifying and healing, it is guarded by owners of the mountain, deities or virgins. It is a place of access to the underworld and the presence of snakes is part of the associated mythology. For all this, since people are a living entity with memory, they are sacred and respected places. The children and adults of Homuna know that.**

#### **4. What does the expert determine? What is the socioeconomic value of the cenotes for the Mayan town of Homun?**

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<sup>24</sup> *Ibidem*, pp.82.

For two decades, the presence of cenotes in Homún began to emerge within a **nature tourism** circuit that has taken off not only in Yucatan and Mexico, but throughout the world. Homún offers open-air cenotes, caves and grottoes throughout its geography, which have been used as a resource to be exploited in order to improve their economic living conditions.

Their residents, in addition to historically seeing them as sources of water, today see **great potential for rural tourism development, generating jobs that dialogue with sustainable management of the territory where traditions and customs are revalued.**

Every time a cenote is opened to the public, a **jéets luum** is held, which has a cost, since the **jméen** who comes from Cuzamá and directs the necessary offerings and meals is paid. Each cenote owner makes the expense because he knows that it will be for the benefit of the cenote he guards. This ceremony is not done just once, some repeat it every two years depending on their business and daily events. Around 30 to 40 people participate in a **jéets luum** with specific activities.

Before working the cenotes like now, most of the men worked in **the henequen plantations**, the work was in the fields and they also had their **cornfields**. When the henequen activity ended, more or less with the governor Dulce María Sauri, the town of Homún began to **experience socioeconomic problems**. It became a ghost town, people had to go out to look for jobs and with that the way of life in the town was transformed. With the henequen work, the men went to the fields and the women stayed at home, which maintained a certain family structure, but with the henequen crisis, the women went out to work as well.

There began to be **a lot of migration** of men and women to Cancún, Mérida and the USA. From this, family and social problems also arise. **With the opening of the cenotes for tourism, the situation changed again. The activity of the cenotes made the Homunenses did not have to leave and that reestablished their way of life, having a guaranteed livelihood.**

Now, young people have jobs, they are with their family, they work from 10 a.m. to 6 p.m. and they are business owners and independent. According to the cenote owners, **“everyone has their own company.”** Whether they are those who work a cenote, those who have motorcycle taxis for tourism or those who offer food services, shops. **With the opening of the cenotes, economic and social stability was achieved.** Everyone is active and everyone wins. The cenoteros give the mototaxi drivers an agreed commission for taking clients.

**Cenotes have become a source of employment that mitigates migration to urban centers. That is why the residents are concerned about the preservation of these bodies of water that allow a dignified way of earning a living and livelihood for several hundred families.**

As Velázquez<sup>25</sup> mentions, these are now **“Mayan businessmen who have adjusted the life of the town to tourism” related to their cenotes.**

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<sup>25</sup> *Ibidem*, pp.162.



In just under ten years, the economic activity of Homún changed drastically and at least two thirds of the town is dedicated directly or indirectly to cenote tourism, which has allowed them to have a certain **“economic autonomy”** as a town, in the face of the programs of government. That is to say, people are employed as tourist guides (they take tourists in tricytaxis), those who sell food (from those who sell mangoes and pork rinds to those who have put small lunch shops in their homes), they rent vests, they rent bathrooms, rooms, cabins , workshops dedicated to the repair of tricytaxis, among others. **A way of life in which the people have generated their own self-subsistence**<sup>26</sup>.

**In Homún, they have built their own way of subsistence based on cenote tourism, adjusting their Mayan being to tourism but fighting for the recognition of their rights as a Mayan people to decide what type of projects they want for the town.** In this sense, they have been clear in saying that they are betting on the cenotes, while the State and businessmen have failed to respect their right to maintain that good life<sup>27</sup>.


The bad odors and waste products of pig megafarms are a danger to the aquifer and therefore represent activities that are incompatible with local development since the **contamination of the cenotes** has a negative impact that puts their jobs at risk.

In this context, Homún is not only a Mayan people, but has also managed to become economically autonomous through ecotourism, that is, they are in many ways **businessmen**, and therefore **break with the imaginary of the indigenous as “poor.”** , which also lives exclusively from the cornfields and therefore can easily be bought. From that context they say “we are Mayans” we are “Maya people”<sup>28</sup>.

**Putting the cenotes managed by the residents of Homún at risk is putting them at risk. their “being Mayans” too.** The relationship of the Homunenses with the cenotes as sources primordial water sources that have allowed their existence and today the sustenance of their families is attacking their being and being in the world. It is a violation of their human rights that goes beyond being indigenous or not.

##### **5. What determines the expert the way in which the cenotes located in the Mayan town of Homún are managed from the thinking of the Mayan culture by the residents of Homún.**

The first time I visited Homún I went to see the newly opened Maní Chan cenote (baby steps) and talking with the owner I found out that they would soon have their **jéets luum** so that everything would go well with the public opening of their cenote. I recently attended one. Doing this ritual is essential for anyone who wants to open a cenote and it is something that the Community Organization of the Guardians of the Cenotes, made up of 30 cenote owners who are 95% Homunense, requires as part of compliance with Mayan customs.

 who was **jméen** of Homún for many years, used to enter the Santa María grotto every time he went to have a **jéets luum** or a **ch'a' cháak** in the town. For this he entered

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<sup>26</sup> *Ibidem*, pp.131.

<sup>27</sup> *Ibidem*, pp.207.

<sup>28</sup> *Ibidem*, pp.230.

with a candle and dressed all in white with his rope espadrilles and a candle, “**he spoke pure Mayan.**” He went down to the grotto and went to a place where almost no one goes because you have to immerse yourself and there are times when you can't go through. He crossed because that is where **pure water** was collected according to the ancients. It is water that falls from the stalactite that forms a circle as it falls, like a small well. **He collected that water to use in ceremonies.** He soaked a little plant (*sipchac, sipac*) and with that he splashed and crossed himself to remove the bad thing. That virgin water could also be drunk.

Likewise, when there is a **jéets luum** they meet and invite each other among the cenoters. There is a display of women from the town helping in the kitchen and men doing the GDP, collecting firewood and so on. On the day of the ritual, the cenote must remain calm, it is not open to the public, no one can enter it, nor is the light plant turned on. That day the entire ritual is dedicated to feeding the owners of the cenote to keep them happy because, around this time of spring winds, they begin to swirl and ask for sustenance.

**The jéets luum is a dialogue with the entities that live in the cenotes, a one-on-one negotiation, where complete food is given to them in exchange for a safe and danger-free environment. Humans look out for deities and deities look out for humans in return.**

Sometimes if someone cannot attend, they send food to their homes as a way to share. There is a cenote where **ch'a' cháak** is made in case there is a lack of rain in the town. The ceremony is carried out by the city council and is for the benefit of everyone. This speaks of a strong community feeling.

Likewise, it is known that **the residents of Homún are not charged for access** to the cenotes, which reveals an agreement taken from Mayan thought that has to do with the use of their resources as a community, highlighting reciprocity and solidarity among the homunenses. This organization and cohesion has also been manifested in the way in which as a community they have addressed the conflict with the PAPO company and the solid organization of the Cenote Guardians.

There are also **commission agreements**, division of profits and other mechanisms that vary from cenote to cenote but that seek **equitable redistribution** and that everyone wins.

During the field work carried out for this expert report, they told me that a few years ago three cenotes were closed because they did not have a license to sell drinks although they had already been requesting it and they were ignored. Those affected were the cenotes of Santa Cruz, Santa Rosa and Santa María. Immediately the Guardians of the cenotes met and decided that in protest they would all close and a statement was published. Within a few hours the issue was resolved. They came to remove the seals. **As you can see, there is an organization and a union that starts from sharing a territory and working in it seeking collective well-being.**

Another point to highlight is that all cenotes have a **regulation** that indicates the conditions under which you must enter a cenote: take a bath, without tanning lotion, sunscreen or repellent to avoid contamination of the cenote. It is also required **not to throw garbage** or leave things that could dirty the land and to have **good behavior** when you are

inside, since **these are sacred places that must be cared for and respected according to what the grandparents taught.**

To finish this answer, I want to note that, in past years, it became fashionable to do “**Mayan weddings**” and a woman used to rent cenotes offering these services that combined a Catholic event with ceremonies in the cenotes. After a while, **the cenote owners decided to ban it** because they saw it as an invention and it seemed like a mockery of these spaces that are part of a living culture of ancestral origin.

The most recent rule added to the regulations of some cenotes is the **prohibition of the use of shorts or jeans** inside the cenote, since this fabric contains chemicals that pollute.

## **6. What the expert determines in what way it has historically been used water daily in the Mayan town of Homún.**

Much of the life of the Mayan people in the Yucatan Peninsula is based on their relationship with “the water” that circulates in the underground cavities and caverns better known as cenotes.

When most of the men of Homún were dedicated to henequen and field work, planting cornfields, a **“gourd or *chúj* full of fresh water” could not be missing as a companion.** According to a cenotero, the gourd could be a **Mayan symbol of water**, since they instantly associate it with it. The grandparents, before going to the mountains or their cornfields, would go down to a cenote and fill their calabash with water. The water was kept cool there.

### **“THE PUMPKIN IS THE MAYAN YETI”**

In addition to what was mentioned above regarding the ***jéets luum*** and ***ch'a' cháak*** ceremonies that reveal the importance of a Mayan ritual associated with water, there are also the appearances of animals in water places such as cenotes. There is talk of apparitions of snakes, aluxes, and iguanas. And even today, some cenote owners say that when they go down to see their cenotes after finishing their daily work, **they sometimes find money, candy, glasses, flowers or some other object that some visitors leave as an offering** for the aluxes or owners of the place.

It has also been reported that a child is seen in the cenote and then that child does not exist.

Let us remember that the presence of water sources was crucial for the settlement of the first villages. Thus, places like Dzibilchaltún flourished precisely due to the presence of the Xlakah cenote and have been occupied from pre-Columbian times to the present day. Homún seems to be a similar case, **since the presence of water has long allowed the development and growth of agricultural, henequen, beekeeping and, today, ecotourism activities.**

It should be added that **water collection** has played an important role. In the mountains, where there were no cenotes to fill the gourds, people used to leave a 30 cm frying pan. in diameter that they covered with a stone slab. So **when it rained**, water was collected that the peasants purified with a little salt and strained with a napkin before drinking.

In the town there are **four wells** to supply the people where water is obtained for bathing, washing dishes and domestic uses in general, but the people interviewed agree that the pig business uses a lot of water while also throwing away a lot. This not only affects their drinking water resource, but what is wasted collects in huge puddles and filters directly into the cenotes, which endangers the life and health of everyone.

**7. What does the expert say? What technique and/or method did she use for the analysis and determination of your opinion?**

- Office work to review the **archaeological, historical and agrarian archive** on Homún, as well as the review of **census data** and **bibliographic sources** necessary in ethnohistorical and ethnographic terms. Resources obtained from the INAH-Yucatán Center Library and digital resources.
- **Field work** in the town of Homún during the month of January, March and April. Participant observation was carried out applying the **ethnographic method** through techniques such as: **open interviews, written and visual recording** of a *jéets luum* and work with a **focus group** of COBAY youth.
- Open talks with **key interlocutors (cenoters)**.
- Participation in the cenote monitoring project.

**8. What does the expert say, what conclusion did she reach based on her opinion?**

- Homún, according to the characteristics of self-ascription, use of the Mayan language and presence of original cultural institutions, is a **MAYAN PEOPLE CONTEMPORARY**.
- **Cenotes** today represent an important **source of employment** for Homunenses.
- There is a **solid worldview** associated with the existence of cenotes that is **alive and in practice**.
- **Cenotes** are **sacred places** for the Mayans and their water is associated with ritual and healing practices.
- **Cenotes** are **living entities**. If they are contaminated, they are sick and therefore must heal, don't let yourself die. **Letting them become contaminated is killing them**.
- In this sense, pig farms threaten the environment and the health of the cenotes, the people of Homuna and the tourists involved. **If the health of this town is at risk, the 4th is violated. Constitutional** that says that:
  - o Every person has the right to a healthy environment for their development and well-being. The State will guarantee respect for this right. Environmental damage and deterioration will generate liability for whoever causes it in terms of the provisions of the law.
  - o Every person has the right to access, disposal and sanitation of water for personal and domestic consumption in a sufficient, healthy, acceptable and affordable manner. The State will guarantee this right and the law will define the bases, supports and modalities for the equitable and sustainable access and use of water resources, establishing the participation of the Federation, the federal entities and the municipalities, as well as the participation of citizens to the achievement of said purposes.
- I therefore emphasize that: nature is closely related to culture, they cannot be separated. They are a whole for the Mayan culture shared in Homún. **attack a**

**natural resource is to attack the culture associated with it, which is shared by children and adults and which is part of their past, present and future.**

Having stated all of the above, the construction, functioning and operation of the pig farm owned by the legal entity called "Food Production, Pork" Rural Production Company of Limited Liability of Variable Capital, **PUT THE SOCIAL, ECONOMIC AND CULTURAL BEING AND BEING AT RISK OF THE HOMUNENSES AS WELL AS THE RIGHT TO A HEALTHY ENVIRONMENT AND TERRITORY FOR THE DEVELOPMENT OF THE LIFE OF EACH OF THE PEOPLE OF THE**

**CONTEMPORARY MAYA COMMUNITY OF HOMUN.**

## **SECOND PART**

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- 1. Let the expert say if he knows what the Political Constitution of the United Mexican States establishes, in its article 2, about the rights of indigenous peoples, particularly the content of article 2, and mention what is in section A, section I, V, VI and VIII, last paragraph and B, first paragraph.**

I am familiar with these articles and their content in the sections, fractions and paragraphs mentioned, however, I would like to specify that this expert opinion aims to provide information of a historical and anthropological nature to prove the existence of a Mayan community with historical continuity in the municipality of Homún, with specific cultural practices, as well as the relationship that said community has with its territory and some of its main elements such as water and cenotes. Likewise, identify the social impact that PAPO generates for the indigenous Mayan community of Homún. In this sense, there is no room.

- 2. Let the expert say if he knows what the Political Constitution of the State of Yucatán establishes, regarding the recognition of indigenous communities in its territory, in accordance with the provisions of article 2, and 7 Bis, sections I, III, IV and V.**

Refer to the answer to the first question in this section.

- 3. Let the expert say if he knows the Law for the Protection of the Rights of the Mayan Community in the State of Yucatán, particularly regarding articles 3, 19 and 20.**

Refer to the answer to the first question in this section.

- 4. Let the expert say if he knows the Regulations of the Law for the Protection of the Rights of the Indigenous Community, particularly what is established in article 10, 11 and 12.**

Refer to the answer to the first question in this section.

- 5. Let the expert say if he knows about the inter-institutional work between the CDI, INDEMAYA, the Congress of the State of Yucatán and the UADY, to carry out the**

**Consultations for the Identification and Registration of the Mayan Communities of the State of Yucatán, registering in the Catalog localities that ascribed themselves as indigenous Mayans, particularly, the third Consultation for the Identification and Registration of the Mayan Communities of the State of Yucatán that was carried out in 2016, in the Municipality of Homún.**

Yes I know him.

- 6. Let the expert say what is stated in said Homún Community Identification Registration Card, derived from the third Consultation Stage for the identification and registration of the Mayan Communities, who are the Mayan authorities recognized by said community.**

Refer to the answer to the first question in this section.

- 7. Let the expert say whether any sociocultural institution related to the management of the cenotes was recognized in the recognition of the indigenous authorities in the self-assignment consultation process.**

Refer to the answer to the first question in this section.

- 8. Let the expert say if he knows the following:**

- yo) **The Political Constitution of the United Mexican States, in its Fifth Title, of the States of the Federation and of Mexico City, establishes in its article 115. Section I, II, IV and V.**
- II) The Political Constitution of the State of Yucatán, in its Eighth Title, of the Municipalities of the State, mentions in its article 76, 77, 81, 83, 85 Bis and, 85 Ter,**
- III) The Organic Law of the Municipalities of the State of Yucatán, in its First Title, on the Municipal Structure, Chapter I, on the General Provisions, article 1, Chapter III, on Powers and Obligations of the City Councils, article 38 and 39, Chapter IV, on the Powers and Obligations of the Municipal Presidents, article 40.**

Refer to the answer to the first question in this section.

- 9. Let the expert say which authority is empowered to grant licenses for the use of floor.**

Refer to the answer to the first question in this section.

- 10. Let the expert say whether said municipal authority is the same indigenous authority recognized by the Mayan indigenous community of Homún in the self-assignment consultation process.**

Refer to the answer to the first question in this section.

- 11. Let the expert say if opinions contrary to the tourist use or public baths of the cenotes have been generated or expressed regarding the use of the waters.**

**sacred Mayan traditions and access to cenote water for prayer ceremonies, such as Cha'chac, for good harvests in local agricultural production.**

**There are no townspeople against it.** It is true that many years ago grandparents saw the cenotes with different eyes, but the reality is that now they are the most important economic activity in the town. The economy depends on it and there is no one against it, not even grandparents. The cenoteros are in constant negotiations to establish regulations prioritizing use and enjoyment that is friendly to tradition and shared Mayan thought. The cenotes represent the sustenance that henequen used to provide, now it is cenote tourism and they are adapting their culture and worldview to it.

**Modernity and tradition are not dichotomous elements and the current management of the cenotes is proof of this.**

**12. Let the expert say if there are authorizations given by municipal presidents on the use of land for activities in cenotes, starting in 2009, that have considered the opinion of the indigenous community of Homún.**

Refer to the answer to the first question in this section.

*In Yucatán, water is never seen. It runs underground, under a fragile layer of earth and limestone. Sometimes, that delicate Yucatecan skin emerges in eyes of water, in liquid ponds—the cenotes—that attest to the existence of the mysterious underground flow. I believe that love is like the hidden rivers and surprising springs of Yucatan. Our lives sometimes resemble infinite abysses that would have no end if a river did not flow in the very bed of the void, placid and navigable at times, wide or narrow, precipitate at other times, but always an embrace of water that prevents us from disappearing forever. always in the vastness of nothingness.*

*Opportunity and risk of swimming instead of risk without opportunity of anything.*

I believe in this, CARLOS FUENTES, 2002.

Social historical-anthropological expert opinion is delivered in the requested time and manner.  
Mérida, Yucatán, April twenty-eight, 2023

Dr. María del Carmen Castillo Cisneros

