



MAYA LEADERS ALLIANCE

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SUPREME COURT AFFIRMS MAYA CUSTOMARY RIGHTS FOR ALL MAYA COMMUNITIES IN SOUTHERN BELIZE

BELIZE, June 29, 2010:

The Maya people of Toledo District celebrated another legal victory on Monday as the Supreme Court confirmed its previous decision that the Maya people of Toledo hold customary collective and individual rights over the land and resources they use and occupy. The time for the government of Belize to realize this reality and respect the human rights of Maya people is long overdue.

Chief Justice Conteh delivered his judgment 2 years after over 30 Maya communities sued the government of Belize to enforce the recognition of the rights to life, property and equality of the Maya people under the Constitution of Belize. The rights allow the Maya communities to decide what form of tenure should exist over their lands in accordance with their own values, and are the same rights afforded to all other Belizeans under the Constitution. The important thing here is that Maya communities can exercise self determination and determine how their village will use and distribute their lands. This case is about allowing Maya people to make our own choices and to recognize that Maya customary practice has a valid place in Belize law and society.

Many Alcaldes, the elected and traditional leaders of the Maya villages, and Village Chairmen awoke as early as 2am to travel to Belize City to receive the judgment on Monday morning. They returned to Indian Creek to deliver the good news to Maya villagers congregated there from throughout Toledo to celebrate what Maya people have known all along. Fittingly, all age groups from elders to young children awaited the news from the Alcaldes on the day of “7 AJ”, a day on the Maya calendar which represents the lifeline of the younger generation.

This is the third major legal victory for the Maya people of Toledo.

In 2004, the Inter-American Commission on Human Rights (**IACHR**) concluded that the Maya have “communal property rights to the lands that they have traditionally occupied and used” in



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accordance with customary land use practices and recommended the government of Belize to demarcate and title Maya land in “full collaboration with the Maya people”.

However, the government of Belize ignored the IACHR despite having acknowledged the existence of the Maya people’s rights to land and resources based on their established occupancy and use in a “Ten Point” Agreement with Maya leaders in 2000. Three years later, the Maya villages of Conejo and Santa

Cruz sued the government in the Supreme Court of Belize. In 2007, Chief Justice Conteh delivered a landmark judgment which affirmed that customary rights of the Maya people are a form of constitutionally protected property, and ordered the government of Belize to title Maya land in accordance with Maya customary usage and to refrain from issuing leases or resource extraction concessions without obtaining the informed consent of the affected claimants.

Despite the Maya Land Rights judgment, the government failed to demarcate and title any Maya land and it continued to grant resource extraction concessions over Maya land without obtaining the consent of the communities. The government narrowly construed the 2007 Supreme Court decision to only apply to the 2 claimant villages and Maya people were left with little choice but to return to court.

In a case that Chief Justice Conteh referred to as “a sequel” to the 2007 Maya land rights case, on Monday his Lordship recognized the “failure” of the government of Belize not to move forward and constructively implement the 2007 decision. The Chief Justice proceeded not only to confirm that the Supreme Court recognized the current and past existence of Maya customary land in **all** Maya villages in Toledo, but also ordered the government to title the land and cease from granting leases and resource extraction concessions over all Maya villages in Toledo, and suggested that the same approach should be taken with Maya villages in Stann Creek District.

In light of the litigation over the past decade in this matter, his Lordship expressly recommended that the government of Belize consider in collaboration with the Maya people how it will implement the findings of the Supreme Court. This is consistent with the Declaration on the Rights of Indigenous Peoples, for which Belize voted at the United Nations, and provides substance to the government’s commitments under the “Ten Point” Agreement.



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The government must change its defiant, antagonistic attitude towards to Maya people. The recent grant of a logging concession in Conejo village in contravention of the Supreme Court order and the confiscation of bay leaves from Conejo show that the government has been unwilling to respect the constitutional rights of the Maya people and the decisions of the judiciary. These concessions, the concession for petroleum granted to US Capitol Energy, and the hydro electric development project in the Rio Grande basin should all be reviewed as they were not granted with full, prior and informed consent from affected Maya communities. Unfortunately, on Monday, the representative for the government, Attorney Lois Young Barrow indicated that although she had not spoken with her client, there was no other way but to appeal Monday's decision. The Maya Leaders Alliance and the Toledo Alcaldes Association urge the government to reconsider its adversarial stance toward Maya land rights, and to sit down with us to develop a clear and efficient process by which customary land ownership in southern Belize can be demarcated and settled so that everyone involved can get on with priorities of economic development, cultural affirmation, health, education and environmental protection.

We will know towards the end of July whether the government of Belize agrees with Attorney Young Barrow or if it will adopt a conciliatory approach and realize there is a way to proceed that avoids marginalizing Maya people any further and offers a better future for all Belizeans. In any case, the legal victory witnessed on Monday has fortified the Maya people's determination to enforce our rights and we are ready to meet any further challenges head on if necessary.