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Press Release: Supreme Court of Belize Issues Landmark Judgment in Case of Indigenous Maya Communities of Belize

BELIZE CITY -- Today, October 18, 2007, the Supreme Court of Belize handed down a historic and landmark decision affirming the rights of the indigenous Maya communities of Belize to the land and resources that they have traditionally used and occupied.

According to Professor S. James Anaya, expert on international indigenous rights, “this seminal judgment constitutes the most far reaching and extensive application of international law recognizing the rights of an indigenous group to their traditional lands and resources by a domestic court.” Chief Justice Abdulai Conteh found that Belize is obligated not only by the Belize Constitution but also by international treaty and customary law, to recognize and respect and protect Maya customary land rights. This is the first judgment to specifically apply the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the U.N. General Assembly on September 13, 2007.

Chief Justice Conteh accepted the argument presented by the claimant Maya villages of Conejo and Santa Cruz that Maya customary property rights, like other forms of property, are protected by the Belize Constitution, as well as by international human rights law. He held that the Belize government’s failure to recognize, respect, and protect the customary land rights of the Maya villages, violates their constitutionally protected rights to property, equality, and life, liberty, and equal protection of the law.

The judgment was heavily informed by the 2004 final report of the Inter-American Commission on Human Rights, which affirmed the rights of the Maya of southern Belize to their traditional lands and resources as a matter of international law. The Commission recommended that Belize delimit, demarcate and title those lands.

Finding in favour of the Maya villages, Justice Conteh affirmatively rejected the arguments presented by the government that pre-existing rights of the Maya communities had been extinguished by assertion of British sovereignty, government-issued land grants, and the creation of Indian reservations over that area.

This judgment sets a precedent affecting over thirty eight Maya communities that live in southern Belize. The court ordered the government of Belize to determine, demarcate, and title the traditional lands of Conejo and Santa Cruz. This will require the government to create legislative and administrative reforms to title Maya land based on their customary land tenure.

According to Gregorio Choc, spokesperson for the Maya Leaders Alliance, “the judgment is a historic achievement for the Maya of Belize, and marks the culmination of over twelve years of legal advocacy by Maya groups for protection of their customary lands both domestically and internationally.”