



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE

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CCJ GRANTS HISTORIC CONSTITUTIONAL RELIEF TO THE MAYA PEOPLE

The Caribbean Court of Justice (CCJ) delivered today its decision in **The Maya Leaders Alliance et al v the Attorney General of Belize** [2015] CCJ 15 (AJ). This appeal was brought by twenty-five (25) appellants who are members of the Maya community of the Toledo District. The Appellants have been fighting for recognition and protection of Maya land rights before international courts and the courts of Belize during the last twenty (20) years or so. Their appeal before the CCJ arose out of litigation precipitated by an incursion onto farm lands in the Golden Stream village by Mr Francis Johnson, now deceased. While this appeal was being heard by the CCJ in Belize, the Appellants and the Government entered into a Consent Order on April 22, 2015 which recognised that the Maya system of customary land tenure gives rise to property rights within the meaning of the Constitution of Belize. The Consent Order also requires the Government to develop of a mechanism to recognise and protect Maya land rights in consultation with the Maya people. The parties are to report to the CCJ on the chosen mechanism by April 2016.

Under the Consent Order, the CCJ was asked to decide whether the Appellants should be granted damages for breach of constitutional rights. This is the main focus of the judgment delivered today. The CCJ found that the Government of Belize breached the Appellants' right to protection of the law by failing to ensure that the existing property regime, inherited from the pre-independence colonial system, recognised and protected Maya land rights. The CCJ emphasised that the protection of the law is linked to fairness and the rule of law. It demands that the State take positive steps to secure and protect constitutional rights and to honour its international commitments, including its obligations to protect the rights of indigenous peoples. The CCJ could not find sufficient evidence to support the Appellants' claim for special damages arising out of the Golden Stream incursion. While acknowledging that the remedial action to be undertaken by the Government under the Consent Order was reparatory, the CCJ felt that innovative use should be made of the broad jurisdiction to grant redress under the Constitution based on the centuries of oppression and marginalisation suffered by the Maya people. The Court noted that the "boundaries of redress are not to be viewed as circumscribed by the concept of

damages.” Therefore the Court ordered the Government of Belize to establish a fund of BZ\$300,000.00 as a first step towards compliance with its obligations under the Consent Order.

The decision of the Court was delivered by the Right Honourable Sir Dennis Byron and the Honourable Mr Justice Winston Anderson. Ms Monica Coc Magnusson served as Attorneys-at-law for the Appellants while the Government of Belize was represented by Mr Denys Barrow SC, Mr Nigel Hawke and Ms Naima Barrow.

The final judgment of the Court and a Judgment Summary are available on the CCJ’s website at www.caribbeancourtofjustice.org