



Closing Remarks at the Final Monitoring Hearing in Maya Leaders v The Attorney General of Belize [2015] CCJ 15 (AJ)

The Honourable Mr Justice Winston
Anderson, President of the Caribbean
Court of Justice

Final Monitoring Hearing in Maya Leaders v The Attorney General of Belize

Virtual (MS Teams)
30 October 2025

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana and Saint Lucia.

Closing Remarks

by

The Hon Mr Justice Winston Anderson, President, Caribbean Court of Justice

At the

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Today, we close a chapter that began with a 2015 Judgment and Consent Order affirming that Maya customary land tenure is a constitutionally protected right. Since then, the Caribbean Court of Justice (CCJ) has retained a hands-on, monitoring role: an unprecedented but purposeful choice, so that the promise of the judgment would be translated into practical, lived reality. That supervision ends today.

Over the past decade, we required the parties to engage in periodic reporting through compliance reports and appearances at monitoring hearings, we addressed non-compliance with directions of the Court, and we facilitated dialogue between the Maya communities and the Government of Belize. The Court guided the parties to keep implementation on track, to map, demarcate, and secure titles, to build institutions capable of respecting customary governance, and to ensure that development decisions affecting Maya lands would be taken lawfully and with genuine consultation and participation. The ultimate goal was to have subject-specific legislation enacted to protect the customary land tenure of indigenous peoples.

With the adoption in January 2022 of the Maya of Southern Belize Free Prior and Informed Consultation Protocol, the adoption in September 2025 of a working draft on Recognition and Protection of Maya Customary Land Tenure in Southern Belize, along with the formulation of drafting instructions and the selection/engagement of a draftsman, we are of the view that the CCJ monitoring function has run its course.

The 2015 judgment and Consent Order were delivered under the presidency of Sir Dennis Byron. The work of stewardship continued under the presidency of Justice Adrian Saunders and now, under my own presidency, with the steadfast service of colleagues across changing panels. Over these years, the Court's benches have included Justices Rolston Nelson, Jacob Wit, David Hayton, Maureen Rajnauth-Lee, Peter Jamadar, and Chantal Ononaiwu. Each brought their scholarship and pragmatism to a problem that demanded both principle and patience.

Permit me a special word about our late colleague, Justice Jacob Wit. He saw, early and clearly, that recognising a right without building the capacity to realise it would ring hollow. He was instrumental in the establishment of "the Authority", which addresses complaints of activities which contravene paragraph 4 of the Consent Order, a paragraph prohibiting any acts of the

Government or its agents or third parties acting with its leave, which might adversely affect the enjoyment of the lands used and occupied by the Maya villages. May the closing of this matter also stand as a tribute to his vision of providing real and practical remedies.

I wish to thank the Court's cohort of Judicial Counsel and Registry Staff who have ably assisted the Bench in the conduct of this matter. I also acknowledge the sustained advocacy on behalf of the Appellants of Ms Antoinette Moore SC (as she then was) Mrs Magali Marin Young SC, Mrs Monica Magnusson, Ms Leslie Mendez, Mr Allister Jenkins and Mr Nigel Hughes, who, with their teams and the Maya Leaders Alliance and Toledo Alcaldes Association, kept the human stakes at the centre of the record.

I also recognise the succession of Attorneys General, Solicitors General, and state counsel who, across administrations, engaged with the Court's directions and worked to ensure the standing up of the policies and institutions required by the orders: Mr Denys Barrow SC (as he then was), Ms Naima Barrow, Mr Nigel Hawke, Ms Marcia Mohabir, Ms Iliana Swift, Mr Jaraad Ysaguirre, Mr Hector Guerra, Mr E. Andrew Marshalleck Jr SC and Ms Samantha Matute.

We also note, with gratitude, the contributions of Professor Rosa Celorio, the Authority, whose expertise in international human rights and comparative practice helped illuminate the road between principle and institutional design.

From beyond our region, the Inter-American Commission on Human Rights (IACHR) has observed this process attentively, mindful of its own jurisprudence concerning the rights of indigenous peoples. That external gaze has reminded all parties that Belize's domestic obligations sit within a broader fabric of inter-American norms and values.

Ten years on, the Court is satisfied that the core elements of implementation have taken root and that the supervisory role of the CCJ has achieved its purpose. Implementation will, of course, remain an ongoing task, belonging now to Belize's institutions and communities, guided by the mechanisms that have been established. The rights affirmed in 2015 are not museum pieces but are tools for dignity, development, and peaceful coexistence.

To the Maya peoples of Southern Belize, we take note of your consistent presence in these hearings by and through your representatives and wish to say that your perseverance dignifies this record. To the Government of Belize, your commitment to the process, across administrations, is to be commended, and it is your ongoing stewardship that will measure the true success of this exercise in years to come. The Court will, of course, remain of service to both sides in its regular capacity.

And so, with confidence in the path ahead, the Court brings its monitoring and supervisory role to a close. Our hope is that implementation of the 2015 Order will proceed through its legislative and other phases in the spirit of respect, partnership, and adherence to the rule of law.

Thank you very much.