

IN THE CARIBBEAN COURT OF JUSTICE
APPELLATE JURISDICTION

ON APPEAL FROM THE COURT OF APPEAL OF BELIZE

CCJ Appeal No BZCV2014/002
BZ Civil Appeal No 27 of 2010

BETWEEN

THE MAYA LEADERS ALLIANCE
AND 24 OTHER VILLAGES

APPELLANTS

AND

THE ATTORNEY GENERAL OF BELIZE

RESPONDENT

Before: Mr Justice Anderson, President
Mme Justice Rajnauth-Lee
Mr Justice Jamadar

Date of Reasons: 2 October 2026

Appearances

Mr Godfrey P Smith SC, and Ms Leslie D Mendez for the Appellants

Mr E Andrew Marshalleck Jr. SC, and Ms Samantha Matute, Deputy Solicitor General
for the Respondent

Practice and procedure — Consent order — Liberty to apply — Scope of reserved liberty — Principle of finality — Separation of powers — Maya customary land tenure — Whether application directed at working out of the actual terms of the order or at determination of substantive matters remitted to the consultative and legislative process — Belize Constitution Act, CAP 4, ss 3, 3(d), 16, 17.

SUMMARY

The Appellants, the Maya Leaders Alliance, the Toledo Alcaldes Association and named representatives of the Maya villages of the Toledo District, claimed against the

Respondent, the Attorney General of Belize, for recognition and protection of Maya customary land tenure. The parties resolved the dispute by a 2015 Consent Order, approved by this Court, by which the Respondent affirmed that the tenure exists in those villages and gives rise to collective and individual property rights protected by the Belize Constitution, and undertook, in consultation with the Maya people, to develop an effective mechanism to identify and protect them. Paragraph 7 of the Order reserved liberty to apply.

Implementation of the Order occupied more than a decade under the supervision of this Court, which was brought to a close on 30 October 2025. Contending that a draft Bill on Maya customary land tenure undercut the very rights the Order was intended to protect, the Appellants invoked the liberty to apply, seeking clarification of the construction of the Order and the determination of the Court on whether six identified matters were in keeping with the rights declared.

The Caribbean Court of Justice held that a liberty to apply provision permits the working out of the actual terms of an order but not the alteration of the agreement of the parties, nor the supply of content which the settlement left at large. No ambiguity in the Order was identified, and the first head of relief could not be severed from the second. The Court further decided that the definition of the content of the tenure was the very matter the Order remitted to the collaborative process of consultation, policy and legislation, its formulation being pre-eminently the province of the Legislature, and that the conformity of a measure not yet enacted was not ripe or appropriate for adjudication.

Cases referred to:

Bar Association of Belize v A-G of Belize [2017] CCJ 4 (AJ) (BZ), (2017) 91 WIR 123; *Belize Bank Ltd v A-G of Belize* [2018] CCJ 14 (AJ) (BZ), BZ 2018 CCJ 5 (CARILAW); *Boyce v A-G of Belize* [2017] CCJ 16 (AJ) (BZ), (2017) 91 WIR 158; *Cristel v Cristel* [1951] 2 KB 725; *Knox v Deane* [2021] CCJ 5 (AJ) BB, (2021) 102 WIR 94; *Lynch v Mitchell* JM 2008 SC 101 (CARILAW), (18 September 2008); *Marin v R* [2021] CCJ 6 (AJ) BZ, BZ 2021 CCJ 001 (CARILAW); *Maya Leaders Alliance v A-G* [2015] CCJ 15 (AJ) (BZ), (2015) 87 WIR 178; *McEwan v A-G of Guyana* [2018] CCJ 30 (AJ) (GY), (2019) 94 WIR 332; *Tan Yeow Khoo v Tan Yeow Tat (No 2)* [2003] SGHC 36; *Titan International Securities Inc v A-G of Belize* [2018] CCJ 28 (AJ) (BZ), (2019) 94 WIR 96; *Williams v Williams* [2022] JMCA Civ 30, JM 2022 CA 89 (CARILAW).

Legislation referred to:

Belize – Belize Constitution Act, CAP 4; Maya Customary Land Tenure (Recognition and Protection of Rights) Bill, 2025.

Other Sources referred to:

Halsbury's Laws of England (5th edn, 2020) vol 11; *Halsbury's Laws of England* (5th edn, 2020) vol 12; *Halsbury's Laws of England* (5th edn, 2020) vol 12A.

REASONS FOR DECISION

Reasons:

Anderson P (Rajnauth-Lee and Jamadar JJ concurring) [1] – [17]

Disposition [18] – [19]

ANDERSON P:

Introduction

[1] The Maya Leaders Alliance, the Toledo Alcaldes Association on behalf of the Maya villages of the Toledo District, and 23 named individual representatives ('the Appellants') invoke the liberty to apply reserved by para 7 of the Consent Order made by this Court on 22 April 2015 ('the Order'), together with the inherent jurisdiction of the Court. They seek clarification of the true and proper construction of the Order, in particular paras 2 and 3; a determination of whether six identified matters are in keeping with the rights declared in the Order, an order that the Attorney General of Belize ('the Respondent') comply with para 3 in accordance with that clarification, and costs. The application is brought against the backdrop of a draft Maya Customary Land Tenure (Recognition and Protection of Rights)

Bill, 2025 ('the Draft Bill'), which the Appellants contend 'fundamentally undercuts and emasculates' the very rights the Order seeks to protect.¹ By case management orders dated 19 June 2026, the hearing was confined to the threshold question whether the application falls within the liberty to apply reserved by para 7. We heard the parties on 30 July 2026. At the conclusion of the hearing, the Court dismissed the Application and indicated that written reasons would follow. These are those reasons.

Background

[2] In 2008 the Appellants claimed against the Respondent recognition and protection of Maya customary land tenure rights belonging to Maya villages in southern Belize, based on the traditional use and occupation of the Maya people. Before the final hearing in this Court, the parties resolved their longstanding dispute by the Order. The Respondent thereby, among other things, affirmed the judgment of the Court of Appeal of Belize that Maya customary land tenure exists in the Maya villages of the Toledo District and gives rise to collective and individual property rights within the meaning of ss 3 and 17 of the Belize Constitution,² undertook to adopt affirmative measures to identify and protect those rights, and undertook, in consultation with the Maya people or their representatives, to develop the legislative, administrative and/or other measures necessary to create an effective mechanism to identify and protect the property and other rights arising from Maya customary land tenure, in accordance with Maya customary laws and land tenure practices.³ Paragraph 7 reserved liberty to apply.

[3] Two features of the judgment in which the Order was delivered bear directly on this application.⁴ First, the finding that the nature of Maya customary land tenure was yet to be worked out in the envisaged collaborative process. And secondly, on damages, that the nature of the property rights the Maya enjoy was still to be

¹ Record of Appeal, 'Notice of Application' 17312–17313.

² Belize Constitution Act, CAP 4, ss 3, 3(d), 16, 17.

³ Record of Appeal, 'Affidavit of Pedro Teul' 17321–17322.

⁴ *Maya Leaders Alliance v A-G* [2015] CCJ 15 (AJ) (BZ), (2015) 87 WIR 178 at [9], [12].

precisely defined, and that it would be somewhat incongruous to award damages for the breach of rights which the Maya accept are still to be identified.⁵

- [4] Implementation has occupied more than a decade with the parties reporting periodically to this Court up to 30 October 2025. Between October 2023 and July 2025, the Appellants raised successive written objections to the draft policy.⁶ No answer having been given, a Working Draft retaining the impugned provisions was given to a legal draftsperson on 11 September 2025, and the resulting Draft Bill was submitted to a Review Panel consisting of Representatives of the Parties, on 21 October 2025. The Notice of Application identifies eight of its provisions said to be ‘so fundamentally inconsistent with the terms and underlying legal basis of the Consent Order as to totally undermine’ the essential nature of the tenure.⁷

The Application and the Submissions

- [5] The six matters on which determinations are sought are whether the following are in keeping with the rights declared in the Order: delimitation and demarcation of Maya lands under a single formula based on a village’s population; a requirement to prove 30 years’ longstanding use and occupation in order to establish the tenure; a blanket denial of a village’s right to grant or withhold consent to activities pursued in the interest of ‘critical national development’ where Government unilaterally deems consultation unnecessary; the automatic exclusion of lands in national parks, nature, forest or wildlife reserves; the automatic exclusion of lands subject to third-party rights; and Government supervision and unilateral regulation of the election and powers of the First and Second Alcalde of Maya villages.⁸

⁵ *ibid* at [35].

⁶ Record of Appeal, ‘Affidavit of Pedro Teul’ 17321 paras 2, 6–20.

⁷ Record of Appeal, ‘Notice of Application’ 17313–17315 (grounds 1-6); Record of Appeal, ‘Affidavit of Pedro Teul’ 17321 para 22.

⁸ Record of Appeal, ‘Notice of Application’ 17313–17315; Record of Appeal, ‘Draft Order’ 17319.

- [6] The Appellants submit,⁹ relying on Halsbury’s Laws of England, and on English, Singaporean, Jamaican and this Court’s authorities,¹⁰ that all orders carry an inherent liberty to apply for assistance in working out the rights declared. In accordance with *Cristel v Cristel*,¹¹ the words liberty to apply refer to the working out of the actual terms of the order and that, while the jurisdiction cannot vary an order or make of it a different agreement from that contemplated by the parties, it extends to clarifying the true meaning and effect of its terms. The liberty here was expressly reserved, and applications for assistance in working out the Order plainly foreseen. On the affidavit evidence, the parties hold divergent constructions: the Respondent considers the scope and content of the rights declared and the measures ordered to be at large, while the Appellants maintain that the Order contains ‘minimum core’ substantive principles establishing the parameters of the affirmative measures under paras 2 and 3.¹² On that construction, they submit, the Order is rendered devoid of substantive meaning, nothing beyond a procedural obligation to consult binding the Respondent to any standard. Invoking the flexible, purposive approach this Court has taken where constitutionally protected rights are engaged,¹³ they seek not to vary the Order but to clarify its minimum core.
- [7] The Respondent submits that the application seeks substantive judicial determinations concerning issues neither determined by nor incorporated into the Order.¹⁴ Relying on *Cristel*,¹⁵ *Lynch v Mitchell*¹⁶ and *Belize Bank Ltd v Attorney General of Belize*,¹⁷ the Respondent submits that the words “liberty to apply” do not prevent a final judgment from being a final judgment and that they enable a

⁹ Maya Leaders Alliance, ‘Submissions on behalf of the Appellants’, Submission in *Maya Leaders Alliance v A-G of Belize*, BZCV2014/002, 09 July 2026, 17704–17707.

¹⁰ *Halsbury’s Laws of England* (5th edn, 2020) vol 11, paras 1–496; vol 12, paras 497–1206; vol 12A, paras 1207–1740; *Tan Yeow Khoon v Tan Yeow Tat (No 2)* [2003] SGHC 36; *Boyce v A-G of Belize* [2017] CCJ 16 (AJ) (BZ), (2017) 91 WIR 158 at [30]; *Belize Bank Ltd v A-G of Belize* [2018] CCJ 14 (AJ) (BZ), BZ 2018 CCJ 5 (CARILAW) at [9]; *Williams v Williams* [2022] JMCA Civ 30, JM 2022 CA 89 (CARILAW) at [44]–[45].

¹¹ [1951] 2 KB 725 at 730 (Somervell LJ), 731 (Denning LJ).

¹² Maya Leaders Alliance, ‘Submissions on behalf of the Appellants’, Submission in *Maya Leaders Alliance v A-G of Belize*, BZCV2014/002, 09 July 2026, 17705.

¹³ *Bar Association of Belize v A-G of Belize* [2017] CCJ 4 (AJ) (BZ), (2017) 91 WIR 123; *Titan International Securities Inc v A-G of Belize* [2018] CCJ 28 (AJ) (BZ), (2019) 94 WIR 96 at [41]–[42]; *McEwan v A-G of Guyana* [2018] CCJ 30 (AJ) (GY), (2019) 94 WIR 332 at [88]; *Marin v R* [2021] CCJ 6 (AJ) BZ, BZ 2021 CCJ 001 (CARILAW) at [72].

¹⁴ A-G of Belize, ‘Submissions on behalf of the Respondent’, Submission in *Maya Leaders Alliance v A-G of Belize*, BZCV2014/002, 15 July 2026, [1]–[18].

¹⁵ *Cristel v Cristel* [1951] 2 KB 725.

¹⁶ JM 2008 SC 101 (CARILAW), (18 September 2008) at [13].

¹⁷ [2018] CCJ 14 (AJ) (BZ), BZ 2018 CCJ 5 (CARILAW) at [9].

party to return, not to vary the judgment, but where matters remain to be worked out to give full effect to it. That the Appellants identify no ambiguity, no minimum core of rights was agreed or is included in the Order, the parties intentionally left the particular legal framework to the implementation process, recognising that it involved questions of public policy, consultation, legislative drafting and parliamentary judgment and the clause cannot be used to close the space the parties deliberately left open. That the Court's approach must be guided by the principle of finality and while any legislation ultimately enacted remains subject to constitutional scrutiny in appropriate proceedings, such scrutiny is distinct from that being undertaken through the limited procedural mechanism of a liberty to apply provision.

- [8] In reply, the Appellants submit that to read the Order as an obligation to enact legislation *simpliciter* disregards its express language. That the tenure already exists and is not created by future legislation, and the responsibility to develop the mechanism is not authority to determine the content of the rights. They further submit that ambiguity is not required, as established in *Belize Bank*, the liberty to apply responds to 'queries as to the effect or intent of an order'.¹⁸ That while the Court's interpretation would shed light on the adequacy of the current legislative proposal, this would not be the same as a judicial determination of the legality of the contested provisions or of the Bill.

Discussion

- [9] The question that governs the disposal of this application is a single one: whether the relief sought is directed at the working out of the actual terms of the Order, which the liberty to apply reserved by para 7 permits, or at the settlement of substantive questions the Order left to be resolved through the consultative and legislative process.

¹⁸ Maya Leaders Alliance, 'Submissions in Reply', Submission in *Maya Leaders Alliance v A-G of Belize*, BZCV2014/002, 22 July 2026, [1]–[7], citing *Belize Bank Ltd v A-G of Belize* [2018] CCJ 14 (AJ) (BZ), BZ 2018 CCJ 5 (CARILAW) at [9].

[10] The governing principles are not in dispute. In *Cristel*¹⁹ Somervell LJ held that the words refer prima facie to the working out of the actual terms of the order and confer no right to have the order itself varied, and that only in a very exceptional context could those words justify an alteration of what the parties agreed. Denning LJ put the limiting principle in the form on which both parties fasten, ‘But when there is no change of circumstances, I do not think that the court can alter or vary the agreement of the parties under the “Liberty to apply”’. It can only do what is necessary to carry the agreement into effect.’²⁰ In *Williams*²¹ the Court of Appeal of Jamaica distilled the same rule; the court may interfere only insofar as is necessary for the working out of the order, and the clause does not enable it to deal with matters not arising in the course of working out the judgment, nor to make of the order a different agreement from that which the parties contemplated.

[11] This Court has applied the same limit to its own orders. In *Belize Bank Ltd v Attorney General of Belize*²² the Court recognised that an implied liberty to apply exists as to ‘queries as to the effect or intent of an order’, but once an order of this Court is clear, or has been clarified, the matter passes beyond the reserved jurisdiction. In *Boyce v Attorney General of Belize*,²³ pursuant to a liberty to apply reserved in a consent order of this Court, the Court construed defined operative terms the parties had themselves drafted, giving effect to the ordinary and plain meaning of the words they had chosen and did not supply content that the settlement had left at large.

[12] The present relief must be characterised in the light of the judgment in which the Order was delivered. The passages recounted at [4] above record this Court’s own understanding, at the moment the Order was made, that the definition of the content of Maya customary land tenure was the very thing remitted to the collaborative

¹⁹ *Cristel v Cristel* [1951] 2 KB 725 at 730–731.

²⁰ *ibid* at 731.

²¹ *Williams v Williams* [2022] JMCA Civ 30, JM 2022 CA 89 (CARILAW) at [44]–[46], [84], applying *Cristel v Cristel* [1951] 2 KB 725.

²² [2018] CCJ 14 (AJ) (BZ), BZ 2018 CCJ 5 (CARILAW) at [9].

²³ [2017] CCJ 16 (AJ) (BZ), (2017) 91 WIR 158 at [22]–[24], [37], [43].

process of consultation and legislation, and was not settled by the Order.²⁴ The Order affirms that the rights exist and are constitutionally protected. It accepts the Government's undertakings to adopt affirmative measures and to develop, in consultation, the mechanisms to identify and protect them. The Order does not itself define the rights, prescribe the mechanisms, or fix the standards by which the mechanisms are to be judged.²⁵

[13] It follows that the relief sought cannot be accommodated within the reserved liberty. The application is not directed at any ambiguity in the language of the Order as none was identified, and counsel for the Appellants accepted that the divergence between the parties concerns the effect of the Order rather than its wording. Nor can the first head of relief be severed from the second. The construction of paras 2 and 3 for which the Appellants contend is sought precisely in order to yield the standards against which the six matters, and with them the impugned provisions of the Draft Bill, are to be measured. The second head makes that purpose explicit. So understood, the application asks the Court to determine matters of considerable constitutional and legislative significance which the Order neither made nor purported to make. These include the content of the tenure, the constitutional standards any implementing legislation must satisfy, and the measure of the Draft Bill against those standards. On the reasoning in *Maya Leaders Alliance*,²⁶ these are the questions the Order left to be worked out in the collaborative process. To answer them now would be to complete the Order rather than to work it out.

[14] The Appellants indicate that they seek only to clarify the minimum core so that the declared rights are given practical and effective meaning. Their concern that an Order reduced to a bare procedural obligation to consult would be emptied of substance is a legitimate question of construction and para 3, read purposively, obliges the Respondent to adopt measures that give effect to, and do not hollow out, the collective and individual property rights affirmed by para 2. But the Court will

²⁴ *Maya Leaders Alliance v A-G* [2015] CCJ 15 (AJ) (BZ), (2015) 87 WIR 178 at [12]; Belize Constitution Act, CAP 4, ss 3(d), 17.

²⁵ *Maya Leaders Alliance v A-G* [2015] CCJ 15 (AJ) (BZ), (2015) 87 WIR 178 at [35].

²⁶ *ibid.*

not read into the Order a content the parties did not put there, and the identification of a ‘minimum core’ of substantive rights, denied by the Respondent to be any part of the agreement, would be precisely that. To hold in general terms that a substantive obligation exists is one thing, but to prescribe its content by pronouncing upon enumerated clauses of a draft Bill is another. What is sought is the latter, that the formulation of substantive legal principles constraining the Executive and the Legislature, and the adjudication of the conformity of a measure not yet enacted.

[15] The point is reinforced by the constitutional principle of the separation of powers, a basic and deep structural feature of Caribbean constitutionalism.²⁷ The formulation of the substantive content of a legislative scheme for the recognition and titling of customary land, the setting of delimitation formulae, evidential thresholds, and the terms on which consent to development may be withheld, is a matter of public policy and legislative judgment: it is pre-eminently the province of the Legislature, informed by the consultation the Order itself requires. The Appellants rightly accept that the Court may not legislate or adjudicate policy choices, but that concession is difficult to reconcile with the relief sought, which would have the Court do in substance what it may not do in form. Nor does the purposive approach assist:²⁸ it governs how the Order and the Constitution are to be read; it does not enlarge the reserved liberty, nor dissolve the separation of powers.

[16] The Respondent’s reliance on the principle of finality is well founded. However, finality does not bar an application genuinely directed at working out a consent order. What it precludes is the use of the clause to reopen, by subsequent judicial elaboration, the matters the parties deliberately remitted to the implementation process. Significantly, the Respondent accepts that any legislation ultimately

²⁷ *Marin v R* [2021] CCJ 6 (AJ) BZ, BZ 2021 CCJ 001 (CARILAW) at [36], [98] (Jamadar J); *Knox v Deane* [2021] CCJ 5 (AJ) BB, (2021) 102 WIR 94 at [19].

²⁸ *Bar Association of Belize v A-G of Belize* [2017] CCJ 4 (AJ) (BZ), (2017) 91 WIR 123 at [52]–[53]; *Titan International Securities Inc v A-G of Belize* [2018] CCJ 28 (AJ) (BZ), (2019) 94 WIR 96 at [41]–[42]; *McEwan v A-G of Guyana* [2018] CCJ 30 (AJ) (GY), (2019) 94 WIR 332 at [85], [88]; *Marin v R* [2021] CCJ 6 (AJ) BZ, BZ 2021 CCJ 001 (CARILAW) at [100].

enacted remains subject to constitutional scrutiny in appropriate proceedings.²⁹ Whether the Draft Bill, if enacted, is consistent with ss 3, 3(d), 16 and 17 of the Constitution is justiciable, but by way of constitutional challenge to the measure, in which the affected rights may be fully ventilated on evidence. The Draft Bill has yet to be laid before, debated or enacted by the National Assembly, and the conformity of a measure not yet enacted is not ripe for adjudication.

- [17] There is a further consideration, which explains why the Court declines to resume an interventionist role. Since the 2015 judgment and Consent Order, this Court retained a hands-on monitoring role over implementation, an unprecedented and purposeful choice made so that the promise of the judgment would be translated into practical lived reality. Through that supervision, the Court guided the parties 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. That supervisory phase was brought to a close in October 2025; the Court being satisfied that the core elements of implementation had taken root and that its supervisory role had achieved its purpose. Implementation remains an ongoing task, belonging now to the institutions and communities of Belize and guided by the mechanisms that have been established. The rights affirmed in 2015 are not museum pieces, they are tools for dignity, development and peaceful coexistence. We affirm those sentiments today as we did then. The collaborative process to which the definition of the tenure was remitted is now underway, and it should be given every allowance to complete its journey.

Disposition

- [18] For these reasons, it is the view of this Court that it ought not to intervene at this point in the way asked for by the Appellants, and would instead encourage the

²⁹ A-G of Belize, 'Submissions on behalf of the Respondent', Submission in *Maya Leaders Alliance v A-G of Belize*, BZCV2014/002, 15 July 2026, [14].

parties to continue the consultative process to develop the legislative, administrative and/or other measures necessary to create an effective mechanism to identify and protect the property and other rights arising from Maya customary land tenure, in accordance with Maya customary laws and land tenure practices.

[19] It is hereby ordered that:

- a) the application filed on 14 May 2026 is dismissed; and
- b) there be no order as to costs.

/s/ W Anderson

Mr Justice Anderson, President

/s/ M Rajnauth-Lee

/s/ P Jamadar

Mme Justice Rajnauth-Lee

Mr Justice Jamadar