



CARIBBEAN COURT OF JUSTICE

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CCJ DISMISSES APPLICATION FOR CLARIFICATION IN MAYA LAND RIGHTS MATTER FROM BELIZE

Port of Spain, Trinidad and Tobago. On Friday, 2 October 2026, the Caribbean Court of Justice (CCJ) issued its reasons for the decision, delivered on 30 July 2026, dismissing an application in the matter of the *Maya Leaders Alliance v The Attorney General of Belize [2026] CCJ 13 (AJ) BZ*. The application concerned the implementation of a Consent Order previously made by the Court in relation to the recognition and protection of Maya customary land tenure rights in southern Belize.

In 2008, the Maya Leaders Alliance and others ('the Appellants') brought a claim against the Attorney General of Belize ('the Respondent') seeking the protection of land tenure rights belonging to Maya villages, based on the traditional use and occupation of lands by the Maya people. The dispute was ultimately resolved by a 2015 Consent Order ('the Order') issued by the CCJ in which the Respondent undertook to develop and adopt measures to identify and protect those rights in collaboration with the Appellants.

The Order further reserved 'liberty to apply', which permits the parties to return to the Court for assistance in clarifying and giving effect to the rights declared in the Order.

For more than 10 years, the parties sought to agree on measures that would implement the Order, periodically reporting to the Court until 30 October 2025, when the Court ended its monitoring function. On 21 October 2025, a Draft Bill was submitted to a Review Panel consisting of Representatives of the Parties. According to the Notice of Application, eight provisions of the Draft Bill were 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 Maya customary land tenure. Invoking the 'liberty to apply' provision in the Order, the Appellants applied to the CCJ for a determination as to whether several aspects of the proposed legislative framework were consistent with the rights declared in the Order.

Before the CCJ, the Appellants argued that the ‘liberty to apply’ provision permitted the Court to assist in ‘working out’ the terms of the Order by clarifying its true meaning and giving effect to its provisions. The Respondent, however, contended that the Appellants were seeking substantive judicial determinations on matters that had neither been determined by nor incorporated into the Order.

The CCJ dismissed the application, explaining in its reasons for decision that an implied liberty to apply may arise in relation to ‘queries as to the effect or intent of an order’. However, once an order of the Court is clear, or has been clarified, the matter falls outside the scope of the Court’s reserved authority under that provision. The Court further held that for it to rule on the content of the Order regarding the provisions to be included in the proposed legislation would offend the principle of separation of powers, as the development of legislation is a matter for the Legislature. Additionally, to prescribe such content would also amount to reading into the Order provisions that were not originally included, and which were intended to be worked out collaboratively by the parties.

The CCJ also emphasised that now that the core implementation elements have been established, the collaborative process for developing the mechanisms to identify and protect the rights arising from Maya customary land tenure should be afforded every opportunity to be completed.

The application was heard by CCJ President, the Honourable Mr Justice Winston Anderson, and the Honourable Justices Rajnauth-Lee and Jamadar. Mr Godfrey P. Smith, SC and Ms Leslie D. Mendez represented the Appellants, while Mr E. Andrew Marshalleck, SC and Ms Samantha Matute, Deputy Solicitor General, represented the Respondent.

The full judgment is available on the CCJ website at www.ccj.org.

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About the Caribbean Court of Justice

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 Winston Anderson. 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 Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court’s Original Jurisdiction to protect their rights under the RTC. 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. However, by signing and ratifying the Agreement Establishing the Caribbean Court of

Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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