



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

CCJ
Registry

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BETWEEN

THE MAYA LEADERS ALLIANCE

THE TOLEDO ALCALDES ASSOCIATION on behalf of the Maya villages of Toledo District
JUAN POP on behalf of the Maya village of Golden Stream
DOMINGO CAL on his own behalf and on behalf of the Maya village of Aguacate
LUCIANO CAL on his own behalf and on behalf of the Maya village of Bladen
ALBERTO HUN on his own behalf and on behalf of the Maya village of Blue Creek
CANDIDO CHO on his own behalf and on behalf of the Maya village of Crique Jute
LUIS CHO on his own behalf and on behalf of the Maya village of CriqueSarco
PEDRO CUCUL on his own behalf and on behalf of the Maya village of Dolores
MANUEL CHOC on his own behalf and on behalf of the Maya village of Indian Creek
ALFONSO OH on his own behalf and on behalf of the Maya village of Jalacte
MARIANO CHOC on his own behalf and on behalf of the Maya village of Jordan
EDUARDO COY on his own behalf and on behalf of the Maya village of Laguna
PABLO SALAM on his own behalf and on behalf of the Maya village of Medina Bank
ROLANDO AUGUSTINE PAU on his own behalf and on behalf of the Maya village of Midway
LORENZO COC on his own behalf and on behalf of the Maya village of Otoxha
SANTIAGO COC on his own behalf and on behalf of the Maya village of Pueblo Viejo
SILVINO SHO on his own behalf and on behalf of the Maya village of San Antonio
IGNACIO TEC on his own behalf and on behalf of the Maya village of San Benito Poite
GALO MEJANGRE on his own behalf and on behalf of the Maya village of San Felipe
FRANCISCO CUS on his own behalf and on behalf of the Maya village of San Marcos
MARCOS ACK on his own behalf and on behalf of the Maya village of San Miguel
JUAN QUIB on his own behalf and on behalf of the Maya village of San Vicente
LIGORIO COY on his own behalf and on behalf of the Maya village of Santa Anna
ELIGORIO CUS on his own behalf and on behalf of the Maya village of Santa Theresa.

Appellants

AND

THE ATTORNEY GENERAL OF BELIZE

Respondent

Dated the 22nd day of April 2015
Entered this 22nd day of April, 2015

Before the Right Honourable
and the Honourables

Mr. Justice D. Byron, President
Mr. Justice R. Nelson, JCCJ
Mr. Justice A. Saunders, JCCJ
Mr. Justice J. Wit, JCCJ
Mr. Justice D. Hayton, JCCJ
Mr. Justice W. Anderson, JCCJ
Mme. Justice M. Rajnauth-Lee, JCCJ

UPON this matter being called for a hearing pursuant to the re-scheduled notice issued by the Honourable Court on the 24th day of March 2015,

AND UPON READING the Notice of Appeal filed on behalf of the Appellants on the 21st day of February 2014; the Notice of Cross Appeal filed on behalf of the Respondents on the 14th day of March 2014 and the Record of Appeal filed herein on the 19th day of August 2014,

AND UPON READING the submissions filed on behalf of the Appellants on the 30th day of December 2014; the submissions of the Respondents filed herein on the 16th day of January 2015 and the submissions in reply filed herein on behalf of the Appellants on the 30th day of January 2015,

AND UPON HEARING the oral submissions of Ms. Antoinette Moore, SC appearing with Ms. Monica Coc Magnusson, Attorneys-at-Law for the Appellants and the oral submissions of Mr. Denys Barrow, SC appearing with Ms. Naima Barrow, Attorneys-at-Law for the Respondent.

BY CONSENT IT IS ORDERED AND DECLARED THAT:

1. The judgment of the Court of Appeal of Belize is affirmed insofar as it holds that Maya customary land tenure exists in the Maya villages in the Toledo District and gives rise to collective and individual property rights within the meaning of sections 3(d) and 17 of the Belize Constitution.
2. The Court accepts the undertaking of the Government to adopt affirmative measures to identify and protect the rights of the Appellants arising from Maya customary tenure, in conformity with the constitutional protection of property and non-discrimination in sections 3, 3(d), 16 and 17 of the Belize Constitution.
3. In order to achieve the objective of paragraph 2, the Court accepts the undertaking of the Government to, in consultation with the Maya people or their representatives, 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.
4. The Court accepts the undertaking of the Government that, until such time as the measures in paragraph 2 are achieved, it shall cease and abstain from any acts, whether by the agents of the government itself or third parties acting with its leave, acquiescence or tolerance,

that might adversely affect the value, use or enjoyment of the lands that are used and occupied by the Maya villages, unless such acts are preceded by consultation with them in order to obtain their informed consent, and are in conformity with their hereby recognized property rights and the safeguards of the Belize Constitution. This undertaking includes, but is not limited to, abstaining from:

- a) issuing any leases or grants to lands or resources under the National Lands Act or any other Act;
 - b) registering any interest in land;
 - c) issuing or renewing any authorizations for resource exploitation, including concessions, permits or contracts authorizing logging, prospecting or exploration, mining or similar activity under the Forests Act, the Mines and Minerals Act, the Petroleum Act, or any other Act.
5. The constitutional authority of the Government over all lands in Belize is not affected by this order.
 6. The Court shall determine the remaining issue in this case, namely the Appellants' claim for damages.
 7. There shall be liberty to apply.
 8. The Appellants' costs of this appeal and in the courts below shall be agreed by 30th April 2015 or taxed.
 9. The Court retains jurisdiction to oversee compliance with this order and sets 30th April 2016 for reporting by the parties.



Jacqueline Graham
Registrar and Marshal

To: The Registrar of the Supreme Court of Belize

And To: Ms. Antoinette Moore, SC
Cassian Nunez Street
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Belize
Attorney-at-Law for the Appellants

And To: **Mr. Denys Barrows, SC**
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Attorney-at-Law for the Respondent

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