

Mayas of Southern Belize Win Momentous Victory Against GOB

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Greg Choq

It was the case of the Mayan communities of Conejo and Santa Cruz versus the Government Of Belize – and the question was: who really owns the combined 15 acres of land in the Toledo District that those communities occupy? A simple question of ownership, but it requires a complex answer, because the case is built upon what is called customary land tenure. That refers to property rights that the Mayans claim to have before the British occupied Belize. And the claim they made to the court is that those rights continue to this day – and government must respect their ownership of the lands they occupy.

Today, four months after arguments were heard, the Chief Justice delivered his judgment in the prickly issue. 5 busses came in from Conejo and Santa Cruz with residents of those communities. Many waited in the Battlefield Park while the judgment was being read, while others filled the courtroom to overflowing.

In a 66 page judgment that took three and a half hours to read, the Chief Justice found for the Mayans on every point. He declared first that residents of Santa Cruz and Conejo hold collective and individual rights in the lands and resources that they have used and occupied and this constitutes “property” as defined by the Belize Constitution. Secondly, the Chief Justice found that they hold collective title to those lands within the boundaries established through Maya customary practice and he ordered government to officially demarcate Santa Cruz’s and Conejo’s title for those lands.

Additionally - and this is the tough one – government is ordered to cease issuing land titles, leases or permits and licenses that allow outsiders use of the lands or their resources without consulting the villagers – because it is now recognized as their property – not government’s. That includes logging permits and oil exploration licenses hugely consequential, because Conejo’s 9,000 acres includes the Sarstun Temash National Park – where government has granted an exploration license to U.S. Capital Energy.

It is a landmark judgement, and after it was delivered, Choq called residents of the villages into the courtroom and explained it in the Ketchi language. Now, remember, this is the case filed by only two villages – and there are 38 Mayan villages in the Toledo district – all presumably with these same rights.

That says how major it is, and Choq was emotional when he spoke to us.

Greg Choq, Maya Leader’s Alliance

“I am very happy. Being a part of this struggle, an integral part of this struggle, for the last two decades, I cannot but be happy about it. I hope that the Maya people can see the significance and seek the victory that we have achieved today and I hope that the government can recognize that our struggle has always been rooted in justice, in fairness, and an international body has affirmed this – and now the court of Belize has affirmed this and we will move quickly to study the significance and to implement it. And it takes a marginalized group of people, like the Mayan people, those living in the periphery of society, to muster the courage, the will, and the determination to get justice.”

Jules Vasquez,

How consequentially will this affect what has happened and what will happen?

Greg Choq,

“A lot will have to go back to the negotiating table Jules. The land, the concessions that have been given, oil exploration concessions, and I want to warn investors that it will be in their interest to come to us to see how we can move forward.”

Antonette Moore, Attorney for Villagers

“These communities now have something to stand on that says that they own this land. They have ownership interest in this land and therefore if there is any oil found or if there is any logging concession, they have a right, a constitutional right, to benefit from those concessions, to benefit from whatever is derived from those concessions on their land.”

Greg Choq,

“Conejo itself is over 9,000 acres. It includes the Sarstoon Temash National Park and we did it deliberately because we knew the government was not going to come to us.”

Jules Vasquez,

How much does it inhibit government’s ability to govern?

Antonette Moore,

"It doesn't inhibit government's ability to govern."

Jules Vasquez,

It inhibits their ability to grant permits which benefit the state consequentially.

Antonette Moore,

"It inhibits the government's ability to grant permits on other people's land. The order said that in fact it is a recognition that this land belongs to Conejo and Santa Cruz. It prohibits it but only to the extent that, if you would listening, to the extent that the communities do not agree. If there is informed consent and consultation, which is all these communities have ever asked for."

Jules Vasquez,

How empowering is this?

Greg Choq,

"Very much. Trust me Jules the court having affirmed the rights of the Maya people. We won't wait for government to go in and demarcate. We are going to work with the international community to implement the ruling of the court on the ground with our people. I have done and we have done 38 consultations in the Maya community prior to this decision and all of them, all of them wanted to be here. If we had the resources, we would have had at least 30 to 40 bus load of people here today but we don't have but all of them want to seek the same solution to their problem as Conejo and Santa Cruz."

Dr. S. James Anaya,

"This decision will be right away looked at internationally as an important precedent. This is the first case in any domestic court, any court in the world, that's gone into the level of analysis on the international obligations of the country in regards to the rights of indigenous people. This is the first decision in which a court cites the United Nations Declaration on the Rights of Indigenous People which was just adopted in September, on the 13th of September. And so it is a decision that will be looked at as an example of how the international obligations of a country feed into its obligations under its own law."

Antonette Moore,

"The government of Belize will have to comply with what is both now domestic law and international law."

Dr. S. James Anaya,

"So many times indigenous people have looked to the authorities of their countries and look to the courts and have been rejected and found that they couldn't find any kind of justice in their legal system. This turns the corner and says here's one country at least, one country's court, here's one judge, the Chief Justice of the Supreme Court of Belize, that's saying you can come to our forum, this court, and find justice."

Greg Choq,

"We've tried for a decade with the current government and they have consistently refused. This ruling hopefully, and with general elections away, trust me we are going to be vigilant, we are going to be honorable, as we have always been, in trying to implement justice for the Maya people."

After that press pow-wow outside the courtroom, the Mayan leaders moved over to the Radisson Fort George where they held a full fledged press conference. Christina Coc of the Julian Cho Society said it is a victory for Belizeans, not just the Mayas.

Cristina Coc, Julian Cho Society

"The question before the court that was decided today was this: who owns the land in southern Belize. Is it the Mayan people of Belize or is the government of Belize? We've always felt, we've always believed, that the Mayans own the land that they use and they occupy. Today however we celebrate that the courts have affirmed and said that yes indeed we own this land that we live on. We are all just human beings struggling on this earth to live with dignity, love, and justice. We Maya people have come to Belize City in this spirit and we reach out to everyone with dignity in our hearts, praying that our victory today will bring dignity among our brothers and sisters across Belize."

We are not leaving Belize, we're not trying to leave our country. We are trying to make our country more just. We the Maya feel that we have the right to protect the territory in which Mayan people have a communal property right but it does not mean that we wish to form a new country or break away from Belize. We are proud Belizeans and we are proud indigenous Mayan people. This court case was not about demonstrating that there is, this court case is about demonstrating that there is no contradiction between those two identities – a Belizean and a Maya.

I want to reach out in peace to all my brothers and sisters across Belize to say join us, we are marching to justice. My

friends we have been to the mountain and now the mountain must come to us.”

Costs will be agreed to by both parties.

It is notable that one of the lynchpins in the judgment was the 10 point agreement signed by the prime minister and various Mayan leaders in October of 2000. In his judgement, the Chief Justice said he relied heavily upon this as a government endorsement of the Maya people’s rights to land and resources in southern Belize.

In fact the agreement says, “that the Government of Belize recognizes that the Maya people have rights to land and resources in southern Belize based on their longstanding use and occupancy.” The Chief Justice also relied heavily on the judgment of the Inter American Commission on Human Rights which found that the Mayans did have customary land title – and that it was being ignored by Government.

It is not known if government will appeal – but it is notable that so far the Attorney General’s office has seemed at best disinterested in the case. In fact, so anemic was their defence that the Chief Justice described it as almost an admission of the claimants’ case. At the end of the hearing a more substantial defence had to be filed with special leave from the CJ.

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