



SARSTOON TEMASH INSTITUTE FOR INDIGENOUS MANAGEMENT

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SATIIM's NEWS RELEASE

Dear Friends,

On Thursday, 25th of July 2013, The Court of Appeal in Belize met and gave its final judgement on the appeal of the 2010 Supreme Court case on Maya land rights in Belize. In a Landmark decision handed down by the Supreme Court of Belize on June 28th, 2010, Chief Justice Dr. Abdulai Conteh reaffirmed the customary land rights of 38 Maya communities in southern Belize. This had followed the judgment of 2007 where the Chief Justice had declared that it was a “direct sequel of the judgment of this court in Claims No. 171 and 172 of 2007, which was delivered on 18th October 2007.” This ruling was the first to establish that the Maya People of southern Belize have customary land rights and resource rights, which are protected by the Constitution and must be held inviolate. However, when the Supreme Court re-affirmed that Maya People of Southern Belize have rights to their lands in June 2010, the Government of Belize - the Barrow Administration- appealed the case in 2011.

The Maya communities waited for almost 3 years and finally the verdict is out. While it reaffirmed the October 18th, 2007 decision by former Chief Justice Abdulai Conteh that the Maya of Toledo do have customary land rights in Southern Belize, it overturned orders that Conteh had made, binding the Government of Belize to give effect to those rights.

The Maya Leaders Alliance (MLA) and the Toledo Alcaldes Association's (TAA) attorney, Senior Counsel Antoinette Moore, just minutes after the ruling was released provided a brief interpretation of the ruling. She highlighted that ...

“... The then Chief Justice Conteh had ordered that the government implement a titling or some type of process to document the land rights, just as other people have titles to their land - the Maya people have no form of title to document the ownership of the land. So when Chief Justice Conteh ordered that the government defines some type of administrative process - the majority of this court (the appellate court) is saying that the government has no duty to do that. The other practical aspect of the case after affirming the land rights was the then Chief Justice ordering the government of Belize from taking any action or allowing any third party from taking any action that would impair the enjoyment or the use of the Maya people's land. Now this court (the appellate court) -the majority decision has said that the government is not under an obligation to do that. So the way we have interpreted it - in the last ten minutes although very briefly - is that this court is affirming the land rights which is very good but they are saying that the government does not have the duty essentially to protect those land rights”(Source: <http://www.7newsbelize.com/sstory.php?nid=26135>).

Moore also made it known that she has filed an application for contempt on behalf of the MLA and TAA, which is to be heard on Monday 29th of July 2013, with respect to this very judgment. The appeal is in respect to the government not obeying the court order, when it signed a Production Sharing Agreement (PSA) with U.S. Capital Energy, without consulting the Mayas, on whose lands oil drilling is to take place under.

The Maya communities, organizations and leaders are very happy that their land rights have once more been reaffirmed and that Maya people have again made history in Belize after their long-standing claim and struggle. However, the Appellate Court withdrawing ALL responsibility from the Government of Belize by saying that the government has NO RESPONSIBILITY to protect those rights takes them aback. This is worrisome because it not only releases the government from all its responsibilities in protecting Maya land rights, but it's also discriminating against Maya people by treating them as if their property rights do not deserve protection equal to those of every other citizen of Belize. The legal team of the Maya people have to digest this situation yet and make a decision. However, the lead attorney Moore has expressed that ... "*... It's very likely that we will go to the CCJ (Caribbean Court of Justice)*" (Source: <http://www.7newsbelize.com/sstory.php?nid=26135>).

For Gregory Ch'oc, Executive Director of the Sarstoon Temash Institute for Indigenous Management (SATIIM) this is a "bitter sweet" ruling. After hearing the results he expressed that...

... "It's bittersweet I think - at least the court has affirmed that we have rights to the land, that we are owners to the land and that we have rights to those lands as properly defined under the constitution. So in terms of the rights, I believe that we can proceed to protect those rights even if the government doesn't see it fit".

(Source: <http://www.7newsbelize.com/sstory.php?nid=26135>).



Gregory Ch'oc- Executive Director of SATIIM

To follow this case on the Maya land rights, please refer to the news links below:

1. Maya Leaders win Land Rights Case.

<http://edition.channel5belize.com/archives/88504>

2. Court Upholds Two of Five Rulings Handed Down By Former CJ in Maya People vs. GOB

http://www.lovefm.com/local_news.php?item=2312

3. Long-Pending, Major Maya Judgment Handed Down

<http://www.7newsbelize.com/sstory.php?nid=26135>

4. Court of appeal affirms Maya land rights.

<http://www.reporter.bz/front-page/court-of-appeal-affirms-maya-land-rights/>

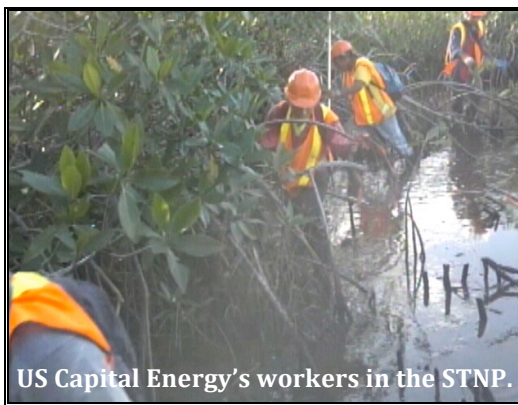
5. Sarstoon/Temash Split decision! The Maya won, and lost at the Court of Appeal, but “This is not the end:” Greg Ch’oc.

<http://amandala.com.bz/news/sarstoontemash-split-decision/>

6. Practical Significance Of Judgment?

<http://www.7newsbelize.com/sstory.php?nid=26136>

However, the above case is not the only issue Maya people are currently dealing with. On Monday 22nd of July 2013, The Sarstoon Temash Institute for Indigenous Management



US Capital Energy’s workers in the STNP.

(SATIIM), one of the strongest indigenous organizations in southern Belize, along with four Q’eqchi’ Maya communities- namely Midway, Conejo, Crique Sarco and Graham Creek, filed a lawsuit against the Government of Belize and US Capital Energy, challenging the lawfulness of the government’s decision to allow oil drilling inside the Sarstoon Temash National Park (STNP), which is also part of Maya Customary Titled lands.

On Tuesday 23rd of July, SATIIM and the named Maya communities held a press briefing in Punta Gorda Town in Toledo in southern Belize, to explain why they are taking a stand against the oil company and the government. They claim that oil drilling in the national park is unlawful and contrary to the National Parks System Act and the Petroleum Act and is therefore ultra vires, unlawful and void. It is unlawful as having been made without the free, prior and informed consent of the Indigenous Q’eqchi’ Maya communities represented by the claimant.



SATIIM and Maya communities’ press conference held on Tuesday 23rd July 2013.

The Maya communities are upset because for more than a decade their rights to access resources in the park have been denied even though it’s a part of their territory; but, over night the government has allowed U.S. Capital Energy, a US oil company, to carry out oil exploration in it.

Supporting SATIIM and the Maya communities in this battle is the Association of Protected Areas Management Organization (APAMO), which has joined the effort with its Executive Director Edilberto Romero saying that the Government has allowed U.S. Capital Energy to go into the Park and conduct basically the same type of activity that it has denied the NGO's from conducting.



**Mr. Edilberto Romero,
Executive Director, APAMO.**

Seeking a way out of this complex situation, the government recently revoked SATIIM's co-management agreement to take them out of the picture and allow the green light for oil drilling in the protected area and on Maya lands. Meanwhile, Gregory Ch'oc, Executive Director

of SATIIM has clearly pointed out to the government that SATIIM and the communities will stand firm in their demands and will take this case to the farthest extent necessary.

SATIIM's application before the court is based on five grounds, including the Forestry Department's cancellation of SATIIM's authority to co-manage the Park. A date has not been set for the hearing of this case.

To follow the SATIIM case, please see the news links below. We have organized the links by dates for better clarity, commencing from July 23rd to July 26th 2013.

1. SATIIM and Indigenous communities wage legal battle against the Government of Belize and US Capital Energy over violations of Environmental and Human Rights (Indigenous Rights) laws resulting from US Capital Energy oil drilling on Q'eqchi' Maya Customary Titled Lands and inside the Sarstoon Temash National Park.

A.) NEWS LINKS FOR 23rd July, 2013.

SATIIM and communities file injunction to stop oil exploration
<http://edition.channel5belize.com/archives/88404>

SATIIM's National Park Co-Management Agreement Cancelled
<http://www.7newsbelize.com/sstory.php?nid=26112>

Why Mayan Communities Are Taking Oil Company to Court
<http://www.7newsbelize.com/sstory.php?nid=26113>

Tuesday, July 23 ----- Indigenous Movement Takes Government of Belize To Court
http://www.lovefm.com/local_news.php?item=2294

2. SATIIM's legal counsel discusses SATIIM's and Indigenous community's case before the Belize Supreme Court.

A.) NEWS LINKS FOR July 24, 2013.

The Premise Behind SATIIM's Pending Challenge

<http://www.7newsbelize.com/sstory.php?nid=26125>

SATIIM not allowed to co-manage national park

<http://edition.channel5belize.com/archives/88464>

Government Bans Indigenous People From National Park; SATIIM Says No

http://www.lovefm.com/local_news.php?item=2302

Minister discusses Co-management agreement for National Parks

<http://edition.channel5belize.com/archives/88503>

SATIIM responds to Forestry Minister on co-management

<http://edition.channel5belize.com/archives/88501>

B.) NEWS LINKS FOR July 25th 2013.

Hon. Alamilla Vs. Apamo

<http://www.7newsbelize.com/sstory.php?nid=26137>

C.) NEWS LINKS FOR July 26th 2013.

SATIIM takes GOB to court over US Capital's oil drilling concession

<http://www.reporter.bz/business/satiim-takes-gob-to-court-over-us-capitals-oil-drilling-concession/>

Forestry Department (GOB) Kicks out SATIIM from Temash: The national park sits on Maya ancestral lands; Greg Ch'oc defiant!

<http://amandala.com.bz/news/forestry-dept-gob-kicks-satiim-temash/>

Recolonialism

<http://amandala.com.bz/news/recolonialism/>