

Mandate of the Special Rapporteur on the rights of indigenous peoples

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BLZ 2/2014:

31 July 2014

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the rights of indigenous peoples pursuant to Human Rights Council resolution 24/9.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the **land tenure situation of the Maya villages of Belize**. The situation relates to two judgments of the Supreme Court of Belize, of 2007 and 2010, which affirmed the rights of Maya villages in Toledo District to their traditional lands. I understand that the latter judgment has been appealed, first to the Court of Appeals in Belize, which affirmed key parts of the 2010 judgment, and then the Caribbean Court of Justice, where review of the case is currently pending. I further understand that these judicial decisions follow a decision of the Inter-American Commission on Human Rights of 2004 affirming the customary land and resources rights of Maya communities, on the basis of Belize's international human rights obligations, and calling upon Belize to take specific measures to respect and protect those rights.

According to the information received, the Government has yet to implement the Supreme Court and Inter-American Commission decisions and title or otherwise secure protection for Maya lands within the Toledo District. Yet, over the past several years, the Government has been moving forward with proposed oil exploration activities within the Sarstoon-Temash National Park, which borders several Maya villages. This oil exploration prompted further litigation, resulting in a 3 April 2014 judgment of the Supreme Court, which again affirmed Maya rights to their traditional lands and ordered the Government to obtain the free, prior and informed consent of affected Maya villages before moving forward with oil exploration activities. In June 2014, the Supreme Court further ordered the Government to enter into mediation with affected Maya villages.

I understand the challenges faced by the Government of Belize in addressing the land tenure situation of the Maya people, especially while it seeks to move forward with resource development initiatives that the Government deems important to economic development of the country. I would like to stress that, as indicated by the Inter-American Commission on Human Rights and other international mechanisms that have intervened

on the situation, these challenges can only be met in a manner consistent with Belize's human rights obligations through good faith consultations with the Maya leaders. I therefore urge your Excellency's Government to engage in such good faith consultations with the Maya people, through appropriate procedures that conform to the relevant international standards and Maya customary law, in order to develop effective mechanisms to secure their rights.

I understand that the United Nations system, both within Belize and through the Office of the High Commissioner for Human Rights, Regional Office for Central America, stands ready to provide support in relation to implementation by Belize of international standards concerning Maya rights over their traditional lands and resources. I hope that your Government takes advantage of this support available through the United Nations systems. I would also like to express my willingness to assist with this process in any way that your Government deems useful.

Please do not hesitate to get in touch with me with any questions or doubts. I can be reached at indigenous@ohchr.org.

I would appreciate a response within 60 days.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Victoria Lucia Tauli-Corpuz
Special Rapporteur on the rights of indigenous peoples