

**In The Supreme Court of Belize A.D. 2007**

**Claim No.                      of 2007**

BETWEEN

AURELIO CAL in his own behalf and on behalf of the Maya VILLAGE OF SANTA CRUZ

and

BASILIO TEUL, HIGINIO TEUL, MARCELINA CAL TEUL, and SUSANO CANTI

Claimants

and

THE ATTORNEY GENERAL OF BELIZE and THE MINISTER OF NATURAL RESOURCES AND ENVIRONMENT

Defendants

**Amended Claim Form**

This is a claim for relief under the Belize Constitution, Chapter 4 of the Laws of Belize, Revised Edition 2000-2003.

*The Claimants*

The claimants, Aurelio Cal, Basilio Teul, Higinio Teul, Marcelina Cal Teul, and Susano Canti are members of the Village of Santa Cruz, part of the Maya indigenous people of Belize. The claimant Aurelio Cal is the elected alcalde of Santa Cruz, and he submits this claim on his own behalf and on behalf of claimant Village of Santa Cruz and its members, as he has been duly authorized to do by the Village membership.

*The Defendants*

The defendants are the Attorney General of Belize of the Attorney General's Ministry, East Block, Belmopan City, Belize, Central America, in his capacity as the representative of the government of Belize; and the Minister of Natural Resources and Environment of the Ministry of Natural Resources and Environment, Belmopan City, Belize, Central America.

*Nature of the Claim*

The claimants bring this claim for redress for violations of sections 3, 3(a), 3(d), 4, 16, and 17 of the Belize Constitution. These violations arise from the government's failure to recognize, protect, and respect the claimants' customary

land rights, which are based on the traditional land use and occupation of the Maya people, including the people of Santa Cruz Village.

Maya customary land rights constitute property, which like other property interests in Belize are protected by the Constitution. The proprietary nature of these rights is affirmed by Maya customary law, international human rights law, and the common law. In particular, the customary land rights of the Maya people of Belize, including the claimants, have been recognized and affirmed as property by the Inter-American Commission on Human Rights in the case of the *Maya Indigenous Communities of the Toledo District v. Belize*.

The Maya people live, farm, hunt, and fish; collect medicinal plants, construction materials and other forest resources; and engage in ceremonies and other activities on land within and around their communities. These practices have evolved over centuries from patterns of land use and occupancy of the Maya people. The property rights that arise from these customary practices are critical to the claimants' physical and cultural survival.

The government of Belize consistently has failed to recognize and protect the claimants' property rights in the lands they and their ancestors have traditionally used and occupied.

On February 22, 2007 the Village of Santa Cruz submitted a letter to the government asking it to immediately issue a public statement recognizing that Santa Cruz enjoys rights to the lands and resources its members have traditionally used and occupied, and to immediately issue a directive to all government ministries and departments requiring them to carry out their duties in a manner consistent with these rights. The government has not acknowledged or responded to this request.

Furthermore, the government, and in particular the Ministry of Natural Resources and Environment, have issued or threaten to issue leases, grants, and concessions to these lands without respecting Santa Cruz traditional land tenure.

These acts and omissions violate the rights to property affirmed in articles 3(d) and 17 of the Belize Constitution, as well as the rights to life, liberty, security of the person and protection of the law affirmed in section 3(a) and 4 of the Belize Constitution.

Additionally, the government's failure to accord the same legal recognition and protection of Maya customary property rights that it extends to other forms of property is discriminatory and a violation of sections 3 and 16 of the Belize Constitution.

## *Relief Sought*

The claimants seek the following relief against the defendants:

- a) A declaration that the claimant Village of Santa Cruz and its members hold, respectively, collective and individual rights in the lands and resources that they have used and occupied according to Maya customary practices and that these rights constitute “property” within the meaning of sections 3(d) and 17 of the Belize Constitution.
- b) A declaration that the Maya Village of Santa Cruz holds collective title to the lands its members have traditionally used and occupied within the boundaries established through Maya customary practices; and that this collective title includes the derivative individual rights and interests of Village members which are in accordance with and subject to Santa Cruz and Maya customary law.
- c) An order that the government determine, demarcate and provide official documentation of Santa Cruz’s title and rights in accordance with Maya customary law and practices, without prejudice to the rights of neighboring Villages.
- d) An order that the defendant cease and abstain from any acts that might lead the agents of the government itself, or third parties acting with its acquiescence or its tolerance, to affect the existence, value, use or enjoyment of the property located in the geographic area occupied and used by the Maya people of Santa Cruz unless such acts are pursuant to their informed consent and in compliance with the safeguards of the Belize Constitution. This order should include, but not be limited to, directing the government to abstain from:
  - i. issuing any leases or grants to lands or resources under the *National Lands Act* or any other Act;
  - ii. registering any interest in land;
  - iii. issuing any regulations concerning land or resources use; and
  - iv. issuing any concessions for resource exploitation harvesting, 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
- e) Costs of this action.

f) Such further and other remedy as this Honourable Court deems just.

*Affidavits in Support of Claim*

**Claimant Affidavits**

First Affidavit of Aurelio Cal

Exhibit A.C.1: Letter from Antoinette Moore to Prime Minister Said Musa  
(Feb. 22, 2007)

First Affidavit of Basilio Teul

First Affidavit of Higinio Teul

First Affidavit of Marcelina Teul

First Affidavit of Susano Canti

**Santa Cruz Witness Affidavits**

First Affidavit of Isaiah Sho

First Affidavit of Marciano Cal

First Affidavit of Raymundo Sho

First Affidavit of Venancio Canti

**Other Affidavits**

First Affidavit of Thomas Caal

Exhibit T.C.1: Map of Santa Cruz Village

First Joint Affidavit of Gregorio Choc, Cristina Coc, and Martin Ch'en

Exhibit G.C. et al. 1: Inter-American Commission on Human Rights, Final Report in the Case of the *Maya Indigenous Communities of Toledo District v. Belize* (Oct. 12, 2004)

Exhibit G.C. et al. 2: Affidavit of Pascal Girod dated March 4, 1998, TMCC v. Attorney Gen. of Belize (1996)

Exhibit G.C. et al. 3: Petition to the Inter-American Commission on Human Rights by the Toledo Maya Cultural Council on behalf of Maya

- Indigenous Communities of the Toledo District against Belize (Aug. 7, 1998)
- Exhibit G.C. et al. 4: Supplemental Request for Precautionary Measures and Request for an on-site Visit to the Inter-American Commission on Human Rights of the Organization of American States in the case of the Maya Indigenous Communities of the Toledo District v. Belize, Case 12.053 (Oct. 3, 2000)
- Exhibit G.C. et al. 5: Ten Points of Agreement between Government of Belize and the Toledo Maya Cultural Council, Toledo Alcaldes Association, K'ekchi Council of Belize, Toledo Maya Women's Council, and Association of Village Council Chairpersons (Oct. 12, 2000)
- Exhibit G.C. et al. 6: Letter from Assad Shoman, Minister of National Development and Government Chief Negotiator, to Gregorio Choc, MLA Coordinator (Nov. 29, 2004)
- Exhibit G.C. et al. 7: Letter from Gregorio Choc, MLA Coordinator, to Assad Shoman, Minister of National Development and Government Chief Negotiator (Jan. 24, 2005)
- Exhibit G.C. et al. 8: Letter from Assad Shoman, Minister of National Development and Government Chief Negotiator, to Gregorio Choc, MLA Coordinator (Mar. 9, 2005)
- Exhibit G.C. et al. 9: Letter from Gregorio Choc, MLA Coordinator, to Assad Shoman, Minister of National Development and Government Chief Negotiator, (Apr. 4, 2005)
- Exhibit G.C. et al. 10: Letter from Assad Shoman, Minister of National Development and Government Chief Negotiator, to Gregorio Choc, MLA Coordinator (May 31, 2005)
- Exhibit G.C. et al. 11: Minutes of the meetings between Briceno and the Maya Leaders Alliance (Nov. 25, 2005)
- Exhibit G.C. et al. 12: Letter from Antoinette Moore, legal representative of the Maya Leaders Alliance and the village of Conejo, to Prime Minister Said Musa (May 5, 2006)
- Exhibit G.C. et al. 13: Letter from Antoinette Moore, legal representative of the village of Santa Cruz, to Prime Minister Said Musa (Feb. 22, 2007)

First Affidavit of Deborah Schaaf

Exhibit D.S.1: Maya Atlas

Exhibit D.S.1: Affidavit of Bernard Nietschmann

First Affidavit of Grant Jones

Exhibit A: Curriculum Vitae

Exhibit B: National Geographic Society, *Land of the Maya: a Traveler's Map*

Exhibit C: Grant Jones, the Conquest of the Last Maya Kingdom

First Affidavit of Richard Wilk  
Exhibit A: Curriculum Vitae

First Affidavit of Joel Wainwright  
Exhibit A: Curriculum Vitae