

Statement by Professor James Anaya
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As just said, my name is James Anaya. I am a professor of human rights at the University of Arizona College of Law and co-faculty chair of the University's Indigenous Peoples' Law and Policy Program. Additionally, I served as the United Nations Human Rights Council's Special Rapporteur on the Rights of Indigenous Peoples from 2008 to 2014.

For several years the University of Arizona's Indigenous Peoples Law and Policy Program has supported the Maya people of southern Belize in their efforts to secure their rights over their traditional lands and resources. We have assisted them in proceedings before the courts of Belize, the Caribbean Court of Justice, and international human rights institutions. It has been my deep honor and privilege to be involved in this work alongside dedicated and courageous Maya women and men who are exemplary leaders.

The Maya struggle for land rights is at the forefront of efforts around the world by indigenous peoples in such diverse places as Brazil, Canada, Congo, Nepal, Australia, Namibia, and Nicaragua to gain respect for their basic human rights, in the face of historical forces that have deprived them of those rights and left them vulnerable to discrimination. Like the struggles of indigenous peoples around the world, the Maya struggle is not one to achieve privilege or special rights above those of others. Rather the tireless efforts of the Maya people that have drawn worldwide attention is one to achieve genuine equality that takes into account their different circumstances and cultural patterns, including their own, different systems of property based on traditional land use and occupancy.

The world has come to recognize the validity of indigenous people's claims to maintain their traditional or customary land tenure, and to recognize how for indigenous peoples that land tenure is crucial for their physical and cultural survival. Hence, the United Nations Declaration on the Rights of Indigenous Peoples, which was adopted by the UN General Assembly in 2007 with the support of Belize, recognizes that for indigenous peoples, maintaining their possession and control of traditional lands is a matter of fundamental human rights.

The decision of the Caribbean Court of Justice last April, which affirms that the Maya people have property rights based on their customary land tenure, follows in line with international standards and with the 2004 decision of the Inter-American Commission on Rights, which is an arm of the Organization of American States. Both the Caribbean court and the Inter-American Commission have found that the government must take specific action to recognize the property rights of Maya people over their traditional lands. According to the Caribbean court and the courts of Belize, these rights are protected by

the Constitution of Belize, and according to the Inter-American Commission, international human rights law that is binding upon Belize protects these rights.

And both the Caribbean Court of Justice and the Inter-American Commission have directed that, not just must the government itself, through its various agencies, act consistently with Maya property rights, but it must also act affirmatively to protect those rights from private parties who might adversely affect Maya property or intrude upon Maya customary lands. Furthermore, as the order of the Caribbean court makes clear, the government must act to protect Maya customary lands from intruders now, even before those lands are officially registered, not at some time in the indefinite future.

The government of Belize is to be commended for consenting to the order of the Caribbean Court of Justice and for undertaking take steps to register Maya property rights over their customary lands, to act consistently with those rights, and to protect those rights against others. But it is unfortunate that the Maya are having to go back to the Caribbean Court of Justice because so far the government has not shown clear signs of complying with the court's order or its own undertaking.

Belize stands at crossroad in it history and in defining the way forward in its treatment of the Maya people. This crossroad is marked by two distinct, historical trends that are present on a global scale. One is rooted in historical patterns of thinking and action that have discriminated against indigenous peoples and facilitated the taking of their lands by failing to recognize their customary land tenure and property systems that are crucial to their survival. Unfortunately, that trend can be seen in the positions and actions of government officials in many countries across the world.

But in many countries and internationally, that trend is being taken over by a modern, more enlightened one; one that starts with the premise that indigenous peoples are equal in value and dignity to all others, and that is more and more accepting of the proposition that their own systems of property and land tenure are to be treated on the basis of equality. This modern trend understands that embracing these rights of indigenous peoples is a mark of a truly democratic state that is genuinely respectful of the human rights of all.

The courts of Belize, the Caribbean Court of Justice, and the Inter-American Commission on Human Rights have together marked a path for Belize along the more enlightened, modern trend, by upholding the property rights established by the Maya people's own laws and traditions on the same terms as the property rights of others. The government has made a commitment to follow that path. The world expects that it now make good on that commitment.