



SARSTOON TEMASH INSTITUTE FOR INDIGENOUS MANAGEMENT

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HEARING UPDATE-SATIIM WINS FIRST COURT BATTLE, SUPREME COURT AGREES TO JUDICIAL REVIEW AND ISSUES INJUNCTION AGAINST SEISMIC TESTING IN THE SARSTOON TEMASH NATIONAL PARK

On Thursday June 8, 2006, the Supreme Court of Belize agreed to a full judicial review of the case SATIIM vs. Ministry of Natural Resources and the Environment and placed an injunction on US Capital Energy Ltd.'s oil exploration activities in the Sarstoon Temash National Park, pending a full trial hearing on the substantive legal issues brought before the Court. The trial will review the legality of the government's issuing of the oil exploration permit in a protected area. The Supreme Court found grounds for the judicial review in the following three of five of SATIIM's arguments:

- Violation of the National Park Systems Act, which makes no exception, even with ministerial discretion, for oil exploration activities within the National Park;
- Violation of the Environmental Protection Act, that specifically requires an Environmental Impact Assessment (EIA) for seismic testing activities be conducted before a permit is issued; and
- Irregularities in the way the USCE permit was issued by the Chief Forest Officer and not the Forest Department Administrator, as per the National Park Systems Act.

The arguments that were rejected by Justice Awich, have significant implications for protected area managers in Belize, and include:

- The "legitimate expectation" of SATIIM that under the signed Co-management Agreement between SATIIM and the Forest Department, SATIIM would have been consulted and involved in the decision to issue the permit; and
- The "unreasonableness" of issuing a permit for oil exploration in a National Park and Ramsar wetland.

SATIIM is deeply gratified by the important outcome of the hearing and we think the Court's decision reflects the very serious national issues raised by the Government of Belize's decision to grant a permit for oil exploration in the National Park without rigorously following the protected area and environmental protection laws and guidelines. However, we are also aware that this is only a small first victory, in what will likely become a long and expensive court battle. The first hearing of the trial will be Thursday June 29, 2006 and the final hearing will take place Wednesday July 19, 2006.

To follow the national media stories on the case, please visit www.7newsbelize.com, www.channel5belize.com, www.amandala.com.bz, www.guardian.bz, www.lovefm.com, www.reporter.bz, www.belizetimes.bz