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Inter-American Court of Human Rights

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Research Guides

Inter-American Court of Human Rights

Guide Information

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Scope of this Research Guide

The Inter-American System of Human Rights is comprised of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights. It is a principal and autonomous part of the Organization of American States (OAS). Both of these bodies serve the primary function of promoting and protecting the human rights of the American hemisphere. Recently, there has been a concerted effort to link environmental and human rights through this system. This movement is based on the undeniable connection between the degradation of environments caused by economic ventures and the quality of life of individuals and communities within that environment. If a recent factory injects lead particles into the air, the local population could suffer from lead poisioning, an absolute affect on that population's human rights. This research guide focuses on the applicable treaties, case law, reports, academic writings, and works from interested organizations to provide a legal and policy-oriented framework to address environmental impacts from the perspective of human rights.

Overview

The Inter-American System of Human Rights (IASHR) is comprised of the Inter-American Court of Human Rights (the "Court")and the Inter-American Commission on Human Rights (the "Commission"). It is a principal and autonomous part of the Organization of American States (OAS). Both of these bodies serve the primary function of promoting and protecting the human rights of the American hemisphere.

The process to have a possible human rights violation heard by the IASHR involves many steps. First, individuals who believe their rights are being violated by their country must submit a claim to the Commission to have that body rule on the admissibility of the claim. If the claim is ruled admissible and the state deemed at fault, the Commission will generally submit a list of recommendations to the state to remedy the violation. If the state fails to abide by these recommendations or the Commission deems the case of particular importance or legal interest, the Commission will refer the claim to the Court. Therefore, a claim that comes before the Court has already been through a long procedural process and will only be heard if attempts at a friendly settlement have failed.

In addition to hearing individual petititons for relief, the Commission monitors the human rights situation of OAS member states and, when necessary, issues country-specific reports on the situation of human rights. Also, the Commission may request the Court to issue advisory reports on the interpretation of the American Convention on Human Rights or other important documents.

Although the IASHR has diligently worked to protect the human rights of people in the American hemisphere, it has not directly acknowledged the right to a healthy enrironment. This research guide focuses primarily on the jurisprudence of the Court and how to use that jurisprudence and already protected rights to allow for protection of the right of individuals and communities to live in a healthy environment unencumbered by pollution, disease, or inhumane living conditions, often brought about by economic development.

About the Author

Rebecca Lunceford is a third-year law student at Georgia State University College of Law. She graduated from the University of Georgia with Bachelor's Degrees in Economics and Sociology. This research guide was prepared for Professor Meg Butler's Advanced Legal Research class in the Spring of 2012.

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Disclaimer

This research guide is a starting point for a law student or an attorney for research in the area of the Inter-American Court of Human Rights system. This guide should not be considered as legal advice or as a legal opinion on any specific facts or circumstances and has not been updated since the Spring of 2012. If you need further assistance in researching this topic or have specific legal questions, please contact a reference librarian in the Georgia State University College of Law library or consult an attorney.

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Treaties and Originating Documents

Applicable Treaties

- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador"
  http://www.oas.org/dil/1988%20Additional%20Protocol%20to%20the%20American%20Convention%20on%20Human%20Rights%20in%20the%20Area%20of%20Economic,%20Social%20and%20Cultural%20Rights%20(Protocol%20of%20San%20Salvador).pdf

  Adopted at San Salvador, El Salvador on November 17, 1988, at the eighteenth regular session of the General Assembly. Specifically adopted the right to a healthy environment as a human right in Article 11 (text in box below), but this treaty has never been directly enforced by the Inter-American Court.
- American Convention on Human Rights
  http://www.oas.org/en/iachr/mandate/Basics/3.AMERICAN%20CONVENTION.pdf
  Signed at the Inter American Specialized Conference on Human Rights, San José, Costa Rica, 22 November 1969, this treaty provides direct rights to the people in the countries that have ratified it. It does not directly recognize the right to a healthy environment, but a broad interpretation of Article 26's right to have social, cultural, and economic rights protected provides an avenue for protection.
- American Declaration of the Rights and Duties of Man
  http://www.oas.org/en/iachr/mandate/Basics/2.AMERICAN%20DECLARATION.pdf
  Adopted by the Ninth International Conference of American States, Bogotá, Colombia, 1948. This Declaration was not adopted as an international treaty and is therefore not binding through its own means, but many of the contained therein have the

character of international custom, making them enforceable through that mechanism.

- Charter of the Organization of American States
  http://www.oas.org/en/iachr/mandate/Basics/17.CHARTER%20OAS.pdf
  Signed in Bogotá in 1948 and amended by the Protocol of Buenos Aires in 1967, by the Protocol of Cartagena de Indias in 1985, by the Protocol of Washington in 1992, and by the Protocol of Managua in 1993. Any member of the OAS must have ratified the OAS Charter, but it cannot be directly reviewed by international tribunals. Therefore, it merely provides interpretive guidance for enforcement of other treaties.

Inter-American Court and Commission Rules

- Inter-American Commission's Rules of Procedure
  http://www.oas.org/en/iachr/mandate/Basics/22.RULES%20OF%20PROCEDURE%20IA%20COMMISSION.pdf
- Statute of the Inter-American Commission on Human Rights
  http://www.oas.org/en/iachr/mandate/Basics/statuteiachr.asp
  The PDF on the IACHR website links to the ratification of the OAS Charter making it necessary to use the HTML version of this document.
- Inter-American Court's Rules of Procedure
  http://www.oas.org/en/iachr/mandate/Basics/24.RULES%20OF%20PROCEDURE%20COURT%20FINAL.pdf
- Statute of the Inter-American Court on Human Rights
  http://www.oas.org/en/iachr/mandate/Basics/23.STATUTE%20COURT.pdf

Specific Relevant Articles within American Convention and Protocol of San Salvador

- American Convention
  - Article 1. Obligation to Respect Rights
    - 1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.
  - Article 4. Right to Life
    - 1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.
  - Article 5. Right to Humane Treatment
    - 1. Every person has the right to have his physical, mental, and moral integrity respected.
  - Article 8. Right to a Fair Trial
    - 1. Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.
  - Article 11. Right to Privacy
    - 1. Everyone has the right to have his honor respected and his dignity recognized.
    - 2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.
    - 3. Everyone has the right to the protection of the law against such interference or attacks.
  - Article 13. Freedom of Thought and Expression
    - 1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.
  - Article 21. Right to Property
    - 1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.
    - 2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.
    - 3. Usury and any other form of exploitation of man by man shall be prohibited by law.
  - Article 22. Freedom of Movement and Residence
    - 1. Every person lawfully in the territory of a State Party has the right to move about in it, and to reside in it subject to the provisions of the law.

Article 25. Right to Judicial Protection

- 1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

- Protocol of San Salvador
  - Article 11 Right to a Healthy Environment
    - 1. Everyone shall have the right to live in a healthy environment and to have access to basic public services.
    - 2. The States Parties shall promote the protection, preservation, and improvement of the environment

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Jurisprudence

Inter-American Court and Commission Case Databases

It is often difficult to find and search for cases in the Inter-American Court system in the traditional manner (e.g., WestLaw or LexisNexis) because the United States has not yet submitted to the jurisdiction of the Inter-American Court. Further, many of the opinions are only available in Spanish. This box is meant to provide some of the more useful databases in searching through the sometimes dense opinions from both the Inter-American Court on Human Rights and the Inter-American Commission on Human Rights.

- Inter-American Court Cases Search
  http://www.corteidh.or.cr/bus_temas.cfm
  A system that allows you to search Inter-American Court cases using boolean search terms. You must click either the "Adobe Acrobat Reader" or "Microsoft Word" option for the search to work.
- University of Minnesota Human Rights Library
  http://www1.umn.edu/humanrts/iachr/iachr.html
  The first section links to the treaties and important documents of the IASHR. The following sections link to case law, annual reports (through 2006), and press releases from the Inter-American Court (through 2005). The second to last section references other publications, though mainly in Spanish. The last section links to main websites associated with the IASHR.
- Official Commission Website for Decisions Published by the Commission
  http://www.oas.org/en/iachr/mandate/petitions.asp
  The decisions are available through a drop-down menu labeled "decisions" on the left side of the page. They are divided into admissibilities, inadmissibilities, friendly settlements, merits, archive, cases in the court, precautionary measures, and resolutions. After clicking on one of those options, the decisions are then separated by year and country.
- Official Commission Website for Special Reports
  http://www.oas.org/en/iachr/reports/country.asp
  Special reports are specific to a country during the year of the report and is a commentary on the human rights situation within.
- Official Commission Website for Annual Reports
  http://www.oas.org/en/iachr/reports/annual.asp
  Includes links to videos and other commentary from the Commission.
- Washington College of Law American University Database on the Special Reports of the Commission
  http://www.wcl.american.edu/humright/digest/database3.cfm
  Links to the full text of the reports on the official Commission website, but provides a more user friendly interface to access the links.
- Washington College of Law American University Database on the Annual Reports of the Commission
  http://www.wcl.american.edu/humright/digest/database.cfm
  Links to the full text of the reports on the official Commission website, but provides a more user friendly interface to access the links.
- ESCR-Net
  http://www.escr-net.org/caselaw/
  This database provides a summary of 17 cases from the Commission and the Court from 1985-2005. Though far from exhaustive, the case summaries are helpful for a broad understanding of the more important jurisprudence of the IASHR. To access these cases, go to the box on the left side of the page labeled "select forum" and check "Inter-American Commission on Human Rights" and "Inter-American Court on Human Rights," then click submit.

Important Decisions and Reports of the Commission

- Decisions
  - Yanomami Community v. Brazil (1985)
    - A petition was filed with the Inter-American Commission on Human Rights (IACHR) against the State of Brazil and in favor of the Yanomami indigenous community. The case was based on the construction of a road and mining licenses granted in indigenous land, which had led to a massive presence of foreigners in the said territory and had had serious effects on the community's well-being, including the alteration of their traditional organization, emergence of female prostitution, epidemics and diseases, forced displacement to lands unsuitable to their ways of life, and death of hundreds of Yanomamis. The IACHR found the State was responsible for failing to take timely

and effective measures to protect the Yanomamis' human rights. The IACHR concluded such failure had led to alterations in the community's well-being and violations to the right to life, liberty, security, residence and movement, and to the preservation of health and well-being. The IACHR considered that current international law acknowledges the right of indigenous groups to special protection for the use of their language, their religion and, in general, all elements essential to the preservation of their cultural identity. The IACHR recommended the State, in line with domestic legislation, to proceed to demarcate the Yanomami Park, to continue adopting preventive and remedial sanitary measures aimed at protecting the life and health of the Yanomami, and to ensure education, health protection and social integration programs aimed at the Yanomami were carried out in consultation with the indigenous community, as well as expert scientific, medical and anthropological advisors.

- Community of San Mateo de Huanchor and its Members v. Peru (2004)
  - Indigenous community suffered from the effects of pollution from a nearby toxic waste dump as a result of mining activities. This case examines, among other human rights violations, the progressive development of economic, social and cultural rights (Article 26 of the American Convention reviewed above). At the same time, the Commission adopted precautionary measures for the protection of the life and physical integrity of members of the San Mateo de Huanchor community due to a public health crisis provoked by the pollution. The community had been exposed to mining tailings containing lead residues and other harmful substances, threatening irreparable damage to the neurological functioning and psychological development of community members.
- Mercedes Julia Huenteao Beroiza et al. v. Chile (2004)
  - The Mapuche Pehuenche people of the Upper Bío Bío sector, in the Eighth Region of Chile, started a long fight to defend their rights when the Government of Chile authorized the construction of hydroelectric plants that would have deep consequences on their ancestral land and culture. After filing complaints with several agencies, including the World Bank Inspection Panel, the Ombudsman of International Financial Corporation at World Bank, and domestic courts, a group of indigenous families filed a complaint against the Government of Chile with the Inter-American Commission of Human Rights (IACHR) for having authorized ENDESA to build a dam (Ralco) that would destroy indigenous land in an irreversible, permanent manner, threatening the Pehuenche culture. The IACHR requested the State to refrain from adopting any measures until it issued a decision on the matter at stake. In the meanwhile, works for the Ralco dam went forward: having started in 1998, 75-80% of the project was completed. In October 2003, the parties reached a friendly settlement. The families assigned their right to their ancestral land, which would be flooded by the dams, and accepted to withdraw all legal actions. In return, the families were granted quality land, technical support to promote agricultural production, education scholarships and a compensation of US$300,000 per family. Furthermore, the State committed itself to adopting general measures, such as a constitutional reform to legally acknowledge the indigenous peoples and ratification of ILO Convention No. 169, as well as to refrain from authorizing large projects, particularly hydroelectric projects, in indigenous land in the Upper Bío Bío sector.
- Aboriginal Community of Lhaka Honhat ("Our Land") v. Argentina (2006)
  - In 1998, the Aboriginal Communities Association *Lhaka Honat* filed an action with the Inter-American Commission on Human Rights (IACHR) against the State of Argentina. The communities living in Salta province denounced violations of their right to ancestral land, to cultural integrity and to a safe environment, following the State's decision to build an international bridge and carry out an urban development plan in their territory, which would significantly alter their way of life. The communities demanded that a report on the relevant social and environmental impact should be previously prepared, as well as a survey among those who had historically occupied, used and owned the land. Furthermore, they demanded the title to the land where they lived. In November 2000, friendly settlement proceedings started within the framework of the IACHR. The State then committed to suspending the infrastructure project and a working group was formed with the aim of preparing a proposal for a land handover. Between 2002 and 2005, technical data were prepared and several agreements were reached to achieve the final goal of handing over land. In spite of such partial agreements, in late 2004, the government submitted a document establishing arbitrary land distribution criteria. The government later decided to interrupt the dialogue and left the negotiation table. Consequently, *Lhaka Honhat*, CELS and CEJIL asked the IACHR to adopt interim measures. The IACHR warned the State that if dialogue failed, an action would be filed with the Inter-American Court of Human Rights.

- Special Reports
  - Report on the Situation of Human Rights in Ecuador (1997)
    - An indigenous community was faced with pollution from oil extraction activities. The Commission stated in its report that "the Convention necessarily require the State to ensure conditions whereby the rights of vulnerable and marginalized groups within its society such as those disadvantaged by the effects of poverty are protected. The broad principles of non-discrimination and equality reflected in Articles 1 and 24 of the Convention require action to address inequalities in internal distribution and opportunity… The Commission recommends that the State ensure that the policies it adopts do not place a disproportionate burden on the marginalized and most vulnerable sectors of society, particularly those disadvantaged by poverty."

Important Cases of the Court

All article violations are in reference to the American Convention on Human Rights. Summaries are taken from ESCR unless otherwise noted. This list is far from exhaustive, but is meant to offer a starting point for applicable case law in preparing arguments.

- Case of Baena, Ricardo et. al. (270 workers) v. Panama (2001)
  - Comité Panameño por los Derechos Humanos denounced the State of Panama before the Inter-American Commission on Human Rights (IACHR) for having arbitrarily laid off 270 public officials and union leaders who had taken part in several rallies against the administration's policies and to defend their labor rights. The lay-offs had followed an accusation made by the Government against the same individuals based on their participation in the demonstrations and on their alleged collaboration with a military uprising. Upon laying off the employees, a law passed after the facts had occurred was invoked, under which any actions started by the workers to challenge their dismissal had to be lodged with courts dealing with administrative matters –instead of labor courts, as required by the applicable law. None of the actions filed with the Supreme Court of Panama were upheld. As the action filed with the IACHR failed, the IACHR submitted the case to the Inter-American Court of Human Rights. The Court concluded the State of Panama had violated the rights of freedom of association, judicial guarantees and judicial protection, as well as the principles of illegality and freedom from ex post facto laws in detriment of the 270 workers. The Court also stated that minimum due process guarantees set forth in article 8.2 must be observed in the course of an administrative procedure, as well as in any other procedure leading to a decision that may affect the rights of persons. Consequently, the Court decided the State had to reassign the workers to their previous positions and pay them the missed salaries.
  - This case is a valuable precedent, because it is the first time that the Inter-American Court has heard violations of labor rights. The case shows that due judicial protection, as well as unrestricted respect for due legal process guarantees at the domestic level, constitute an essential source of protection ensuring the effectiveness of the right to work.
- Mayagna (Sumo) Awas Tingni Community v. Nicaragua (2001)
  - The Mayagna Awas (Sumo) Tingni Community lives in the Atlantic coast of Nicaragua and is made up of approximately 142 families. Jaime Castillo Felipe, a leader of the community, lodged a petition before the Inter-American Commission on Human Rights (IACHR) denouncing the State of Nicaragua for failing to demarcate the Awas Tingni Community's communal land and to take the necessary measures to protect the Community's property rights over

its ancestral lands and natural resources. Furthermore, the petitioner denounced the State for failing to guarantee access to an effective remedy for the Community's claims regarding the then imminent concession of 62,000 hectares of tropical forest to be commercially developed by a company in communal lands. The IACHR submitted the case to the Inter-American Court of Human Rights, who concluded that Nicaragua had violated the right to judicial protection and to property. The Court noted that the right to property acknowledged by the American Convention of Human Rights protected the indigenous people's property rights originated in indigenous tradition and, therefore, the State had no right to grant concessions to third parties in their land. Consequently, the Court decided that the State had to adopt the necessary measures to create an effective mechanism for demarcation and titling of the indigenous communities' territory, in accordance with their customary law, values, customs and mores. The Court also decided that, until such mechanism was created, the State had to refrain from any acts that might affect the existence, value, use or enjoyment of the property located in the geographic area where the members of the indigenous community live and carry out their activities.

- This case is of major significance, because it is the first time that the Inter-American Court has issued a judgment in favor of the rights of indigenous peoples to their ancestral land. It is a key precedent for defending indigenous rights in Latin America. The decision is a major step in the fight against the historical and ongoing subjugation of indigenous peoples in the region.

- Case of the "Five Pensioners" v. Peru (2003)
  - A group of retired citizens filed a petition with the Inter-American Commission on Human Rights (IACHR) against the State of Peru. The IACHR subsequently filed an action with the Inter-American Court of Human Rights alleging violation of rights to private property and judicial protection, and of the obligation to ensure progressive realization of social rights. During their active working life, the petitioners were employed as officials of a State agency that had its own pension fund. When the petitioners reached their retirement age, the said agency arbitrarily reduced their pensions to one fifth or one sixth of their nominal value. Although several court decisions acknowledged their rights, none was enforced. The IACHR denounced the State's failure and the Court decided Peru had violated the rights to private property and judicial protection by arbitrarily modifying the pension amounts and failing to enforce court decisions. However, the Court did not uphold the alleged violation of the obligation to ensure progressive realization of social rights, considering the right to social security had not been violated on a general basis, but only in respect of a given group of persons. Since the State had taken several measures towards enforcing the IACHR's and the victims's demands, the Court concluded that any consequences the violation of the right to private property could have on the financial status of the victims should be ascertained on the basis of domestic legislation by competent domestic agencies. Finally, the Court decided that the State had to apply relevant sanctions to those responsible for the failure to comply with court decisions and to pay victims compensation for the moral damage suffered.
  - The Court acknowledged that the degradation of the right to social security is a violation of the American Convention on Human Rights. This right is protected through the rights to property and judicial protection. Unfortunately, the Court interpreted the obligation to achieve the progressive realization of rights in a restrictive manner opposed to the interpretation issued by the UN Committee on Economic, Social and Cultural Rights.

- Case of the Girls Yean and Bosico v. Dominican Republic (2005)
  - The Inter-American Commission on Human Rights (IACHR) received a petition in favor of Dilcia Yean and Violeta Bosica against the Dominican Republic for denying them the Dominican nationality although they were born there. The petitioners claimed that, since their nationality was not acknowledged, the girls were exposed to the imminent threat of being expelled from the country and, lacking an identity document, could not attend school. The IACHR adopted precautionary measures to prevent the girls' deportation and to guarantee that Bosica could continue going to school, and referred the case to the Inter-American Court. The Court found that, by refusing to issue birth certificates and preventing the applicants from enjoying their citizenship rights due to their ancestors' origin, the Dominican State had violated their rights to protection measures, to equality and non discrimination, to nationality, to having a legal status and a name. The Court concluded that the right to nationality opened the way to enjoying the other rights, and that denying children their birth certificate amounted to denying them their right to be part of a political community. Therefore, the Court ordered the State to adopt measures to revert the historical discrimination caused by its birth record system and education system, and, in particular, to adopt a simple, accessible and reasonable procedure for Dominican children of Haitian descent to obtain a birth certificate. Finally, the Court requested the State to guarantee access to free elementary education for all children regardless of their background or origin. The Court considered this obligation was a consequence of the special protection children are entitled to.
  - This case represents a valuable precedent in the field of social rights. On the one side, the fundamental value of nationality rights as a tool to achieve recognition of other rights was acknowledged. On the other, it is one of the first cases in which violations of the right to education were heard and the Court ordered to have their enjoyment guaranteed regardless of the child's background. This case is also a call for the Dominican State to provide a definitive solution to the widespread vulnerability of the rights of thousands of children of Haitian descent living in its territory.

- Yakye Axa Indigenous Community v. Paraguay (2005)
  - The Yakye Axa community, a Paraguayan indigenous community belonging to the Lengua Enxet Sur people, filed a complaint with the Inter-American Commission of Human Rights (IACHR) alleging Paraguay had failed to acknowledge its right to property over ancestral land. Given its impossibility to solve the case, the Commission referred it to the Inter-American Court of Human Rights. The Court considered Paraguay had failed to adopt adequate measures to ensure its domestic law guaranteed the community's effective use and enjoyment of their traditional land, thus threatening the free development and transmission of its culture and traditional practices. The Court also concluded Paraguay had violated the rights to property and court protection, as well as the right to life, since it had prevented the community from access to its traditional means of livelihood. Furthermore, the Court understood that the State had failed to adopt necessary positive measures to ensure the community lived under dignified conditions during the period they had to do without their land. While they stayed on the side of a road across from the land they claimed, the community lacked adequate access to food, health services and education. Sixteen persons died due to the said living conditions. The Court concluded the State had the obligation to adopt positive measures towards a dignified life, particularly when high risk, vulnerable groups were at stake, whose protection became a priority. The Court ordered the State to demarcate the traditional land, to submit it to the community at no cost, and to provide basic goods and services necessary for the community to survive until they recovered their land.
  - The Inter-American Court has reaffirmed its wide interpretation of right to life taking into account health, education and food standards set forth in the Protocol of San Salvador. In its interpretation, the Court also considered General Comments by the Committee on Economic, Social and Cultural Rights, the supervisory body of the International Convention on Economic, Social and Cultural Rights.

- The Case of Saramaka People v. Suriname (2007) *Summary taken from American Society of International Law.
  - This case concerned logging and mining concessions awarded by Suriname on territory possesed by the Saramaka people, without their full and effective consulation. The Court examined the rights of tribal peoples in international law and concluded that the members of the Saramaka people have a right to use and enjoy the natural resources that lie within their traditionally owned territory and that are necessary for their survival. The Court also ruled that Suriname may restrict this right by granting conessions for the exploration and extraction of natural resources only when such restriction does not deny the Saramaka's survival as a tribal people. In this respect, the state must abide by three safeguards: first, effective consulations in every event, as well as free, prior and informed consent in connection with development and investment projects having major impacts; second, a sharing of benefits derived from development plans; and third, prior and independent environmental and social impact assessment (EIA). In the end, the Court found that Suriname had violated the rights, under the American Convention on Human Rights to judicial personality, property, and judicial protection of the Saramaka people living in the Upper Suriname River Region, in relation to the obligations to respect, ensure, and give domestic legal effect to those rights.

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Secondary Sources

Academic Writings

- AIDA's Guide to Environmental Defense before the Inter-American System of Human Rights
  ISBN: 9780321596680
  Publication Date: January 2010
  http://www.aida-americas.org/sites/default/files/AIDA%20Environmental%20Defense%20Guide.pdfIncredibly helpful book for understanding the general procedure within the Inter-American System and developing strategies for protecting a community's environment through human rights.
- Environmental Protection and Human Rights by Donald K. Anton; Dinah Shelton
  ISBN: 0521766389
  Publication Date: 2011-04-18With scholarly analysis and practical discussion, this book provides a comprehensive introduction to the relationship between environmental protection and human rights being formalized into law in many legal systems.
- Human Rights and the Environment by Svitlana Kravchenko; John Bonine
  ISBN: 1594604134
  Publication Date: 2008-01-01This casebook shows how international and national court cases in Europe, Africa, Asia, and the Americas have begun to interpret treaties, national constitutions, and human rights legislation to protect the environment through the recognition of rights.
- Human Rights Approaches to Environmental Protection by Alan E. Boyle; Michael R. Anderson
  ISBN: 0198267894
  Publication Date: 1998-06-25This collection of essays explores linkages between the environment and human rights, and responds to the growing debate among activists, lawyers, academics and policy-makers on the legal status of environmental rights in both international and domestic law.
- Linking Human Rights and the Environment by Romina Picolotti (Editor); Jorge Daniel Taillant (Editor)
  ISBN: 0816529345
  Publication Date: 2010-09-15Through examples ranging from water rights to women's rights, this collection offers practical ways in which environmental protection can be approached through human rights instruments. The volume reproduces a legal brief (amicus curiae) filed before an international human rights tribunal making the human rights and environment linkage argument, and includes the subsequent precedent-setting decision handed down by the Inter-American Court on Human Rights recognizing this linkage.
- Protecting Economic, Social and Cultural Rights in the Inter-American Human Rights System: A Manual on Presenting Claims by Tara Melish
  ISBN: 9978422897
  Publication Date: 2002
  http://www.law.yale.edu/documents/pdf/Intellectual_Life/MANUAL_OAS_INGLES.pdf
- Provisional Measures in the Case Law of the Inter-American Court of Human Rights by Clara Burbano Herrera
  ISBN: 9789400000377
  Publication Date: 2010-04-15The primary focus of this book is analyzing the jurisprudence of the Inter-American Court issuing provisional measures from 1987 to 2009.

Law Review Articles

- Barry E. Hill, Steve Wolfson, Nicholas Targ, *Human Rights and the Environment: A Synopsis and Some Predictions*, 16 Geo. Int'l Envtl. L. Rev. 359, 361 (2004).
  - Examines how the human right to a clean and healthy environment has been treated or understood by international organizations like the United Nations and the Inter-American Commission on Human Rights, and how it has been manifested in protocols, treaties, international instruments, and in the constitutions of various countries.
- Hari M. Osofsky, *Learning from Environmental Justice: A New Model for International Environmental Rights*, 24 Stan. Envtl. L.J. 71, 76 (2005).
  - Recognizes the numerous pieces discusssing the emerging international environmental human rights regime and analyzing various aspects of the legal developments within it, while proposing a systematic structure for approaching environmental harm to humans.
- James Anaya, *Indigenous Peoples' Participatory Rights in Relation to Decisions About Natural Resource Extraction: The More Fundamental Issue of What Rights Indigenous Peoples Have in Lands and Resources*, 22 Ariz. J. Int'l & Comp. L. 7 (2005).
  - Examines the Inter-American System's articulated link between the protection of an indigenous' community's right to consultation resulting in informed consent and the community's property rights.
- Jo M. Pasqualucci, *The Evolution of International Indigenous Rights in the Inter-American Human Rights System*, 6 Hum. Rts. L. Rev. 281 (2006).
  - Examines the case law from the Inter-American Court and Commission that has developed to protect ancestral lands through human rights in the American Convention for indigenous communities and the principles behind that protection.
- Jennifer Cassel, *Enforcing Environmental Human Rights: Selected Strategies of US NGOs*, 6 Nw. U. J. Int'l Hum. Rts. 104, 48 (2007).
  - Examines different strategies of non-profit, non-governmental organizations in approaching environmental rights through human rights.
- Jeremie Gilbert, *Nomadic Territories: A Human Rights Approach to Nomadic Peoples' Land Rights*, 7 Hum. Rts. L. Rev. 681 (2007).
  - Examines, inter alia, the Inter-American Court's seminal case, Mayanga (Sumo) Awas Tingni Community v. Nicaragua, which first recognized indigenous communities right to property through human rights.

Other Helpful Documents

- OAS Brochure on Petition and Case System in the Commission
  http://www.oas.org/es/cidh/docs/folleto/CIDHFolleto_eng.pdf
  The purpose of this brochure is to inform persons seeking to file a petition before the Commission of some of the basic concepts they should know beforehand. It also sets forth, in clear and simple language, which human rights are protected, how and when a petition may be filed, the requirements that must be met and, in general, the procedures that have to be followed.

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Organizational Websites

Inter-American System on Human Rights Organizational Links

- Organization of American States (OAS) Official Website
  http://www.oas.org/en/default.asp
  Links to latest news on the OAS, description of the purpose of the OAS, lists of member states, important documents, videos and webcasts from the IASHR, etc.
- Inter-American Court on Human Rights Official Website
  http://www.corteidh.or.cr/
  There is an English version option in the top right corner of the page. This site gives a description of the Court, provides links to the jurisprudence and publications of the Court, rules of procedure and the statute of the Court, the Court's current composition, etc.
- Inter-American Commission on Human Rights Official Website
  http://www.oas.org/en/iachr/
  Links to press releases, basic information about the Commission, opinions and reports from the Commission, basic documents relevant to the Commission, etc.

Other International System Organizational Links

- European Court of Human Rights
  http://www.echr.coe.int/ECHR/Homepage_En/
- International Court of Justice
  http://www.icj-cij.org/homepage/index.php?lang=en
- African Commission on Human and Peoples' Rights
  http://www.achpr.org/english/_info/news_en.html
- African Court on Human and Peoples' Rights
  http://www.african-court.org/en/
- Association of Southeast Nations (ASEAN) Intergovernmental Commission on Human Rights
  http://www.asean.org/22769.htm
- International Committee of the Red Cross
  http://www.icrc.org/eng/

NGO Organizational Links

- Interamerican Association for Environmental Defense (AIDA)
  http://www.aida-americas.org/en/about
  Founded in 1998, AIDA is a nonprofit environmental law organization that works across international borders to defend threatened ecosystems and the human communities that depend on them. Focusing its efforts on problems in Latin America, AIDA partners with local groups to field multinational teams of lawyers and scientists to tackle a range of environmental crises, recognizing that environmental health is part and parcel with human health.
- The Center for International Environmental Law (CIEL)
  http://www.ciel.org/index.html
  Since 1989, the Center for International Environmental Law (CIEL) has worked to strengthen and use international law and institutions to protect the environment, promote human health, and ensure a just and sustainable society. One of its principal strategies to enforce environmental rights is the submission of petitions to the Inter-American Commission on Human Rights.
- EarthJustice
  http://earthjustice.org/
  This NGO focuses more on protection of United States environmental and human rights issues, but has an international presence, primarily through the United Nations.

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