

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-24/2020 English

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I/A Court H.R. Protecting Rights

STATE OF ARGENTINA IS RESPONSIBLE FOR THE VIOLATION OF THE RIGHTS TO INDIGENOUS COMMUNITY PROPERTY, CULTURAL IDENTITY, A HEALTHY ENVIRONMENT, FOOD AND WATER.

CASE OF THE INDIGENOUS COMMUNITIES MEMBERS OF THE LHAKA HONHAT (OUR LAND) ASSOCIATION V. ARGENTINA

San José, Costa Rica, April 2, 2020. - In the judgment of the Case of the Indigenous Communities of the Lhaka Honhat Association (Our Land) v. Argentina notified today, the Inter-American Court of Human Rights found the State of Argentina internationally responsible for the violation of the rights to community property, cultural identity, a healthy environment, adequate food and water for indigenous communities.

For the first time in a contentious case, the Court analyzed the rights to a healthy environment, adequate food, water and cultural identity autonomously from Article 26 of the American Convention, ordering specific measures of reparation for the restitution of those rights, including actions for access to water and food, for the recovery of forest resources and for the recovery of indigenous culture.

The official summary of the sentence can be found [here](#) and the full text of the sentence can be found [here](#) (Only in Spanish).

The case is linked to the claim for recognition of the ownership of their lands by the Indigenous Communities belonging to the Wichí (Mataco), Iyjawaja (Chorote), Komlek (Toba), Niwackle (Chulupí) and Tapy'y (Tapiete) peoples within the Province of Salta (on the border with Paraguay and Bolivia). These lands have also been occupied by other residents and an international bridge was built without prior consultation by the State. In the area, an indigenous presence has been verified constantly, at least since 1629.

In its judgment, the Court determined that the State violated the right to community property, by not providing legal security to it and allowing the presence of "creole", non-indigenous, residents in the territory. The above, despite the fact that the indigenous property claim has been over 28 years old. It also concluded that Argentina does not have adequate regulations to sufficiently guarantee the community property right.

In turn, the Court noted that adequate mechanisms for consulting indigenous communities on an international bridge built on their territory were not followed. It also resolved that judicial authorities did not follow a reasonable period of time in the processing of a judicial case in which it was decided to nullify rules regarding fractional land awards.

The Court also determined that the State violated the rights to cultural identity, a healthy environment, adequate food and water, due to the lack of effectiveness of state measures to stop activities that were harmful to them.

In its judgment, the Court understood that illegal logging, as well as other activities carried out in the territory by the Creole population, specifically livestock and wire fencing, affected environmental assets, affecting the traditional way of feeding indigenous communities and in their access to water. This altered the indigenous way of life, damaging their cultural identity.

The Court ordered the State to adopt various measures of reparation.

The composition of the Court for the issuance of this Judgment was as follows: Judge Elizabeth Odio Benito (President); Judge Patricio Pazmiño Freire (Vice President); Judge Eduardo Vio Grossi, (Chile); Judge Humberto Antonio Sierra Porto (Colombia); Eduardo Ferrer Mac-Gregor Poisot, (Mexico); and Judge Ricardo Pérez Manrique (Uruguay). Judge Eugenio Raúl Zaffaroni (Argentina) did not participate in the deliberation and signing of the Judgment.

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