PRESS RELEASE

Mayagna Awas Tingni Indigenous Community

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The rights of indigenous peoples were reaffirmed by the Inter-American Court of Human Rights in its judgment of August 31, 2001. The Mayagna (Sumo) Awas Tingni Indigenous Community of the Atlantic Coast of Nicaragua secured recognition of its rights to its ancestral lands in a case presented by the Inter-American Commission on Human Rights (IACHR) to the Inter-American Court, establishing a historical precedent at the international level in the struggle of indigenous peoples for their communal rights. “This decision represents extremely important progress in the protection of the human rights of indigenous peoples in the Americas,” said Claudio Grossman, President of the IACHR.

The Inter-American Commission is processing roughly 40 cases pertaining to indigenous peoples in various countries of the Americas. However, the case of the Mayagna Awas Tingni Community is the first case submitted to the Inter-American Court pertaining to indigenous people. “The Court’s decision is the outcome of efforts by the Commission and civil society—specifically, in this case, the Indian Law Resource Center— which have worked together for years to protect the human rights of indigenous peoples in the Hemisphere,” said Dr. Santiago Canton, Executive Secretary of the IACHR.

The judgment of the Court is a historic step in the recognition of the right of indigenous peoples to their land. It stated that: “indigenous peoples, by virtue of their very existence, have the right to live freely on their own lands; the close bond of indigenous peoples with their land should be recognized and understood as an essential element of their cultures, spiritual lives, well-being, and economic survival. For indigenous communities the relationship to land is not merely a question of ownership and production but a material and spiritual element they must enjoy fully, among other reasons to preserve their cultural heritage and pass it on to future generations.”

The Commission asked the Court to establish a legal procedure for the prompt demarcation and official recognition of the property rights of the Awas Tingni Community. In this regard the Court stated that: “This situation [the lack of demarcation] has generated a persistent climate of uncertainty among the Awas Tingni Community. They do not know for sure where their communal property rights end in a geographic sense. Therefore they do not know to what extent they can use and freely enjoy their assets.” The Court found that the members of the Awas Tingni Community are entitled to have the state delimit and issue titles to the Community’s lands, and that the state must refrain from actions that would affect lands
where members of the Community live and conduct their activities.

Lastly, the IACHR President, Claudio Grossman, emphasized the importance of the inter-American human rights protection system in strengthening democracy in the Hemisphere: “This decision reaffirms the value of the inter-American system in resolving important disputes and, at the same time, strengthening the rule of law in the Americas.”

The Inter-American Commission on Human Rights is one of the principal bodies of the OAS. Its task is to promote, protect, and defend human rights in the Americas, acting as an advisory body of the OAS in these areas. The Commission’s authority stems from the OAS Charter, the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, and its own Statutes and Rules of Procedure. The Commission is composed of seven members, elected in their individual capacity by the OAS General Assembly, who do not represent their countries of origin or residence. Its tasks include examining individual petitions alleging violations of rights protected in the American Convention with respect to member states that have ratified that treaty, and of rights protected in the American Declaration with respect to the other member states of the Organization. The Commission also studies the situation of human rights in the countries of the Hemisphere, considers specific questions within its area of competence, and prepares and publishes reports on its findings.

Washington, D.C., September 28, 2001