The Inter-American Court of Human Rights.
Enviromental, cultural identity and consultation law hermeneutics in light of the case "Lhaka Honhat (nuestra tierra) vs. Argentina (2020)

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Abstract
The main objective of this work is to show how, and with what results, the Inter-American Court of Human Rights recognizes, gives content and establishes a series of general standards for the protection of indigenous peoples. To achieve this aim, the paper analyses the recent judgement of this Court in the "Lhaka Honhat (nuestra tierra) vs. Argentina" case. Thus, it reviews the impact of this ruling within the Argentinean constitutional context and examines the Court’s treatment of the right to property, the right to a healthy environment, the right to cultural identity and the right to participation and consultation. It also critically examines the hermeneutical framework used in this and other cases by the Court. The article concludes that the Court develops new categories of rights with the view to strengthen the protection of indigenous peoples, such as the right to a healthy environment and the human right to water, in interdependence with other rights already recognised in its jurisprudence, such as the right to indigenous communal lands, cultural identity and the duty to consult. Nonetheless, the present work points to some issues left open by this decision, such as the difficulties that could derive from the use of the Court’s extensive interpretative framework.

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