



The Inter-American Court to announce the ruling in the Interoceanic Canal through Nicaragua case

The Inter-American Court of Human Rights will on November 18, 2024 at 2:30 p.m. at its headquarters in Costa Rica - and also virtually - announce the ruling in the case of *the Rama and Kriol Peoples Vs. Nicaragua*. The case began in 2014 due to the lack of Free, Prior and Informed Consent (FPIC) of Law No. 800 that created the legal framework of the Grand Interoceanic Canal through Nicaragua (GCIN) and Law No. 840, which granted the GCIC Concession on indigenous and Afro-descendant lands.

The Inter-American Court of Human Rights deliberated its ruling during the 165th Ordinary Period of Sessions, held from March 7 to 22, 2024, and will now announce it. While the State of Nicaragua repealed Law No. 840 on May 8, 2024. The repeal of Laws No. 840 and No. 800 are some of the requests of these indigenous and Afro-descendant peoples before the Inter-American Court.

Since none of these laws were consulted with the Rama and Kriol Territorial Government (GTR-K) or with the Black Creole Indigenous Community of Bluefield (CNCIB), despite the fact that 52% of the GCIN route would cross their territories; the plaintiffs allege that the State of Nicaragua co-opted the president of the GTR-K and made him sign, without obtaining the FPIC, a supposed Agreement that illegally granted the perpetual lease of 263 km² of indigenous land to the GCIN Authority.

They also allege that the State of Nicaragua imposed a parallel government to the legally constituted CNCIB; aborted the process of tiling its traditional territory; and in violation of due process of law, gave the parallel government only 7% of the land, leaving out 93% of the land originally claimed by the CNCIB.

The indigenous and Afro-descendant authorities of the GTR-K and the CNCIB considered it essential to submit the case to the Inter-American Court of Human Rights, due to the lack of effective internal remedies in the Nicaraguan judicial system; since between 2012 and 2020 the authorities of these peoples presented 20 actions for unconstitutionality, without being protected in any of them by the Supreme Court of Justice of Nicaragua.

The controversy in this case is therefore, about the allegations of non-compliance with the international obligations of the State of Nicaragua to respect and guarantee the self-determination of these peoples, by co-opting and imposing governments and authorities parallel to those legitimately elected by these communities; as well as by not acting in good faith, violating international standards with respect to the consultation and the preparation of the Agreement on 263 km² of indigenous land; and by the omission of protecting them of the invasion and encroachment carried out by non-indigenous settlers in the Rama and Kriol Territory, titled since 2009, thus also compromising the protection and conservation of the Indio-Maíz Biological Reserve in the Southeast of Nicaragua.

The State of Nicaragua is also internationally committed to protecting and guaranteeing the physical, psychological and moral integrity of the members and authorities -human rights defenders- of these peoples and of their territories, without any discrimination; as well as to repair the damage that has been caused to them and to guarantee the non-repetition of acts that violate their human rights.

The Legal Assistance Center for Indigenous Peoples (CALPI) and the Human Rights Clinic of the University of Seattle, Washington, USA, have accompanied indigenous and Afro-descendant authorities in their claims since 2013, and currently represent them before the Inter-American Court of Human Rights. For more information (505) 8853-3285 <https://www.calpi-nicaragua.com>