



2022 INTER-AMERICAN HUMAN RIGHTS MOOT COURT COMPETITION

Hypothetical Case: Climate Change and Human Rights: Impacts, Responsibilities, and Opportunities

Inhabitants of Murujuy, Colibritón, et al. v. State of Iraca and the United States of Chaco

Description and context of the State of Iraca and the United States of Chaco (USC)

1. Iraca is a country in the Americas whose territory has been inhabited throughout history by multiple Indigenous peoples with a thriving millenary civilization who acquired knowledge of agriculture, architecture, art, astronomy, and engineering. This led to its development, as evidenced by archaeological studies and current applied knowledge. Sicuara, the capital of Iraca, is in a desert region that the Indigenous peoples made habitable. It has about 60 km² of



recognizes the human rights—both civil and political—of all persons, as well as economic, social, cultural, and environmental rights. It also established that hydrocarbon and mining



the height of the oil boom in the 1970s, leading the global association that set the price per barrel of oil.

12. The USC has also been an oil-producing country. Its oil sector has been under development since the 1940s, when large deposits were discovered along the Iracan border. In the 1950s, a group of individuals founded the NOXXE company, entirely with private capital, to exploit oil and gas deposits. In 1972, this company began operating in Iraca, taking advantage of the fact that its government shared technical information and maps when it discovered that the deposits in its territory extended into Iraca. Largely because of this, NOXXE increased its capital and began operating in other countries.
13. Murujuy was also an important region for agricultural and organic honey production, and a well-known sustainable tourism hub since the 1940s—activities linked to the millenary tradition of Indigenous peoples like the Izamales. Ancestral crops remain predominant thanks to knowledge passed down through the generations. According to the 2002 national census, these agricultural and tourism activities directly employed 60% of the Indigenous population and indirectly employed thousands of others.
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continue their education. Since the extractive sector was a priority, half of the students pursued postgraduate studies related to this field. As a complement to their studies, the scholarship included the opportunity to work at the most important oil companies in the USC, after which the students had to return to their country of origin and apply what they had learned.

18. When Sinforosa finished her graduate degree, she worked for NOXXE, with the research team in Izamal. There they discovered that the burning of oil was affecting the world's climate. It was eye-opening information that they shared in June 1973 with the company's General Management and Board of Directors. Management, concerned about the impact the information would have on their business, prohibited the research team from sharing, publishing, or speaking further about the matter directly or indirectly; anyone who failed to comply would be subject to administrative and disciplinary proceedings and possibly imprisonment. Sinforosa finished her scholarship in 1975 and returned to Itaca.
19. In September 1973, NOXXE organized a confidential meeting with the Private Council of Fossil Fuel Companies (PCFFC) to inform them of the research. Subsequently, NOXXE, industry partners, and PCFFC encouraged research into whether and how the burning of fossil fuels was affecting the global climate, and every six months they shared a confidential report between PCFFC management and all member companies. To strengthen their research departments, they created special grants and funded the best universities, which carried



development agencies with funding for education and health assistance in the countries where their subsidiaries operate.

Impacts on people and nature

21. In mid-1986, inhabitants of Murujuy and surrounding areas began to report that the water tasted and smelled strange, like metal. Sheep and other farm animals showed strange symptoms, such as deformities and a fourfold increase in the mortality rate of offspring in their first year. Residents remarked that they had to go to the doctor more and more, as they began to experience headaches, fever, and stomach pains. Since that year, crop yields have declined, and by 2010 they harvested 70% of what they used to, as reported by the local university. In the Colibritón newspapers, on the other side of the border, there was a report with official information about air and water pollution, advising people to use caution and that, to be safe, it was better to buy water or at least boil it, but not to drink it directly from the tap because it was unhealthy.
22. People in Murujuy had been complaining of breathing problems since 1988 and reporting that their orchards and crops were dying. A group led by Aristobulo Daza and Hermencia Alba, made up of public and private schools, pediatric associations, student groups, and the Izamal people, filed a complaint with the authorities. They shared information on the measures being taken in





respiratory system, in the city and its surroundings. These diseases affected children and adolescents in particular.

29. When they asked other mothers and teachers from Colibritón, with whom they are very close because they share the border area, they learned that the people of Colibritón had been seeing impacts to their health, water, and air caused by oil and thermoelectric operations for years. The information was corroborated by scientific research from other countries showing that people and communities around oil and coal plants could experience negative health impacts similar to those experienced by the people of Murujuy. In fact, this is why, in other countries, these industries were not located in populated areas. The women of Murujuy concluded that the illnesses of their children, friends, relatives, and others were not a coincidence, but were interrelated and linked to the polluting activities.
30. In 1995, the Murujuy Air and Water Coalition invited and supported a scientific group from the USC and other countries to visit and study the area. In its conclusions, the international delegation congratulated the Iraca authorities, since the air and water standards and indices were in line with those required by the World Health Organization. It also commended them for their coordination plan with the Colibritón border authorities. However, it expressed serious concern that the air and water quality in Murujuy were among the worst in the region and in the world, given that standards and indices were not being enforced. In contrast, the scientific delegation highlighted Colibritón's pollution monitoring efforts, including the program to end flaring in the oil zone and the relocation of residents living within 5 km of the oilfield, as examples of actions needed for the entire border. These were implemented at the request of the USC's environmental and health authorities and would be paid for by NOXXE, as part of a fine imposed against the company.
31. The scientific delegation presented its conclusions to the authorities of Iraca and the USC. Iraca's health and environmental departments jointly responded that they did not know the situation was so serious, but that they could imagine; after all, the area was already known as a sacrifice zone by the national and municipal authorities and by the company. The Iraca authorities said they were certain that all the pollution was coming from trucks on the road, since it was a very busy border crossing, so there was not much that could be done. In any case, because the cities were on the coast, the pollution was blown out to sea by the wind and therefore did not affect the cities or their inhabitants. The department of energy objected to this information, arguing that it had not been gathered in an official manner or following official protocols. It also claimed that it was a campaign by t



to accept them. These monitors operated at odd times and when the power went out, which was every three days, they were left without data.

33. CEPEDIUA and El Ojo analyzed the international delegation's findings, profile, and experience. They found that the vast majority were from the USC and that the participants from Murujuy had belonged to the NOXXE union and had been removed from the company



concluded that these impacts were related to climate change brought about by the burning of fossil fuels. Other speakers included Bel Tepic, president of the leadership council of the



which prevents the sea level from affecting arable land. This is particularly useful given the



caused the harm, and because the harm could have been prevented. Accordingly, the Commission ordered:



territories of the Izamal communities and other indigenous peoples from the impacts of climate change, with the due participation of the Izamal indigenous people and other indigenous peoples and Afro-descendants, based on their life plans; in relation to the areas of Iraca where the sea level has risen in an irremediable way, to provide measures of climate change reparation for the victims who have lost their lands and territory; ensure health care and other measures regarding risks that victims have to face due to the impacts risks