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**REPORT No. 64/15**  
**PETITION P-633-04**  
REPORT ON ADMISSIBILITY

MAYAN PEOPLES AND MEMBERS OF THE CRISTO REY,  
BULLET TREE, SAN IGNACIO, SANTA ELENA, AND SANTA  
FAMILIA COMMUNITIES  
BELIZE

Approved by the Commission at its session No. 2051 held on October 27, 2015  
156<sup>th</sup> Regular Period of Session.

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**REPORT No. 64/15**  
PETITION 633-04  
ADMISSIBILITY  
MAYAN PEOPLES AND MEMBERS OF THE CRISTO REY, BULLET TREE,  
SAN IGNACIO, SANTA ELENA, AND SANTA FAMILIA COMMUNITIES  
BELIZE  
OCTOBER 27, 2015

**I. SUMMARY**

1. On July 15, 2004, the Inter-American Commission on Human Rights (hereinafter, “the Inter-American Commission” or “the IACHR”) received a petition lodged by the Belize Institute of Environmental Law and Policy (hereinafter, “BELPO” or “the petitioners”) against the State of Belize (hereinafter referred to as “the State” or “Belize”). The petition was submitted on behalf of BELPO and “all Belizeans –particularly Mayan people of Belize; members of the Cristo Rey, Bullet Tree, San Ignacio, Santa Elena and Santa Familia communities; members of the Tour Guide Association; tour operators, resort owners, and other business peoples, all other affected Belizeans” (hereinafter, “the alleged victims”).

2. The petitioners submit that the promotion, approval, construction and operation of the Chalillo Dam have seriously impacted the rights of those living within the Macal River Basin, particularly their rights to life and personal security; to freedom of information; to property; to present petitions; to the benefits of culture; to the preservation of health and well-being; to work; and to enjoy the basic civil rights protected under Articles I, IV, XXIII, XXIV, XIII, XI, XIV and XVII of the American Declaration. The Commission requested a response from Belize on October 3, 2011. As of the date of approval of this report, the State has not submitted its observations.

3. Without prejudging the merits of the complaint, after examining the position of the petitioners, and pursuant to the requirements set out in Articles 31 to 34 of its Rules of Procedure, the Inter-American Commission decides to declare the case admissible for the purpose of examining the alleged violation of the rights set forth in Articles I (right to life, liberty and personal security), III (right to religious freedom and worship), IV (right to freedom of investigation, opinion, expression and dissemination), XI (right to the preservation of health and to well - being.), XIII (right to the benefits of culture), XIV (right to work and to fair remuneration), XVIII (right to a fair trial) and XXIII (right to property) of the American Declaration of the Rights and Duties of Man (hereinafter, “the American Declaration”). The IACHR also decides to notify the parties of its decision and include it in its Annual Report to the General Assembly of the OAS.

**II. PROCEEDINGS BEFORE THE IACHR**

4. The IACHR received the petition on July 15, 2004. The petition was submitted by the Belize Institute of Environmental Law and Policy (BELPO), a non-governmental organization incorporated under the laws of Belize in 1995 that includes lawyers, scientists, educators and grassroots organizers living within the Macal River valley and throughout Belize. On April 12, 2006, Ms. Candy Gonzalez, BELPO’s legal representative, requested that A. Lalanath M. de Silva and Jennifer Gleason be added as co-counsel.

5. The petitioners submitted additional information on September 13, 2004; October 8, 2004; November 29, 2004; December 22, 2004; February 24, 2005; March 16, 2005; September 15, 2005; November 9, 2005; April 12, 2006; October 28, 2009; and June 22, 2011. Some of these communications were in response to requests for additional information sent by the Commission on July 30, 2004; November 15, 2004; June 12, 2009; and April 20, 2011.

6. On October 3, 2011, the Commission forwarded the pertinent parts to the State, granting it a one-month period in which to submit its observations as provided for in Article 30(4) of the Commission’s Rules of Procedure. The Commission reiterated the request for information on November 6, 2014. As of the date of the adoption of the present report, the Commission has not received any observations from the State.

7. On August 21, 2015, the IACHR sent a communication to the petitioners indicating that “[o]n the basis of the information provided in [the] initial complaint and in [the petitioners’] response to the IACHR’s request for clarification on the identity of victims, the IACHR understands that the alleged victims in this case are, in addition to the seven persons named in [the] complaint, the residents of the Cristo Rey, Bullet Tree, San Ignacio, Santa Elena and Santa Familia communities.” The IACHR requested the petitioners to present any observations on this question within a period of one month. As of the date of the adoption of this report, the Commission has not received any observations from the petitioners in this regard.

### **Precautionary Measures**

8. In the original petition, petitioners also requested the urgent intervention of the Commission to prevent violations of human rights resulting from Belize’s approval of construction of the Chalillo Dam, in accordance with Article 25 of its Rules of Procedure. On February 24, 2005, the petitioners reiterated their request for precautionary measures seeking to suspend the construction activities until the Institute of Archaeology had completed certain excavations and protected the cultural integrity and archeological heritage of the Mayan peoples. The Commission did not adopt the measures requested.

## **III. POSITION OF THE PARTIES**

### **A. Position of the petitioners**

9. According to the petitioners, the Macal River begins in the northwestern part of the Maya Mountains in the west of Belize and flows through narrow valleys to join the Mopan River. They submit that the people who live on the lands surrounding the Macal River depend on it for drinking water, employment, bathing, fishing and recreation. The petitioners also submit that archeologists confirmed the existence of many unexcavated Mayan ruins around the Macal River. Further, the petitioners affirm that the Macal River is the centerpiece of eco-tourism in San Ignacio, Santa Elena and the surrounding villages, making it vital to those residents who make their living in the tourism industry.

10. The petitioners state that in 1991, the State, through the Belize Electricity Board, invited bids from international companies to construct and operate a hydroelectric facility at Mollejon, on the Macal River. Petitioners state that the Mollejon dam is a “run of the river” dam, meaning that, in theory, it does not require a reservoir, but depends on the kinetic energy of naturally flowing water to produce electricity; however, in reality, the Mollejon Dam impounds a reservoir with a visible surface area of around 30 acres, thus altering the flow and natural flushing action of the Macal River. The Mollejon Dam began commercial operations in 1996 but, according to the petitioners, has never produced the electricity promised in the 1991 agreement. In 1999, in an effort to increase production at the Mollejon Dam, the Belize Electricity Company Ltd. (BECOL) submitted plans to build a new dam 25 kilometers upstream from the Mollejon, at Chalillo. According to the petitioners, Fortis, Inc., a Canadian Multinational Corporation, owns a 68% stake in Belize Electricity Limited (BEL) and 100% in BECOL, making this company the majority owner of the sole distributor of electricity in Belize.

11. Based on several reports, petitioners submit that the construction of the dam at Chalillo would cause major, irreversible, negative environmental impacts of national and international significance, and that no effective mitigation measures would be possible. According to the petitioners, the Chalillo Dam would flood one of the last remaining intact rainforests in Central America; unexplored Mayan cultural sites; as well as parts of the Mountain Pine Ridge Forest Reserve, Chiquibul Forest Reserve, and Chiquibul National Park. According to reports submitted to the Commission by the petitioners, archaeologists listed about one hundred significant Mayan temple sites in the area to be flooded by Chalillo. A number of individual petitioners are of Mayan descent and they report that those sites are an important link to their Mayan ancestors and their Mayan heritage. Further, petitioners indicate the project will affect access to water and water quality for many communities.

12. According to the petitioners, on August 28, 2001, BECOL submitted an Environmental Impact Assessment to the National Environmental Appraisal Committee. They state that Belize’s

Environmental Protection Act and the Environmental Impact Assessment Regulations require a full environmental impact assessment for any major waterworks including a dam. On November 9, 2001, National Environmental Appraisal Committee recommended approval of the environmental impact assessment for the Chalillo Dam contingent on a satisfactory Environmental Compliance Plan (ECP). They state that on November 13, 2001, the government announced that a decision had been made to grant environmental clearance for the Chalillo dam although the Department of the Environment (DOE) had not yet granted clearance.

13. Petitioners contend that the Environmental Impact Assessment submitted to the National Environmental Appraisal Committee by BECOL on August 28, 2001 contained obvious and significant flaws in its analysis. For example, although the environmental impact assessment stated the area where the dam would be built consisted of granite, it was later demonstrated that the area consists of sandstone and shale. They further contend that the environmental impact assessment contained fraudulent information on seismic activity. According to the petitioners, National Environmental Appraisal Committee examined the environmental impact assessment and asked for more information from BECOL. BECOL refused to provide more information. Petitioners submit that, after a few months of unsuccessful inquiries to BECOL, National Environmental Appraisal Committee's chairman proposed on November 9, 2001 that National Environmental Appraisal Committee recommend approval of the environmental impact assessment contingent on a satisfactory Environmental Compliance Plan (ECP). Thus, to address the deficiencies in the environmental impact assessment, the government drafted the Environmental Compliance Plan. The ECP was formally concluded on April 5, 2002.

14. Petitioners further claim that during the construction of the Chalillo Dam BECOL violated the ECP, among other acts and omissions, by performing inadequate archeological surveys and excavations; failing to fulfill the promised mitigation measures to prevent wildlife losses; failing to provide and/or perform required water testing; failing to perform proper tests concerning water quality; failing to develop the Emergency Preparedness Plans to mitigate the risk of dam failure and catastrophic floods; failing to perform the promised waste management and pollution controls; failing to provide information on the design of the dam; failing to comply with provisions regarding quarries and borrow pits; failing to provide a healthy working environment for employees involved in the construction of the dam; failing to provide for issues of health pertaining to mercury levels in the fish; providing for little or no public involvement in the construction process; and, failing to properly monitor and enforce the terms of the ECP.

15. The petitioners further report that the "Third Master Agreement" –the contract on production and sale of electricity to include power generated at the Chalillo dam- includes provisions according to which all permits would be granted even if BECOL does not meet the statutory regulations, attempting to waive the application of all environmental laws.<sup>1</sup>

16. The petitioners indicate that, on the first day of 2002, the government began work on the access road for the Chalillo dam site, despite the absence of full approval from National Environmental Appraisal Committee, an Environmental Compliance Plan, or DOE approval. In February, 2002, the decision to conditionally approve the environmental impact assessment was presented for judicial review before the Supreme Court of Belize, which granted leave the next day. They claim that on April 5, 2002, almost six months after the Third Master Agreement was signed, BECOL and the DOE signed the Environmental Compliance Plan, and the DOE gave its final approval to the environmental impact assessment. On December

<sup>1</sup> According to the petition, Section 7.1 states: "The Government covenants and agrees to waive, or cause to be waived, and indemnify the Producer against any private action under or with respect to, any and all environmental laws, rules or regulations now existing, or created hereafter, to which the Mollejon Project and the New Project may be subject, other than any laws, rules or regulations set forth in the Mollejon Project Compliance Plan and the New Project Compliance Plan, as the case may be, to which the Producer has agreed to be bound." Subsection e of section 3.2 states, "no governmental, private or other entity other than the government has any rights, powers or privileges that if exercised could adversely affect the granting of the Franchise, the terms and conditions set forth in the Power Purchase Agreement, including [...] the [...] rights and privileges the government has agreed to provide to [BECOL]."

19, 2002, the Belize Supreme Court ordered a public hearing, but refused to nullify the approval of the environmental impact assessment.

17. On March 1, 2003, the Court of Appeal upheld the decision of the Supreme Court related to the approval of the environmental impact assessment; thus, an appeal was brought to the Privy Council. After the appeal to the Privy Council was admitted, the government passed the Macal River Hydroelectric Development Act, stating that the project would go forward regardless of any court decision. On January 29, 2004, the Privy Council rejected the appeal related to the approval of the environmental impact assessment in a 3-2 decision. The majority held that, while there were some important deficiencies in the environmental impact assessment, those deficiencies did not rise to the level of violations of the law of Belize.

18. According to the petitioners, the Chalillo dam flooded one of the last remaining intact rainforests in Central America as well as parts of the Mountain Pine Ridge Forest Reserve, Chiquibul Forrest Reserve and Chiquibul National Park; it also submerged numerous unexplored Mayan sites. They further claim that the construction and operation of the Dams has severely impacted the rights of those dependent on the rivers, particularly those who cannot afford to pay for alternative drinking water resources; those who depend on the river for other uses such as fishing, bathing, and laundry; people who use the river for their livelihood such as tour operators and resort owners; and those who use the river for leisure. The petitioners allege that the dam and the environmental impact caused is affecting the health of the identified communities. They report stomach problems due to the intake of affected water. Petitioners also submit that the Maya people have lost a major segment of their culture and history, which now lies underwater, buried in sedimentation in the Chalillo Reservoir.

19. In their original submission, petitioners asserted that the government of Belize failed to monitor implementation or enforce compliance with the Environmental Compliance Plan for the Chalillo Dam and that the government had begun talking about a third dam –the Vaca Dam- to be located on the same river. In 2009, petitioners informed the IACHR that the construction of the Chalillo Dam was completed in November 2005 and construction of the Vaca Dam was scheduled to be completed in 2010. BELPO sought to bring work on the Vaca Hydro Electric Facility to a halt by an injunction from the Supreme Court on the grounds that the Department of the Environment and BECOL had not fully executed or complied with the provisions of the Environmental Compliance Plan for the Chalillo Dam. However, the application for the injunction was reportedly refused on the principal ground that the proceedings concerned the Environmental Compliance Plan for the Chalillo Dam and not the Environmental Impact Assessment or the Environmental Compliance Plan for the Vaca Dam, which was, in the court's view, a separate undertaking distinct from the Chalillo Dam. However, the Court granted permission to seek judicial review by way of mandamus and declarations to have the Department of the Environment carry out the provisions of the Environmental Compliance Plan for the Chalillo Dam.

20. Therefore, BELPO applied for judicial review, seeking a writ of mandamus directing the Chief Environmental Officer of the Department of the Environment (DOE) to carry out the directives of the Environmental Compliance Plan. The Environmental Compliance Plan was designed to ensure that the Chalillo Damm would be constructed with due regard to environmental considerations in consonance with sustainable development. In its decision of June 30, 2008, the Court recognized the “potential of serious and dire consequences not only for the environment but the persons and things in the path of rushing waters from a dam break” and the necessity “that there be public awareness of the project and its impact on the environment.”<sup>2</sup> They submit that the Supreme Court found in BELPO's favor on all counts, but that orders of the Court were not fully carried out.

21. Petitioners contend that the government continually denied them and other citizens of Belize the right to access information related to the proposed Chalillo Dam. According to the petitioners, there

<sup>2</sup> The petitioners cite Supreme Court of Belize, A.D. 2007 (30 June, 2008). Claim No. 302 of 2007. Belize Institute of Environmental Law and Policy (“BELPO”), acting on behalf of people and communities downstream of said projects v. Department of the Environment.

is a serious threat that the dam could fail which would cause significant harm to persons and destruction. The petitioners contend that by failing to ensure the safety of the people downstream of the dam, and by reducing the quality of the river's waters, the government has threatened the right to life and the right to a healthy environment of people living in the Macal River area. They also argue that the government's approval of the dam construction threatened the right to the protection of the family and children, given that many Macal River residents are unable to ensure the health and safety of their children and families. They further claim that the government violated the right to work of people involved in the tourism industry and other businesses impacted by the dam. Additionally, they state that the flooding and degradation of the Mayan monuments and natural environment of the Macal River Valley violate Belizeans rights to culture and religion.

22. As a result, the petitioners seek redress for the violations of human rights related to the States's approval of the construction of the Chalillo Dam, the government's process for approving the construction and the government's contracts with private companies to build and operate the dam.

23. Based on all the above facts, petitioners conclude Belize has violated the alleged victims' rights under Articles I, IV, XXIII, XXIV, XIII, XI, XIV and XVII of the American Declaration, namely the right to life and personal security; the right to freedom of investigation, opinion, expression and dissemination; the right to property; the right of petition; the right to the benefits of culture; the right to the preservation of health and to well-being; the right to work; and the right to enjoy the basic civil rights.

#### **B. Position of the State**

24. The IACHR has not received any information or observations from the State regarding the present petition.

### **IV. ANALYSIS ON COMPETENCE AND ADMISSIBILITY**

#### **A. Competence**

25. BELPO originally filed this petition on its own behalf and on behalf of those impacted by the approval, construction and operation of the Chalillo Dam ("all Belizeans – particularly Mayan people of Belize; members of the Cristo Rey, Bullet Tree, San Ignacio, Santa Elena and Santa Familia communities; members of the Tour Guide Association; tour operators, resort owners and other business people, and other affected Belizeans"). The petition included information of seven individuals who had been or were going to be affected and explained how they depended on the river for food, recreation and work. These individuals are Eligorio Sho, a Belizean researcher; Thomas Caretela, a tour guide of the Macal River; Neida Waight, a resident of the village of Bullet Tree; Mick Fleming, owner of a lodge on the Macal River; Cecilio Pech, Mayor (*Alcalde*) of Cristo Rey village; Yolanda Harrison, a Belizean of Mestizo descent who owns a restaurant in San Ignacio; and Antonio Santiago, a tour operator in Santa Elena. The petitioners identify all, except Mick Fleming and Yolanda Harrison, as being Mayan descent.

26. On June 22, 2011, in response to a communication from the IACHR requesting to "identify the specific indigenous communities that are the alleged victims in the petition," the petitioners indicated: "several of the individual petitioners including Eligorio Sho, Neida Waight, Cecilio Pech and Antonio Santiago are of Mayan descent. In 2000 [...] Mayans made up 11% of the population of Belize [...] Many of the people of Cristo Rey village are Mayan. [...] The river is a source of food and drinking water, a social gathering place, and it is used as a mode of transportation for villagers and tourists between Cristo Rey and San Ignacio/Santa Elena, or between Cristo Rey and the lush jungle areas upstream."

27. On the basis of all the information presented, the Commission understands that the alleged victims in the instant petition are seven identified individuals and the residents of the villages of Cristo Rey, Bullet Tree, San Ignacio, Santa Elena and Santa Familia. The Inter-American Commission's Rules and jurisprudence recognize situations in which it is not possible to identify every victim by name. The IACHR

recognizes that certain human rights violations, by their nature or circumstances, may affect a given individual or group of persons are identifiable according to specific criteria.<sup>3</sup>

28. As to the State, the Commission notes that Belize is subject to the obligations set forth through the the OAS Charter, the American Declaration, Article 20 of the Statute of the IACHR and Article 51 of its Rules of Procedure. Belize has been a member of the Organization of American States since January 8, 1991, when it deposited the instrument of ratification of the OAS Charter.<sup>4</sup> Consequently, the IACHR is competent *ratione personae* to examine the petition.

29. Additionally, the Inter-American Commission is competent *ratione loci* to hear the petition, inasmuch as violations of rights protected in the American Declaration are alleged to have taken place within the territory of Belize. The IACHR is competent *ratione temporis* given that the obligation to respect and ensure the rights protected in the OAS Charter and the American Declaration was already in effect for the State on the date when the facts alleged in the petition presumably occurred. Lastly, the Inter-American Commission is competent *ratione materiae*, because the petition alleges potential violations of human rights protected by the American Declaration.

## **B. Admissibility Requirements**

### **1. Exhaustion of domestic remedies**

30. In accordance with Article 31(1) of the Rules of Procedure of the Inter-American Commission, for a petition to be admissible, domestic remedies must have been pursued and exhausted pursuant to generally recognized principles of international law. This requirement is aimed at enabling national authorities to take cognizance of the alleged violation of the protected right and, if appropriate, resolve the matter before it is heard by an international body.

31. Petitioners filed three petitions with Belizean courts for judicial review of the government's acts that lead to the alleged violation of rights. The first challenge (the environmental impact assessment claim) was to the approval of the Environmental Impact Assessment. The second challenge was to the Public Utilities Commission's approval of the Third Master Agreement (the PUC claim). The third challenge was to the interpretation, application and enforcement of the Environmental Compliance Plan (the ECP claim).

### **The environmental impact assessment claim**

32. According to the available information, judicial review proceedings were filed by the Belize Alliance of Conservation Non-Governmental Organizations (BACONGO) - of which BELPO is a member- on February 8, 2002. The initial application (the environmental impact assessment claim) was amended more than once as BACONGO discovered more about the decision-making processes. In particular, on February 27, 2002, BACONGO made an amended application for judicial review of the National Environmental Appraisal Committee's decision to conditionally approve the environmental impact assessment.

33. The Supreme Court of Belize granted leave the next day. The trial concluded on July 31, 2002, and the Belize Supreme Court delivered its decision on December 19, 2002, dismissing the application; thus, declining to nullify the approval of the environmental impact assessment.

34. On March 31, 2003, the Court of Appeal upheld the decision of the Supreme Court on the BACONGO's appeal of the National Environmental Appraisal Committee/DOE approval of the environmental

<sup>3</sup> IACHR, Report 86/06, Petition 499-04, Mariano Lopez *et al.* (Operation Genesis), Admissibility (Colombia) (Oct. 21, 2006) (recognizing the difficulty of identifying all potential victims who were allegedly displaced in the context of an armed attack).

<sup>4</sup> See also, IA Court of HR, Interpretation of the American Declaration on the Rights and Duties of Man within the Framework of Article 64 of the American Convention on Human Rights, OC-10.89, par. 45 (July 14, 1989).

impact assessment. The Chief Justice and the Court of Appeal rejected the claims that the environmental impact assessment was inadequate or that the DOE acted unreasonably or irrationally in giving the approval.

35. Subsequently, petitioners lodged an appeal before the Privy Council; however, on January 29, 2004 the Judicial Committee of the Privy Council rejected BACONGO's appeal of DOE's approval of the environmental impact assessment in a 3-2 decision<sup>5</sup>.

### **The PUC claim**

36. The second challenge was to the Public Utilities Commission's approval of the Third Master Agreement (the PUC claim). BACONGO challenged the decision on the grounds that there should have been public hearings before the PUC made its decision. The Supreme Court of Belize deferred to the judgment of the PUC and upheld its decision.

### **The ECP claim**

37. On July 9, 2007, BELPO applied for judicial review, seeking a writ of mandamus directing the Chief Environmental Officer of the Department of the Environment (DOE) to carry out the directives of the Environmental Compliance Plan concluded between the DOE and the developer of the project. The case concerned the interpretation, application and enforcement of the Environmental Compliance Plan. On June 30, 2008, the Supreme Court issued a favorable decision. According to the petitioners, some of the orders of the Court were not fully implemented.

38. The main allegations brought by the petitioners before the inter-American system concern alleged human rights violations stemming from the construction of the Dam, which they contend could have been addressed through a sufficient environmental impact assessment and an adequate decision making process. The petitioners have raised those issues before domestic courts. The challenges to the environmental impact assessment and the approval process of the Chalillo Dam were heard by Belize's Supreme Court and Court of Appeals, as well as by the Privy Council. The challenges to the alleged deficiencies in the implementation of the Environmental Compliance Plan were heard by the Supreme Court of Belize.

39. Additionally, in accordance with generally accepted principles of international law, the Commission notes that in submitting no response to this petition, the State waived its right to object to its admissibility based upon the exhaustion of domestic remedies rule.

40. Based on the above factors, the Inter-American Commission concludes that the petitioners properly exhausted domestic remedies available within the domestic legal system and, therefore, that the alleged victims' claims before the Commission are not barred from consideration by the requirement of exhaustion of domestic remedies under Article 31(1) of its Rules of Procedure.

## **2. Timeliness of the petition**

41. Article 32(1) of the IACHR's Rules of Procedure requires that for a petition or communication to be admitted, it must be lodged within a period of six months from the date on which the party alleging the violation of his rights was notified of the final judgment.

42. In the case under analysis, the Privy Council issued its decision on January 29, 2004. The IACHR received the petition on July 15, 2004. The Inter-American Commission therefore concludes that the present petition satisfies the requirement specified in Article 32(1) of its Rules of Procedure.

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<sup>5</sup> Privy Council Appeal No. 47 of 2003. Belize Alliance of Conservation Non-Governmental Organizations (Appellant), (1) the Department of the Environment and (2) the Belize Electric Company Limited (Respondents), from the Court of Appeal of Belize.

### 3. Duplication of proceedings and international *res judicata*

43. Nothing in the present file indicates that the subject of this petition is pending in any other international proceeding for settlement, or that it is substantially the same as another petition previously studied by the Inter-American Commission or by any other international organization. Hence, the requirements set forth in Article 33 of the IACHR Rules of Procedure have been met.

### 4. Colorable claim

44. Under Article 34(2) of its Rules of Procedure, the Commission must declare any petition or case inadmissible when it does not state facts that tend to establish a violation of the rights referred to in Article 27 thereof, in which case the petition is to be dismissed by virtue of the fact that it is “manifestly groundless” or “out of order,” as provided in Article 34(b). The criterion for analyzing a petition’s admissibility differs from the one used to analyze its merits, since in the admissibility phase the Inter-American Commission does only a *prima facie* analysis to determine whether a petition establishes the apparent or possible violation of a right guaranteed by the American Declaration. It is a preliminary analysis that does not imply any prejudgment or a preliminary opinion on the merits of the case.

45. The Inter-American Commission’s Rules of Procedure do not require a petitioner to identify the specific rights allegedly violated by the State in the matter brought before the Commission, although petitioners may do so. It is for the IACHR, based on the inter-American system’s jurisprudence, to determine in its admissibility report which provisions of the relevant instruments are applicable and could be found to have been violated if the alleged facts are proven by sufficient elements.

46. The petitioners contend that the promotion, approval, construction and operation of the Chalillo Dam by the government of Belize have violated the alleged victims’ rights under Articles I, IV, XXIII, XXIV, XIII, XI, XIV and XVII of the American Declaration, namely the right to life and personal security; the right to freedom of investigation, opinion, expression and dissemination; the right to property; the right of petition; the right to the benefits of culture; the right to the preservation of health and to well-being; the right to work; and the right to enjoy the basic civil rights.

47. The Commission finds that the alleged health problems of alleged victims resulting from the construction and operation of the Chalillo Dam, if proven, could represent violations of the right to life and personal security under Article I of the American Declaration and the right to preservation of health and well-being under Article XI of the American Declaration.

48. The Commission also finds that the alleged lack of access to information related to the environmental impact caused by the Chalillo Dam and its effects on the health of those whose lives depend on the Macal River’s waters, could represent a violation of the right to freedom of investigation, opinion, expression and dissemination, set forth in Article IV of the American Declaration.

49. The Commission further finds that the impact on the existence, value, use or enjoyment of property could represent a violation to the rights enshrined in Article XXIII. The Commission believes that development activities must be accompanied by appropriate and effective measures to ensure that they do not proceed at the expense of the fundamental rights of persons who may be particularly and negatively affected, including indigenous communities and the environment upon which they depend for their physical, cultural and spiritual well-being. The Commission finds that the effects on the Maya people of the destruction of Mayan archeological sites could represent violations of the right to the benefits of culture as well as to the right to religious freedom and worship protected under Articles XIII and III of the American Declaration. Under consistent considerations the Commission also declare admissible article XIV of the American Declaration in regard to the alleged violations to the right to work.

50. In addition, the IACHR rules the petition admissible with respect to the alleged violation of the right to a fair trial protected under Article XVIII of the American Declaration, in light of the alleged lack of implementation of the judicial decision related to the ECP.

51. Lastly, the Commission finds that, in accordance to the standards of the inter-American system, the information available does not present elements sufficient to identify a possible violation of the right of petition; the right to work; and the right to recognition of juridical personality and civil rights, protected under articles XXIV and XVII of the American Declaration.

## **V. CONCLUSIONS**

52. The Inter-American Commission concludes that it is competent to take cognizance of the present matter and that the petition is admissible under Articles 31 to 34 of its Rules of Procedure. Based on the arguments of fact and of law set forth herein and without prejudging the merits of the case,

### **THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS;**

#### **DECIDES:**

1. To declare the present petition admissible with respect to Articles I, III, IV, XI, XIII, XVIII and XXIII of the American Declaration;
2. To declare this petition inadmissible as regards the alleged violations of Articles XXIV, XVII and XIV.
3. To notify the parties of this decision;
4. To proceed to the analysis of the merits of the case; and
5. To publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Done and signed in the city of Washington, D.C., on the 27<sup>th</sup> day of the month of October 2015. (Signed): Rose-Marie Belle Antoine, President; James L. Cavallaro, First Vice President; Felipe González, Rosa María Ortiz, Tracy Robinson and Paulo Vannuchi, Commissioners.