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Import, Export, and Regional Consent in the Inter-American Court of Human Rights FREE

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European Journal of International Law, Volume 19, Issue 1, 1 February 2008, Pages 101–123, <https://doi.org/10.1093/ejil/chn002>

Published: 01 February 2008

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Abstract

The Inter-American Court of Human Rights has elaborated a significant body of human rights jurisprudence through interpretation of regional human rights conventions and the adaptation of European and global precedents and global soft law. The Inter-American Court has also aspired to influence outside its region by offering innovative interpretations of human rights and by identifying norms as jus cogens. The Court's methodology in recent years has appeared to give insufficient consideration to the consent of the regional community of states as a factor in the evolutive interpretation of a human rights treaty. The article illustrates and criticizes that trend, and contends that greater attention to indicia of regional consent could improve the acceptance and effectiveness of the inter-American human rights system.

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Online ISSN 1464-3596

Print ISSN 0938-5428

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