

## The contribution of international courts and tribunals to the development of procedural rules

### OC - (ILA-14155) - PROTECTING (POLY)VERSITY THROUGH PROCEDURAL LAW: CHALLENGES AHEAD

Mariana Monteiro De Matos (Germany)<sup>1</sup>

1 - Max Planck Institute

#### **Mariana Monteiro de Matos**

Education October 2018 Georg-August University of Goettingen, Goettingen, Lower Saxony, Germany Ph.D. in Laws  
December 2013 Georg-August University of Goettingen, Goettingen, Lower Saxony, Germany Master of Laws (LL.M.)  
March 2011 Federal University of Pará, Belém, Pará, Brazil Bachelor in Laws February 2010 State University of Pará, Belém, Pará, Brazil Bachelor in Trilingual Executive Management Research and Teaching Experience 2018-2021 Postdoctoral Research Fellow. Max Planck Institute for Social Anthropology, Halle (Saale), Germany • Researched on cultural and religious diversity in Portugal to publish a book on this issue • Conducted fieldwork in Portugal to collect data for the book • Analyzed court decisions related to cultural and religious diversity in Europe to produce data for the MPI's CURED database January-April 2017 Visiting Scholar. Washington College of Law, American University, Washington, D.C., USA • Researched on land rights of indigenous peoples and the Inter-American System at Pence Law Library (WCL), Indian Law Resource Center, Columbus Memorial Library, and Library of Congress to supplement the Ph.D. thesis' literature • Interviewed members of the Inter-American Commission and NGOs to gather updated information for the doctoral dissertation • Judged the international rounds of the Philip C. Jessup International Law Moot Court Competition • Participated at the 111th Annual Meeting of the American Society of International Law • Presented on the collective dimensions of property rights of indigenous peoples at WCL as part of the Visiting Scholars' Presentation Series to engage in a dialog on this topic with US based legal scholars • Observed the 161th period of sessions of the Inter-American Commission on Human Rights and the 16th Session of the United Nations Permanent Forum on Indigenous Issues (UNFPII) to gather information about ongoing issues related to the rights of indigenous peoples 2008/2010 Research Assistant. NAJUPAK Program, Faculty of Law, Federal University of Pará, Belém, Brazil • Published and presented papers on human rights education in seminars and conferences • Represented the Program in both internal and external meetings and events • Coordinated interdisciplinary seminars at the university to promote the research program • Prepared annual reports of the program activities for the university to renew financial support • Conducted weekly workshops on human rights education targeted to poor students of a primary school to improve their engagement against human rights violations • Tutored students at the university in developing human rights education workshops April-October 2009 Field Research Assistant. Brazilian Research Program on Biodiversity - East Amazonia, Emilio Goeldi Museum of Pará, Belém, Brazil • Prepared and conducted field empirical research with forest dwellers and traditional local communities at the Caxiupá National Forest (Pará, Brazil) under the supervision of Prof. Dr. Marluvia Bonifacio Martins • Wrote a paper with the results of the field research that the Almedina Press (Portugal) published April 2008 Teaching Assistant. Escola de Fabrica Project, Brazilian Ministry of Education, Belém, Brazil • Prepared classes to teach an 80-hour-course of English as a Foreign Language • Taught English as a foreign language to thirty students of a secondary school Professional Experience April-July 2014 Intern. Legal Affairs of the UNFCCC Secretariat, United Nations, Bonn, Germany • Researched the status of climate finance institutions established under the UNFCCC and its Kyoto Protocol to write a note that the coordinator of the legal affairs department presented in an external meeting • Summarized the jurisprudence of the United Nations Dispute Tribunal and the United Nations Appeal Tribunal on administrative decisions of performance evaluation to present to the Deputy Executive Secretary • Supported and participated in an international meeting between the UNFCCC Secretariat and the CBD Secretariat to help the CBD Secretariat with the arrangements for organizing the sessions of the CBD COP • Investigated and formulated an analytical paper on the evolution of final texts of international agreements to support the final negotiations of the 2015 Paris Agreement • Participated in UNFCCC Secretariat Task Force meetings on the Design of the 2015 Paris Agreement to prepare summaries that the Secretariat's internal newsletter published • Presented jointly with the Junior Professional Legal Officer on the new conceptual tools for the design of the 2015 Paris Agreement in an internal meeting February-March 2011 Attorney. De Matos Legal Office, Belém, Brazil • Interviewed and advised clients on civil law issues • Drafted court papers, including complaints and requirements for interim orders • Filed and monitored civil and labor lawsuits online and on-site • Argued claims before the assistants of the judge July-October 2010 Intern. Special Court for the Elderly, Federal Justice of Pará, Belém, Brazil • Supported the conciliation of parties claiming before the court • Drafted sentences to support the work of the judge • Participated in

audiences before the court to acquire experience with civil and criminal procedures September 2009 - June 2010 Intern. Public Legal Services Office, Federal University of Pará, Belém, Brazil • Interviewed and advised clients on civil and labor issues under the supervision of an assistant professor • Drafted court papers to be filed by attorneys of the office • Assisted attorneys of the office during audiences before court May 2008 - June 2009 Staff Support. Executive Secretariat of the Brazilian Research Program in Biodiversity, Emilio Goeldi Museum of Pará, Belém, Brazil • Managed the human resources database to enable monitoring of staff project • Organized meetings with the members of the project to evaluate the development of the project • Classified files of and assisted Professor Dr. Marlucia Bonifacio Martins during national and regional meetings Presentations at Conferences and Workshops January 2019 Religious and Cultural Diversity in Portugal: Procedural Aspects of the Access to Justice by Members of Vulnerable Groups, Max Planck Institute for Social Anthropology, Departmental Meeting, Halle (Saale), Germany September 2018 Property Protection in the Inter-American Human Rights System: An Investor's Perspective, Georg-August University of Goettingen, 1st University of Göttingen / University of Sao Paulo Summer School on International Investment Law, Goettingen, Germany August 2018 Past and Present of the Nuclear-Weapon-Free Zone in Latin America and the Caribbean, Intercontinental Hotel, 78th Biennial Conference of the International Law Association, Sydney, Australia October 2017 Use, Enjoyment, and Ownership of Beaches and Coastal Seas by Indigenous Peoples in International Human Rights Law: An Unsettled Issue, University of London, 10th Anniversary of the UN Declaration on the Rights of Indigenous Peoples: Conference to Review Progress and Challenges, London, UK April 2017 Fifty Shades of Collectiveness: Tribal and Indigenous Peoples as Collective Subjects in the Inter-American Human Rights System, American University Washington College of Law, International Visiting Scholars Program, Washington, D.C., USA November 2016 Culture v. Self-determination: Structural Bases for International Legal Frameworks Concerning the Rights of Indigenous Peoples, University of Regensburg, Workshop for Junior Scholars in International Law: Cultural Challenges Facing International Law, Jointly Conference of the Societe Francaise pour le droit international and the Deutsche Gesellschaft fuer Internationales Recht, Regensburg, Germany January 2016 From Individual Rights to Group Rights in International Human Rights Law: The Nature of Rights of Tribal and Indigenous Peoples in the Inter-American Human Rights System, Georg-August University of Goettingen, Seminar of the Institute for International Economic and Environmental Law, Goettingen, Germany July 2014 The Role of NGOs Regarding the Paris Agreement on Climate Change, UNFCCC, Internal Meeting of the Secretariat, United Nations, Bonn, Germany November 2012 Multikulturalismus und Multinaturalismus als Rechtspositionen von Verfassungsrang in Lateinamerika: Perkspektiven und Grenzen am Beispiel indigener Voelker, Akademie der Konrad-Adenauer-Stiftung, Seminar on Democracy, Autocracy and Globalisation: Latin America Facing New Challenges, Berlin, Germany September 2010 Arte, Cultura e Direitos Humanos, Federal University of Pernambuco, Recife, Brazil November 2009 Interdisciplinaridade nos Direitos Humanos, Federal University of Ceara, Fortaleza, Brazil Languages Portuguese, native speaker English, Fluent, TOEFL (iBT): 106 / 120 pts, June 2014 Spanish, Fluent, CEFR C2, Diploma de Espanol como lengua extranjera (DELE Superior), March 2008 Advanced course at Bellavista School in Santiago (Chile), July 2008 German, Fluent, CEFR C2, DSH 2 - University of Mannheim, September 2011 French, Basic knowledge, CEFR B1, Center for Foreign Languages at the University of Goettingen, October 2015 Latin, Basic knowledge, State University of Pará (Brazil), February-December 2007

## Abstract

In the aftermath of world war II, the international rule of law was developed mainly through the creation of individual rights. Progressively, this situation changed. States started to realize that the international human rights system had serious limitations, threatening the preservation of cultural diversity. As a result, international legal instruments focused on collective rights began to emerge. Notably, these group-related legal instruments did not entail procedural rules. Due to that, the normative impact of such instruments has been constrained. To protect diversity, I argue for the development of group-adequate procedural rules in human rights complaint mechanisms. Which type of procedural rules are essential in this regard? I answer this question by referring to the judicial practice of the Inter-American Court on indigenous' issues. By doing so, I underscore the relationship between procedural and substantial rights that touches upon the foundational basis of international law.

**Palavras-chave :** collective rights, procedural law, inter-american court