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This chapter discusses the emergence of Inter-American constitutionalism by addressing two related questions. First, how has the Inter-American Court, despite its significant institutional constraints, come to be perceived as an entity that is forging a new American constitutional order by reshaping the content and practice of constitutional law in the region?

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### **Inter American Constitutionalism And Judicial Backlash**

The Inter-American Juridical Committee (CJI) is one of the principal organs of the Organization of American States (OAS). The Committee serves the Organization as an advisory body on juridical matters to promote the progressive development and codification of international law and to study the possibility of standardizing legislation across the countries of the Hemisphere.

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Transformative Constitutionalism, Right to Free, Prior and Informed Con-sent (fPiC), Indigenous Peoples, Afro-Descendants, Constitutional Court of Colombia, Inter-American Court of Human Rights, Judicial Dialogue. RESUMEN En esta investigación se expone un ejemplo de diálogo judicial y transformador

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This chapter explains how the creation of the doctrine of conventionality control by the Inter-American Court of Human Rights, and the internationalization of constitutional law in Latin America, have contributed to the greater effectiveness of the inter-American corpus iuris at the state level, and to the existence of judicial dialogue in the inter-American system of human rights. In this ...

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Constitution, the judges ought to be governed by the latter rather than the former." It is the constitution that is supreme: "whenever a particular statute contravenes the Constitution, it will be the duty of the judicial tribunals to adhere to the latter and disregard the former." e.

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The second criticism is that the Inter-American Court's assertion of conventionality control fails to consider adequately the existence of different constitutional arrangements (e.g., diffuse, concentrated, and mixed models of judicial review), by aiming to give all domestic judges the power to disregard legislation in conflict with both the ACHR and the Inter-American Court's interpretations of the convention (whether or not those domestic judges otherwise have such power under their ...

### **final word? Constitutional dialogue and the Inter-American ...**

The only original intention of Latin American constitutionalism is that the constitution be a living one. The openness of the ICCAL facilitates integration of the legal and moral principles of the national courts and the Inter-American System of Human Rights.

### **Common-Good Constitutionalism and the "Ius Constitutionale ...**

This research presents an example of transformative case law from the Inter-American Court of Human Rights and the Constitutional Court of Colombia. Due to the fact that these Courts had seriously contemplated the right to free, prior and informed consultation of indigenous peoples and afro-descendants, this study explains the standards and statistics produced for 25 years on the topic.

### **Judicial Dialogue and Transformative Constitutionalism in ...**

A bold doctrine, it aims at giving all judges in the Americas—now called "inter-American judges," a term

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coined by current Inter-American Court judge Eduardo Ferrer Mac-Gregor—the power to impugn legislation in tension with the ACHR and, moreover, with the Inter-American Court’s own interpretation of the Convention’s provisions.

### **final word? Constitutional dialogue and the Inter-American ...**

To the surprise of all, a Court that had been a close ally and an enthusiastic enforcer of Inter-American standards was now stating that “repeal” was impossible, talking of a “sphere of sovereignty reservation”, and proclaiming its status as supreme judicial body in the country.

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