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ABSTRACT

This paper argues that human rights are a relevant language and effective framework for social change, particularly when it is recognized as historically emerging from grassroots struggles, and remains closely connected to the lived realities of people around the world and ongoing movements for social justice. While providing a basis for unity and moral and political legitimacy, human rights advocacy confronts unequal social relations, economic conditions and political structures. In this regard, who we represent— in terms of the scope, nature and leadership of “the human rights movement”— is a vital question if our ultimate aim is to make social justice a reality for all. Despite different roles, approaches, and geographical locations, we ideally recognize ourselves as part of a common movement for social justice, necessarily led by the poor, oppressed, exploited, and others who have made a commitment to make human rights a reality for all.

Original in English.

Received in March 2014.

KEYWORDS

Inequality – Poverty – Social movements – Uprisings – Human rights – Representation



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This paper is available in digital format at www.surjournal.org.

ARTICLE

TO BUILD A GLOBAL MOVEMENT TO MAKE HUMAN RIGHTS AND SOCIAL JUSTICE A REALITY FOR ALL

Chris Grove

“Who do we represent?” “Are human rights still an effective language for producing social change?” These two questions posed to human rights organisations, among the several raised by *Sur* for their twentieth issue, seem particularly relevant in light of the popular uprisings that have spread from Tunisia to Egypt to Spain, Chile to the US, India to South Africa to Brazil. In Egypt, the common demand was for “bread, freedom and social justice”. In Chile, tens of thousands of students challenged for-profit education, which excluded many from quality secondary or university education, under the slogan “*Chao, lucro!*” (“Goodbye, profits!”). In Spain, the *indignados* protested against high unemployment and an electoral system dominated by two parties that no longer represent their interests. They practiced direct democratic methods that were soon echoed in renewed anti-austerity protests in Greece and in the Occupy movement in the US. For several years, Abahlali baseMjondolo, centred in Durban, South Africa, has joined the Landless Peoples’ Movement, the Western Cape Anti-Eviction Campaign, and other movements of poor people in boycotting elections under the slogan: “No Land! No House! No Vote!” Protesters in each of these locations have tended to combine demands for economic rights, greater participation, and dignity, while often learning from and expressing solidarity with one another. At an even more basic level, they have challenged deepening inequality, whether manifest as impoverishment amid abundance or lack of political voice in systems oriented towards the benefit of a few (DAVIES et al., 2008; FUENTES-NIEVA; GALASSO, 2014).

This reflection argues that human rights are a relevant language and effective framework for social change, particularly when they are recognised as historically emerging from grassroots struggles and remain closely connected to the lived realities of people around the world and ongoing movements for social justice. While providing a basis for unity and moral and political legitimacy, the human rights framework and related advocacy confront unequal social relations, economic conditions and political structures, which often reflect interests other than common economic well-being and meaningful democracy. In this regard, I suggest that who we represent— in terms of the scope, nature and leadership of

“the human rights movement”— is a vital question if our ultimate aim is to make social justice a reality for all.

Like the *Sur Journal*, ESCR-Net (International Network for Economic, Social and Cultural Rights) is celebrating its tenth anniversary and emerged from a similar vision to strengthen connections between NGOs, social movement activists, and academics across the Global South, as well as between the South and North, facilitating stronger engagement at the international level. For ESCR-Net, this was driven by the realisation that transnational corporations, international trade and investment agreements, as well as other global challenges were affecting communities around the world, who were often unable individually to impact these trends or forces. Working “to build a global movement to make human rights and social justice a reality for all”, ESCR-Net has attempted to create a platform for strategic exchange and joint advocacy, now led by over 200 organisational and 50 individual members across 70 countries. As current director of the ESCR-Net Secretariat, while the following are my own reflections, they benefit from regular dialogue and collective work with these members, several of whom are cited throughout this paper.

1 Human rights, a relevant language

Echoing the stories of various social movement members, the argument for human rights ‘from below’ or emerging from common aspirations and struggles for justice is reinforced by multiple histories, which trace origins to philosophical schools of thought, social struggles, and religious traditions from across the world. In this regard, human rights originate as moral and often political demands, which have been incorporated into human rights standards at particular historic moments. In one account, the abolition movement, slave rebellions, and the Haitian Revolution, in its radicalisation of the narrow conception of rights informing the US and French Revolutions, gave birth to human rights based in “freedom, equality and common humanity”, which were codified in the wake of World War II, with China and Latin American States calling for both political and economic rights (BLACKBURN, 2011, p. 477). Tracing another narrative, the US NAACP— National Association for the Advancement of Colored People, formed in 1909 —, guided by W.E.B. DuBois, submitted an “Appeal to the World” to the United Nations in 1947, decrying racial subordination as a human rights violation, embracing both civil and economic rights, and linking African American equality to decolonisation (ANDERSON, 2003). In 1955, the Universal Declaration of Human Rights was affirmed by the Non-Aligned Movement in Bandung (INDONESIA, 1955). In still another narrative, representing one of many anti-colonial struggles for the right to self-determination, Amílcar Cabral, Secretary-General of the African Party for the Independence of Guinea and the Cape Verde Islands (PAIGC), spoke of “inalienable rights” and “the legitimate aspirations of the African people to live in dignity”, reinforcing a call to convince the Portuguese “to respect international morality and legality”, in his final speech to the UN General Assembly in 1972 (CABRAL, 1973, p. 16-17).

Analysing movements of the poor organising the poor in the US, most recently through their co-leadership of the Poverty Initiative, Willie Baptist and Liz Theoharis (2011) highlight three reasons why they and other grassroots leaders have utilised the human rights framework. First, following the lead of Rev. Dr. Martin Luther King, Jr., and his move to human rights and the Poor People's Campaign in the final years of his life, they suggest: "economic human rights offer a framework to unite poor and working people across color lines into a common struggle, appealing to certain core values of the US tradition and culture". Secondly, demanding "Economic human rights for all!" has allowed them to raise fundamental questions about "why poverty exists in the richest country in the world, and to raise another basic question on the relation between the growth of poverty in the United States and its growth worldwide". Finally, drawing on the international recognition of human rights, foremost in the Universal Declaration of Human Rights, has brought moral and political legitimacy to these movements (BAPTIST; THEOHARIS, 2011, p. 172-173).

Struggling to secure the human rights of their communities in the face of powerful transnational forces, indigenous leaders have similarly looked to "international standards, not just local solutions". These leaders committed two decades to the arduous task of building common demands, playing an unprecedented role in drafting and negotiating to finally secure the UN Declaration on the Rights of Indigenous Peoples, on 13 September 2007 (GELBSPAN; PRIOSTE, 2013, p. 86-103). When opening the 2013 Peoples' Forum on Human Rights and Business, Legborsi Saro Pyagbara, president of the Movement for the Survival of the Ogoni People (in Nigeria), emphasised the importance of building a global network for human rights, which had been vital to the struggle in Ogoniland but also to securing international human rights standards that benefit numerous struggles. He emphasised:

"No matter the strength of the forces that we may contend with, I still believe strongly that with our collective effort, with our collective power [...] we can get the objective of getting an internationally binding regulation for companies. [...] We can change our world"

(PYAGBARA, 2013).

These and related grassroots struggles have been central to the codification of human rights at the international level and continue to guide their ongoing evolution, whether reinforcing the rights of indigenous peoples, women and persons with disabilities or the extraterritorial obligations of States to regulate the activities of corporations and private investors abroad. In the wake of the Great Depression, fascism, and genocide, drawing on diverse philosophical traditions and struggles for justice, the Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly in 1948 affirming "the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people". Arguably resonating with peoples' lived experience, the UDHR has been translated into

418 languages (UNITED NATIONS, 2014). In the 1993 Vienna Declaration and Programme of Action, representatives of 171 States and more than 800 grassroots groups and other NGOs reaffirmed: “All human rights are universal, indivisible and interdependent and interrelated” (UNITED NATIONS, 1993, art. 5). The Vienna Declaration led to the creation of the High Commissioner for Human Rights; called for examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights, which led to an international remedy mechanism for ESCR violations; and urged the domestic incorporation of human rights standards, with the South African Constitution providing an important model the following year (UNITED NATIONS, 1993, art. 18, 75, 83).

The above begins to answer the question: “Are human rights still an effective language for producing social change?” Yet the question might be reframed as: Is social justice becoming a reality for growing numbers of people due to human rights advocacy? I argue for a qualified “yes”. After more than a decade of renewed advocacy on human rights and business at the UN, few major corporations, particularly with brand recognition, can avoid addressing corporate social responsibility, at least giving a nod to human rights and environmental safeguards. Current UN processes have produced the UN Guiding Principles on Business and Human Rights, a mandate for a thematic UN Working Group to “make recommendations at the national, regional and international levels for enhancing access to effective remedies” (UNITED NATIONS, 2011, art. 6e), and over 20 States calling for development of a legally binding standard at the Human Rights Council in 2013 (ECUADOR, 2013). Similarly, the Declaration on the Rights of Indigenous Peoples has deepened recognition of the right to free, prior and informed consent to business investments in their land, via the right’s inclusion in both the UN Human Rights Council’s Universal Periodic Review and in the International Finance Corporation’s Performance Standard 7*; the right has been further alleged in successful arguments before regional human rights bodies (for instance, see INTER-AMERICAN COURT OF HUMAN RIGHTS, *Pueblo Indígena Kichwa de Sarayaku v. Ecuador*, 2012). Furthermore, in one recent case, media coverage and political pressure intensified on 1 October 2013, when eight UN mandate holders issued a press release on the letters that they had sent to India, South Korea, and the South Korean corporation Posco, outlining the human rights obligations of each actor in relation to the largest foreign direct investment project in India’s history (UNITED NATIONS, 2013). However, despite these successes, widespread violations involving corporations continue in the face of voluntary standards and weak remedies.

Building on the South African Constitution and the country’s independent Constitutional Court, the Legal Resources Centre and Community Law Centre, among other human rights organisations, were central to securing positive precedents in early and vital ESCR cases, including the obligation to respect the right to housing, requiring government to take reasonable steps to ensure access

*The IFC – a branch of the World Bank’s group directed to the private sector – has established standards that its clients must meet during IFC’s investment. Performance Standard 7, on Indigenous peoples, now details the circumstances that require affected communities’ free, prior and informed consent to intended developments.

to adequate housing and provide relief for those in most desperate needs, and the right of access to healthcare, forcing government to make available nation-wide a drug that helps to prevent mother-to-child transmission of HIV/AIDS (SOUTH AFRICA, *Government of RSA & Others v. Grootboom & Others* 2000; SOUTH AFRICA, *Minister of Health & Others v. Treatment Action Campaign & Others*, 2002). In 2013, the Centre for Human Rights and Development brought a case to the Supreme Court of Mongolia, which set an important precedent in ruling illegal two extraction and six exploration licenses for a mining corporation based on the constitutional right to live in a healthy and safe environment (MONGOLIA, 2013). The Centre suggested that Mongolia's ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) and the possibility of a complaint to an international treaty body helped to ensure a fair hearing and ultimately justice for the herders involved in the case. Yet, while the justiciability of economic, social and cultural rights has been demonstrated via cases at all levels, litigators and advocates must now grapple with the frequent lack of implementation of positive decisions. Further, despite monumental legal victories, poverty and substantive inequality still plague South Africa, twenty years after the end of apartheid, while the extractive industry continues to reshape Mongolia in ways that frequently undermine human rights.

Human rights offer a relevant language for building unity, providing legitimacy, and framing internationally recognised demands, while securing justice in many individual cases. However, the above paragraphs suggest that the “effectiveness” of human rights confronts vastly unequal power relations. As the long-contested Belo Monte Dam in the Brazilian Amazon moved forward in late 2013, Padre Claret Fernandes, a leader of *Movimento dos Atingidos por Barragens* (MAB, movement of people affected by dams), reflected: “The incredible speed of capital and its priorities run over everything [...] The indigenous population was not consulted [...] the day of evictions in Altamira is a stark reflection of this historical pattern of the violation of human rights prompted by the construction of dams” (FERNANDES, 2014). Frederick Douglass, former slave and abolitionist, was clear: “The whole history of the progress of human liberty shows that all concessions yet made to her august claims have been born of earnest struggle. [...] Power concedes nothing without a demand. It never did and it never will” (DOUGLASS, 1950 [1857], p. 437). The abolition movement involved moral and even physical struggle, political negotiation, legislative change and legal battles, and ultimately the end of slavery was the first of many steps towards formal equality in the US, which has not yet consolidated into full substantive equality. This arguably leads to and adds urgency to the question: Who do we represent?

2 Who we represent

In part, we hopefully represent ourselves, our families and friends, our own communities facing different forms of injustice, the grassroots movements to which many of us belong in our own countries, and the political or moral commitments we have made. ESCR-Net's Board is elected by members from

members, based on principles of regional diversity, gender balance, and inclusion of social movements.

Two of our seven current board members are social movement leaders; the rest are officially representatives of NGOs. However, this perhaps offers too simple of a picture. All of the board members have spent the majority of their lives politically committed to and struggling for human rights. At our most recent board meeting, we began with the questions: What led you to become an advocate for human rights? Why are you committed to leading and helping to build a global network or movement to advance ESCR? Two of our board members—one from a social movement and one from an NGO—became politically engaged in college struggling against repressive governments, spent time underground, and dedicated their lives to advancing human rights. Another NGO representative spoke of watching the loss of a small family farm and then becoming aware of wider trends impacting both the Global North and South.

Yet there are substantial differences and periodic tensions between many social movements and NGOs, as well as between different types of movements. Social movement leaders are directly accountable to their communities, usually emerging from them and facing similar impoverishment, dispossession, discrimination or repression. Academics—not necessarily emerging from a given movement—often offer useful analysis, and many established NGOs provide needed legal or media expertise or access to decision-makers. However, the strategic analysis, decision-making processes, and political importance of social movements are sometimes undervalued or disregarded. From their earliest protests challenging dispossession and displacement in Durban, South Africa, the movement Abahlali baseMjondolo has been accused of being led by a ‘Third Force’ of outside agitators. The term was originally used to describe covert support from white security forces to Zulu nationalists fighting against the ANC in the final years of apartheid in South Africa. Today, the term suggests white manipulation and lack of agency of the poor. S’bu Zikode, a shack dweller, gas station attendant and first Chairperson of AbahlalibaseMjondolo, powerfully challenged several NGOs, academic and government critics, who had not seriously engaged with the movement but chose to speak about or for it:

I must warn those comrades, government officials, politicians and intellectuals who speak about the Third Force that they have no idea what they are talking about. They are too high to really feel what we feel. They always want to talk for us and about us but they must allow us to talk about our lives and our struggles. [...] The Third Force is all the pain and the suffering that the poor are subjected to every second in our lives. [...] We are driven by the Third Force, the suffering of the poor. Our betrayers are the Second Force. The First Force was our struggle against apartheid. The Third Force will stop when the Fourth Force comes. The Fourth Force is land, housing, water, electricity, health care, education and work. We are only asking what is basic – not what is luxurious. This is the struggle of the poor. The time has come for the poor to show themselves that we can be poor in life but not in mind.

(ZIKODE, 2006, p. 185).

Despite this critique, AbahlalibaseMjondolo has formed strong alliances— vetted by movement members— with the Socio-Economic Rights Institute of South Africa to serve as legal counsel, with Sleeping Giant to create the documentary *Dear Mandela*, and with academics like Richard Pithouse.

Instead of ‘who do we represent,’ the question might as well be: who must be central to our movement? In part, the answer of ESCR-Net, *SUR*, and a growing number of human rights actors over the past decade has been civil society organisations from every region of the world, with particular attention to the Global South, which has often faced dispossession and exploitation via the policies of governments and international financial institutions from the Global North. However, inequalities also exist within countries and regions. Some civil society organisations have access, even if imperfect, to national and international opinion and decision makers while others remain marginalised. More importantly, an individual civil society organisation, regardless of its profile or location, usually has minimal ability to affect societal change and secure human rights at a systemic level, when working in isolation. This argues for a growing and interconnected movement of grassroots groups and established organisations from all regions of the world.

In calling for a Poor People’s Campaign to march on Washington, DC, months before his assassination, Rev. Dr. Martin Luther King, Jr. outlined his analysis of how societal change would occur:

The dispossessed of this nation— the poor, both white and Negro— live in a cruelly unjust society. They must organise a revolution against the injustice, not against the lives of the persons who are their fellow citizens, but against the structures through which the society is refusing to take means which have been called for, and which are at hand, to lift the load of poverty. There are millions of poor people in this country who have very little, or even nothing, to lose. If they can be helped to take action together, they will do so with a freedom and a power that will be a new and unsettling force in our complacent national life.

(KING, 1967, p. 59-60).

This dispossession and impoverishment has grown in the US and most of the world, and many from among the poor and precarious have begun to decry the injustices perpetuated by existing economic and political systems. The centrality and leadership of this social group was vital for Dr. King, yet he also imagined that many “from all groups in the country’s life” would join and ultimately become leaders, like himself, in this movement to end poverty and injustice. Secondly, he understood that this movement must ultimately become international, noting that “we in the West must bear in mind that the poor countries are poor primarily because we have exploited them” and calling for unity with Latin American movements and anti-apartheid struggles in South Africa (KING, 1967, p. 62).

A recent study, mapping “World Protests 2006-2013”, documented 843 protest events across 87 countries, suggesting that the largest number (488) challenged economic injustice and austerity, followed by grievances with the

failure of political representation. Many utilised the language of rights, and 70 were ‘global’ or organised across regions. After noting the growth and size of these protests as “another period of rising outrage and discontent” comparable to 1848, 1917, or 1968, the authors suggest:

Although the breadth of demand for economic justice is of serious consequence, the most sobering finding of the study is the overwhelming demand (218 protests), not for economic justice per se, but for what prevents economic issues from being addressed: a lack of ‘real democracy’, which is a result of people’s growing awareness that policy-making has not prioritized them— even when it has claimed to— and frustration with politics as usual and a lack of trust in existing political actors, left and right.

(ORTIZ et al., 2013, p. 5-6).

I would echo the gravity of recent protests, both their scope and substance. The economic inequality and systemic issues that led to many protests remain. As uncertainty, falling currency values, and dwindling capital plague emerging economies, the tepid recovery in wealthier countries appears primarily to be a recovery of the financial system, which has avoided public takeover or even substantial regulation despite widespread condemnation and taxpayer bailouts. Where unemployment rates are falling, this is often due to a decrease in labour force participation rates and the growth of temporary, lower-paying jobs. Revolutions in computing and robotics may offer benefits that could be allocated widely in the future, yet seem to promise an extended period of dislocation, redundant labour, and growing inequality under our current economic model. Further, across many countries, there has seemingly been an increase in criminalisation, defamation and repression of human rights defenders and social protest, closing space for participation that is central to “real democracy” and attempting to silence public debate about the nature of our shared future.

To be relevant to popular uprisings and movements, my sense is that we must embrace the potential of human rights to raise critical questions about our economic and political systems via an internationally recognised framework, which emerged from social struggle and embodies demands for a just society. Even as many of us call for legislative and policy reforms, greater accountability, and international cooperation in line with evolving human rights standards, our origins as human rights organisations encourage an ongoing connection to the moral outrage that decries poverty amid global plenty, embraces substantive equality, and elevates common good above the privilege of a few. Similarly, despite different roles, approaches, and geographical locations, we ideally recognise ourselves as part of a movement for social justice and human rights, led by the poor, oppressed, exploited and the rest of us who have made a commitment to make human rights a reality for all. This is not a movement for someone else in a distant place. From the forces of technological change and global capital to the impacts of climate change and military conflict, our deepening global interdependence suggests that this must become a movement for our common future and collective human dignity and well-being.

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