The Justiciability Of Economic Social And Cultural Rights In The African Regional Human Rights System Theory Practice And Prospect

The Spirit of Nantes

In recent years, political philosophers have debated whether human rights are a special class of moral rights we all possess simply by virtue of our common humanity and which are universal in time and space, or whether they are essentially modern political constructs defined by the role they play in an international legal-political practice that regulates the relationship between the governments of sovereign states and their citizens. This edited volume sets out to further this debate and move it ahead by rethinking some of its fundamental premises and by applying it to new and challenging domains, such as socio-economic rights, indigenous rights, the rights of immigrants and the human rights responsibilities of corporations. Beyond the philosophy of human rights, the book has a broader relevance by contributing to key themes in the methodology of political philosophy and by addressing urgent issues in contemporary global policy making.

Economic and Social Rights in a Neoliberal World

The rise of neoliberal policy and practice simultaneous to the growing recognition of economic and social rights presents a puzzle. Can the rights to food, water, health education, decent work, social security and the benefits of science prevail against market fundamentalism? Economic and Social Rights in a Neoliberal World is about the potential of these rights to contest the adverse impacts of neoliberal policy and practice on human wellbeing. Cutting across several lines of human rights literature, the chapters address norm development, court decision making, policymaking, advocacy, measurement and social mobilization. The analyzes reveal that neoliberalism infiltrates management practices, changes international policy goals, flattens public school curriculum and distorts the outputs of UN human rights treaty bodies. Are economic and social rights successful in challenging neoliberalism, are they simply marginalized or are they co-opted and incorporated into neoliberal frameworks? This multidisciplinary work by a geographically diverse group of scholars and practitioners begins to address these questions.

The Future of Economic and Social Rights

Human rights are intertwined with large processes of globalisation. One of these processes is the rapid world-wide growth of multinational business enterprises. This volume argues that normative and legal developments to regulate and govern the behaviour of transnational businesses represent a new frontier in the struggle for human rights. This frontier has borne witness to many victims, but there are also glimpses of hope and opportunities for expanding the respect and protection of human rights in the corporate sector at local, national, and global levels. The volume presents essays discussing current international challenges and efforts to advance human rights duties of transnational businesses. An introductory essay provides an overview of the debate and the individual chapters discuss legal, institutional, political, and social dimensions and obstacles to advancing business enterprises' social and legal commitment to human rights norms. The book is aimed at legal and development scholars, public servants, and civil society practitioners with an interest in human rights commitments of transnational businesses. It is also of use for teachers and students in human rights law, corporate social responsibility courses, and courses in global development in degree programmes, and professional training programmes. [Subject: Human Rights Law, Commercial Law]

This book examines the record of jurisdictions in which attempts have been made at judicial enforcement of economic, social and cultural rights. Contributions provide insights into the methods, specificity, and limits of judicial enforcement. They explore the interdependence of civil and political rights and economic, social and cultural rights, and the permeation of the latter into interpretations of the former. The judicial approach now tends to the view that not only are both types of rights essential for human dignity, but also that economic, social and cultural rights, when not directly enforceable as such, help to elaborate civil and political rights.

Courts and the Legal Enforcement of Economic, Social and Cultural Rights

The Oxford Handbook of the Canadian Constitution provides a remarkable resource for comparativists at a time when the Canadian constitution is a frequent topic of constitutional commentary. The Handbook offers a vital account of constitutional challenges and opportunities at the time of the 150th anniversary of Confederation.

Justiciability of Human Rights Law in Domestic Jurisdictions

This volume offers a selection of those major contributions which have shaped debate in the field of economic, social and cultural rights, the broad range of discussion includes: the nature of economic, social and cultural rights and the ability of courts to protect them; the effectiveness of non-judicial protective mechanisms at both the universal and the domestic level; ways of measuring whether states do enough to 'progressively realise' these rights; the impact of trade and investment liberalization, and of economic globalization generally, on the fulfilment of such rights; and the role of economic, social and cultural rights in development.

Justiciability of Economic, Social and Cultural Rights in the Inter-American Court of Human Rights

"One purpose of this book is to respond to this shift: to look beyond the more abstract and ideological discussions of the nature of socio-economic rights in order to engage empirically with how such rights have manifested in international practice". -- INTRODUCTION.

Economic, Social & Cultural Rights in Practice

Economic and Social Rights Law

This collection of 16 essays by 19 contributors calls into question the notion of domestic justiciability across a wide range of human rights issues, such as health, human dignity, criminal justice, property and transitional democracy. The authors offer critical analyses of a number of rights frameworks, focusing in considerable detail upon specific countries (e.g. Libya, Colombia, Ireland, the United Kingdom, Northern Ireland, South Africa, Nigeria, Zimbabwe, Kenya, India) and regions (e.g. Europe, Africa) to highlight the various challenges which continue to vex human rights advocates and scholars. In doing so they pinpoint some of the major tensions that still exist within developing and developed jurisdictions, via a myriad range of perspectives. The essays collectively present a diverse assortment of themes unified by a single 'golden thread' – that of the domestic interpretations given to human rights protections. They raise questions as to how such rights might be made substantive at the level of domestic implementation, and query the extent to which these rights can, or even should, be enforced by the courts. The potential strains in the relationship between human rights and the rule of law, is further called into question by another central theme: that of human dignity. A fundamental dilemma arises in respect of the extent to which a 'right' to dignity can best be promoted, protected or monitored by domestic decision-makers. Similar issues are apparent within the context of the protection of those human rights which increasingly tend to engage social, political or economic considerations and interests. Whilst these arguments are often framed principally in terms of 'rights,' the collective message that emerges from this book is that such rights may often be, in fact, essentially non-justiciable. Readers of this text will perhaps feel compelled to reflect carefully and fully upon what it tells us about human rights law generally, and the extent to which such rights may be truly amenable to adjudication by the courts.

Social Rights Jurisprudence

In the space of two decades, social rights have emerged from the shadows and margins of human rights jurisprudence. The authors in this book provide a critical analysis of almost two thousand judgments and decisions from twenty-nine national and international jurisdictions. The breadth of the decisions is vast, from the resettlement of evictees to the regulation of private medical plans to the development of state programs to address poverty and illiteracy. The jurisprudence not only implicates our understanding of economic, social, and cultural rights, but also challenges the philosophical debates that question whether these rights can and should be justiciable.

The Soft Vengeance of a Freedom Fighter

The book analyses the legal nation of human rights as indivisible, interrelated and interdependent rights by analysing case law from the European Court of Human Rights. The book concludes that the nation of human rights as indivisible right as a legal content and that aspects of several socio-economic rights are in fact protected by the Convention.
This book is concerned with children's economic and social rights (sometimes referred to simply as children's social rights). Despite increased academic interest in both children's rights and socio-economic rights over the last two decades, children's social and economic rights remain a comparatively neglected area. This is particularly true with regard to the role of the courts in the enforcement of such social rights. Aoife Nolan's book remedies this omission, focussing on the circumstances in which the courts can and should give effect to the social and economic rights of children. The arguments put forward are located within the context of, and develop, long-standing debates in constitutional law, democratic theory and human rights. The claims made by the author are supported and illustrated by concrete examples of judicial enforcement of children's social and economic rights from a variety of jurisdictions.

The work is thus rooted in both theory and practice. The author brings together and addresses a wide range of issues that have never previously been considered together in book form. These include children's socio-economic rights; children as citizens and their position in relation to democratic decision-making processes; the implications of children and their rights for democratic and constitutional theory; the role of the courts in ensuring the enforcement of children's rights; and the debates surrounding the litigation and adjudication of social and economic rights. This book thus represents a major original contribution to the existing scholarship in a range of areas including human (and specifically social) rights, legal and political theory and constitutional law. 'Children's rights were often thought to be synonymous with economic and social welfare prior to the adoption of the Convention on the Rights of the Child in 1989. Ironically, since that time, remarkably little scholarship has been devoted to the vitally important economic and social rights dimensions of children's rights. Nolan's book singlehandedly remedies that neglect and does so in a sophisticated, nuanced and balanced way. It provides a superb account of the pros and cons of judicial activism in promoting these rights.' Philip Alston, John Norton Pomeroy Professor, NYU Law School 'Thus far the burgeoning literature on the judicial enforcement of socio-economic rights has failed to engage in a sustained, systemic manner with this topic from the perspective of children and the complexity of their status as citizens within contemporary democracies. This book fills this gap and makes a major contribution to the literature in the three interrelated areas of the judicial review of socio-economic rights claims, children's rights, and democratic theory. Nolan navigates skillfully through the dense, but rich literature in these areas as well as relevant international and comparative law. In so doing she illuminates both the pitfalls and potential of resorting to courts in a partial response to the multifaceted and deeply entrenched global phenomenon of child poverty. Professor Sandra Liebenberg, HF Oppenheimer Professor of Human Rights Law, University of Stellenbosch Law Faculty. Winner of the Kevin Boyle Book Prize 2012, awarded by the Irish Association of Law Teachers to a book that is deemed to have made an outstanding contribution to the understanding of law.'

This book develops principles of adjudication to facilitate accountability for violations of Economic and Social Rights. Economic and Social Rights engage with areas relating to social justice and their violation tends to impact on the most vulnerable members of society. Taking the UK as a case study, the book draws on international experience and comparative practice, including progressive reform at the devolved subnational level, that demonstrate the potential reach of Economic and Social Rights when the rights are given legal standing in domestic settings according to their status in international law. The work looks at different models of incorporation of rights into domestic law and sets out existing justiciability mechanisms for their enforcement as well as future models open to development. In so doing the book develops principles of adjudication drawn from deliberative democracy theory that help address some of the critiques of social rights adjudication. This book will have a global and cross-sectoral appeal to legal practitioners, the judiciary and the civil services, as well as to researchers, academics and students in the fields of human rights law, comparative constitutional law and deliberative democracy theory.

Captures significant transformations in the theory and practice of economic and social rights in constitutional and human rights law.

Economic, Social and Cultural Rights as Human Rights

Economic, Social and Cultural Rights is a collection of seminal papers examining legal, conceptual and practical questions regarding the international legal protection of economic, social and cultural rights. The volume discusses what human rights obligations economic, social and cultural rights entail for states and non-state actors; the nature and scope of substantive economic, social and cultural rights such as education, health, work, water, enjoyment of the benefits of scientific progress, and cultural rights; as well as the justiciability of these rights at an international level and at the national level. The paramount importance of such questions is illustrated, among other things, by the catastrophic situation of economic, social and cultural rights as human rights in developing and developed states. The volume is divided into three main parts which focus on human rights obligations for states and non-state actors arising from treaties protecting economic, social and cultural rights; analysis of selected substantive rights; and finally the justiciability of economic, social and cultural rights in various contexts such as within the United Nations, Europe, Inter-American, and African systems, as well as within the domestic system.
Stuck in a Moment in Time

Justiciability of Economic and Social Rights

Drawing on a wide range of interdisciplinary resources, this scholarly work provides an in-depth and thorough analysis of the socio-economic rights jurisprudence of the newly democratic South Africa. The book explores how the judicial interpretation and enforcement of socio-economic rights can be more responsive to the conditions of systemic poverty and inequality characterising South African society. Based on meticulous research, the work marries legal analysis with perspectives from political philosophy and democratic theory.

An Examination of the Case for Justiciable Economic, Social and Cultural Rights in Northern Ireland as a Conflicted Democracy

"The 2014 Geneva Forum of Judges and Lawyers was the fifth such annual meeting convened by the CIJL Centre for the Independence of Judges and Lawyers (CIJL). The Forum brings together judges and lawyers from diverse backgrounds and from all regions of the world, for an in-depth discussion on issues related to the independence and impartiality of the judiciary and the legal profession, and their role in ensuring the effective protection of human rights. In 2014, the Forum was a joint initiative of the CIJL and the ICJ Programme on Economic, Social and Cultural Rights. Economic, social and cultural rights can only be realized through an adequate legal framework accompanied by effective public policies. As to the normative framework, progress has been made over the past two decades. Recently adopted or reformed constitutions have tended to explicitly guarantee an extended catalogue of rights, including some or all of the economic, social and cultural rights recognized in international law. Legislation more generally and jurisprudence have also evolved significantly at national, regional and international levels. Growing acceptance by States and the international community of the justiciability and legal enforceability of economic, social and cultural rights, in 2008 culminated in the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which has entered into force on 5 May 2013. It is hoped that this milestone will boost the international protection of economic, social and cultural rights, as it allows individuals to bring complaints of violations to an independent international body of experts for adjudication. However, important legal, procedural, political and policy challenges remain to be addressed. Courts and quasi-judicial bodies have an important role to play in the legal enforcement of economic, social and cultural rights. Judicial remedies can provide reparation in individual cases, and can directly or indirectly result in substantial changes in domestic law and policy. At the same time, many judges still encounter difficulties or have concerns in relation to the judicial protection of these rights. Some issues pertain to the appropriate roles of the different branches of government. Some decisions may have important implications for public human and financial resources. Other may involve conflicts between State development plans, public interest, and the interests of indigenous groups. Some may theoretically recognize the rights in their domestic legal order, but do not in practice provide accessible and effective enforcement mechanisms. At the fifth Geneva Forum of Judges and Lawyers, the participants explored these and other conceptual issues pertaining to the judicial enforcement of economic, social and cultural rights, speaking from their experience and practice in national and international systems."—Preface, pages 1-2.

Contextualising The International Covenant On Economic, Social And Cultural Rights

This book is a unique and extensive comparative study of commercial contract interpretation across 14 selected jurisdictions, namely Croatia, England and Wales, Finland, France, Germany, Greece, Italy, The Netherlands, Poland, Portugal, Scotland, South Africa, Spain and Sweden. Using a dynamic comparative case method, the focus is centered on the discussion of key legal problems, further examined in a detailed and comprehensive comparative analysis. Contributions written from a law and economics, and European private law perspectives place the key legal issues into context and make Interpretation of Commercial Contracts in European Private Law a coherent and valuable resource for academics and practitioners with a European or International focus.

Judicial Enforcement of Economic, Social and Cultural Rights

Protection of Economic, Social and Cultural Rights

International human rights law and many domestic legal systems provide for the protection of economic and social rights, such as the right to health, housing, food and labour-related rights. For many years the inferior status of economic and social rights, compared to civil and political rights, has had a negative impact on the possibilities to claim effective protection of these rights both at the international and domestic level. It is a matter of common knowledge that in practice it is difficult to denounce a violation of an economic or social right before a court of law. In other words, their justiciability is a matter of debate and dispute. Do economic and social rights only exist on paper as part of treaties and constitutions to which governments pay lip-service? Can they really mean something in practice for those who want to invoke these rights before the courts? How do courts reason in such cases? These are some of the questions that were discussed at a seminar organised by the Centre for Human Rights of Maastricht University in November 2005. The present book contains the revised papers that were presented at this meeting. Since the 1990s the justiciability of social and economic rights has drawn increasing interest. A reason for this is the progressive development of good practices and creative case law coming from a number of domestic systems. The most well-known examples are India and South Africa, but interesting case law can also be found in Colombia and the Philippines. The seminar aimed at taking stock of domestic developments. It brought together researchers from regions all over the world who were asked to discuss good practices of social and economic rights protection in their country, but also legal and non-legal obstacles that still hinder an effective enforcement of these rights at the domestic level. Fons Coomans is senior researcher at the Maastricht Centre for Human Rights.

Moral and Political Conceptions of Human Rights
Unlike many other countries, the United States has few constitutional guarantees of social welfare rights such as income, housing, or healthcare. In part this is because many Americans believe that the courts cannot possibly enforce such guarantees. However, recent innovations in constitutional design in other countries suggest that such rights can be judicially enforced—not by increasing the power of the courts but by decreasing it. In Weak Courts, Strong Rights, Mark Tushnet uses a comparative legal perspective to show how creating weaker forms of judicial review may actually allow for stronger social welfare rights under American constitutional law. Under "strong-form" judicial review, as in the United States, judicial interpretations of the constitution are binding on other branches of government. In contrast, "weak-form" review allows the legislature and executive to reject constitutional rulings by the judiciary—as long as they do so publicly. Tushnet describes how weak-form review works in Great Britain and Canada and discusses the extent to which legislatures can be expected to enforce constitutional norms on their own. With that background, he turns to social welfare rights, explaining the connection between the "state action" or "horizontal effect" doctrine and the enforcement of social welfare rights. Tushnet then draws together the analysis of weak-form review and that of social welfare rights, explaining how weak-form review could be used to enforce those rights. He demonstrates that there is a judicial path—not an insurmountable judicial hurdle—to better enforcement of constitutional social welfare rights.

**Articles and Essays Analyzing Justiciability of Economic, Social, and Cultural Rights**

The Universal Declaration of Human Rights, arguably the founding document of the human rights movement, fully embraces economic, social, and cultural rights, as well as civil and political rights, within its text. However, for most of the fifty years since the Declaration was adopted by the General Assembly of the United Nations, the focus of the international community has been on civil and political rights. This focus has slowly shifted over the past two decades. Recent international human rights treaties—such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women—grant equal importance to protecting and advancing nonpolitical rights. In this collection of essays, Isfahan Merali, Valerie Osterveld, and a team of human rights scholars and activists call for the reintegration of economic, social, and cultural rights into the human rights agenda. The essays are divided into three sections. First the contributors examine traditional conceptualizations of human rights that made their categorization possible and suggest a more holistic rights framework that would dissolve such boundaries. In the second section they discuss how an integrated approach actually produces a more meaningful analysis of individual economic, social, and cultural rights. Finally, the contributors consider how these rights can be monitored and enforced, identifying ways international human rights agencies, NGOs, and states can promote them in the twenty-first century.

**Realizing Economic, Social and Cultural Rights**

Working with progressive conceptual categories relating to indigenous property, cultural identity, the right to an adequate standard of living and healthcare, the Inter-American Court of Human Rights continues to build a justiciability to determine the social rights of marginalised individuals and groups in the Americas. In a context of interpretative tensions of the social rights as political goals and direct effects provisions, Isaac de Paz González unveils the abilities, and the practices of the Inter-American Court's contribution to the human rights practice in the Global South.

**Interpretation of Commercial Contracts in European Private Law**

Since the first edition (published in 2009), there have been several important treaty developments, including the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) on individual communications, and significant developments in the case law on economic, social and cultural (ESC) rights. The second edition addresses these developments and explores ESC rights from foundational issues to substantive rights and systems of protection. It has been fully updated to include new material and up-to-date coverage of the case law of human rights bodies and national courts on ESC rights. In addition to the rights to health, education and work covered in the first edition, the second edition analyses new developments, such as the rights to adequate food, water and sanitation, adequate housing, social security and cultural rights. It also considers several contemporary issues including the extraterritorial human rights obligations of states in the area of economic, social and cultural rights; non-state actors; relationship of the ICESCR to other areas of international law; the Optional Protocol to the ICESCR; regional protection of ESC rights; more examples of the domestic protection of ESC rights; the protection of ESC rights of vulnerable groups; contemporary challenges to ESC rights, including poverty, corruption, armed conflicts and terrorism. It concludes by exploring the possible establishment of a World Court of Human Rights.

**Giving Meaning to Economic, Social, and Cultural Rights**

Recent years have seen a remarkable expansion in the scale and importance of economic, social, and cultural rights (ESC rights), culminating in the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in December 2008. The Protocol gives individuals and groups the ability to bring complaints about rights violations before the UN Committee on Economic, Social, and Cultural Rights. Against this background, this book focuses on the question of how fundamental socio-economic human rights enshrined in international law are defined, interpreted, understood, and implemented. It assesses how effective efforts to realize ESC rights have been and investigates the contemporary challenges obstructing their protection. It sets out the impact of the global financial crisis and austerity measures, the human rights responsibilities of corporations, and trends in the justiciability of those rights at the national and international level. The interrelationship between ESC rights and other legal regimes such as trade and investment law, environmental law, international criminal law, and international humanitarian law is also thoroughly examined. After an introduction by the editors the book contains seventeen chapters looking at the main questions which shape the progressive realization of ESC rights and their monitoring mechanisms. The authors of the chapters, both scholars and practitioners, adopt interdisciplinary approaches that move beyond traditional analyses of ESC rights. In doing so, they clarify and illuminate multiple aspects of the law by bringing together the different aspects of ESC rights, restating the challenges they face, and assessing the progress that has been made in expanding their adoption.

**Economic, Social and Cultural Rights**

This thesis examines the possibilities for the justiciability of economic, social and cultural rights in the Constitution of Bangladesh. Economic social and cultural rights are part of the "fundamental principles of state policy" which are
recognized in Part II of the Bangladeshi Constitution. Article 8(2) of the Constitution explicitly states that those principles are judicially unenforceable. At the international level, human rights were formally split into two different covenants in 1966: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The latter, unlike the former, contained no enforcement mechanism. This differential treatment of the economic, social and cultural rights reflected the traditional assumption that economic social and cultural rights were not capable of judicial enforcement. Those assumptions were later reflected in the Bangladeshi Constitution. This thesis critiques the main objections to the justiciability of economic social and cultural rights in the light of contemporary developments in the international human rights regime, regional human rights systems and different domestic jurisdictions. It is posited that economic social and cultural rights have evolved so that their justiciability is now generally accepted. Indeed, the ICESCR (to which Bangladesh is a party) now casts an obligation on States Parties to make them justiciable in their domestic jurisdictions. The thesis examines the substantive constitutional provisions and the relevant case law, and argues that there is in fact enough scope to judicially enforce economic, social and cultural rights contained in the Constitution of Bangladesh, despite the bar of article 8(2). In this respect, comparative case law in India will also be examined, as India has similar constitutional provisions. Such new interpretations of the Bangladeshi Constitution, if adopted by Bangladesh's courts, will act as guidelines for the development of judicial protections for economic, social and cultural rights at the municipal level in Bangladesh. Such a reformulation of constitutional law will also facilitate the fulfillment of Bangladesh’s obligations under the ICESCR, and the enjoyment of economic, social and cultural rights by its people.

The Protection of Economic, Social, and Cultural Rights in Africa

Realizing Economic, Social, and Cultural Rights: Communities, Courts, and the Academy documents the proceedings of a groundbreaking expert consultation held at Northeastern University School of Law under the auspices of the Program on Human Rights and the Global Economy. The report draws on the deliberations of more than 60 leading diplomats, academics, jurists, legal practitioners, and activists from a variety of legal disciplines. Participants discussed the current state of economic, social, and cultural rights and the impact of globalization in small working groups as well as in plenary session. Contributors such as Brook K. Baker, Margaret Burnham, Dan Danielsen, Martha Davis, Rashmi Dyal-Chand, Karl Klare, Hope Lewis, Wendy Parmet, James Rowan, and Margaret Woo analyzed and summarized the discussions. Key themes addressed are the justiciability of socio-economic rights in U.S. and South African courts, public health strategies and the right to health, economic, social, and cultural rights and development, prospects for U.S.-focused international human rights strategies, as well as ways to increase focus on economic, social, and cultural rights in legal education.

Weak Courts, Strong Rights

The purpose of the present article is to support, update and develop the position, which is expressed in part of the existing literature, that economic and social rights (ESR) are internationally justiciable and can be meaningfully enforced by international courts and tribunals. In particular, it focuses on the methodology that could be employed in the adjudication of ESR - i.e., on the availability of credible legal methods that could facilitate examination of compliance with international standards governing this field. Furthermore, the article criticizes some of the principal objections to the development of a global ESR complaint mechanism, and argues that: a) these objections largely ignore the multifaceted nature of ESR and its implications for the feasibility of judicial or quasi-judicial review projects; b) the objections typically offer an 'all or nothing' vision of judicial review and ignore the possibility of developing sophisticated and less-intrusive methods of review, which could accommodate many of the problems associated with judicial review over ESR (such as review of decision making methods and procedures and the grant of generous margins of appreciation to national authorities on substantive matters relating to the implementation of ESR); and c) the objections fail to appreciate the effect of international jurisprudence, which reads into first-generation human rights 'positive obligation' elements, on the feasibility of applying analogous standards of review vis-à-vis second generation rights - i.e., ESR. The article concludes by offering possible guidelines for international quasi-judicial review over the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and addressing the legitimacy of an optional protocol facilitating the exercise of such quasi-judicial powers.

Constitutional Deference, Courts and Socio-economic Rights in South Africa

This book explores two main themes. First, the claim that these welfare, education, health and equality can be accorded the status of rights. Second, and relatedly, the issue of whether they are justiciable, that is, can they be the subject of adjudication and enforcement through traditional legal mechanisms? This book provides a timely and wide-ranging exploration of these topical and controversial issues.

Duties Across Borders

This work studies the economic foundations of the international covenant on economic, social and cultural rights. It is argued that legal principles alone cannot fully actualise this instrument: only sustained inter-disciplinary elaboration of its guarantees can give this instrument full effect.

Economic, Social and Cultural Rights in International Law

The Justiciability of Economic, Social and Cultural Rights in the African Regional Human Rights System

Human Rights As Indivisible Rights

On April 7, 1988, Albie Sachs, an activist South African lawyer and a leading member of the ANC, was car-bombed in Maputo, the capital of Mozambique, by agents of South Africa's security forces. His right arm was blown off,
he lost sight in one eye. This intimate and moving account of his recovery traces the gradual recuperation of his broken body and his triumphant reentry into the world, where his dream of soft vengeance was realized with the achievement of democracy in South Africa. This book captures the spirit of a remarkable man: his enormous optimism, his commitment to social justice, and his joyous wonder at the life that surrounds him. A new preface and epilogue reflect on the making of Abby Ginzberg's documentary film titled Soft Vengeance: Albie Sachs and the New South Africa. (For information about the film, see www.softvengeancefilm.org.)

The Right to Food

The International Covenant on Economic, Social and Cultural Rights

This book critically examines models of domestic, regional and international judicial protection of economic, cultural and social rights in Africa.