

Contents

Acknowledgments XI

List of Photos XIV

1	Human Rights, Hegemony, and Utopia	1
	Poverty, Social Movements of the Poor, Human Rights, and Global Justice	9
	Utopian Visions	10
	Historical Origins of Utopian Visions of Human Rights in Contemporary Latin America	12
	Challenges to Hegemonic Paradigms of Human Rights	18
	“Paradigm wars” in Latin America	21
	Current Landscapes of Liberation in Latin America: The Latin American Spring, Origins and Limits	22
	Impact of Constitutional and Legal Transformations	24
	Pervasive State Violence and Paramilitarism in Mexico	26
2	Poverty as a Crime against Humanity: International Poverty Law, Human Rights, and Global Justice, from Below	28
	Introduction	28
	Poverty as a Crime against Humanity	33
	Poverty as Violence	34
	Poverty as Crime against Humanity and the Right to be Human: Ethical and Philosophical Frameworks as Necessary but Insufficient	37
	Poverty, Human Rights, Global Justice and the “epistemologies of the South”	39
	Relevant Normative Frameworks	41
	Freedom from Want, Freedom from Poverty, the Right Not to be Poor, ESC Rights and Global Order: The “original understanding”	43
	International Poverty Law as a Framework for Convergence	46
	Mexico as Case Study	48
	Recent Developments in International Poverty Law	51
	The Guiding Principles, the “poverty of rights,” and “human rights from below”: Poverty, Self-determination, and Violence	53
	Origins and Evolution of the Guiding Principles	54
	The Guiding Principles in Their Historical Context: The Universal Declaration of Human Rights and Its Origins	55

- 3 **The Road to San Fernando: Theoretical Frameworks as to Forced Migration and Forced Displacement within the Context of Global Justice and Human Rights** 58
 - Global Rights and Migrant Rights 69
 - Global Justice, Migration Policy, and Migrant Rights 71
 - Conceptual Frameworks as to Global Justice 73
 - Broader Context of Guerrero Case: Tlapa York 79
 - The San Fernando Cases in Theoretical Context 81
 - Conceptual Framework 84
 - Those Who Leave and Those Who Stay Behind: From Central America, through Mexico, to the Indigenous Communities of Mexico That Migrate to New York 87

- 4 **Peoples in Movement – International Tribunals of Conscience and Struggles of Migrants, Refugees, and the Displaced for Human Rights “from below”** 99
 - Case Study 104
 - Evolving Articulations of Migrant Rights 110
 - Emerging Elements of a New Right 113
 - Peoples in Movement and Indigenous Peoples: Potential “chains of equivalence” 116
 - Conclusions as to ITC Case Study 118
 - The San Fernando Massacre and Mass Graves 118
 - The Massacre 122
 - The San Fernando Cases before the Permanent Peoples Tribunal (PPT) 125
 - Summary of PPT Jury’s Findings 125
 - Responsibility of the US Government 126
 - Responsibility of the Mexican Government 127

- 5 **The Counter-Hegemonic Origins and Potential of Human Rights, the Status of the Rights of Indigenous Peoples in Latin America, and the World Bank as a Case Study** 133
 - Introduction 133
 - Indigenous Rights Issues as a Representative Case 134
 - Historical Dimensions 139
 - Illustrative Policies Adopted by Other Multilateral Organizations 140
 - Conclusion: Implications of Current World Bank Policies for Indigenous Peoples 146

6 Mexico, Colombia, State Terror and Paramilitarism	148
That Day When Mexican Military Troops Fired 10 Shots at a Bus Full of Unarmed Civilian Passengers	148
Uniform Impunity	151
Relevant Trends in International Law, International Criminal Law, and International Human Rights Law	162
State Terror and Gross, Generalized Violations of Human Rights	164
Migration Policy and Migrant Rights in the Context of State Terror	169
 7 Las Abejas of Acteal: From Massacre to Resurrection	 171
Introduction	181
Mexico's Zapatistas as a Point of Departure: Translating and Decolonizing Human Rights	185
Implications of the Cases for Broader Issues as to Indigenous and Human Rights	190
Las Abejas of Acteal	191
Poverty, Las Abejas, and the "theology of suffering"	192
Teología India (Indigenous Theology)	194
The Origins of Las Abejas	199
Exodus, Liberation, Forced Displacement and Forced Migration	204
The Impact of Counter-insurgency, Militarization and Paramilitarism	207
The Aftermath of the Massacre	209
The Search for Justice as to the Acteal Case	210
Divisions within Las Abejas and the Zedillo Case	212
Impact of the Massacre on Las Abejas	214
 8 The Right to Community Autonomy, Justice, and Security in Mexico and Colombia as a form of Resistance	 220
Citizen's Front for the Security of Huamuxtitlán/Frente Ciudadano por la Seguridad de Huamuxtitlán	222
When the Bells are Tolded, the People Cry Out Their Demands	227
Guerrero's CRAC PC	244
How did Guerrero's CRAC Policia Comunitaria First Emerge?	246
Northern Cauca Region in Colombia	252
The Centrality in Colombia of Its Indigenous Movement and of the Cauca Region and the Nasa	257
The Guardia Indígena and Utopian Traces	264
Conclusion	266
 Bibliography	 269
Index	281