

Rethinking Macro Economic Strategies from a Human Rights Perspective

RADHIKA
BALAKRISHNAN,
DIANE ELSON AND
RAJ PATEL

ABSTRACT *Radhika Balakrishnan, Diane Elson and Rajeev Patel propose a novel focus and methodology that allows us to evaluate macro-economic policies from the perspective of the progressive realization of the people's economic and social human rights, and the States' compliance with their minimal, basic responsibilities to their people.*

KEYWORDS *responsibilities; obligations; human capabilities; transparency; accountability*

Introduction

The deepening gap of inequality inside countries and between countries; the growing proportion of people drowning in poverty; the lack of equity between races, ethnic groups, genders, physical handicaps and sexual orientation, among other factors; the flow of immigrants from poor countries to rich ones; and the increase in class violence and illicit schemes to make money and become rich prove that the rules governing the management of macro-economic policies, and the role of the market in a better distribution of resources and profits in a globalized world, are now subject to evaluation and revision.¹ We propose a systematic examination of macro-economic strategies followed by the States, by starting with the conceptual framework and the underlying commitments of the Human Rights Treaties – and the norms, standards, responsibilities and procedures that have been developed around them – and by using analytical and developmental tools of progressive economic policy.

The current global economic crisis is evidence that the neo-liberal economic policies that have been followed for almost three decades have not worked. The devastation that the crisis has already wrought on the most vulnerable households in the Global North and Global South is a reminder that the formulation of economic policy and the realization of human rights (economic and social rights, as well as political, civil and cultural rights) have, for too long, been divorced from one another. Over the past three decades, economic policy has been geared toward achieving economic growth, underwritten by assumptions about the virtues of the market. Efficiency rather than ethics has been the focus of concern.

When attention has been paid to human rights, economic policymaking has proceeded with the assertion that economic growth, no matter how skewed in favour

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of a few, will ultimately benefit all by providing resources for the realization of human rights. Yet, the means adopted to achieve economic growth have been responsible for undermining goals in the domain of human rights. It is clearly time to assess economic policy using the ethical lens of the human rights standards that all governments have agreed upon. This project has piloted a process of analysis that can help rethink macro-economic strategies from a human rights perspective, with a focus on economic and social rights. Such a process requires the bringing together of two groups that are seldom in communication with each other: progressive economists and human rights advocates. This article taken from *Why MES with Human Rights: Integrating Macro-Economic Strategies with Human Rights*, II shows how and why progressive economists and human rights advocates can work together. It demonstrates that the concerns of these two separate groups should, and can, be integrated.

Human rights advocates and progressive economists share common concerns

In the human rights community, there has been an increasing interest in economic and social rights, including the equal enjoyment of such rights, concerns that have often been overlooked by the dominant traditions of economics. However, neo-classical economists do not represent the entirety of the discipline; there have always been progressive, critical economists, committed to the creation of socially just economies, yet sceptical of the realization of such economies through neo-liberal economic policies. These heterodox economists present diverse alternatives to the neo-liberal orthodoxy. Heterodox economists and human rights advocates share an ultimate goal: to promote human flourishing, and to protect human beings from the vulnerabilities and insecurities to which the current global economy has exposed them. Human rights have significant economic implications, since promoting, protecting and fulfilling them require resources and involve costs. In turn, economic policies have significant impacts on human rights; they shape the nature of the threats to the

economic and social rights of different groups of people, and can both harm and assist the realization of human rights. Progressive economists are already aware of the problems of neo-classical economics, and distinguish themselves by offering alternative approaches to economics. Both progressive economists and human rights advocates challenge a vision of economic development that claims that remaining internationally competitive must be the key objective, despite growing inequality and increasing risk. There is an urgent need for an informed understanding of the ways that economic policies conducive to people-centred development can support the realization of human rights, and the ways that a human rights focus can support progressive economic policies.

Human rights activism and advocacy focus on the violations and deprivations suffered by individuals and social groups, without necessarily understanding the economic policies that help generate such problems. Strategies for the realization of equitable enjoyment of economic and social rights often fail to grapple with the potential constraints, posed by the current structures of the global economy, on the achievement of those rights. Without an understanding of the ways that neo-liberal economic policies, at national and international levels, contribute to the violation of human rights, human rights activism may be reduced to uphill battles to defend minimal protections. Without an understanding of the alternatives to neo-liberal economic policies, human rights advocates may be left without adequate strategies to change the environment that leads to human rights violations. A better understanding of economic policies and processes is particularly relevant to struggles to achieve equal economic and social rights for all. Such an analysis can help identify and clarify the sites of negotiation and struggle needed to bring about improvements in economic and social rights, especially for those who are most deprived. This analysis is the stock in trade of heterodox economists.

Heterodox economists are sometimes hampered in their efforts by their unfamiliarity with the language of ethics and values in discussions

of economic processes and policies. In most societies, ethics and values are widely understood as pertaining mainly to ways that individuals lead their personal lives, and not to the ways that economies function. To surrender this language before discussing economic questions is to limit the scope of social change, thus rendering political decisions as merely technical. The norms and standards of human rights offer progressive economists a widely accepted ethical language in which to pose economic questions without reducing them to simple questions of economic calculus. The legal and quasi-legal processes of international human rights reporting and adjudicating offer other arenas in which to contest the hegemony of neo-liberal economic policies. Progressive economists are often concerned that ideas of solidarity and collective action cannot be accommodated in a human rights framework that emphasizes individual rights. It is important for progressive economists to explore these concerns with human rights advocates, and for the two communities to identify ways in which solidarity, collective action, and individual and collective rights claims can be mutually supportive.

Human rights obligations for economists

While talk of human rights is familiar to almost everyone, human rights obligations are subtle and often poorly understood. This section is a primer on human rights obligations for economists. Those familiar with these concepts may consider skipping ahead to this section.

The foundational document is the Universal Declaration of Human Rights 1 accepted by all the states that are UN members. The Universal Declaration covers a range of rights including the following economic and social rights:

1. The right to work (Article 23):

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and

his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

2. The right to rest and leisure (Article 24):

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

3. The right to an adequate standard of living (Article 25):

(1) Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

4. The right to education (Article 26):

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

The rights are further codified by a range of subsequent international treaties that spell out the obligations of states that are party to them.

The Universal Declaration was followed by a series of international treaties (variously named Covenants or Conventions) that flesh out the precise contours of what rights all human beings can claim and for which governments have

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obligations. The most important treaties for our project are the 1995 Convention on the Elimination of All Forms of Racial Discrimination (CERD); the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both dating from 1966; and the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The extent to which states have met their obligations under these treaties is monitored by the relevant UN treaty body: for the ICESCR, the relevant treaty body is the Committee on Economic, Social and Cultural Rights (CESCR).

Not all countries have ratified these treaties. In our research, we discovered that Mexico is party to all of these treaties but that the US, while having ratified the treaties relating to eliminating racial discrimination and guaranteeing civil and political rights, has not officially committed to the economic, social or cultural rights set out in ICESCR, nor to the rights of women set out in CEDAW.

Nonetheless, all states have committed to the fundamental tenets of human rights law. Even if the US has not ratified all of the appropriate treaties, they carry a normative force in international conduct. The Universal Declaration of Human Rights retains a privileged position within international law, and any government that violates these tenets does so at the risk of domestic and international outcry.

There are three key duties that a state has to undertake with respect to human rights (as elaborated by the UN Committee on Economic, Social and Cultural Rights, based on the *Maastricht Guidelines* of 1997:²

These are:

- the obligation to respect;
- the obligation to protect; and
- the obligation to fulfill.

The obligation to respect rights

The obligation to *respect* requires states to refrain from interfering with the enjoyment of economic and social rights. So, for example, the State will

have failed to comply with its obligation to respect the right to housing if it engages in arbitrary forced evictions.

The obligation to protect rights

The obligation to *protect* requires States to prevent violations of such rights by third parties. Therefore, a State's failure to ensure that private employers comply with basic labour standards may amount to a failure to meet its obligations to protect the right to work or the right to just and favourable conditions of work.

The obligation to fulfill rights

The obligation to *fulfill* is generally recognized as being comprised of three elements – to facilitate, provide and promote rights. It requires States to take appropriate legislative, administrative, budgetary, judicial and other measures toward the full realization of such rights. Thus, the failure of States to provide essential primary health care to those in need may amount to a violation. The obligation to fulfill is particularly central to our project.

Each of these obligations has two dimensions: Conduct and result

The obligation of *conduct*: A government is obliged to behave in a way that can reasonably be expected to realize the enjoyment of a particular right. The obligation of *result*: A government is obliged to achieve outcomes that enhance the enjoyment of a specific right or rights.

Guidelines for governments in meeting their economic and social rights obligations

States enjoy a margin of discretion in selecting the means to carry out their obligations for economic and social rights, but they must pay regard to the following key points:³

- the requirement for progressive realization;
- the use of maximum available resources;
- the avoidance of retrogression;

- the satisfaction of minimum essential levels of economic and social rights;
- equality and non-discrimination; and
- participation, transparency and accountability.

Progressive realization acknowledges that the full enjoyment of human rights will not come in a day, but demands that, every day, it come a little closer. This obligation recognizes that the resources at the disposal of a government are limited; nevertheless, a government must take specific steps to ensure that people's enjoyment of economic and social rights improves over time.

The criterion of maximum available resources means that governments cannot shrug off human rights obligations on the grounds of lack of resources.⁴ Governments must show that they are making the maximum use of available resources toward realizing human rights. Resource availability does not just depend on the level of output of an economy, its rate of growth, and the level and growth of inflows of resources from other economies. It also depends on how the state mobilizes resources from the people living under its jurisdiction to fund its obligation to fulfill human rights. For instance, if a government generates very little tax revenue, it will be able to provide only limited public services. The key role of taxation has been noted by some of the UN Special Rapporteurs on human rights. For instance, the Special Rapporteur on the Right to Education has noted, 'It is hard to imagine how any state would raise the revenue to finance health, education, water and sanitation, or assistance for those too young or too old to work, were it not for taxation'.

Non-retrogression means that once a particular level of enjoyment of rights has been realized, it should be maintained. Non-retrogression means that governments should not, for instance, meet one of the conditions of the right to education by making free primary school education available to everyone and then subsequently introduce fees for primary school; nor should governments cut taxes that are critical for funding those services. If such retrogressive measures are introduced, the CESCR has specified that the state has to show that they have been introduced after

consideration of all alternatives and are fully justifiable by the reference to totality of rights provided for in the Covenant and in context of the full use of the maximum of available resources.

Minimum core obligations/minimum essential levels mean that there is a threshold with which States must comply.⁵ The government of a country in which a significant number of persons is deprived of essential foodstuffs, essential primary health care, etc. is *prima facie* failing to meet its core obligations. The purpose of this stipulation is to prioritize the delivery of vital goods and services so that in all circumstances people have, at least, a basic level of enjoyment of economic and social rights.

Non-discrimination and equality criteria are central to the universality of human rights.⁶ Governments have immediate obligations for ensuring non-discrimination and equality in the enjoyment of human rights, which means that while a government may plead that it does not yet have the resources to meet the burdens of fulfilling all human rights, non-discrimination and equality cannot be similarly postponed. The Universal Declaration defines equality as follows:

Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

An often-ignored consequence of these rights is that the ownership of property cannot be grounds for discrimination. As one US commentator clarifies, this means that:

... everyone has an equal right to an education and that no distinctions based on 'property' status are to be made in the implementation of this right. In some countries of the world the children of the very poor receive no education at all ... including the United States. The quality of the child's elementary and secondary education is often directly related to the 'property' status of his or her parents or guardians. All such differences are in violation of the Declaration. (Morsink, 2000: 113)

Accountability, participation and transparency mean that governments are obliged to provide

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mechanisms through which people can hold the state accountable, participate in policymaking, and access the information required to do so.⁷ Article 19 of the Universal Declaration of Human Rights refers to the right to receive and impart information. This is further elaborated in Article 19 of ICCPR. The CESCR has drawn attention to the significance of the right to information for economic and social rights. Accountability and participation are emphasized by the Limburg Principles, drawn up in 1986 by a Human Rights Expert Group. A recent report of the Inter-American Commission on Human Rights notes, 'adequate access to public information is a key tool for citizen participation in public policies'.

This concludes the introduction of human rights for economists, which has introduced the key concepts of:

- the obligation to respect;
- the obligation to protect; and
- the obligation to fulfill, and the guidelines that should govern the discharge of human rights obligations, which include:
 - the requirement for progressive realization;
 - the use of maximum available resources;
 - the avoidance of retrogression;
 - the satisfaction of minimum essential levels of economic and social rights;
 - equality and non-discrimination; and
 - participation, transparency and accountability.

Economics for human rights advocates

Not all economists are the same. Heterodox economists have developed varieties of economics that challenges the prevailing orthodoxy. These are termed 'heterodox economists', precisely because they do not share any single party line. Nevertheless, they tend to be politically progressive, and sceptical about the possibility of value-free social science. Heterodox economists claim the broad continuum that stretches from Keynesianism to Marxism to feminist economics to ecological economics and beyond.

Heterodox economists have received acclaim within the discipline, and are actively engaged in international organizations and NGOs around

the world. While neo-classical economics is dominant, it is not the only show in town. Heterodox economists such as Amartya Sen and Joe Stiglitz have won the Nobel Prize for economics. The United Nations has provided a venue for progressive economics in publications like the annual *United Nations Development Programme Human Development Report*. Progressive economics had also been used to inform the work of UN Human Rights Special Rapporteurs charged with investigating topics, ranging from the Right to Food to Extreme Poverty to the Effects of Economic Reform Policies and Foreign Debt on Human Rights. Progressive economists also work in international and national NGOs like Focus on the Global South, Third World Network, the Center for Popular Economics, the Economic Policy Institute, Political Economy Research Institute and INCIDE, to name a few.

There is vigorous debate in economics around the most appropriate level of analysis, the role of the market and the value of competition. Whereas neo-classical economists start from the idea that economies consist of micro-level interactions of individuals trying to maximize their own gains, heterodox economists start from the idea that economies are macro-level structures that help to shape the objectives and interactions of individuals. Whether individuals try to maximize their own gains is influenced by macro-level economic structures, and a wide range of behaviour is possible.

The default position of neo-classical economists is that if people and businesses interact in competitive markets, then the most efficient outcome will be achieved. Neo-classical economics does not claim that competition will achieve equitable outcomes, but argues that there will be enough gains for winners to compensate losers, should society want this. The main purpose of government policy should be to create a level playing field for competition. The default position of heterodox economists is an empirically based scepticism over competitive markets' ability to use resources efficiently, and an appreciation that competition can sometimes be wasteful. These debates have gained currency lately; discussions over the causes of the ongoing global economic crisis, for

example, have centred on the weaknesses of poorly regulated financial markets, and the consequences for society when markets systematically fail.

Keynesian economists stress that competitive markets cannot be relied upon to achieve full employment, in the form of decent jobs for all who want them. There is waste of human capacities, reflected in unemployment, underemployment and exploitative employment.

Feminist economists stress that competitive markets cannot be relied upon to achieve sufficient provision of good-quality care for all who need it, nor for an appropriate balance among paid work, unpaid work and leisure for care providers. The result is a waste of human capacities, reflected in both neglect of some who need care and overwork for some who provide it.

Ecological economists stress that competitive markets cannot be relied upon to achieve sustainable economies. There is waste of natural resources, reflected in environmental degradation.

In addition to being wasteful, competition can be also inequitable. An important dimension in the way that people and businesses compete is to secure and protect unfair advantages, tilting the playing field and evading the promise to compensate those who lose out through competition. Progressive economists argue that competition needs to be regulated and that the State needs to use economic policy proactively to reshape the economy. In particular, macro-economic policies need to be used proactively to shape the conditions for interaction between people and businesses, for production, distribution and consumption, in ways that avoid waste and inequality.

Some heterodox economists have introduced new concepts of well being to help formulate the goals of economic policy. One of the fundamental axioms of neo-liberal economic policy is the assumption that economic policy should aim to maximize the satisfaction of individual preferences. Heterodox economists challenge this. Amartya Sen, for instance, suggests that instead of preferences, the starting point should be 'capabilities', that is what people are actually able to do and be. The goal of enlarging capabilities

underpins the concept of human development, which informs the United Nations Development Programme's Human Development Index.

The concept of the macroeconomy is a way of talking about the entire workings of the national economy. Macro-economic policies affect the operation of the economy as a whole, shaping the availability and the distribution of resources. There are several types of macro-economic policy instruments, and neo-classical and heterodox economists have different views about how they should be used (Epstein and Grabel, 2007; Saad Filho, 2007; Weeks and Patel, 2007). Below we introduce some of the most important policy instruments.

Fiscal policy and monetary policy

Fiscal policy is the omnibus term that covers both public revenue and public expenditure, and the relationship between them, as expressed in the government budget and its surplus or deficit. Fiscal policy is the responsibility of the Ministry of Finance or the Treasury. Regarding budget size and deficit/surplus, neo-classical economists tend to argue for small budgets (with low levels of revenue and expenditure) and balanced budgets (in which revenue matches expenditure). Heterodox economists advocate for larger budgets (with higher levels of revenue and expenditure) and make the case for budget deficits in periods when the economy is failing to provide full employment. Monetary policy includes policy on interest rates, exchange rates and money supply, and the regulation of the financial sector. Monetary policy is the responsibility of the Central Bank, which is now most often an independent body, appointed by and operating under guidelines from the Ministry of Finance. In the 1950s and 1960s, full employment was a goal of central banks, alongside low rates of inflation; in the last three decades, most Central Banks focused almost exclusively on the control of inflation.

Neo-classical economists argue that monetary policy has no ability to bring about increases in production and employment, and can only have an impact on monetary variables, such as the price level. Neo-classical economists tend to think

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that the best way to achieve full employment is to keep the rate at which the general level of prices rises (i.e. the rate of inflation) as low as possible. Heterodox economics suggests that while a very high rate of inflation may damage production and employment, the best rate of inflation is not necessarily zero. There is such a thing as a rate of inflation that is too low. Very low rates of inflation require high rates of interest, and this is a disincentive to investment, and leads to high unemployment, underemployment and a lack of decent work. Over the last decade, countries have adopted monetary policies that focus on lowering inflation, with little regard for the impact on real factors such as poverty, employment and investment. Such policies prioritize the interests of the banks, other financial businesses, and holders of large amounts of financial assets over the interests of farmers, workers, and businesses in manufacturing and non-financial services.

Revenue policy

Revenue is raised through a variety of ways, including taxation, profits of publicly owned enterprises, royalties for the use of mining rights, and inflows of foreign aid grants. Taxation is particularly important for the long-run sustainability of revenues.

Neo-classical economics tends to regard taxation as distorting competition and creating disincentives for people and businesses by reducing their financial rewards. Neo-classical economists often argue for tax cuts. Heterodox economists tend to view taxation as capable of creating incentives for people and businesses by financing the services and infrastructure they need to earn a living. Heterodox economists often argue for higher yet more just taxation.

Expenditure policy

Government expenditure provides public services, infrastructure and income transfers. Neo-classical economics regards public expenditure as competing with private investment and using up resources that could be used more productively in the private sector; therefore,

public expenditure should be kept to a minimum. Heterodox economics views much public expenditure as complementing private investment, by providing public facilities that enhance the productivity of private investment. However, heterodox economists are also concerned with how public expenditure affects human well being, and are generally critical of large expenditure on defense at the expense of services such as education, health and welfare.

Trade policy

Trade policy includes import taxes (otherwise known as tariffs); import quotas (quantitative restrictions on the amount of a good that can be imported); and export taxes and export subsidies. It is generally organized through trade agreements with other countries (which may be regional or global). Tariffs, quotas and subsidies are used to protect domestic industries. Neo-liberal economists have long argued that trade liberalization (opening domestic markets to international competition by reducing import tariffs and quotas) raises the general standard of living within a country, by giving incentives to produce more efficiently. The impact, however, depends on the existence of mechanisms that keep imports and exports in balance.

Progressive economists point to the absence of such mechanisms, and give evidence that trade liberalization in poor countries has been followed by trade deficits (which mean that imports exceed exports). They also argue that successful export expansion is not based on cutting tariffs; rather it is based on prior policies of public and private investment.

Both groups of economists agree that trade liberalization produces losers and winners, and that the gains from trade are not equally shared, within or between countries. The gains consist of cheaper goods (if imports are cheaper than home production) and more employment in production of exports (if exports expand). The losses consist of loss of employment in production that can no longer compete with imports, and loss of tax revenue to fund public services, since trade liberalization implies cutting taxes on trade (i.e. import

tariffs). Neo-liberal economists tend to argue that trade liberalization will produce sufficient gains to enable the losers to be compensated. Heterodox economists tend to be more pessimistic about the size of the gains, and about such compensation taking place.

In the last 10–15 years, trade agreements have come to include a wider set of trade-related policies. For example, the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights entered into force in 1995. Such agreements are seen by neo-classical economists as attempts to create level playing fields for international competition while heterodox economists see them as strengthening the competitive advantage of powerful multi-national corporations.

Regulation of markets and property rights

All markets and property rights are regulated to some extent. People and businesses have to be able to enter into legally enforceable contracts for markets to operate and property to be bought and sold. The question is how the regulations are designed and enforced. Neo-liberal economists tend to argue that markets and property should be regulated in ways that promote flexibility and make it easier for businesses to invest and make profits (this is often called 'deregulation', but might more appropriately be called 'profit-lead regulation'). Heterodox economists tend to argue that markets need to be regulated in ways that serve social goals, thus recognizing people as more than just inputs to production processes, or outlets for sales.

Notes

- 1 See the full text complete with a detailed study of USA and Mexico at <http://networkideas.org/featart/mar2009/MES2.pdf>, accessed 9 November 2009.
- 2 *Maastricht Guidelines on Violations of Economic, Social, and Cultural Rights*; Part II, para. 6. Maastricht, the Netherlands, 22–26 January 1997.
- 3 These principles are taken from ICESCR and Universal Declaration of Human Rights (UDHR) and several general comments on the covenant.
- 4 The CESCR calls on each state 'to take steps ... to the maximum of its available resources, with a view to achieving progressively the full realization of ... rights ... by all appropriate means'. The CESCR has clarified that 'such steps

Human rights advocates and progressive economists working together

This exploration of macro-economic strategies and their implications for obligations for economic and social human rights has demonstrated, we feel, the rich possibilities that exist by bringing together the domains of social and economic rights, on the one hand, and economic analysis on the other. Combining heterodox economic expertise with expertise on economic and social rights yields a number of benefits. It makes clear the connections between seemingly disparate domains, such as fiscal or regulatory policy and the question of human rights. By asking questions about the implications of economic policy for human rights, new forms of analysis become available to human rights advocates, and a powerful ethical framework becomes available to heterodox economists. The results serve to expand the catalogue of ways in which governments need to address human rights as part of their economic policy.

This knowledge marshals the evidence and analysis necessary to be able to mount more effective advocacy, to pressure states toward assuming greater responsibility for the implications of their economic policies on human rights. Through this collaboration, new paths for advocacy, lobbying and education have been discovered. These routes do not automatically lead to the best possible set of policies; there are far too many uncertainties to be able to achieve this. Rather, our aim is to move economic policy in a better direction by identifying which policies are at least likely to be inconsistent with human rights obligations. We feel that this would be a significant contribution to the full and universal realization of economic and social rights.

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should be deliberate, concrete and targeted as clearly as possible' and that 'the phrase 'to the maximum of its available resources' was intended ... to refer to both the resources existing within a State and those available from the international community'. Since it is impossible to take steps toward the progressive realization of human rights without resources, the maximum available resources obligation is 'both a protect and fulfill-bound obligation'.

- 5 CESCR, General Comment 3, para. 10. The Committee on Economic, Social and Cultural Rights has clarified that this is a continuing obligation, requiring states with inadequate resources to strive to insure enjoyment of rights (General Comment 3, para. 11); however, even in times of severe resource constraints, states must insure that rights are fulfilled for vulnerable members of society through the adoption of relatively low-cost targeted programs (General Comment 3, para. 12; General Comment 12, para. 28; General Comment 14, para. 18; and General Comment 14, para. 48; General Comment 15, para. 40).
- 6 *The Limburg Principles* devote an entire section to clarifying the grounds of discrimination mentioned in Article 2(2) of the ICESCR, clarifying that "the grounds of discrimination mentioned [therein] are not exhaustive" and are therefore open to broader interpretation. CERD, CEDAW and the *Vienna Declaration and Programme of Action* all reinforce the importance of non-discrimination and equality in the enjoyment of human rights.
- 7 UN CESCR, 2001, para. 14. UN Doc. E/C. 12.2001/10. Numerous additional human rights documents, such as the *Pact San Jose*, CEDAW, and various General Comments on the CESCR have explored and elaborated upon the importance of transparency, accountability and participation to the realization of human rights.

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