

The Use of Maximum Available Resources

Article 2 & Governments' Budgets

ICESCR Article 2(1):

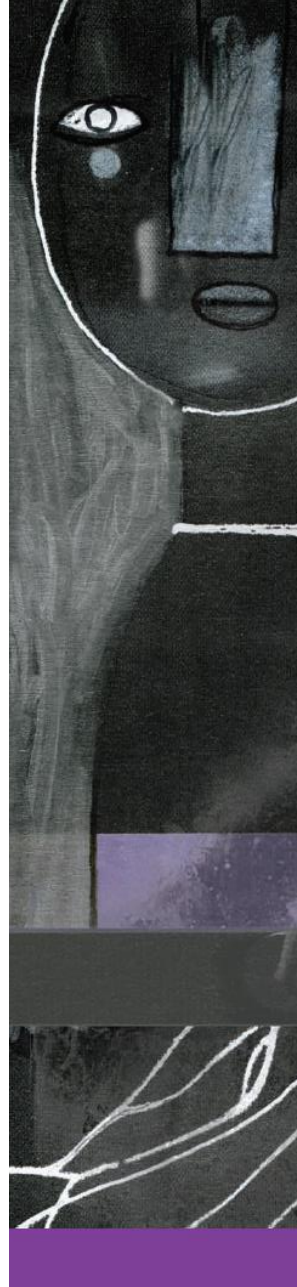
Each State Party to the present Covenant undertakes to take steps,[...] especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means [....]



Principal implications of MAR obligation for governments' budgets

Governments must:

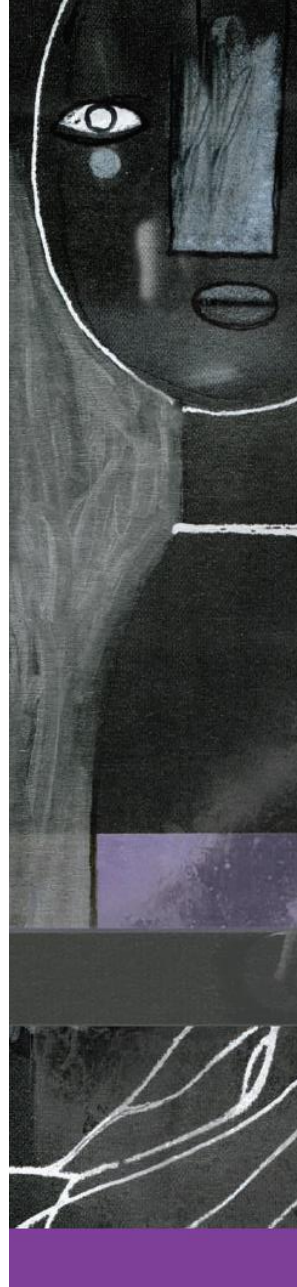
- Mobilize as many resources as possible
- Give “due priority” to ESC rights
- Fully spend ESC rights-related allocations
- Not spend ESC rights allocations on non-ESC rights areas
- Spend the budget efficiently and effectively



Mobilize as many resources as possible

Governments must:

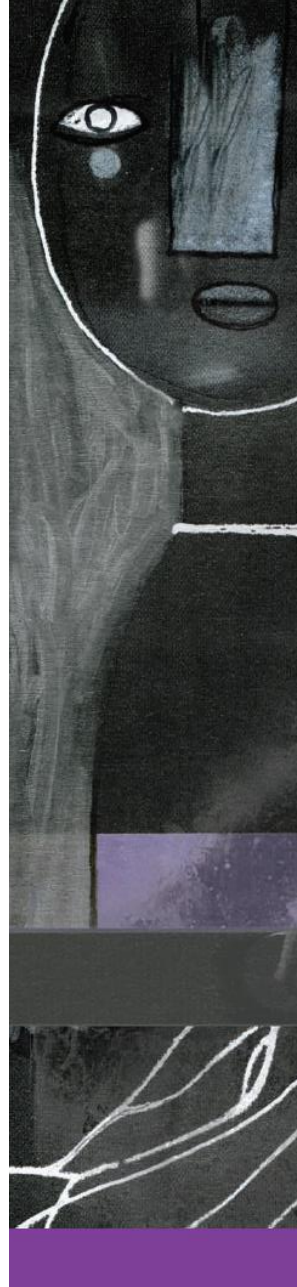
- Raise as many resources domestically as possible
- Seek out foreign assistance if necessary
- Consider the human rights implications of taking on debt



Give “due priority” to ESC rights

Governments must:

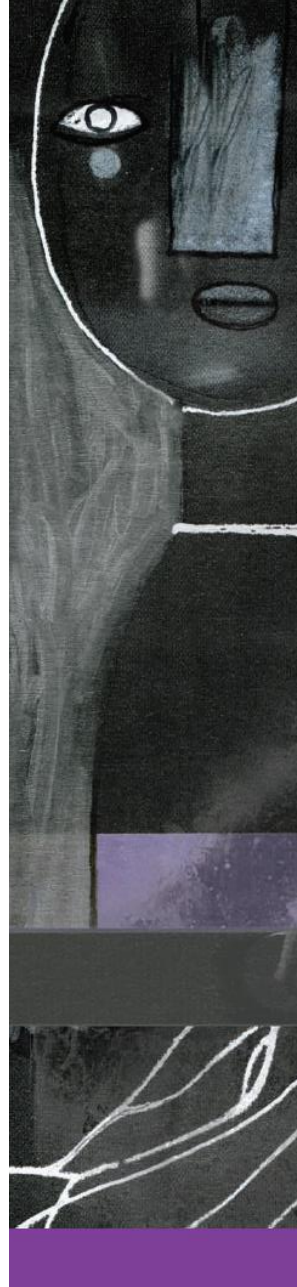
- Direct funds to ESC rights areas as a matter of priority
- Within ESC rights-related areas, give priority to meeting “core obligations”



Fully spend ESC rights-related allocations

Governments must:

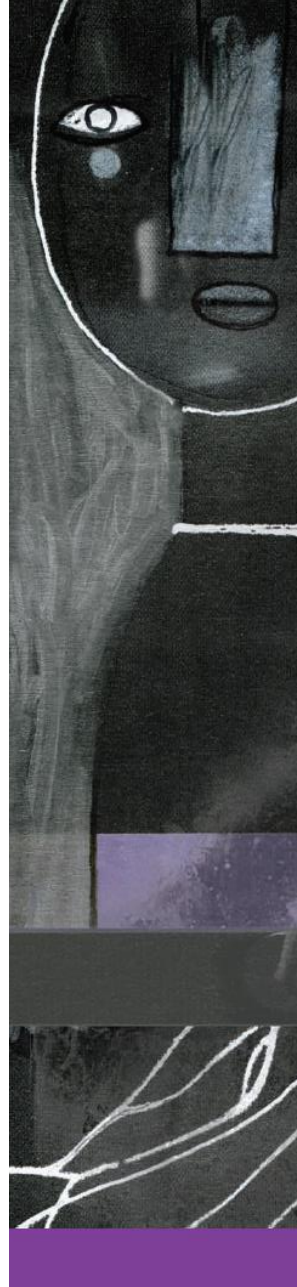
- Fully spend funds allocated for ESC rights
- Identify reasons for under-spending and do utmost to correct problems



Must not spend ESC rights-related allocations on non-ESC rights areas

Governments must:

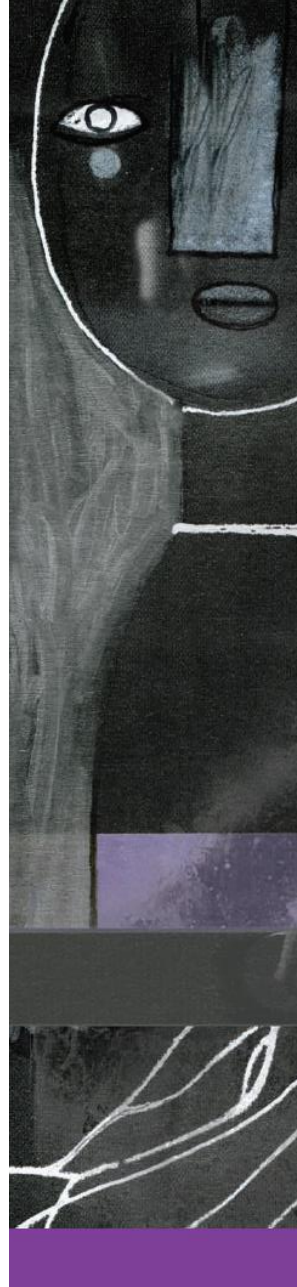
- During the fiscal year not divert funds from ESC rights areas
- Within ESC rights areas, not divert funds from priority to non-priority expenditures



Spend the budget efficiently and effectively

Governments must:

- Purchase goods and services that are reasonably priced and of good quality
- Avoid corruption
- Spend funds on items that more directly realize ESC rights (Sikika case study)
- Spend funds in a way that has the effect of enhancing people's rights (PPR case study)



Download the complete handbook on
Article 2 & Governments' Budgets at:

www.internationalbudget.org/publications/ESCRArticle2

