
Rules to Live by: The Human Rights Approach to Development

ANDRÉ FRANKOVITS

Globalization has brought on a change in perceptions of the function of government. Prior to the end of the Cold War, both capitalist and socialist countries shared an acceptance that government had a responsibility to oversee a process of redistribution that would bring about greater social justice and equity through reallocation of domestic resources and international cooperation. This responsibility demanded certain policies and priorities based on the redistributive nature of progressive taxation. In the traditional welfare state, taxes would be applied to the provision of social services by the state such as health care, education, and housing. In command economies, the economic and social rights of the working class, and the eradication of poverty were supposed to be driving government policies.

Today, with the ideology of ‘small government,’ reduced taxation, and the privatization of public sector institutions, the redistributive power of government is being relinquished. From redistributors, governments are being transformed into regulators. Supporters and opponents of globalization talk of the withering nation-state, but this is premature, as the state becomes a monitor of the regulations that facilitate the market and the flow of trade and investment. Whether they adopt this regulatory function on their own behalf or on behalf of multi-lateral institutions, governments have been forced into a position in which they can no longer accept the achievement of social justice as one of their foremost functions.

Internationally, this new regulatory regime is typified by the General Agreement on Trade and Services (GATS), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the so far unrealized Multilateral Agreement on Investment (MAI), and the World Trade Organization that oversees them. The operation of all these are dependent on the willingness by governments to adhere to a set of rules that they may—or in many cases, may not—have been coerced into accepting. The rules, designed as they are to protect trade, patents, and private sector investment, derive from a version of the ‘trickle down’ model which posits that increased economic activity will inevitably and in

Andre Frankovits has been researching the practical implications of the human rights approach to development assistance since the early nineties. He is the co-author of “The Rights Way to Development: Policy and Practice” (2001) and “Working Together,” the report of the Stockholm International Workshop on the Human Rights Approach to Development Cooperation (2000), among others. He has consulted for numerous organizations including the Australian Department of Foreign Affairs and Trade, the Finnish Foreign Ministry, the Swedish International Development Agency, the Office of the High Commissioner for Human Rights and UNICEF. He is currently engaged as an international consultant for the UNDP in Nepal and the Philippines. After eight years as the Campaign Director of Amnesty International Australia, he joined the Human Rights Council of Australia, a private NGO, in 1993 and became its Executive Director in 1994.

the long run positively impact the worse off. The reality is that the rules protect the private sector at the expense of the public sector and thus contribute to the move away from the equitable distribution of resources and services.

Despite the adherence to the trickle down model in its various guises, in the last few years the eradication of poverty has become the overarching policy priority of most official and non-governmental development organizations. Many bilateral donors have explicit policy documents to that effect and poverty eradication frames most international debates on development.

Poverty

It is surprising therefore that in a period during which regulation (together with de-regulation) is a fixture on the international economic and political agenda, the focus of development strategies—although in most cases well-meant and ethically-driven—should be based on a model of poverty where parameters are undefined and, at least until recently, contested. The debate over one dollar-a-day as a measure of poverty versus universal access and availability of services; the global targets for poverty reduction which always seem out of reach; and poverty reduction strategies which seem to benefit the non-poor are all evidence of the lack of precision in the definition of poverty. The poor, of course, have no such problem.

One recent example where international rules have been less than effective in efforts to reduce poverty was the impoverishment of millions during the Asian financial meltdown of the late nineties. The managers of the Bretton Woods institutions saw how fragile the progress against poverty has been under the model of growth they had supported. Belatedly, the World Bank acknowledged it had a responsibility to provide ‘safety nets’ to mitigate the collateral damage caused by its policies.¹ The recognition of the need for these safety nets is driven not by solidarity for or a sense of responsibility towards the poor, but mainly to prevent social unrest, which might impact on further increases in economic activity.

The critical responses to the failure of some of these regulatory policies have had some positive outcomes.² The recognition that development will only be sustainable when the participation of stakeholders becomes a reality has resulted in a greater emphasis on ownership and partnership. This recognition is evidenced by the new mechanism of the Poverty Reduction Strategy Papers (PRSPs). This mechanism is designed to ensure that World Bank and IMF lending will be conditional on national development plans that focus on poverty reduction. It is intended that through a widespread process of national consultation, a country will draw up plans that will prioritize poverty reduction. In this process, it remains for governments to establish the rules that will address poverty

reduction, rules which are overseen by the World Bank. There is no standard for assessing either the impact of these plans on the poor or the precise nature of their poverty.³

One of the major criticisms of the PRSP process by domestic and international non-governmental organizations (NGOs) is the built-in lack of accountability of either the governments concerned or the World Bank itself. There is, of course, a Bank veto process by which the PRSP is not approved for funding until certain poverty reduction policies are integrated in the strategy. However, this is an ad hoc approach where each case is judged separately without a common basis for the strategy—except, that is, for those set by economic orthodoxy. Another NGO criticism is that governments seeking loans are reluctant to engage in extensive and meaningful participation for fear that the resulting strategies will not be in accord with this economic orthodoxy and therefore may jeopardize the loan approval process.

This focus on the PRSPs is not simply to add to the criticism from NGO activists and UN-appointed experts but to highlight the lack of accountability. Genuine and meaningful participation remains an aspiration and there is an absence of globally agreed rules. National and international institutions operate from concepts that are neither clearly defined nor codified. Genuine participation would expose the lack of linkages between most World Bank and IMF lending and poverty objectives. For example, deregulation and privatization of such services as the water industry are de-linked from poverty targets and may affect them adversely, yet NGOs who have pointed this out have largely been ignored. Rudolf Amenga-Etego of the non-governmental Integrated Social Development Center in Ghana has warned against the trend towards privatization in Africa. He points out that, “In Ghana, the result of forcing the poor to pay ‘market rate tariffs’ for water means that most Ghanaians can no longer afford water at all. Only 36% of the rural population has access to safe water and only 11% have adequate sanitation within the existing system. Water is also scarce in the capital, Accra. In poor areas of Accra, families are paying almost half the daily wage for 10 buckets of water!”⁴

Human Rights: Rules to Live by

It is ironic that in this regime of uncertain regulation and participation, the international community has elaborated a body of standards and rules that are precise, quantifiable, and have the force of law, and yet are rarely applied to development. This is the international human rights framework embodied in the Universal Declaration of Human Rights and the international human rights instruments that clarify the framework. The framework outlines thematically and sectorally the nature of the inalienable human rights applying to a variety of vulnerable groups and prescribes state obligations for the realization of civil, cultural, economic, political, and social rights.

Some governments still refuse to accept that the human rights framework provides equal precision to economic, social, and cultural rights as it does to civil and political rights. Some UN members still equate economic and social development with economic and social rights. Those who question the legitimacy of economic, social, and cultural rights are so wedded to individualism and competition that they reject the obligation of states to be responsible for the welfare of their citizens. Those who conflate economics and rights do so because they are fearful that any reference to individual rights will create a demand for meaningful participation and greater democracy.

But there have been positive moves towards a universal acceptance of the international human rights framework as the basis for analysis and objective setting for development. The human rights-based approach to development has become a recognized concept and is increasingly accepted in the UN and among many donors. Non-governmental organizations such as CARE International, Save the Children, and Minority Rights Group have integrated the term in their documents and some have developed programs based on the approach. The literature on human rights-based programming is growing even though there is still a dearth of documentation on the practical implementation or impact of the human rights approach to development cooperation.⁵ However, a number of development agencies have applied the human rights approach to situational analyses in their country programs.⁶

The UN Charter and the International Bill of Human Rights call on members of the UN to cooperate to ensure the realization of human rights. This binds development agencies—bilateral, multilateral, non-governmental—to work together in solidarity in striving to bring about, in the words of the Universal Declaration of Human Rights, “the social and international order in which human rights and freedoms set out in the Declaration of Human Rights can be fully realized.”⁷ By extension it binds these same donors to refrain from any actions that will make it harder or impossible for governments to meet their human rights obligations.

One of the important principles guiding the realization of human rights—especially as they relate to economic, social, and cultural rights—is the principle of “progressive realization” as expressed, for example, in Article Two of the International Covenant on Economic, Social, and Cultural Rights.⁸ The principle has often been raised by certain governments to support the view that economic, social, and cultural rights are merely ‘aspirational’ and cannot be assigned precise meaning and content. This has been comprehensively refuted by the UN Treaty Bodies and by independent experts, notably in the Limburg Principles⁹ and the Maastricht Guidelines.¹⁰ The jurisprudence developed over the years is complemented by a wide range of very practical recommendations for action contained in the Concluding Observations and General Comments of the UN human rights committees. In addition, the work of UN-appointed special rapporteurs, independent experts, and

working groups have swelled the body of knowledge available to development professionals.

The principle of progressive realization goes hand in hand with the principle of ‘non-regression.’ A State Party to the Covenant is obliged to take positive action and avoid going backward. Once a government has adopted policies and actions guaranteeing certain rights, there is an onus not to renege on those policies and actions nor to initiate activities that will deny already recognized rights. As one commentator puts it,

. . . [T]he intentional withdrawal of a currently enjoyed right or the erection of barriers designed to preclude the enjoyment of rights not currently enjoyed would represent typical acts of commission contrary to the enjoyment of economic, social and cultural rights. The repeal of legislation protective of these rights which results in detriment, tolerated discriminatory dictates against particular groups or the imposition of policies detrimental to the enjoyment of economic, social and cultural rights would also constitute actions amounting to violations of these rights.¹¹

This has direct implications for development cooperation and in particular to the conditionalities imposed on poor countries by the Bretton Woods institutions. For instance, it has relevance to the PRSPs when national policies are encouraged that clearly impact on ‘currently enjoyed rights.’ One often quoted example is the intention to impose or to re-impose fees for primary education whereas the International Covenant on Economic, Social and Cultural Rights states that “primary education shall be compulsory and available free to all.”¹²

In the context of global development it is incumbent on donors to ensure that their policies and actions do not directly lead to regression, defined by the Committee on Economic, Social, and Cultural Rights as a violation of human rights. It is also important that donors contest global policies that can have the same effect.

There are many forums open to this kind of intervention. The Development Assistance Committee of the OECD has formulated comprehensive policies on poverty reduction on behalf of the donor community; these have not drawn the link between human rights and poverty and have paid little attention to the impact of development assistance on the realization of human rights. The Executive Directors of the World Bank meet on a regular basis, but have never addressed poverty reduction strategies in the context of economic, social, and cultural rights. The regional multilateral banks have been criticized by NGOs for contributing to the growing gap between rich and poor but seldom on the basis that their policies weaken the legally held rights of the poor. This is the case also for regulations applying to regional trading blocs and to the GATS, TRIPS, and MAI. The ILO has attempted to inject the human rights of workers and children into its discussions with government officials through the World Trade Organization and has had some

success in opening a space for debate. However, only a few governments have supported this important initiative.¹³

Governments—who, after all, are on the governing boards of these institutions—have the responsibility by virtue of their treaty obligations to ensure that the policies and practices of these institutions do not interfere with the capacity of governments to work for the progressive realization of the rights of their citizens using the maximum resources available.

Human Rights-Based Programming

How can the international human rights framework help to target development efforts more effectively, ensure increased sustainability, and impact positively on poverty reduction?

First, revealing the level of realization of each right enables a better analysis of poverty and disadvantage by identifying the root causes of poverty—denial of access to resources, services, or opportunities and discrimination as defined in the human rights instruments. Second, it enables the establishment of criteria by which one can measure outcomes. Third, it empowers communities to demand their entitlements guaranteed by international law. And finally, it guarantees the accountability of all those charged with safeguarding human rights.

Analysis

For a human rights analysis to be useful, each of the rights should be considered separately. For each right, the relevant existing legislation and bylaws that either promote or hinder the realization of the right, the obstacles to the realization of rights caused by non-state actors, the status of existing enforcement mechanisms for the protection of human rights, the resources available and the priorities within government policies allocated to the realization of each right, and the sectoral and geographic areas of greatest disadvantage need to be identified in turn.

It is important to deal with each of the rights separately because this enables sufficient disaggregation of data for the establishment of clear human rights objectives. This points to the absolute prerequisite for those responsible for development programming to be better acquainted with the core content of the rights. It also underlines the importance of human rights education and awareness among all stakeholders since the participatory process requires this information to be effective.

Some important resources for the analysis of human rights are the UN Treaty Bodies. This includes the general comments and concluding observations issued following the

examination of the periodic reports of governments under the provisions of the various human rights treaties. The general comments elaborate on the content and meaning of specific rights, while the concluding observations identify areas of concern that relate to human rights in the reporting country.¹⁴

Finally, while it is commonplace that some human rights cannot be fully realized immediately for all, there is an imperative to address, without delay, the plight of those who are most disadvantaged in society and those whose rights are most acutely denied them. Human rights objectives must, therefore, prioritize the poorest and those who suffer the worst discrimination. This points to the need to formulate human rights objectives within realistic timeframes, so as to identify those goals that can be achieved immediately and those that are longer-term.

Measuring Outcomes

From the human rights analysis, which will have identified areas of greatest need as well as a range of possible development interventions, the establishment of human rights objectives becomes possible. Taking the right to education as an example, attention would be given to legislation that discriminates against girls, the provision of separate facilities for girls in schools, state or community bodies that supervise these, the budget allocation to ensure free and compulsory primary education, planning for education, and the degree to which communities are encouraged to take responsibility for overseeing education. The availability of and access, without discrimination, to secondary and tertiary education might then become a medium to long-term objectives.

Genuine and Meaningful Participation

The 1986 Declaration on the Right to Development states that:

The right to development is an inalienable human right by virtue of which *every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realized.*¹⁵

The concept of participation has gained general acceptance in development circles since the pioneering days of the evolution of such methodologies as Rapid Rural Appraisal and Participatory Action Research.¹⁶ ‘Participation,’ ‘partnership,’ and ‘ownership’ are now all part and parcel of policy and programming and there is universal recognition that these are essential factors to ensure sustainability. While there is a need to pay attention to the principle of subsidiarity—that is, that people only need to be involved at the level of decision-making that most directly affects them—the responsibility for ensuring

participation needs to be shared by all development actors, including the international financial institutions and the transnational corporations.

People at each level of decision-making must be actively provided with the information that will enable them to take part and contribute to positive outcomes. The Working Group on the Right to Development, established by the UN Commission on Human Rights, in presenting its extensive conclusions to the Commission in 1996 declared that, “popular participation must extend to all aspects of community life, including the definition and formulation of development policies and programs, as well as their implementation, monitoring and supervision.”¹⁷ This is not simply a question of ownership. For all those development agencies committed to fostering democracy and human rights, participation is a prerequisite to ensure stability. It is a given that the violation of civil and political rights most often takes place in the context of the denial of economic, social, and cultural rights and persistent discriminatory practices.

Participation, in fact, is the practical manifestation of the indivisibility of human rights. Wherever people’s economic, social, and cultural rights are denied they will individually and collectively call for their entitlements. Without the right to freely express themselves, people will not be able to call attention to the denial of rights, a situation which inevitably frustrates development itself. But genuine and meaningful participation must be informed participation. Two elements are required:

1. Information that is adequate to the decision-making process and
2. Knowledge of entitlements guaranteed by the human rights framework.

This is why development programming must have both a built-in willingness to share information and heed community views, and awareness-building about human rights and the obligation of the duty-bearers. In other words, the information must include details about the international human rights framework and the obligations of states to the realization of all human rights. This is not a threat or a challenge, but rather a positive contribution to the involvement of people in their own development and in the forging of national partnerships.

At each step—analysis, the establishment of objectives and benchmarks, implementation, and the monitoring of accountability mechanisms—programmers need to make every effort to provide relevant information and to be open to input from the stakeholders at every level possible.

It is the absence of genuine and meaningful participation that lies behind much of the criticisms of the PRSP process touched on above. When national development plans are drafted according to poverty reduction criteria, mostly dictated by outside forces and without the genuine involvement of all stakeholders, decisions are taken that might

adversely affect entire communities without an opportunity for their input or for seeking redress. Participation based on the human rights framework would avoid much of the criticism attached to the practices of multilateral financial institutions and by extension to the development community at large.

Accountability

The 2000 Human Development Report argues that the major added value of a human rights approach to development is accountability.¹⁸ Accountability is key to the protection and promotion of human rights, since states are accountable by virtue of their UN membership and hence their obligations under the UN Charter, the International Bill of Rights, and other binding treaties.

As we discussed earlier, the realization of human rights is facilitated by a set of well-defined rules. These are the obligations of States to respect, protect, and fulfill human rights. The obligation to respect human rights demands that states ensure that the country's laws accord with human rights law. The obligation to protect requires governments to prevent the violation of rights by non-state actors and to ensure provisions for redress; the obligation to fulfill rights relates to policies and budgets that prioritize the realization of rights with a special focus on those who are most disadvantaged. The Maastricht Guidelines have a clear formulation of these rules:

Like civil and political rights, economic, social, and cultural rights impose three types of obligations on States: the obligation to respect, protect and fulfill. Failure to perform any of these three obligations constitutes a violation of human rights. The obligation to 'respect' requires States to refrain from interfering with the enjoyment of economic, social, and cultural rights. Thus, the right to housing is violated if the State engages in arbitrary forced evictions. The obligation to 'protect' rights requires the State to prevent violations of such rights by third parties. Thus, the failure to ensure that private employers comply with basic labor standards may amount to a violation of the right to work or the right to just and favorable conditions of work. The obligation to 'fulfill' requires States to take appropriate legislative, administrative, budgetary, judicial, and other measures towards 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.¹⁹

In the context of development assistance, it is not only recipient governments that are accountable for the realization or violation of human rights. Donors, by virtue of their belonging to the international community and being bound by the rules of the international human rights framework, also remain accountable to that framework. The legal basis of this accountability is still in its formative stages and there are no punitive measures that apply to donors who do not accept this responsibility, but donors committed to the realization of human rights should be comfortable with accepting this accountability. Shared accountability is also consistent with the concept of partnership that donors have

developed to describe their preferred aid relationships and has led to proposals that these relationships be governed by quasi-legal instruments.²⁰

Indeed, accountability is only made real if there are mechanisms that ensure that complaints will be heard and that redress is possible through an agreed process of arbitration. This accountability requires also accepting responsibility for the possible negative impacts on communities within recipient countries. It is their rights that are the focus of assistance and it is the people in these communities whose rights are currently denied. The agreement between donor and recipient governments should include a standard provision for an independent monitoring mechanism for each country program that would be given the power to arbitrate where disputes or grievances cannot be resolved to the satisfaction of interested parties.²¹

A complaint mechanism necessarily needs provision for some kind of remedy. It is difficult to predict the circumstances that will lead to grievances on the part of the recipient or donor government, on the part of elements of civil society, community groups or other parties in the context of development programs, or of individual projects. However, there are principles to guide the complaint mechanism in its search for remedies including:

- That suspension or reduction of the country program or of individual projects will only be done in consultation with the affected parties;
- That the donor government will be responsible for attempting to enlist support from other donor sources in those cases where it suspends or diminishes a program or project and when this has not achieved its human rights objectives;
- That the donor undertakes to compensate parties whose human rights have been negatively affected in the course and as a result of the program or project to the same extent as under the laws of the donor country;
- That if agreed human rights objectives have not been achieved by the end of the program or project, the donor will consider extending or renewing the program or project until they are achieved.

It is not suggested that every donor should create such mechanisms as this would place an undue burden on all concerned. Neither would the mechanisms be called upon unless a good case would be made for arbitration. It should be the responsibility of donor agencies to work out the mechanisms that are both equitable and accessible.

Finally, States have the responsibility of assessing the impact of their trade and investment policies on economic, social, and cultural rights both domestically and internationally. If barriers on agricultural products from a specific region are inconsistent with poverty reduction and the protection of human rights, the question arises about appropriate responses to the State imposing these barriers.

Governments in developed countries committed to the promotion of human rights should be supporting the process of holding non-state development actors accountable. By incorporating into the rules of trade and investment the need for human rights impact assessments and the provision of mechanisms for redress, they can encourage transnational corporations to take account of the benefits to their fiscal bottom line that will flow from adherence to and support for human rights.

They can support the establishment of committees of independent experts that can advise and monitor the impact on human rights of the activities of international companies and regional trade arrangements, and promote the process in international trade and investment forums.

There are three essential steps to programming using the human rights approach to development:

1. The formulation of goals and implementation processes in human rights terms;
2. An agreement by all stakeholders on appropriate performance indicators including the establishment of realistic time frames for achieving objectives and concrete measures of progress; and
3. An evaluation of outcomes based on both human rights and meaningful participation.

Development assistance should support governments—regardless of resource constraints—in ensuring that they satisfy their minimum obligations relating to each right in the International Bill of Rights and that their strategies and programs provide for the eventual fulfillment of all their human rights obligations.

Coordination

Development assistance policies are often framed in terms of the national interest and to help position the donor country favorably on the geo-political and geo-economic chessboard. There is considerable resistance among some donor governments to the formal coordination of aid in anything more than in the most general way. Nevertheless, there is an increasing trend towards the establishment of frameworks to coordinate the activities of development actors. Among these are the World Bank-hosted consultative groups, the Comprehensive Development Framework, the United Nations Development Assistance Framework (UNDAF), and the latest, the PRSPs, a clear step in the direction for donors working toward a common plan.

However, while there is agreement in principle that it makes good sense to approach development assistance in a spirit of cooperation and to avoid competition among donors,

this has so far proved difficult to implement in practice. There is hope that with greater acceptance of a human rights approach to development, with its focus on uniform standards guided by the international human rights instruments, the elusive goal of achieving genuine cooperation might be possible.

The UN has begun to show the way through its Common Country Assessment (CCA) and UNDAF. These processes demonstrate the value of increased coordination and bilateral donors could productively draw upon the experience gained so far. Very few of the CCAs and UNDAFs, so far, have used the human rights-based approach to development, but the experience of those that have could prove useful models for collaboration among donor agencies.

Boosting the capacity and professionalism of the UN human rights treaty monitoring bodies and assisting countries to use the UN human rights reporting processes would be one way of ensuring that there is a common basis of information from which development agencies can work. The World Bank's Comprehensive Development Framework is also a step in the right direction. However, rather than subsuming all bilateral and other development to this framework, the World Bank should accept that member states of the UN have over the past 50 years already developed a legally binding, comprehensive development framework called the International Bill of Rights. Once the Bank accepts that the international human rights framework also binds it, the potential for sustainability and poverty eradication will be enhanced. Furthermore, bilateral donors will play a major role in ensuring that this will come about if they promote the human rights approach to development assistance.

Conclusion

In the era of free market regulations, development agencies are struggling for relevance. The growing realization that poverty and dispossession lead inevitably to the undermining of a favorable economic climate has resulted in most becoming committed to poverty reduction as the main development objective, for poverty is the main basis of conflict in the globalized world.

This could not have been brought into starker relief than by the appalling events in the U.S. on September 11, 2001. Poverty and dispossession lie behind the support in the developing world for the perpetrators of those hideous acts. The reasons for conflict within and around Afghanistan can be laid at the feet of unsuccessful and inadequate development strategies—or a total lack of these.

From an ethical, moral, and efficiency perspective it is only the human rights approach to development that can prove at once effective and sustainable. Let us hope that this lesson has been learned when it is time to reconstruct Afghanistan after the so called 'war on

terrorism.’ In the meantime, the lessons must be applied in solidarity with the poor, wherever they may live.

Notes

¹ Following the Asian economic meltdown in 1997, the World Bank allocated \$300 million for a “safety net” in Thailand.

² The Government of Malaysia has supported increased regulation on currency exchanges and capital flows, apparently with positive results for the Malaysian economy.

³ The World Summit for Social Development formulated specific targets that are meant to be reflected in development planning. These targets are broad brush and to become meaningful require disaggregation at the micro level.

⁴ Cited in “IMF Forces African Countries to Privatize Water,” Rainer Chr. Hennig <http://www.afrol.com>.

⁵ See *Working Together: The Human Rights Based Approach to Development Cooperation*, the Swedish International Development Agency (Sida), August 2001. A number of examples are described in the report but the consensus is that there is a need for a great deal more experimental evidence.

⁶ The Sida human rights analysis in Zimbabwe and the UN Development Assistance Framework in Nepal are two examples. See *Working Together*, *supra* no.5.

⁷ Article 28 of the Universal Declaration of Human Rights, Adopted and proclaimed by General Assembly resolution 217A (III) of 10 December 1948.

⁸ “State Party to the Present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to a 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, including particularly the adoption of legislative measures.”

⁹ *The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights* (E/CN.4/1987/17).

¹⁰ “The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights,” in *Economic, Social and Cultural Rights*, Asbjorn Eide, Catarina Krause, and Allan Rosas, eds. (The Hague: Martinus Nijhoff, 2001).

¹¹ *Ibid.*, 55

¹² ICESCR, Article 13,2,(a)

¹³ UNICEF is an organization that has attempted to integrate the promotion of the rights of children into the PRSPs.

¹⁴ Very often these concerns are attributed to a lack of technical knowledge or resource constraints. Where such reports have not been produced by governments that have ratified treaties, donors could benefit greatly by providing assistance for the reporting process and thus enabling governments to identify areas of need.

¹⁵ General Assembly Resolution 41/128, December 1986, Article 1.

¹⁶ Techniques developed in the seventies and eighties based on social anthropology and designed to gain a quick and broad-brush understanding of social situations particularly in rural societies.

¹⁷ UN Document E/CN.4/1996/L.11.

¹⁸ United Nations Development Program, *Human Development Report 2000* (New York: Oxford University Press, 2000).

¹⁹ *The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, *supra* no.10.

²⁰ See *The Rights Way to Development—Policy and Practice*, Human Rights Council of Australia, Marrickville, 2001. See also the proposal by the Independent Expert on the Rights to Development, Arjun Sengupta, for ‘compacts’ binding the respective parties to set agreements (in the report of the independent expert on the right to development to the Fifty-fifth session of the UN General Assembly A/55/306).

²¹ Recommendations on the make up, mandate, and performance of such a mechanism can be found in *The Rights Way to Development—Policy and Practice*, *supra* no.20.