TABLE OF CONTENTS

Table of Abbreviations vii

Acknowledgements ix

1. Introduction 1

2. The International Covenant on Economic, Social and Cultural Rights: Theory and Problems 13
   A. Issues of Legal Quality 14
   B. Layers of Obligation in the ICESCR 19
      i. Aspects of Immediate Obligation 19
      ii. Minimum Core Content/Minimum Threshold 21
      iii. Obligations to Respect/Protect/Fulfil 28
   C. Residual Problems 34
   D. Conclusion 37

3. Article 2(1) ICESCR: Economic Parameters of State Obligations 39
   A. 'to take steps ... by all appropriate means, including particularly the adoption of legislative measures' 41
   B. 'to the maximum of its available resources' 44
   C. 'to achieve progressively the full realization of the rights' 51
   D. Towards a More Comprehensive Paradigm of State Obligations 54
   E. Conclusion 57

4. CESCR Practice – An Economic Deficit? 59
   A. Defining the Parameters of Available Resources 60
      i. Hong Kong's Financial Reserves 60
      ii. The Covenant and Congo's Catastrophe 63
   B. Globalisation and Developing Countries 66
      i. Trade Liberalisation: Mexico and NAFTA 67
      ii. Argentina: Structural Reform and Financial Crisis 71
   C. Corruption 81
   D. The Minimum Wage 96
   E. Future Directions for the Covenant in Advanced Economies 102
      i. European Unemployment 102
      ii. Welfare Reform 108
   F. Conclusion 124

5. Contextualising the Covenant: Aspects of the Evolving Global Economic Framework 127
   A. Trans-National Corporations and the Global Re-Organisation of Production 130
   B. The Deregulation of Financial Markets 141
   C. Conclusion 151

6. Future Directions for the Covenant? 155
A. Structural Reform 156
i. Reform Possibilities Within the Existing Committee Structure 157
ii. Enhancing Co-operation with the Specialised Agencies 164
iii. An Optional Protocol to the ICESCR 169
iv. More Radical Reform Options 173
B. Methodological Reform 175
i. Focused Questioning 175
ii. Integrity of Concluding Observations 181
C. Conclusion 184

7. Conclusion 185

Bibliography 193