

Types of maximum available resources standards has been suggested in different contexts

Source	Context	Standard	Statement	Citation
CESCR	General Statement	International cooperation	“The Committee notes that the phrase "to the maximum of its available resources" was intended by the drafters of the Covenant to refer to both the resources existing within a State and those available from the international community through international cooperation and assistance”	Committee on Economic, Social and Cultural Rights (CESCR), <i>General Comment No. 3, The nature of States parties obligations (Art. 2, par.1)</i> (Fifth session, 1990), UN Doc E/1991/23 at 13.
			“To the extent that any such steps are considered to be beyond the maximum resources available to a State party, it is appropriate that a request be made as soon as possible for international cooperation”	Committee on Economic, Social and Cultural Rights (CESCR), <i>General Comment No. 4, The right to adequate housing (Art.11(1))</i> (Sixth session, 1991), UN Doc E/1992/23 at 10
			“Where a State party is clearly lacking in the financial resources and/or expertise required to “work out and adopt” a detailed plan, the international community has a clear obligation to assist”	Committee on Economic, Social and Cultural Rights (CESCR), <i>General Comment No. 11, Plans of Action for primary education</i> (Twentieth session, 1990), UN Doc E/C.12/1999/4 at 9
CESCR	General Statement	When resources for implementation are inadequate at a minimum the government must: Monitor the violation and develop a program of action – where resources are lacking to develop the action plan or implement it,	Effective monitoring takes immediate effect	Committee on Economic, Social and Cultural Rights (CESCR), <i>General Comment No. 4, The right to adequate housing (Art.11(1))</i> (Sixth session, 1991), UN Doc E/1992/23 at 13
			Even where the available resources are demonstrably inadequate, the obligation remains for a State party to strive to ensure the widest possible enjoyment of the relevant rights under the	Committee on Economic, Social and Cultural Rights (CESCR), <i>General Comment No. 3, The nature of States parties obligations (Art. 2, par.1)</i> (Fifth session, 1990), UN Doc E/1991/23 at 10-11

		international assistance should be sought	prevailing circumstances...Moreover, the obligations to monitor the extent of the realization, or more especially of the non-realization, of economic, social and cultural rights, and to devise strategies and programmes for their promotion, are not in any way eliminated as a result of resource constraints”	
			“need to ascertain, through regular monitoring, the nature and scope of the problems existing within the State; the need to adopt appropriately tailored policies and programmes to respond to the requirements thus identified; the need to legislate where necessary and to eliminate any existing discriminatory legislation; and the need to make appropriate budgetary provisions or, where necessary, seek international cooperation and assistance”	Committee on Economic, Social and Cultural Rights (CESCR), <i>General Comment No. 5, Persons with disabilities</i> (eleventh session, 1994), UN Doc E/1995/22 at 13
Constitutional Court of South Africa	Health care resources	Limiting the provision of life-saving health care products/services to certain locations when broad provision of said product/service <u>only strains available resources</u> (and does not demonstrably result in compromising other services) is a violation of the state’s duty to	“If order 2 is implemented, and the appeal succeeds, the result will be that the health facilities will have suffered some inconvenience here and there and that resources, especially human resources, will have been strained... I find myself unable to formulate a motivation for tolerating preventable deaths for the sake of sparing the respondents prejudice that can not amount to much more than organizational	<i>Treatment Action Campaign and others v Minister of Health</i> [2002] ZAGPHC 3, (2002) 10 BCLR 1033 (CC) available at http://www.saflii.org/za/cases/ZAGPHC/2002/3.html

		devise and implement within its available resources a comprehensive and coordinated programme	inconvenience”	
African Commission on Human and People's Rights	Context of poverty/limited resources	Concrete and targeted steps	“African countries are generally faced with the problem of poverty which renders them incapable to provide the necessary amenities, infrastructure and resources that facilitate the full enjoyment of this right... the obligation on part of States party to the African Charter to take concrete and targeted steps, while taking full advantage of its available resources” (para 84).	<i>Purohit and Moore v. The Gambia</i> (29 May 2003), Communication No. 241/2001, Sixteenth Activity report 2002-2003, Annex VII, online: African Commission on Human and People’s Rights < http://www.escri-net.org/caselaw/caselaw_s how.htm?doc_id=401249 &focus=13958 >
Constitution of Ecuador		How state resources can be made maximally available for development/social services	“The Constitution requires such (health care sector) allocations to be increased in direct proportion to the increase in national revenue”	Summary available at http://www.escri-net.org/caselaw/caselaw_s how.htm?doc_id=417146 &focus=13958