

GLOBAL AND REGIONAL ORDER

# HUMAN RIGHTS ECONOMICS

An Enquiry

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Is it possible to articulate a concept of Human Rights Economics? This enquiry finds that it is.



Human Rights Economics offers a relevant and workable framework within which to design economic policy that responds to today's challenges. It encourages human rights advocates to be bolder in engaging with economic thought and practice.



Human Rights Economics shares many of the features of other branches, such as doughnut economics, ecological economics, feminist economics or stratification economics. It also shares perspectives and objectives of other alternative discourses, such as heterodox economics, Buen Vivir or Wellbeing economy.



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## EXECUTIVE SUMMARY

This paper is an initial enquiry into whether it is possible to articulate a concept of Human Rights Economics and, if so, what Human Rights Economics would consist of and how it could be put into practice. The enquiry concludes that it is possible to answer the first question affirmatively – it thus puts forward the term and notion of Human Rights Economics.

The enquiry premises its reasoning on the view that in many ways economic thought and practice currently disregard human rights. It is of the view that the world needs an economic system that is fairer for people and the planet, that promotes social and economic justice, that integrates a plurality of views and traditions and that is consistent with human rights in both its processes and outcomes.

*In its consideration of how to reflect key human rights principles into economics, this enquiry aims to move beyond descriptions of problems and solutions. It seeks to activate concrete approaches, concepts and actions to ensure that economic outcomes as well as the process of formulating and applying economic policy are consistent with human rights.*

In Part II, the enquiry explores whether and how human rights principles can contribute to bringing this about. It starts by analysing the factors that characterise different branches of economics – such as behavioural, feminist or stratification economics, noting what factors each of these has brought to light and contributed to economic thinking and practice. It draws on these as a basis for identifying what factors a new – Human Rights Economics – branch would bring to light. Part II also draws on a strong body of existing work on economics and on human rights to examine ways that human rights and economics have been treated together, in order to identify obstacles to fertile interactions between the two fields.

Part III discusses human rights principles, norms and approaches that could – and should – be reflected in economics. It organises these under three headings. The first focuses inter alia on accountability, non-discrimination, the right to cultural diversity and the right to participate. It surveys how these human rights principles are – or are not – integrated into economic thought and practice, and points to ways of ensuring that they will be in the future.

The second heading appraises how human rights shed light on the need to deconstruct assumptions or principles – like efficiency or Gross Domestic Product as a measure of societal wellbeing. It indicates how human rights can help us challenge some of the assumptions that cause economics to be out of step with some of today's key challenges, such as overconsumption of natural resources or growing inequalities. The final heading of Part III looks at the questions of power and institutions from a human rights perspective.

The view that emerges from the analysis in Part III is that Human Rights Economics shares many of the perspectives of other branches of economics such as doughnut economics, ecological economics, feminist economics or stratification economics. It also shares many of the perspectives and objectives of alternative approaches and discourses such as heterodox economics, Buen Vivir or Wellbeing economy. Beyond this, in a number of respects Human Rights Economics can help push the boundaries of mainstream economics, for instance by bringing the human rights legal framework and implementation mechanisms to bear, or by drawing attention to the blind spots of other branches of economics. For example human rights draws attention to the fact that private property ownership is not the only means of holding, using or managing resources. Recasting property rights could have a transformational impact on economics.

Part IV looks at the third question posed at the outset of the enquiry, which is how to put Human Rights Economics into practice. The suggestions it sets out address conceptual, strategic and advocacy aspects of future work to strengthen the human rights voice in efforts to promote an economic system that is fairer for people and the planet.

At the conceptual level, it identifies areas where more research, analysis and conceptual development is necessary. One such area would involve exploring how to articulate the requirement for affirmative action in economic terms, for instance through altering incentives or institutions that permit allocating more resources to groups that are already better off. Related to this, work towards defining how to embed accountability as an economic incentive and to clarify what »efficiency« means from a human rights perspective would be highly relevant.

Part IV also outlines areas in which further research is needed to enhance the impact of human rights on economics in the future. One avenue would be to survey successes and failures in the human rights community's engagements with economics. A specific recommendation is to work within academia to ensure that human rights students have some grounding in economics, and vice versa. Joining forces across disciplines will be essential.

Perhaps the most important strand of work going forwards is to demonstrate the relevance and applicability of human rights in economics. Positive examples of how human rights can inform and influence economic policy include initiatives such as UK studies on distributional impacts of tax and welfare reforms on groups of people who are vulnerable to discrimination, human rights-based economic justice advocacy in South Africa and human rights audits of economic policy in the USA and Mexico.

## 1

## PREMISE OF THE ENQUIRY

From a human rights perspective, economics is failing us. Inequalities have risen and resources are being depleted at an unsustainable rate. Some people – such as those whose livelihoods depend on a healthy environment, those who live in remote regions, or members of some minorities – are sometimes left out of economic thinking altogether. The models on which economic policy is still based do not adequately capture the value of natural capital or essential invisible values. Furthermore, economic decision-making is often not sufficiently democratic.

This enquiry premises its reasoning on the view that we need an economic system that is fairer for people and the planet, that promotes social and economic justice, that integrates a plurality of views and traditions and that is consistent with human rights in its processes and outcomes.

*The premise of this enquiry is that economics as currently practiced is not doing the job we want it to do.*

The central principles of human rights (such as non-discrimination, participation, accountability, rule of law, and universality) offer a relevant and workable framework for economic policy to respond to today's challenges. Yet the human rights community has failed to articulate these principles in economics. In contrast, feminists have created a concept of feminist economics through which gendered aspects of society are now widely accepted in economic policy.

This enquiry teases out some of the key insights from human rights that should guide economics. It builds on a strong body of existing works on economics and human rights. It shares many of the perspectives of feminist economics, ecological economics and doughnut economics. Beyond this, it explores how human rights principles and values can be applied to further deconstruct assumptions on which economics is based, and recast the field in a way better equipped to meet the challenges of our times.

The aim of this enquiry is to galvanize action towards embedding<sup>1</sup> and operationalising human rights within eco-

nomic thinking and policy-making and towards concrete approaches, concepts and actions to ensure that economic processes and outcomes are consistent with human rights. By focusing on how to embed human rights in economics, the intention is to move from descriptions of problems and solutions to development and application of economic thinking that has human rights at its core.

The enquiry also aims to contribute to more productive interaction between the fields of human rights and economics. These interactions might play out through a separate concept of Human Rights Economics or through other ways of positioning human rights values, principles and norms in economic debates. In this sense, this enquiry poses a conceptual, a strategic and an advocacy challenge.

<sup>1</sup> This word is used here in its dictionary meaning of »making something an integral part of.« However, as we will see below in Part III, the Polanyian notion of embeddedness resonates strongly with Human Rights Economics.

## 2

# ECONOMICS AND HUMAN RIGHTS

## 2.1 ECONOMICS

The word economics comes from the Greek words »eco« meaning home and »nomos« meaning accounts. Economics now has moved from being about how to keep household accounts to become the wide-ranging subject we know today.

There are various definitions of economics – even economists are far from unanimous about how they describe their subject. Some common features can be discerned: definitions engage with the questions of choices and decision-making to provide for people's needs (provisioning) or to respond to their preferences. Some definitions acknowledge social factors, customs and processes and some explicitly direct attention to the individual-, firm- or societal-level at which choices are made.

*»Economics: A social science that analyses and describes the consequences of choices made concerning scarce productive resources. Economics is the study of how individuals and societies choose to employ those resources: what goods and services will be produced, how they will be produced, and how they will be distributed among the members of society.«*

Encyclopaedia Britannica

*»Economics is a study of how men and society choose with or without the use of money, to employ scarce productive uses resource which could have alternative uses, to produce various commodities over time and distribute them for consumption, now and in the future among the various people and groups of society.«*

Paul Samuelson

*»Every short statement about economics is misleading.«*

Alfred Marshall

Just as economics has a number of definitions and approaches, so are economists a very diverse group. Neo-classical economics is today the mainstream, dominant school of economic thought, but mainstream economists do not represent the entirety of the discipline.<sup>2</sup>

<sup>2</sup> Salomon & Arnott (2014) Better Development Decision-making: Applying International Human Rights Law to Neo-classical Economics, 32 *Nordic Journal of Human Rights*.

### 2.1.1 BRANCHES OF ECONOMICS

Specialised areas of economic investigation focus on questions pertaining to specific areas of economic enquiry, known as branches<sup>3</sup> of economics. Depending on its focus, a branch may draw on different economic theories and methods as well as on other social sciences such as psychology or history or exact sciences such as biology, logic or mathematics. A branch may also focus on a specific sector (agricultural economics or health economics, for instance).

Some of the best-known branches are behavioural economics, education economics, institutional economics, managerial economics or welfare economics. There are many other branches on this long list. But none of the extensive research and interviews undertaken for this paper yielded any references to Human Rights Economics.<sup>4</sup>

Table 1 presents some branches of economics to illustrate key features of different branches. Wherever applicable, it identifies what novel factors the different branches draw out or bring to light. This serves to prompt consideration of what types of factors human rights can bring to light and embed into economics. Based on the discussion in Part III, Part IV of this paper returns to the Table, adding to it characteristics of Human Rights Economics and the elements it brings to light that need to be integrated into economics.

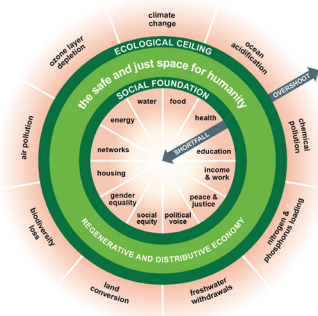
### 2.1.2 BRANCHES OF ECONOMICS – A VARIETY OF CHARACTERISTICS

The branches included in Table 1 illustrate a range of things that naming a topic as a branch of economics can do. The Table shows that different purposes can be served by expressing something as a branch of economics. Some

<sup>3</sup> These are distinguished from schools of economic thought, which refer to groups of thinkers who share a common perspective on the way economies work or should work.

<sup>4</sup> The UN High Commissioner for Human Rights, Michelle Bachelet refers to »human rights economy,« saying that this »requires transparency, accountability and a broad space for social dialogue, scrutiny and participation.« UN Human Rights (2021) *Statement by Michelle Bachelet, UN High Commissioner for Human Rights*.

Table 1  
**Characteristics of selected branches of economics**

| Branch name                  | Key dates and thinkers                                                                                                                                                     | Characteristics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | What it drew out that had not previously been recognized                                                                                                                                                                                                                                                                                                                                                                                                     | Related concepts & policy applications                                                                                                                                         |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Behavioural Economics</b> | Emerged in the 1960s. Nobel prize awarded to Kahneman for his work in this area in 2002.                                                                                   | Studies the effects of social, psychological, cognitive, and emotional factors on economic decisions.<br><br>Mainly uses microeconomics.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | »Economic man« is not rational. How people actually behave is different from how economic theory determines they should behave. People do not confine their decision-making criteria to those factors held to be important by economic theory.                                                                                                                                                                                                               | Nudge theory                                                                                                                                                                   |
| <b>Development Economics</b> | Emerged in the 1950s (in parallel to decolonisation processes).<br><br>Some of its fields of study have been subsumed into or overtaken by, other branches and approaches. | Studies economic challenges specific to the world's poorest countries. Looks at forces that contribute to or impede their progress towards the »ideal« of developed economies, such as health policies, education or market conditions, usually with a focus on achieving change and economic growth.<br><br>Is often concerned with identification of causal effects, such as the effects of deworming on child health or the effects of land reform on welfare.                                                                                                                                                                                                                                                                                                                                     | Economic thinking that applied to richer countries was not applicable in poorer countries. Recognition that in those countries, culture, values and norms may drive certain decisions or behaviours more than the norms defined by economic theory.<br><br>Initially, development economics was to a certain extent atheoretical, i.e. the subject was mostly concerned about field practicalities and realities that did not necessarily conform to theory. |                                                                                                                                                                                |
| <b>Doughnut Economics</b>    | 2010s                                                                                                                                                                      | Draws on insights from diverse schools of economic thought including ecological, feminist, institutional, behavioural and complexity economics, to present ways of thinking necessary to bring the world's economies within the boundaries of the »doughnut,« i.e. a safe and just space for humanity.<br><br>Focuses on how to bring about regenerative and distributive economies and recognises that growth is a healthy phase of life but that nothing grows forever. After growing, we must grow up and thrive.                                                                                                                                                                                                                                                                                  | Uses the concept of the doughnut to demonstrate three key economic policy objectives: (1) for people to thrive within the doughnut, which represents a space (2) above the lower threshold of social foundations (defined according to 12 SDG-defined minimum social standards) (3) with an upper ecological ceiling of nine planetary boundaries.<br><br>               | Encourages public engagement with economics by making key concepts understandable in visual form. Provides simple tools, expressed in a catchy way, to guide economic thinking |
| <b>Ecological Economics</b>  | 1970s                                                                                                                                                                      | Studies the relation between the economy and the environment, focusing on the impacts of humans and their economic activity on ecological systems and services, and vice versa. Sees the human economy as part of a finite biosphere, which should be subjected to ecological limits. Explicitly takes into account long-term environmental sustainability and issues of scale.<br><br>Ecological economics is a trans-disciplinary or interdisciplinary field. Whilst often considered a subdiscipline of ecology or of economics, it attempts to be a bridge across not only ecology and economics but also psychology, anthropology, archaeology and history.<br><br>Ecological economists tend to reject the proposition that human-made (»physical«) capital can substitute for natural capital. | The necessary integration between »nature's household« (ecosystems) and »humanity's household« (the economy). Values natural resources.<br><br>Attempts to look at humans as embedded in their ecological life-support system, not separate from it.<br><br>Availability of resources may limit economic growth.                                                                                                                                             | Limits to growth.<br><br>Planetary boundaries.                                                                                                                                 |

| Branch name                    | Key dates and thinkers                                          | Characteristics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | What it drew out that had not previously been recognized                                                                                                                                                                                                                                                                                                                                          | Related concepts & policy applications                                                                                                                                                                                                                                                                   |
|--------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Environmental Economics</b> | 1960s                                                           | <p>Studies the financial impact of environmental policies and how economic activity and policy affect the environment in which we live. Involves theoretical or empirical studies of the economic effects of environmental policies, and how natural resources are developed and managed. Applies economic tools to address environmental problems, many of which are related to so-called market failures – circumstances in which the »invisible hand« of markets does not yield the desired results. Particular issues include the costs and benefits of alternative environmental policies to deal with air pollution, water quality, toxic substances, solid waste, and global warming.</p> <p>As environmental economics is a subdiscipline of economics, it applies mainstream economic thinking to the environment. This distinguishes it from ecological economics, which emphasises the economy as a subsystem of the ecosystem.</p> | <p>Market failures including externalities<br/>Common Goods, Public Goods.</p> <p>Need to attribute a monetary value to the environment, including ecosystem services, otherwise the environmental costs of economic growth will be unaccounted for.</p>                                                                                                                                          | <p>Policy responses: regulations, tariffs on pollution, quotas (e.g. emissions trading), better defined property rights.</p> <p>The movement out of which environmental economics emerged gave rise to today's environmental policies and regulations, and led to establishment of bodies like UNEP.</p> |
| <b>Feminist Economics</b>      | 1990s, following Marilyn Waring's 1988 book »If Women Counted«. | <p>Studies economics and economies through a gender-aware and inclusive lens. It focuses on topics such as care work, intimate partner violence, and on economic theories which could be improved through better incorporation of gendered effects and interactions, such as between paid and unpaid sectors of economies. It critically analyses policies, economic theory and economic life and advocates various forms of feminist economic transformation.</p> <p>Demonstrates that the politics and economics underpinning what, how and by whom activities and outputs are valued are not neutral, i.e. that traditional economics are socially constructed, with models and methods often biased by their attention to masculine-associated topics and favouring masculine-associated assumptions and methods.</p>                                                                                                                      | <p>Brings care work and other forms of unpaid work into economic calculations, such as through counting unpaid work in national accounts.</p> <p>Calls out power relations in the economy.</p> <p>Different women have different lived experiences, and women can face intersecting forms of discrimination.</p> <p>Feminist economists call for a shift in how economic success is measured.</p> | <p>The other economy.</p> <p>Care work.</p>                                                                                                                                                                                                                                                              |

| Branch name                  | Key dates and thinkers                                                                                                                                               | Characteristics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | What it drew out that had not previously been recognized                                                                                                                                                                                                                                                                                                           | Related concepts & policy applications |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| <b>Harmful economics</b>     | 2020s                                                                                                                                                                | <p>Harmful economics looks at income or other benefits gained by harm (defined as one group using resources to structure the alternatives of the second group in such a way that the first group benefits.)</p> <p>Harmful economics says harm is much more important than suggested by orthodox economics, which principally looks at income obtained from production. Yet through control of a society and its key elements (economy, government, social system), some people/ groups in the society obtain income from others. This income is not based on production, but some form of taking away from/harming others, such as through exploitative labour or tax havens.</p> <p>Harmful economics is so far mostly descriptive, with references to other bodies of work. It is put forward under this name primarily by one individual.</p>                                                           | Harm caused to some by the economic system.                                                                                                                                                                                                                                                                                                                        |                                        |
| <b>Health Economics</b>      | <p>1960s</p> <p>A 1963 article by Kenneth Arrow is often credited with giving rise to health economics as a discipline.</p>                                          | <p>Studies the economy of health, health care and the promotion of health for all. It is an applied field of study and tends to be microeconomics-focused. It is generally concerned with issues related to efficiency, effectiveness, value and behaviour, of individuals, health care providers, public and private organisations and governments, in the production and consumption of health and healthcare. It provides insights into how health care can be organised and financed and provides a framework to address a broad range of health-related issues in an explicit and consistent manner.</p> <p>Health economics addresses these questions primarily from the perspective of efficiency – maximising the benefits from available resources (or ensuring benefits gained exceed benefits forgone). Also recognises equity concerns, such as »what is a fair distribution of resources?«</p> |                                                                                                                                                                                                                                                                                                                                                                    |                                        |
| <b>Information Economics</b> | <p>1990s</p> <p>Nobel prize awarded to George Akerlof, Michael Spence, and Joseph E. Stiglitz in 2001 for their analyses of markets with asymmetric information.</p> | <p>Studies the role of information in the economy. Information has special characteristics. It is easy to create but hard to trust, is easy to spread but hard to control and influences many decisions. These special characteristics (as compared with other types of goods or services) complicate many standard economic theories; thus developments in information economics stimulated advances in other areas of economics, including contract theory and behavioural economics. It has reinvigorated institutional economics, showing how institutions matter, in some cases explaining institutional features that could not be well-understood in the conventional paradigm, and in others showing how institutional responses to market failures might or might not be welfare-enhancing.</p>                                                                                                    | <p>Information has value.</p> <p>Need to question the perfect markets competitive paradigm, as information failures are associated with numerous other market failures, including incomplete risk markets, imperfect capital markets, and imperfections in competition, enhancing opportunities for rent-seeking and exploitation.</p> <p>Institutions matter.</p> |                                        |

| Branch name                     | Key dates and thinkers                               | Characteristics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | What it drew out that had not previously been recognized                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Related concepts & policy applications                              |
|---------------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>International Economics</b>  |                                                      | <p>Studies the effects on economic activity that stem from international differences in productive resources and consumer preferences and the international institutions that affect them.</p> <p>Its also concerned with how economic relations between countries, mainly trade, finance, investment and labour flows affect economies. It can use microeconomic models, but is mainly focused on macro-economic aggregates.</p>                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                     |
| <b>Labour Economics</b>         |                                                      | <p>Studies the functioning and dynamics of labour markets. Looks at the supply and demand for labour services, and tries to understand the pattern of wages, employment, and income. Labour economics also concerns itself with the mobility of workers within and across such markets and within and across their employers. It can involve the study of everything that affects workers before, during, and after their working lives, for example, childcare, education, pay and incentives, fertility, discrimination and social security.</p> <p>It uses tools from microeconomics, but can include macroeconomic analysis.</p> <p>Because workers exist as parts of a social, institutional, or political system, labour economics is often regarded as a sociology or political science.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                     |
| <b>Rural economics</b>          | 1910s and has evolved over time                      | Initially studied agriculture and farm management, and evolved over the years to study many issues relating not only to rural areas, but the rural-urban interface, including farm and non-farm industry, economic growth, development, size and spatial distribution of production and household units and interregional trade, land use, housing, migration and (de)population, finance, government development policies, investment, and transportation, system interdependencies and rural-urban income disparities.                                                                                                                                                                                                                                                                            | Trade-offs between subsistence versus »cash« agriculture, different land uses, landlord-tenant relations, land reform, food policy.                                                                                                                                                                                                                                                                                                                                                                             |                                                                     |
| <b>Stratification Economics</b> | The term was first coined by William Darity in 2005. | Studies disparities across the lines of race, ethnicity, gender, class, caste, sexuality, nationality, and other social markets. This framework also incorporates the importance of social hierarchies and structures in shaping economic outcomes. It offers a systemic and empirically grounded approach to addressing inter- group inequality, integrating different social science disciplines such as social psychology or sociology.                                                                                                                                                                                                                                                                                                                                                          | <p>Disparities in groups' abilities to transfer resources across generations are key drivers of inequality.</p> <p>Dominant groups have material interests in actively maintaining their privileged positions.</p> <p>Effective public policy is essential to push against discrimination and foster more equitable outcomes.</p> <p>The acquisition of human capital does not guarantee that members of an underprivileged group will not experience the economic penalties that stem from discrimination.</p> | Policy intervention is needed to decrease discrimination over time. |

Source: The author, drawing on Britannica Online; Costanza (2010), <https://insights.som.yale.edu/insights/what-is-ecological-economics>, What is Ecological Economics?: Bahn & Cumming (2022), <https://socialequity.duke.edu/news/stratification-economics-what-it-is-and-how-it-advances-our-understanding-of-stratification-economics>; Doughnut Economics, <https://doughnuteconomics.org/about-doughnut-economics>, About Doughnut Economics; Economic Point, <https://economicpoint.com/branches-economics>, Branches of Economics; Mearman (2017), <https://www.economicsnetwork.ac.uk/handbook/printable/pluralism.pdf>, Teaching Heterodox Economics and Pluralism; Exploring Economics, <https://www.exploring-economics.org/en/discover/stratifications-economics>, Stratification Economics; Investopedia; National Bureau of Economic Research, <https://www.nber.org/programs-projects/programs-working-groups>, Working Groups; Stiglitz (2017); <https://www.nber.org/papers/w23780> The Revolution of Information Economics: The Past and the Future; Wikipedia.

branches are studies of one aspect of an economy and focus on that aspect. This is the case with education, health or international economics. Others are clearly not: doughnut economics is not overly focused on cakes, but its name offers a clear and simple image which clarifies and makes accessible the proposed economic principles it encapsulates. In other words, the designation ‘doughnut economics’ is a potent advocacy tool. Other branches seek to inject a new perspective into economic thinking, perspective which is intended to apply to all sectors of the economy. This is the case with feminist economics or stratification economics. Human Rights Economics falls within the same category as these in that it analyses economics from a social justice perspective, injecting its principles and insights into economic thinking across all areas of the economy.<sup>5</sup>

## 2.2 HUMAN RIGHTS

### 2.2.1 CHARACTERISTICS OF HUMAN RIGHTS

Human rights are rights that everyone has simply by virtue of being human, regardless of nationality, sex, national or ethnic origin, colour, religion, language, or other status. Human rights refer to a wide continuum of values or capabilities considered necessary to enhance human agency, to protect human interests or to be required for a just society. Human rights are declared to be universal in character and claimed equally for all human beings, present and future.<sup>6</sup> They include the rights to life, to food, to education, to work, to a fair trial and to health amongst others. Human rights are a special, narrow category of rights, which sets them apart from other rights, such as property rights (as will be further emphasised below in section 3.2). Figure 1 sets out key human rights obligations, with particular reference to economic, social and cultural rights.

Human rights posit that there are a set of norms and values essential to humanity that are to be protected, even when these essential norms and values are contrary to the laws that prevail at that time or in that place. This points to one of the practical strengths of human rights – that they allow citizens to appeal for protection to supra-national entities when their rights are jeopardised, even if the human rights-inconsistent practices to which they are subjected are consistent with domestic law.

Definitions and understandings of human rights for the most part converge – in contrast to definitions of economics. Nevertheless, the scope of human rights is sometimes misunderstood or misrepresented, as are their content and the legal obligations they impose. This is particu-

larly the case as concerns the relationship between human rights and economic policies, as will be discussed further in Section 2.3.

### 2.2.2 INTERNATIONAL HUMAN RIGHTS LAW

When using the term »human rights«, this paper refers to those rights set out in binding human rights law. This includes international and regional legal instruments, and at the national level, countries’ constitutional and other legal frameworks.

All states have obligations and duties under international law to respect, protect and fulfil human rights. The Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948, was the first legal document to set out the human rights to be universally protected and remains the foundation of international human rights law today. The UDHR, together with the International Covenant for Civil and Political Rights (ICCPR), and the International Covenant for Economic, Social and Cultural Rights (ICESCR) make up the International Bill of Rights.

The obligations that flow from the rights set out in these instruments have been fleshed out and clarified over time, particularly by the bodies of experts – known as treaty bodies – set up to monitor the Covenants and other international human rights treaties. Moreover, some rights have been further detailed and developed through inclusion in regional or stand-alone thematic conventions. Noteworthy amongst these is the Convention on the Rights of the Child (CRC), which all states of the world have signed, and all bar one – the USA – have ratified.

Interpretation of the content of the rights referred to in this paper is based on the UN human rights treaty bodies’ General Comments, the jurisprudence of these bodies as well as that of regional human rights courts and other legal sources such as judgments of the International Court of Justice. It does not prioritise economic, social and cultural rights over civil and political rights, nor does it arbitrate between individual and collective rights. Figure 1 provides a guide on how to understand the obligations relating to economic, social and cultural (ESC) rights.

*»Human rights enrich our vision of economic justice by providing a widely agreed framework of ethical values and legal obligations that should underpin our economies, informed by a holistic understanding of human wellbeing. They demand action to redistribute resources, remedy inequalities and rebalance power. They therefore challenge the logic of the currently dominant economics model and bolster the compelling alternative visions of a just economy advanced by feminist, Indigenous and environmental movements, among others.«*

Center for Economic and Social Rights & Christian Aid

<sup>5</sup> At the same time it does not seek to explain all the workings of the economy.

<sup>6</sup> Britannica, »human rights« <https://www.britannica.com/topic/human-rights>.

Figure 1  
Understanding Economic Social and Cultural Rights

### Respect, protect and fulfil

All human rights impose a combination of negative and positive obligations on States. The »respect, protect and fulfil« framework is useful to understand the nature of these obligations:

- The obligation to respect requires States to refrain from interfering with the enjoyment of human rights.
- The obligation to protect requires States to prevent violations of human rights by third parties.
- The obligation to fulfil requires States to take positive measures towards realisation of human rights.

### Progressive realisation and immediate obligations

»Progressive Realisation« acknowledges that full enjoyment of human rights will not come in a day, but calls for progress to be made to come a little closer to this aim every day. States nevertheless have the following immediate obligations:

- Take steps towards realisation of human rights: governments enjoy a margin of discretion in selecting the means to meet their economic, social and rights obligations, but they must take deliberate, concrete and targeted steps to ensure that enjoyment of economic and social rights improves over time. This requires setting objectives, and monitoring progress towards these objectives.
- avoid retrogression (known as »non-retrogression«): governments must move towards, and not away from, enjoyment of rights.
- Mobilise and allocate maximum available resources: governments cannot simply shrug off human rights obligations on the grounds of lack of resources. Governments must show that they are making necessary efforts to mobilise resources for realising human rights, and allocate them in a manner that aligns with their human rights obligations.
- Satisfy minimum essential levels of economic and social rights: governments must prioritise delivery of vital goods and services so that in all circumstances people have at least a basic level of economic and social rights.
- Ensure equality and non-discrimination: governments have the obligation to immediately act to ensure non-discrimination and equality in the enjoyment of human rights. (See Section 3.2.6)
- Ensure participation, transparency, and accountability: governments must provide mechanisms through which people can hold the state accountable, through which they can participate in policy-making, and are able to access the information required to do so. (See Sections 3.2.1, 4 and 7)

### Obligations of conduct and of result

The obligation of conduct requires governments to behave in a way that can reasonably be expected to realize the enjoyment of a particular right. The obligation of result requires governments to achieve outcomes that enhance enjoyment of a specific right or rights.

### Monitoring

A four-step framework is often used to monitor the different aspects of the obligation to fulfill economic, social and cultural rights. This is known as the OPERA framework, as it looks at four levels of analysis: *Outcomes, Policy Efforts, Resources and Assessment\**.

\* *Outcomes, Policy Efforts, Resources and Assessment*; see: [https://www.cesr.org/sites/default/files/Opera\\_Diagram.pdf](https://www.cesr.org/sites/default/files/Opera_Diagram.pdf)

Source: The author, drawing on Balakrishnan, Elson & Patel (2009) *Rethinking Macro Economic Strategies from a Human Rights Perspective* (Why MES with Human Rights II) and Center for Economic and Social Rights (n.d.) OPERA: A Four-Step Framework for Monitoring Economic, Social and Cultural Rights Fulfillment.

## 2.3 HUMAN RIGHTS AND ECONOMICS

This enquiry builds on a strong body of existing works on human rights and economics.<sup>7</sup> Especially relevant are Joshua Curtis' 2016 interviews with Radhika Balakrishnan, Ha-Joon Chang and Margaret Somers, Margot Solomon and Colin Arnott's discussion of human rights' application to neo-classical economics, the Institute for Economic Justice's insights

from South Africa on building a field of economics and human rights, and a series of publications by Radhika Balakrishnan, James Heintz and Diane Elson. Common threads of these works are their critique of the over-extension, under-performance and tacit biases of mainstream economics. Many highlight heterodox approaches to economics, or the ways that these or the traditional »social welfare« approach on which economists often rely can mesh with the social values inherent in human rights.

The gist of this body of work is that human rights can contribute to economic policy processes and improve economic outcomes in terms of ethics and equity. Some of these works elaborate proposals for what form these contributions might take, such as turning to human rights bodies to argue the case for changes in economic policy, calling for joining forces between human rights arguments and heterodox economic perspectives, changing the educational environment in economics and human rights law,<sup>8</sup> calling out the supposed value neutrality of economics, or being more precise as to the framing of economic questions in human rights terms.<sup>9</sup>

<sup>7</sup> See e.g. Couret Branco (2009) *Economics Versus Human Rights*; Balakrishnan, Elson & Patel (2010) *Rethinking Macro Economic Strategies from a Human Rights Perspective* ([https://www.etoconsortium.org/nc/en/main-navigation/library/documents/?tx\\_drblob\\_pi1%5B-downloadUid%5D=27](https://www.etoconsortium.org/nc/en/main-navigation/library/documents/?tx_drblob_pi1%5B-downloadUid%5D=27)), 53(1) *Development*; Margot Solomon & Colin Arnott (2014) *Better Development Decision-making: Applying International Human Rights Law to Neoclassical Economics* (<http://dx.doi.org/10.1080/18918131.2013.878892>), 32 *Nordic Journal of Human Rights*; Balakrishnan, Heintz & Elson (2016) *Rethinking Economic Policy for Social Justice – The radical potential of human rights*; (<https://www.routledge.com/Rethinking-Economic-Policy-for-Social-Justice-The-radical-potential-of/Balakrishnan-Heintz-Elson/p/book/9781138829152>); Curtis (2016) *Economics and Law in Conversation. Merging Socio-Economic Rights and Heterodox Economics: Emancipatory and Transformative Potentials* (<https://www.iej.org.za/building-a-field-of-economics-and-human-rights-lessons-from-south-africa/>), Centre for the Study of Human Rights, LSE; Corkery & Isaacs (2020) *Human rights impact assessments and the politics of evidence in economic policymaking*, *The International Journal of Human Rights*; Osborne et al. (2021) *Building a Field of Economics and Human Rights: Lessons from South Africa*.

<sup>8</sup> Curtis (2016) op.cit.

<sup>9</sup> Corkery & Isaacs (2020).

### 2.3.1 DISPARATE UNDERSTANDINGS OF LINKS BETWEEN HUMAN RIGHTS AND ECONOMICS

A review of other works on links between human rights and economics reflects disparities in the ways in which the two topics have been treated together. One strand notes commonalities and synergies between human rights and economics.<sup>10</sup> Branco notes that they work together – with human rights contributing to freeing humankind from fear and economics from want.<sup>11</sup> Petersmann argues that human rights law and international economic law (IEL) serve complementary constitutional functions, and that IEL must be interpreted in conformity with the legal obligations of states to respect, protect and fulfil human rights, as required by the customary methods of treaty interpretation codified in the Vienna Convention on the Law of Treaties.<sup>12</sup> Unsurprisingly, human rights are commonly seen as a mechanism to protect vulnerable groups from decisions taken by others.<sup>13</sup> This is illustrated by the adoption of instruments and approaches that explicitly bring human rights into economic processes, such as the 2011 Guiding Principles on Business and Human Rights.

Another strand notes tensions between key principles and approaches of human rights and those of economics: ethics versus efficiency, normative versus positivist, broad and qualitative versus narrow and quantitative.<sup>14</sup>

*»While human rights lawyers focus on norms derived from the essence of human dignity which inhere in each and every individual, economists engage in analysis of systems of resource utilization in order to deduce the most efficient outcome.«*

Mary Dowell-Jones

A body of research has identified positive effects of strong human rights protections on economic outcomes,<sup>15</sup> but others portray human rights as a constraint on, or in competition with, economic efficiency. Noam Chomsky famously pointed to the correlation between patterns of human rights abuse

and inflows of foreign capital into some developing countries, arguing that non-respect for human rights served to maintain an economic and political climate that favoured foreign investment.<sup>16</sup>

Some assume that references to human rights in the economic context mean using economic tools for human rights purposes, such as economic sanctions or human rights-related conditionalities in trade agreements.<sup>17</sup> Views differ starkly as to whether such sanctions or conditionalities are a useful way to achieve human rights objectives.<sup>18</sup>

Confusion about the nature of human rights – particularly the view that property rights are human rights – has caused some to conflate human rights with an individualistic neo-liberal agenda and to dismiss human rights as a tool for economic justice.<sup>19</sup> Some economists' work support this view: one example lies in Becker's findings which suggest that unfettered free labour markets create competition amongst employers for workers, reducing discrimination in the labour market as a result.<sup>20</sup> Several authors portray the rise of human rights and neo-liberalism over the past forty years as being collaborative and not coincidental.<sup>21</sup> Baxi has observed that human rights have been co-opted or appropriated by governments and multinationals, »such that human rights advocates are constrained to acting within a neo-liberal ideology.«<sup>22</sup>

Further confusion is caused by the common misconception that human rights are absolute and not suited to economic policy choices. »[I]n the economics of biodiversity, trade-offs have to be weighed if actions are to be judged. Rights short-circuit those complexities. [They] are peremptory, which is why they are problematic.«<sup>23</sup>

This overview of ways that links and differences between human rights and economics have been presented is far from exhaustive. Its aim and intent is to draw attention to some of the challenges to moving forwards on a shared understanding of what we mean by human rights in the eco-

<sup>10</sup> See also Seymour & Pincus (2008) Human Rights and Economics: The Conceptual Basis for their Complementarity' 26 *Development Policy Review*.

<sup>11</sup> Couret Branco (2009).

<sup>12</sup> Petersmann (2013) Human Rights and International Economic Law in the 21st Century in John Linarelli, *Research Handbook on Global Justice and International Economic Law*.

<sup>13</sup> See e.g. Dworkin (1978) Taking Rights Seriously.

<sup>14</sup> Reddy (2011) Economics and Human Rights – A Non-Conversation, 12 *Journal of Human Development and Capabilities*; Rossi, David & Chaparro (2020) *Fiscal Policy and Human Rights: Redefining Fiscal Responsibility*; Salomon & Arnott (2014).

<sup>15</sup> See e.g. Sano (2017) *Human rights have a positive effect on economic growth*, The Danish Institute for Human Rights; <https://www.human-rights.dk/news/human-rights-have-positive-effect-economic-growth>. Blanton & Blanton (2015) Is Foreign Direct Investment »Gender Blind«? Women's Rights as a Determinant of US FDI, 21 *Feminist Economics* argue that foreign investors are drawn to host countries where women are politically empowered. Acemoglu and Robinson locate the most important variables in states' development status in political and civil rights for broad segments of the population.

<sup>16</sup> Chomsky & Herman (1979) *The Political Economy of Human Rights*, vol. 1: *The Washington Connection and Third World Fascism*, Montreal: Black Rose Books.

<sup>17</sup> LeClercq (2021) The Disparate Treatment of Rights in U.S. Trade, 90 *Fordham Law Review*; <http://fordhamlawreview.org/issues/the-disparate-treatment-of-rights-in-u-s-trade-2/>.

<sup>18</sup> See e.g. UN Human Rights Council (2021) High Commissioner to Human Rights Council: *Sanctions Can Create Severe and Undue Suffering for Individuals*; <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27480&LangID=E>.

<sup>19</sup> Chimni (2006) *Third World Approaches to International Law: A Manifesto*, 8 *International Community Law Review*; [https://www.jnu.ac.in/sites/default/files/Third World Manifesto BSChimni.pdf](https://www.jnu.ac.in/sites/default/files/Third%20World%20Manifesto%20BSChimni.pdf).

<sup>20</sup> His 1957 findings are still routinely referred to today, even by a growing body of researchers who dispute his conclusions.

<sup>21</sup> MacNaughton, Frey & Porter (2021) *Human Rights and Economic Inequalities*.

<sup>22</sup> Cited in MacNaughton et al. (2021).

<sup>23</sup> Dasgupta (2021) *The Economics of Biodiversity: The Dasgupta Review* – Abridged Version; <https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>.

conomic context. It is also intended to underscore the fact that the differing conclusions drawn about the economic impact of respect for – or limitations of – human rights stems in part from varying definitions or understandings of what human rights are.

### 2.3.2 STRENGTHENING THE HUMAN RIGHTS VOICE IN ECONOMICS

Human rights advocates have perhaps been most convincing in their role of documenting human rights problems that have arisen in connection with economic transformations in specific countries<sup>24</sup> or in relation to specific policies. The flip side of this is that they are often reactive, i.e. critical of policies that are already being implemented, rather than proactive. This has been evident in the flurries of human rights comments expressing concerns about structural adjustment policies in the 1980s, or criticizing economic policies that followed austerity measures introduced after the 2008-2009 financial crisis. This tendency is also evident today: an online search for »Covid and human rights« produced 3,750,000,000 results in 0.46 seconds.

*»There is a fundamental failure to translate the requirements of human rights into the principles and assumptions that guide mainstream economics.«*

Salomon & Arnott

At a more systemic level, human rights advocates have on the whole not been persuasive when it comes to making the case for why economic policy-makers should pay attention to human rights. With the exception of the works referred to above, there has been little human rights articulation of how human rights can bring value-added to economics. Frequently they merely repeat the simple statement that human rights deserve respect. Some of the most convincing work on why and how human rights should be reflected in economic policy has been carried out by people like Diane Elson, Thomas Piketty, Dani Rodrik, Amartya Sen or Joseph Stiglitz,<sup>25</sup> several of whom might be surprised to find themselves categorised as human rights economists. And when erroneous views about human rights are put forward by economic actors, these are generally left un commented by the human rights world.

In order to attain greater impact, the human rights community would do well to develop a sound human rights conceptual framework to guide economic thinking, and act to ensure that this framework gains traction and influences thinkers and policy-makers. This enquiry posits that basing

such a framework on the central principles of human rights, and working on how to articulate – or embed – them in economic thinking would be a promising way forwards.

## 2.4 HUMAN RIGHTS ECONOMICS

Human Rights Economics aims for an economic system that is fair for people and the planet, that integrates a plurality of views and traditions and that is human rights-consistent in its processes as well as its outcomes.

In its consideration of how to integrate key human rights principles into economics, this enquiry endeavours to move beyond mere descriptions of problems and solutions. It seeks to activate concrete approaches, concepts and actions to ensure that economic outcomes as well as the process of formulating and applying economic policy are consistent with human rights.

*Human Rights Economics seeks to occupy the space between explanation of problems and description of solutions, to offer a concrete framework for human rights-consistent economic thought.*

Human Rights Economics does not aim to create a new right, to develop new analysis of how and why mainstream economics is inconsistent with human rights law, or to elaborate a new set of policy prescriptions. Human Rights Economics differs from »human rights and economics« and from the SDGs, and it does not intend to initiate a discourse under the heading of »human rights and a fair economy.« The latter is unsuitable, as it predicates its two elements (human rights/fair economy) as being separate from one another. It therefore permits the perpetuation of separate tracks of policy-making, which is accompanied by the possibility that in the absence of one element, the other may proceed.

Human Rights Economics is also distinct from a »human-rights-based« approach to economics. The latter has much to offer in terms of policy-making processes, but also allows the human rights aspect to be regarded separately from the economic aspect, which could be construed as implying that the former is optional. Nor can Human Rights Economics be reduced to the study of economic benefits or costs of protecting human rights.

<sup>24</sup> See e.g. UN Human Rights Council (2012) *A human rights analysis of economic and other land concessions in Cambodia*, A/HRC/21/63/Add.1.

<sup>25</sup> See e.g. Rodrik & Stantcheva (2021) *Policy Matrix for Inclusive Prosperity*, Economics for Inclusive Prosperity Research Brief; <https://econfp.org/wp-content/uploads/2021/04/30.A-Policy-Matrix-for-Inclusive-Prosperity.pdf>.

## 3

## EMBEDDING HUMAN RIGHTS IN ECONOMICS

This part of the enquiry explores human rights principles to be reflected, integrated or embedded into economics. Research and interviews for this paper indicated some 30 elements that merit analysis from a Human Rights Economics perspective. Figure 2 presents the full list of (often overlapping) elements in order to offer as broad as possible a view of the potential span of Human Rights Economics before attempting to narrow down the scope of enquiry. To encourage openness to the relative merits – or demerits – of the different elements, they are presented in alphabetical order.

The following sub-sections narrow in on some of the most salient elements set out in Figure 2. The discussion considers elements under three headings: (1) human rights principles to embed into economics, (2) economic principles that need to be deconstructed from a human rights perspective and (3) institutions and power, two key features that a human rights perspective must not lose sight of.

The purpose of this section is to identify which elements can be embedded in economics and to consider pathways to do this. With this in mind, the discussion is limited to a brief exploration of the human rights and economic dimensions of each element, merely suggesting ways for Human Rights Economics to expand on or modify the respective element.

### 3.1 HUMAN RIGHTS PRINCIPLES TO EMBED INTO ECONOMICS

#### 3.1.1 ACCOUNTABILITY

Accountability is a central human rights principle. It has two aspects: first, accounting for actions through being transparent about the actions' ability to meet human rights standards; and secondly, being held responsible, or answerable, for the consequences of actions if they do not meet human rights standards. Human rights requires effective and accessible mechanisms for redress and remedies if an economic policy is inconsistent with human rights. In other words, accountability has both a preventive function and a corrective, enforceability or remedy function.<sup>26</sup>

The first aspect of accountability focuses on process or conduct. Human rights reminds us that the process of economic policy-making is as important as the outcome. Expressed in terms of human rights law, duty-bearers can be held accountable to their duty of conduct as well as the duty of result. (See Figure 1) Understanding and retracing how a particular economic policy has come about and whether it has been in line with human rights standards requires transparency and participation in economic policy processes. (See also *Participation*).

*»The human rights approach attaches as much importance to the processes which enable developmental goals to be achieved as to the goals themselves.«*

Office of the High Commissioner for Human Rights<sup>27</sup>

Human Rights Economics would explicitly address how to hold economic actors accountable for their impact on human rights. In this effort, it is useful to distinguish between accountability of private actors and governmental actors. Recent legal developments in the area of corporate due diligence and accountability in global supply chains<sup>28</sup> constitute a step in the direction of Human Rights Economics in that they embed accountability in the international economic sphere. This draws our attention to the close relationship between accountability and the notion of incentives, which requires that people be assigned certain objectives (human rights standard), that there be a reliable way of assessing whether these objectives have been met (transparency), and that there be consequences both in the event they have done what they were supposed to do and the event that they have not done so (redress).<sup>29</sup> This approach of making companies integrate the costs of compliance with human rights standards or bear the costs of non-compliance, shifts economic incentives towards human rights-consistency.

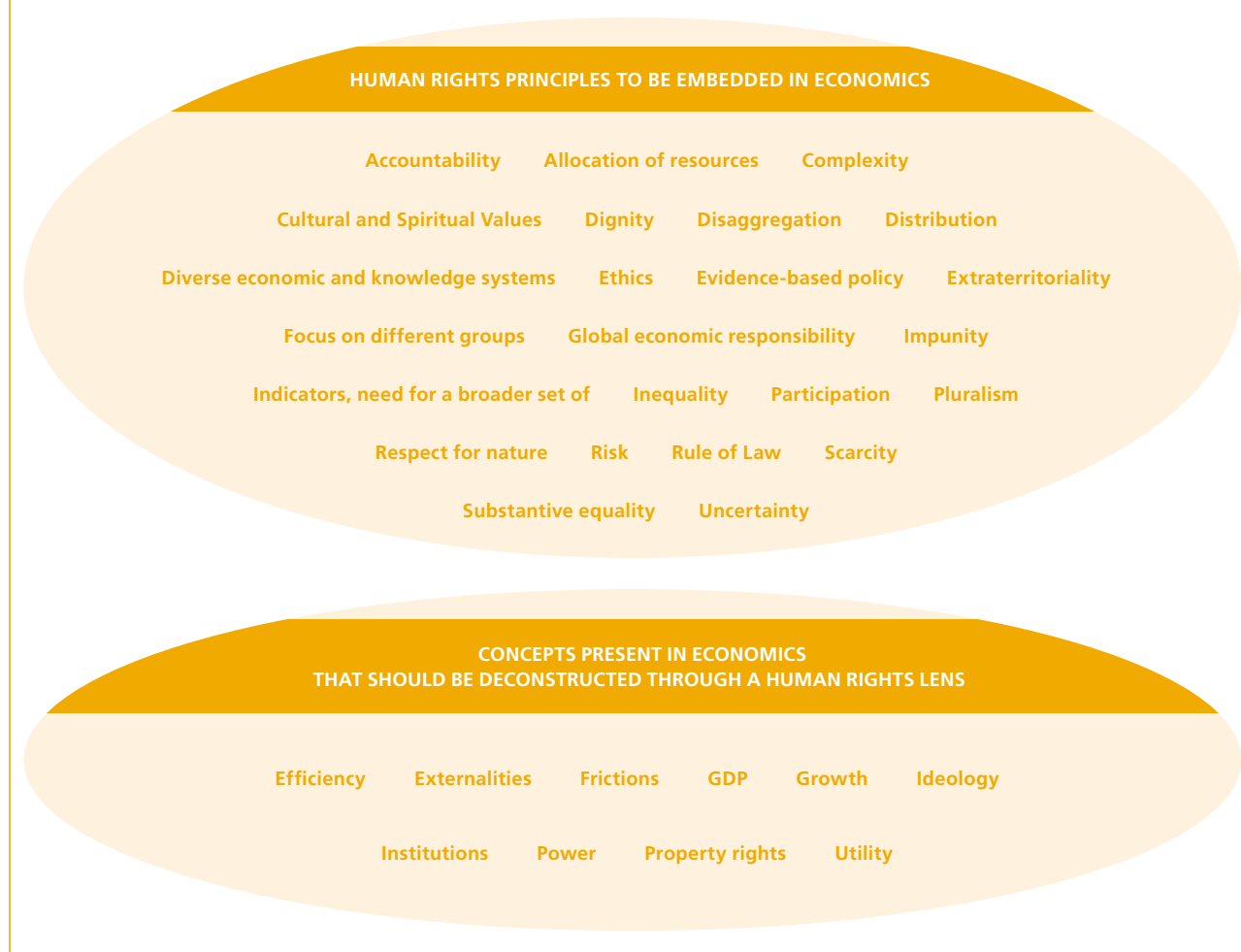
<sup>26</sup> Office of the High Commissioner for Human Rights (OHCHR) & CESR (2015) *Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda*; [https://www.ohchr.org/Documents/Publications/WhoWillBeAccountable\\_summary\\_en.pdf](https://www.ohchr.org/Documents/Publications/WhoWillBeAccountable_summary_en.pdf).

<sup>27</sup> Office of the High Commissioner for Human Rights (2006) *Principles and guidelines for a human rights approach to poverty reduction strategies*; <https://www.ohchr.org/sites/default/files/Documents/Publications/PovertyStrategiesen.pdf>.

<sup>28</sup> E.g. European Union (2022) *Proposal for a Directive on corporate sustainability due diligence*; [https://ec.europa.eu/info/publications/proposal-directive-corporate-sustainable-due-diligence-and-annex\\_en](https://ec.europa.eu/info/publications/proposal-directive-corporate-sustainable-due-diligence-and-annex_en).

<sup>29</sup> Stiglitz (2003) *Democratizing the International Monetary Fund and the World Bank: Governance and Accountability*, 16 *Governance: An International Journal of Policy, Administration and Institutions*.

Figure 2  
Elements for Human Rights Economics to Engage With



The net needs to be cast wider than mere accountability of private actors, however, and include that of states and inter-governmental organisations. Establishing states' accountability for human rights is not always a straightforward endeavour. For example, what level of infant mortality is acceptable from a human rights perspective? Seeking to hold a state accountable for not having prevented infant mortality involves grappling with the question of how to ascertain which fatalities are truly avoidable in a given context at a particular time.<sup>30</sup> Human rights help provide answers to this question by affirming states' accountability for action (obligations of conduct) as well as for results (obligations of result). It requires that the reasons for non-compliance be investigated.<sup>31</sup> If a state has not sought to identify the causes of infant mortality, it will probably not be able to take the steps best suited to reduce it, and could therefore be held accountable for breaching its obligation of conduct. If infant

mortality is concentrated in a particular geographical region or ethnic group of a country, a state might be in contravention of its human rights obligation of result (the obligation to ensure non-discrimination, to protect the right to life or to respect the right to health).

Accountability could be the missing link between cutting-edge economic knowledge and applied economic policy. Take for instance climate change or the depletion of biodiversity. Private and public actors are aware to a considerable extent what actions are necessary to reduce carbon emissions or to maintain biological diversity, but are not taking the steps required. Thus the enforceability aspect of accountability could contribute to better policies.<sup>32</sup> Human rights are an important component of more than 90 per cent of climate-related litigation currently taking place outside the US,<sup>33</sup> which underscores the potential of this ap-

<sup>30</sup> Yamin (2013) Beyond compassion: The central role of accountability in applying a human rights framework to health, 10 *Health and Human Rights*; <https://www.hhrjournal.org/2013/09/beyond-compassion-the-central-role-of-accountability-in-applying-a-human-rights-framework-to-health/>.

<sup>31</sup> McInerney-Lankford (2018) Legal methodologies and human rights research: Challenges and opportunities, in Andreassen et al. eds, *Research Methods in Human Rights: A Handbook*.

<sup>32</sup> See e.g. The Economist (2021) *The carbon-tax crackdown: What if firms were forced to pay for frying the planet?*; <https://www.economist.com/business/2021/10/09/what-if-firms-were-forced-to-pay-for-frying-the-planet>.

<sup>33</sup> Forster (2021) *The trickle-up effect of rights-based climate litigation*; <https://www.chathamhouse.org/2021/11/trickle-effect-rights-based-climate-litigation>.

proach. Moreover, human rights accountability transforms citizens into active stakeholders with tangible claims, challenging systems in which people are beholden to those wielding power over them with too much discretion.<sup>34</sup> (See *Global economic responsibility*)

Yet in many cases it is hard to access accountability mechanisms – or even to know which they are – when economic-related actions affect human rights. Impunity is an even greater problem in the area of economic, social and cultural rights than civil and political rights. It remains the case that governments in all parts of the world are rarely challenged when they blame lack of progress towards human rights on factors which they claim are beyond their control.<sup>35</sup> There has been even less progress when it comes to holding international organisations accountable for their human rights obligations.

This directs Human Rights Economics' attention to structural violence. Social structures and dynamics do harm to people, with minority groups particularly bearing the brunt. Human rights practice has in the past typically focused on violations and has thus often failed to discern their structural root causes.<sup>36</sup> A common feature of structural violence is that there is no one single person to blame. A human rights analysis of structural violence could help shed light on this phenomenon and identify relevant structures or dynamics to then allow these to be redressed. This could also provide input into consideration of how to enhance existing accountability mechanisms or whether to amplify their use or establish new institutions to foster accountability.<sup>37</sup>

At the same time, given the difficulties involved in enforcing application of economics-related human rights, it may be useful for Human Rights Economics to emphasise other functions of accountability, above and beyond strict compliance. These include stimulating political concern and democratic participation, while requiring that the economic policy-making process be transparent and evidence-based (see *Evidence-based policy*). Other ways forward could include taking further steps to align accountability for governmental and private actors more closely with economic incentives.

Until we are able to better embed accountability in economics, in economic policies and relevant institutions, the systemic features that cause accountability to be so elusive will continue to bolster an economic system that is indifferent to its impact on human rights.

»I saw how a radically reformed economics might look. In my vision, economics students sit outside barefoot on the ground, whose touch and smell tell them that this very earth is the matter at hand. They listen to the wisdom of their elders, First Nations women first, welcoming them to country, this land, telling their stories and sharing their wisdom. They learn that economics is the art of managing and caring for the Earth, this planetary household, and therefore for ourselves, all of us, equally; and that the economy is a sacred social space organised around relationships of care.«

Jane Gleeson-White<sup>38</sup>

### 3.1.2 CULTURAL RIGHTS, SPIRITUAL VALUES AND THE NATURAL WORLD

The cultural practices, beliefs and values that are fundamental to many of the world's most vulnerable inhabitants are often ignored in economic thinking and in economic policies. These values include interaction with the natural world, the spiritual character of particular places or resources, community relationships, ethnic identity, religion and cultural practices.

Human rights recognises and protects these practices, beliefs and values. (See also *Diverse economic and knowledge systems*). The ICCPR and the CRC lay down a right of persons belonging to ethnic, religious or linguistic minorities to the practice and enjoyment of their own culture.<sup>39</sup> The Banjul Charter states that promotion and protection of morals and traditional values recognised by the community are a duty of the state,<sup>40</sup> and the CESCR has affirmed that full promotion of, and respect for, cultural rights is essential to the maintenance of human dignity. Under human rights instruments, culture has been defined as encompassing, *inter alia*, ways of life, language, non-verbal communication, religion or belief systems, rites and ceremonies, associations with biodiversity, methods of production or technology, natural environments, food, customs and traditions. Treaty bodies have affirmed the notion of cultural appropriateness of elements of life such as food, health or work. They have also recognised the individual and collective dimensions of these rights.<sup>41</sup>

Mainstream economists might say that to ensure that these various cultural factors are taken into account in economic calculations, we must consider them as an externality that needs to be internalised – which is to say, by putting a price on them. But this approach can run counter to the very val-

<sup>34</sup> Yamin (2013). This chimes with Amartya Sen's capability approach, which sets agency as the ability to personally choose the functioning one values. Sen (1999) *Development as Freedom*. See also Nussbaum (2003) *Capabilities as Fundamental Entitlements*; Sen and Social Justice, 9 *Feminist Economics*.

<sup>35</sup> OHCHR & CESR (2015) *Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda*; [https://www.ohchr.org/Documents/Publications/WhoWillBeAccountable\\_summary\\_en.pdf](https://www.ohchr.org/Documents/Publications/WhoWillBeAccountable_summary_en.pdf).

<sup>36</sup> CESR et al. (n.d.) *Defining a New Economics: What role for Human Rights?*; [https://drive.google.com/file/d/1YaqJ4y\\_hOCePKXMSk\\_iQ0ChFGP9ddmpZ/view](https://drive.google.com/file/d/1YaqJ4y_hOCePKXMSk_iQ0ChFGP9ddmpZ/view).

<sup>37</sup> Yamin (2013).

<sup>38</sup> Gleeson-White (2021) *Eraseur, Griffith Review*.

<sup>39</sup> ICCPR Article 27; CRC Article 30. See also Human Rights Committee (1994) *General comment No. 23(50) (art. 27)* UN Doc. CCPR/C/21/Rev.1/Add.5.

<sup>40</sup> African (Banjul) Charter on Human and Peoples' Rights (*Adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986*)

<sup>41</sup> UN CESCR (2009) *General comment No. 21: Right of everyone to take part in cultural life*, UN Doc. E/C.12/GC/21.

ues it sets out to protect. The belief that land, relationships, or ideas can have a price-tag or be owned is anathema to many cultures. The situation is further exacerbated when we consider that assigning a monetary value (a price) may create a market that can further denature or even destroy the resources, practices or values involved.

Economics usually considers culture in terms of how it shapes economic action and knowledge, or concerns itself with supply and demand for cultural goods and services. Most schools of economic thought separate culture from economics, and culture has often been portrayed as in tension with economic development.<sup>42</sup> As *inter alia* behavioural economics has pointed out at another level, economics usually takes people's preferences as a given, when in fact these preferences differ strongly depending on a range of factors including context and culture.<sup>43</sup>

More broadly, mainstream economic discourse incorporates a belief in separation at the expense of connectedness, which enables it to posit nature as a resource to be mastered, consumed or exploited. In contrast, most alternative economic discourses see reality as made up of complex nested systems and/or connected networks in which humans are considered as part of nature.<sup>44</sup> Many recognize individuals in the social context of their community and their unique environmental situation.<sup>45</sup>

Human Rights Economics shares many of the values and objectives of these alternative economic discourses. It can enrich these by bringing in new approaches to resolving the conundrum inherent in the recognition of cultural and spiritual values and the intrinsic worth of nature in economics without denaturing or commodifying them.

A starting point is the jurisprudence of Human Rights treaty bodies, as set out in General Comments and Views (the latter being treaty body case law, i.e. decisions on individual claims of human rights violations). This jurisprudence has articulated ways of recognising cultural and spiritual values and balancing them with economic activities in a manner consistent with human rights.<sup>46</sup> The Human Rights Committee has noted that the scope of a state's freedom to encour-

age development or allow economic activity by enterprises is not to be assessed by reference to a margin of appreciation, but rather by reference to the obligations it has assumed,<sup>47</sup> including protection of minorities and Indigenous peoples. It has also noted that the enjoyment of the right to one's own culture may require positive legal measures of protection by a state and measures to ensure the effective participation of members of minority communities in decisions which affect them. In its Views, the Committee has emphasised that the acceptability of measures that affect or interfere with the culturally significant economic activities of a minority depends on whether the members of the minority in question have had the opportunity to participate in the decision-making process formulating these measures and whether they will continue to benefit from their traditional economy.

Whilst studying how to integrate cultural and spiritual values into the field of economics without commodifying such values, Human Rights Economics would focus on respect for human rights procedural norms, so as to ensure that these values, cultures, worldviews and relationships are taken into account in economic reasoning and decision-making.

Overall, Human Rights Economics affirms that culture and the economy are fundamentally intertwined: culture is part of the framework within which the economy functions, and economics is part of the cultural framework. Bearing this in mind, it is instructive to recall the insight of feminist economics that the economy, often perceived as »gender-neutral«, is in fact gendered: gender matters in economic structures and outcomes. Human rights economic analysis would acknowledge that the economy is not »culture-neutral«.

### 3.1.3 DIVERSE ECONOMIC AND KNOWLEDGE SYSTEMS

Many different economic systems exist around the world. Some are informal, some are based on barter, and some are relational. Non-monetary exchange is commonplace among impecunious people: this is not necessarily a matter of poverty but of values. Different economic systems are important for many societies and in many parts of the world. But now, through old and new forms of colonialism, mainstream economics has become so hegemonic that these other systems are insufficiently taken into account.

As they are rooted in the societies and cultures where they exist, these other systems may be expected to be more responsive to the needs of those societies than mainstream economics. Human Rights Economics would shine a light on these systems, protect them and allow them to serve their social role – also because they may be more conducive to

<sup>42</sup> For an insightful overview, see Zein-Elabdin (2016) *Economics, Culture and Development*.

<sup>43</sup> See also Polanyi, who argued that the economy's functioning could not be understood disassociated from the social world in which it was embedded; <https://www.britannica.com/biography/Karl-Polanyi>.

<sup>44</sup> Riedy (2020) Discourse coalitions for sustainability transformations: Common ground and conflict beyond neoliberalism, 45 *Current Opinion in Environmental Sustainability*. See also Washington & Maloney (2020) The need for ecological ethics in a new ecological economics, 169 *Ecological Economics*; <https://www.sciencedirect.com/science/article/abs/pii/S1877343520300889>.

<sup>45</sup> Balch (2013) Buen vivir: the social philosophy inspiring movements in South America, *The Guardian*; <https://www.theguardian.com/sustainable-business/blog/buen-vivir-philosophy-south-america-eduardo-gudynas>.

<sup>46</sup> See e.g. Human Rights Committee (1997) *Views: Hopu and Bessert v. France*, Communication No. 549/1993, UN Doc. CCPR/C/60/D/549/1993/Rev.1.

<sup>47</sup> Human Rights Committee (2000) *Views: Mahuika et al. v. New Zealand*, Communication No. 547/1993, UN Doc. CCPR/C/70/D/547/1993; <http://hrlibrary.umn.edu/undocs/547-1993.html>.

desirable outcomes than externally-developed, mainstream economics, which largely emerged from Europe.

It follows that one should question supposedly objective and universal evaluation criteria such as GDP or development, the latter being, in Felwine Sarr's words, an »eco-myth« that has become hegemonic.<sup>48</sup> (See also *GDP*). Branco refers to »cultural determinism«, which, he says »fetters cultural diversity by maintaining that there is basically only one best culture to promote development«.<sup>49</sup> A growing movement within economics is calling for pluralism, i.e. application of different types of economic thinking so as to develop better policies and move beyond the view that economics is an objective, value-free science.<sup>50</sup> Recently-published interviews with economics students and academics from underprivileged backgrounds have shown that identity-based discrimination is often entangled with theoretical and methodological discrimination.<sup>51</sup> Feminists have previously exposed how knowledge is shaped by the patriarchy and how dominant knowledge practices disadvantage women.<sup>52</sup>

Beyond this, few mainstream or other economists are attuned to the interests of peoples whose cultures and values are radically different from their own.<sup>53</sup> This goes deeper than economic systems, to include other systems including knowledge or epistemic systems. Traditional Indigenous knowledge, for instance, is adaptive, fluid and diverse. It exists within local socio-cultural systems, is for the most part collectively owned and shared, and is part of a broader holistic world view and related set of practices. Such knowledge is flexible in incorporating new learnings on the basis of trial and error, integrating new experiences, and focusing on qualitative findings. It is passed on orally and often revolves around daily livelihoods, survival and cultural continuity.<sup>54</sup>

Human Rights recognises individual and collective rights and places an emphasis on cultural rights. The Committee on ESC Rights has in many instances made reference to the notion of cultural appropriateness (or cultural acceptability or adequacy) in relation to rights to food, health, water, housing or education.<sup>55</sup> These indicate ways to recognise and raise the profile of diverse, non-mainstream economic systems. (See also *Cultural Rights, Spiritual Values and the Natural World*) Whilst exploring how to embed diverse worldviews in economics, Human Rights Economics would ad-

dress the apparent tension between the universal values that human rights hold dear and recognition of a diversity of value- and knowledge-systems.

### 3.1.4 EVIDENCE-BASED POLICY

To recommend that economic policy be based on evidence may sound trite. But following through on this recommendation could yield vast improvements in the way many economic policies are formulated. The Committee on Economic, Social and Cultural Rights (CESCR) recognised this in its very first General Comment, in which it emphasised that the essential first step in promoting the realisation of economic, social and cultural rights is diagnosis and understanding of the current situation, so as to have a basis for the elaboration of clearly stated and carefully targeted policies.<sup>56</sup> (See also *Accountability*).

»Systematic empirical evidence constrains the prospects of ideological policy prescriptions.«

Rodrik, Gabriel & Zucman

This being said, evidence-based policymaking does not obviously indicate which evidence is the right evidence upon which to base particular policies.<sup>57</sup> To help identify the »right« evidence, Human Rights Economics would ensure that the processes used to collect and analyse relevant evidence are consistent with human rights. This would involve transparency of, and opportunities for, broad participation in evidence-generation and policy formulation (See *Accountability* and *Participation*).

It would also involve ensuring that policy choices are made based on disaggregated data (See *Non-discrimination*), that proxies are used when data are not available, and that adequate consultations take place, particularly with vulnerable groups. This is increasingly possible, as economic research has become more applied and empirical since the 1990s. This trend is welcome from a Human Rights Economics perspective: the better evidence base that it creates is useful in and of itself and also because systematic empirical evidence constrains the prospects of ideological policy prescriptions.<sup>58</sup>

Human Rights Economics further requires better *ex post* assessment of how economic policy choices have played out for different groups so as to improve knowledge about the consequences of different policies and to facilitate accountability. It would seek to ensure that there are processes to alter policies when their impacts are particularly harmful for particular groups or otherwise inconsistent with human rights.

<sup>48</sup> Sarr (2021) *A Rise in Humanity*.

<sup>49</sup> Couret Branco (2009).

<sup>50</sup> Chang (2014) *Economics: The User's Guide*, Chapter 4.

<sup>51</sup> Ambler et al. (2022) *Reclaiming Economics for future generations*.

<sup>52</sup> Stanford Encyclopedia of Philosophy (2000) *Feminist Epistemology and Philosophy of Science*.

<sup>53</sup> Lutz (2005) *Is Fair Trade Fair?* *Cultural Survival Quarterly Magazine*; <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/40-4-water-life>.

<sup>54</sup> Minority Rights Group International (2019) *Minority and Indigenous Trends 2019*; <https://minorityrights.org/wp-content/uploads/2019/06/MRG-Key-Trends-Report-2019-FINAL-1.pdf>.

<sup>55</sup> UN CESCR (2009) *General comment No. 21*.

<sup>56</sup> UN CESCR (1989) General Comment 1: Reporting by States parties.

<sup>57</sup> Corkery & Isaacs (2020).

<sup>58</sup> Rodrik, Naidu & Zucman (2019) *Economics After Neoliberalism*, Forum, *Boston Review*; <https://bostonreview.net/forum/suresh-naidu-dani-rodrik-gabriel-zucman-economics-after-neoliberalism/>.

This is particularly important, as human systems are inherently unpredictable and natural systems inherently complex. Human Rights Economics aims for an improved ability of economics to respond to the complexity and unpredictability which characterise our world. It thus favours broader input into economic policy processes and means to amend policies if they are not delivering the desired outcomes.

*»Economics advances not by settling on the right model or theory to answer [...] questions, but by improving our understanding of the diversity of causal relationships.«*

Rodrik<sup>59</sup>

### 3.1.5 GLOBAL ECONOMIC RESPONSIBILITY

The global nature of human rights law is one of the biggest strengths of Human Rights Economics. There are different aspects to human rights' global nature. First, every country in the world has ratified at least one of the main international human rights instruments, which permits the view that human rights values, principles and norms have global reach.<sup>60</sup>

Secondly, human rights law and processes grant citizens access to international institutions and quasi-judicial mechanisms to seek prevention of, or redress and remedy for, human rights abuses. In this way, human rights has eroded what had until last century been considered the reserved domain of States and has elevated some human rights to global concerns rather than solely matters of state sovereignty. This is particularly important in the light of structural violence that plays out at the international level, such as the impact of climate change and other environmental phenomena, as well as similar phenomena.

Another aspect is human rights' articulation and upholding of extraterritorial obligations. Extraterritorial obligations refer to acts and omissions of a government that affect the enjoyment of rights outside the state's own territory and obligations of a global nature set out in the Charter of the United Nations and human rights instruments impelling states to take action separately and jointly through international cooperation in the effort to bring about human rights universally.<sup>61</sup>

In the UDHR and other instruments, states have recognised that everyone is entitled to a social and international order in which human rights can be fully realised and have undertaken to pursue joint and separate action to achieve universal respect for, and observance of, human rights for all.

Moreover, through ratification of other human rights treaties, states have agreed to cooperate internationally to realise human rights.

Significantly, state responsibility extends to acts and omissions of non-state actors in certain cases. National and international human rights law and practice is developing rapidly in holding private business actors accountable for the human rights impact of their activities abroad (see *Accountability*). This is happening through litigation, domestic legal developments and thanks to international regulatory instruments such as the Guiding Principles on Business and Human Rights.

Moreover, human rights and social justice advocacy is increasingly transnational.

The global reach of human rights norms offers a clear entry point for the application of Human Rights Economics to international as well as national economic policies and activities. Human Rights Economics would consider whether and how to further develop the conceptual framework and basis for the protection of human rights in the global economy. Wherever conceptual bases are already in place, Human Rights Economics would work to better explain and implement the human rights principles and tools available.

### 3.1.6 NON-DISCRIMINATION

Non-discrimination is an overarching human rights norm. This precludes »any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights.«<sup>62</sup> Human rights sometimes require affirmative action measures to redress discriminatory inequalities. Human Rights Economics would find ways to clearly articulate non-discrimination in economic terms – for instance by altering incentives or institutions that permit allocation of more resources to groups that are already better off.

One way that discrimination can occur is through the mobilisation or allocation of resources for the realisation of substantive human rights. Human rights law imposes an obligation on states to mobilise and allocate »maximum available resources« for human rights.<sup>63</sup> A human rights perspective focuses on ensuring that human rights principles are respected when making decisions about how to raise and allocate resources. (See *Accountability* and *Participation*) Human Rights Economics would require an acceptance that the allocation of many – both private and public – goods

<sup>59</sup> Rodrik (2017) *The fatal flaw of neoliberalism: it's bad economics*; <https://www.theguardian.com/news/2017/nov/14/the-fatal-flaw-of-neoliberalism-its-bad-economics>.

<sup>60</sup> At the same time, it is necessary to acknowledge the criticism that human rights impose Western cultural norms throughout the world.

<sup>61</sup> Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights (2011).

<sup>62</sup> UN CESCR (2009) General Comment No. 20: Non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20.

<sup>63</sup> See UN CESCR Article 2.1 and CRC Article 4.

and services should not necessarily observe market distribution rules.

The human rights principle of non-discrimination guides us to carry out our enquiries from the standpoint of the poorest and most vulnerable segments of society, and to consider how different groups may be affected differently by economic policies. It further draws our attention to the obligations of states to reduce inequalities. Structural inequalities persist within and between countries, and economic outcomes are determined not only by equality of opportunity, meritocracy, competition or legitimate systems of selection, but also by systemic group advantages and disadvantages. These include deep and often intergenerational inequalities in wealth, income and power between groups in society distributed along gendered, racial, religious, caste or country lines.

This brings the importance of disaggregated economic data into sharp focus. Daily we see data for economic reasoning presented in absolute terms (number of people living in poverty, number of new jobs), as fractions (5% of GDP) or averages (salaries). Available data often reflect official narratives that forget – or exclude – those who are the most vulnerable. Disaggregating data according to the grounds of vulnerability or exclusion that exist in a particular place at a particular time can help move the spotlight onto those who might otherwise be forgotten. Similarly, an inclusive or community-based approach to data-gathering and analysis can help overcome drivers of vulnerability and exclusion.<sup>64</sup>

A need to gather and analyse data along the lines of discrimination that prevail in a particular region or at a particular time could stand as a principle of Human Rights Economics in and of itself or as part of *Accountability*. Indeed, to be consistent with human rights, those responsible for economic policy must demonstrate that they have taken into account the differential impact of a planned policy on different groups. This makes explicit the trade-offs that economic policy often requires – not only the choices between alternative uses of resources, but also who is likely to benefit from the planned policy. It also requires one to ask the question of who is being counted and who is not?

»A human rights lens puts everyone in the picture and ensures that no one is left behind. Human rights responses also serve as an essential warning system – highlighting who is suffering most, why, and what can be done about it.«

UN Secretary-General António Guterres<sup>65</sup>

<sup>64</sup> Malungisa (n.d.) *Harnessing the Power of Community-Driven Data*; <https://voicescount.org/stories/harnessing-the-power-of-community-driven-data/>.

<sup>65</sup> United Nations (2020) *Human Rights and COVID-19 Response and Recovery*; <https://www.un.org/en/un-coronavirus-communications-team/we-are-all-together-human-rights-and-covid-19-response-and-recovery/>.

### 3.1.7 PARTICIPATION

From a human rights perspective, participation is a must. The right to participate in public affairs is protected by human rights law. Minority and Indigenous peoples' participation rights are even more strongly protected, in many cases requiring their »free, prior and informed consent.«<sup>66</sup> In a 2009 ruling, the Human Rights Committee held that if a state interfered with an activity of cultural significance, such interference would be acceptable under human rights law only if the community had had the opportunity to participate in the decision-making process, which »requires not mere consultation but the free, prior and informed consent of the members of the community.«<sup>67</sup>

Human Rights Economics would want to ensure that any economic policy-making process is truly participative, which is to say, that it be on the empowering and transformative end of the participation spectrum. This is often not the case. International trade negotiations, for instance, tend to take place behind closed doors with little participation from actors other than governmental or business delegates. This is not only problematic from the perspective of the right to participate, but also in terms of broader social welfare. It tends to bias results against interests not present in the negotiations.<sup>68</sup> Trade negotiators often say that the outcome will be in the long-term economic interest of their country (even though this not always substantiated by evidence, see *Evidence-based policy*). The equal focus of human rights on process as well as outcome is particularly valuable in this regard, reminding us that even positive economic ends cannot justify rights-denying means.<sup>69</sup>

Human Rights Economics favours participatory ways of generating knowledge as well as participation in economic and political processes themselves. Processes through which credible knowledge about the economy is created are important because they shape the range of choices government, business and individuals have.<sup>70</sup>

This also implies reaching out to everyone, i.e. proactively seeking the experience and voice of those who are further away from the locus of decision-making, so as to ensure that those who are often invisible or uncounted in economic policies are taken into account. Indeed, economics all too often ignores those who are too poor to make their wishes, priorities or behaviours felt in the market.<sup>71</sup> Human Rights Economics guides us to start from the perspective of those

<sup>66</sup> UN Declaration on the Rights of Indigenous Peoples (2007).

<sup>67</sup> UN Human Rights Committee (2009) *Views: Poma Poma v. Peru*, U.N. Doc. CCPR/C/95/D/1457/2006 (March 27, 2009); [http://www.worldcourts.com/hrc/eng/decisions/2009.03.27\\_Poma\\_Poma\\_v\\_Peru.htm](http://www.worldcourts.com/hrc/eng/decisions/2009.03.27_Poma_Poma_v_Peru.htm).

<sup>68</sup> Rodrik (2018) What do trade agreements really do? 32(2) *Journal of Economic Perspectives*.

<sup>69</sup> Curtis (2016).

<sup>70</sup> Ambler et al. (2022) *Reclaiming Economics for future generations*.

<sup>71</sup> Dommen (2003) *How Just is the Market Economy*.

who are most at risk of being uncounted – such as people living in remote regions, who are undocumented or who work in the informal sector.

### 3.2 APPLYING A HUMAN RIGHTS PERSPECTIVE TO ECONOMIC PRINCIPLES

Human Rights Economics asks specific questions, like »in what way do proposed economic policies constitute deliberate, concrete and targeted measures towards the realisation of human rights?« »How are economic decisions made (who was consulted, what evidence was relied on, what assumptions underlie the decisions?) or »who stands to benefit and who stands to lose out from the decision?«

But to fulfil its objective of moving towards a more pro-active role for human rights in economics, it would also step back and ask more fundamental questions about economic principles and objectives. In this sense, this enquiry postulates that Human Rights Economics could play an influential role in questioning and deconstructing economic principles and commonly stated objectives. Why – from a human rights perspective – do we want economic growth? Why do we want to limit public debt? Why do we need to raise – or lower – interest rates? Why do we want to attract foreign investment? Why does economics tend to consider reduced consumption as undesirable and GDP growth as desirable?

Human rights economics shares many of the features of branches or strands of economics that put forward alternative discourses to that of mainstream economics, including New Economic Thinking, ReThinking Economics, Wellbeing economy, doughnut economics, decolonial or post-development economics, or heterodox economics.<sup>72</sup> All of these put forward challenges to mainstream economics' mindset or assumptions. Human Rights Economics' voice and insights support and strengthen many of these alternative discourses. In some cases it pushes their thinking further, challenging structural elements such as efficiency or property rights that even alternative discourses take as a given. This section looks at how a human rights lens would change the way we see four topics: economics and the economy, efficiency, Gross Domestic Product and property rights.

#### 3.2.1 ECONOMICS AND THE ECONOMY

Many people – including numerous economists – conceive of the economy as the key system underpinning the functioning of our world, consisting of goods and services that are bought and sold in exchange for money and that needs to be upheld to sustain livelihoods. Often the term »the economy« is used to refer to commercial or formal activi-

ties, governed by economics, a science that applies a specific immutable set of rules. In the media, the term is often presented as being positively associated with things such as economic growth, jobs or consumer spending. The economy is often contrasted to other areas of policy. Statements like »investing in environmental protection will affect the economy« are all too common, as are Covid variants such as »maintaining quarantines may be costly for the economy.«<sup>73</sup>

The way that the economy is commonly portrayed perpetuates the impression that it is separate from other activities and systems that are equally essential to people's lives. It conceals the fact that caring for children, neighbours or the elderly, providing health services or nurturing the natural environment which sustains lives are also part of the economy.

Human Rights Economics would join others in emphasising that the economy is a social construct, »a highly complex, multi-level system that must be studied as such,«<sup>74</sup> and a means to an end, a tool for a better life, rather than an end in itself.<sup>75</sup> Borrowing from David Korten's expression of the false dichotomy, it would position the »economy is sacred« story in contrast to the »life is sacred« story to demonstrate how necessary it is to change the narrative.<sup>76</sup>

*»Mainstream economics shades too easily into ideology, constraining the choices that we appear to have and providing cookie-cutter solutions. A proper understanding of the economics that lie behind neoliberalism would allow us to identify – and to reject – ideology when it masquerades as economic science.«*

Rodrik

Mainstream economists often portray their field as a positive science free from any value judgements.<sup>77</sup> But we know that economics is deeply ideological, as more than one interviewee for this paper has emphasised. As Elaine Coburn puts it: »the fact that economic questions are often, if not always, considered to be separate from questions of power and democracy and from everyday concerns is itself an ideological achievement.«<sup>78</sup>

<sup>73</sup> This is heightened in other languages, such as French, which use the term »the economy« to denote the business sector.

<sup>74</sup> Beinhocker et al. (2019) *Forum Response: Inclusive Economics Is Complexity Economics*; [https://bostonreview.net/forum\\_response/complexity-economists-economics-needs-embrace-transdisciplinary/](https://bostonreview.net/forum_response/complexity-economists-economics-needs-embrace-transdisciplinary/).

<sup>75</sup> Demos Helsinki et al. (2022) *Turning the Tide: Landscape Analysis of an Emergent Economic Movement in Europe*; <https://demoshelsinki.fi/julkaisut/an-emergent-economic-movement-in-europe>.

<sup>76</sup> Korten (2015) *Change the Story, Change the Future: A Living Economy for a Living Earth*.

<sup>77</sup> See e.g. Małecka (2021) Values in economics: a recent revival with a twist, 28 *Journal of Economic Methodology*; White (2017) *Economics isn't ideology-free and it's misleading to suggest it is*; <https://theconversation.com/economics-isnt-ideology-free-and-its-misleading-to-suggest-it-is-74520>.

<sup>78</sup> Coburn (2016) *Economics as ideology: challenging expert political power*; <https://www.tni.org/en/publication/economics-as-ideology-challenging-expert-political-power>.

<sup>72</sup> Riedy (2020).

Relying on its globally-agreed normative framework, focusing on principles such as accountability and non-discrimination and illustrating these with people's experiences, Human Rights Economics would put its weight behind those voices drawing attention to the fact that economics is not a value-free, neutral and objective science. It would work with others to push economists to be more explicit and self-critical about their normative assumptions and to clearly articulate the values that animate their work.<sup>79</sup> This would help counterbalance the impression that the economics profession projects: that it possesses a box of tools that are technocratic, value-free, and ideologically uncontaminated.<sup>80</sup> In so doing, Human Rights Economics would also contribute to overcoming the perception sometimes put forward by mainstream economists that ethics and values pertain mainly to ways that individuals lead their personal lives, whereas in fact they also affect the ways that economies function.<sup>81</sup>

Human rights advocates have coined the catchy expression »there is no technocratic answer« – TINTA – as a way of pointing to the need to bring values and inclusive processes into play in economic policy-making. Human Rights Economics should reinforce this message. Through application of Human rights principles it can nudge public understanding of the fact that there is not one single model, but rather a plurality of economic models, theories and objectives, and that policy-makers must choose amongst them which to use depending on the place and time to which they are to be applied. (See *Diverse economic and knowledge systems, Evidence-based policy*)

### 3.2.2 EFFICIENCY

Efficiency is a central principle of economics – some might even describe it as an aim and objective. Efficiency can be said to describe a situation where a certain level of utility (i.e. a measure of satisfaction) is reached by getting the most or the best out of resources in the least costly way possible. Most of those who have written on economics from a human rights perspective directly address the inadequacy of efficiency as a guiding principle for a fair economy.<sup>82</sup> Many observers contrast this with the ethical foundations of human rights, while many others note how mainstream economics deal with efficiency and equity separately. Discussions of human rights and economics often draw attention to the tension between the normative nature of human rights and what economists portray as economics' predominantly positivist nature. While the separation between ethics and efficiency has been questioned by

economists, the fact remains that resources can be unequally – or even unethically – allocated without economic efficiency being the least bit troubled.<sup>83</sup>

*»Human rights law provides welfare economics with the justice-centred guidance it lacks, moving it beyond the conventional premises of economic efficiency and aggregate social utility.«*

Salomon & Arnott

Human Rights Economics would tease out what »efficiency« means from a human rights perspective. One reason for doing so lies within the international system for protection of human rights itself: a range of treaty bodies and special procedures have voiced the need for »efficient« health systems,<sup>84</sup> »efficient« taxation systems or »efficient« resource mobilisation for human rights,<sup>85</sup> without it being clear how this term is understood.

Another reason, at the core of Human Rights Economics' raison d'être, is to deconstruct the meaning of efficiency as used by economists, and recast it in a way that takes into account human rights principles.

Ethics might be a useful term to aggregate these notions – as might the term values, and/or the human rights principle of non-discrimination. Whatever the words used, Human Rights Economics should find a way to embed its ethical commitment to moral principles and socio-economic justice<sup>86</sup> in economic principles. One way might be to seek democratic input as to what »frictions« people in a given place at a given time would accept rather than unquestioningly putting efficiency forward as the primary goal of economic policy (See *Accountability and Participation*.)

As noted, a human rights approach can contribute to pushing the boundaries of other alternative discourses, many of whose values it shares. A number of these continue to use criteria of efficiency and fairness as a guide to evaluate economic institutions and the outcomes of economic interactions.<sup>87</sup> Exploring in detail what different discourses understand efficiency and fairness to mean will help clarify terms, expose their assumptions and weaknesses and ensure that relevant economic principles are suited to outcomes consistent with human rights.

<sup>79</sup> Beinhooker et al. (2019). See also Nelson (2021) Economics and community knowledge-making, 28 *Journal of Economic Methodology*.

<sup>80</sup> White (2017).

<sup>81</sup> Balakrishnan, Elson & Patel (2010) *Rethinking Macro Economic Strategies from a Human Rights Perspective (Why MES with Human Rights II)*; <https://ideas.repec.org/a/pal/devel/v53y2010i1p27-36.html>.

<sup>82</sup> See e.g. Salomon & Arnott (2014); Branco (2009); Corkery & Isaacs (2020).

<sup>83</sup> Branco (2009).

<sup>84</sup> See for instance UN Human Rights Council (2012) *Interim report of the Special Rapporteur on health, Anand Grover, Health financing in the context of the right to health*, UN Doc A/67/302, para 12.

<sup>85</sup> Dommen & Sepulveda (2017) *The Obligation to Mobilise Resources: Bridging Human Rights, Sustainable Development Goals, and Economic and Fiscal Policies*; <https://www.right-to-education.org/resource/obligation-mobilise-resources-bridging-human-rights-sustainable-development-goals-and>.

<sup>86</sup> Curtis (2016).

<sup>87</sup> CORE, »The Economy – Economics Textbook for a Changing World«; <https://www.core-econ.org/the-economy/book/text/05.html>.

### 3.2.3 GROSS DOMESTIC PRODUCT (GDP)

GDP remains the standard measure of the value-added created through the production of goods and services in a country during a certain period<sup>88</sup> even though it has been criticised from all sides.<sup>89</sup> Even the Organisation for Economic Cooperation and Development (OECD) recognises that GDP falls short of providing a suitable measure of people's well-being, noting that alternative indicators may be more appropriate.<sup>90</sup>

Other critiques of GDP are its basis in Western values, its ignorance of the informal economy and non-market transactions (see *Diverse economic and knowledge systems*), the fact that it places a positive value (price) on harmful as well as beneficial activities, and the fact that it does not account for the depreciation of natural assets,<sup>91</sup> thus perpetuating environmental plunder. In GDP terms, natural ecosystems are only valuable to the economy when they are exploited and their produce is sold in formal markets.<sup>92</sup> The services they render in terms of climate regulation, natural fertilisation and soil regeneration (which are all essential for human activities, from food production to energy) are ignored.<sup>93</sup> As a metric of social welfare and progress, GDP falls short on other counts too: it ignores income inequality, basic needs or the dynamic effects of relative income.<sup>94</sup>

*»Perhaps the most important thematic deficiency of traditional development economics is its concentration on national product, aggregate income and total supply of particular goods rather than on ›entitlements‹ of people and the ›capabilities‹ these entitlements generate.«*

Amartya Sen

Most alternative economic discourses agree that dignity, prosperity and wellbeing for all should be the goal of our economic system, rather than GDP growth.<sup>95</sup> Several governments are using or considering alternative measures.

Bhutan is famous for its detailed assessment of gross national happiness. The term is defined as

*»a multidimensional development approach seeking to achieve a harmonious balance between material wellbeing and the spiritual, emotional and cultural needs of society.«<sup>96</sup>*

The Bhutanese government uses a policy screening tool to help the GNH Commission assess policy proposals against its Gross National Happiness framework and set conditions for businesses to add value to society and the environment. France now publishes a yearly review of ten new wealth indicators, which include income inequality, expenditure on research and soil degradation,<sup>97</sup> while Switzerland and other countries publish a set of indicators based on the SDGs.

Finland, New Zealand, Scotland and others have formed a network of Wellbeing Economy Governments, reflecting a growing inclination to place human and ecological wellbeing – instead of economic growth – at the centre of policy-making.<sup>98</sup> New Zealand has a Wellbeing Budget, which »measures progress on a broader range of indicators of success, beyond traditional measures like Gross Domestic Product (GDP),«<sup>99</sup> recognising that GDP growth does not guarantee improvements in living standards and does not measure the quality of economic activities or consider who benefits and who is left out or behind.<sup>100</sup>

Tackling GDP constitutes a challenge, as it is so firmly entrenched as a global standard: it is employed by virtually all countries, and supported by an accounting framework, the harmonisation of which is supported by the United Nations. In contrast, the Beyond-GDP community and alternative economic discourses still lack a common, harmonised language, as well as a global institution or organisation that could support it.<sup>101</sup>

Despite the scale of the challenge, addressing GDP and other economic indicators might offer a prime area for operationalising Human Rights Economics. Given the number of voices calling for better economic measurement, Human Rights Economics may find fertile ground upon which to plant human rights principles, values and approaches in the quest for new, better measures to achieve wealth, growth

<sup>88</sup> OECD, ›Gross Domestic Product‹; <https://data.oecd.org/gdp/gross-domestic-product-gdp.htm>.

<sup>89</sup> See e.g. Stiglitz, Sen & Fitoussi (2010) *Mismeasuring Our Lives: Why GDP Doesn't Add Up*.

<sup>90</sup> OECD, ›Gross Domestic Product‹; <https://data.oecd.org/gdp/gross-domestic-product-gdp.htm>.

<sup>91</sup> Dasgupta (2021) *The Dasgupta Review on the Economics of Biodiversity – Final Report, Abridged Version*; <https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>.

<sup>92</sup> This is logical, as ›Gross‹ implies that capital consumption is ignored. Capital consumption takes many forms, from wear & tear of machinery to consumption of non-renewable goods, like oil & many other ›environmental‹ goods. If capital consumption were taken into account, in a concept of Net National Product (NNP), this would be a positive step to making economic decisions more rational.

<sup>93</sup> Fioramonti et al. (2022) Wellbeing economy: An effective paradigm to mainstream post-growth policies? 192 *Ecological Economics*.

<sup>94</sup> van den Bergh (2022) A procedure for globally institutionalizing a ›beyond-GDP‹ metric, 192 *Ecological Economics*. See also International Institute for Sustainable Development (n.d.) *Measuring Wealth to Promote Sustainable Development*; <https://www.iisd.org/projects/measuring-wealth-promote-sustainable-development>.

<sup>95</sup> Riedy (2020).

<sup>96</sup> See Wellbeing Economy Alliance, ›Bhutan – Gross National Happiness Index‹; <https://weall.org/resource/bhutan-gross-national-happiness-index>.

<sup>97</sup> Banque de France (2018) *Les nouveaux indicateurs de richesse*; [https://abc-economie.banque-france.fr/sites/default/files/medias/documents/mot\\_actu\\_nouveaux-indicateurs-de-richeesse.pdf](https://abc-economie.banque-france.fr/sites/default/files/medias/documents/mot_actu_nouveaux-indicateurs-de-richeesse.pdf).

<sup>98</sup> Fioramonti et al. (2022) Wellbeing economy: An effective paradigm to mainstream post-growth policies? 192 *Ecological Economics*.

<sup>99</sup> New Zealand Government, Treasury (2021) *Wellbeing Budget 2021: Securing Our Recovery*; <https://www.treasury.govt.nz/publications/wellbeing-budget/wellbeing-budget-2021-securing-our-recovery>.

<sup>100</sup> New Zealand Government, Treasury (2019). *The Wellbeing Budget 2019*.

<sup>101</sup> van den Bergh (2022).

and wellbeing. For instance, approaches to monitoring the progressive realisation obligation (See Figure 1) could help measure how wealth is created, used and distributed. Another argument is that such work builds on efforts already undertaken to develop indicators for human rights or issues closely related to human rights. Many of the Sustainable Development Goals' indicators, for instance, relate to objectives that human rights proponents hold dear. Susan Randolph and others have identified indicators for human rights including education, health and food.<sup>102</sup> This underscores the synergies between the human rights, economics and development communities in their search for better indicators.<sup>103</sup>

Human Rights Economics would ensure that we do not forget that, as originally conceived and now used, the purpose of GDP is to compare economies around the world.<sup>104</sup> Given that human rights reminds us to acknowledge different values, cultures, economic and knowledge systems, it would be cognisant of possible downsides to endeavouring to refine a measure that purports to compare things that are at their essence not comparable.

### 3.2.4 PROPERTY AND RIGHTS

Assumptions about property underlie all aspects of economics. The New Palgrave Dictionary of Economics states that »a property right is a socially enforced right to select uses of an economic good.«<sup>105</sup> As ownership of property is often expressed as a right, Human Rights Economics must be alert to the need to approach this element with clarity and caution. To adequately address questions around property, it would go beyond human rights' evident concern with distribution (ownership) of income, wealth, knowledge or other resources and question the very assumption that property rights are necessary. It would also emphatically emphasise the distinction between property rights and human rights to guard against the risk that property rights be put forward (or understood) as human rights, which favours a neo-liberal, market approach to economics.

This section considers two different aspects of property and rights: (1) different forms of rights over property and (2) the transformative potential of basing economics on human – rather than property – rights.

Private property rights permit the owner to exclude others from using, accessing or owning the property in question. Private ownership of property is inextricably mixed up with mainstream economics and neo-liberal ideology.<sup>106</sup> This

tends to side-line other forms of ownership. Land, resources or knowledge can, for instance, be owned collectively. These forms of ownership are not marginal: for land, customary tenure regimes are estimated to cover between 50% and 65% of the world's land area.<sup>107</sup> Some permit use or access to resources, in other words, the resource can be used, but not bought, sold or used exclusively.

The human rights framework recognises collective and traditional forms of tenure. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP), for instance, provides that states are to afford legal recognition and protection to lands, territories and resources which Indigenous peoples have traditionally owned, occupied or otherwise used or acquired and that this »recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned.«<sup>108</sup> Elinor Ostrom's work reminded the world that diverse communities have long successfully collaborated in harvesting, maintaining and conserving forests, fishing grounds, waterways, traditions and other bases of life. (See *Diverse economic and knowledge systems*)

*»It must be admitted straightaway that moral rights or freedom are not, in fact, concepts for which modern economics has much time. In fact, in economic analysis rights are seen typically as purely legal entities with instrumental use rather than any intrinsic value.«*

Amartya Sen

The classic view is that mainstream economics (and markets) struggle to establish a price corresponding to the demand for collective goods (such as a park or the atmosphere) because it is in the interests of each person to pretend to attach a low price to it in the hope that someone else will pay for it instead. That is why collective goods are normally provided by public authorities, which meet costs through transfers such as taxes.<sup>109</sup> But this approach faces limits when considering international public goods, or goods where individual property rights are absent. Human Rights Economics could, through human rights' legal means, help strengthen communities' claims to their resources and values and to work to ensure that these are adequately reflected in economic policy.

*»In much of their work, economists can, and do, take it for granted that everything of value (both tangible goods and intangible objects such as skills) has an owner, and that the owner's powers of control will correspond to the motivational assumptions of orthodox economic theory.«*

The New Palgrave Dictionary of Economics

<sup>102</sup> See *Human Rights Measurement Initiative*; <https://humanrightsmmeasurement.org/>.

<sup>103</sup> Anderson (2017) *Economics and Human Rights* in Bård A. Andreassen et al. (eds) *Research Methods in Human Rights – A Handbook*.

<sup>104</sup> Meade & Stone (1941) *The Construction of Tables of National Income, Expenditure, Savings and Investment*, 51 *The Economic Journal*.

<sup>105</sup> *New Palgrave Dictionary of Economics, Second Edition* (2008).

<sup>106</sup> Dommen (2003).

<sup>107</sup> FAO (2019) *Assessing the governance of tenure for improving forests and livelihoods – A tool to support the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure*; <https://www.fao.org/3/ca5039en/CA5039EN.pdf>.

<sup>108</sup> United Nations Declaration on the Rights of Indigenous Peoples Article 26.

<sup>109</sup> Dommen (2003).

Going further, focusing on the structure of rights as a basis for Human Rights Economics could have truly transformative potential. Human Rights Economics would question whether economics should really have private property rights as their foundational basis, a basis that even many alternative economic discourses and progressive economists take for granted.

### 3.3 INSTITUTIONS AND POWER

Human Rights Economics would further pay attention to the interlinked questions of institutions and power. In this it shares features of a political economy approach. In looking at institutions, it would draw on insights from political science. It would also draw on and build on insights from branches of economics such as feminist, institutional or new institutional economics. These seek to understand the role of culture, social norms and institutions (which include legal norms and rules) in shaping economic behaviour. They also make clear that mainstream economics' overreliance on the market ignores the rules, structures and norms of other important institutions such as the state, laws, communities and international organisations.<sup>110</sup> Human Rights Economics would emphasise that the market is only one institution amongst others.

At their essence, human rights are about limits on power and checks against abuse of power. Human rights emerged as a counterweight to excessive power of state apparatuses and have evolved to increasingly address excessive power of private actors or their abuses of power. All institutions are vulnerable to distortions from imbalances in control, information, and expertise.<sup>111</sup> Those who have power more easily participate in or even shape policy-making institutions or processes, and policy-makers tend to seek the views of those who have power. The choice and functioning of institutions reflects the distribution of political power:<sup>112</sup> even a democratic regime may choose economic institutions that favour an elite.

»Economic institutions are politically determined, as the prevalent power relations will determine which set of economic institutions are more likely to emerge.«

Kunal Sen

Even though it is well known that power pervades economic relations, mainstream economics tends to shy away from discussing power and power relations beyond the question of how market power changes the standard model of perfect competition. It does address some forms of power, such as monopolies, or extreme cases of exploitation, but from a human rights perspective, these policy interventions are of-

ten insufficient and tend to ignore other political and legal institutions and loci of power relations.<sup>113</sup> Mainstream economics' prevalent assumption is that the market will establish the correct balance of power (situating it where supply and demand curves meet on the classical economic graph).

Human Rights Economics' focus on process as well as outcomes moves the spotlight onto inequalities of power in economic policy-making. It draws attention to policy as a social and political process that should conform to human rights standards, rather than remaining a purely technocratic exercise. Its focus on vulnerable and marginalised groups (see *Non-discrimination*) draws attention to how inclusive economic and political institutions can play an important role in positive economic outcomes. Human rights Economics would use human rights processes and accountability mechanisms to insist on broad participation in economic and political institutions. It would draw attention to the fact that inclusive economic institutions encompass access to education, and that inclusive political institutions allow *inter alia* broad participation of citizens and help uphold the rule of law.

Branches of economics such as development, feminist, information and institutional economics do address questions of power, as do most alternative economic discourses. Feminists have highlighted how unequal power draws from existing social norms, conventions and practices, manifests itself in various ways such as unequal access to resources, unequal bargaining power and tends to be reproduced within the social, political and economic spheres, which in turn influences institutions, allocation of resources and other areas of human rights concern.

Human rights advocates could analyse these often hidden power relations from a human rights perspective, bringing to bear human rights tools to address power relations in the economy (see *Accountability* and *Participation*). It would ask how we can bring these principles, as well as human rights' transparency and due process obligations, more forcefully into play, to expose and meaningfully challenge the role of powerful interest groups in shaping the economy in a way that suits them.

<sup>110</sup> Salomon & Arnott (2014).

<sup>111</sup> Admati (2021) Capitalism, laws, and the need for trustworthy institutions, 37 *Oxford Review of Economic Policy*.

<sup>112</sup> See e.g. Acemoglu (2008) *Growth and Institutions* in Palgrave Macmillan (eds) *The New Palgrave Dictionary of Economics*; [https://doi.org/10.1057/978-1-349-95121-5\\_2823-1](https://doi.org/10.1057/978-1-349-95121-5_2823-1).

<sup>113</sup> Ambler et al. (2022).

## 4

## PUTTING HUMAN RIGHTS ECONOMICS INTO PRACTICE

This Part of the paper looks at the third question posed at the outset of this enquiry, which is how to put Human Rights Economics into practice. It examines some concrete approaches, concepts and actions aimed at ensuring that economic outcomes as well as the process of formulating and applying economic policy are consistent with human rights. The suggestions it sets out address conceptual, strategic and advocacy aspects of future work.

### 4.1 DEVELOPING HUMAN RIGHTS ECONOMICS

The discussion in Part III of this paper enables us to complete the Human Rights Economics section of Table 1, presented on page 6. It also helps us to see clearly what Human Rights Economics has in common with other branches of economics. Table 2 sets out characteristics of Human Rights Economics, what unrecognised elements it brings to light.

To move work on Human Rights Economics forward, the main task will be to flesh out the elements identified in the discussion in Part III of this paper (and summarised in the right-hand column of Table 2). It is beyond the scope of this initial enquiry to embark on this exercise. Going forward, however, some priorities for clarifying concepts emerge. One would be to explore how to articulate the requirement for affirmative action in economic terms, for instance by altering incentives or institutions that permit the allocation of more resources to groups that are already better off. Related to this, work towards defining how to embed accountability as an economic incentive, and to clarify what »efficiency« means from a human rights perspective would be highly relevant.

#### 4.1.1 WORK WITH OTHERS

The key factor will be joining forces with others who are working for a world that is fairer for people and for the planet. It is worth recalling some of the reasons for doing so. The first one pertains to substance: Human Rights Economics is an inherently interdisciplinary project. It starts with lawyers and economists, but must also bring in anthropologists, social psychologists, political scientists and others, just as it also needs to rely on people's life experiences. Working collaboratively with those actors developing concepts and applications of alternative branches and discourses of economics is the best way to ensure that the content of Human Rights Economics is relevant to today's challenges.

There is moreover much to be gained in blending discourses (such as Human Development, Degrowth, and *Buen Vivir*) and working together across fields. Gaps or weaknesses in one discourse can be compensated through the strengths of others.<sup>114</sup> Human Rights Economics can support and bolster existing efforts by being rooted in law and by its experience with concepts like progressive realisation and non-discrimination as well as through human rights being a politically literate, global movement. It can also add to existing discourses by pushing the boundaries of questioning further, contributing to more deep-seated structural changes in economic thought and practice.

*»Years of discontent with the environmental risks and economic inequalities have not led to a collective and organised proposal for a new economic system. Or, at the very least, proposals have been marked as ›alternative‹ or ›heterodox‹.«*

Demos Helsinki

A second reason pertains to experience: other alternative economists have developed and incorporated in economic thinking the insights that led to the emergence of their branch. For instance, feminist economists' initial insights into how inadequate recognition or valuing of care work has perpetuated inequalities between men and women have not only been fleshed out conceptually, but also implemented in economic policy. Feminist economists could therefore help conceptualise how to spell out and operationalise elements of Human Rights Economics that this enquiry has identified. In addition to substance, feminist economics and doughnut economics have experience in developing and applying strategies to ensure that their visions and concepts become known and applied. Human Rights Economics could learn from both areas of experience.

<sup>114</sup> Beling et al. (2018) Discursive Synergies for a ›Great Transformation‹ Towards Sustainability: Pragmatic Contributions to a Necessary Dialogue Between Human Development, Degrowth, and *Buen Vivir*, *Ecological Economics*.

Table 2

**Characteristics of Human Rights Economics**

| Branch name                   | Characteristics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | What it draws out that had not previously been recognised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Human Rights Economics</b> | <p>Focuses on how to embed human rights into economics and economic policy. Is based on a globally-accepted normative framework underpinned by legal standards, offering individuals and groups recourse to supra-national bodies when economic policies affect human rights. It is concerned with applying human rights standards and processes to evaluate the human rights-consistency of economic policies and outcomes, and the degree to which they contribute to human dignity.</p> <p>Posits that the universality of human rights renders it necessary for economics to consider the global impact of economic policies.</p> <p>Shares many of the features, values and approaches of behavioural economics, doughnut economics, ecological economics and feminist economics as well as of alternative economic discourses such as new economic thinking, post-colonial economics or well-being economy.</p> <p>Addresses the question of power.</p> <p>Recognizes the paradoxical nature of the State: as both an enabler and denier of economic justice.</p> | <p>It is hard to hold economic actors accountable for the impacts of their actions, which often contributes to inequitable outcomes and outcomes inconsistent with human rights .</p> <p>It is necessary to articulate the objectives of economic policies with reference to their possible effects on groups that are vulnerable to discrimination and to monitor the impacts of policies by reference to a range of indicators. This emphasises the concept of substantive equality.</p> <p>Culture and cultural rights can be expressed in a diversity of ways, including through exchanges of goods and services and stewardship of nature; economics must respect this diversity of cultural expressions.</p> <p>A plurality of knowledge systems, value systems and epistemologies coexist; economics should recognise this plurality and apply contextually-suited tools and analysis.</p> <p>Human rights consistency of processes and institutions where economic decisions are made are as important as the consistency of outcomes with human rights.</p> <p>Private property rights are not a necessary foundational principle of economics.</p> <p>It is important to ask who is being taken into account in economic calculations and who is participating in economic policy-making, bearing in mind that pro-active steps will need to be taken to identify who is being left out.</p> |

The third pertains to strategy: feminist economists, heterodox economists, ecological economists and other alternative discourses identified at the beginning of Section 3.2 share many of the same objectives, values and principles, yet have not succeeded in displacing the main assumptions and principles of mainstream economics, which remains strong despite the accumulation of evidence of its shortcomings. Avoiding fragmentation of efforts is therefore crucial.

## 4.1.2 MAINTAIN DIVERSITY

At the same time, human rights is only one way of looking at the world. Whilst it can add new perspectives to alternative economic discourses, it is not attempting to displace or unify them. Human Rights Economics would be attentive to the fact that, in some cases, there may be more effective policies, alternative narratives and remedies than human rights for unsatisfactory economic processes and outcomes. It would also continually embrace pluralism and plural approaches to economics, while constantly and consistently pushing back against monist presentations of economics.

*»The diversity and plurality of economic theories and approaches is a plus in the analysis of economic problems and principles, by allowing the possibility to focus on different aspects with different methodologies.«*

Moreno-Brid re Ha-Joon Chang<sup>115</sup>

## 4.1.3 STAY FOCUSED

By focusing on rigorous application of existing human rights principles (rather than seeking to create a new right), Human Rights Economics avoids the risk of »overextending« human rights principles or diluting human rights law.<sup>116</sup> Human Rights Economics must remain focused on its central principles and not allow its aims or values to be diluted through participation in processes that require consensus or political approval.

<sup>115</sup> Moreno-Brid (2017) Economics: The User's Guide by Ha-Joon Chang – reviewed, *World Economics Association Newsletter*; <https://www.networkideas.org/wp-content/uploads/2017/09/EUG.pdf>.

<sup>116</sup> Richardson (2021) The Limits of Human Rights Limits, 115 *American Journal of International Law*; Hannum (2020) *Rescuing Human Rights*.

#### 4.1.4 AVOID CO-OPTATION

In a number of instances, human rights have been used to legitimise economic approaches or processes that are not as transformative or redistributive as Human Rights Economics would require. The Business and Human Rights (BHR) framework is perhaps the most-used human rights framework in economic activity. However, many human rights advocates feel that human rights have been co-opted in the sense that applying the BHR agenda gives companies a license to continue their existing approaches with only small tweaks, rather than question the underlying system and structures of economic power and practice. Another example is the World Bank, which is increasingly taking account of the distributional impacts of trade, on the grounds that seeking to protect vulnerable groups will make it easier to further the liberalisation agenda.<sup>117</sup> Similarly, we are now witnessing how principles of feminist economics are being taken up by institutions like the World Trade Organization (WTO) to promote access of female entrepreneurs to international markets through the same framework of international trade rules that perpetuate and entrench gender and other inequalities. In other words, feminist economists' work has been taken and used to support an elitist agenda in the same way that concern for human rights has been used as a vehicle by global elites seeking to demonstrate compassion without engaging in serious economic or political redistribution.<sup>118</sup>

#### 4.1.5 BUILD A COMMUNITY OF PRACTICE

Human Rights Economics would add its voice to those of others, particularly the Institute for Economic Justice and Section27 in South Africa, which together with the Centre for Economic and Social Rights have called for building a community of practice around the intersection of economics and human rights.<sup>119</sup>

### 4.2 IMPROVING HUMAN RIGHTS' IMPACT ON ECONOMICS

Irrespective of whether it is desirable to develop a separate concept of Human Rights Economics, this enquiry deems it necessary to work towards economic thinking that is more consistent with human rights. Previous sections have indicated how positioning human rights values, principles and norms in economic debates can help achieve an economic system that is fairer for people and the planet, that promotes social and economic justice, that integrates a plurality of views and traditions and that is consistent with human rights

in terms of its processes and outcomes. Previous sections have alluded to areas where the human rights community could make a positive contribution and areas in which it could improve its ability to pro-actively engage with and influence economic policy. This section flags some areas that merit strategic attention with a view to increasing the effectiveness of human rights advocates working on economic issues, whether this be under the heading of Human Rights Economics or not.

#### 4.2.1 LEARN FROM EXPERIENCE

It is unclear how much impact the human rights community has had on the field of economics either in terms of economic theory or economic outcomes. It would be useful to survey what human rights strategies have had an impact on economics, and which have not yielded the outcomes hoped for, so as to identify the factors that have enabled or hindered success and design future activities and strategies accordingly.<sup>120</sup>

Even in the absence of a survey, Section 2 of this paper enables us to surmise some reasons why human rights has not had as much impact on economics as it could. These include different perceptions of what human rights are and can do in the sphere of economic policy, misunderstandings amongst economists about what human rights are, and lack of understanding of economics within the human rights community.<sup>121</sup> These observations enable us to reiterate some important points for human rights advocates working on economic issues.

#### 4.2.2 CLARIFY OBJECTIVES

Human rights advocates would do well to clearly state what their objectives are. As noted in section 1.3.1, assumptions differ even within the human rights community about what is being sought when linking human rights with economics. Human Rights Economics would state clearly its desire to transform the way economics is thought, taught and applied, and its aim to challenge the factors inherent in mainstream economics that impede its engagement with critical issues like the relationship between humans and nature or economic and political power imbalances. It would underscore its determination to work with others to replace economic ideas and practices – such as those focusing on increased consumption and growth – that seem unsuited to today's realities, with new ones, and to bring the legal weight of human rights norms and the global reach of the human rights movement to bear towards this aim.

<sup>117</sup> Engel et al. (2021). *The Distributional Impacts of Trade: Empirical Innovations, Analytical Tools, and Policy Responses*; <https://elibrary.worldbank.org/doi/abs/10.1596/978-1-4648-1704-5>.

<sup>118</sup> Hafner-Burton & Ron (2009) *Seeing Double – Human Rights Impact through Qualitative and Quantitative Eyes*, 61 *World Politics*.

<sup>119</sup> Osborne et al. (2021) *Building a Field of Economics and Human Rights: Lessons from South Africa*; <https://www.iej.org.za/building-a-field-of-economics-and-human-rights-lessons-from-south-africa/>.

<sup>120</sup> It could be useful to build on work undertaken by the Centre for Economic Justice, the Centre for Economic and Social Rights and Section27 in 2020 in South Africa. See CEJ et al. (2021) *Defining a New Economics: What role for Human Rights?* as well as on the work carried out by Balakrishnan, Elson et al.

<sup>121</sup> Dowell-Jones (2004) *Contextualising the International Covenant on Economic, Social and Cultural Rights – Assessing the Economic Deficit*.

Other human rights advocates may have different views. But clearly enunciating both shared and different visions and objectives will make it easier both for allies and critics to understand what the different human rights voices are calling for, which in turn can foster engagement around shared ideas and informed discussion about differences.

### 4.2.3 ARTICULATE A THEORY OF CHANGE

It is important to be explicit about what outcomes are being sought and the underlying theory of change. Research and interviews undertaken for the Human Rights Economics enquiry reveal a large body of work on ways that economics and the economy are inconsistent with human rights as well as descriptions of what a better economy could look like and deliver. Few describe the steps for getting from here to there. Articulating a theory of change would fill the gap between the two. It would spell out or fill in what has been described as the »missing middle« between what a program or change initiative does (its activities or interventions) and how these lead to achievement of the desired goals.

### 4.2.4 CLARIFY MISPERCEPTIONS

Another factor hindering effective application of human rights in economics is the fact that human rights – particularly economic, social and cultural rights – are often misunderstood and misrepresented. The human rights community has not done as well as it could in explaining what human rights are, or how they work in the economic policy context. Statements like »human rights trump intellectual property rights« tend not to carry weight with those outside the human rights community<sup>122</sup> and have too often resulted in dismissal of human rights as ineffective or irrelevant.

One way to be more effective is to clearly and consistently repeat key messages about human rights, such as the clear content of principles such as progressive realisation, non-discrimination or accountability, as Radhika Balakrishnan et al. have commendably done in *Why MES with human rights II* (See Figure 1).

Another is to pro-actively engage with common perceptions or misunderstandings that could limit human rights' effectiveness as a tool for better economic policy. This includes demonstrating that human rights are not absolute and that a human rights approach can help decide between alternative policy options or assess trade-offs.<sup>123</sup> It would involve taking active steps to dispel the view that is sometimes put forward to the effect that human rights are a Western elitist agenda by carefully framing objectives and activities and demonstrating that these include and reflect a diversity of perspectives and approaches.

It also includes forestalling the view that human rights are by necessity solely concerned with humans at the expense of nature. As discussed in Part III, human rights can help direct policies towards systems that enable nurturing of different species as well as humans. Confirmation of this view can be distilled from the ICESCR's Article 2.1, according to which steps taken must not compromise the future ability of the economy to achieve these goals. The Committee on Economic, Social and Cultural Rights has reaffirmed the importance of sustainably managing resources. Other instruments such as UNDRIP and the UN Declaration on the Rights of Peasants, as well as the recent recognition of the right to a clean, healthy and sustainable environment by the UN Human Rights Council further support the view that a human rights perspective includes respect for species others than the human species. David Boyd, Special Rapporteur on Human Rights and the Environment, elucidates how human rights are a subcategory of a wider bio-centric perspective.

### 4.2.5 TEACHING AND LEARNING

It is interesting to note how some of the strongest voices in favour of more diverse economics are emerging from universities and in particular from students wanting economics to be taught and thought in a way more consistent with the real world. Within these new emerging economics curricula there is space to transmit knowledge about human rights and how they can help usher in a fairer, more inclusive field of economics. This also points to a space for mutual learning, picking up on the observation that lack of understanding of economics on the part of human rights advocates has hampered effective engagement. Mary Dowell Jones has demonstrated how poor understanding of macro-economics amongst members of the Committee on Economic, Social and Cultural Rights has on occasion meant that their pronouncements on economic issues have been untenable. Thus, improving the economic literacy of human rights advocates is key.

### 4.2.6 SHOW BY DOING

Perhaps the most important strand of work going forwards is to demonstrate the relevance and applicability of human rights in economics. One aspect of this is to demonstrate how human rights analysis and methodology can be applied to economic policies, as noted above, to clarify misperceptions. Spelling out the human rights response to oft-repeated rationales for a policy that sits uncomfortably with human rights advocates, such as »over the long term it will create more jobs« or »it will generate wealth« will give the human rights' voice more credibility. More importantly, it will demonstrate how the OPERA framework and other approaches to measuring implementation of economic, social and cultural rights<sup>124</sup> can be a useful policy tool.

<sup>122</sup> Thambisetty (2018) Improving Access to Patented Medicines: Are Human Rights Getting in the Way?; [http://eprints.lse.ac.uk/87540/1/Thambisetty\\_Access to Patented Medicines\\_Author.pdf](http://eprints.lse.ac.uk/87540/1/Thambisetty_Access%20to%20Patented%20Medicines_Author.pdf).

<sup>123</sup> Reddy (2011); Dasgupta (2021).

<sup>124</sup> See notably Fukuda-Parr, Lawson-Remer & Randolph (2015) *Fulfilling Social and Economic Rights*.

There are positive examples of how human rights can inform and influence economic policy. These include civil society and academic initiatives such as UK studies on the distributional impact of tax and welfare reforms on groups of people who are vulnerable to discrimination,<sup>125</sup> human rights-based economic justice advocacy in South Africa,<sup>126</sup> integration of women's rights into policy through pay transparency laws,<sup>127</sup> human rights impact assessments of trade agreements,<sup>128</sup> and human rights audits of economic policy in the USA and Mexico.<sup>129</sup> A number of intergovernmental bodies are working to raise the profile of human rights in economic policy. The UN Economic Commission for Africa's work on human rights and women's rights in the African Continental Free Trade Area and the OHCHR's Surge initiative serve as examples here. The latter incorporates a team of macroeconomists with an expertise on economic, social and cultural rights. It links human rights with economics and translates human rights standards and recommendations of United Nations human rights mechanisms into policy advice tailored to country contexts. The Surge initiative works through OHCHR field presences, resident coordinators, United Nations country teams, peacekeeping operations and integrated missions.<sup>130</sup>

Human Rights Economics would make it a priority to undertake more concrete work of this type, both from theoretical and applied perspectives. In addition to demonstrating the relevance of human rights to economic issues, it would position the human rights community as pro-active in contrast to the generally reactive stance that has too often characterized human rights' engagement with economics. Doing so will help build alliances with different like-minded groups around issues of shared concern and will help build a body of evidence and a community of practice. Whilst the scope of applied studies may not always enable engagement with the deeper structures and systems that perpetuate policies inconsistent with human rights, undertaking them in parallel with more fundamental theoretical work can help develop new models and new fields of thinking, while rendering them useful.

<sup>125</sup> Sandhu & Stephenson (2015) layers of inequality—a human rights and equality impact assessment of the public spending cuts on black asian and minority ethnic women in Coventry, 109 *Feminist Review*; <https://www.jstor.org/stable/24571880>.

<sup>126</sup> Osborne (2021).

<sup>127</sup> OECD (2021) Pay Transparency Tools to Close the Gender Wage Gap; <https://www.oecd.org/publications/pay-transparency-tools-to-close-the-gender-wage-gap-eba5b91d-en.htm>.

<sup>128</sup> Human Rights Economics, Human Rights Impact Assessment, <https://humanrightseconomics.ch/category/hria/>.

<sup>129</sup> UN Economic Commission for Africa and FES (2017) *The Continental Free Trade Area (CFTA) in Africa – A Human Rights Perspective*; [https://www.ohchr.org/sites/default/files/Documents/Issues/Globalization/TheCFTA\\_A\\_HR\\_ImpactAssessment.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Globalization/TheCFTA_A_HR_ImpactAssessment.pdf).

<sup>130</sup> ECOSOC (2021) *Economic, social and cultural rights, Report of the United Nations High Commissioner for Human Rights*.

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## CONCLUSION

This paper is an enquiry into whether it is possible to articulate a concept of Human Rights Economics and, if so, what Human Rights Economics would consist of and how it could be put into practice. The enquiry's findings permits a positive response to the first question. In other words, it is possible to articulate a new branch of economics that could be called Human Rights Economics.

In response to the second question, this paper has established that human rights principles such as accountability, non-discrimination and participation are at the core of Human Rights Economics. It has also determined that Human Rights Economics has a powerful role to play by questioning and deconstructing economic assumptions. This paper has pinpointed areas in which further conceptual work is needed in order to further put flesh on the Human Rights Economics principles and approaches that it has identified.

Provisos accompany this affirmative answer. First, rather than being an overarching framework that describes the workings of the economy, Human Rights Economics aims to readjust economic thinking and practice in such a way to embed human rights principles and values in them. Secondly, the content and definition of human rights needs to be more clearly delineated and communicated for Human Rights Economics to play a useful role as a new branch of economics that supports social equity and environmental objectives.

In seeking to answer the question of how to put Human Rights Economics into practice, this paper has posited that human rights advocates need to further develop their economic literacy so as to be able to be taken more seriously by economists. The human rights community will need to be more deliberate and strategic in its engagement with economics and economic policies; changes towards a more human rights-consistent economy will not happen by themselves.

## ABOUT THE AUTHOR

**Caroline Dommen** has worked at the nexus of human rights and economics for many years. Her expertise in this area has developed through her career focusing on sustainable development, international trade policy, and economic, social and cultural rights. She has served on the staff of the UN Conference on Trade and Development (UNCTAD), 3D -> Trade - Human Rights - Equitable Economy, and the Quaker UN Office. She is now Senior Associate with the International Institute for Sustainable Development, where she leads work on trade and gender.

For more information please visit:

[www.humanrightseconomics.ch](http://www.humanrightseconomics.ch)

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# HUMAN RIGHTS ECONOMICS

## An Enquiry



This paper presents an initial enquiry into the following questions: is it possible to articulate a concept of »Human Rights Economics?« and, if so, »what would Human Rights Economics consist of?« and »how could Human Rights Economics be put into practice?«



The premise of this enquiry is that we need economic thinking and policies that are fairer for people and the planet. Human rights – non-discrimination, accountability or rule of law – offer a relevant and workable framework for economic policy to respond to today's challenges. Yet the human rights community has failed to articulate these principles in economics. The enquiry teases out some of the key insights from human rights that should guide economics. It finds that we can speak of Human Rights Economics, and that this shares many of the perspectives of other branches of economics such as feminist, ecological or doughnut economics.



Human Rights Economics aims to contribute to more fruitful interactions between the fields of human rights and economics. Overall, the enquiry seeks to identify concrete approaches, concepts and actions that can be applied to ensure that economic outcomes – as well as the process of formulating and applying economic policy – are consistent with human rights.

In this sense, the enquiry poses a conceptual, a strategic and an advocacy challenge.

Further information on the topic can be found here:  
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