



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2005/L.21
12 April 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Agenda item 10

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Angola*, Bangladesh*, Bolivia*, Botswana*, Burkina Faso, Burundi*,
Cameroon*, Côte d'Ivoire*, Cuba, China, Democratic People's
Republic of Korea*, Democratic Republic of the Congo*, Ecuador,
Eritrea, Ethiopia, Guinea, Indonesia, Kenya, Malaysia, Mauritania,
Myanmar*, Nigeria, Pakistan, Rwanda*, Sudan, Swaziland, Syrian Arab
Republic*, Togo, Tunisia*, Uganda*, United Republic of Tanzania*,
Uruguay*, Viet Nam*, Zambia*, Zimbabwe: draft resolution**

**2005/... Effects of economic reform and foreign debt on the
full enjoyment of all human rights**

The Commission on Human Rights,

Recalling its previous resolutions on this matter, in particular resolution 2004/18
of 16 April 2004,

Recalling also that the purpose of the Universal Declaration of Human Rights is the full
promotion and protection of human rights and fundamental freedoms, that everyone is entitled to
a social and international order in which the rights and freedoms set forth in the Universal
Declaration can be fully realized and that in the United Nations Millennium Declaration all
States resolved to respect fully and uphold the Universal Declaration of Human Rights,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional
commissions of the Economic and Social Council.

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of economic, social and cultural rights of their people,

Stressing the determination expressed in the Millennium Declaration to deal comprehensively and effectively with the debt problems of low- and middle-income developing countries, through various national and international measures designed to make their debt sustainable in the long term,

Noting that the total debt stock of the developing countries rose from 1,421 billion United States dollars in 1990 to 2,384 billion dollars in 2002,

Noting also that, in 2002, developing countries as a whole made net outward transfers of financial resources for the sixth consecutive year,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that for many developing countries, as well as countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and provide basic services to realize economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Affirming that the debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty, is an obstacle to sustainable human development and is thus a serious impediment to the realization of all human rights,

1. *Takes note with appreciation* of the report of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights (E/CN.4/2005/42), and stresses that structural adjustment reform programmes have serious implications for the ability of the developing countries to abide by the Declaration on the Right to Development and to formulate national development policies that aim to improve the economic, social and cultural rights of their citizens;

2. *Welcomes* the proposals of the independent expert for elements of basic principles and for action at the national and international levels in the development of draft general guidelines to be followed by States and by private and public, national and international financial institutions in the decision-making on and execution of debt repayments and structural reform programmes, including those arising from foreign debt relief, and encourages the independent expert to continue to take into account in this regard the relevant past and new initiatives of the General Assembly, the Sub-Commission on the Promotion and Protection of Human Rights and the Commission on Human Rights;

3. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people, and to this end has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

4. *Recognizes* that the structural adjustment reform programmes limit public expenditure, imposing fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;

5. *Expresses its concern* at the fact that the options for macroeconomic policy of developing countries are constrained by demands for adjustment and that many countries, particularly in sub-Saharan Africa, still carry very high external debt burdens relative to their gross national product;

6. *Also expresses its concern* that the level of implementation and the reduction of the overall debt stock under the enhanced Heavily Indebted Poor Countries Initiative are still low, and that the Initiative is not intended to offer a comprehensive solution to the long-term debt burden;

7. *Reiterates its conviction* that for the heavily indebted poor countries to achieve debt sustainability, long-term growth and poverty reduction goals, the debt relief under the Initiative will not be sufficient and that additional resource transfers in the form of grants and concessional loans, as well as removal of trade barriers and better prices for their exports, would be required to ensure sustainability and permanent exit from debt overhang;

8. *Regrets* the absence of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of middle-income and low-income heavily indebted countries, and that until now there has been little headway made in redressing the unfairness of the current system of debt resolution, which continues to place the interests of the lenders above those of indebted countries and the poor within them, and therefore calls for an intensification of efforts to devise effective and equitable mechanisms to cancel or reduce substantially the foreign debt burden of all developing countries, in particular those severely affected recently by the devastation of natural disasters, such as tsunamis and hurricanes, as well as by armed conflicts;

9. *Acknowledges* that in the least developed countries and in several low- and middle-income countries unsustainable levels of external debt continue to create a considerable barrier to economic and social development and increase the risk that the Millennium Development Goals regarding development and poverty reduction will not be attained;

10. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of the development goals, including those set out in the United Nations Millennium Declaration, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

11. *Recalls once again* the call on industrialized countries, as expressed in the Millennium Declaration, to implement the enhanced programme of debt relief for the heavily indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction;

12. *Urges* the international community, including the United Nations system, and the Bretton Woods institutions, as well as the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of the major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

13. *Recalls* the pledge, contained in the Political Declaration contained in the annex to resolution S-24/2, adopted on 1 July 2000 by the General Assembly at its twenty-fourth special session, to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

14. *Stresses* the need for the economic reform programmes arising from foreign debt to be country-driven and for any negotiations and conclusion of debt relief and new loan agreements to be formulated with public knowledge and transparency, with legislative frameworks, institutional arrangements and mechanisms for consultation being established to ensure the effective participation of all components of society, including people's legislative bodies and human rights institutions, and particularly of the most vulnerable or disadvantaged, in the design, application and evaluation of strategies, policies and programmes, as well as in the follow-up to and systematic national supervision of their implementation, and for macroeconomic and financial policy issues to be integrated, on an equal footing and in a consistent way, in the realization of the broader social development goals, taking into account the national context and the priorities and needs of the debtor countries to allocate resources in a way that ensures balanced development conducive to the overall realization of human rights;

15. *Also stresses* that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to overall realization of all human rights;

16. *Further stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

17. *Calls upon* States, the International Monetary Fund and the World Bank to continue to cooperate closely to ensure that additional resources made available through the Heavily Indebted Poor Countries Initiative, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other new initiatives are absorbed in the recipient countries without affecting the ongoing programmes;

18. *Reaffirms* that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

19. *Requests* the independent expert to explore further, in his analytical annual report to the Commission, the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development, with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

20. *Recalls* its requests to the independent expert, in the discharge of his mandate, to present to the Commission at its sixty-second session a final draft of general guidelines to be followed by States and by private and public, national and international financial institutions in the decision-making on and execution of debt repayments and structural reform programmes,

including those arising from foreign debt relief, to ensure that compliance with the commitments derived from foreign debt will not undermine the obligations for the realization of fundamental economic, social and cultural rights, as provided for in the international human rights instruments;

21. *Requests* the independent expert to seek the views and suggestions of States, international organizations, United Nations agencies, fund and programmes, regional economic commissions, international and regional financial institutions and non-governmental organizations on the draft general guidelines and his proposal of possible elements for consideration and urges them to respond to his requests;

22. *Decides* to convene an expert consultation of three working days with the participation of experts from the United Nations Development Programme, the United Nations Population Fund, the United Nations Conference on Trade and Development, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and other relevant United Nations agencies, the Committee on Economic, Social and Cultural Rights, the regional economic commissions, the international financial institutions, the special rapporteurs on economic, social and cultural rights, creditor and debtor States and non-governmental organizations to contribute to the independent expert's work to finalize the draft general guidelines;

23. *Also decides* to replace the phrase "effects of structural adjustment policies" by "effects of economic reform policies" in the title of the mandate of this current special procedure;

24. *Encourages* the independent expert to continue to cooperate, in accordance with his mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Commission and the Sub-Commission related to economic, social and cultural rights and the right to development, in his work towards the elaboration of the draft general guidelines;

25. *Requests* the independent expert to report to the General Assembly on the issue of the effects of economic reform policies and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights;

26. *Also requests* the independent expert to exchange views with the Sub-Commission expert charged with preparing a working paper on the effects of debt on human rights;

27. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to carry out his functions, as well as to facilitate his participation in and contribution to the follow-up process of the International Conference on Financing for Development, including in the multi-stakeholder consultations to be organized in 2005 on issues relevant to his mandate;

28. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

29. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS, so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

30. *Reiterates its view* that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

31. *Reiterates its request* to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of the least developed countries, and especially the social impact of the measures arising from foreign debt;

32. *Decides* to continue the consideration of this matter at its sixty-second session under the same agenda item.
