Statement by Dr Cephas Lumina

Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

68th session of the General Assembly
Third Committee

Item 69 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

29 October 2013
New York
Mr Chairperson,
Distinguished delegates,
Ladies and gentlemen

The report (A/68/542) which I am presenting today is my final one to the General Assembly. I am grateful for the opportunity to serve the international community as Independent Expert on foreign debt and human rights. I also wish to thank all States and other actors who have engaged constructively with me over the course of my mandate.

My report offers some reflections on the post-2015 global partnership for development as well as recommendations regarding the fundamental issues that should be addressed in the new global partnership for development. Before I present the report, I would like to briefly share some reflections on my term as Independent Expert.

**Brief reflections on my term as Independent Expert**

In my initial report to the General Assembly in 2008 (A/63/289) I outlined some key goals for my mandate. To a large extent, I have achieved those goals, including, significantly, developing a set of international standards on sovereign debt and human rights which, as you may be aware, were endorsed by the Human Rights Council last year.

As I approach the end of my term, I have two important assignments from the Council: developing a commentary to the Guiding Principles on foreign debt and human rights to assist States and other actors in implementing their debt and human rights obligations and preparing a comprehensive study on the impact of the non-repatriation of illicit funds to the countries of origin on the enjoyment of human rights and the value of international cooperation. I will present reports on this work to the Council in March next year.

Mr Chairperson

A challenge that has affected progress on the work of my mandate over the years and which remains, is the position of a few (mainly developed) countries that the Human Rights Council was not the appropriate forum to address the issue of sovereign debt and that there are forums (presumably the international financial institutions and the Paris Club) which are better suited to address it.

This contention is untenable for several reasons but I wish to underscore two. First, the assertion is inconsistent with the spirit and purport of General Assembly resolution 60/251 establishing the Council. In that resolution, the General Assembly recognized “the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and the elimination of double standards and politicization”¹ and decided that the work of the Council should “be guided by principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all

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¹ General Assembly resolution 60/251, preamble, para. 9.
human rights, civil, political, economic, social and cultural rights, including the right to development.”

Second, the other international forums which are better equipped to deal with the issue of foreign debt have thus far failed to deliver an equitable and enduring solution to the debt problem, largely because human rights considerations are of no moment in their policies and programmes. As my last report to the Council (A/HRC/23/37) shows, many countries including those which have benefitted from debt relief remain at risk of debt distress and their development prospects remain bleak.

Mr Chairperson

It is indisputable that excessive sovereign debt burdens and the policies adopted in response thereto have an adverse impact on human rights and development. Indeed, this has been the reality for many developing countries over the years but it has increasingly become so also for a number of developed countries in Europe. Consequently, we cannot continue to ignore the human rights ramifications of excessive debt burdens. I call upon those countries which have been reluctant to address sovereign debt from, inter alia, a human rights lens to reconsider their position. They owe it to the people in Africa, Asia, the Caribbean, Europe, and Latin America who continue to be denied their basic human rights because of high debt burdens borne by their States and the severe austerity measures adopted to address them.

The present report: reflections on the global partnership for development

Let me now turn to the report before you.

The current global partnership for development (Millennium Development Goal 8) has played an important role in strengthening international efforts towards the creation of an enabling environment for development. Nevertheless, it has a number of shortcomings which have impeded its full realization. Among these are the lack of alignment with the international human rights framework; absence of clear, quantitative and time-bound targets and indicators; and significant accountability deficits.

A key reason for the lack of equitable progress on Goal 8 (and the other MDGs) has been the failure to integrate existing and universally agreed human rights standards. The omission of human rights in the targets and indicators has also hampered efforts to address two major drivers of poverty and obstacles to development, namely exclusion and marginalization.

Human rights principles are important for development processes because they provide parameters for how international commitments are resourced and implemented, as well as ensuring accountability for the delivery of commitments towards the achievement of inclusive, sustainable and people-centred development. It is therefore critical that the post-2015 global partnership for development be aligned to the international human rights framework. In my estimation, a human rights-based approach, with its emphasis on equality, non-discrimination, participation and accountability, would help foster a more inclusive, people-centred, equitable and sustainable development.

2 General Assembly resolution 60/251, para. 4.
Perhaps the most significant weakness of the current development framework is the lack of accountability for failure to deliver on the goals and to fulfil the related human rights obligations. With specific reference to the global partnership, the lack of clearly defined responsibilities has made it easier for Governments and other development actors to abdicate responsibility and blame others for their failure to deliver on their commitments. International commitments cannot be a substitute for effective accountability mechanisms. A key priority of the new global development framework should therefore be the strengthening of accountability for delivery of commitments.

A new global partnership for development

An important lesson from the current development framework is that in order to enhance the prospects of fostering the conditions for inclusive, sustainable, people-centred and rights-based development, any new development agenda must be framed in human rights terms, with particular attention being paid to the cross-cutting human rights principles of equality, participation, transparency, accountability and international cooperation in the articulation of the new development goals and indicators.

More particularly, the new global partnership should be framed in terms of the principle of international cooperation which is a legally binding obligation of all States. Framed in terms of this principle together with that of solidarity, the new global partnership would help support progress towards sustainable development and the realization of human rights for all, and not perpetuate a “donor-recipient” type of relationship which can only diminish the prospects for the establishment of an enabling environment for the achievement of the new development goals as has, unfortunately, been the case under the current development framework.

Mr Chairperson

The establishment of an enabling environment to assure inclusive, sustainable, people-centred and rights-based development implies profound reform of the institutions and governance structures of the global economic system. It also entails a number of specific measures, such as enhancing opportunities for developing countries to utilize the resources they already have in order to reduce their long-term dependency on foreign financing which can create unsustainable obligations and ensuring coherence of development, financial, monetary, trade, investment and other key policies at both the national and international levels.

These much needed reforms should not be decided or implemented by a select group of States but with the broad participation of all States and of various development actors under the auspices of the United Nations.

I thank you.