

Report of the Consultative Group to the President of the Human Rights Council relating to the vacancies of mandate holders to be appointed at the forty-seventh session of the Human Rights Council

Addendum 1: Mandate on foreign debt

14 June 2021

I. Background

1. In paragraphs 47 and 49 of the annex to its resolution 5/1, the Human Rights Council decided to establish a Consultative Group comprised of Permanent Representatives appointed by Regional Groups and serving in their personal capacity. The Consultative Group is mandated by the Council to propose to the President a list of candidates who possess the highest qualifications for the mandate in question and meet the general criteria and particular requirements. Recommendations to the President of the Human Rights Council are required to be made public and substantiated pursuant to paragraph 50 of the annex to resolution 5/1.

2. The members of the Consultative Group for the selection of mandate holders to be appointed at the forty-seventh session of the Human Rights Council are: His Excellency Mr. Makaila Ahmad (Chad), His Excellency Mr. Joaquín Alexander Maza Martelli (El Salvador), His Excellency Mr. Ahmad Faisal Muhamad (Malaysia) and Ms. Tamara Mawhinney (Canada).¹ The member of the Group from Eastern European States is yet to be nominated. The working cycle of the current Consultative Group commenced on 1 April 2021 and will end on 31 March 2022, pursuant to paragraph 1(b) of Council decision 30/115. The Group held its initial organizational meeting on 1 April 2021.

3. A total of seven vacancies of special procedure mandate holders are to be filled at the Council's forty-seventh session as follows (listed in alphabetical order):

- 1. 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 (HRC res. 46/8)**
- 2. Independent Expert on the enjoyment of human rights of persons with albinism (HRC res. 46/12)**
- 3. Special Rapporteur on the right to privacy (HRC res. 46/16)**
- 4. Special Rapporteur on violence against women, its causes and consequences (HRC res. 41/17)**
- 5. Working Group of Experts on People of African Descent, member from Asia-Pacific States (HRC res. 45/24)**
- 6. Working Group of Experts on People of African Descent, member from Eastern European States (HRC res. 45/24)**
- 7. Working Group on Enforced or Involuntary Disappearances, member from Western European and other States (HRC res. 45/3)**

4. Vacancy number 1 above – that of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights,

¹ The Group of Western European and other States (WEOG) initially nominated H.E. Ms. Leslie Norton (Canada) to serve in the Consultative Group for the entire cycle. Subsequently, the Regional Group decided to replace the original nominee with Ms. Tamara Mawhinney (Canada).

particularly economic, social and cultural rights – was not initially foreseen and arose due to the resignation of the current mandate holder, Ms. Yuefen Li (China), on 28 March 2021.

5. In its letter dated 25 May, the Consultative Group informed the President of the Human Rights Council of its decision to present its report with recommendations relating to three of the seven mandates in an addendum to its report due to the very short time available for launching the call for applications for the unforeseen vacancy and the longer finalization of the interview process linked to difficulties in reaching a quorum for the shortlisting of the applicants and the decision-making due to the current incomplete membership of the Consultative Group.

6. Accordingly, on 2 June 2021, the Consultative Group presented its main report² to the President of the Human Rights Council with its list of candidates recommended to the President for the following four mandates:

- 1. Independent Expert on the enjoyment of human rights of persons with albinism**
- 2. Special Rapporteur on the right to privacy**
- 3. Working Group of Experts on People of African Descent, member from Asia-Pacific States**
- 4. Working Group of Experts on People of African Descent, member from Eastern European States**

7. The present addendum 1 to the report, which should be read in conjunction with the main report of the Consultative Group dated 2 June 2021, contains the recommendations of the Consultative Group in relation to the following unforeseen mandate:

- 1. 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**

8. The remaining two mandates will be contained in addendum 2 to the Group's report (forthcoming as a separate document):

- 1. Special Rapporteur on violence against women, its causes and consequences**
- 2. Working Group on Enforced or Involuntary Disappearances, member from Western European and other States**

II. Process

9. The application period for the submission of applications for the 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 opened on 30 March and closed on 11 May 2021 (12 noon Geneva time).

10. The Consultative Group considered 16 individual applications from 16 eligible candidates³ submitted for the aforementioned vacancy in accordance with the relevant paragraphs of Human Rights Council resolution 16/21. The applications of the eligible candidates were made public on the designated web page⁴ of the Office of the United Nations High Commissioner for Human Rights (OHCHR) as provided for in paragraph 22 (b) of the annex to Council resolution 16/21 and paragraph 26 of President's statement PRST OS/14/2 (see annex I of this report).

² https://www.ohchr.org/Documents/HRBodies/SP/CallApplications/HRC47/CG_REPORT_HRC47_to_President_2021_06_02.pdf .

³ Several candidates submitted applications for more than one mandate in this selection round.

⁴ See <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/HRC47.aspx> .

11. The Consultative Group followed the same methodology as for the four vacancies covered in its main report dated 2 June 2021. Reference is made to paragraphs 8, 12, 13, 15, 16, 18 and 19.

12. The Consultative Group held two formal in-person meetings on 8 and 9 June 2021 to consider and interview candidates for the aforementioned vacancy. One of the meetings was with interpretation. H.E. Mr. Makaila Ahmad participated in the shortlisting for the mandate but not in the interviews for this mandate.

13. In accordance with paragraph 13 of President's statement PRST OS/14/2, Ms. Tamara Mawhinney (Canada) did not participate in the initial shortlisting of the candidates to be interviewed for the Independent Expert mandate. In view of the fact that the candidates from Canada were not shortlisted, Ms. Mawhinney participated in the interviews, deliberation and decision-making process on the candidates to be recommended for this mandate.

14. The Group held a total of five interviews with five shortlisted candidates for the Independent Expert mandate (see annex II of this report for the alphabetical list of interviewees). These interviews occurred on 8 and 9 June 2021, pursuant to paragraph 22 (c) of the annex to Human Rights Council resolution 16/21. Each candidate was asked similar questions based on the relevant provisions of Council resolution 5/1, decision 6/102, resolution 16/21, President's statement PRST OS/14/2 and Council resolution relating to the specific mandate under consideration.

15. Shortlisted candidates were able to request in advance and make use of interpretation in one of the six official languages of the United Nations during their interviews, pursuant to the President's statements PRST 29/1 and PRST OS/14/2. Fluency in one of the two working languages of the United Nations was also assessed by the members of the Consultative Group for all candidates.

16. The Consultative Group carried out interviews by video calls and through the platform Interprefy when the interviewees requested interpretation. The Consultative Group noted the frequent technical difficulties experienced in carrying out interviews through this means both because of the insufficient quality of the connection and limited technical support. In one instance the Consultative Group had to resort to an interview by telephone with sequential, instead of simultaneous, interpretation.

17. The decisions of the Consultative Group were taken by consensus.

III. Candidates proposed by the Consultative Group to the President for the 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

18. The meetings held by the Consultative Group in relation to this mandate were chaired by H.E. Mr. Ahmad Faisal Muhamad (Malaysia). There were 16 eligible candidates for this vacancy. Of the five candidates interviewed, the Consultative Group decided to recommend the following three candidates as best qualified to fulfil the mandate.

1. Attiya WARIS (F) (Kenya)

2. Bodo ELLMERS (M) (Germany)

3. Xiaohong XU (F) (China)

19. **Attiya Waris** is Associate Professor of fiscal law and policy at the University of Nairobi, Kenya, where she also serves as the current Acting Deputy Principal of the College of Humanities and Social Science and the Director of Research and Enterprise. She is a founding board member of the African Tax Research Network, a member of the Task Force on Tax and Development of the

Organization for Economic Co-operation and Development, a senior advisor to the Tax Justice Network and an observer to the United Nations Committee of Experts on International Cooperation in Tax Matters. She has provided consultancy for civil society and international organizations, and has published extensively on issues of human rights, development, and international taxation, including illicit financial flows. Ms. Waris holds a Bachelor of Laws from the University of Nairobi, a Master of Laws from the University of London, a Master of Laws from the University of Pretoria, South Africa, and a PhD in tax law from Lancaster University, United Kingdom of Great Britain and Northern Ireland. She confirmed that, if she were to be appointed to the mandate, she would relinquish her consultancies with United Nations agencies or other organizations, should a conflict of interest arise. The Consultative Group noted her engagement, expertise, experience in the area of the mandate and, in particular, her clear vision for the further development of the mandate.

20. **Bodo Ellmers** is Director of the Financing for Sustainable Development Program at the non-governmental organization Global Policy Forum Europe. He previously served as head of policy of the European Network on Debt and Development (Eurodad). He also worked for the Global Call to Action against Poverty, a network of German development non-governmental organizations. He has cooperated closely with the United Nations Cooperation and Trade Affairs Department, having been a member of the Working Group on Debt Workout Mechanisms from 2013 to 2014 and contributing expertise to the Intergovernmental Expert Group on Financing for Development. He has also cooperated with previous mandate holders, including on the Guiding Principles for Human Rights Impact Assessments. He holds a Master's degree in political science from the Free University of Berlin, Germany. The Consultative Group noted his engagement, experience and expertise in the area of the mandate as well as the ability to cooperate with a variety of stakeholders.

21. **Xiaohong Xu** is Associate Professor of contemporary international politics and the evolution of international systems at the China Foreign Affairs University, where she previously served as Deputy Director of the Department of Academic Research. She was also a visiting researcher at the School of Advanced International Studies at Johns Hopkins University, United States of America. She has published extensively on foreign aid effectiveness and policy reform. She holds a Bachelor's degree in English and international studies and a Master's degree in international relations from the China Foreign Affairs University, as well as a PhD in political science from the University of Missouri, United States of America. The Consultative Group noted her academic knowledge in the area of the mandate.

*Annex I - List of eligible candidates by mandate⁵***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**

First name	Last name	Nationality	Gender
Yao Nikez	ADU	Russian Federation	M
Sabah	ALSAFI	Canada	M
Ilias	BANTEKAS	Greece	M
Iveta	CHERNEVA	Bulgaria	F
Bodo	ELLMERS	Germany	M
Daniel	MUNEVAR	Colombia	M
Pierre	NDENGA DIMALLA	Cameroon	M
Shreekant	PRASAD	India	M
Ying	RONG	China	M
Pedro	ROSSI	Brazil	M
Maksim	SHUGALEY	Russian Federation	M
Shakespeare	VAIDYA	Canada	M
Mourad	WAHBA	Egypt	M
Attiya	WARIS	Kenya	F
Xiaohong	XU	China	F
Wei	ZHANG	China	M

*Annex II – List of shortlisted candidates interviewed by the Consultative Group⁶***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**

First name	Last name	Nationality	Gender
Bodo	ELLMERS	Germany	M
Pierre	NDENGA DIMALLA	Cameroon	M
Attiya	WARIS	Kenya	F
Xiaohong	XU	China	F
Wei	ZHANG	China	M

⁵ The list of candidates is provided in alphabetical order.

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