

Mandate 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, particularly economic, social and cultural rights

Ref.: AL OTH 154/2025
(Please use this reference in your reply)

1 December 2025

Dear Mr. Powell,

I have the honour to address you in my capacity as 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, pursuant to Human Rights Council resolution 52/17.

In this connection, I would like to bring to the attention of your Managing Director, Ms. Kristalina Georgieva, information I have received concerning current and prospective IMF engagement with the Republic of Argentina and the human rights implications of these ongoing debt negotiations.

According to the information received:

The Government of Argentina announced on 6 March 2025 its intention to submit an Emergency Decree to the National Congress for new indebtedness with the Fund without full and timely parliamentary deliberation, with indications that key terms are not publicly disclosed. This approach appears to contravene article 75(7) and (22) of the Constitution of Argentina, which assigns to Congress the sole authority to arrange the payment of domestic and foreign debt and to approve or reject agreements with international organisations. Law 27612 on Public Debt Sustainability reinforces this requirement, stipulating that any IMF programme must be approved by law of the Congress. It is further alleged that the contemplated arrangement would deepen fiscal consolidation measures already implemented, with regressive effects on the rights to social security, adequate food, education, health, and an adequate standard of living, particularly for persons in vulnerable situations, older persons, women and children. These concerns build on documentation that since December 2023, fiscal adjustment measures to meet IMF targets have been achieved primarily through deep reductions in public expenditure. In 2024, the Government reported a financial surplus of ARS 466.631 million; however, this was due to a 36.4 per cent real-term contraction in public spending, with 35 per cent of February's cuts borne by pensions. Reductions in energy subsidies and capital expenditure have increased household costs for transport, gas and electricity.

These measures have reportedly had serious adverse effects on the enjoyment of economic, social and cultural rights. Poverty has risen to 52.9 per cent and extreme poverty to 18.1 per cent, with child poverty reaching 66.1 per cent and poverty among older persons increasing from 13.2 to 29.7 per cent in one year.

The minimum wage of ARS 292,446 falls below the individual basic basket of ARS 334,536 and far below the ARS 1,033,716 required for a family of four. Minimum pensions, even with the ARS 70,000 bonus, amount to ARS 343,086.50, reflecting a 22 per cent real-term decrease in 2024. Over 15,000 community kitchens have reportedly closed due to funding cuts, affecting food access for low-income households; reports indicate that 76 per cent of households have reduced meat consumption, 57 per cent have reduced milk, and 58 per cent have reduced fruits and vegetables.

I have also been informed that any new agreement negotiated without parliamentary approval and transparency could be incompatible with the national constitutional order, could lock in hidden performance targets, and may contribute to a transfer of resources away from workers and low-income households. It is further argued that any new debt contracted under these conditions may be considered odious and therefore liable to contestation. While I do not prejudge these claims, their seriousness warrants clarification from the Fund given its central role in the international financial architecture and its responsibility under the UN Charter and the IMF's Articles of Agreement to ensure that programmes do not undermine the economic stability, social welfare or human rights of member states.

In addition, I received submissions raising concern that the legal and policy framework known as the *Régimen de Incentivos para Grandes Inversiones* (RIGI) grants extraordinary privileges to large investors for 30 years, overrides national, provincial and municipal laws, prioritises corporate access to critical resources such as water over community needs even in periods of scarcity, and removes requirements for robust environmental impact assessments. This framework creates a permissive environment for large scale extractive activity, potentially prioritising corporate interests over environmental safeguards and community rights, including the rights of indigenous peoples to free prior and informed consent. Stakeholders contend that debt pressures and associated macro conditionality risk driving policy choices that compromise climate obligations and environmental justice.

While I do not wish to prejudge the accuracy of these allegations, I express serious concern that these issues would raise questions under international human rights law and standards, including the International Covenant on Economic Social and Cultural Rights, notably articles 2, 9, 11, 12 and 13, the American Convention on Human Rights, and the Convention on the Rights of the Child, and the United Nations Declaration on the Rights of Indigenous Peoples. They also engage well established principles that economic reform measures should be designed and implemented in ways that avoid foreseeable retrogression in the enjoyment of rights, ensure participation, transparency and accountability, and prioritise minimum essential levels for all. Under the principle of non-retrogression, measures that significantly reduce the enjoyment of these rights must be justified by the most compelling reasons and be strictly necessary and proportionate. The Human Rights Council has repeatedly called on international financial institutions to respect and support these obligations in their advice and lending.

I wish to recall States parties' obligations under the International Covenant on Economic Social and Cultural Rights to progressively realise rights to the maximum of available resources, to avoid deliberate retrogressive measures unless strictly justified, and to ensure non-discrimination and equality. I further recall the Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples, including the duty to secure free prior and informed consent in decisions affecting indigenous lands, territories and resources. In their advisory and lending roles, international financial institutions are expected to respect and support these obligations and to avoid causing or contributing to foreseeable harm.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. On programme status and transparency, please indicate whether the Fund is negotiating a new arrangement with Argentina. If so, kindly set out the current status, the proposed instrument, any envisaged access, and the timeline. Please confirm whether all programme documents and any side letters will be promptly published, including the debt sustainability analysis and the detailed matrix of conditionality.
3. On domestic legality and parliamentary authority, given that reliance on an emergency decree is alleged, please indicate how the Fund ensures that any agreement is concluded in line with domestic constitutional requirements for legislative oversight and approval, and that the process ensures public participation and accountability.
4. On human rights due diligence, please indicate what steps has the Fund taken or will take to conduct ex ante and ongoing human rights impact assessment of proposed fiscal, monetary and structural measures, including distributional analysis that identifies impacts on low income households, older persons, women, children and indigenous peoples. Please share any such assessments and the measures proposed to prevent, mitigate and remedy adverse effects.
5. On social protection safeguards, please indicate whether the programme will contain binding floors for social spending that are adequate to maintain minimum essential levels of rights, and will these floors be safeguarded against inflation and exchange rate shocks. How will the Fund ensure that wage and pension adjustments, and benefits such as child allowances, do not erode in real terms?

6. On surcharges policy, given the well documented social costs associated with adjustment, please indicate whether the Fund intends to suspend or waive surcharges for Argentina, and on what terms. Please indicate any analysis conducted by staff or the Board on the human rights and poverty implications of surcharges in this case.
7. On macroeconomic conditionality and extractivism, in light of concerns that debt service pressures and macro conditionality can incentivise extractive activity that undermines environmental rights and the rights of indigenous peoples, please indicate how the Fund will ensure that structural benchmarks and prior actions do not contribute to such outcomes. Please clarify how the Fund will align its advice with the Paris Agreement and relevant human rights obligations.
8. On participation and accountability, please indicate what processes will the Fund establish to ensure meaningful and inclusive participation by affected communities and civil society organisations at all stages of programme design, implementation and review, and to enable independent monitoring of human rights impacts.

This communication and any response received will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting your clarifications, and without prejudging the merits, I wish to recall the recommendations contained in the [report](#) on my country visit to Argentina and respectfully urge that the Fund:

- Suspend approving any new arrangement with Argentina until robust human rights due diligence has been completed, key documents have been published, and Parliament and the public have had a genuine opportunity to scrutinise and debate the terms.
- Ensure that any programme embeds credible and adequately funded social protection floors that protect the real value of wages, pensions and child benefits, and that no measure results in avoidable retrogression in the enjoyment of economic social and cultural rights.
- Review the application of surcharges to Argentina with a view to suspension or waiver where these charges would compromise the state's capacity to fulfil minimum core obligations.
- Include safeguards to prevent programme design from incentivising environmentally harmful extractive activity and to respect free prior and informed consent of indigenous peoples.
- Establish a formal channel for continuous engagement with civil society, trade unions, academia and communities.

Please be informed that a letter on this subject matter has also been sent to the Argentine Republic.

I remain available to engage constructively with the Fund and all stakeholders to advance solutions that uphold human rights while promoting macroeconomic stability and debt sustainability.

Please accept, Mr. Powell, the assurances of my highest consideration.

Attiya Waris

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to draw your attention to the relevant international norms and standards that are applicable to the issues brought forward.

One of the pillars of the protection of economic, social and cultural rights under article 2 of the International Covenant on Economic, Social and Cultural Rights is the obligation to progressively realize the rights set out in the Covenant, making use of the maximum of available resources.

In compliance with article 2.2 of the Covenant, and the provision on progressive realization of these rights, States should not adopt impermissible retrogressive measure, unless strictly justifiable. As the Committee on economic, Social and Cultural Rights has clarified, retrogressive measures, meaning taking steps that would reduce the enjoyment of economic, social and cultural rights, are only permissible under certain strict circumstances. Furthermore, the onus is on the various Governments to demonstrate that their proposed measures will meet all their human rights obligations, notably by ensuring that measures are, among other characteristics, necessary, in that they must be justifiable after the most careful consideration of all other less restrictive alternatives; reasonable, in that the means chosen are the most suitable and capable of achieving the legitimate aim; not discriminatory, aimed at mitigating the inequalities that can emerge in times of crisis; and ensuring that the rights of disadvantaged and marginalized individuals and groups are not disproportionately affected; and subject to meaningful review and accountability procedures.

We recall that the UN Declaration on the right to development (A/RES/41/128) declares that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development; that they have the duty to co-operate with each other in ensuring development and eliminating obstacles to development, and that they should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights (article 3.1 and 3.3).

The Declaration further states that sustained action is required to promote more rapid development of developing countries and that effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development (article 4.2). We are concerned at the information that, contrary to these commitments, the concerns of low- and middle-income countries in relation to the establishment of the new international taxation rules have not been taken into consideration in a meaningful manner. We refer to the guidelines and recommendations on the practical implementation of the right to development (A/HRC/42/38), which urge states to guarantee social protection floors and welfare, even in times of economic and financial crisis, in line with the Social Protection Floors Recommendation, 2012 (No. 202), of the International Labour Organization (para. 60).

The guidelines also request that States should prioritize the use of domestic resources for development over the servicing of debt (para. 63) and to enhance accountability in the private sector, by publishing the taxation rates and revenues generated by major economic actors (para. 65); and recommend that Governments should develop a global and a regional taxation architecture with a view to countering the race to the bottom fuelled by tax policies that are increasingly in favour of capital to the detriment of people's welfare (para. 81).