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**Human Rights Council**  
**Working Group on the Right to Development**  
**Twenty-third session**  
16–20 May 2022  
Item 4 of the provisional agenda  
**Review of progress made in the promotion and  
implementation of the right to development**

## **Compilation of comments and textual suggestions on the draft convention on the right to development**

### **Secretariat of the Intergovernmental Working Group on the Right to Development**

The Intergovernmental Working Group on the Right to Development commenced its consideration of the draft convention on the right to development, which was submitted by the Chair-Rapporteur on the Right to Development at the request of the Human Rights Council, at its twenty-first session.<sup>1</sup> It continued its consideration at its twenty-second session. The secretariat issued calls for comments and textual suggestions on the draft convention after each session. This compilation contains the comments and textual suggestions received in follow-up to these calls and those made during the two sessions, where they have not been submitted in writing thereafter, in which case only the written submissions were retained.<sup>2</sup>

#### **Draft convention on the right to development**

**South Africa:**

**Comment:** South Africa supports that the title should be aligned with the ICCPR and the ICESCR.

**Venezuela (Bolivarian Republic of) (oral statement):**

It is vital for the future Convention on the Right to Development to address the effect of external debt and the adverse impact of unilateral coercive measures on the enjoyment of the right to development

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<sup>1</sup> The draft convention on the right to development is contained in the annex to document A/HRC/WG.2/21/2. The draft convention with commentaries is contained in document A/HRC/WG.2/21/2/Add.1.

<sup>2</sup> The written submissions are available at: OHCHR | Comments and textual suggestions received after the 21st session of the Working Group and OHCHR | Comments received after the 22nd session.

and social and economic protection systems, these being major obstacles to the enjoyment of all human rights.

**Panama (oral statement):**

A specific article on the environment and climate change should be incorporated in the current draft.

**Pakistan (oral statement):**

Suggests keeping the title of the convention in line with ICCPR and ICESCR: International Covenant on Right to Development.

**Special Envoy of the UNSG on Disability and Accessibility:**

**Comment:** It is suggested that the name of the instrument be “International Covenant on the Right to Development”, to show consistency with provisions already negotiated and adopted by the UN Member States such as the “International Covenant on Civil and Political Rights” and “International Covenant on Economic, Social and Cultural Rights”. This name also would support the relationship of the “right to development” with other civil, political, economic, social and cultural rights and fundamental freedoms as enshrined in both Covenants.

**All Win Network:**

**Comment:** The name, “International Covenant on the Right to Development,” would be an appropriate name for this convention.

**Expert Mechanism on the Rights of Indigenous Peoples:**

**Comment:** In light of the current and future challenges facing humanity, including climate change, the right to development should be sustainable. The EMRIP suggests therefore adding the word "sustainable" in the title of the Convention i.e. the “Convention on the Right to Sustainable Development”. In addition, to highlight and priorities its importance, the EMRIP would also suggest moving the contents of current article 22 on “Sustainable development”, to near the beginning of the Convention.)

**Preamble**

**Pakistan:**

**Comment:** The preamble of the declaration may start while reaffirming the purposes and principles of the UN Charter. Although we have seen elements related to UN Charter in later part of preamble but it would be appropriate to contextualize the Convention by referring to UN Charter at the beginning of the preamble in line with practice followed in ICCPR and ICESCR. We may also utilize the same text which is common in both covenants.

Bangladesh:

**Comment:** The preamble of the draft Convention may start with reaffirming the principles of the Charter of the United Nations.

**South Africa:**

**Comment:** The Preamble should start with the legal trajectory of the Right to Development indicating that States are guided by the UN Charter.

**Cuba (oral statement) :**

Two aspects are critical: one is to broaden the reference to poverty in all of its dimensions, and include a reference to extreme poverty; the other is to make sure that we have reference to unilateral coercive measures, otherwise it would dilute the text.

**Venezuela (Bolivarian Republic of) (oral statement):**

Venezuela supports what has been proposed by Cuba.

**Honduras:**

**Comment:** We suggest to include in the Preamble references to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention 169 of the International Labour Organization on indigenous and tribal peoples, in order to emphasize the historical situation of vulnerability of these two groups. (original received in Spanish)

**CINGO<sup>3</sup>:**

**Comment:**

Overall comments on the preamble:

1. The right to self-determination is not mentioned
2. Women and their role are not mentioned
3. Globalization and its effect on development are not mentioned
4. The concept of sustainability in the sense of a development that should respect and preserve the environment and meet the needs of present and future generations, is not emphasized.
5. Some important obstacles to development at international level are not mentioned (see comment above).

A Convention starts usually with “Guided by the principles and purposes of the United Nations”. We suggest to start the preamble with this sentence.

**Association pour l'Intégration et le Développement Durable au Burundi:**

**Comment:** Concerning the preamble, it is crucial to enhance in this part that indigenous peoples have rights as all peoples to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

This suggestion is justified on the article 1 of the Declaration on the Right to Development indicating also in other articles that indigenous peoples have an “equality for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution income”. Article 10 for instance.

Furthermore, when a statement regarding to indigenous peoples' rights is not highlighted in the preamble, it is not possible to incorporate articles of these people to consider the convention on the right to development as inclusive instrument for all without leaving anyone behind.

**Soroptimist International:**

<sup>3</sup> The comments from CINGO are submitted by Associazione Comunita Papa Giovanni XXIII (APG23). The Catholic Inspired NGOs of the Working Group on the right to development of the Geneva forum (CINGO) is composed of: Associazione Comunita Papa Giovanni XXIII (APG23), Association Points Coeur, Caritas Internationalis (International Confederation of Catholic Charities), Company of the Daughters of St. Vincent de Paul, Dominicans for Justice and Peace (Order of Preachers), International Institute of Mary Our Help of the Salesians of Don Bosco, International Volunteerism Organization for Women Education and Development, International Organization for the Right to Education and Freedom of Education, MIAMSI, New Humanity and Teresian Association.

**Comment:** Besides reference to the Beijing Platform for Action, there are no specific references to gender inequality and how it is a significant, universal barrier to achieving development and ensuring all people equally access and benefit from development. This should be amended, especially to reflect the inclusion of Article 16 and the reason for its inclusion in the preamble.

**Centre for Human Rights, University of Pretoria:**

Add to the Preamble:

**[Recognizing that human rights defenders are particularly targeted when challenging huge investment and development projects, taking into consideration particular vulnerabilities and heightened risks for certain groups of human rights defenders including women, indigenous and environmental human rights defenders, human rights defenders working in isolated and rural areas and human rights defenders engaged in the protection of land, and the obligation of States to protect human rights defenders against any harm.]**

(Explanation: In the preamble, it would be key to acknowledge that human rights defenders face a particular risk when resisting development projects that impact their peoples, families and communities as well as taking into account the particular vulnerabilities and heightened risks of certain categories of human rights defenders including indigenous and environmental human rights defenders, human rights defenders working in natural resource rich rural areas and human rights defenders engaged in the protection of communal land.)

**Comment:** The Preamble should specifically affirm the primacy of human rights over trade, investment, environment and other development agreements. Accordingly, the Centre proposes a new paragraph in the Preamble that affirms the primacy of human rights obligations in relation to any conflicting provisions contained in international trade, investment, finance, taxation, environmental and climate change, development cooperation agreements.

**Africans in America for Restitution and Repatriation (AAFRR):**

Add to the preamble:

**[Welcoming the call upon all the former colonial Powers for reparations, consistent with paragraphs 157 and 158 of the Durban Program of Action, to redress the historical injustices of slavery and the slave trade, including the transatlantic slave trade.]**

**CINGO**

Add:

**[Guided by the principles and purposes of the United Nations].**

(Explanation: A Convention usually starts with this sentence. It is fundamental to recall at the beginning of a convention the purposes and principles of the United Nations that is the international and legitimate institution in which States and all peoples recognised to constitute one human family. Anyhow, we fully support the idea of the drafters of underlining in first paragraphs the importance of right to development as a common concern of human kind.)

Add:

**[Recalling the right of peoples to self-determination, by virtue of which they have the right to freely determine their political status and to pursue their economic, social and cultural development and to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources]**

(Explanation: the right to self-determination is not mentioned in the preamble but the declaration on the right to development affirms it very clearly both in the preamble, in article 2 and in article 5.)

**[Recognising that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination against women are priority objectives of the international community];**

(Explanation: the role of women in development should be mentioned also in the preamble since it is a very important component of the declaration on the right to development affirmed in article 8.)

**[Mindful that, while globalization has opened new opportunities for economic growth and development of the world economy particularly in developing countries, it has also been accompanied by the widening gap between developed and developing countries, widespread poverty and inequality, unemployment, social disintegration and environmental risks; and that the challenge is how to manage these processes and threats so as to enhance their benefits and mitigate their negative effects upon people.]**

(Explanation: We think that is relevant to have in the preamble a paragraph related to globalization. The implementation of the Right to Development can bring a new human face to the phenomenon of globalization by creating opportunities for all and by limiting its negative effects. In fact, the current globalisation, is wrong. A significant number of the driving forces behind the new-liberal globalisation are, indeed, unfair: prioritising profit at any cost and with every means over the dignity and human rights of individuals; unregulated markets; financial speculations; asymmetric global markets; excessive consumption of goods; an economic model that, in spite of all the evidence of its failure - unveiled by the economic crises and now by the climate change and the COVID-19 pandemic - is still centred upon the chase of unlimited growth. )

To add a referral to what is affirmed in the preamble and article 7 of the Declaration with the following language:

**[Considering that international peace and security are essential elements for the realization of the right to development and reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries,]**

**Add:**

**[Taking into account the UN Guiding Principles on Business and Human Rights and all the work undertaken at the United Nations, including the UN Global Compact, on the question of the responsibilities of transnational corporations and other business enterprises with respect to human rights.]**

**[Emphasizing that civil society actors, including human rights defenders, have an important and legitimate role in promoting the respect of human rights and the realization of the right to development.]**

**Sikh Human Rights Group:**

**Comment:** We suggest an appropriate addition be made to this Preamble that would direct existing international bodies, the focus of international bodies and UN treaties to integrate the principles of the Right to development and modify their deliberations accordingly.

The Preamble should clarify that in the case of a balance between the Right to development of the State, often seen in GDP figures, and that of the human person, the latter, that is the human person, should take precedence.

A reference should be made to Transnational Corporations, too, as entities obligated to ensure that the Right to development is not violated. While they may be considered as 'legal person', we think a specific reference to TNCs will strengthen the obligation.

*The States Parties to the present Convention,*

**CINGO:**

*The ~~States~~ Parties to the present Convention,*

(Explanation: Not only States should be parties to the convention but also other stakeholders such as International Organisations. According to International Law a treaty can bind only States and international organizations. The best option is to say “Parties” as in other treaties (see 1998 Aarhus Convention). We suggest reviewing all the document giving it coherence.)

*Acknowledging* that the realization of the right to development is a common concern of humankind,

**China:**

*Acknowledging* that the realization of the right to development is a common concern of humankind, **[and the right to development is the most fundamental human right],**

**Pakistan (oral statement):**

Add **[Right to development is an inalienable right.]** in Paragraph 1, although it appears in the latter part of the Preamble.

**UNESCO:**

Add a new preambular paragraph **here:**

**[Further acknowledging that development is understood not simply in terms of economic growth, but also as a means to widen people’s choices to achieve a more satisfactory intellectual, emotional, moral and spiritual existence rooted in the cultural identity and the cultural diversity of peoples.]**

(Explanation: Article 3 of the UNESCO Universal Declaration on Cultural Diversity, 2001)

**Panama (oral statement):**

Supports the proposal by UNESCO to include a new preambular paragraph based on Art. 3 of the Universal Declaration on Cultural Diversity.

*Concerned* at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, and the denial of other human rights,

**China:**

*Concerned* at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, and the denial of other human rights, **[and recognizing that securing the subsistence and development of people is the paramount prerequisite of the right to development, and in this regard, poverty, hunger, health, climate change and other issues related to the subsistence of people of all countries, especially developing countries, should be addressed as priority],**

**Cuba:**

*Concerned* at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty **[in all its forms and dimensions, including extreme poverty],**

inequality within and across countries, [**the imposition of unilateral coercive measures,**] climate change, colonization, neo-colonization, forced displacement, racism, conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, and the denial of other human rights,

**Iran (Islamic Republic of):**

*Concerned* at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, [**foreign domination and occupation, unilateralism, global health threats,**] climate change, colonization, neo-colonization, forced displacement, racism, conflicts, [**terrorism, unilateral coercive measures, wars, military interventions,**] aggression and threats against national sovereignty, national unity and territorial integrity, and the denial of other human rights,

**Pakistan:**

*Concerned* at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, [**foreign occupation,**] and the denial of other human rights,

**Bangladesh:**

Concerned at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, [including digital divides,] climate change, [diseases,] colonization, neo-colonization, forced displacement, racism, conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, and the denial of other human rights,

**South Africa:**

*Concerned* at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by [**extreme poverty,**] poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, and the denial of other human rights,

**South Africa (oral statement):**

We appreciate the references to inequality in line with SDG 10, speaking about inequalities within and among states, and would like to support the recommendation by Panama of including digital divide, and especially also reference to gender inequality in this regard.

**Panama (oral statement):**

We think it would be positive to include references to discrimination and gender inequalities, health emergencies and pandemics, digital divide and arms race.

**Holy See:**

Concerned at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, and the denial of [fundamental] other human rights,

(Explanation: Agreed language consistent with the UDHR and main human rights treaties, including ICCPR and ICESCR (i.e. “International Bill of Human Rights”).)

**FAO:**

*Concerned* at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, **[discrimination,]** conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, and the denial of other human rights,

(Explanation: FAO welcomes Para. 2 of the Preamble to the Convention, highlighting the existence of serious obstacles to the realization of the right to development, and suggests adding ‘discrimination’ to the list of obstacles, given the tremendous negative impacts discrimination on multiple grounds has for many persons’ and peoples’ right to development)

**Special Envoy of the UNSG on Disability and Accessibility:**

**Comment:** It is suggested to include “**health emergencies**”, “**pandemics**” and other “**health crises**” as obstacles to the right to development and other related human rights.

**UNHCR:**

**Comment:** One of the pillars of the Global Compact on Refugees is achieving durable solutions for refugees through development. We accordingly welcome the acknowledgement of forced displacement in the second preambular paragraph as one of the obstacles to realizing the right to development.

**National Human Rights Commission of Mauritius:**

**Comment:** In Preambular Paragraph 2 mention could be made of the fact that an absence of the mastery of latest technology prevents many third world countries (especially in Africa) from exploiting their natural mineral resources on their own and that they have to rely on TNCs.)

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

*Concerned* at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, **[casteism, work and descent based discrimination,]** conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, and the denial of other human rights,

**Latin American Campaign for the Right to Education (CLADE)**

**Comment:** In the second paragraph of its preamble, the draft of the Convention recognizes the serious obstacles that the States Parties must face in order to achieve the right to development. It is considered that, in addition to all the elements acknowledged in such paragraph, it is essential to recognize the patriarchal system as an important limiter of the right to development of women, girls and people with other sexual orientation and gender identities.

**CINGO:**

**Comment:** Other serious obstacles should be mentioned such as: international cooperation still applied with conditions, unfair international trading system and unregulated finance, adverse bilateral and multilateral investment agreements, property and intellectual rights, asymmetries of power in global governance and decision-making, unequal access to information and technology, external debt of developing countries and Least Developed Countries, unilateral coercive measures, dumping of toxic and dangerous products and waste, international crime, terrorism and corruption, lack of democracy, lack of participation, lack of education and of education on human rights, gender inequalities and pandemics.

As said by Pope Francis, another major obstacle is the current economic paradigm which we need to overcome in order to build a new economic model that is sustainable, people-centred and inclusive. The military expenditure, the lack of accountability and the unregulated sale of weapons and military assets provided to countries directly involved in conflicts are also major obstacles. States need to



reduce their military expenditures with the redirection of the released resources towards social protection initiatives, health system strengthening and achievement of the SDGs. (Art. 7 of the DRTD))

**Legal Resources Centre:**

**Comment:** Paragraph 2 to the Preamble expresses concern over the “existence of serious obstacles to the realization of the right to development”. We welcome the expansive and open-ended list of obstacles listed.

We, nonetheless, recommend that explicit reference be made to gender inequalities and the impact thereof on the right to development. This is of particular importance given Article 16 of the Draft Convention. 10.

In addition, we recommend an explicit reference be added under Paragraph 2 to “the continued disregard for customary and alternative forms of tenure” as a serious obstacle to the right to development.

**Amman Center for Human Rights Studies:**

**Comment:** Include sexism, discrimination on sexuality and ableism as obstacles on the realization of the right to development.

**National Alliance of Women's Organizations UK:**

*Concerned* at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, **[inequality between women and men,]** conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, and the denial of other human rights,

**Soroptimist International:**

*Concerned* at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, **[gender inequality,]** conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, and the denial of other human rights,

(Explanation: To include gender inequality as it is a universal phenomenon akin to others listed in this paragraph and would connect to Article 16.)

**Argentina (oral statement):**

**Comment:** With regard to the preamble and in particular paragraph two of that preamble, Argentina believes that we should have paragraph 2 bis. which would correspond to operative paragraph 2 of the 2030 Agenda in the following way:

“We acknowledge that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development”.

**CINGO:**

*Concerned* at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, **[the denial of other human rights, international cooperation still applied with conditions, unfair international trading system and unregulated finance, adverse bilateral and multilateral investment agreements, property and intellectual rights, asymmetries of power in global governance and decision-making, unequal access to information and technology, external debt of developing countries and Least**

Developed Countries, unilateral coercive measures, dumping of toxic and dangerous products and waste, international crime, terrorism and corruption, lack of democracy, lack of participation, lack of education also on human rights and gender inequalities.]

**Committee on the Rights of Persons with Disabilities (CRPD):**

Concerned at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, conflicts, aggression and threats against national sovereignty, national unity, territorial integrity, denial of human rights, [health emergencies and health crisis]

**UNODC:**

Concerned at the existence of serious obstacles to the realization of the right to development constituted, inter alia, by poverty, inequality within and across countries, climate change, colonization, neo-colonization, forced displacement, racism, conflicts, aggression and threats against national sovereignty, national unity and territorial integrity, [crime, corruption] and the denial of other human rights,

Suggestion: Adding reference to vulnerable groups (e.g. women, people with disabilities, elderly, people deprived from liberty, etc.)

*Emphasizing* that the right to development is an inalienable human right of all human persons and peoples, and that equality of opportunity for development is a prerogative both of nations and of individuals who constitute nations,

**Cuba:**

*Emphasizing* that the right to development is an inalienable human right of all ~~human~~ [natural] persons and peoples, and that equality of opportunity for development is a prerogative both of nations and of individuals who constitute nations,

**Ecuador:**

*Emphasizing* that the right to development is an inalienable human right of all human beings and peoples and that equal opportunities, [rights and duties] for development are the prerogative of both nations and the individuals that make up nations,

**Iran (Islamic Republic of):**

*Emphasizing* that the right to development is an inalienable human right of all human persons, ~~and~~ peoples, [and nations,] and that equality of opportunity for development is a prerogative both of nations and of individuals who constitute nations,

**Panama (oral statement):**

It would be better to use “individuals” or “natural individuals” instead of “human persons”, to avoid confusion in legal terms.

**Global Forum of Communities Discriminated on Work and Descent:**

*Emphasizing* that the right to development is an inalienable human right of all human persons and peoples, and that equality of opportunity for development is a prerogative both of nations and of individuals ~~who constitute nations~~,

**Legal Resources Centre:**

*Emphasizing* that the right to development is an inalienable human right of all human persons and peoples [**that cannot be denied based on any ground**], and that equality of opportunity for development is a prerogative both of nations and of individuals who constitute nations.

(Explanation: Paragraph 3 to the Preamble emphasises the right to development as an inalienable right of all human persons and peoples. It is advised that it be added that the right to development cannot be denied.)

**Grand Council of the Crees:**

*Emphasizing* that the right to development is an inalienable human right of all human persons and peoples, and that equality of opportunity for development is a prerogative **both** of nations, [**peoples and**] **of [individuals] who constitute nations,**

**All Win Network:**

**Comment:** As per the action outlined in the Preamble, Paragraph 3, on national unity, to expand the definition of this to - “these united nations.” To denote to “these United Nations” would be to acknowledging the United Nations and the State Parties as a whole.

**Centre Europe - tiers monde (CETIM) (Oral Statement):**

La définition donnée au droit au développement dans le § 3 du préambule n’est pas complète. Il faudra y remédier. Une solution pourrait être d’intégrer dans l’art. 2 la définition intégrale formulée dans la Déclaration sur le droit au développement.

**Translation:** The definition given to the right to development in § 3 of the preamble is not complete. This needs to be remedied. One solution could be to incorporate the full definition formulated in the Declaration on the Right to Development into Art. 2.

*Recognizing* that development is a comprehensive economic, social, cultural, civil and political process that aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

**China:**

*Recognizing* that development is a comprehensive economic, social, cultural, civil and political process that aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom, [**and promote economic, political, social, cultural and environmental rights in a coordinated and people-centred approach,**]

**Ecuador:**

*Recognizing* that development is a comprehensive economic, social, [**environmental**], cultural, civil and political process that aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

**Holy See:**

*Recognizing* that development is a comprehensive economic, social, cultural, civil [, ethical] and political process that aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

**Latin American Campaign for the Right to Education (CLADE):**

**Comment:** In the fourth paragraph of its preamble, the centrality of the well-being of the entire population and individuals is emphasized. However, we consider that it is also essential to underline that the well-being of humanity depends on a healthy environment and on the well-being of all living beings that inhabit the planet. Although the sixth paragraph recognizes the relationship between the right to development and sustainable development, the conception of people- or human-centred development leads to the implementation of development models that make the existence of humanity on the planet unfeasible. Therefore, it is essential to stress throughout the document that the people-centred development cannot be separated from the well-being of the whole planet. The same comment applies to paragraph 22 of the preamble, where the right to human-centred development is again emphasized, without relating it to the inexorable condition of an adequate development to any kind of life on the planet.

**Grand Council of the Crees:**

*Recognizing* that development is a comprehensive economic, social, cultural, **[spiritual,]** civil and political process that aims at the constant improvement of the well-being of the entire population and of all **[peoples and]** individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

**Personhood Education:**

**Comment:** In general, the text would benefit from an introductory section or article that clearly defines ‘development’. Defending the right will be more efficient and less contentious if all parties can communicate clearly about what is being defended. Elements appear throughout the text that point at the concept, for example, PP4, “Recognizing that development is a comprehensive economic, social, cultural, civil and political process that aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom...” But notice that the word “development” is used in the definition of development. Art. 5 talks about development linked to self-determination, and para 3 talks about wealth, natural resources, and subsistence, but these separated elements only hint at an understanding of what is meant by ‘development’. The sections on duties and obligations help somewhat by outlining obstacles to development, but a clear and consolidated definition, as a stand-alone para, is needed. An example might be something like this: “Development [, as understood in this Convention,] consists in progressively increasing economic prosperity and improving living conditions, such as, *inter alia*, low unemployment rates and safe working conditions; robust manufacturing, service and farming sectors; fair and ethical trading policies; food security; well-funded and functioning infrastructure including adequate healthcare, communication, technology, and transportation; good banking and finance practices; a stable currency; adequate housing; and increasing ability of individuals to save money and purchase property.”

**Centre Europe - tiers monde (CETIM) (Oral Statement):**

il faudra ajouter au § 4 la participation à la prise de décision et non seulement «la participation au développement...» comme il est mentionné.

**Translation:** It is necessary to add in § 4 the participation in decision making and not only "participation in the development..." as it is mentioned.

**Holy See:**

**Add a para 4bis:**

**[Stressing that the right to development is linked to responsible stewardship and care for our common home, which concerns the entire human family, and further stressing the urgent need to work together to seek sustainable and integral human development.]**

(Explanation: In this drafting process, we are addressing not only the economic and social dimensions of development, the role of the right to development in relation to the common good and solidarity among generations. For this reason, it would be useful to introduce in the Preamble the concept of “responsible stewardship” and as pillar to shape the convention. Neglecting to monitor the harm done to nature and the environmental impact of our decisions is only the most striking sign of a disregard for the message contained in the structures of nature itself.)

**IT for Change:**

Add in the preamble here:

**[Considering also that in a global economy increasingly redefined by digitalization, the realization of the right to development is inextricably linked to global digital justice.]**

(Explanation: As accelerated digitalization transforms our economies and societies, the development destinies of peoples hinge on a global digital economy that is sustainable and equitable.)

*Reaffirming* the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

**All Win Network:**

**Comment:** As per the Preamble Paragraph 5, to add “racial” to the Reaffirmation paragraph and clause, which would refer to the importance of including race as a category of consideration under the Convention.

**Personhood Education:**

~~*Reaffirming the universality, indivisibility, interrelatedness, interdependence and*~~ **[Respecting the]** mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

(Explanation: Although this is established language in UN instruments, scholars still dispute whether the complicated and interesting concept conveyed therein is dogmatic. We suggest that the right to development (RTD) be considered on its own merits, and fear that its inclusion within such a global statement will, instead of promoting wider acceptance, create hesitance among potential signatories.)

*Recognizing* that the realization of the right to development constitutes both the primary end and the principal means of sustainable development, and that the right to development cannot be realized if development is not sustainable,

**Special Envoy of the UNSG on Disability and Vulnerability:**

*Recognizing* that the realization of the right to development constitutes both the primary end and the principal means of sustainable development **[and social sustainability and inclusion of persons, particularly those persons, communities and peoples in situation of vulnerability]**, and that the right to development cannot be realized if development is not sustainable,

Holy See:

*Recognizing* that the realization of the right to development constitutes both the primary end and the principal means of sustainable **[and integral]** development, and that the right to development cannot be realized if development is not sustainable **[and integral]**,

(Explanation: This PP introduces a fil rouge of the Convention, i.e., that development can only be truly considered such of it is sustainable and also integral, that is, benefiting the entire human person.)

**Pakistan (oral statement):**

*Recognizing* that the realization of the right to development constitutes both the primary end and the principal means of sustainable development, and that the right to development cannot be realized [**and operationalized**] if development is not sustainable,

**Modern Advocacy Humanitarian Social And Rehabilitation Association:**

**Comment:** Major issues here lie with the aspect of sustainability; can the word sustainability be active and realistic without the human individual and concern? The draft convention has not specified how the individual human being would be harnessed within the concept of sustainability. The human nature, depending on the societal influences including, inter alia: childhood education, shock, poverty needs/hunger, lusts, and grieve, can transform individuals into very destructive or constructive human beings. Such changes may have grave or positive impacts to societal values depending on the reactions of such individuals, thereby, a serious threat or promise for right to development.

**Bangladesh:**

Add a new paragraph after para 6

[Recognizing that hunger and extreme poverty, in all their forms and dimensions, are the greatest global challenges and require the collective commitment of the international community for their eradication through development,]

(Explanation: based on UNGA Resolution 76/163)

*Considering* that peace and security at all levels is an essential element for the realization of the right to development and that such realization can, in turn, contribute to the establishment, maintenance and strengthening of peace and security at all levels,

**Cuba:**

*Considering* that peace and security at all levels is an essential element for the realization of the right to development ~~and that such realization can, in turn, contribute to the establishment, maintenance and strengthening of peace and security at all levels,~~

**China:**

Add in the preamble **here:**

**[Reaffirming that the existence of extreme poverty inhibits the full and effective enjoyment of human rights, emphasizing that eradicating poverty in all its forms and dimensions, including extreme poverty, is a great global challenge, an indispensable requirement and an overarching priority for sustainable development, and reaffirming also that the immediate alleviation and eventual eradication of extreme poverty must remain a high priority for the international community, and that joint efforts towards the achievement of this goal should be strengthened,]**

**CINGO:**

Considering that [**international**] peace and security are essential elements for the realization of the right to development and that [**progressive disarmament should be achieved so that the resources released may be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries.**]

*Recognizing* that good governance and the rule of law at both the national and international levels is essential for the realization of the right to development, and that such realization is vital for ensuring good governance and the rule of law,

**Cuba:**

*Recognizing* that good governance and the rule of law ~~at both the national and international levels~~ is essential for the realization of the right to development, and that such realization is vital for ensuring good governance and the rule of law,

**UNOCD:**

Recognizing that good governance, [accountability] and the rule of law at both national and international levels are essential for the realization [achievement] of the right to development, and that such realization [which is also ] vital for ensuring good governance and the rule of law,

**Amman Center for Human Rights Studies:**

*Recognizing* that good governance and the rule of law at **[the local,]** ~~both the~~ national and international levels is essential for the realization of the right to development, and that such realization is vital for ensuring good governance and the rule of law,

**Grand Council of the Crees:**

*Recognizing* that good governance and the rule of law at both the national and international levels **is** ~~is~~ **[are]** essential for the realization of the right to development **[and other human rights]**, and that such realization is vital for ensuring good governance and the rule of law,

**Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights:**

Add: **[Reaffirming that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,]**

(Explanation: This draft preambular paragraph inserts a paragraph from the preamble of Human Rights Council resolution 27/21, 2014 (Human Rights and Unilateral Coercive Measures) to further the intent described in paragraph two of the Introduction above (“every possible attempt has been made to base the language of the preamble and the text on existing international legal instruments, including human rights treaties and relevant declarations and resolutions adopted by States”). It allows the preamble of the Draft Convention to introduce a foundation for Article 14 in a way that is consistent with the Commentary for that Article, while also ensuring that the preamble acknowledges concern for something that States have identified as a “major obstacle” to development.)

*Guided* by all the purposes and the principles of the Charter of the United Nations, especially those relating to the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction of any kind,

**Namibia (oral statement):**

Grounds for non-discrimination should be included in the preambular paragraphs 9 and 10, consistent with the practice followed in other international instruments. Although there has been evolution in the grounds for non-discrimination, Namibia can only accept the grounds listed in the treaties to which Namibia is a party. We appreciate the listing in Art. 8 of the draft Convention, but the same should be applied to the preambular section. It is our considered view that the omission in the PPs would open the door for other non-widely recognized grounds to find their way into the reading of the Convention by way of a contextual or even [...] interpretation.

**CINGO:**

**Comment:** The sentence “*Guided by all the purposes and the principles of the Charter of the United Nations*” should be put at the very beginning of the preamble.

**Grand Council of the Crees:**

*Guided by all the purposes and the principles of the Charter of the United Nations, especially those relating to the achievement of international cooperation in solving international problems of an economic, social, cultural, [ environmental] or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction of any kind,*

**Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights:**

*Guided by all the purposes and the principles of the Charter of the United Nations, especially those relating to the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all, [without distinction of any kind, and additionally in reaffirming the role of international solidarity in resolving the problems addressed by cooperation],*

**Pakistan (oral statement):**

Suggests adding a new paragraph after Para 9 of the Preamble. It’s important to have some references to international cooperation in the preambular part to build context for Art. 12, 13, 14.

**[Emphasizing the need of generating international political will and commitment to address systemic, political, social, economic and development challenges, including widening inequalities, debt burdens and lack of fulfilment of commitments, impeding capacities of State to operationalize the right to development.]**

We would suggest the language with the Secretariat.

**Centre for Human Rights, University of Pretoria:**

Add in the preamble:

**[Recalling the United Nations Charter Articles 55 and 56 on international cooperation, including in particular with regard to universal respect for, and observance of, human rights and fundamental freedoms for all, without discrimination on any grounds that are prohibited by international human rights law.]**

*Recalling the obligation of States under the Charter to take joint and separate action in cooperation with the Organization for the promotion of higher standards of living, full employment and conditions of economic and social progress and development; solutions of international economic, social, health and related problems; international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction of any kind,*

**China:**

*Recalling the obligation of States under the Charter to take joint and separate action in cooperation with the Organization for the promotion of ~~higher standards of living, full employment and conditions of economic and social progress and development; solutions of international economic, social, health and related problems; international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental~~*



~~freedoms for all, without distinction of any kind,~~ economic and social development of peoples of all countries,

**Cuba:**

*Recalling* the obligation of States under the Charter to take joint and separate action in cooperation with the Organization for the promotion of higher standards of living, ~~full employment [decent work for all,] and conditions of economic and social progress and development; solutions of international economic, social, health and related problems; international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction of any kind,~~

**Centre Europe - tiers monde (CETIM) (Oral Statement):**

Nous proposons d'ajouter le mot «décent» lors qu'on parle de «...plein emploi...» au § 10.

**Translation:** We propose to add the word "decent" when referring to "...full employment..." in § 10.

*Considering* that, under the provisions of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized, and that everyone, as a member of society, is entitled to the realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for her or his dignity and the free development of her or his personality,

**Cuba:**

*Considering* that, under the provisions of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which [all] the rights and freedoms ~~set forth in the Declaration~~ can be fully realized, and that everyone, as a member of society, is entitled to the realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for her or his dignity and the free development of her or his personality,

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** It is suggested that in the section that refers to the Universal Declaration of Human Rights, specific mentioned be made of Article 25 since it includes key rights and elements on human development: food, clothing, housing, medical care, necessary social services and the right to security.

**CINGO:**

*Considering [Reaffirming]* that, under the provisions of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized, and that everyone, as a member of society, is entitled to the realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for her or his dignity and the free development of her or his personality  
(Explanation: "Considering" is too weak as a language! It is better to say "Reaffirming".)

**Grand Council of the Crees:**

**Comment:** This phrase "in accordance with the organization and resources of each State", which is in the Universal Declaration of Human Rights, falls significantly below the more recent standards in the UN Covenant on Economic, Social and Cultural Rights. Therefore, this whole paragraph in the draft Convention should be deleted. For example, as affirmed in the CESCRC Covenant: "Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage

in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.”

*Recalling* the provisions of all human rights treaties, the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

**Brazil:**

*Recalling* the provisions of all human rights treaties, **[including the International Covenants on Human Rights, the Convention on the Rights of the Child, the Convention on the Rights of Persons With Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination Against Women] the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,**

**Bangladesh:**

*Recalling* the provisions of all **[international]** human rights **[instruments]** treaties, the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

**Cuba:**

*Recalling* the provisions of all **[international]** human rights **[instruments]** ~~treaties~~, **[including]** the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

**Grand Council of the Crees:**

*Recalling* the provisions of all human rights treaties, the United Nations Declaration on the Rights of Indigenous Peoples, **[the American Declaration on the Rights of Indigenous Peoples,]** and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

**National Alliance of Women's Organizations UK:**

*Recalling* the provisions of all human rights treaties, the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, **[the Convention on the Elimination of all forms of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities]**

(Explanation: The basis of this is that this again references to Article 16 and recognises other relevant Conventions.)

**Soroptimist International:**

*Recalling* the provisions of all human rights treaties, the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, **[the Convention on the Elimination of all forms of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities]**

(Explanation: If some human rights treaties are being specifically referred to, presumably because those groups face heightened challenges to accessing and benefitting from development, then CEDAW and the Convention on the Rights of Persons with Disabilities should also be included.)

**Brazil:**

Add in the preamble here:

**[Taking note of all human rights declarations, including the Declaration on the Rights of Disabled Persons, the Declaration on Race and Racial Prejudice, the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, the Declaration on the Rights of Indigenous Peoples, the Declaration on the Rights of Peasants and Other People Working in Rural Areas, the Declaration on Social Progress and Development, the Universal Declaration on the Eradication of Hunger and Malnutrition, the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind,]**

**Association pour l'Intégration et le Développement Durable au Burundi:**

**Comment:** Regarding to the introduction, we suggest about incorporating the UN Declaration on the rights of indigenous peoples (UNDRIP) at the same level as the Universal Declaration of Human Rights (UDHR).

I. We support our point of view because indigenous peoples have no legally binding instrument protecting and promoting their rights.

II. The second reason is that UN Declaration on the rights of indigenous peoples (UNDRIP) on their articles are not fully implemented because there exist no measure or mechanism to do so. For instance, there is no road map for governments to implement this core instrument regarding to the indigenous peoples.)

*Reaffirming* the Declaration on the Right to Development, adopted by the General Assembly on 4 December 1986,

*Recalling* the reaffirmation of the right to development in several international declarations, resolutions and agendas, including the Rio Declaration on Environment and Development of 1992, the Vienna Declaration and Programme of Action of 1993, the Cairo Programme of Action of the International Conference on Population and Development of 1994, the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development of 1995, the Beijing Declaration and Platform for Action of 1995, the United Nations Millennium Declaration of 2000, the Monterrey Consensus of the International Conference on Financing for Development of 2002, the World Summit Outcome of 2005, the United Nations Declaration on the Rights of Indigenous Peoples of 2007, the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals of 2010, the Programme of Action for the Least Developed Countries for the Decade 2011–2020, the outcome documents of the thirteenth session of the United Nations Conference on Trade and Development of 2012, the outcome document of the United Nations Conference on Sustainable Development “The future we want” of 2012, the quadrennial comprehensive policy review of operational activities for development of the United Nations system of 2012, the SIDS Accelerated Modalities of Action (SAMOA) Pathway of 2014, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development of 2015, the 2030 Agenda for Sustainable Development and the Sustainable Development Goals of 2015, the Paris Agreement on Climate Change of 2015, the Sendai Framework for Disaster Risk Reduction 2015–2030 of 2015 and the New Urban Agenda, adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), of 2016,

**China:**

*Recalling* the reaffirmation of the right to development in several international declarations, resolutions and agendas, including the Rio Declaration on Environment and Development of 1992, the Vienna Declaration and Programme of Action of 1993, the Cairo Programme of Action of the International Conference on Population and Development of 1994, the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development of 1995, the Beijing Declaration and Platform for Action of 1995, the United Nations Millennium Declaration of 2000, the Monterrey Consensus of the International Conference on Financing for Development of 2002, the World Summit Outcome of 2005, the United Nations Declaration on the Rights of Indigenous Peoples of 2007, the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals of 2010, the Programme of Action for the Least Developed Countries for the Decade 2011–2020, the outcome documents of the thirteenth session of the United Nations Conference on Trade and Development of 2012, the outcome document of the United Nations Conference on Sustainable Development “The future we want” of 2012, the quadrennial comprehensive policy review of operational activities for development of the United Nations system of 2012, the SIDS Accelerated Modalities of Action (SAMOA) Pathway of 2014, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development of 2015, the 2030 Agenda for Sustainable Development ~~and the Sustainable Development Goals of 2015~~, the Paris Agreement on Climate Change of 2015, the Sendai Framework for Disaster Risk Reduction 2015–2030 of 2015 and the New Urban Agenda, adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), of 2016,

**FAO:**

**Comment:** In the list of Summits mentioned in Para. 14 of the Preamble, FAO suggest it would be relevant to also add references to the 1996 World Food Summit, the 2009 World Summit on Food Security and the 2014 Second International Conference on Nutrition.

**UNHCR:**

**Comment:** The WGRTD may wish to consider making reference to the Global Compact on Refugees in preambular paragraph 14, where relevant international declarations, resolutions and agendas concerning the right to development are listed.

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

**Comment:** Add World Conference Against Racism 2001.

**IT for Change:**

**Comment:** Add the **Geneva Declaration of Principles and Plan of Action of 2003, adopted at the World Summit on the Information Society and the Tunis Agenda for the Information Society of 2005, the World Summit Outcome of 2005.**

(Explanation: During the Geneva phase of the World Summit on the Information Society (2003), States Parties declared their commitment to building a “people-centred, inclusive and development-oriented information society,” and acknowledged the challenge of harnessing information and communication technologies to promote the development goals as outlined in the Millennium Declaration. They also reaffirmed the right to development as an indivisible component of human rights. In the Tunis phase, States Parties re-affirmed their commitment to the Geneva Principles and Plan of Action, and built on them by focusing on financial mechanisms for bridging the digital divide, internet governance, and the follow-up of the Geneva and Tunis decisions. In the current moment of accelerated digitalization and datafication, which has led to pervasive economic and social restructuring, the inclusion of these instruments in the paragraph above reiterates the indispensable role of digital capacities and infrastructures in promoting the right to development for all.)

**Grand Council of the Crees:**

**Comment:** Add the American Declaration on the Rights of Indigenous Peoples of 2016.

**Argentina (Oral Statement):**

**Comment:** With regard to preambular paragraph 14, we suggest a reference to the document of the 13th session of the United Nations conference on trade and development of 2012 and there should also be a reference to the 14th of the UNCTAD conference which took place in 2016. We also think there should be reference to international documents which have a binding instrument in the area of development including the outcome document of the WTO ministerial conference in Hong Kong in 2005. This would take stock of the contribution of trade to development.

**UNODC:**

**Comment:** Including reference to the United Nations General Assembly Special Session Political Declaration “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation” adopted on 2 June 2021, as it also reflects Member States’ commitment to “mainstreaming transparency and anti-corruption as a cross-cutting enabler for the broader development agenda” and recognized “corruption as an impediment to the achievement of the 2030 Agenda for Sustainable Development”.

*Reaffirming* the objective of making the right to development a reality for everyone, as set out in the Millennium Declaration, adopted by the General Assembly on 8 September 2000,

*Recalling* the multitude of resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development,

**Brazil:**

**Recalling** [*Taking note of*] the multitude of resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development,

*Recalling also*, in particular, resolution 48/141 of 7 January 1994 adopted by the General Assembly, in which the Assembly established the Office of the United Nations High Commissioner for Human Rights, with a mandate to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose, resolution 52/136 of 12 December 1997, in which the Assembly affirmed that the inclusion of the Declaration on the Right to Development in the International Bill of Human Rights would be an appropriate means of celebrating the fiftieth anniversary of the Universal Declaration of Human Rights, and resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, deciding that its work should be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

**Cuba:**

*Recalling also*, in particular, resolution 48/141 of 7 January 1994 adopted by the General Assembly, in which the Assembly established the Office of the United Nations High Commissioner for Human Rights, with a mandate to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose, resolution 52/136 of 12 December 1997, in which the Assembly affirmed that the inclusion of the Declaration on the Right to Development in the International Bill of Human Rights would be an appropriate means of celebrating the fiftieth anniversary of the Universal Declaration of Human Rights, and resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, deciding that its work should be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the

promotion and protection of all human rights, ~~civil, political, economic, social and cultural rights~~, including the right to development,

*Bearing in mind* the regional human rights instruments and the subsequent practices relating thereto that specifically recognize and reaffirm the right to development, including the African Charter on Human and Peoples' Rights of 1981, the Arab Charter on Human Rights of 2004, the Human Rights Declaration of the Association of Southeast Asian Nations of 2012, and the Abu Dhabi Declaration on the Right to Development of 2016, adopted by the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation,

**China:**

~~*Bearing in mind*~~ ~~[Taking note of]~~ the regional human rights instruments and the subsequent practices relating thereto that specifically recognize and reaffirm the right to development, including the African Charter on Human and Peoples' Rights of 1981, the Arab Charter on Human Rights of 2004, the Human Rights Declaration of the Association of Southeast Asian Nations of 2012, and the Abu Dhabi Declaration on the Right to Development of 2016, adopted by the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation,

**Cuba:**

~~*Bearing in mind*~~ the regional human rights instruments ~~and the subsequent practices relating thereto that specifically recognize and reaffirm the right to development~~, including ~~[the American Convention on Human Rights of 1969,]~~ the African Charter on Human and Peoples' Rights of 1981, the Arab Charter on Human Rights of 2004, the Human Rights Declaration of the Association of Southeast Asian Nations of 2012, and the Abu Dhabi Declaration on the Right to Development of 2016, adopted by the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation,

**Panama (oral statement):**

It would be important to include a reference to the Latin American Convention on Human Rights.

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** It is suggested to cite among the regional instruments the “**American Convention on Human Rights**”, the “**Additional Protocol to the American Convention on Economic, Social and Cultural Rights**”, the “**American Declaration of the Rights and Duties of Man**” and the “**Interamerican Democratic Charter**” since all these documents refer to human rights in the context of development.

**Grand Council of the Crees:**

*Bearing in mind* the regional human rights instruments and the subsequent practices relating thereto that specifically recognize and reaffirm the right to development, including the African Charter on Human and Peoples' Rights of 1981, the Arab Charter on Human Rights of 2004, the Human Rights Declaration of the Association of Southeast Asian Nations of 2012, ~~[the American Declaration on the Rights of Indigenous Peoples of 2016, adopted by the Organization of American States,]~~ and the Abu Dhabi Declaration on the Right to Development of 2016, adopted by the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation,

**Committee on the Rights of Persons with Disabilities (CRPD):**

*Bearing in mind* the regional human rights instruments and the subsequent practices relating thereto that specifically recognize and reaffirm the right to development, including the African Charter on Human and Peoples' Rights of 1981, the Arab Charter on Human Rights of 2004, the Human Rights Declaration of the Association of Southeast Asian Nations of 2012, and the Abu Dhabi Declaration on the Right to Development of 2016, adopted by the Independent Permanent Human Rights Commission

of the Organization of Islamic Cooperation, [American Convention on Human Rights and the Additional Protocol to the American Convention on Economic, Social and Cultural Rights]

*Bearing in mind also* the obligations of States pertaining to integral development in the Charter of the Organization of American States of 1948, and to progressive development in the Inter-American Convention on Human Rights of 1969,

**China:**

~~*Bearing in mind also*~~ [Also taking note of] the obligations of States pertaining to integral development in the Charter of the Organization of American States of 1948, and to progressive development in the Inter-American Convention on Human Rights of 1969,

**Cuba:**

~~*Bearing in mind also the obligations of States pertaining to integral development in the Charter of the Organization of American States of 1948, and to progressive development in the Inter-American Convention on Human Rights of 1969,*~~

*Considering* the various international instruments adopted for realizing sustainable development, including in particular the 2030 Agenda for Sustainable Development, which affirm that sustainable development must be achieved in its three dimensions, namely, economic, social and environmental, in a balanced and integrated manner and in harmony with nature,

**Iran (Islamic Republic of):**

*Considering* the various international instruments adopted for realizing sustainable development, including in particular the 2030 Agenda for Sustainable Development, which affirm that sustainable development must be achieved in its three dimensions, namely, economic, social and environmental, in a balanced and integrated manner and in harmony with nature, **[based on cultural backgrounds and national circumstances of member States]**,

**Nigeria (oral statement):**

There should not be reference to this particular 2030 Agenda for Sustainable Development, because if we want the Convention to outlive the Agenda 2030, it shouldn't be included. However, if there is still compulsion to retain the inclusion of reference to international instruments, then we would propose the African Union's Agenda 2063. It should also be reflected in this paragraph.

**UNESCO:**

*Considering* the various international instruments adopted for realizing sustainable development, including in particular the 2030 Agenda for Sustainable Development, which affirm that sustainable development must be achieved in its three dimensions, namely, economic, social and environmental, in a balanced and integrated manner and in harmony with nature, **[building on the enabling role of culture to foster content and context-relevant development in an increasing knowledge-driven society]**,

**Grand Council of the Crees:**

Add in the preamble **here**:

**[Stressing the need to ensure that no one is left behind and to reach the furthest behind first, including indigenous peoples, who should participate in, contribute to and benefit without discrimination from the implementation of the 2030 Agenda,]**

(Explanation: See, e.g., General Assembly, *Rights of indigenous peoples*, UN Doc. A/RES/75/168 (16 December 2020) (adopted without vote), preamble; and General Assembly, *Rights of indigenous peoples*, UN Doc. A/RES/74/135 (18 December 2019) (adopted without vote), preamble.)

*Recognizing* that the human person and peoples are the central subjects of the development process, and that development policy should therefore make them the main participants and beneficiaries of development,

**Cuba:**

*Recognizing* that the **human** person and peoples are the central subjects of the development process, and that development policy should therefore make them the main participants and beneficiaries **of development**,

**Holy See:**

Recognizing that [the inherent dignity of all members of the human family is the foundation of freedom, justice and peace, that every] the human person and peoples are [is therefore] the central subjects of the development process, and that development policy should [consequently] therefore make[s] them [the human person] the main participants and beneficiar[y] of development,

(Explanation:

The Commentary affirms that the draft Convention is intentionally person-centered. At the same time,

i) Whether intentionally or not, the Convention treats the right to development as the product of international law, rather than an inherent characteristic flowing from the dignity of the human person. As will become even clearer in the operative paragraphs, this has a significant and negative impact on the approach to delineating the various rights and duties incumbent on individuals, groups, organizations and States;

ii) As a corollary to the “source” of the right to development, the draft Convention appears to blur the distinction between certain rights that belong to groups of individuals and to “peoples” that would somehow be distinct from the inherent right to development enjoyed by each member of the human family. In this particular paragraph it is important to refer specifically to individual rights.

While the formulation of this PP is based on PP13 of the DRTD, significantly, the latter referred only to the human person as the central subject of the development process. Therefore, It would be desirable to revert to the language used in the DRTD and to add language from the preamble of the UDHR, specifically in reference to human dignity.

**Modern Advocacy Humanitarian Social and Rehabilitation Association:**

**Comment:** In defence of the sole beneficiary character of the human person that is highly stressed through-out the document, there should be adequate provisions for addressing priorities for the individual level person-centred development needs towards achieving the positive rights to development expectations.

*Recognizing also* that all human persons and peoples are entitled to a national and global environment conducive to just, equitable, participatory and human-centred development, respectful of all human rights,

**China:**



*Recognizing also* that all human persons and peoples are entitled to a national and global environment conducive to just, equitable, participatory and human-centred development, ~~of all human rights~~ **[respectful of the right to development]**,

**China (Oral Statement):**

*Recognizing also* that all human persons and peoples are entitled to a national and global environment conducive to just, equitable, participatory and **human [people]**-centred development, respectable of all human rights”.

(Explanation: This term is actually from the 2030 Agenda for Sustainable Development, so we just want to make it more in line with the 2030 Agenda.)

**Cuba:**

*Recognizing also* that all ~~human~~ persons and peoples are entitled to a national and ~~global~~ **[international]** environment conducive to just, equitable, participatory and human-centred development, respectful of all human rights **[and freedoms]**,

**Holy See:**

*Recognizing also* that all human persons and peoples are entitled to a national and global environment conducive to just, equitable, participatory and human-centred development, respectful of all **[fundamental]** human rights,

(Explanation: If the language in the previous paragraph is adequately adjusted, the inclusion of “and peoples” is acceptable here as it is in line with the DRTD.

The addition of “fundamental” is, once again, in line with the UDHR, ICCPR and ICESCR. )

**Amman Center for Human Rights Studies:**

*Recognizing also* that all human persons and peoples are entitled to a **[local,]** national and global environment conducive to just, equitable, participatory and human-centred development, respectful of all human rights,

*Bearing in mind* that States have the primary responsibility, through cooperation, for the creation of national and international conditions favourable to the realization of the right to development,

**CINGO:**

**Comment:** “*Bearing in mind that States have the primary responsibility*”: maybe bearing is not enough, we can emphasise the possibility to monitor and follow up with a dialogue with civil society. We can use a stronger word, to underline the implementation of this right.

**Amman Center for Human Rights Studies:**

*Bearing in mind* that States have the primary responsibility, through cooperation, for the creation of **[local,]** national and international conditions favourable to the realization of the right to development,

**Grand Council of the Crees:**

*Bearing in mind* that States have the primary responsibility, through cooperation, for the creation of national and international conditions favourable to the realization of the right to development **[and other human rights]**,

*Recognizing* that every organ of society at the national or the international level has a duty to respect the human rights of individuals and peoples, including the right to development,

**China:**

*Recognizing* that every organ of society at the national or the international level has a duty to respect ~~the human rights~~ [right to development] of individuals and peoples, ~~including the right to development,~~

**Cuba:**

*Recognizing* that every organ[, **body and institution**] of society at the national or the international level has a duty to respect the human rights of individuals and peoples, including the right to development,

**Holy See:**

Recognizing that every organ of society at the national or the international level has a duty to respect the human rights of [all] individuals and peoples, including the right to development,

(Explanation: “Every organ of society” is a phrase taken from the UDHR and reaffirmed, inter alia, by the “UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” (hereinafter, the 1998 Declaration).

While, in principle, this affirmation is not inaccurate, the lack of reference to human dignity as the source of human rights (cf. PP21) will lead in the operative paragraphs to a mistaken and inappropriate application of international law, by which States impose international obligations on individuals and groups that do not have international subjectivity.

Here again, preferable language would read “to respect human rights” or “to respect the human rights of all” instead of creating groups as a category of pseudo rights-holders.)

**Amman Center for Human Rights Studies:**

*Recognizing* that every organ of society at the [**local, the**] national or the international level has a duty to respect the human rights of individuals and peoples, including the right to development,

**National Alliance of Women's Organizations UK:**

*Recognizing* that every organ of society at the [**local,**] national or the international level has a duty to respect the human rights of individuals and peoples, including the right to development,

*Concerned* that, despite the adoption of numerous resolutions, declarations and agendas, the right to development has not yet been effectively operationalized,

**Argentina:**

~~*Concerned* that, despite the adoption of numerous resolutions, declarations and agendas, the right to development has not yet been effectively operationalized,~~

(Explanation: Within the framework of the 2030 Agenda, and in accordance with A/RES/70/01, actions are being taken in the development of States and Argentina is making proactive efforts in this regard. In particular, our country has been defending the concept of Common but Differentiated Responsibilities within the framework of the Sustainable Development Goals. In this way, the proposed Convention on the Right to Development should not necessarily represent a mechanism that surpasses the objectives set out in the 2030 Agenda.)

**Holy See:**

Concerned that, despite the adoption of numerous resolutions, declarations and agendas, the right to development has not yet been effectively [realized] operationalized,

(Explanation: The use of the term “operationalized” affirms that the RTD is a product of the international community and not an organic consequence of the inherent dignity of human persons.)

*Convinced* that a comprehensive and integral international convention to promote and secure the realization of the right to development, through appropriate and enabling national and international action, is now essential,

**Cuba:**

*Convinced ~~that~~ [of the need that a]* comprehensive and integral international convention to promote and secure the realization of the right to development, through appropriate and enabling national and international action, is now essential,

**Bangladesh:**

Convinced that a comprehensive and integral international convention to promote and secure the realization of the right to development, through appropriate and enabling national and international action, is now essential,

(Explanation: the word ‘now’ inherently relates the necessity of the Convention with a timeframe)

**National Alliance of Women's Organizations UK:**

*Convinced* that a comprehensive and integral international convention to promote and secure the realization of the right to development, through appropriate and enabling **[local,]** national and international action, is now essential,

(Explanation: The basis for the inclusion of ‘local’ is that every level of society must be involved in the implementation of this Convention. It is often grassroots organisations and local laws and regulations which are and should be responsible for recognising the needs of individuals and their communities.)

Have agreed as follows:

**Part I**

**Article 1 – Object and purpose**

The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere, and to guarantee its effective operationalization and full implementation at the national and international levels.

**Cuba:**

The object and purpose of the present Convention is to promote and ensure the **[effective realization of the right to development, its]** full, ~~equal and meaningful~~ **[and equitable]** enjoyment ~~of the right to development~~ by every ~~human~~ person and all ~~[the]~~ peoples ~~everywhere~~ **[of the world]**, and ~~to guarantee its effective operationalization and full implementation~~ **[its application]** at the national and international levels.

**Iran (Islamic Republic of):**

The object and purpose of the present Convention is to promote and ensure the full **[realization of the right to development and the full]**, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere, **[as well as all nations,]** and to guarantee its effective operationalization and full implementation at the national and international levels.

**Bangladesh:**

The object and purpose of the present Convention is to promote [, protect] and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere, and to guarantee its effective operationalization and full implementation at the national and international levels.

**Holy See:**

The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere, and to guarantee its effective **[realization] operationalization** and full implementation at the national and international levels.

(Explanation: The textual modifications are based on the comments made above (PP24 and 25) )

**South Centre:**

The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere, ~~and to guarantee~~ **[through]** its effective operationalization and full implementation at the national and international levels.

(Explanation by South Centre: Article 1 of the Draft Convention establishes its object and purpose in line with the Declaration on the Right to Development and states that it seeks to “guarantee its effective operationalization and full implementation at the national and international levels.” For the achievement of such objective, it is necessary to consider that implementation of international law is dependent upon domestic mechanisms that vary according to the peculiarities of the legal system of each State, and it may require not only normative changes, but also changes in the economic, social, cultural, fiscal, political and governance structures of States.

International treaties establish rules of conduct among its Parties, which generally allow certain flexibility for them to adopt the most adequate measures in accordance with their legal systems, to comply with the obligations included in the treaties. Given the nature of the right to development, as a right by itself and as a means for the full enjoyment of all other human rights, the notion of “guarantee” may raise concerns about the scope and extent of the obligations regarding the operationalization of the draft Convention, as the right to development can only be progressively realized through an incremental process supported by increased international cooperation.)

**CINGO:**

The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every human ~~person~~ **[being]** and all peoples everywhere **[without discrimination]**, and to guarantee its effective operationalization and full implementation at the national and international levels.

(Explanation: The rights holders are “human beings” and “all peoples”. The use of “human person” instead of “human being” is not only semantic and can be problematic in the context of the debate about when does personhood begin. The UDHR uses the term “human being”. The DRTD uses the term human person three times and the expression human beings six times as per the UDHR. Therefore, we suggest to use the term “human beings” in accordance with the Universal Declaration of Human Rights.)

**Centre for Human Rights, University of Pretoria:**

The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere, and to guarantee its effective operationalization and full implementation at the national and

international levels, **[through inter alia eradication of the barriers to the right including poverty, inequality, colonialism, Imperialism, cultural and traditional norms inconsistent with international human rights standards]**.

**Comment:** There is more clarity needed in Article 1 on whether ‘peoples’ also includes States. While the fact that a human person is the main subject of the right to development, are juristic persons or States subjects and objects of the rights as well or are they just duty bearers—because where there are mentioned, there are mentioned with specificity but not necessarily so in this provision.

**Soroptimist International:**

The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere **[without discrimination]**, and to guarantee its effective operationalization and full implementation at the national and international levels.

(Explanation: Including ‘without discrimination’ ensures that peoples are not viewed homogenously, and that development must reach all individuals who comprise ‘peoples’ without distinctions based on gender, race, ethnicity, and other factors referred to elsewhere within the Convention.)

**Modern Advocacy Humanitarian Social and Rehabilitation Association:**

The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere, and to guarantee its effective operationalization and full implementation at the national, **[local]** and international levels,

**Argentina (oral statement):**

We believe that the draft text puts forward the right to development as a mixed concept, that means to say as an individual right and as a collective right, that means to say the collective right of peoples. In Articles 1 and 3(a), the problem lies in the following: Peoples are not defined as a concept. But this is a concept which could vary a great deal in its concept, and this would have both political and legal effects. We would like to reiterate the principles of interdependence, universality interrelatedness of all rights and the United Nations principle of leaving no one behind.

**Article 2 – Definitions**

**Ecuador:**

**Comment:** It is recommended to include the definition and scope of the right to development that will be implemented in this instrument.

**Iran (Islamic Republic of):**

**Comment:** delete the whole article.

**Qatar:**

**Comment:** We believe there is no need to include a definition of an international organization in subparagraph 2 (b), and we suggest that this be left to the commonly accepted concept in international law.

We propose to include a definition for the term “right to development” in this article.

We propose to include a definition for the term "right to self-determination" in this article.

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** It is suggested to include a definition accepted by the international community and UN specialized agencies (e.g. the World Bank and UNDP) on “development”, “sustainable development” and “social sustainability”. These terms are core elements of the “right to development” and it would be important to define before explaining what “the right to development” is.

**Fundação Antonio Meneghetti:**

**Comment:** We suggest the inclusion of the definition of Right to Development

**Women's Federation for World Peace International:**

**Comment:** It is very important to include a precise and clear definition of development. Recognizing the role in the influence of global parity and having a proportionate mechanism should be approached for development and therefore global equality. We understand the explanation of our speakers and especially from Professor Kanade from the drafting committee. However, we strongly believe that a definition is necessary. Why do we ask for this, why is this definition important? Without certain criteria, a minimum standard of development cannot exist.

**Committee on the Rights of Persons with Disabilities (CRPD):**

**Comment:** include a definition of “development” and “sustainable development” based, among others, on UNDP and the World Bank’s definitions. It may be important to define these concepts before getting to “the right to development” in art. 4 of the draft.

For the purposes of the present Convention:

(a) “Legal person” means any entity that possesses its own legal personality under domestic or international law and is not a human person, a people or a State;

**Cuba:**

(a) “Legal person” means any entity that possesses its own legal personality under domestic or international law and is not a ~~human~~ [natural] person, a people or a State;

Turkey:

**Comment:** The phrase "legal person" is defined very broadly in Article 2. Since only individuals are included in the Declaration on the Right to Development, Turkey believes that it would be appropriate to specify only individuals in this draft as well.

In addition, even it is decided to keep the term “legal persons” in the draft, Turkey believes it would be useful to re-evaluate this term. Although it is stated that legal persons must have the nationality of a state party in Article 11/b, the term is defined much wider in Article 2.

**CINGO:**

**Comment:** The term “legal person” is unusual in international human rights law. Under international law only States and International Organizations are subjects of international law.

(b) “International organization” means an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality; international organizations may include, in addition to States, other entities as members;

**Centre Europe - tiers monde (CETIM) (Oral Statement):**

Dans l'alinéa b de l'art. 2, la définition donnée aux organisations internationales ne nous paraît pas très claire. Que signifie « une organisation internationale peut comprendre parmi ses membres d'autres entités » ? De quelles entités s'agit-il ?

**Translation:** In paragraph b of Article 2, the definition given to international organizations does not seem very clear to us. What is meant by "an international organization may include among its members other entities"? Which entities are meant?

**South Africa :**

(b) "International organization" means an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality; ~~international organizations may include, in addition to States, other entities as members;~~

(Explanation: The Draft Convention defines "International organization" as an organisation established by a treaty (or similar document), which possesses international legal personality. The definition provides that an international organisation may have "entities" as members. The definition of international organisation in the Draft Convention is essentially the same as that used by the International Law Commission (ILC) in its Draft articles on the responsibility of international organizations, 2011.

Nevertheless, we submit that the emphasis should be placed on the international legal personality of the relevant international organisation. It would be preferable if the last phrase were to be deleted)

(c) "Working Group on the Right to Development" means the entity established by the Commission on Human Rights in its resolution 1998/72 of 22 April 1998, as endorsed by the Economic and Social Council in its decision 1998/269 of 30 July 1998;

(d) "High-level political forum on sustainable development" means the entity established pursuant to the outcome document of the United Nations Conference on Sustainable Development (Rio+20) of 2012, as endorsed by General Assembly resolution 66/288 of 27 July 2012 and supplemented by Assembly resolution 67/290 of 9 July 2013.

**Article 3 – General principles**

**Argentina:**

**Comment:** Regarding Article 3 of the draft Convention, A/RES/70/01 in its paragraphs 7, 8 and 9 defines broader objectives regarding the implications of development.

**Ecuador:**

**Comment:** It is recommended to include a section on a gender approach in development. Article 16 would be based on this.

**South Africa (oral statement):**

We appreciate that the issue of the duty to cooperate under Art. 3 is also further elaborated in Art. 13.

**Human Rights Commission of Mexico City:**

**Comment:** Recognition of local government as the most suitable for enabling participation towards true realization of human rights might be crucial for a true State engagement on their obligations to fulfil right to development and a "human rights city".

(Explanation: Local government is commonly defined as the lowest tier of public administration within a given State. In unitary States, local government usually comprises the second or third tier of government, whereas in federal States, it is constituted as the third or sometimes fourth tier of government. Local government aims at bringing government to the grass roots and enabling citizens

to participate effectively in the making of decisions affecting their daily lives. As the level closest to the citizens, local government is, in principle, in a much better position than central government to deal with matters that require local knowledge and regulation based on local needs and priorities.” Therefore, local focus could be included as a general principle.)

**Centre Europe - tiers monde (CETIM) (Oral Statement):**

Tout d’abord concernant l’article 3, il ne nous semble pas opportun de définir le développement mais, au contraire, de s’en tenir uniquement à la définition du droit au développement telle que formulée dans la Déclaration sur ce droit. Ce qui est d’ailleurs l’objet du projet de convention. En effet, il serait laborieux de se lancer dans une telle tâche, étant donné qu’il n’y a pas de consensus là-dessus ni un seul modèle développement. D’ailleurs, comme chaque peuple a le droit de décider du modèle de développement qui lui correspond le mieux, il serait erroné de leur en imposer un. C’est l’essence même du droit au développement.

En revanche, à travers les principes généraux, nous pouvons donner quelques indications qui guideraient les États. A ce propos, nous proposons d’inclure dans l’art. 3 :

- le développement humain dans toutes ses dimensions (économique, social, culturel, politique, etc.) ;
- le renforcement des capacités des exclus, des peuples et citoyennes afin qu’ils puissent participer pleinement à l’élaboration et la mise en œuvre du droit au développement ;
- et la répartition équitable des richesses afin de combattre les inégalités.)

**Translation:**

First of all, with regard to Article 3, it does not seem appropriate to us to define development but, on the contrary, to stick solely to the definition of the right to development as formulated in the Declaration on this right. This is, in fact, the purpose of the draft convention. Indeed, it would be laborious to embark on such a task, given that there is no consensus on it and no single development model. Moreover, since each people has the right to decide on the development model that best suits them, it would be wrong to impose one on them. This is the very essence of the right to development.

On the other hand, through general principles, we can give some indications that would guide States. In this regard, we propose to include in Art. 3 :

- human development in all its dimensions (economic, social, cultural, political, etc.);
- the strengthening of the capacities of the excluded, of peoples and citizens so that they can fully participate in the elaboration and implementation of the right to development;
- and the equitable distribution of wealth in order to combat inequalities).

**Jô Clemente Institute (IJC):**

**Comment:** Accessibility should be included as a guiding principle (art. 3) of the right to development, as a right itself and as a guarantee to the exercise of the right to development.

To achieve the object and purpose of the present Convention and to implement its provisions, the Parties shall be guided by, inter alia, the principles set out below:

**South Centre:**

To achieve the object and purpose of the present Convention and to implement its provisions, the Parties shall **[fully respect the principles of international law concerning friendly relations and**



**co-operation among States in accordance with the Charter of the United Nations, and shall be guided, inter alia, by the following principles]:**

(Explanation: Article 3 of the draft Convention refers to the General Principles applicable for its implementation. In its commentaries, it is recognised that none of the core human rights treaties incorporate a section on applicable principles, except the Convention on the rights of People with Disabilities. The inclusion of general principles in the draft Convention is based on the objective of guiding “duty bearers for achieving the convention’s purpose or objective and for implementing the provisions”.

The inclusion of general principles in the draft Convention could streamline its implementation and operationalization at the domestic and international levels. However, a prescriptive approach should be avoided in order to provide sufficient policy and regulatory space for States parties to put in place the measures necessary to achieve the Convention’s objectives. In this regard, it will be essential to refer back to the UN Declaration on the Right to Development, which recognises in its article 3.2 that the right to development requires “full respect for the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.”

Similarly, this section should refer to the internationally recognised human rights principles as an umbrella provision for the implementation of the draft Convention, including the principles of equality, non-discrimination, participation, transparency and accountability as well as international cooperation and solidarity. The principle of special and differential treatment for developing and least developed countries, should also be included.)

(a) Human person and people-centred development: the human person and people are the central subjects of development and should be the active participants and beneficiaries of the right to development;

**Cuba:**

(a) ~~Human p[erson and people-centred development: the human person and people are the central subjects of development and should be the active participants and beneficiaries of the right to development;~~

**Ecuador:**

(a) ~~Human person and people-centred development: [Development centred on the human being and the peoples]: the human being and people the peoples are the central subjects of development and should be the active participants and beneficiaries [must be the beneficiaries and active participants of the right to development; the rights of nature should be considered as a fundamental element to generate sustainable development].~~

(Explanation: In paragraph a), it is necessary to take nature into account, since there can be no sustainable development if nature is not placed at the center of the analysis as the basis of other rights such as food, culture, territory, etc.)

**South Africa:**

(a) Human person and people-centred development: the human person and people are the central subjects of development and should be ~~the~~ active participants and beneficiaries of the right to development;

**Holy See:**

(a) Human person and people- centred development: the human person [in virtue of his or her inherent dignity, is] and people are the central subjects of development and should be the active participants and beneficiaries[y] of the right to development;

(Explanation: With the exception of the reference made in the context of the UDHR in PP12, the dignity of the human person is never acknowledged in the Draft Convention. It seems most appropriate that such a reference be made, especially to affirm human dignity as the foundation of human rights.

The Commentary on this paragraph insists on the importance of including “peoples” as right-bearers, indicating that a “people” has a distinct legal personality and that “[i]nternational law confers upon a ‘people’ certain collective rights which cannot be reduced as the sum-total of the rights of individuals who make up that collective.” While it could be contended that the right to development for persons who are also members of an indigenous or other ‘people’ must be context specific and, therefore, take on unique characteristics based on that fact, it would seem inappropriate to suggest that the people per se is the right-holder, as it is the dignity of the human person which is the source of any right.

In this regard, the reference to “peoples” here is misleading. )

**FAO:**

**Comment:** FAO strongly supports the reference to human rights-based approaches in Article 3. It wonders whether the use of “people” in the singular and without capitalization could give rise to confusion. It could be misunderstood as referring to the plural of “person” generally, rather than to the rights of Peoples under international law. In UNDRIP and the African Charter on HPR it is clear that the reference is to particular groups, which constitute a “people”.

**Expert Mechanism on the Rights of Indigenous Peoples:**

(a) Human person and people-centred development: ~~the human person and people are the central subjects of development and should be the active participants and beneficiaries of the right to~~ [development to be sustainable, development must be centred on the human person and peoples as well as the natural environment (living and non-living beings). Human beings and the natural environment are the central subjects of sustainable development. They are the active participants and beneficiaries of this development].

(Explanation: The EMRIP suggests a rewording of this paragraph to include the natural world and the sustainability of development)

(b) Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of accountability, empowerment, participation, non-discrimination, equality and equity;

**Philippines:**

Comments: On paragraph (b), Article 3, Part I of the draft Convention on RTD, in addition to the principles of accountability, empowerment, participation, non-discrimination, equality, and equity, the Philippines proposes the inclusion/integration into the process of developing the draft Convention the principle of transparency to ensure clarity and openness in the decision-making processes, disclosing all interrelations and linkages of actions taken. This should guarantee that all claimholders are able to effectively “participate in, contribute to, and enjoy economic, social, cultural, and political development.

**Cuba:**

(b) Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of [equality, non-discrimination, participation, empowerment, transparency and] accountability, ~~empowerment, participation, non-discrimination, equality and equity;~~

**Ecuador:**

(b) Universal principles are common to all human rights: the right to development ~~should be realized in a manner that~~ [must be understood in such a way that it] integrates the principles of accountability, empowerment, [duties,] participation, [opportunities,] non-discrimination [based on age, sex, gender identity, cultural identity, marital status, language, religion, ideology, political affiliation, judicial past, socio-economic status, immigration status, sexual orientation, health status, having HIV, disability, physical difference; nor by any other distinction, personal or collective, temporary or permanent, whose purpose or result is to impair or nullify the recognition, enjoyment or exercise of rights; inclusion,] equality ~~and~~, equity[, fair trade, social and environmental responsibility, solidarity, fair and equitable distribution.]

**Comments:** In paragraph b): the following principles should be added: fair trade, social and environmental responsibility, solidarity, fair and equitable distribution.

In paragraph b): as part of the universal principles, the term "inclusion" could be added. Although non-discrimination is a term that balances relationships, inclusion is the materialization of all the attitudes of kindness that the person may have:

In paragraph b): Specifying the issues of possible discrimination will allow the purpose of this convention to be fulfilled.

**Holy See:**

(b) Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of accountability, [promotion] empowerment, participation, non-discrimination, equality and equity;

(Explanation: The term "empowerment" has the tendency to promote an individualistic approach to human rights, which would pit the rights of one against those of another; a more integral approach to the human person would prefer language such as "promotion", "access" or even "accessibility".)

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** In Article 3, paragraph b) it is recommended to include "universal inclusion and accessibility".

**NHRI El Salvador:**

**Comment:** It is suggested that in article 3 (General principles), in literal "b" the principles of transparency and responsibility and accountability be added.

**CINGO:**

(b) Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of accountability, ~~empowerment~~, participation, non-discrimination, equality and equity;

(Explanation and comment: Paragraph b) is confusing. Is "empowerment" a universal principle in human rights law? What does it mean? Empowerment is a way to implement human rights but not a universal principle. We suggest the well-known and accepted human rights principles that are universal and inalienable, interdependent and indivisible.)

**Soroptimist International:**

(b) Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of accountability, empowerment, participation, non-discrimination, equality, ~~and~~ equity [and inclusivity];

(Explanation: All development efforts should be inclusive, both through implementation and in its outcomes. This can be promoted by adding inclusivity here.)

**Committee on the Rights of Persons with Disabilities (CRPD):**

(b) Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of accountability, empowerment, participation, non-discrimination, equality and equity, [**inclusion and accessibility**];

(c) Human rights-based approach to development: development is a human right and should be realized as such and in a manner consistent with and based on all other human rights;

**China:**

~~(e) Human rights-based approach to development: development is a human right and should be realized as such and in a manner consistent with and based on all other human rights;~~

**Cuba:**

(c) ~~Human rights-based a~~[A]pproach to development as a human right: development is a human right and should be realized as a universal human right, indivisible and interdependent with all other human rights ~~such and in a manner consistent with and based on all other human rights;~~

**Bangladesh:**

(c) Human rights-based approach to d [D]evelopment [as human right]: development is a human right and should be realized as such and in a manner consistent with and based on all other human rights;

**Ecuador:**

(c) [A] human rights-based approach to development: development is a human right and ~~should~~ **[must]** be realized as such **[throughout the life cycle,]** ~~and~~ in a manner compatible with and based on all other human rights;

(Explanation: In paragraph c), explicitly state that the human rights-based approach to development must be guaranteed throughout the life cycle.)

**Iran (Islamic Republic of):**

(c) ~~Human rights-based approach to d~~ [D]evelopment **[as human right]**: development is a human right and should be realized as such and in a manner consistent with and based on all other human rights;

**Holy See:**

(c) Human rights-based approach to development: development is a human right and should be realized as such and in a manner consistent with and based on all other [fundamental] human rights;

(Explanation: The addition of “fundamental” is, once again, in line with the UDHR, ICCPR and ICESCR. )

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

**Comment:** Implementing measures such as affirmative actions which ensure substantive equality and progressive realization of the rights of DWD communities.

**International Human Rights Association of American Minorities (IHRAAM) (oral statement):**

Add here a new paragraph:

**[(c) bis international humanitarian law – based approach to development: colonialism and foreign occupation must be realized consistent with international humanitarian law for the restoration and reparation of exploited peoples and countries.]**

**Comment:** Or create a new paragraph after c) similar to the concept.

(d) Self-determined development: the right to development and the right to self-determination are integral to each other and mutually reinforcing;

**Argentina (oral statement):**

(d) Self-determined development: the right to development and the right to self-determination **[of peoples]** are integral to each other and mutually reinforcing;

(Explanation: we suggest adding ‘of peoples’ after self-determination in subparagraph d of the general principles and in the title of Article 5 the right to self-determination of peoples.)

**China:**

**[(c)] ~~(d)~~—Self-determined development: ~~the right to development and the right to self-determination are integral to each other and mutually reinforcing~~ [Countries choose independently their development concepts, paths and models in accordance with their national conditions];**

**China (oral statement):**

For paragraph d, we would suggest using the original sentence from the declaration of right to development which reads “The right to development also implies the full realization of the right of peoples to self-determination”. And we would also like to suggest adding the following sentence: “And each state has the inalienable right to choose freely and develop in accordance with the sovereign will of its people its own political social economic and cultural systems without interfering without interference from any other state or non-state actor”. This is from the Human Rights Council Resolution 43/21)

**Cuba:**

(d) Self-determined development: the right to development and the right to self-determination **[of their political condition, to the realization of their economic, social and cultural development, to full sovereignty over all their wealth and natural resources,]** are integral to each other and mutually reinforcing;

**Latin American Campaign for the Right to Education:**

**Comment:** Article 3 states: "Self-determined development: the right to development and the right to self-determination are integral to each other and mutually reinforcing". As a consequence of this statement it is important to recognize, promote and defend the existence of multiple types of development, in line with community life projects and the cultural diversity of the planet.

(e) Sustainable development: development cannot be sustainable if its realization undermines the right to development, and the right to development cannot be realized if development is unsustainable;

**China:**

**[(d)] ~~(e)~~—Sustainable development: ~~development cannot be sustainable if its realization undermines the right to development, and the right to development cannot be realized if development is unsustainable~~ [the goal of the right to development is the coordinated and**

**sustainable economic, political, social, cultural and ecological development enjoyed by human person and people];**

**Ecuador:**

(e) Sustainable development: development cannot be sustainable if its realization **undermines [weakens]** the right to development, and the right to development cannot be realized if development is **unsustainable [not sustainable; development cannot be sustainable if the rights of nature are not protected];**

(Explanation: In paragraph e), development cannot be sustainable if nature is not considered a subject of rights. In the Constitution of Ecuador, article 71 states the following: Nature or Pacha Mama (Mother Earth), where life is reproduced and carried out, has the right to have its existence fully respected and the maintenance and regeneration of its vital cycles, structure, functions and evolutionary processes.)

**Turkey:**

“(e) Sustainable development: development cannot be sustainable if its realization undermines the right to development, and the right to development cannot be realized if development is unsustainable; [is an important tool for achieving sustainable development;]”

**Holy See:**

(e) Sustainable development: development cannot be sustainable if its realization undermines the right to [integral] development, and the right to development cannot be realized if development is unsustainable [and harms our common home];

(Explanation: This operative sub-paragraph translates into a “general principle” of the observations made in PP6. In addition, it is important to include a reference to the harm done to our common home when development is not sustainable. )

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

**Comment:** The most marginalized communities such as Dalits are the ones that are left behind and need specific focus ensuring their Right to Development when we talk about the spectrum of Sustainable Development.

**CINGO:**

**Comment:** What is sustainable development? Sustainability should be defined for a development that should respect and preserve the environment and meet the needs of present and future generations. It is true that article 22 of this draft is specifically on sustainable development, but also in this paragraph something more can be said.

**All Win Network:**

(e) Sustainable development: development cannot be sustainable if its realization undermines the right to development, and the right to development cannot be realized if development is unsustainable [**and unobtainable**].

(Explanation: As per General Principle in Article 3, and Paragraphs E and F, if development is unsustainable and adding the word, “unobtainable,” to display the importance of development not being fully realized unless it is attainable.)

**China: (oral statement):**

**Comment:** We would like to propose a new paragraph, after clause 2, which reads, “contribution of development to the enjoyment of all human rights: Development is the basis for the improvement of living standards and the welfare of the population of each state and hence contributes to the enjoyment

of all human rights.” It is also quoted from Human Rights Resolution 41/19 and by adding this paragraph we believe that we could establish a positive connection between the development and the enjoyment of all human rights and we have to emphasize that the development has a role in the contribution to the enjoyment of all human rights.

(f) The right to regulate: the realization of the right to development entails the right for States Parties, on behalf of their peoples, to take regulatory or other related measures to achieve sustainable development on their territory;

**Argentina (Oral Statement):**

(f) The right to regulate: the realization of the right to development entails the right for States Parties, on behalf of their peoples, to take regulatory or other related measures to achieve sustainable development on their territory **[in accordance with international law]**;

**Comment:** With regard to the third paragraph of the general principles, that is Article 3 general principles, subparagraph f, we suggest adding the following wording at the end of that paragraph: “in accordance with international law”. This is because we believe that states should adopt, regulatory and similar measures with a view to achieving sustainable development and that those regulations should be in line with international law.

Similarly, we suggest replacing the word “regulatory” in the Spanish version. [There is no difference in the English version in the view of the interpreter. It was the difference between regulatoria and reguladora in Spanish.]

**Cuba:**

~~(f) The right to regulate: the realization of the right to development entails the right for States Parties, on behalf of their peoples, to take regulatory or other related measures to achieve sustainable development on their territory;~~

**Russian Federation (oral statement):**

The term “the right to regulate” has boundaries not clearly articulated. For example, as it’s said in the comments of the draft Convention, that paragraph is applicable to mutual relations between states and investors. Does that mean that national governments are entitled to change the agreed conditions of work for foreign investors? We believe that this right to regulate as mentioned in the Convention should not enable refusal or abstention by States of obligations and commitments that they have assumed, they should not be allowed to get out of them.

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** It is suggested to include the right of State Parties not only “to regulate” but to “enact legislation or other related measures”.

**International Federation of Social Workers:**

**Comment:** The “right to regulate” by the state should not compromise any other fundamental rights (art. 3.3.f), especially as the present draft convention places the State and the international community as duty-bearers (and not right-holders) to respect, protect and fulfil the right for development. In this spirit, it is essential that the implementation of the principles of (as mentioned art. 3.3.b) accountability, empowerment, participation, non-discrimination, equality and equity be given more weight to counter corruption and bad governance -primary obstacles to the right to development..)

**CINGO:**

**Comment:** It is true that the international trade and investment law has introduced the principle that States should take regulatory and other related measures to achieve sustainable development on their territory. But, does a right to regulate exist as such and stand on its own? We would like further

explanations on this and look forward for the presentation of this article by the Chair of the drafting group.

**Grand Council of the Crees:**

(f) The right to regulate: the realization of the right to development entails the right for States Parties, on behalf of their peoples, to take regulatory or other related measures to achieve sustainable development on their territory **[in a manner consistent with this Act]**;

**All Win Network:**

(f) The right to regulate: the realization of the right to development entails the right for States Parties, on behalf of their peoples, to take regulatory[, **legal measures,**] or other related measures to achieve sustainable development on their territory;

**Comment:** As per Article 3, Paragraph F on the Right to Regulation, to add to the regulatory clause, "legal measures." To obtain legal measures is to fully realize sustainable development. It is not enough to not include legal measures as one of the measures to take to regulation, and it is vital for legal measures to be explicitly included for the Convention's consideration.

**Soroptimist International:**

(f) The right to regulate: the realization of the right to development entails the right for States Parties, on behalf of their peoples, to take regulatory or other related measures to achieve sustainable development **[across all sectors]** on their territory;

**Comment:** By including 'in all sectors' this clause can emphasise the interconnectedness of different aspects of the right to development and ensuring efforts are made in all sectors – education, health etc – to realise that right. Without including an explicit reference to all sectors a disproportionate focus may be placed on one sector over others, leading to uneven development processes which are contrary to the right to development.

**Centre Europe - tiers monde (CETIM) (Oral Statement):**

(f) Le droit de réglementer : la réalisation du droit au développement passe par le droit des États parties de prendre, au nom de leurs peuples, des mesures réglementaires ou autres mesures connexes pour parvenir au développement durable sur leur territoire **et au niveau international** ;

**Comment:** S'agissant de l'alinéa f de l'art. 3, il se focalise uniquement sur le plan national. Nous proposons d'ajouter, après le terme de « ... sur leur territoire », « et au niveau international ». En effet, faut-il le rappeler, les décisions prises au niveau international peuvent entraver les programmes et politiques nationaux de développement économique et social. Nous pensons en particulier aux règles inéquitables des systèmes financiers et commerciaux internationaux ainsi qu'aux mesures coercitives pour ne citer que ces exemples.

**Translation:** With regard to paragraph f of Article 3, it focuses solely on the national level. We propose to add, after the term "... on their territory", "and at the international level". Indeed, it should be remembered that decisions taken at the international level can hinder national economic and social development programs and policies. We are thinking in particular of the unfair rules of the international financial and trade systems and of coercive measures, to mention only these examples.

(g) International solidarity: the realization of the right to development requires an enabling national and international environment created through a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals; this principle includes the duty to cooperate;



**China:**

[(f)] ~~(g)~~ International solidarity: the realization of the right to development requires an enabling national and international environment created through a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals; ~~this principle includes the duty to cooperate~~ **[adhere to the principle of common but differentiated responsibilities and to the international development cooperation pattern that features South-North cooperation as main channel and South-South cooperation as supplements];**

**Bangladesh:**

International [cooperation and] solidarity: the realization of the right to development requires an enabling national and international environment created through a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals; this principle includes the duty to cooperate;

**Cuba:**

(g) International **[cooperation and]** solidarity: the realization of the right to development requires an enabling national and international environment created through a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions ~~and the recognition of different needs and rights~~ to achieve common goals; ~~this principle includes the duty to cooperate;~~

**Ecuador:**

(g) ~~International Solidarity~~ **[National and International Cooperation]:** the ~~realization~~ **[fulfilment]** of the right to development requires ~~an enabling~~ **[a conducive]** national and international environment created through a spirit of unity among ~~individuals~~ **[persons,]** peoples, States, and international organizations, ~~encompassing~~ **[that encompasses]** the union of interests, purposes, and actions and the recognition of different needs and rights to achieve common goals; this principle includes the duty to cooperate;

(Explanation: In paragraph g): it was suggested to name this item as "National and International Cooperation", instead of "solidarity", firstly, because the term "solidarity" on many occasions can show unequal relationships between "those who have" and "those who have not". Addressing cooperation means that both actors have something to offer and something to demand. Cooperation is implemented both internationally and nationally.

**Saudi Arabia:**

**Comment:** Add the phrase: "Implementing the right of development requires complete respect for the principles of international law as they relate to cordial relations and cooperation between national in compliance with the UN Charter" which has stated in the Declaration on the Right to Development.

**Iran (Islamic Republic of):**

(g) International **[cooperation and]** solidarity: the realization of the right to development requires an enabling national and international environment created through a spirit of **[cooperation and]** unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals; this principle includes the duty to cooperate;

**South Africa:**

(g) International solidarity: the realization of the right to development requires an enabling national and international environment created through a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and

the recognition of different needs and rights to achieve common goals; ~~this principle includes the duty to cooperate;~~

**Holy See:**

(g) International solidarity: the realization of the right to development requires an enabling national and international environment created through a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals [, protect our common home and promote the common good]; this principle includes the duty to cooperate;

(Explanation: There is no mention of the common good or our common home in the draft Declaration. This seems like an appropriate place in which at least a passing reference to both could be made.)

**Soroptimist International:**

(g) International solidarity: the realization of the right to development requires an enabling national and international environment created through a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals [**everywhere**]; this principle includes the duty to cooperate;

(Explanation: Including ‘everywhere’ here emphasises the universality of the right to development, and connects to the idea that development is a prerogative both of individuals and nations. In addition, using ‘everywhere’ adds a geographical dimension at the national and community levels, ensuring the inclusion of all countries and communities, both urban and rural.)

(h) Universal duty to respect human rights: everyone has the duty to respect human rights, including the right to development;

**Cuba:**

~~(h) Universal duty to respect human rights: everyone has the duty to respect human rights, including the right to development;~~

**South Africa:**

**Comment:** Paragraph (h) is too broad. This paragraph creates the impression that all States, persons, peoples, organisations, and entities are obliged to respect all human rights, including the right to development. It thus recognises very broad obligations on those that are not full subjects of international law. It furthermore recognises obligations on States to respect all human rights, even those that they may not have agreed to.

**Soroptimist International:**

(h) Universal duty to respect human rights: everyone has the duty to respect [**all**] human rights, including the right to development;

(Explanation: Using ‘all’ ensures that some rights cannot be omitted which protects the rights of women, girls and other groups protected by specific human rights instruments.)

(i) Right and responsibility of individuals, groups and organs of society to promote and protect human rights: everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of the right to development at the national and international levels; individuals, groups, institutions and non-governmental organizations also have an important role and a

responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the right to development can be fully realized.

**China:**

[(h) (i) Right and responsibility of individuals, groups and organs of society to promote and protect human rights: ~~everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of the right to development at the national and international levels;~~ individuals, groups, institutions and non-governmental organizations ~~also have an important~~ [can play a role] ~~and a responsibility in contributing,~~ [in accordance with international laws and national laws, regulations and policies], ~~as appropriate,~~ to the promotion of the right [to development of everyone] ~~of everyone to a social and international order in which the right to development can be fully realized.~~

**Cuba:**

(i) ~~Right and responsibility of individuals, groups and organs of society to promote and protect human rights: everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of the right to development at the national and international levels; individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the right to development can be fully realized.~~

**Iran (Islamic Republic of):**

(i) Right and responsibility of individuals, groups and ~~organs~~ [all sectors] of society to promote and protect [the right to development as] human rights: everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of the right to development at the national and international levels; individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the right to development can be fully realized.

**South Africa:**

**Comment:** We are similarly concerned with the reference to responsibilities of individuals, groups and organs of society to promote and protect human rights in paragraph (i). The extensive obligation to both promote and protect human rights is placed upon a vast array of persons, who are not full subjects of international law, is problematic. Paragraph (i) is drafted in such a way as to place a positive obligation on individuals to promote and protect human rights, which is the responsibility of a State.

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** It is suggested that the principles refer to “rights and responsibilities of individuals, groups, and organs of society to promote and protect human rights, including the private sector”. This clarification is extremely important with regard to the “right to development” in the context of barriers to intellectual property related to essential goods such as vaccines and medical technologies, energy, access to water and climate change. Development will not be possible without the cooperation of the private sector, in line with UN resolutions and principles on human rights obligations and responsibilities of the private sector (e.g. UN Global Compact Principles).

**Grand Council of the Crees:**

(i) Right and responsibility of individuals, [peoples,] groups and organs of society to promote and protect human rights: everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of the right to development at the national and international levels; individuals, [peoples,] groups, institutions and non-governmental organizations

also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the right to development can be fully realized.

**Soroptimist International:**

(i) Right and responsibility of individuals, groups and organs of society to promote and protect human rights: everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of the right to development **[in all sectors]** at the national and international levels; individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the right to development can be fully realized.

**Ecuador:**

Add after paragraph i):

**[(j) Sustainability of life: unpaid work and human care, which is carried out in homes to sustain social reproduction, must be assumed with joint responsibility by the States, families, private parties, and the communities because this is the basis on which the right to development is based.]**

**NHRI El Salvador:**

Add after paragraph i):

**[(j) Elimination of barriers that promote inequality in social, economic, legal and political relations, in order to achieve justice, formal and material democracy, legal security and the common good.**

**k) Establish a model of participatory development management of relationships between people, based on principles of democracy, equality, equity and publicity; as well as in the recognition of personal and group capacities and potentialities.]**

**Fundación para Estudio e Investigación de la Mujer (FEIM):**

Add after paragraph i):

**[(j) Development and climate change: development cannot be sustainable as long as climate change goals are not respected, it is necessary to implement natural resource exploitation methods that do not affect or alter the achievement of carbon production reduction goals, nor contribute to limiting the achievement of climate change commitments and goals.]**

**Fundação Antonio Meneghetti:**

Add after paragraph i)

**[(j) fostering young leaderships among civil society shall be an important effort of the governments and the UN towards the right to development. Only through consistent participation of the youth and the civil society the process of development shall be effective for this generation and the ones to come.**

**(l) the entrepreneurship capacity of the people could be developed by initiatives of the UN and the states that sign the convention. Sustainable development is connected to the socio-economic empowerment through means of their capacity to a self-determined life in terms of choices of education, economic life and area of work, which are all always correlated to human rights.**

**(m) universities that are members of the Academic Impact of the United Nations could be called to contribute with a possible regional draft report that every state might organize regarding their efforts towards the right to development. Universities are spaces of mediation and contact**

between the United Nations and the academic community. Approaching the students of this dialogue might secure that this discussion can be taken forward in their future professional life.]

**Women’s Federation for World Peace International (WFWPI):**

Add after paragraph i):

**[(j) Peace, Justice and Stronger Institutions : Institutionalising peace and justice with stronger institutions, including executive, judicial and legislative are very important in realising the right to development, especially in the conflicted regions]**

**Part II**

**Article 4 – The right to development**

**Ecuador:**

**Comment:** We recommend the title to be "The Right to Comprehensive Development"

**Russian Federation:**

**Comment:** The draft does not contain a definition of the term “right to development” (or, at least, a norm that would contain the elements of such a right). In the absence of this basic definition the concept of the draft looks very vague.

**Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights:**

**Add 1 (3) [To ensure the ability of every human person and all peoples to participate in the right to development and the benefits therefrom, all States shall have unimpeded access to the international markets, including the freedom to engage in commerce and in financial transactions with other States.]**

1. Every human person and all peoples have the inalienable right to development by virtue of which they are entitled to participate in, contribute to and enjoy economic, social, cultural, civil and political development that is consistent with and based on all other human rights and fundamental freedoms.

**China:**

1. Every human person and all peoples have the inalienable right to development[.] ~~by virtue of which they are entitled to participate in, contribute to and enjoy economic, social, cultural, civil and political development that is consistent with and based on all other human rights and fundamental freedoms~~ [Every human person is entitled to participate in and promote the development of economy, politics, culture, society and ecological civilization, and enjoy the benefits of innovative, coordinated, green, open, and shared development].

**Cuba:**

1. Every ~~human~~ person and all peoples have the inalienable right to development by virtue of which they are ~~entitled~~ [empowered] to participate in, ~~contribute to and enjoy~~ economic, social, cultural, civil and political development that is ~~consistent~~ [interconnected] with ~~and based on~~ all other human rights and fundamental freedoms[, as well as to contribute to that development and enjoy it].

**Ecuador:**

1. ~~Every~~ All human ~~person~~ [beings] and all peoples have the inalienable right [throughout the entire life cycle, in accordance with the empowerment to] ~~development by virtue of which they are entitled to~~ participate in, ~~contribute to and enjoy~~ economic, social, cultural, civil and political development that is ~~consistent with~~ compatible and based on all other human rights and fundamental freedoms[, as well as to contribute to and enjoy this development].

(Explanation: To include in point 1 that every human being and peoples have the inalienable right to development throughout the entire life cycle since the logic of the development model is currently focused only on young people and adults.)

**Turkey:**

1. Every human person and all peoples have the inalienable right to development by virtue of which they are entitled to participate in, contribute to and enjoy economic [and] social, cultural, civil and political development that is consistent with and based on all other human rights and fundamental freedoms.

**Holy See:**

Every human person and all peoples have the inalienable right to development by virtue of which they [The inherent dignity of every human person is the foundation of freedom, justice and peace and the right to development is an inalienable human right by virtue of which every human person and all peoples] are entitled to participate in, contribute to and enjoy [integral] economic, social, cultural, civil [, ethical, spiritual] and political development that is consistent with and based on all other human rights and fundamental freedoms.

**Explanation:** Article 4 seeks to indicate the right-holders of the RTD.

While it is based primarily on Article 1(1) of the DRTD, the present language specifies that “peoples” are among the right-bearers. The Commentary presumes that this was the intention of the DRTD, however the language in the DRTD seems much more appropriate, indicated that the RTD is an inalienable human right and, only as a corollary to that fact, are peoples entitled to enjoy its realization.

The modifications from DRTD 1(1) to the second part of the subparagraph seeks to clearly affirm that the RTD is a right per se (not a meta-right, cf. Art. 3(c)) while using language from the preamble of the UDHR.

In addition, both the spiritual and ethical dimensions of development are included. )

**FAO:**

**Comment:** FAO also strongly supports the interrelatedness of all human rights, civil, cultural, economic, political and social, but notes that unlike how the Convention is generally drafted, in Article 4.1, the pre-Vienna Declaration listing is used. FAO prefers the more modern way of listing rights.

**Centre for Human Rights, University of Pretoria:**

**Comment:** On Article 4 The Right to Development, there is a need for textual improvements to consider the aspirations of inter alia African individuals and communities on issues such as FPIC, access to remedy and gender issues. Article 4(2), should make provision for full elements of free, prior and informed consent (FPIC) as laid out in the United Nations Permanent Forum on Indigenous Issues (UNPFII).

**Alliance Vita:**

1. Every human person and all peoples have the inalienable right to development by virtue of which they are entitled to participate in, contribute to and enjoy economic, social, cultural, civil and political development that is consistent with and based on all other human rights and fundamental

freedoms. [This right shall always be implemented through the prism and within the limits of respect for the human being].

**Committee on the Rights of the Child:**

**Comment:** Article 4(1) speaks about the right to development entailing an entitlement to ‘participate in, contribute to and enjoy economic, social, cultural, civil and political development’. However, children face particular challenges with regard to participation in, and contribution to development. Some of these result from the innate biophysical characteristics of children (for instance, very young children) but others are socially constructed and rooted in stereotypes and flawed assumptions about children, their capacities and their real and potential role as key social actors. In a development context, there has been a historic tendency to regard children as passive objects of development.

**Jô Clemente Institute:**

1. Every human person and all peoples have the inalienable right to development by virtue of which they are entitled to participate in, contribute to and enjoy economic, social, cultural, civil and political development that is consistent with and based on all other human rights and fundamental freedoms [in equal conditions with others].

2. Every human person and all peoples have the right to active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.

**Cuba:**

2. Every ~~human~~ person and all peoples have the right to active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.

**Iran (Islamic Republic of):**

2. Every human person and all peoples have the right to active, free and meaningful participation in development and [realization of right to development] in the fair distribution of benefits resulting therefrom.

**Turkey:**

2. Every human person and all peoples have the right to active, free and meaningful participation in development [processes] and in [determination of] fair distribution of benefits resulting therefrom.”

**Holy See:**

2. Every human person, [individually and in association with others, has] and all peoples have the right to active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.

**Expert Mechanism on the Rights of Indigenous Peoples:**

2. Every human person and all peoples have the right to active, free and meaningful participation in [the design and implementation of] development and in the fair distribution of benefits resulting therefrom.

(Explanation: The EMRIP suggests adding the words “design and implementation” here to ensure participation from the conception of development right through to its implementation.)

**Centre for Human Rights, University of Pretoria:**

**Comment:** The participation called for must not only be ‘active, free and meaningful’, but also informed through prior consultation. Participation must be emphasised to have the goal of consent.

Without such consent, nothing goes forward. The right to consent or not thereto must be emphasised. The provision must also emphasise what participation entails.

**Alliance Vita:**

2. Every human person and all peoples have the right to active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom. **[As to ensure such right, they shall be provided with necessary assistance and help to fully benefit from it.]**

**Human Rights Commission of Mexico City:**

**Comment:** Non-discrimination and progressive realization as a concrete obligation should be mentioned in this article even though the first one is considered in article 3b. The right to development has a particular ground on the progressive realization of economic, social, cultural and environmental rights (ESCER). Therefore, Governments, no matter what level of resources they have at their disposal, must take immediate steps within their means towards the fulfilment of these rights. In many cases ESCER are violated not because resources are not available, but rather because they have been misallocated. Accordingly, the most urgent step to be taken in order to achieve development is to prioritize most discriminated communities and people in terms of participation. Thus, when talking about indigenous people and people with disabilities, right to consultation and free prior and informed consent about actions that could compromise their collective right to development becomes a priority to protect that right. (frth. Art. 17). Hence, this aspect of non-discrimination principle must be clear since it imposes to prioritize and an obligation for states, as well as progressive realization.

**Article 5 – Relationship with the right to self-determination**

**Argentina (oral statement):**

Article 5 – Relationship with the right to self-determination **[of peoples]**

The part two Article 5 this is at the bottom of page seven of the English version concerning the relationship with the right to self-determination. Argentina firmly supports the right to self-determination of peoples under colonial and foreign domination. They must be able to determine their political system and pursue their own economic, social, and cultural development in line with applicable provisions in the United Nations Charter and the Declaration on granting independence to colonial peoples and lands and the pertinent resolutions of the General Assembly, including resolutions on specific territories. Nevertheless, Argentina believes that the right to self-determination is only applicable when there is a holder of that right, that means to say when there is a people which is subject to foreign domination exploitation as established in the first paragraph of resolution 15 14 15. If there are no subjects, there is no right to self-determination. Also, in line with international law recognized by the General Assembly in paragraph 6 of the said Resolution 15 14 15, the right to self-determination should not be used as a pretext for breaking territorial continuity of existing states. With this in mind, we suggest adding ‘of peoples’ after self-determination in subparagraph d of the general principles and in the title of Article 5 the right to self-determination of peoples.)

**Maat For Peace:**

**Comment:** It can be said that this vaguely-worded article can be interpreted as undermining the right of these peoples to implement the right to development, especially since the reality of the rights of the occupied people depends mainly on the decisions of the occupying power. Through its policies and practices, Israel denies Palestinians their right to self-determination as its actions threaten livelihoods, increase poverty and food insecurity, deny Palestinians social services, and limit access to quality medical care. Israel also created separate physical spaces on ethnic basis. Israel has not only gradually expropriated Palestinian land and property for exclusive Jewish use but has also moved Palestinians into separate enclaves, cementing the isolation of these enclaves from Israeli Jewish areas within Israel



and occupied Palestine. This separation is underpinned by the extreme disparity in the distribution of infrastructure, services, and access to resources, which strengthens the separation between the Jewish and Palestinian populations.

Therefore, the Convention must include a clear obligation for the occupying power to work on developing the resources of the region it occupies for the benefit of the occupied people and not to benefit financially from their natural resources, as this is prohibited under international law.

**Jô Clemente Institute (IJC):**

**Comment:** When addressing the relationship between the right to development and self-determination, the treaty could also address self-determination of individuals, connecting it with the right to every person, including persons with disabilities, to be agent of their lives, and thus to exercise legal capacity as guaranteed by art. 12 of the CRPD.

1. The right to development implies the full realization of the right of all peoples to self-determination.

**China:**

1. The right to development implies the full realization of the right of peoples of all countries to self-determination **[and to choose their own development concepts, models and path in accordance with their national conditions and based on their economic development levels, development stages and priorities].**

**Holy See:**

[In virtue of the inherent and universal dignity of every human person], the right to development implies the full realization of the right of all peoples to self-determination.

(Explanation: While the principle of self-determination of peoples is enshrined in the UN Charter (cf. Art. 1(2) and Art. 55), it was only later that this principle was developed as a collective “right” of peoples. This development was codified in the International Covenant on Civil and Political Rights (ICCPR) and in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Nonetheless, the discussions surrounding the codification of this right clearly indicate that the “right” to self-determination of peoples is the logical consequence of the inherent rights and freedoms of the human person, based on universal human dignity.

Without removing references to the right of peoples to self-determination, it would be crucial to highlight the foundation of this right in the dignity of the human person. )

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

1. The right to development implies the full realization of the right of all peoples to self-determination. **[States must enforce this right].**

**Legal Resources Centre:**

1. The right to development implies the full realization of the right of all peoples to self-determination **[and freely pursue the realization of their right to development].**

**Africans in America for Restitution and Repatriation (AAfRR):**

**Comment:** Add “and the right of return,”

1. The **[human]** right to development **[also]** implies the full realization of the right of **all** peoples to self-determination**[, and the right of return, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.]**

2. All peoples have the right to self-determination by virtue of which they freely determine their political status and freely pursue the realization of their right to development.

**Ecuador:**

2. All peoples have the right to self-determination ~~by virtue of which they freely determine their political status,~~ **[in accordance with their freedom to decide their political affinity, beliefs, and practices,]** and freely pursue the realization of their right to development.

(Explanation: Considering that the dynamics of the communities is not limited to the political affinity of their members, but revolves around their beliefs and practices, it was suggested to replace the term "condition" with "affinity", and include the terms underlined)

**Saudi Arabia:**

2. All peoples have the right to self-determination by virtue of which they freely determine their political status and freely pursue the realization of their right to development **[in accordance with national laws].**

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

2. All peoples have the right to self-determination by virtue of which they freely determine their political **[and cultural]** status and freely pursue the realization of their right to development.

3. All peoples may, in pursuing the realization of their right to development, freely dispose of their natural wealth and resources based upon the principle of mutual benefit and international law. In no case may a people be deprived of its own means of subsistence.

**China:**

~~3. All peoples may, in pursuing the realization of their right to development, freely dispose of their natural wealth and resources based upon the principle of mutual benefit and international law. In no case may a people be deprived of its own means of subsistence.~~

**Cuba:**

3. All peoples ~~may~~ **[have the right]**, in pursuing the realization of their right to development, to exercise their inalienable right to full sovereignty over all their wealth and natural ~~freely dispose of their natural wealth and~~ resources based upon ~~the principle of mutual benefit and~~ international law. In no case may a people be deprived of its own means of subsistence.

**Ecuador:**

3. All peoples may, in pursuing the realization of their right to development, freely dispose of their ~~natural~~ wealth and **[natural]** resources**[, provided that the environmental impact of the use and exploitation of said natural resources is considered,]** based on the principle of mutual benefit and international law. ~~In~~ **[Under]** no ~~ease~~ **[circumstances]** may a ~~people~~ **[person]** be deprived of ~~its own~~ **[their]** means of subsistence. **[The development of human beings and peoples can have the necessary resources to achieve sustainability and availability for future generations.]**

(Explanation: To consider in paragraph 3: it was suggested to analyze if the postulates are not in conflict with other rights, especially with those of nature. It can be understood that this free disposition of wealth and natural resources can appear indiscriminate. Additionally, in paragraph 3): The peoples, in their effort to achieve development, cannot freely dispose of their wealth and natural resources, since these are non-renewable and constitute the foundation of other fundamental rights. In addition, the gap between developed and less developed countries on the preservation of resources and the existence of sustainable cities is very wide. This article could directly hinder the achievement of

Sustainable Development Goals No. 11 on Sustainable Cities and Communities and No. 15 on life in terrestrial ecosystems. It is recommended to state in a textual way that the development of human beings and peoples can have the necessary resources to achieve sustainability and availability for future generations.)

**Saudi Arabia:**

**Comment:** Add the phrase “in accordance with national laws”.

**UNESCO:**

3. All peoples may, in pursuing the realization of their right to development, freely dispose of their natural **[and cultural]** wealth and resources based upon the principle of mutual benefit and international law. In no case may a people be deprived of its own means of subsistence.

**National Human Rights Commission of Mauritius:**

**Comment:** In connection with Article 5(3) “freely dispose of their natural wealth and resources”, principles of good governance should apply.

**IT for Change:**

3. All peoples may, in pursuing the realization of their right to development, freely dispose of their natural wealth and resources, **[as well as data and knowledge commons,]** based upon the principle of mutual benefit and international law. In no case may a people be deprived of its own means of subsistence, **[including of their right to access, control and benefit from such resources].**

(Explanation: The increasing datafication of traditional knowledge and practices, people’s bodies, and even of the natural world urgently requires that people are able to self-determine the terms on which their data resources are governed without external interference or constraints. Data is a social commons. Hence, the sovereign right of peoples to their own data resources needs to be seen as being in line with the General Assembly resolution 1803 (XVII) of 14 December 1962 on Permanent Sovereignty over Natural Resources.

Frontiers like Digital Sequence Information of genetic resources constituting the new raw material for corporatized innovation and profiteering deprive indigenous people and communities of their rightful share in the gains from science and technology. The sovereign claim of peoples and nations to govern their data resources is also impeded by trade policy regimes that attempt to entrench the status quo of unregulated cross-border data flows. This needs to be urgently countered. Without data sovereignty, diverse autonomous pathways to development are bound to be wiped out. Collective data rights are, therefore, an inseparable part of people’s right to economic self-determination.)

**Grand Council of the Crees:**

3. All peoples may, in pursuing the realization of their right to development, freely dispose of their natural wealth and resources based upon the principle of mutual benefit[, **sustainable development**] and international law. In no case may a people be deprived of its own means of subsistence.

4. The States Parties to the present Convention, including those having responsibility for the administration of Non-Self-Governing Territories, shall promote the realization of the right to self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

**China:**

~~4. The States Parties to the present Convention, including those having responsibility for the administration of Non-Self-Governing Territories, shall promote the realization of the right~~

~~to self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.~~

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

4. The States Parties to the present Convention, including those having responsibility for the administration of Non-Self-Governing Territories, shall promote the realization of the right to self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations [**and with ILO Convention 169**].

**CINGO:**

4. The ~~States~~ Parties to the present Convention, including those having responsibility for the administration of Non-Self-Governing Territories, shall promote the realization of the right to self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

(Explanation: Are only State Parties bound by this article? We think not as explained in a previous comment.)

**Grand Council of the Crees:**

4. The States Parties to the present Convention, including those having responsibility for the administration of Non-Self-Governing Territories, shall promote the realization of the right to self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations [**and international law**].

**Soroptimist International:**

4. The States Parties to the present Convention, including those having responsibility for the administration of Non-Self-Governing Territories, shall promote the realization of the right to self-determination, and shall respect[, **protect, expand and fulfil**] that right, in conformity with the provisions of the Charter of the United Nations.

(Explanation: ‘Protect, expand and fulfil’ contributes additional clarity as ‘respect’ can be a vague term. ‘Protect and fulfil’ requires further action by states to respect rights of self-determination. ‘Expand’ entails states must ensure that opportunities are made available to its population to achieve the right to development)

**Al Haq and Al-Mezan:**

**Comment:** The realisation of the right to development is contingent upon the overall context of its implementation, as indicated in the commentary to the DC RTD. Therefore, the relationship in the situation of belligerent occupation should not be omitted, as the human right situation of Palestinians heavily depends on decisions and policies of Israel, the Occupying Power as de facto administrator of the OPT. The prolonged nature of the occupation and conflict does not cancel the responsibility of the State to protect the human rights of the protected occupied population. Therefore, the DC RTD should ensure the obligation of the Occupying Power to only develop the occupied territory for the benefit of the protected population, but to also ensure the occupier does not financially benefit from the exploitation of the occupied territory’s resources, an act which is prohibited by Article 55 of the Hague Regulations of 1907, and which may constitute the war crime of pillage.

Principles of self-determined development and enforced connection between the right to development and the right to self-determination is essential in the situation of Palestinian people, whose right to self-determination is continuously undermined. The Palestinian right to self-determination has been recognized and reaffirmed on several occasions by the United Nations bodies and Member States (UN General Assembly Resolution 67/19).

5. States shall take resolute steps to prevent and eliminate massive and flagrant violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and the refusal to otherwise recognize the fundamental right of peoples to self-determination.

**Iran (Islamic Republic of):**

5. States shall take resolute steps to prevent and eliminate massive and flagrant violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, **[unilateral coercive measures,]** threats of war and the refusal to otherwise recognize the fundamental right of peoples to self-determination.

**Expert Mechanism on the Rights of Indigenous Peoples:**

5. States shall take resolute ~~steps~~ **[action]** to prevent and eliminate massive and flagrant violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, ~~colonialism, foreign domination and occupation,~~ **[all forms of]** aggression, **[colonialism, domination and occupation]**, ~~aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war~~ **and** and the refusal to recognize otherwise the fundamental right of peoples to self-determination.

(Explanation: The EMRIP is of the view that points 5 and 6 contain contradictions that can lead to misunderstandings and in some cases justify violations of human rights by States. In some countries, speaking out on the autonomy of a region populated by indigenous people is enough to be accused of treason, separatism, and undermining national unity and the territorial integrity of the State. It is difficult to see how the right to self-determination can be affirmed when the mere verbal reference to this right can lead to a long prison sentence in some States. Similar problems arise in militarized indigenous territories, when military forces are considered by indigenous peoples as occupying forces. For the EMRIP, the risk of conflict can only be prevented through respect for the rights of peoples and the individual.)

**NHRI El Salvador:**

**Comment:** take into account discrimination based on sex, language, religion, political opinion or other nature, national or social origin, economic situation, birth, vulnerable groups or other condition.

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

5. States shall take resolute steps to prevent and eliminate **[any]** massive and flagrant violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, **[and caste based discrimination, discrimination on work and descent]**, colonialism, foreign domination, **[violations by for-profit entities]**,

**Legal Resources Centre:**

5. States shall take resolute steps to prevent and eliminate ~~massive and flagrant~~ violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and ~~racial~~ discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and the refusal to otherwise recognize the fundamental right of peoples to self-determination.

(Explanation: Article 5(5) specifically refers to the prevention and elimination of “massive” and “flagrant” violations of human rights. We propose removing both these terms to ensure that all violations of human rights are eliminated, regardless of their size or scope. Article 5(5) also specifically refers to all forms of racial discrimination. To ensure a more comprehensive and

consistent approach with this convention, we propose that this article be amended to refer to all forms of discrimination.)

**People for Successful Corean Reunification (PSCORE):**

5. States shall take resolute steps to prevent and eliminate massive and flagrant violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and the refusal[, **including by the State itself,**] to otherwise recognize the fundamental right of peoples to self-determination.

(Explanation: We recommend emphasizing the responsibility of the State to not only prevent and eliminate human rights violations resulting from external situations, but to also eliminate the human rights violations conducted by the State internally. In repressive authoritarian States like the DPRK, the most direct and eminent force subjugating North Korean citizens is the DPRK government itself. The external forces that have aided the oppression of North Korean citizens, for instance, have largely been passive, indirectly arising by virtue of international trade conducted in agreement with the North Korean government (see Comment #3). [...])

Article 5 stresses the importance of taking action against external forces acting against the rights of citizens; we stress that the primary threats to human rights in some countries such as the DPRK are not external, but rather internal and committed by the State itself. These internally committed abuses pose a major barrier to successfully realizing the global right to development. We would like to add the phrase ‘including by the State itself’ to recognize that the very government in question has the potential to harm its own citizens, as well as to emphasize the States’ duty to recognize this potential and rightly protect the fundamental right of peoples to self-determination.)

**Amman Center for Human Rights Studies:**

5. States shall take resolute steps to prevent ~~and eliminate massive and flagrant~~ [any] violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and the refusal to otherwise recognize the fundamental right of peoples to self-determination.

**Al Haq and Al-Mezan:**

**Comment:** A belligerent occupation, settler-colonialism, and apartheid regime must be acknowledged in Palestine; therefore, a clear intention of the above text is needed, as it seems to blur the direct and ongoing character of listed situations and further presents an historical lens for the purposes of interpretation—as if these were past events, and not ongoing crimes related to of a current colonisation and apartheid territory (emphasis added). Additionally, the attempt to balance in one paragraph the interest of the State and people’s interest and right to self-determination might be destructive, as it does not reflect the limited agency of the people due to the existing power asymmetry between the subjects. A balance should not be a litmus test for protecting the right to self-determination of the people as inherently connected to full sovereignty over all natural wealth and resources and the right to development as such. The context of belligerent occupation and the struggle for the right to self-determination experienced by the Palestinian people is a grave example of connecting and limiting the right to self-determination with national sovereignty and territorial integrity assigned only to States, and the article as it stands, could be interpreted in a manner that undermines the collective right of a people as the subjects of the right to development.

**Jô Clemente Institute (IJC):**

5. States shall take resolute steps to prevent and eliminate massive and flagrant violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms

of racism and racial discrimination, [disability based discrimination] colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and the refusal to otherwise recognize the fundamental right of peoples to self-determination.

6. Nothing contained in the present Convention shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples, and thus possessed of a government representing the whole people belonging to the territory, without distinction of any kind.

**Argentina (Oral Statement):**

And then in paragraph 6 of Article 5 of the draft, this is at the top of page 8 of the English version, we note that only part of the corresponding resolution 2025 has been copied and this could weaken the paragraph. So in order to strengthen the principle of respecting the territorial integrity which is what is defended in this paragraph, we believe that the whole of the relevant paragraph of Resolution 26, 25, 25 should be copied into paragraph 6. We suggest that this paragraph be completed with the following words taken from the resolution: “**All states will avoid any actions which could interrupt the territorial unity or integrity of any other state or country**”.)

**Cuba:**

6. Nothing contained in the present Convention shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States ~~conducting themselves in compliance with the principle of equal rights and self-determination of peoples, and thus possessed of a government representing the whole people belonging to the territory, without distinction of any kind.~~

**Expert Mechanism on the Rights of Indigenous Peoples:**

6. ~~Nothing contained in the present Convention shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples, and thus possessed of a government representing the whole people belonging to the territory, without distinction of any kind.~~ [States must take all measures to achieve respect for equal rights and self-determination of peoples and all other human rights, in order to prevent conflict and promote national inclusion and cohesion].

(Explanation: Same as under sub-article 5 above)

**International Human Rights Association of American Minorities (IHRAAM):**

**Comment:** For addition of a seventh paragraph: The implementation mechanism (IM) shall accept and review petitions, based on violations of United Nations General Assembly or Security Council resolutions pursuant to Articles 1, 2, 55, 56, 73, 74, 76 or of any other relevant Articles of the United Nations Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of December 1960 or the Principles which should guide Members in determining whether or not an obligation exists to transmit the formation called for under Article 73 e of the Charter contained in General Assembly resolution 1541 (XV) of December 1960 and its Annex. Such petition shall be accepted from the free political institutions of the peoples concerned from any territory previously listed under Article 73 e of the United Nations Charter or from any Indigenous Peoples or Tribal Peoples or any unrecognized

peoples recommending that its case be reviewed by the United Nations Decolonization Committee by a special procedure or mechanism or intergovernmental body of the Human Rights Council or from any State Party. The case shall be reviewed, with invitations from other relevant treaty body experts or mechanisms to address apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and the refusal to otherwise recognize the fundamental right of peoples to self-determination. The acceptance of the petition shall automatically allow for the admissibility of the petitioner to the appropriate bodies of the United Nations, including to the United Nations Decolonization Committee for full review and reinstatement to the list of Article 73 e of the Charter of the United Nations or for placement onto the list of Non-Self-Governing Territories. Bearing in mind that the peoples of Non-Self-Governing Territories have the right of territorial integrity in their own right, the United Nations or any State that violate the rights of peoples cannot claim the non-interference or the territorial integrity principle for violating the right of peoples of self-determination.

#### **Article 6 – Relationship with other human rights**

1. States Parties reaffirm that all human rights, including the right to development, are universal, interrelated, interdependent, indivisible and equally important.

##### **Holy See:**

1. States Parties reaffirm that all human rights, including the right to development, are universal, interrelated, interdependent, [and] indivisible and equally important.

(Explanation: The sub-paragraph seeks to incorporate a principle outlined in the 1995 Vienna Declaration and Programme of Action which reads “The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis”. Nonetheless, it is incorrect to suggest that all human rights are “equally important”, since certain rights (e.g. the right to life) are necessary conditions for the enjoyment of other rights.)

##### **UNESCO:**

1. States Parties reaffirm that all human rights, including the right to development, are universal, interrelated, interdependent, indivisible and equally important[, **and apply online and offline**].

##### **All Win Network:**

1. States Parties reaffirm that all human rights, including the right to development, are universal, [**vital,**] interrelated, interdependent, indivisible and equally important.

(Explanation: As per Article 6, Paragraph 1, to add “vital” to the language used in the paragraph. Conventions must include the vitality of the importance of human rights, especially in respect to the right of development.)

##### **CINGO:**

1. ~~States~~ Parties reaffirm that all human rights, including the right to development, are universal, interrelated, interdependent, indivisible and equally important.

2. States Parties agree that the right to development is an integral part of human rights and should be realized in conformity with the full range of civil, cultural, economic, political and social rights.

##### **China:**



2. States Parties agree that the right to development is an integral part of human rights and [~~should be realized in conformity with the full range of civil, cultural, economic, political and social rights~~] [the most fundamental human right].

**Cuba:**

2. States Parties agree that the right to development is an integral part of human rights and should be realized in conformity with the full range of civil, cultural, economic, political and social rights, [**and fundamental freedoms**].

**CINGO:**

2. ~~States~~ Parties agree that the right to development is an integral part of human rights and should be realized in conformity with the full range of civil, cultural, economic, political and social rights.

**Grand Council of the Crees:**

2. States Parties agree that the right to development is an integral part of human rights and ~~should~~ [**must**] be realized in conformity with the full range of civil, cultural, economic, political and social rights.

**Human Rights Commission of Mexico City:**

**Comment:** Progressive realization as a queue relationship with other human rights. In order to achieve development, human rights satisfaction must guarantee no regression. Also, development is a notion in time that looks forward general and individual wellbeing. Hence, there are specific obligations for States that have to be accomplished in to achieve human rights mainstreaming. Also, explicit relationship should be established between other Conventions.

**NHRI El Salvador:**

**Comment:** In article 6, it is considered important to include the rights of migrants and their families, taking into consideration the particular situation of El Salvador, which is not only a country that expels its nationals, but it is also a transit and, on some occasions, also a reception. The recognition of this population group as rights holders could change the way of developing policies, so that the starting point is not the existence of people with needs that must be assisted, but subjects with the right to demand certain benefits and behaviours. Similarly, the first paragraph of this article should include that human rights are inalienable and interrelated.)

**Latin American Campaign for the Right to Education (CLADE):**

**Comment:** CLADE suggests that the Convention on the Right to Development incorporates more explicitly in its Article 6 the crucial relationship between the Right to Development and the Right to Education.)

**Centre for Human Rights, University of Pretoria:**

[3. Any existing national development plan and strategies and other trade and investment agreements, including regional or sub-regional agreements, on issues relevant to this Convention shall be reviewed, adapted and implemented in compliance with and in a manner that does not undermine their obligations under this Convention as well as other relevant international human rights principles, standards and instruments.

4. States and other development partners shall before entering into and signing any development plan, undertake mandatory human rights due diligence specifically human rights, social, environment and sustainability impact assessments prior to implementing any development project to assess and mitigate direct and potential impact on peoples.]

**Article 7 – Relationship with the general duty of everyone to respect human rights under international law**

**Iran (Islamic Republic of):**

Article 7 – ~~Relationship with~~ ~~the~~ general duty of everyone to respect [the right to development as] human rights under international law

**Qatar:**

Article 7 – Relationship with the general duty ~~of everyone~~ to respect human rights under international law

**Holy See:**

Article 7 – Relationship with the general duty [responsibility] of everyone to respect human rights under international law

Nothing in the present Convention may be interpreted as implying for any human or legal person, people, group or State any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention. To that end, States Parties agree that all human and legal persons, peoples, groups and States have the general duty under international law to refrain from participating in the violation of the right to development.

**Cuba:**

Nothing in the present Convention may be interpreted as implying for any ~~human~~ [natural] or legal person, people, group or State any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention. To that end, States Parties agree that all ~~human~~ [natural] and legal persons, peoples, groups and States have the general duty under international law to refrain from participating in the violation of the right to development.

**Iran (Islamic Republic of):**

1. Nothing in the present Convention may be interpreted as implying for any ~~human~~ [natural] or legal person, people, group or State any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.
2. ~~To that end, States Parties agree that a~~[A]ll ~~human~~ [natural] and legal persons, peoples, groups and States have the general duty under international law to refrain from participating in the violation of the right to development.

**Russian Federation:**

**Comments:** Article 7 of the draft [...] affects one of the foundations of international law – the list of subjects of international law, i.e. bearers of rights and obligations under international law. The well-established position is that States, international organizations, in certain cases – nations and peoples fighting for their independence have international legal personality. Individuals and legal entities, in turn, do not have international legal personality. At the same time, it is noteworthy that the draft does not specify the obligations of non-State actors, and Part III of the document is devoted exclusively to the obligations of States and international organizations.

The Russian Federation is of the view that this issue should be addressed based on the UN Charter and the Declaration on Principles of International Law Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations of 1970, which enshrine the duty of each

State “to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter”.

It seems that the commentaries to the draft rather loosely interprets the provisions of the Universal Declaration of Human Rights of 1948 (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). For example, its authors conclude that the fact that the UDHR does not mention a specific duty bearer means that such duties are not borne only by States. Further, with reference to paragraph 1 of article 29 and article 30 of the UDHR, as well as to the preamble of paragraphs 1 of articles 5 of the ICCPR and ICESCR, it is concluded that there is no legal framework that would prove the assumption that international law can impose human rights obligations only on States.

It seems that such an interpretation is given without observing the rules laid down in articles 31-32 of the Vienna Convention on the Law of Treaties of 1969.

#### **South Africa:**

Nothing in the present Convention may be interpreted as implying for any human or legal person, people, group or State any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention. ~~To that end, States Parties agree that all human and legal persons, peoples, groups and States have the general duty under international law to refrain from participating in the violation of the right to development.~~

(Explanation: Article 34 of the Vienna Convention on the Law of Treaties provides that “[a] treaty does not create either obligations or rights for a third State without its consent.” Therefore, only Parties to a treaty can incur rights and obligations arising from that treaty. Only States and intergovernmental organisations have true international personality. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties.

Whilst individuals may benefit from the protection of international law, they are not full subjects of international law capable of possessing full rights and obligations under international law. Rather, treaties impose obligations on States Parties to afford protection to their citizens. This can be seen from, for example, Article 2 of the International Covenant on Economic, Social and Cultural Rights, which places obligations upon States Parties to take steps to give effect to the right contained in that Covenant.

This Draft Convention is far too extensive and suggests that there is a general duty under international law to refrain from participating in the violation of the right to development. Such general duty does not exist. Furthermore, the duty is one belonging to “all human and legal persons, peoples, groups and States”. The duty thus extends to States that have not bound themselves to the Convention (which is contrary to Article 34 of the Vienna Convention the Law o Treaties) as well as all persons, peoples and groups who are not full subjects of international law.

It is proposed that the second sentence in Article 7 be deleted. It is additionally suggested that the title of Article 7 be amended accordingly.)

#### **Qatar:**

**Comment:** We propose to amend the wording of the article in its last part, to become as follows: “... **under international law to refrain from committing or participating in any act that would lead to a violation of the right to development.**”

#### **Holy See:**

Nothing in the present Convention may be interpreted as implying for any human or legal person, people, group or State any right to engage in any activity or perform any act aimed at the destruction

of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention. To that end, States Parties agree that all human and legal persons, peoples [and] groups and States have the [responsibility, in virtue of the inherent dignity of every human person,] general duty under international law to refrain from participating in the violation of the right to development. [States have the duty to implement appropriate mechanisms, at the national and international levels, to ensure that such violations do not occur and that recourse is provided for victims in the event of such violations.]

(Explanation: This sub-paragraph introduces a faulty understanding of international law and further highlights the problems inherent in the approach adopted by the Draft Convention regarding the “source” of the RTD (cf. PP21). This Article would introduce international obligations on individuals and entities that do not have international subjectivity. This would create a dangerous precedent that seems to run contrary to the basic principles of international law. Additionally, the Draft Convention remains vague concerning which subject of international law would be held responsible for the failure to fulfil the aforementioned obligations. While it might be presumed that the State in whose territory the obligations are failed to be met would be held responsible, this is further complicated by the introduction in later Articles (cf. Art. 10(a)) of the concept of effective jurisdiction or control.

The Commentary seeks to justify the position that individuals and groups have international obligations citing PP8 of the UDHR . Apart from the fact that the UDHR is not a legally binding instrument, the wording also clearly speaks of ways in which individuals and organs of society can strive to promote respect for human rights, which is qualitatively different from introducing an international obligation on these actors. The Commentary concludes “[t]hus, there is no legal basis for sustaining the proposition that international law can impose, or even that it actually imposes, human rights duties only on State”.

While it is clear that all human beings, and therefore all groups and organs of society, have a moral responsibility, based on the inherent dignity of the human person, to respect human rights, it is inaccurate to deduce that international instruments are capable of imposing such obligations. Again, the document suffers from the de facto understanding that rights and duties exist only when and to the extent that they are codified by international law.

It is worth noting that the Commentary distinguishes between a (moral) “responsibility” and a legal “duty”. The Draft Convention explicitly adopts the terminology of “duty [...] under international law” to indicate the supposed international obligations of individuals and other non-State actors.)

**FAO:**

**Comment:** With regard to the phrasing of Article 7, line 3: “...aimed at the destruction of any of the rights...”, we would recommend, in accordance with existing human rights lexicon, this be reformulated as: “aimed at the nullification or impairment of any of the rights...”

**UNESCO:**

Nothing in the present Convention may be interpreted as implying for any human or legal person, people, group or State any right to engage in any activity or perform any act[, **online or offline,**] aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention. To that end, States Parties agree that all human and legal persons, peoples, groups and States have the general duty under international law to refrain from participating in the violation of the right to development.

**German Institute for Human Rights:**

**Comment:** Although the accompanying commentary stresses that the draft reaffirms already existing obligations of international organizations and legal entities (such as business enterprises), Article 7 creates a general duty for everyone to respect the right to development. Whether natural and legal entities are obliged to respect human rights remains a highly controversial topic within international law. Drawing on Article 5 para. 1 of the International Covenant on Social and Political Rights and the

International Covenant on Economic, Cultural and Social Rights, the draft presents this obligation as a given. But the draft deviates strongly from these provisions with the wording chosen in Article 7 clause 2: "State Parties agree that all human and legal persons, peoples, groups and States have the general duty under international law to refrain from participating in the violation of the right to development". The draft herewith creates an obligation for legal entities (such as business enterprises) to respect the right to development. But such an obligation of legal entities to respect human rights does not yet exist in international law (see the above-mentioned negotiations around a Legally Binding Instrument on Business and Human Rights). To date, such an obligation has only been incorporated into non-binding instruments.

**CINGO:**

**Comment:** The Draft Convention distinguishes “the general duty to respect human rights” from “legal obligations” of subjects of international law: State Parties and International Organizations. According to secondary rules, no international liability arises for non-compliance with this general duty; compliance can only be enforced at the national level by States Parties (obligation to protect). What does the recognition of this general duty mean in the context of a binding treaty? Are duties and obligations the same?

**CINGO:**

Nothing in the present Convention may be interpreted as implying for any human **[being]** or legal person, people, group or State any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention. To that end, States Parties agree that all human and legal persons, peoples, groups and States have the general duty under international law to refrain from participating in the violation of the right to development.

**Comment:** Are only State Parties bound by this article? We think not as explained in a previous comment.

**Centre Europe - tiers monde (CETIM) (oral statement):**

Le libellé de l’art. 7 ne nous paraît pas très clair. En effet, mettre sur le même pied d’égalité les individus, les États, les sociétés transnationales et leurs dirigeants ne nous paraît pas opportun. Nous proposons de supprimer le terme « physique » et de le remplacer par « personnes morales et leurs dirigeants ».

**Translation:**

The wording of Article 7 does not seem very clear to us. Indeed, to put individuals, States, transnational corporations and their directors on the same footing does not seem appropriate to us. We propose to delete the word "natural" and to replace it with “legal persons and their directors”.

**International Service for Human Rights (ISHR):**

**Comment:** We propose that the Draft Convention [...] include an additional article set out below.

**[Article \_\_\_\_ - Relationship with the rights of defenders**

- 1. States Parties shall adopt and enforce all necessary and appropriate measures to ensure an enabling environment for all peoples to promote and defend the right to development.**
- 2. A violation of the rights of an individual or group promoting or protecting the right to development constitutes a violation of the right to development.]**

**Part III**

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** It is suggested that Part III of the draft Convention be consistent with previous sections and draft articles and always refers to national “policies”, “plans”, “laws”, “regulations”, “programs”, “strategies” and “practices”. All and/or some of these national instruments and mechanisms will be key to promote and protect the “right to development” at country level.

**International Human Rights Association of American Minorities (IHRAAM):**

**Comment:** States assuming domestic jurisdiction and denying its international obligations must not be granted in impunity to ignore such international obligations to people vested with the right of self-determination. While there are proposals in some articles, and in some text that reflect this, there are some articles that need specific reference to ensure that states address existing violations and that other states provide and put pressure either through this convention or by creating the political will to promote this.

**UNODC:**

**Comment:** Considering adding new provisions on the various main factors of development, such as Education, Health, Infrastructure, Environment, Technology, Employment, Rule of Law, Corruption, Crime, in the same way that the current draft does so for Article 16 - Gender equality and Article 21 - International peace and security, rather than listing these factors within the existing above-mentioned Articles. These two provisions articulate specific factors, but other factors relevant to development could also be articulated separately under Part III, in a similar fashion.

**Article 8 – General obligations of States Parties**

1. States Parties undertake to respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, age or other status, in accordance with obligations set forth in the present Convention.

**Cuba:**

1. States Parties undertake to respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, gender, language, religion, political ~~or other~~ opinion, national, ethnic or social origin, property, disability, ~~birth~~, age or other ~~status~~ **[condition detrimental to human dignity]**, in accordance with obligations set forth in the present Convention.

**Ecuador:**

1. ~~[The]~~ States Parties undertake to **[guarantee,]** respect, protect and fulfil the right to development of all, without ~~[any]~~ discrimination ~~of any kind on the basis of~~ **[based on]** race, colour, sex, gender, **[sexual orientation,]** language, religion, political ~~or other~~ opinion **[or of any other nature, nationality]** ~~national~~, ethnic or social origin, ~~property~~, **[heritage]**, disability, birth, age, **[human mobility, illness]** or ~~other status~~ **[any other condition]**, ~~in accordance with~~ under the obligations ~~set forth~~ established in ~~the present~~ this Convention.

**Iran (Islamic Republic of):**

1. States Parties undertake to respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, ~~gender~~, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, **[and]** age ~~or other status~~, in accordance with obligations set forth in the present Convention.

**Iran (Islamic Republic of) (oral statement):**

For Article 8 general obligations of the State Parties, in the second line, we suggest to delete the gender, because we are of the view that sex that is what is used in this line will cover the goals and goals of the Declaration of the Right of Development and the context that we are looking for and we are talking about. So Iran suggests to delete gender from this article.

**Qatar:**

**Comment: We suggest deleting the term “gender” since human rights conventions have traditionally used the term "sex" in the context of preventing discrimination between men and women. The provision of “sex” and “gender” in the same article would create a conceptual separation that is unprecedented in any human rights treaty, and would prejudice the clarity of the parties’ legal obligation to non-discrimination in the draft convention.**

**Nigeria:**

1. States Parties undertake to respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, ~~gender~~, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, age or other status, in accordance with obligations set forth in the present Convention.

(Explanation: Nigeria considers the usage of certain non-consensual terms and languages in the text unacceptable and believes that introduction of the concurrent use of ‘sex’ and ‘gender’ stipulates that one is different from the other. The explicit listing of both ‘sex’ and ‘gender’ would result in an unprecedented conceptual separation of these two terms in a United Nations human rights Treaty.

The term ‘gender’ is unknown to any of the referenced international instruments to indicate or define a separate ground of discrimination. It is therefore apparent that ‘sex’ suffices to cover this category, and there is no justification to list both ‘sex and ‘gender’ in the draft Convention.

PROPOSALS: Article 8 (1) – delete gender and other non-consensual terms, including, sexual orientation and gender identity.)

**Turkey:**

Comment: In the Article 8, the phrase "gender" was used alongside the word "sex". Turkey proposes to use only the word “sex” as it is the agreed language in the human rights conventions.

**Egypt (oral statement):**

We request to delete the word "gender" in Part III, Article 8, and so to just refer to the word "sex" as currently done in most of the international legal instruments.

**Namibia (oral statement):**

As to the grounds for non-discrimination, Namibia can only accept those enumerated in the human rights treaties it is party to. A State would prefer that a specific term is not included in negotiations for a treaty, rather than filing a reservation when ratifying a treaty. For the case of some States who have signed up to higher standards of human rights protection, the Convention can have a clause to the effect that it shall not affect any provisions which are more conducive to the promotion, protection and fulfilment of the right to development, contained in: 1. the law of the State Party; and 2. international law in force for that State.

In conclusion, we urge the drafting committee to stick to the grounds for non-discrimination contained in the existing human rights treaties.

**Russian Federation (oral statement):**

We would like to call for deleting from the provisions of Article 8 of the draft Convention the gender orientation. We think we should use universally recognized language used in UN treaties, in particular the ICCPR and ICESCR, which are integral parts of human rights law.

**Pakistan (oral statement):**

We would echo the comments made by Russia, Egypt and Nigeria for deletion of the word “gender” and we would request that the grounds of discrimination should be consistent with other international agreed covenants as well as the DDPA (Durban Declaration and Program of Action).

**Indonesia (oral statement):**

We also would like to register our comment to delete the word "gender" in Article 8, to ensure that grounds for discrimination in this instrument is in line with other established standards and documents.

**Panama (oral statement):**

With respect to Article 8, we would like to place on record our support for the paragraph as it is currently drafted. Our delegation, in fact, appreciates that the word “gender” is used throughout the text. We should reflect new developments that have occurred in international law and not only stick with what has been agreed earlier. We made this comment in the understanding that one person is not only discriminated on the basis of biological differences between men and women, but there is also discrimination on the basis of social aspects that have to do with the roles and responsibilities and attributes of individuals. In this context, it is our position that we should keep in the reference to gender as one of the grounds for discrimination in the text.

**Holy See:**

1. **States Parties undertake to respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, age or other status, in accordance with obligations set forth in the present Convention.**

(Explanation: The triple obligation of States to “respect, protect and fulfil” is based on various General Comments published by certain Treaty Bodies, including the Committee on Economic, Social and Cultural Rights (CESCR) and the Human Rights Committee (CCPR) . These “general obligations” will be further specified in Articles 10-12.

The list of factors of potential discrimination is an amalgamation of similar clauses in numerous Human Rights treaties; however, in none of the cited documents is there the inclusion of both “sex” and “gender”.)

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** Following language of UN Human Rights Council Resolutions, it is suggested that draft article 8 also includes, “sexual orientation” and “gender identity” (e.g. Resolution A/HRC/RES/32/2 adopted by the Human Rights Council in 2016 and General Assembly resolution A/RES/69/182 on “Extrajudicial, summary or arbitrary executions” of 2014).

**UNESCO:**

1. States Parties undertake to respect, protect and fulfil the right to development for all[, **online and offline,**] without discrimination of any kind on the basis of race, colour, sex, gender, language, religion, [**cultural background,**] political or other opinion, national, ethnic or social origin, property, disability, birth, age or other status, in accordance with obligations set forth in the present Convention.

**UNHCR:**

**Comment:** We appreciate the dual framing of the right to development, i.e. as an individual and collective right for everyone. While the text of the draft Convention is clear that the obligations for States Parties to respect, protect and fulfil the right to development relates to everyone without discrimination, including displaced and stateless persons, UNHCR would encourage the WGRD to consider referring explicitly to displaced and stateless persons, being UNHCR’s persons of concern, in this broad manner.



**UNODC:**

1. States Parties undertake to respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, age, [health] or other status, in accordance with obligations set forth in the present Convention.

**NHRI El Salvador:**

**Comment:** In relation to Article 8, the incorporation of an inclusive language is recommended by modifying the phrase “the right to development of all” by “the right to development of all people”. In addition, include sexual orientation and gender identity as expressly protected categories of non-discrimination and establish the obligation to guarantee equal and effective legal protection to all persons against discrimination for any reason.

**National Human Rights Commission of Mauritius:**

**Comment:** Article 8 (1) will ‘other status’ include sexual orientation?

**Amman Center for Human Rights Studies:**

**Comment:** include sexuality and gender identity

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

1. States Parties undertake to respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, [caste,] colour, sex, gender, language, religion, political or other opinion, national, ethnic, [work], social origin, property, disability, birth[descent], age or other status, in accordance with obligations set forth in the present Convention.

**Legal Resources Centre:**

1. States Parties undertake to respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, gender, [sexual orientation,] language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, age or other status, in accordance with obligations set forth in the present Convention.

**Grand Council of the Crees:**

1. States Parties undertake to respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, age or other status, in accordance with obligations set forth in the present Convention [and other international human rights law].

**Alliance Defending Freedom International (ADF):**

**Comment:** ADF International submits that the explicit listing of both “sex” and “gender” in this provision would result in an unprecedented conceptual separation of these two notions in a United Nations human rights treaty. Such an understanding is not grounded in international human rights law per relevant treaties as well as state practice. Furthermore, it would create a situation of legal uncertainty, in that it would prevent States from clearly identifying and fulfilling the obligations incumbent upon them under existing international law.

**Soroptimist International:**

1. States Parties undertake to respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, gender, language, religion, [faith,] political or other opinion, national, ethnic or social origin, property, disability, birth, age or other status, in accordance with obligations set forth in the present Convention.

(Explanation: Given the extensive nature of this list, faith should also be included. While religions are often cultural and historic systems, ‘faith’ is beliefs held at the individual level so by including ‘faith’ additional protections are afforded to individuals. Faith can include all belief systems, including agnosticism, atheism, indigenous beliefs and other beliefs outside of traditionally defined religions, therefore ensuring improved inclusivity.)

**Personhood Education:**

**Comment:** We appreciate language protective of the aim and scope of the Convention, and believe that such text will encourage participation while reducing or eliminating concerns about future misinterpretations or expansive definitions of the RTD. In this regard, we suggest more frequent insertion throughout the text, where appropriate, of the formulation in Art. 8.1 , specifically when States Parties’ obligations are set out.

**CINGO:**

**re-formulate** the sentence by using the words of the UDHR (**without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status**)

(**Explanation:** The word gender has entered some UN documents but is not present in any international treaties and is strongly contested in international fora. It is still a very controversial issue.)

**Modern Advocacy Humanitarian Social and Rehabilitation Association:**

**Comment:** The expression other opinion needs specification; it could be construed for terrorist opinions and even those against the core purposes of the right to development. Probably the word “positive” e.g. other “positive opinion” or another qualifying adjective could be added.

**Committee on the Rights of Persons with Disabilities (CRPD):**

**1. States Parties undertake to respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, age or other status, [sexual orientation and gender identity] in accordance with obligations set forth in the present Convention**

**National Association of Vocational Education of China:**

**Comment:** Our Association would like to add two points after paragraph 1 of Article 8–General obligations of States Parties in Part III of the Draft Convention on the Right to Development.

**[2. States Parties shall take all necessary measures to implement the right to personal development, including actively and extensively engaging in vocational education, providing free vocational education opportunities for poverty group;**

**3. States Parties shall take effective measures to provide equal and adequate development opportunities for all people already engaged in traditional occupations or practitioners of traditional occupations home and abroad, such as the practitioners of traditional Chinese medicine, traditional medicine of ethnic minority and traditional handicraft.]**

2. States Parties shall ensure that public authorities and institutions at all levels act in conformity with the present Convention.

**Philippines:**

Comments: On the second paragraph of Article 8, Part III, private sector should be included as among the duty bearers in advancing the right to development and in creating conditions favorable to the realization of development in accordance with the UN Guiding Principles on Business and Human Rights, wherein it provides that businesses have a responsibility to respect all human rights, and this includes the right to development.

**Qatar:**

**Comment:** We propose to amend the wording so as to read: “**States Parties shall ensure that public authorities and institutions at all levels respect the right to development in accordance with this Convention.**”

**Holy See:**

**2. States Parties shall ensure that public authorities and institutions at all levels act in conformity with the present Convention.**

(Explanation: The inclusion of “at all levels” could lead to problematic interpretations, especially considering the inclusion in numerous articles of the duty of States to ensure compliance with the Convention even outside their territories (e.g. Art. 10(a)). )

**NHRI El Salvador:**

**Comment:** In the second paragraph of this article, the obligation of the States to ensure that non-state agents, including companies and investors linked to development projects, also act in accordance with the Convention, international human rights standards, should be established. and the interests and needs of the populations, focusing efforts towards achieving the SDGs.) It is also important to incorporate in this article the obligation of the States to promote, maintain and preserve the conditions necessary for the right to development to be an integral process, such as democratic and pluralistic governance, the guarantees to develop a democratic institutional and fair and transparent rule of law through adequate accountability.

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** It is suggested to replace the verb “shall ensure” since it is not strong enough. It is suggested to state, for example, “States Parties shall guarantee that public authorities and institutions at all levels act implementing the present Convention, in all pertinent areas”.

**Pakistan:**

**[3. States Parties shall co-operate with each other in ensuring development and eliminating obstacles to development. States 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 co-operation among all States, as well as to encourage the observance and realization of human rights.]**

(Explanation: This is based on declaration on the right to development – in relation to obligations of states, it would be important to refer to cooperation of states in ensuring development as indicated)

**Ecuador:**

Add a new provision:

**[Article 9 – Obligations to guarantee**

**The States Parties undertake to guarantee the individual and collective rights enshrined in the Constitution of each State Party. The highest duty of States is to guarantee, respect, and enforce the rights enshrined in their Constitution.]**

#### **Article 9 – General obligations of international organizations**

Without prejudice to the general duty contained in article 7, States Parties agree that international organizations also have the obligation to refrain from conduct that aids, assists, directs, controls or coerces, with knowledge of the circumstances of the act, a State or another international organization to breach that State's or that other international organization's obligations with regard to the right to development.

##### **Iran (Islamic Republic of):**

Without prejudice to the general duty contained in article 7, ~~States Parties agree that~~ international organizations ~~also have the obligation to~~ [shall] refrain from conduct that aids, assists, directs, controls or coerces, with knowledge of the circumstances of the act, a State or another international organization to breach that State's or that other international organization's obligations with regard to the right to development.

##### **South Africa:**

**Comment:** This Article provides that States Parties recognise the obligation of international organisations in relation to the right to development. As international organisations have international legal personality and would themselves elect to be States Parties whereby they would incur rights and duties, the distinction here between States Parties and international organisations suggests that the reference to international organisations is to non-States Parties. As discussed above, obligations cannot be created for non-States Parties. It should thus be specified that the reference to international organisations in this provision relates to those that are also States Parties to the Convention and have thus assumed the relevant obligation.

##### **Holy See:**

Without prejudice to the general duty [responsibility] contained in article 7, States Parties agree that international organizations also have the obligation to refrain from conduct that aids, assists, directs, controls or coerces, with knowledge of the circumstances of the act, a State or another international organization to breach that State's or that other international organization's obligations with regard to the right to development.

(Explanation: This article attempts to combine Articles 14-16 of the DARIO, applying them specifically to the RTD.)

##### **UNODC:**

Comment: this article and other references to obligations on international organizations be carefully reviewed by the Office of Legal Affairs.

##### **NHRI El Salvador:**

**Comment:** In article 9, it is proposed to broaden the obligation of international organizations in the sense of adding their responsibility to incorporate the principles of human rights enshrined in the right to development and placing rights holders at the centre of adoption. of their decisions. Likewise, a commitment should be established to promote, protect and fulfill the right to development.

#### **Article 10 – Obligation to respect**

##### **Russian Federation:**

**Comments on articles 10, 11 and 12:** As follows from the commentary, articles 10, 11 and 12 of the draft on the obligations to respect, protect and implement the right to development, respectively, are formulated on the basis of the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights of 2011. We are of the view that the principles that were developed by a number of academics and non-governmental organizations without the participation of States do not reflect the norms of international law and can hardly be taken as the basis for several articles of the draft of the international treaty within the framework of the UN.

**Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights:**

Add: [(e)Nullifies or impairs the ability of another State, or of its citizens and residents, through extraterritorial measures, to participate in the right to development by engaging in international commerce or financial transactions.]

States Parties undertake to refrain from conduct, whether expressed through law, policy or practice, that:

**Brazil:**

States Parties undertake to refrain from [(internationally) unlawful] conduct, whether expressed through [(domestic)] law, policy or practice, that:

**Holy See:**

States Parties undertake to refrain from conduct, whether expressed through law, policy or practice, that:

(Explanation: The Commentary specifies that “conduct” implies both acts and omissions. The very broad context of such conduct, which would include “law, policy or practice”, potentially exposes States to numerous allegations of breaching international obligations. This is all the more the case given the fact that, in virtue of Article 10(a), States would be held accountable for action/inaction that occurs outside their territory.)

**Personhood Education:**

States Parties[, in accordance with obligations set forth in the present Convention,] undertake to refrain from conduct, whether expressed through law, policy or practice, that:

(a) Nullifies or impairs the enjoyment and exercise of the right to development within or outside their territories;

**Argentina (oral statement):**

We just like to point out that the current wording could be used by people to claim that States have not enforced the right to development within or outside their territories. So there are a number of possibilities which are opened up by this wording.

**China:**

(a) Nullifies or impairs the enjoyment and exercise of the right to development within ~~or outside~~ their territories;

**Cuba:**

(a) Nullifies or impairs the [full] enjoyment and exercise of the right to development within or outside their territories;

**Iran (Islamic Republic of):**

(a) Nullifies[, **hinders,**] or impairs the enjoyment and exercise of the right to development within or outside their territories;

**Holy See:**

(a) Nullifies or impairs the enjoyment and exercise of the right to development within or outside their territories;

(Explanation: In the negotiations that have already occurred on the text, numerous States have expressed their concern about including an obligation on States outside their territory, when no such obligation exists. )

**UNESCO:**

(a) Nullifies or impairs the enjoyment and exercise of the right to development within or outside their territories[, **online or offline**];

**Turkey:**

Comment: Articles 10(a) and 11 of the draft include the phrase: “within or outside their territories”. Turkey believes it would be appropriate to clarify the rights and obligations as well as their implementation that may arise outside the territory of the Contracting States.

**All Win Network:**

Nullifies or impairs the enjoyment and exercise of the right to development within or outside their territories [**or interferes with the full enjoyment of the right to development and human rights and in respect to international law**];

(Explanation: As per Article 10, Paragraph a, to add, “or interferes with the full enjoyment of the right to development and human rights” to stress the importance of the full enjoyment of human rights in respect to international law. It must be reaffirmed for Conventions to include the importance of the full enjoyment of human rights in international law, and to do so would strengthen the intent of this Convention.)

(b) Impairs the ability of another State or international organization to comply with that State’s or that international organization’s obligations with regard to the right to development;

**Cuba:**

(b) Impairs the ability of another State or international organization to comply with ~~that State’s or that international organization’s~~ obligations with regard to the right to development;

**Iran (Islamic Republic of):**

(b) Impairs [**and hinders**] the ability of another State or international organization to comply with that State’s or that international organization’s obligations with regard to the right to development;

**Holy See:**

(b) [Intentionally] impairs the ability of another State or international organization to comply with that State’s or that international organization’s obligations with regard to the right to development;

(Explanation: For the same reasons mentioned above (Art. 10.a) the addition of “intentionally” would be useful.)

(c) Aids, assists, directs, controls or coerces, with knowledge of the circumstances of the act, another State or international organization to breach that State’s or that international organization’s obligations with regard to the right to development;

**Cuba:**

(c) Aids, ~~assists~~, directs, controls or coerces, with knowledge of the circumstances of the act, another State or international organization to breach that State’s or that international organization’s obligations with regard to the right to development;

**Iran (Islamic Republic of) (oral statement):**

(c) Aids, assists, directs, controls or coerces, with **[intent and]** knowledge of the circumstances of the act, another State or international organization to breach that State’s or that international organization’s obligations with regard to the right to development; )

**People for Successful Corean Reunification (PSCORE):**

(c) Aids, assists, directs, controls or coerces, with knowledge**[, or with reasonable expectations to have knowledge,]** of the circumstances of the act, another State or international organization to breach that State’s or that international organization’s obligations with regard to the right to development;

(Explanation: We recommend the inclusion of a stipulation that a State Party refrain from the conduct described in Article 10 subsection (c) if it can be reasonably expected that the State Party has knowledge of an act that breaches a State Party or international organization’s obligations with regard to the right to development, as a State Party may not always have explicit knowledge of an act, but it should have known about the act given the surrounding information and data. [...])

We therefore respectfully submit the suggestion that State Parties be held to a standard of conduct both if it knows or should have known about an act that could violate the right to development.)

**Amman Center for Human Rights Studies:**

(c) Aids, assists, directs, controls or coerces, ~~with knowledge of the circumstances of the act,~~ another State**[, legal person]** or international organization to breach that State’s or that international organization’s obligations with regard to the right to development;

(d) Causes an international organization of which it is a member to commit an act that, if committed by the State Party, would constitute a breach of its obligation under the present Convention and the State Party does so to circumvent that obligation by taking advantage of the fact that the international organization has competence in relation to its subject matter.

**Article 11 – Obligation to protect**

States Parties shall adopt and enforce all necessary and appropriate measures, including administrative, legislative, investigative, judicial, diplomatic or others, to ensure that human or legal persons, groups or any other State or its agents they are in a position to regulate do not nullify or impair the enjoyment and exercise of the right to development within or outside their territories when:

**China:**

States Parties shall adopt and enforce all necessary and appropriate measures, including administrative, legislative, investigative, judicial, diplomatic or others, to ensure that human or legal

persons, groups or any other State or its agents they are in a position to regulate do not nullify or impair the enjoyment and exercise of the right to development within ~~or outside~~ their territories when:

**Cuba:**

States Parties shall adopt and enforce all necessary and appropriate measures, including administrative, legislative, investigative, judicial, diplomatic or others, to ensure that ~~human~~ **[natural]** or legal persons, groups or any other State or its agents they are in a position to regulate do not nullify or impair the enjoyment and exercise of the right to development within or outside their territories when:

**Brazil:**

States Parties shall adopt and enforce all necessary, ~~and~~ appropriate **[and reasonable]** measures, including administrative, legislative, investigative, judicial, diplomatic or others, **[conducive to ensuring] to ensure** that human or legal persons, groups or any other State or its agents they are in a position to regulate do not nullify or impair the enjoyment and exercise of the right to development within or outside their territories when:

**Iran (Islamic Republic of):**

States Parties shall adopt and enforce all necessary and appropriate measures, including administrative, legislative, investigative, judicial, diplomatic or others, to ensure that ~~human~~ **[natural]** or legal persons, groups or any other State or its agents they are in a position to regulate do not nullify[, **hinder,**] or impair the enjoyment and exercise of the right to development within or outside their territories[, **online or offline,**] when:

**Turkey:**

Comment: Articles 10(a) and 11 of the draft include the phrase: “within or outside their territories”. Turkey believes it would be appropriate to clarify the rights and obligations as well as their implementation that may arise outside the territory of the Contracting States.

**Holy See:**

States Parties shall adopt and enforce all necessary and appropriate measures, including administrative, legislative, investigative, judicial, diplomatic or others, to ensure that human or legal persons, groups or any other State or its agents they are in a position to regulate do not nullify or impair the enjoyment and exercise of the right to development within or outside their territories when:

(Explanation: The broad nature of the “obligation to protect” as provided for in this Article, which includes ensuring compliance with the Convention by all groups and individuals that a given State is “in a position to regulate”, within or outside the territory of the State, is extremely problematic. Considering the approach adopted by the drafters of the Convention to include the principle of “effective control”, this article, as it stands, could be interpreted to imply that States, if and when there were to ratify the Convention, would be held responsible for actors for whom no such control can be guaranteed.)

**UNESCO:**

States Parties shall adopt and enforce all necessary and appropriate measures, including administrative, legislative, investigative, judicial, diplomatic or others, to ensure that human or legal persons, groups or any other State or its agents they are in a position to regulate do not nullify or impair the enjoyment and exercise of the right to development within or outside their territories, **[online or offline]**, when:

**Expert Mechanism on the Rights of Indigenous Peoples:**

**Article 11—Obligation to protect**



(Explanation: This article may not protect indigenous peoples at all, especially those living on either side of a border between two States. This is particularly common in Africa, where all borders were established by European colonialism. Under the pretext of protecting the "national" interests of States, there is an incentive to further control and prohibit relations between members of the same indigenous community whose traditional territory is cut-off by State borders. It is also common for indigenous persons having relations with members of their family or community on the other side of the border to be accused of harming the interests of the country or engaging with the intelligence of the other State. This has also led to the spread of corruption through smuggling.)

**Grand Council of the Crees:**

States Parties shall adopt and enforce all necessary and appropriate measures, including administrative, legislative, investigative, judicial, diplomatic or others, to ensure that human or legal persons, [peoples,] groups or any other State or its agents they are in a position to regulate do not nullify or impair the enjoyment and exercise of the right to development within or outside their territories when:

**Personhood Education:**

States Parties[, in accordance with obligations set forth in the present Convention,] shall adopt and enforce all necessary and appropriate measures, including administrative, legislative, investigative, judicial, diplomatic or others, to ensure that human or legal persons, groups or any other State or its agents they are in a position to regulate do not nullify or impair the enjoyment and exercise of the right to development within or outside their territories when:

- (a) Such conduct originates from or occurs on the territory of the State Party;

**Holy See:**

- (a) Such conduct originates from or occurs on the territory of the State Party;  
 (b) The human or legal person has the nationality of the State Party;

**Cuba:**

- (b) The ~~human~~ [natural] or legal person has the nationality of the State Party;

**Iran (Islamic Republic of):**

- (b) The ~~human~~ [natural] or legal person has the nationality of the State Party;

- (c) The legal person conducting business activities, including those of a transnational character, is domiciled in the State Party, by virtue of having its place of incorporation, statutory seat, central administration or substantial business interests in that State Party.

**Argentina (oral statement):**

On 11c, we believe that contemplates the possible liability of the State for the behaviour of their nationals outside their territorial jurisdiction. This goes against the territorial jurisdiction of national laws.

**Russian Federation:**

**Comment:** Paragraph (c) of article 11 refers to the obligations of States to exercise supervision over "the legal person conducting business activities, including those of a transnational character, is domiciled in the State Party". Due to the uneven level of economic development across countries and regions (the number of companies, their activity on the global market, etc.), this measure can lead to

an uneven distribution of responsibility. In addition, it is unclear how States can implement such regulation, which in fact requires the interpretation of the domestic legislation of third countries.

**German Institute for Human Rights:**

**Comment:** The term "substantial business interest", which originates from US case law and is used in the draft, remains however particularly disputed; in the August 2020 draft this language has been amended.

**IT for Change:**

(c) The legal person conducting business activities, including those of a transnational character, **[and of a virtualized nature,]** is domiciled in the State Party, by virtue of having its place of incorporation, statutory seat, central administration or substantial business interests in that State Party.

(Explanation: The consolidation of Big Tech control in the global economy calls for urgent regulatory measures to enforce corporate accountability for human rights obligations, taxation, and cross-border conduct, including in virtualized business operations. We, therefore, welcome the inclusion of Article 11, which obligates States Parties to take measures to ensure that actors under their jurisdictions and/or control do not violate the right to development, in line with their extra-territorial obligations under the International Covenant on Economic, Social and Cultural Rights 1966 as elaborated in General Comment No. 24. In order to strengthen this duty, we urge that states adopt the Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and other Business Enterprises at the earliest.)

**Article 12 – Obligation to fulfil**

**FAO:**

**Comment:** FAO welcomes the spelling out of the obligations of state to respect, protect and fulfil human rights. However, with regard to Article 12 (fulfil) it is not clear why the obligation to fulfil is not further divided, which would enhance clarification. The subdivision could be into facilitate and provide, or promote, facilitate and provide.

1. Each State Party undertakes to take measures, individually and through international assistance and cooperation, with a view to progressively enhancing the right to development, without prejudice to their obligations to respect and protect the right to development contained in articles 10 and 11 or to those obligations contained in the present Convention that are of immediate effect. States Parties may take such measures through any appropriate means, including in particular the adoption of legislative measures.

**Bangladesh:**

Each State Party undertakes to take measures, individually and through international assistance and cooperation, with a view to progressively enhancing [fulfilling] the right to development, without prejudice to their obligations to respect and protect the right to development contained in articles 10 and 11 or to those obligations contained in the present Convention that are of immediate effect. States Parties may take such measures through any appropriate means, including in particular the adoption of legislative measures.

**Saudi Arabia:**

**Comment:** State to the “Right and responsibility of each State and, as far as they are concerned, each nations and people to determine freely its own objectives of social development, to set its own priorities and to decide in conformity with the principles of Charter of the UN the means and methods

of their achievements without any external interference". Which has stated in the Declaration on the Right to Development 1986, and the Declaration on Social Progress and Development 1969.

**NHRI El Salvador:**

**Comment:** Include in paragraph 1 of article 12 the commitment of the States to progressively promote the right to development, taking into consideration the protection of the environment of current and future generations. This article should also include the obligation to give priority to the situation and needs of the least favored countries and people.

Reference should be made to pluralistic and transparent governance together with the active, meaningful and informed participation of the population as essential elements for the effectiveness of the right to development. As has been recognized by the Special Rapporteur on the Right to Development, the exercise of this right "must involve the empowerment of people, both individually and collectively, to decide their own development priorities and the methods they prefer to achieve them. "And in this sense, the duty of each State to establish its own national priorities in terms of the right to development (final paragraph of the article) necessarily implies placing the right holders at the center of the adoption of decisions that affect their own economic, social, cultural and political development.

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

1. Each State Party undertakes to take measures, individually and through international assistance and cooperation, with a view to progressively enhancing the right to development **[and ensuring effective implementation]**, without prejudice to their obligations to respect and protect the right to development contained in articles 10 and 11 or to those obligations contained in the present Convention that are of immediate effect. States Parties may take such measures through any appropriate means, including in particular the adoption of legislative measures.

**Legal Resources Centre:**

**Comment:** We welcome the inclusion of this provision but strongly recommend the inclusion of an encouragement or recommendation for the adoption of regional measures which contribute to the progressive enhancement of the right to development. The recommendation of adopting regional undertakings, which advance the right to development, would serve as a valuable additional form of undertaking which promotes the obligation to fulfil on the individual, regional and international level.

The recommendation of implementing regional measures which progressively enhance the right to development would serve an important purpose in ensuring a greater collective regional effort in promoting the obligation to fulfil the right to development.

**Grand Council of the Crees:**

1. Each State Party undertakes to take measures, individually and through international assistance and cooperation, with a view to progressively enhancing the right to development, without prejudice to their **[existing international human rights and other]** obligations **[and, in particular, their obligations]** to respect and protect the right to development contained in articles 10 and 11 or to **[any other] those** obligations contained in the present Convention that are of immediate effect. States Parties may take such **[additional]** measures through any appropriate **[and effective]** means, including in particular the adoption of legislative measures.

2. States Parties recognize that each State has the right, on behalf of its peoples, and also the duty to formulate, adopt and implement appropriate national development laws, policies and practices in conformity with the right to development and aimed at its full realization. To that end, States Parties undertake to refrain from nullifying or impairing, including in matters relating to cooperation, aid, assistance, trade or investment, the exercise of the right and discharge of the duty of every State Party

to determine its own national development priorities and to implement them in a manner consistent with the provisions of the present Convention.

**Indonesia (oral statement):**

We think that the main idea for the first sentence on this paragraph should be moved to the preceding part of the draft, and that is to Article 3. We think that it is very closely related to the right to regulate in Article 3.3 or 4. Because it reflects the duty of the State to formulate national development policies and decide on the development this should be read as one of the main principles in the realization of the right to development. Why in Article 3? Because we think that this should be the umbrella under which all of the subsequent articles relating with this particular aspect of the realization of the right the development should be read.

**Argentina (oral statement):**

2. States Parties recognize that each State has the right, on behalf of its peoples, and also the duty to formulate, adopt and implement appropriate national development laws, policies and practices in conformity with the right to development and aimed at its full realization. To that end, States Parties undertake to refrain from nullifying or impairing, including in matters relating to cooperation, aid, assistance, trade or investment, the exercise of the right and discharge of the duty of every State Party to determine its own national development priorities and to implement them in a manner consistent with the provisions of the present Convention **[and of international law]**.

**Iran (Islamic Republic of):**

2. States Parties recognize that each State has the right, on behalf of its peoples, and also the duty to formulate, adopt and implement appropriate national development laws, policies and practices in conformity with the right to development and aimed at its full realization. To that end, States Parties undertake to refrain from nullifying[, **hindering,**] or impairing, including in matters relating to cooperation, aid, assistance, trade or investment, the exercise of the right and discharge of the duty of every State Party to determine its own national development priorities and to implement them in a manner consistent with the provisions of the present Convention.

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** It is suggested to include "...laws, policies, strategies and other measures..."

It is suggested that draft Article 12 includes also "national plans" and "national strategies". It is also recommended that impairments include "intellectual property and licences" which are fundamental in the context of emergencies, pandemics and other health crises and particularly on production and distribution of health technologies and scientific progress such as research, vaccines, medical treatments and other health, biodiversity, environment, climate and land technologies essential for human development and survival.

**NHRI El Salvador:**

**Comment:** In the same paragraph 2, reference should be made to the obligation to adapt the domestic law to the postulates contained in the Convention on the Right to Development, which implies the obligation to suppress all those norms, policies and practices of any nature that involve a violation of the guarantees of effectiveness of human rights, or, failing that, that ignore their recognition or hinder their exercise, as well as guarantee the issuance of laws and development of policies and practices conducive to the effective observance of said guarantees. The obligation to promote development using the maximum of available resources should also be included.

**Pakistan:**

**[3. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.]**

(Explanation: Based on the Declaration on the Right to Development)

**[4. States Parties shall adhere to the obligations under international agreements including Addis Ababa Action Agenda to support common endeavor to realize the right to development and achieve the 2030 Agenda.]**

(Explanation: Based on the Addis Ababa Action Agenda)

**Women's Federation for World Peace International (WFWPI):**

Suggestion to add after article 12 -

**[13. Obligation to eradicate poverty and global parity**

- 1. States parties pledge to eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day**
- 2. Create sound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investment in poverty eradication actions**
- 3. Ensure enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions**
- 4. State parties recognise the parity in economical, political and social standards between the developed, developing and the least developed countries globally and the duty to take measures to fill this gap in the process of development through necessary investments and policies with full respect of the principle of sovereign equality.]**

**Article 13 – Duty to cooperate**

**Centre for Human Rights, University of Pretoria:**

**Comment:** This duty needs to be strengthened beyond mere voluntary undertakings, highlighting Extraterritorial obligations especially in circumstances where development actors are transnational. The duty should also extend to addressing the vice of illicit financial flows and tax haven as a way of addressing the rampant economic flight that greatly affects developing countries capacity to realise domestic driven sustainable development.

**International Federation of Social Workers:**

**Comment:** States shall pave the way for all citizens to a meaningful participation. Community centres in urban and rural areas can support people in participatory processes on a local level and effectively contribute to a more peaceful society (Art. 13.6) (sic). Social workers have the necessary skill to facilitate between communities and public office bearers and should be recognised for it. Social work should be considered as an essential service in enabling the right to development.

**Pakistan (oral statement):**

Within the obligations of the state, we may underscore the principle of international cooperation in ensuring development and eliminating obstacles to development, particularly by establishing new international economic order; may elaborate the importance of international cooperation at curbing illicit financial flows, ensuring debt sustainability and mitigating adverse impacts of climate change for the realization of the right to developmen

1. States Parties reaffirm and undertake to implement their duty to cooperate with each other, through joint and separate action, in order to:

**South Africa:**

1. States Parties reaffirm and undertake ~~to implement their duty~~ to cooperate with each other, through joint and separate action, in order to:

(Explanation: Article 1 of the Charter of the United Nations provides that one of the purposes of the UN is to achieve international cooperation. Whilst States should work towards cooperation, this is different to an international obligation to cooperate. We are not aware that there is a general duty under international law to cooperate in all respects. Such an expression is too far-reaching if not qualified.)

**Personhood Education:**

1. States Parties[, **in accordance with obligations set forth in the present Convention,**] reaffirm and undertake to implement their duty to cooperate with each other, through joint and separate action, in order to:

(Explanation: to avoid repetition, please insert the text “in accordance with obligations...” as chapeau to Arts. 9-12 and others that deal with duties and obligations of States Parties.)

**Committee on the Rights of Persons with Disabilities (CRPD):**

**Comment:** specify the grounds of discrimination, including disability.

(a) Solve international problems of an economic, social, cultural, environmental or humanitarian character;

**China:**

(a) ~~Solve international problems of an~~ [Promote coordinated and sustainable] economic, [political,] social[, and] cultural [development], ~~environmental or humanitarian character;~~

**Iran (Islamic Republic of):**

(a) ~~S~~[Res]olve international problems of an economic, social, cultural, environmental or humanitarian character;

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

(a) Solve international problems of an economic, social, cultural, [political,] environmental or humanitarian character;

**IT for Change:**

(a) Solve international problems of an economic, social, cultural, environmental, [technological] or humanitarian character;

**International Human Rights Association of American Minorities (IHRAAM) (oral statement):**

Article 13.1a states that to solve international problems of an economic, social, cultural, environmental or humanitarian character. For me that is too vague. International organizations have

the status of international legal personalities including people. And their rights must be addressed in their capacity as subjects of international law as distinguished from states that assume or aggressively claim that the subjects of international law fall within their domestic jurisdiction. When in fact particular subjects of international law have the right to assert that you cannot use domestic law to settle the violations that are international for these subjects of international law. For this reason, I believe that the reference in Article 13.a “to solve international problems of humanitarian character” is not clear nor is the text that refers to compulsory action to address violations of absolute title rights and right to territory and resource. And for that reason, I would say that the property rights as I stated in a prior intervention are still weak. When you look at the ICCPR and the ICESCR, there is no reference to property. To what extent would the conference of parties be allowed to interact with other international organizations to address property right. For example, international property rights or issues of international law. There are States that utilize public governments and institutions and are not implementing the rights of subjects of international law. In fact, they are subsuming them into their and claiming that they are the domestic jurisdiction of their state.)

**China:**

Add a new paragraph:

**[Take measures to end poverty in all its forms and dimensions, including by eradicating extreme poverty, and take efforts to address the root causes and challenges of poverty in all its forms and dimensions, which is an indispensable requirement for sustainable development and an overarching objective of the 2030 Agenda;]**

(b) Promote higher standards of living, full employment, and conditions of economic and social progress and development;

**Argentina (oral statement):**

(b) Promote higher standards of living, ~~full employment~~ **[decent work]**, and conditions of economic and social progress and development;

**China:**

(b) Promote higher standards of living, full employment, and conditions of economic and social progress and **[people-centred]** development;

**Cuba:**

(b) Promote higher standards of living, ~~full employment~~ **[decent work for all]**, and conditions of economic and social progress and development;

**Ecuador:**

(b) Promote higher **[living]** standards ~~of living~~, **[permanent work for all]** ~~full employment~~, **[develop and strengthen productive entrepreneurship]** and conditions **[for progress]** ~~of [and]~~ economic and social ~~progress and~~ development;

**Russian Federation:**

**Comment:** Paragraph 1 of article 13 refers to the “duty of States to cooperate”, including “to promote higher standards of living, full employment, and conditions of economic and social progress and development” (paragraph (b)). This formulation needs to be clarified, since it can be interpreted as obliging developed States to cooperate in order to improve the well-being of the population of developing countries.

**FAO:**

(b) Promote higher standards of living [**consistent with the right of everyone to an adequate standard of living for themselves and their families, including the right to adequate food, clothing and housing**], full employment, and conditions of economic and social progress and development;

(Explanation: FAO welcomes the reference made in Para. 10 of the Preamble and in Art.13.1(b) to the obligation of States under the UN Charter to take joint and separate action for the promotion of higher standards of living and suggests reiterating in the Convention the corresponding “right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions” (ICESCR Art. 11.1), given the fundamental importance of the right to an adequate standard of living for the full enjoyment of the right to development and the strong linkages between the two rights.)

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

(b) Promote higher standards of living, full employment, and conditions of [**human dignity**], economic and social progress and development;

**IT for Change:**

(b) Promote higher standards of living, full employment [**and decent work**], and conditions of economic, ~~and~~ social and [**technological**] progress and development:

(Explanation; While employment and work are necessary pillars of the right to development, it is by no means sufficient to promote full employment at the cost of working conditions. The realization of the right to development includes access to “decent work”, which General Comment No. 18 has affirmed to be an integral component of the right work under Article 6 of the International Covenant on Economic, Social and Cultural Rights. The language of “decent work” also finds place in Sustainable Development Goal 8, which refers to promoting “sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.” Therefore, in Article 12(b), we recommend the inclusion of the phrase “decent work”. Additionally, in the current digital paradigm, progress is defined by technological advances.)

**International Federation of Social Workers:**

(Comment: IFSW would like to highlight some critical issues in the draft convention: The promotion of higher standards of living in terms of economic and social progress (as mentioned in art. 13.1.b) and the free disposal of natural wealth and resources can only occur within planetary bio-physical boundaries.)

**Centre Europe - tiers monde (CETIM) (oral statement):**

(b) Promote higher standards of living, full [**and decent**] employment, and conditions of economic and social progress and development;

(c) Promote solutions of international economic, social, health and related problems, and to promote international cultural and educational cooperation;

**China:**

(c) Promote solutions of international economic, social, health and related problems, and to promote international [**cooperation in economic, social,**] cultural ~~and educational cooperation,~~ [**environmental and other fields**];

**Ecuador:**

(c) Promote [~~the solutions~~ **[solution]**] of international [**problems of health,**] economic, social [**nature**], ~~health~~ and other related problems, and ~~to promote~~ international [**cooperation of**] cultural



and educational ~~cooperation~~ **[character, by signing agreements with national and international, public and private organizations];**

**Holy See:**

(c) Promote solutions of international economic, social, health [, environmental] and related problems, and to promote international cultural and educational cooperation;

(Explanation: The environmental pillar included in sub-point (a) should also be included in sub point (c). )

**UNESCO:**

(c) Promote solutions of international economic, social, health and related problems, and to promote international cultural[, ~~and~~] educational **[and digital]** cooperation;

(d) Promote and encourage universal respect for human rights and fundamental freedoms for all, without discrimination on any ground.

**Cuba:**

(d) Promote and encourage ~~universal~~ respect for human rights and fundamental freedoms for all, without discrimination on any ground.

**Ecuador:**

(d) Promote and encourage universal respect for human rights and fundamental freedoms for all, without discrimination ~~on any ground~~ **[of any kind; promote and encourage respect for the rights of nature].**

**Iran (Islamic Republic of):**

(d) Promote and encourage universal respect for **[right to development as]** human rights ~~and fundamental freedoms~~ for all, without discrimination on any ground.

**National Human Rights Commission of Mauritius:**

**Comment:** Article 13(1)(d) “discrimination on any ground. The grounds should be mentioned.

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** it is suggested to include social security – social protection.)

**Amman Center for Human Rights Studies:**

**[(e) Investigate into and prosecute violations against the right to development in other State Parties, if the violation is committed by a legal person domiciled in the State Party.]**

(Explanation: Adding a clause similar to this would support mechanisms for third countries to investigate violations to the right to development that have been committed, furthering international cooperation.)

2. To this end, States Parties recognize their primary responsibility for the creation of international conditions favourable to the realization of the right to development for all, and undertake to take deliberate, concrete and targeted steps, separately and jointly, including through cooperation within international organizations, and as appropriate, in partnership with civil society:

**China:**

2. To this end, States Parties recognize their **primary [major]** responsibility for the creation of international conditions favourable to the realization of the right to development for all, and undertake to take deliberate, concrete and targeted steps, separately and jointly, including through cooperation within international organizations, and as appropriate, in partnership with civil society:

**Cuba:**

2. To this end, States Parties recognize their primary responsibility for the creation of **international** conditions favourable to the realization of the right to development for all, and undertake to take ~~deliberate, concrete and targeted~~ steps, separately and jointly, including through cooperation within international organizations, and as appropriate, in partnership with civil society:

**Iran (Islamic Republic of):**

2. To this end, States Parties ~~recognize their~~ **[have]** primary responsibility for the creation of international conditions favourable to the realization of the right to development for all, and undertake to take deliberate, concrete and targeted steps, separately and jointly, including through cooperation within international organizations, and as appropriate, in partnership with civil society:

**Holy See:**

2. To this end, States Parties recognize their primary responsibility [, **in a spirit of international solidarity,**] for the creation of international conditions favourable to the realization of the right to development for all, and undertake to take deliberate, concrete and targeted steps, separately and jointly, including through cooperation within international organizations, and as appropriate, in partnership with civil society:

(Explanation: Here, in addition to responsibility, it is important to refer to the principle of international solidarity.)

**South Centre:**

2. To this end, States Parties recognize their primary responsibility for the creation of international conditions favourable to the realization of the right to development for all, and ~~undertake to take~~ for taking ~~[steps to this end] deliberate, concrete and targeted steps, separately and jointly, including through cooperation within international organizations~~ **[individually and through international assistance and co-operation, especially economic and technical]**, in partnership, as appropriate, with civil society:

(Explanation: The duty to cooperate is established in Articles 55 and 56 of the United Nations Charter, and in Article 3.3 of the Declaration on the Right to Development, which recognises that “States have the duty to co-operate with each other in ensuring development and eliminating obstacles to development.” The duty to cooperate may manifest itself in multiple areas and under a large variety of modalities, and it should be streamlined in the implementation of the draft Convention.

The interrelation of the duty to cooperate with other provisions included in the draft would require its application throughout the text of the draft. For example, Article 14 refers to the use of coercive measures requiring States to “refrain from adopting, maintaining or implementing” these measures, and recognises them as violations to the right to development. Nonetheless, it would be important to stress that coercive measures are a blunt denial of international cooperation, which can severely affect the capacity of States to fulfil the objectives set out in the draft Convention.

Similarly, Article 6 on the relationship with other human rights could consider how international cooperation could support the effective realization of other human rights, including the rights of peasants and indigenous peoples. International cooperation should play a fundamental role in supporting the implementation of these rights by creating an enabling environment for cooperation

and dialogue to improve human conditions under a broader understanding of the promotion, protection, and fulfilment of all human rights, including the right to development.

Article 20 of the draft Convention requires the implementation of several standards and duties for the collection, management and analysis of statistics and data, which could represent a challenge for developing and least developed countries, not only given the extent and burden of such requirements, but also because of the limited capacities to respond to such obligations. Therefore, the inclusion of international cooperation on sharing expertise, methodologies and knowledge on this matter becomes crucial.

Finally, the international community has widely recognized that mitigation and adaptation to address the effects of climate change require an “enhanced action in an effective and appropriate international response in accordance with their common but differentiated responsibilities and respective capabilities.” International cooperation based on fundamental human rights principles must serve as an important means to achieve the final objective of reducing global greenhouse emissions while respecting the fundamental rights of the people as well as addressing adverse impacts of climate change and achieving the implementation of the right to development. To this end, Article 13.2 of the draft Convention should not only recognise concrete and targeted steps for the fulfilment of the objective of the draft Convention, but should also consider that the creation of international conditions towards the fulfilment of the right to development requires articulated actions, including international assistance, access to technologies and economic and technical cooperation, for a comprehensive and coordinated response to climate change as well as to other crises.

While enhancing international cooperation, States should clearly abide by the principles of transparency and inclusiveness, engage in collaboration at all levels of public decision-making, and pay particular attention to the participation of grassroots and vulnerable groups. South-South cooperation among developing countries can play a key role in this regard, through the exchange of relevant experiences, good practices and the provision of innovative solutions for tackling the unique challenges faced by developing and least developed countries.)

#### **German Institute for Human Rights:**

**Comment:** Articles 55 and 56 of the UN Charter are often read as implicitly establishing an obligation of international aid and assistance from industrialized to developing countries.<sup>13</sup> Drawing on this, the draft convention formulates in Article 13 the states’ duty to cooperate in order to create an enabling environment for the right to development. Many developing<sup>14</sup> or Non-Aligned states assume this to mean that states have a claim to international aid and assistance. Industrialized countries argue, however, that only individuals or groups of individuals (indigenous peoples), not states, should be able to derive rights from the right to development. With the exception of indigenous peoples (who are right-holders both collectively and as individuals), human rights are essentially seen as individual rights. States can therefore only gain obligations, not rights, from human rights. An obligation of mutual assistance between states, which would in practice mean industrialized countries assisting developing countries financially, is consistently rejected by industrialized countries.

#### **Global Forum of Communities Discriminated on Work and Descent (GFoD):**

2. To this end, States Parties recognize their primary responsibility for the creation of international conditions favourable to the **[progressive]** realization of the right to development for all, and undertake to take deliberate, concrete and targeted steps, separately and jointly, including through cooperation within international organizations, and as appropriate, in partnership with civil society:

#### **Soroptimist International:**

2. To this end, States Parties recognize their primary responsibility for the creation of international conditions favourable to the realization of the right to development for all, and undertake

to take deliberate, concrete and targeted steps, separately and jointly, including through cooperation within international organizations, and ~~as appropriate~~, in partnership with civil society:

(Explanation: By including ‘as appropriate’ CSOs will most likely be excluded from these processes, despite having specific expertise and different knowledge to governments. Not including CSOs goes against SDG17 on partnerships, which should be reflected in this Convention.)

**Centre for Health Science and Law (CHSL):**

**Comment:** State Parties pledge to use their good offices to ensure that their laws, policies, programmes, and actions by private sector actors headquartered in their jurisdictions do not frustrate the right to development by promoting unhealthy foods and or failing to furnish engineering technical assistance and infrastructure supports to optimize public water management systems, especially where high-quality health care is not universally accessible.

(a) To ensure that human and legal persons, groups and States do not impair the enjoyment of the right to development;

**Cuba:**

(a) To ensure that ~~human~~ **[natural]** and legal persons, groups and States do not impair the enjoyment of the right to development;

**Iran (Islamic Republic of):**

(a) To ensure that ~~human~~ **[natural]** and legal persons, groups and States do not impair **[or hinder]** the enjoyment of the right to development;

**Personhood Education:**

(a) To ensure that human and legal persons, groups and States do not impair the enjoyment of the right to development **[as the right is understood/set out, in the present Convention]**;

(b) To ensure that obstacles to the full realization of the right to development are eliminated in all international legal instruments, policies and practices;

**Ecuador:**

(b) To ensure that obstacles to the full realization of the right to development are eliminated in all **[technical and] international** legal instruments, policies and practices;

**Russian Federation:**

**Comment:** The provision in paragraph (b) of paragraph 2 of article 13 on the need “to ensure that obstacles to the full realization of the right to development are eliminated” is no quite correct. Depending on the interpretation, such obstacles can be understood as any legal agreements, in particular in the economic sphere, including WTO law, trade and investment agreements.

**National Human Rights Commission of Mauritius:**

**Comment:** 13(2)(b) To specify all international instruments.

**Grand Council of the Crees:**

(b) To ensure that obstacles to the full realization of the right to development are eliminated in all **[national and]** international legal instruments, policies and practices;

**Organization for Defending Victims of Violence:**

(b) To ensure that obstacles to the full realization of the right to development [, **including the unilateral coercive measures**] are eliminated in all international legal instruments, policies and practices;

(c) To ensure that the formulation, adoption and implementation of all international legal instruments, policies and practices are consistent with the objective of fully realizing the right to development for all;

**South Africa:**

~~(e) To ensure that the formulation, adoption and implementation of all international legal instruments, policies and practices are consistent with the objective of fully realizing the right to development for all;~~

(Explanation: In paragraph (c) of sub-Article (2), we are similarly concerned that States are responsible to ensure that “all international legal instruments, policies and practices” are in line with the right to development. This is an impossible task as not all States participate in the formulation of all international instruments. Paragraph (d) is almost identical to paragraph (c) and appears to capture the intention more accurately. It is thus proposed that paragraph (c) be deleted.)

**All Win Network:**

(c) To ensure that the formulation, adoption and implementation of all international legal instruments, policies and practices are consistent with the objective of fully realizing the right to development for all [**and do not interfere with the enjoyment of the right to development and human rights**];

(Explanation: As per Article 13, Paragraph 2C, to ensure that the instruments do not interfere with the enjoyment of the right of development and human rights. Legal instruments, treaties, conventions, and international law must not prevent the enjoyment of the right of development. International legal instruments have a duty of care to not hinder progress for the right of development.)

(d) To formulate, adopt and implement appropriate international legal instruments, policies and practices aimed at the progressive enhancement and full realization of the right to development for all;

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

(d) To formulate, adopt, ~~and~~ implement [**and ensure**] appropriate international legal instruments, policies and practices aimed at the progressive enhancement and full realization of the right to development for all;

(e) To mobilize appropriate technical, technological, financial, infrastructural and other necessary resources to enable States Parties, particularly those with limited availability of or access to these resources, to fulfil their obligations under the present Convention.

**Argentina (oral statement):**

(e) To mobilize appropriate technical, technological, financial, infrastructural and other necessary resources to enable States Parties, particularly ~~those with limited availability of or access to these resources~~ [**in developing countries**], to fulfil their obligations under the present Convention.

**International Federation of Social Workers:**

**Comment:** The Convention invites in art. 13.2.e State Parties to mobilize appropriate technical, technological, financial infrastructure and other necessary resources to fulfil obligations under the

present Convention. The skill base and the infrastructure of the social work profession should be considered as a necessary resource to facilitate the fulfilment of the right to development.)

**Women at the Table:**

**Comment:** Systemic gender, racial and intersectional bias sit at the core of current Artificial Intelligence & Algorithmic Decision-Making processes born in the North and replicated in the South; it is critical that emerging technologies have human rights frameworks, inclusion and equality embedded at their core.

**Organization for Defending Victims of Violence:**

(e) To mobilize appropriate technical, technological, financial, infrastructural and other necessary resources to enable States Parties, particularly those with limited availability of or access to these resources, **[or those targeted by unilateral coercive measures]** to fulfil their obligations under the present Convention.

**IT for Change:**

**[(f) To ensure that international trade and investment regimes preserve the right of States Parties to regulate, in order that they may autonomously determine their own development destinies.**

**(g) To reform the international taxation regime to check tax evasion by transnational business entities that thwarts the ability of States Parties to mobilize resources necessary for advancing development goals.]**

(Explanation: As previously stated, in the 21st century, the right to development hinges on the ability of countries and people to benefit equally from the global digital economy. The democratic deficit in the global governance of the digital economy prevents fair distribution of its gains. Consequently, we recommend the inclusion of clauses (f) and (g) to Article 13, which would ensure the preservation of domestic regulatory capacities as well as the fair taxation of transnational companies who have virtual, rather than physical, presence.)

3. States Parties undertake to ensure that financing for development, and all other forms of aid and assistance given or received by them, whether bilateral, or under any institutional or other international framework, are consistent with the provisions of the present Convention.

**China:**

3. States Parties undertake to ensure that financing for development, and all other forms of aid and assistance given or received by them, whether bilateral, or under any institutional or other international framework, are **[in compliance with internationally recognized international development cooperation principles such as common but differentiated responsibilities]** and consistent with the provisions of the present Convention.

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** it is suggested to include after “bilateral”: regional and multilateral...”

4. States Parties recognize their duty to cooperate to create a social and international order conducive to the realization of the right to development by, inter alia:

**Cuba:**

4. States Parties recognize their duty to cooperate to create a ~~social and international~~ **[democratic, just, and equitable international]** order conducive to the realization of the right to development by, inter alia:

**South Africa:**

4. States Parties ~~will recognize their duty to cooperate to~~ create a social and international order conducive to the realization of the right to development by, inter alia:

(Explanation: In light of the above discussion, it is proposed that the reference to duty to cooperate in sub-Article (4) be reconsidered, and it is proposed that the words “recognize their duty to” should be replaced with “will”.)

**Personhood Education:**

4. States Parties recognize their duty to ~~cooperate to create~~ **[promote]** a social and international ~~order~~ **[environment]** conducive to the realization of the right to development by, inter alia:

**International Federation of Social Workers:**

**Comment:** Operation, regulation and monitoring of global trading systems and financial markets are discussed in art. 13.4. These should operate not in detriment to the well-being of people AND not in detriment to the environment. Such an imperative cannot be upheld if current relevant trade agreements, financial mechanisms and decision-making involving international economic and financial institutions are not reformed.

**China:**

Add here:

**[(a) Enhancing international development cooperation and the international development cooperation pattern that features South-North cooperation as main channel and South-South cooperation as supplements, creating more equal and balanced global development partnership;]**

(a) Promoting a universal, rules-based, open, non-discriminatory and equitable multilateral trading system;

**Argentina (oral statement):**

(a) Promoting a universal, rules-based, open, non-discriminatory and equitable multilateral trading system **[within the framework of the World Trade Organization];**

**Comment:** In subparagraph a, we suggest adding within the framework of the World Trade Organization, this is in line with 17 F of the SDGs. The World Trade Organization is a relevant organization, but it has not been included in the instrument. Its aims are linked to development and trade is an important driving force for growth and development and for eradicating poverty.

**China:**

~~(a)~~ **[(b)]** Promoting a ~~universal~~ **[World Trade Organization-centred]**, rules-based, open, non-discriminatory **[, transparent]** and ~~equitable~~ **[inclusive]** multilateral trading system;

**Russian Federation:**

**Comment:** We would consider it appropriate to exclude the phrase “rules-based” from the text of the draft. The active implementation of this concept can lead to a revision of the modern system of

international law, which can create serious threats to the stability and security of international relations.

**Expert Mechanism on the Rights of Indigenous Peoples:**

(a) Promoting a **universal**, rules-based, open, non-discriminatory and equitable multilateral trading system;

(Explanation: EMRIP is concerned that the use of the term “universal” multilateral trading system implies the sole use of the market and requirement for monetary exchanges. This would exclude other non-monetized modes of exchange, which are still used by some indigenous peoples and other non-indigenous communities.)

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

(a) Promoting **[and encouraging]** a universal, rules-based, open, **[transparent]**, non-discriminatory and equitable multilateral trading system;

(b) Implementing the principle of special and differential treatment for developing countries, in particular least developed countries, in accordance with relevant trade agreements;

**Russian Federation:**

**Comment:** Paragraph (b) of paragraph 4, article 13 proposes a “special and differential treatment for developing countries”. However, at present there is no single approach to the definition of “developing countries” within the international economic fora.

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

(b) Implementing the principle of special[, affirmative,] and differential treatment for developing countries, in particular least developed countries, in accordance with relevant trade agreements;

**Modern Advocacy Humanitarian Social and Rehabilitation Association:**

**Suggestion:** Special and differential treatment is not explained in the commentaries... if the right to developments aims to reach the furthest behind, then there may be further need for an addition here, such as:

**[Ascertain equal and fair trade agreements in equity and favour of the least developed countries to promote their development efforts in a manner profitable and non-detrimental to their sustainable development prospects. ]**

**Organization for Defending Victims of Violence:**

(b) Implementing the principle of special and differential treatment for developing countries, in particular least developed countries, **[and countries targeted by unilateral coercive measures]** in accordance with relevant trade agreements;

(c) Improving the regulation and monitoring of global financial markets and institutions, and strengthening the implementation of such regulations;

(d) Ensuring enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions;

**China:**



**[(e)] (d)** Ensuring enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions, **[including the International Monetary Fund and the World Bank,]** in order to deliver more effective, credible, accountable and legitimate institutions;

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

(d) Ensuring enhanced representation and voice for developing countries **[and least developed countries]** in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions;

**Grand Council of the Crees:**

(d) Ensuring enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions **[and policies]**;

(e) Encouraging official development assistance and financial flows, including foreign direct investment, to States where the need is greatest, in particular least developed countries, African countries, small island developing States and landlocked developing countries, in accordance with their national plans and programmes;

**Cuba:**

(e) **Encouraging [Ensuring compliance with]** official development assistance and **[encouraging]** financial flows, including foreign direct investment, to States where the need is greatest, in particular least developed countries, African countries, small island developing States and landlocked developing countries, in accordance with their national plans and programmes;

**IT for Change:**

(e) Encouraging official development assistance and financial flows, including foreign direct investment, to States where the need **[for productive capacity and public digital infrastructure creation]** is greatest, in particular least developed countries, African countries, small island developing States and landlocked developing countries, in accordance with their national plans and programmes;

(Explanation: In subsequent iterations of Article 13(4)(e), we recommend that due regard be paid to the documented failures of the market route for infrastructural creation and technology transfer. UNCTAD has observed that foreign direct investment (FDI) has a very limited contribution to the technology transfer which is integral for local productive capacity, especially in Least Developed Countries (LDCs).

In the current context, digital infrastructure is emerging as essential public infrastructure. It plays a central role in creating and catalyzing local productive capacity. Therefore, Official Development Assistance (ODA) and other instruments like FDI must advance the legitimate aspirations of developing countries for infrastructural capacity in the digital economy and society. Financial assistance and investment cannot become a route for corporate capture of domestic digital infrastructure. It cannot thwart the technological and data sovereignty of people, hollowing out local productive capacity.)

**Organization for Defending Victims of Violence:**

(e) Encouraging official development assistance and financial flows, including foreign direct investment, to States where the need is greatest, in particular least developed countries, African countries, small island developing States[,], and landlocked developing countries **[and countries targeted by unilateral coercive measures]**, in accordance with their national plans and programmes;

(f) Enhancing North-South, South-South and triangular regional and international cooperation on and access to science, technology and innovation, and enhancing also knowledge-sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level, and through a global technology facilitation mechanism;

**China:**

(g) (f) Enhancing ~~North-South, South-South and triangular regional and~~ international cooperation on and access to science, technology and innovation, and enhancing also knowledge-sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level, ~~and through a global technology facilitation mechanism;~~

**Cuba:**

(f) Enhancing North-South, South-South and triangular regional and international cooperation **[in all spheres, including the]** ~~on and~~ access to science, technology and innovation, and enhancing also knowledge-sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level, and through a global technology facilitation mechanism;

**UNESCO:**

(f) Enhancing North-South, South-South and triangular regional and international cooperation on and access to science, technology[, **culture**] and innovation, and enhancing also knowledge-sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level, and through a global technology facilitation mechanism;

**Grand Council of the Crees:**

(f) Enhancing North-South, South-South and triangular regional and international cooperation on and access to science, technology and innovation, and enhancing also knowledge-sharing **[including the knowledge of Indigenous peoples]** on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level, and through a global technology facilitation mechanism;

**Women at the Table:**

(f) Enhancing North-South, South-South and triangular regional and international cooperation on and access to science, technology and innovation, and enhancing also knowledge-sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level, and through a global technology facilitation mechanism; **[fostering development of technology that is born in the South and addresses the unique needs of the South].**

(g) Promoting the development, transfer, dissemination and diffusion of environmentally sound technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed;

**Pakistan:**

**Comment:** Underlining the need for actions and international cooperation to address the economic, social and environmental impacts of climate change, and to build resilience to reduce the impacts and costs of natural disasters while recognizing that all countries, particularly developing countries are

vulnerable to the adverse impacts of climate change and are already experiencing an increase in such impacts, including persistent drought and extreme weather events.

Also highlighting the importance for all countries of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change. (Based on UNGA resolution on Protection of global climate for present and future generations of humankind: 74/219).

**Grand Council of the Crees:**

(g) Promoting the development, transfer, dissemination and diffusion of environmentally sound technologies **[and best practices]** to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed;

**Women at the Table:**

(g) Promoting the development, transfer, dissemination and diffusion of environmentally sound **[and human rights compliant]** technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed;

**Organization for Defending Victims of Violence:**

(g) Promoting the development, transfer, dissemination and diffusion of environmentally sound technologies to developing countries **[and countries targeted by unilateral coercive measures]** on favourable terms, including on concessional and preferential terms, as mutually agreed;

**Bangladesh:**

Add a new para after sub-para (g) under para 4, Art. 13:

[Enhancing access to international climate finance to support all climate actions in developing countries, especially those that are particularly vulnerable to the adverse effects of climate change; ]

(Explanation: based on UNGA resolution 76/205)

(h) Facilitating orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed rights-based migration policies.

**Iran (Islamic Republic of):**

(h) Facilitating orderly, safe, ~~[and] regular **and responsible** migration **and mobility of people, including through the implementation of planned and well-managed rights-based migration policies.**~~

**Bangladesh:**

(h) Facilitating orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed rights-based migration policies.

**UNODC:**

Facilitating orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed rights-based migration policies [to prevent migration-related crimes, such as smuggling of migrants and trafficking in persons, to protect the human rights of migrants, as well as to ensure the positive contribution of migration to origin and destination countries.]

**OHCHR:**

(h) Facilitating ~~orderly~~, safe, ~~[orderly, and] regular **and responsible**~~ migration and mobility of people, including through the implementation of planned and well-managed rights-based migration policies.

(Explanation: Para. 13(h) of the Draft Convention refers to “Facilitating orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed rights-based migration policies.” While this language appears to be drawn directly from the 2030 Agenda, we would recommend that it be updated to reflect the more recent (and more human rights-friendly) language adopted by the global community on this topic in the Global Compact on Migration, and thus remove the word “responsible”.)

**Centre Europe - tiers monde (CETIM) (oral statement):**

There is a reference there to facilitating migration. We believe that this could be counterproductive for countries of the global south in view of the fact that migration flows towards developed countries when it comes to skilled workers. But skilled workers very much in demand for the development of the countries of the South. There is often a brain drain so I would ask you to reconsider the wording of that paragraph.

**Pakistan:**

Add new paragraphs:

**[(i) Promoting greater financial integrity and transparency to curb illicit financial flows and devise a mechanism for inclusive and legitimate global coordination to address exploitation of resources which exacerbate inequalities and instability by orchestrating a vast wealth transfer from the poorest to the richest and thus undermining the realization of human rights especially the right to development.]**

(Explanation by Pakistan: Based on FCTI panel report.

**[(j) Ensuring debt sustainability for underpinning growth and to achieve the Sustainable Development Goals while acknowledging that debt crises are costly, disruptive, and tend to be followed by cuts in public spending, undermining the realization of the right to development including access to healthcare and education, affecting the poor and vulnerable in particular.]**

(Explanation by Pakistan: based on UNGA resolution 75/205).

**Turkey:**

Comment: Turkey proposes adding the following to the end of Article 13 of the draft:

[where appropriate, the UN Technology Bank for Least Developed Countries]

**Article 14 – Coercive measures**

**China:**

**Article 14 – [Unilateral coercive] measures**

**Saudi Arabia:**

**Comment:** Delete the entire article. On the grounds that unilateral coercive measures are still under discussion by the international community, especially in the light of its connection to the concept of countermeasures, which has permitted by international law.

**Cuba (oral statement):**

We appreciate that there is reference to this aspect in the text, to which we give our full support. We think it should be kept in the text even in its future versions. There are some aspects in this reference that could be perhaps strengthened to make it more pertinent.

**Russian Federation (oral statement):**

In Article 14 and Article 15, we talk about special or remedial measures and coercive measures. We think that part of the text could be further bolstered and strengthened.

**Organization for Defending victims of Violence (ODVV):**

**Comment:** The Organization for Defending Victims of Violence reiterated that unilateral coercive measures prevented the attainment of all Sustainable Development Goals and violated all human rights. ODVV made two recommendations on Articles 14 and 15 of the Convention, emphasizing that Article 14 needs to specifically prohibit the use of “unilateral coercive measures” (UCM)s rather than generally prohibiting “coercive measures” and in Article 15 a specific “compensation mechanism” should be defined to compensate for the losses of all those whose human rights, especially the right to life and the right to health, are systematically violated by UCMs.

It is to be mentioned that ODVV recommendation on article 15 is offered in line with the recommendation suggested by the late Special Rapporteur on UCMs Mr. Idriss Jazairy, (A/HRC/36/44) in order to promote accountability and reparations for UCM victims.

It is also recommended that the sanctioning countries are hold responsible for providing the financial resources necessary for the establishment of such a mechanism and remedy to the victims of their foreign policies.

**Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights:**

**Add: [3.States Parties shall take all measures necessary to prevent over-compliance with coercive measures that nullifies or impairs the enjoyment of human rights from the side of other states, businesses, financial institutions and other actors]**

**(Explanation:** Paragraph 3 of draft article 14 was added to recognize that over-compliance with coercive measure undermines the achievement of the SDGs and thereby impedes the exercise of the right to development. All states shall exercise their activity in accordance with the due diligence rule.)

1. The use or encouragement of the use of economic, political or any other type of measure to coerce a State in order to obtain from it the subordination of the exercise of its sovereign rights in violation of the principles of the sovereign equality of States and freedom of consent constitutes a violation of the right to development.

**China:**

1. The use or encouragement of the use of economic, political or any other type of [**unilateral**] measure to coerce a State in order to obtain from it the subordination of the exercise of its sovereign rights in violation of the principles of the sovereign equality of States and freedom of consent constitutes a violation of the right to development.

**Brazil:**

1. The use or encouragement of the use of [**unlawful**] economic, political or any other type of measure to coerce a State in order to obtain from it the subordination of the exercise of its sovereign rights in violation of the principles of the sovereign equality of States and freedom of consent constitutes a violation of the right to development.

**Cuba:**

1. The use or encouragement of the use of economic, political or any other type of measure to coerce a State in order to obtain from it the subordination of the exercise of its sovereign rights in

violation of the principles of [self-determination,] the sovereign equality of States and freedom of consent constitutes a violation of the right to development.

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** In order to be consistent with the development-related rights protected by the International Covenants, it is suggested that draft article 14 refers to other coercive measures such as “civil, cultural and social measures” in addition to “political” and “economic” measures.

**National Human Rights Commission of Mauritius:**

**Comment:** 14 (1) Would this cover conditionality (requirement to grant aid)?

2. States Parties shall refrain from adopting, maintaining or implementing the measures referred to in paragraph 1.

**Brazil:**

2. States Parties shall refrain from adopting, maintaining or implementing the [unlawful] measures referred to in paragraph 1.

**Iran (Islamic Republic of):**

Suggestion to reformulate the entire provision as follows:

**1. States Parties shall refrain from taking, adopting, maintaining or implementing the coercive measures that may adversely affect the right to development.**

**2. The use or encouragement of the use of economic, political or any other type of measure to coerce a State in order to obtain from it the subordination of the exercise of its sovereign rights in violation of the principles of the sovereign equality of States and freedom of consent constitutes a violation of the right to development.]**

**Qatar:**

**Comment:** We propose the inclusion of a third paragraph to this article as follows:

**[3. State Parties shall refrain from assisting or participating in the measures referred to in paragraph 1 of this Article.]**

**Organization for Defending Victims of Violence:**

States Parties shall refrain from [taking,] adopting, maintaining or implementing the [illegal unilateral coercive] measures, referred to in paragraph [with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the right to development].

**Article 15 – Special or remedial measures**

**Ecuador:**

**Article 15 – Special or ~~remedial~~ [corrective] measures**

**Russian Federation (oral statement):**

In Article 14 and Article 15, we talk about special or remedial measures and coercive measures. We think that part of the text could be further bolstered and strengthened.

**Holy See:****Article 15 – Special or remedial measures**

(Explanation: No other Human Rights treaty refers to “remedial measures”).

While recognizing that special measures might need to be taken to ensure the “de facto equality” in the enjoyment of the right to development of certain persons and groups, the concept of “remedial measures” seems to consolidate the logic according to which such groups of persons enjoy rights per se, rather than in a derivative fashion, in virtue of the dignity of every human person. In practice, there is little evidence to suggest that “remedial measures” are effective in creating a true situation of equality. On the contrary, it is a subtle form of continuing discrimination (even if positive), which often results in reverse-discrimination concerning persons outside the category that enjoys such remedial measures.)

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** When referring to “special or remedial measures”, technically is referring to measures on “affirmative actions” which legally is the correct term and the one that has been used by the UN treaty bodies during the last decade.

**Al Haq and Al-Mezan:**

**Comment:** Article 15 of DC RTD, on special or remedial measures, recognizing vulnerable States, groups and peoples seems to omit the situation of occupation and colonization that imposes several obstacles to people and groups not captured by the categories that have been already suggested. A case in point is the Palestinian people in the Gaza Strip, vulnerable and deprived of their rights due to Israel’s 14-years long military blockade that has closed off the Gaza Strip by land, sea, and air. Consequently, undermining any chances for development and well-being due to the imposed and stringent permit regime that largely and arbitrarily prohibits the free movement of goods, people and services into and out of the Strip. The resulting human rights and humanitarian crisis following Israel’s closure of the Gaza Strip is an entirely human-made crisis that is aggravated by four successive full-scale Israeli military assaults (the most recent in May 2021) that have repeatedly destroyed civilian homes and infrastructure en masse, with the closure undermining the ability of Palestinians in Gaza to rebuild, both residentially and economically.)

**Kirkon ulkomaanapu (Finn Church Aid):**

ITEM 4.4.2 and 4.4.3 cont’d, part 3: Articles 13-15

The States Parties are the key responsible actors in realizing the right to development. Yet the most vulnerable countries and the Least Developed Countries should have special and differential treatment as per the 15.2 of the draft convention.

Apart from SDG’s and its shared commitment of leaving no one behind, the declaration should consider the relationship with LDC-process and especially the LDC-graduation, which is essentially linked to the countries development.

The draft convention should strengthen the vision for ensuring the right to just, inclusive and sustainable economic development.

The draft convention would benefit from highlighting the SDG target 17.2 and the fact that ODA providers are encouraged to consider setting a target to provide at least 0.20 per cent of ODA/GNI to least developed countries

Sustainable economic development cannot be realized without a locally rooted private sector actors. This applies to developed countries also, yet it is in the developing countries where a special emphasis on sustainable small- and medium sized enterprises (SMEs) should be attached. The convention should note the potential of the local private sector actors in contributing to sustainable economic development. Furthermore, the convention discusses conditions for conducive international environment for the private sector, yet it should emphasize the centrality of nationally conducive environments for SMEs, and the joint responsibility to support the achievement of the requisite conditions.

**Committee on the Rights of Persons with Disabilities (CRPD):**

**Comment:** Although there is an attempt in the commentaries to justify the use of the term “special measures”, the Committee usually avoids this terminology in reference to persons with disabilities as it presents them in a more or less negative light as people who are separate from the rest of the society. The Committee suggests to use the term “specific measures” which is enshrined in the Convention on the Rights of Persons with Disabilities. The Committee also suggests to replace “remedial measures” by “corrective measures”. Hence, the title of this article would read: “Specific or corrective measures”.

Suggestion to include other grounds of discrimination to be consistent with draft article 8, such as sex, ethnic and social origin, migratory status, sexual orientation and gender identity, etc.

**MAAT for Peace:**

**Comment:** Article 15 of the draft Convention, which focuses on the measures and procedures that can be followed to realize the right to development for vulnerable peoples, ignores the state of economic blockade imposed on a number of peoples, especially the Palestinian people in Gaza, who have been collectively punished for nearly 15 years, as the ongoing Israeli blockade has deepened the crises the living and humanitarian crisis in Gaza Strip.

1. States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.

**Cuba:**

1. States Parties recognize that certain **human [natural]** persons, groups and peoples, owing to their age, **[situation of]** disability **[or]** vulnerability, or minority status, **may require [demand the adoption of]** special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.

**Ecuador:**

1. **[The]** States Parties recognize that certain human **[beings and certain groups and peoples,] persons, groups and peoples, owing to** because of their age, disability, marginalization, vulnerability, **[sex, gender identity or sexual orientation, condition of human mobility, ethnicity, illness or condition of minority,] indigeneity or minority status,** may **require [need]** special or **[corrective] remedial** measures to accelerate or achieve de facto equality in their enjoyment of the right to development.

**Egypt:**

1. States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.

**Holy See:**



1. States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.

**FAO:**

1. States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development. **[States Parties shall, when the circumstances so warrant, take such measures to ensure for all the full and equal enjoyment of the right to development.]**

(Explanation: FAO strongly supports the emphasis given in Art. 15.1 to the special needs of human persons, groups and peoples in vulnerable or marginalized situations and suggests adding a clause on the corresponding States Parties' obligations (paralleling CERD Art. 2.2))

**UNESCO:**

1. States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development[, **online and offline**].

**German Institute for Human Rights:**

**Comment:** In view of the fact that Article 16 already lists special measures to promote women and girls, the clauses on special and remedial measures for vulnerable groups in Article 15 completely lack a gender reference. As a result, women and girls, let alone transgender and intersex people, do not benefit from these special measures. The vulnerability of human rights activists is also not mentioned in Article 15 and is as such also not covered by special measures.

**Human Rights Commission of Mexico City:**

**Comment:** Misuse of terms - Much has been told and stated about the use of terms such as vulnerability and indigeneity to identify persons and groups of them that have to be put first when enforcing human rights obligations. Therefore, these terms should not be used since they could lead to confusion about the cause of the vulnerability and indigeneity and the link between the cause and states obligations toward equality. Accordingly, other words should be used so that it could make sense with concepts such as special or remedial measures from a human rights perspective. This should also be considered when translating the text.

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

1. States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, [**descent and work based discriminated communities**], vulnerability, indigeneity or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.

**Centre for Human Rights, University of Pretoria:**

1. States Parties recognize that [**human rights defenders and activists and**] certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity, [**gender, sex and**]or minority status may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.

**National Alliance of Women's Organizations UK:**

1. States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, [**sex,**] marginalization, vulnerability, indigeneity or minority status, may require special or

remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.

**Soroptimist International:**

1. States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, [**sex, gender,**] marginalization, vulnerability, indigeneity[, **marital status, migration status**] or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development [**through applying the human rights principle of equality**].

**Comment:** Given the extensive, well-evidenced and universal phenomenon of gender-inequality and the resultant inequalities in how women and girls experience development, sex and gender, marital status and migration status should be added to this list. These additions would make the list more inclusive, and address diversity and bases of discrimination. It would also better reflect previously agreed development documents (including the 2030 Agenda) which recognise that discrimination and inequality based on gender and sex is a fundamental barrier to development. Marital status often prevents women from accessing property, resources and services necessary for all individuals to experience the right to development. Equally, migrants and people on the move often fall into development gaps and the right to development must meet the principle of leaving no one behind and should support the aims of the Global Compact on Migration.

By emphasising the human rights principle of equality here, a connection is being made with all human rights treaties, and in particular CEDAW (Preamble paragraphs 7, 9, 12 & 14) which supports the aim of de facto equality. (See also, Comm. on the Elimination of Discrimination Against Women, 37th Sess., Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Colombia, 16, U.N. Doc. CEDAW/C/COL/CO/6 (Feb. 2, 2007)).

**Sikh Human Rights Group:**

1. States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity, minority status, [**cultures, traditions, customs, festivals and/or outlooks**] may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development’.

**Organization for Defending Victims of Violence:**

1. States Parties recognize that certain human persons, groups and peoples, owing to their age, disability, marginalization, vulnerability, indigeneity [, **economic sanctions**] or minority status, may require special or remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.

2. States Parties recognize that developing and vulnerable States, owing to historical injustices, conflicts, environmental hazards, climate change or other disadvantages, including of an economic, technical or infrastructural nature, may require special or remedial measures through mutually agreed international legal instruments, policies and practices for ensuring equal enjoyment of the right to development by all human persons and peoples. Such measures may, as appropriate, include:

**Argentina (oral statement):**

2. States Parties recognize that developing ~~and vulnerable~~ States, owing to historical injustices, conflicts, environmental hazards, climate change or other disadvantages, including of an economic, technical or infrastructural nature, may require special or remedial measures through mutually agreed international legal instruments, policies and practices for ensuring equal enjoyment of the right to development by all human persons and peoples. Such measures may, as appropriate, include:

**Comment:** bearing in mind that we need to respect the categories that have been set out, the multi-categories including developing countries. That is where we should avoid setting up new subcategories of countries that have not been agreed upon at the international level, and that may water down international cooperation for developing countries set out in the 2030 Agenda and the SDGs, for example, SDG 17.)

**Cuba:**

2. States Parties recognize that developing ~~and vulnerable~~ States, owing to historical injustices, conflicts, environmental hazards, climate change or other disadvantages, including of an economic, technical or infrastructural nature, may require special or remedial measures through mutually agreed international legal instruments, policies and practices for ensuring equal **[realization]** ~~enjoyment~~ of the right to development by all ~~human~~ **[natural]** persons and peoples. Such measures may, as appropriate, include:

**Iran (Islamic Republic of):**

2. States Parties recognize that developing and ~~[vulnerable States]~~ least-developed countries, owing to historical injustices, conflicts, environmental hazards, climate change or other disadvantages, including of an economic, technical or infrastructural nature, may require special or remedial measures through mutually agreed international legal instruments, policies and practices for ensuring equal enjoyment of the right to development by all human persons and peoples. Such measures may, as appropriate, include:

**Holy See:**

2. States Parties recognize that developing and vulnerable States, owing to historical injustices, conflicts, environmental hazards, climate change or other disadvantages, including of an economic, technical or infrastructural nature, may require special or remedial measures through mutually agreed international legal instruments, policies and practices for ensuring equal enjoyment of the right to development by all human persons and peoples. Such measures may, as appropriate, include:

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

2. States Parties recognize that developing and vulnerable States, owing to historical injustices **[like racism, casteism and caste based discrimination]**, conflicts, environmental hazards, climate change or other disadvantages, including of an economic, technical or infrastructural nature, may require special or remedial measures through mutually agreed international legal instruments, policies and practices for ensuring equal enjoyment of the right to development by all human persons and peoples. Such measures may, as appropriate, include:

**Grand Council of the Crees:**

2. States Parties recognize that developing and vulnerable States, **[and indigenous peoples,]** owing to historical injustices, **[colonialism,]** conflicts, environmental hazards, climate change or other disadvantages, including of an economic, technical or infrastructural nature, may require special or remedial measures through mutually agreed international legal instruments, policies and practices for ensuring equal enjoyment of the right to development by all human persons and peoples. Such measures may, as appropriate, include:

**Organization for Defending Victims of Violence:**

2. States Parties recognize that developing and vulnerable States, owing to historical injustices, conflicts, environmental hazards, climate change[, **economic sanctions**] or other disadvantages, including of an economic, technical or infrastructural nature, may require special or remedial measures **[such as an effective compensation mechanism for UCM victims]** through mutually agreed international legal instruments, policies and practices for ensuring equal enjoyment of the right to development by all human persons and peoples. Such measures may, as appropriate, include:

(a) Recognition of common but differentiated responsibilities, taking into account different national circumstances;

(b) The provision of special and differential treatment;

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

(b) The provision of special and differential treatment [**like effective affirmative actions**];

(c) Preferential terms on trade, investment and finance;

(d) The creation of special funds or facilitation mechanisms;

(e) The facilitation and mobilization of financial, technical, technological, infrastructural, capacity-building or other assistance;

**National Human Rights Commission of Mauritius:**

**Comment:** Articles 15(2)(e) should lay more emphasis on technological assistance.

**Women at the Table:**

(e) The facilitation and mobilization of financial, technical, technological, infrastructural, capacity-building or other assistance; [**that addresses the needs of those traditionally excluded from the conversation and creation of new technologies**].

(f) Other mutually agreed measures consistent with the provisions of the present Convention.

**Ecuador:**

Add a new paragraph:

**[(f) Facilitate the ascending social development of populations in situations of vulnerability through their inclusion in the labour market and the encouragement and support for the implementation of productive enterprises.]**

**IT for Change:**

Add a new paragraph:

**[(f) The extension of the transition period for LDCs as well as ending non-violation complaints under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).]**

(Explanation: The global intellectual property regime also requires reform to serve the development goals of people and countries everywhere. Corporations have succeeded in securing “TRIPS plus” provisions in international trade agreements that prevent developing countries from leveraging intellectual property exemptions they are legitimately allowed to exercise under the TRIPS Agreement. We, therefore, recommend the inclusion of clause (f) to Article 15 that would allow states to pursue their development aspirations unencumbered by the global intellectual property regime.)

**All Win Network:**

Add a new paragraph:

**[(g) None of the above shall exempt States Parties from the duty to fully realize the right to development for all.]**

**People for Successful Corean Reunification (PSCORE):**

Add a new paragraph:

**[3. State Parties receiving special and/or remedial assistance shall, under a good faith obligation to cooperate, undertake measures with assisting State Parties to accelerate or achieve de facto equality of vulnerable groups.]**

(Explanation: We recommend adding the aforementioned third paragraph to Article 15 in order to signify an obligation upon State Parties that receive such special or differential treatment. Currently, Paragraph 1 recognizes the need for special or remedial measures in certain instances, and Paragraph 2 provides ways in which such assistance may be rendered by other State Parties. However, nothing in this article as it is currently written requires recipient State Parties to actively try to use such assistance toward ensuring equal enjoyment of the right to development by all human persons and peoples in order to achieve meaningful results. While we recognize the urgent needs of developing countries, we also stress the necessity for state accountability so that such assistance is ultimately used toward the benefit of the people, not the government's own aims. We would also like to note that if this change to Article 15 is to be accepted, it would also apply to Article 13, Paragraph 4, which addresses State Parties' duty to cooperate. North Korea is an example of a State that could benefit from such an obligation. [...].)

### **Article 16 – Gender equality**

#### **Ecuador:**

**Comment:** It was recommended to include the criterion “older women” in addition to women and girls. This incorporation is proposed in order for the States to initiate a process of integration of this variable in the official statistical systems that allow showing the particularities and specific problems that are currently invisible and are not part of the discussion and analysis processes in the institutions and society, therefore, of the proposal and execution of public policies. It is necessary to bear in mind that during this stage of life, the elements of daily life are reconfigured, for example, the experience of explicit and symbolic violence, participation in society, in the economy, in political organization, participation in the educational system, etc. Old age is not a homogeneous category; It is defined by access and/or limitations to education, housing, health, social security, work, etc. therefore it is necessary to begin to conceive of old age as the result of the cycle of life.

#### **Russian Federation:**

**Comment:** The Russian Federation considers it inappropriate to include article 16 “Gender equality” to the draft. We are of the view that the relevant Convention on the Elimination of All Forms of Discrimination against Women of 1979, to which 189 States are parties is devoted to this issue.

#### **Iran (Islamic Republic of): Article 16 – Gender-e[Equality of opportunities]**

#### **Philippines:**

**Comments:** On Article 16, Part III on gender equality, apart from women and girls, the draft should consider the inclusion of lesbian, gay, bisexual, and transgender people in the text as they face deeply-rooted prejudices and discrimination in the exercise of their rights, including the right to development.

#### **Nigeria:**

#### **Article 16 – ~~Gender equality~~[Equality of rights]**

**Comment:** Nigeria believes that consensual languages that are consistent with CEDAW should be employed in this paragraph to ensure clarity and unambiguous interpretation and identification of the obligations of State Parties. Therefore, we find the use of the term ‘gender perspective’ vague, ambiguous and open-ended.

#### **Egypt (oral statement):**

We support Nigeria's comments concerning the title of Article 16.

**South Africa:**

**Comment:** South Africa supports this important article as drafted.

**Panama (oral statement):**

I just wanted to put on record Panama's support for Article 16 as drafted, we think it is important to keep this article in the Convention.

**FAO:Comment:** Furthermore, while also welcoming a specific Article 16 on gender equality, there are ways in which the article could be further strengthened. On the one hand, the article could specifically require states to make sure that customary and religious norms in areas such as inheritance, ownership and administration of property and access to natural resources do not discriminate against women (see for instance methodology for measuring SDG 5.a.2). In addition, it would be highly relevant to mention "temporary special measures" as contained in CEDAW. These could be additional subparagraphs to Paragraph 2 of Article 16.

**International-Lawyers.Org:**

**Comment:** While we welcome the commitment to gender equality reflected in this article, the article should expressly state that States have a duty, and not merely a right, to take action to affirmatively address historical inequalities based on gender.

**Alliance Vita:**

Article 16 – ~~Gender e~~[**Equality between men and women**]

(Explanation: In the same spirit of CEDAW and considering the risk of confusion regarding the content of Article 16, the title should be more specific. As a title tends to give a general and clear idea of what follows, the term "gender equality" should be removed and only be used in the very content of the Article).

**CINGO:**

**Article 16 – ~~Gender e~~[**Equality between men and women**]** and end the sentence as follows [to ensure their full and equal enjoyment of the right to development **and their empowerment**"]

**MODERN ADVOCACY HUMANITARIAN SOCIAL AND REHABILITATION ASSOCIATION:**

**Comment:** With respect to gender equality, believing that there are other international instruments which cover in deeper lengths the issues at-stake, it's preferable to quote those instruments rather than repeating already properly consumed instance therein other instruments. Most assiduously, issues brought-in article 16 should reflect new elements not found and/or amending existing stances within other international instruments

**Committee on the Rights of the Child:**

**Comment:** given the crucial importance of the right to development and development to children – both during childhood and in their future adulthood – it is disappointing that there is no explicit reference to children as a particular group within the draft convention as it stands. This contrasts with the group-specific approach taken in the articles addressing the group-specific concerns of women (Article 16)

**Alliance Defending Freedom International (ADF):**

**Comment:** in relation to the lack of a codified definition of 'gender' under international human rights law, it is unclear why said formulation should be preferred over clear and unambiguous terms such as 'equality between women and men', 'equality of rights between women and men' or 'equal rights for

women and men' that are mainstreamed in several core international human rights instruments, including but not limited to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

1. States Parties, in accordance with their obligations under international law, shall ensure full gender equality for all women and men, and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.

**Cuba:**

1. States Parties, in accordance with their obligations under international law, shall ensure full gender equality **[and empowerment]** for all women and **[girls] men**, and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.

**Ecuador:**

1. States Parties, in accordance with their obligations under international law, shall ensure full gender **equality [equity]** for all women and men, and undertake to **take [adopt]** measures, including through temporary **[and urgent]** special measures[,] **as** and when appropriate, to end all forms of discrimination **[and violence]** against all women and girls **everywhere [throughout the world, in order]** to ensure **[the] their** full and equal enjoyment of the right to development.

(Explanation: The global feminist movement has incorporated the term "equity", instead of "equality": while gender equality is a universal legal principle, gender equity also introduces an ethical component to ensure real equality that somehow compensates the inequality that the female gender entrains in terms of politics, representation or insertion in the labor market, among others; so that especially the condition of women with disabilities become included in all spheres of society.

The word "violence" should be added, as a result of General Recommendation No. 19, adopted by the Committee for the Elimination of Discrimination against Women. In the eleventh session in 1992.)

**Iran (Islamic Republic of):**

1. States Parties, in accordance with their obligations under international law, shall ensure **full gender equality [of opportunities permitting the full realization of human potentials]** for all women and men, and undertake to take measures, ~~including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as~~ to ensure their full and equal enjoyment of the right to development **[in accordance with its national circumstances and priorities]**.

**Nigeria:**

1. States Parties, in accordance with their obligations under international law, shall ensure full ~~gender equality~~**[equality of rights]** for all women and men, and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.

**UNESCO:**

1. States Parties, in accordance with their obligations under international law, shall ensure full gender equality for all women and men, and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere[, **online and offline,**] so as to ensure their full and equal enjoyment of the right to development.

**UNODC:**

1. States Parties, in accordance with their obligations under international law, shall ensure full gender equality for all women and men, and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.

**German Institute for Human Rights:**

**Comment:** In terms of human rights, it seems problematic that the draft convention (in Article 16) remains committed to an older understanding of gender equality, and thus Article 8 does not explicitly list the prohibition of discrimination based on sexual orientation and gender identity.

**National Human Rights Commission of Mauritius:**

**Comment:** Article 16(1) will sexual orientation be covered?

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

1. States Parties, in accordance with their obligations under international law, shall ensure full gender equality for all women and men, **[persons who are part of the LGBTQI community]** and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.

**Legal Resources Centre:**

1. States Parties, in accordance with their obligations under international law, shall ensure ~~full gender equality for all women and men~~, **[equality for all persons regardless of sex or gender]**, and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against ~~all women and girls~~ **[women, girls, and gender diverse persons]** everywhere to ensure their full and equal enjoyment of the right to development.

**Amman Center for Human Rights Studies:**

1. States Parties, in accordance with their obligations under international law, shall ensure full gender equality **[for all genders/everyone regardless of their gender]**, and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.

**Fundación para Estudio e Investigación de la Mujer – FEIM:**

1. States Parties, in accordance with their obligations under international law, shall ensure full gender equality for all women and men, and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls **[and non-binary people]** everywhere so as to ensure their full and equal enjoyment of the right to development.

**National Alliance of Women's Organizations UK:**

1. States Parties, in accordance with their obligations under international law, shall ensure full ~~gender~~ equality for all women and men, and ~~undertake to take~~ **[adopt]** measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.

(Explanation: The change of wording strengthens the purpose of the paragraph. The use of the term “gender” has changed over time. Its original intention was to ensure that women and girls were not excluded from roles traditionally ascribed to men and to recognise discrimination based on sex.



Overtime this term has been used differently. In some cases, it reduces the rights of women and girls. Therefore throughout the document there should be explicit reference to “all women and girls” rather than “gender”.)

**Soroptimist International:**

1. States Parties, in accordance with their obligations under international law, shall ensure full gender equality for all women and men, and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development [**in all aspects of their life ensuring the realization of their civil, cultural, economic, political and social rights**].

(Explanation: By including this final clause it is possible for this Article to emphasize the role of the right to development within broader human rights systems and the implementation of those systems. It is vital that the right to development is viewed as interconnected and interdependent with all other human rights. This is highlighted in the preamble, but it would be beneficial to make the connection explicit here to promote the object and purpose of the Convention.)

**CINGO:**

1. States Parties, in accordance with their obligations under international law, ~~shall ensure full gender equality for all women and men,~~ [**shall ensure full equality between women and men**] and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development [**as to ensure the fuller equal enjoyment of the right to development and their empowerment.**]

**Conscience and peace tax international (CPTI):**

1. States Parties, in accordance with their obligations under international law, shall ensure full gender equality for all women and men, and undertake to take measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls [and men and boys] everywhere so as to ensure their full and equal enjoyment of the right to development.

**Alliance Defending Freedom International (ADF):**

**Comment:** With specific reference to the wording ‘full gender equality for all women and men’ contained in Article 16, paragraph 1, of the draft convention, ADF International stresses that the term ‘gender equality’ is redundant and unnecessary in light of the Working Group’s own explanation that for the purposes of this treaty, and as commented upon by the Committee on the Elimination of Discrimination against Women, the term ‘gender equality’ is to be interpreted as ‘synonymous with the terms ‘equality between men and women’ employed on multiple occasions in CEDAW.’

2. To that end, States Parties undertake to take appropriate measures, separately and jointly, inter alia:

**National Alliance of Women's Organizations UK:**

2. To that end, States Parties undertake to ~~take~~ **[adopt]** appropriate measures, separately and jointly, inter alia:

**Soroptimist International:**

2. To that end, States Parties undertake to ~~take~~ **[adopt]** appropriate measures, ~~separately and jointly,~~ [**individually and collectively,**] inter alia:

(Explanation: Suggestion of ‘adopt’ and ‘individually and collectively’ as more frequently used in international law and human rights language.)

(a) To eliminate all forms of violence and harmful practices against all women and girls in the public and private spheres;

**Cuba:**

(a) To eliminate all forms of violence and harmful practices against all women and girls in the public and private spheres[, **including trafficking and sexual and other types of exploitation**];

**Ecuador:**

(a) To **[prevent and]** eliminate all forms of violence and harmful practices against all women **and girls, [children, adolescents, women with disabilities and older women, as holders of rights]** in the public and private spheres; **[Strengthen policies and laws to prevent any type of violence against women, children, adolescents, women with disabilities and older women, as well as the empowerment of society through the participation of all public and private institutions;]**

(Explanation: In point 2, paragraph a): women, boys, girls, adolescents, women with disabilities, and older women, should be added. Additionally, the word "prevent" should be added, according to the Beijing Declaration and Platform for Action, derived from the Fourth World Conference on Women in 1995. Finally, you should add that they are " holders of rights " according to General Recommendation No. 35, approved in 2017, by the Committee for the Elimination of Discrimination against Women).

**Turkey:**

(a) To eliminate [, prevent and respond to] all forms of violence and harmful practices against all women and girls in the public and private spheres [both online and offline; to prevent and combat stereotypes and negative social norms and their manifestations in the public and private spheres; to recognize and value unpaid care and domestic work;]

**UNESCO:**

(a) To eliminate all forms of violence and harmful practices against all women and girls in the public and private spheres[, **online and offline**];

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

(a) To eliminate all forms of violence and harmful practices against ~~all women and girls~~ **[women, girls, and gender diverse persons]** in the public and private spheres;

**Legal Resources Centre:**

(a) To eliminate all forms of violence and harmful practices against all women and girls in the public and private spheres **[with special focus on women belonging to marginalized sections]**;

**Soroptimist International:**

(a) To eliminate all forms of **[gender-based]** violence and harmful practices against all **[persons and particularly]** women and girls in the public and private spheres;

(Explanation: By using 'gender-based violence' here, the article becomes more inclusive and reflects contemporary discussions and understandings of violence against women and girls in academic literature and international legal decisions and interpretations. Similarly, using "all persons and particularly women and girls" ensures inclusivity and that this article protects women and girls in all their diversity.)

**Alliance Vita:**

(a) To eliminate all forms of violence and harmful practices against all women and girls in the public and private spheres[, **including trafficking and sexual and other types of exploitation such as prostitution, surrogacy and slavery**];

**Organisation Mondiale des associations pour l'éducation prénatale (OMAEP):**

**(a) [Eliminate from public and private life all forms of violence against women and girls and all harmful practices, in particular those against women. and pregnant girls;]**

Rational: Indeed, scientific studies show that the violence suffered by women and girls during pregnancy is transmitted directly to the child in utero with the consequence that this child will have a pronounced tendency to reproduce this violence in his future life.

**CINGO:**

(a) To eliminate all forms of violence and harmful practices against all women and girls in the public and private spheres [, **including trafficking and sexual and other types of exploitation.**]

**Committee on the Rights of Persons with Disabilities (CRPD):**

(a) To eliminate all forms of violence and harmful practices against all women, [**including girls, women with disabilities, older women, indigenous women...**] in the public and private spheres

**Conscience and peace tax international (CPTI):**

(a) To eliminate all forms of violence and harmful practices against all women and girls [or men and boys] in the public and private spheres;

(b) To ensure women's full and effective participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic and public life, and within legal persons;

**Iran (Islamic Republic of) (oral statement):**

(b) To ensure women's full and effective participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic and public life, and within legal persons **in accordance with their obligations under international law and their national/domestic law;**

**Ecuador:**

(b) To ensure ~~women's~~ **[the]** full and effective participation **[of women and girls]**, and equal **[leadership]** opportunities ~~for leadership~~ at all levels in the ~~conceptualization~~ **[design]**, decision-making, implementation, monitoring and evaluation of policies and programmes in **[the]** political, economic and public ~~life~~ **[sphere]**, and within legal ~~persons~~ **[entities]**;

**Holy See:**

**[In virtue of their equal dignity and unique contributions,]** to ensure women's full and effective participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic and public life, and within legal persons;

(Explanation: All forms of violence must be condemned. Governments should be free to determine their own representation and distribution. The proposed modification to this language is an attempt to qualify the distinct contribution of women while emphasizing their equal dignity. The elimination of the word "equal" before "opportunities" would be preferable, considering that some governments may encourage parity or perhaps quotas that move beyond parity. )

**UNESCO:**

(b) To ensure women's full and effective participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic[, **cultural**] and public life, and within legal persons;

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

(b) To ensure women's **[with special focus on women belonging to marginalized sections]** full and effective participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic and public life, and within legal persons;

**Legal Resources Centre:**

(b) To ensure women's **[and gender diverse persons]** full and effective participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic and public life, and within legal persons;

**All Win Network:**

(b) To ensure women's full and effective participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, **[work and professional life,]** economic and public life, and within legal persons;

(Explanation: As per Article 16, Paragraph 2, Section B - to add "work and professional life." Women's full and effective participation must include the professional life, which is the cornerstone of economic development. Without the mention of the work and professional life, the Convention will lack full clarity on this important issue. Work and professional life is not the same as economic life (in example, discrimination of women in the workplace versus access to bank accounts.)

**National Alliance of Women's Organizations UK:**

(b) To ensure women's full **[equal]** ~~and~~ effective **[and meaningful]** participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic and public life, and within legal persons;

(Explanation: This is agreed language from CSW65 paragraph 9, (E/CN.6/2021/L.3) on the priority theme, "women's full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls" and is therefore directly relevant to this paragraph. It is more comprehensive and will do more to promote women's inclusion in leadership and decision-making.)

**Soroptimist International:**

(b) To ensure women's full **[, equal,]** ~~and~~ effective **[and meaningful]** participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic and public life, and within legal persons;

(Explanation: This is agreed language from CSW65 paragraph 9, (E/CN.6/2021/L.3) on the priority theme, "women's full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls" and is therefore directly relevant to this paragraph. It is more comprehensive and will do more to promote women's inclusion in leadership and decision-making.)

**CINGO:**

(b) To ensure women's **[active, free and meaningful]** participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic and public life, and within legal persons;

**Conscience and peace tax international (CPTI):**

(b) To ensure women's **[and men]** full and effective participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic and public life, and within legal persons;

(c) To adopt and strengthen policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels;

**Iran (Islamic Republic of) (oral statement):**

(c) To adopt and strengthen policies and enforceable legislation for the promotion of **gender equality [equal opportunities]** and the empowerment of all women and girls at all levels;

**Nigeria:**

(c) To adopt and strengthen policies and enforceable legislation for the promotion of **gender equality [equality of rights]** and the empowerment of all women and girls at all levels;

**Turkey:**

(c) To adopt and strengthen policies and enforceable legislation [at all levels] for the promotion of gender equality and the empowerment of all women and girls;

**Egypt (oral statement):**

In Article 16.2(c), we request to delete the word "all", because there is no need for the empowerment of women and girls at all levels. It gives the same meaning.

**Global Forum of Communities Discriminated on Work and Descent (GFoD):**

(c) To adopt and strengthen policies and enforceable legislation for the promotion of gender equality and the empowerment of all **[persons who are part of the LGBTQI community]**, women and girls at all levels;

**Legal Resources Centre:**

(c) To adopt and strengthen policies and enforceable legislation for the promotion of gender equality and the empowerment of **all, women and girls [women, girls, and gender diverse persons]** at all levels;

**Fundación para Estudio e Investigación de la Mujer – FEIM:**

(c) To adopt and strengthen policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls[, **as well as LGBTQI+ people,**] at all levels;

**National Alliance of Women's Organizations UK:**

(c) To adopt and strengthen policies and enforceable legislation for the promotion of **[the equality of women and men] gender equality** and the empowerment of all women and girls at all levels;

**Conscience and peace tax international (CPTI):**

(c) To adopt and strengthen policies and enforceable legislation for the promotion of gender equality and the **[peaceful and equal]** empowerment of all women and girls **[and all men and boys]** at all levels;

**Alliance Defending Freedom International (ADF):**

(c) To adopt and strengthen policies and enforceable legislation for the promotion of gender equality **[equality between women and men]** and the empowerment of all women and girls at all levels;

(d) To mainstream gender perspectives in the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;

**Ecuador:**

(d) To ~~mainstream~~ **[incorporate]** gender perspectives in the formulation, ~~adoption and implementation~~ **[approval, and application]** of all national laws, policies and practices and ~~[of]~~ international legal instruments, policies and practices; **[to assess the unpaid work and human care that women mostly perform, guaranteeing public care services to free up time for them, in accordance with the regulations of the States Parties].**

**Iran (Islamic Republic of) (oral statement):**

(d) To mainstream ~~gender perspectives~~ **[equal opportunities]** in the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;

**Iran (Islamic Republic of):**

(d) To mainstream **[national-led]** gender perspectives in the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;

**Nigeria:**

(d) To mainstream ~~gender perspectives~~ **[equality between men and women]** in the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;

**Egypt (oral statement):**

We support Nigeria's comments concerning the changes in Para 2(d).

**Holy See:**

(d) To mainstream [a] gender perspectives in the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;

(Explanation: Art. 16(2d) includes a reference to mainstreaming "gender perspectives", which is not agreed language. Other human rights instruments make reference to mainstreaming "a gender perspective".)

**All Win Network:**

(d) To mainstream gender perspectives in the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, **[norms, standards,]** policies and practices;

**National Alliance of Women's Organizations UK:**

(d) To mainstream ~~gender~~ **[the]** perspectives **[of women and girls]** in the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;

**Women's Federation for World Peace International:**

**Comment:** Aligning to the question and the point pointed out by the representative of Nigeria, Article 16 D, we believe that the word "gender perspective" is ambiguous, to protect the spaces for women and girls and to be clear and specific on the importance of Women's rights and women's equality in all spaces. This should be clear, mentioning women and men, rights and equality between men and women, as we have seen so many places where women spaces have been violated due to such a wide terminologies and current instances of changes in terminologies which are violating women's space. This is really alarming for women's rights movements, and therefore we also request clarification on that point.

**CINGO:**

suggest to delete it since it is not clear what it means.

**Alliance Defending Freedom International (ADF):**

(d) To mainstream gender perspectives [the perspectives of women and girls] in the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;

(e) To ensure equal and equitable access to resources necessary for the full realization of the right to development by women and girls everywhere.

**Ecuador:**

(e) To ensure equal and equitable access to **[the necessary]** resources ~~necessary~~ for the full realization of the right to development by women and girls ~~everywhere~~ **[throughout the world. The States Parties aware that gender equality also includes LGBTI people, will take all necessary measures to guarantee the effective enjoyment of their right to development, without any discrimination.]**

**Philippines (oral statement):**

We have specific comments pertaining to Article 16 on gender equality. We suggest revising the text to read "ensure equal and equitable access to and control over resources." It is important to specify equality of control to recognize of the power of women and men. We also recommend including the provisions stated in the Beijing platform for actions strategic objective to adopt measures to increase women's capacity to participate in decision making and leadership. While there is already a provision in the draft LBI on women's full and effective participation and equal opportunities for leadership at all levels which is consistent with the Beijing platform for action strategic objective number one, this can only be realized if there is a provision relative to the need for affirmative actions to increase women's capacity to participate in decision making and leadership.

**Turkey:**

**(e) To ensure equal and equitable access to [services and economic and productive] resources necessary for the full realization of the right to development by women and girls everywhere.**

**IT for Change:**

(e) To ensure equal and equitable access to resources, necessary for the full realization of the right to development by women and girls[, **and women's collectives and cooperatives**] everywhere.

(Explanation: It is important to think of access for individual women as well as for women's collective enterprise models.)

**Legal Resources Centre:**

(e) To ensure equal and equitable access to resources, necessary for the full realization of the right to development by ~~women and girls~~ [women, girls, and gender diverse persons] everywhere.

**Fundación para Estudio e Investigación de la Mujer – FEIM:**

(e) To ensure equal and equitable access to resources necessary for the full realization of the right to development by women[,] ~~and~~ girls [~~and non-binary people~~] everywhere.

**National Alliance of Women's Organizations UK:**

(e) To ensure equal and equitable access to [education and other services and] resources necessary for the full realization of the right to development by women and girls everywhere.

(Explanation: Access to Education is a fundamental platform for development as are other services such as health especially in the context of human rights for women and girls. Adequate, predictable and sustainable financial resources, technology and capacity-building are necessary to enable development to move forward)

**Soroptimist International:**

(e) To ensure equal and equitable access to [high quality education and other services and] resources necessary for the full realization of the right to development by women and girls everywhere [and in all spheres].

(Explanation: It was agreed in UN General Assembly Resolutions 64/290 (2009), 64/76 (2009) and 59/237 (2004), as well as in the 2030 Agenda and Sustainable Development Goals, that it is impossible to achieve development without education, so a reference to education is relevant here. However, access to many other services are also needed, as well as resources, to achieve development. Resources alone will not realize the right to development. Lastly, ‘and in all spheres’ will ensure that the right to development is realized for women and girls in all circumstances, preventing separation of the public and private spheres. In Resolution 64/290 (2009) “good quality education” is referenced (paragraph 18), demonstrating the need to increase standards of education. While the Sustainable Development Goals refer to “quality education”, that allows for flexibility in defining what ‘quality’ is. To realize the right to development education must be of high quality, not only quality, although good quality should be the minimum standard as it is previously agreed UN language.)

**Ecuador:**

Add a new paragraph:

**[(f) To adopt, in the media, the regulation and prohibition of dissemination of communication and advertising content that incites or reproduces violence.]**

**National Alliance of Women's Organizations UK:**

Add a new paragraph:

**[(f) To realize the women, peace and security agenda and recognize the important role of women in the prevention and resolution of armed conflicts and in peacebuilding to address peace and security at all levels as an essential element for the realization of the right to development.]**

(Explanation: This proposal references CSW65 paragraphs 8 & 57, and Preamble paragraph 7 of this draft convention. It seeks to emphasize the importance of gender, peace and security to the right to development and connects article 16 with Article 21)

**Soroptimist International:**



Add a new paragraph:

**[(f) To realize the women, peace and security agenda and recognize the important role of women in the prevention and resolution of armed conflicts and in peacebuilding to address peace and security at all levels as an essential element for the realization of the right to development.]**

(Explanation: This suggested language is a combination of CSW65 paragraphs 8 & 57, and Preamble paragraph 7 of this draft convention. It seeks to emphasise the importance of gender, peace and security to the right to development and connect article 16 with Article 21.)

### **Article 17 – Indigenous and tribal peoples**

#### **Russian Federation (oral statement):**

We also noted with interest the comment on Article 17, indigenous and tribal people. And we see that the intention of getting away from the traditional name of indigenous peoples, including within the UN Declaration on the Rights of Indigenous Peoples, which includes tribal peoples as well. Basing this position on decisions of the Inter-American court of human rights, concerning to peoples in Surinam which were declared tribal without being indigenous. I am not convinced by the argument and I think that it is necessary to make the text of this article consistent with existing international agreements.

We are convinced that the decisions on the international law on ... peoples, and also the fact that the ILO Convention contains the term “tribal peoples” are insufficiently weighty to be used as an argument to including this term in the draft Convention.

#### **South Africa:**

**Comment:** South Africa support this article and could be amenable to the deletion of “and tribal” and align it more with the UNDRIP.

#### **Panama (oral statement):**

It is also important to keep in the reference to indigenous peoples, and we support the idea.

#### **Expert Mechanism on the Rights of Indigenous Peoples:**

### **Article 17 – Indigenous ~~and tribal~~ peoples**

(Explanation: The EMRIP notes the references to “Indigenous and tribal peoples”, and suggests removing the term “tribal”, a term subsumed in the term “indigenous”, as recognised by the UNDRIP, the latest instrument and only human rights instrument setting out the minimum human rights standards relating to indigenous peoples.)

#### **FAO:**

**Comment:** FAO welcomes a separate article on Indigenous and Tribal Peoples in Article 17. We offer the following considerations:

- a. To comply with standards recognized in the UNDRIP, paragraph 1 should have at the end the following premise: “in accordance with their own needs and interests”.
- b. In compliance with the UNDRIP (art 32), the obligation to obtain Indigenous Peoples’ free, prior and informed (FPIC) consent shall be applied prior to the approval of any project, programme or policy and adoption and implementation of legislative or administrative measures affecting Indigenous Peoples.

“States Parties shall consult and cooperate in good faith and according to human rights principles and law with the indigenous and tribal peoples concerned through their own representative institutions in

order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them”.

c. Finally, with regard to terminology (Indigenous and Tribal), we recommend consultations with the UN Permanent Forum on Indigenous Issues.

**Legal Resources Centre:**

**Comment:** We submit that the terms ‘indigenous’ and ‘tribal’ are inappropriate in the African context where ‘indigenous’ remains deeply contested and ‘tribal’ is seen as a relic of colonial times and therefore no longer used.

It is strongly recommended that the text includes a term that would resonate with the communities in Africa who find themselves in the same position as the indigenous and tribal peoples of, for example, Latin America. As such, we propose the inclusion of ‘customary communities’. We make this recommendation with some urgency. Should the text retain only ‘indigenous’ and ‘tribal’ – terms that exclude most African customary communities – it will exaggerate their vulnerability in the face of large-scale development.

**Caring and Living as Neighbours (CLAN):**

**Comment:** The terms ‘Indigenous’ and ‘Tribal’ should always be capitalised when referring to Indigenous peoples.

**International Federation of Social Workers:**

**Comment:** The pursuit of the development of indigenous and tribal peoples (as mentioned in art. 17) can be strengthened, if their rights to land, culture and knowledge are recognised and valorised and their participation in decision-making is provisioned for.

**MODERN ADVOCACY HUMANITARIAN SOCIAL AND REHABILITATION ASSOCIATION:**

**Comment:** On Indigenous peoples: the primary problem for guaranteeing their rights will be that of their identification process. If the identification process is not appropriate, then the development right of all indigenous peoples may not be protected by this convention.

1. Indigenous and tribal peoples have the right to freely pursue their economic, social and cultural development. They have the right to determine and develop priorities and strategies for exercising their right to development.

**Cuba:**

1. Indigenous and tribal peoples have the right to freely pursue their ~~economic, social and cultural~~ development **[in all spheres]**. They have the right to determine and develop priorities and strategies for exercising their right to development.

**Expert Mechanism on the Rights of Indigenous Peoples:**

1. **[In accordance with the provisions of the Declaration on the Rights of Indigenous Peoples,] If [i]**ndigenous ~~and tribal~~ peoples have the right to freely pursue their economic, social and cultural development. They have the right to determine and develop priorities and strategies for exercising their right to development.

(Explanation: Given that this article directly relates to indigenous peoples, the EMRIP considers it important to refer to the UNDRIP in the text.)

Holy See:

1. [In virtue of the inherent and universal dignity of every human person,] indigenous and tribal peoples have the right to freely pursue their economic, social and cultural development. They have the right to determine and develop priorities and strategies for exercising their right to development.

(Explanation: For the reasons mentioned above (cf. Artt. 3(a) and 4(1)), it would be preferable to make a reference to the dignity of the human person as the basis for the rights enjoyed collectively by a group of people.)

**CINGO:**

1. Indigenous and tribal peoples have the right to freely pursue their economic, social, **[political]** and cultural development. They have the right to determine and develop priorities and strategies for exercising their right to development

2. States Parties shall consult and cooperate in good faith with the indigenous and tribal peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

**Brazil:**

2. States Parties shall consult ~~and cooperate in good faith with~~ the indigenous and tribal peoples concerned ~~through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them,~~ **[through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly,]**

(Explanation: Language taken from the ILO Convention 169, article 6)

**Ecuador:**

2. States Parties shall consult and cooperate in good faith with the **[concerned]** indigenous and tribal peoples ~~concerned~~ through their ~~own~~ representative institutions ~~in order to obtain their free, prior and informed consent~~ before adopting and **implementing [applying]** legislative or administrative measures that may affect them**[, to obtain their free, prior and informed consent; States must respect the social, cultural and economic activities of indigenous, tribal and ancestral peoples, complying with their laws and Constitution in order to guarantee full development in this population. States must implement accessible complaint mechanisms according to their language and dialect to guarantee their rights].**

**Grand Council of the Crees:**

2. States Parties shall consult and cooperate in good faith with the indigenous and tribal peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before **[authorizing development initiatives and]** adopting and implementing legislative or administrative measures that may affect them.

**Caring and Living as Neighbours (CLAN):**

**Comment:** Article 17 (clause 2) should include genuine engagement and partnerships with Indigenous peoples – they must lead for the goals to be achieved. “Consult & cooperate in good faith” is not strong enough language. Direction should be taken from the UN Declaration on the Rights of Indigenous Peoples which reinforces Indigenous peoples’ right to self-determination and the importance of consulting with Indigenous peoples on decisions affecting them ‘Articles 18 and 19’.

a. For consideration incorporating words that recognise the importance of consultation and engagement: “Government and private sector should establish transparent and accountable frameworks for engagement, consultation and negotiation with Indigenous peoples and communities”.

b. Acknowledgement of the importance of considering children and youth in the context of development is strongly recommended.

The UN Declaration on the Rights of Indigenous Peoples calls on states to obtain free, prior and informed consent of Indigenous people through their representative institutions before adopting legislative or administrative measures that would affect them. This provides an international framework of best practice for engagement which should be applied to Article 17. “Effective Indigenous governance arrangements to be written into the goals and that there is strong strategic Indigenous leadership through the implementation of the Right to Development goals”.

#### **Brazil:**

Suggestion to add in conjunction with modifications to previous provisions:

**[3. The consultations carried out in application of this convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.]**

(Explanation: Language taken from the ILO Convention 169, article 6)

**Comment:** Regarding article 17, the original language of the draft would create a new right since the principle of “free, previous and informed consent” has not been included in any legally binding instrument so far. On the contrary, it is not compatible with the provisions of the ILO Convention 169, a legally binding instrument currently in force. We understand there are different views on this issue, what makes it a controversial one. Ours, nonetheless, is based on many ILO’s documents we would be glad to provide.

#### **Ecuador:**

Add new paragraphs:

**[3. Indigenous and tribal peoples have the right to implement a new alternative economy, based on the common good, social justice, economic independence, social and environmental responsibility, for which the States parties will design specific public policies according to the vision of development. In turn, they will manage and guarantee its execution.**

**4. Indigenous and tribal peoples have the right to promote the execution of their development models with their own production systems, adapted to climate change, which will be executed through economic, social, educational, and cultural development plans, programs, and projects. The States Parties will guarantee its implementation and execution.**

**5. Indigenous and tribal peoples have the right to live and enjoy their own culture and to act freely for its development, without interference or discrimination of any kind. They also have the right to preserve, express, control, protect and develop their traditional and local knowledge, such as their ways of life, their production methods or technologies, or their customs and traditions. No one may invoke cultural rights to violate the human rights guaranteed by international law or to limit their scope.]**

#### **Expert Mechanism on the Rights of Indigenous Peoples:**

Suggestion to add:

**[3. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent: before adopting and implementing legislative or administrative measures that may**

**affect them; and prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.]**

(Explanation: EMRIP notes that point 2 of draft article 17 reproduces article 19 of the UNDRIP on free, prior and informed consent as it relates to legislative and administrative measures. However, there is no reference to the need for free, prior and informed consent in other often more complicated situations such as mining or extractive projects. Thus EMRIP would suggest that you add the following wording from article 32 of the UNDRIP to this article).

**International Human Rights Association of American Minorities (IHRAAM):**

Add a new paragraph:

**[3. The implementation mechanism of the Convention on the Right to Development shall receive petitions from Indigenous and tribal peoples being denied their right to development pursuant to the full scope of Article 5 of the [draft] Convention.]**

**Article 18 – Prohibition of limitations on the enjoyment of the right to development**

States Parties recognize that the enjoyment of the right to development may not be subject to any limitations except insofar as they may result directly from the exercise of limitations on other human rights applied in accordance with international law.

**Iran (Islamic Republic of):**

States Parties recognize that the enjoyment of the right to development may not be subject to any limitations ~~except insofar as they may result directly from the exercise of limitations on other human rights applied in accordance with international law.~~ [All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.]

**Saudi Arabia:**

**Comment:** Add the phrase “Other than the restrictions stipulated in the law and are necessary to protect national security, public order, health, or morality, or the rights and freedoms of others”.

**Russian Federation (oral statement):**

We are worried by the wording which says that “the enjoyment of the right to development may not be subject to any limitations”. This is perhaps a bit going a bit too far. Even the International Covenant on Civil and Political Rights contains a provision which provides for limitations on human rights and freedoms when it is a question of upholding law and order, and security.

**Article 19 – Impact assessments**

**Argentina:**

**Comment:** In relation to art. 19 of the draft Convention, it is necessary to indicate that national voluntary reports are presented within the framework of the Sustainable Development Goals. They stand as valuable tools for States to demonstrate their progress in implementing the 2030 Agenda. In this sense, Argentina has already presented two of those reports in the framework of the High-Level Political Forum on Sustainable Development, under the auspices of the Economic and Social Council of the United Nations, and will present the third report in 2022. In other words, new impact evaluations would duplicate what was agreed in the 2030 Agenda in terms of monitoring.

1. States Parties undertake to take appropriate steps, individually and jointly, including within international organizations, to establish legal frameworks for conducting prior and ongoing assessment of actual and potential risks and impact of their national laws, policies and practices and international legal instruments, policies and practices, and of the conduct of legal persons which they are in a position to regulate to ensure compliance with the provisions of the present Convention.

**Soroptimist International:**

1. States Parties undertake to **take [adopt]** appropriate steps, individually and **jointly [collectively]**, including within international organizations, to establish legal frameworks for conducting prior and ongoing assessment of actual and potential risks and impact of their national laws, policies and practices and international legal instruments, policies and practices, and of the conduct of legal persons which they are in a position to regulate to ensure compliance with the provisions of the present Convention.

(Explanation: Same rationale as for Article 16.2.)

2. States Parties shall take into account any further guidelines, best practices or recommendations that the Conference of States Parties may provide with respect to impact assessments.

**Russian Federation (oral statement):**

We believe that in paragraph 2, the reference to the Conference of States Parties comes a bit as a shock and it is a bit unexpected, because this very institution of the Conference of States Parties is the subject rather of an Article at the end of the Convention, so perhaps paragraph 2 should be taken out of Article 19 since it is in the wrong order.

**Soroptimist International:**

2. States Parties shall take into account **[and seek to implement]** any further guidelines, best practices or recommendations that the Conference of States Parties may provide with respect to impact assessments.

(Explanation: This addition aims to strengthen action and accelerate implementation.)

**Modern Advocacy Humanitarian Social and Rehabilitation Association:**

2. States Parties shall take into account any further guidelines, **[relevant]** best practices or recommendations that the Conference of States Parties may provide with respect to impact assessments.

**Ecuador:**

Add a new paragraph:

**[3. The States Parties shall guarantee the participation of the subjects of rights in the problems and solutions inherent to the development, in accordance with their reality.]**

**NHRI El Salvador:**

**Comment:** Include the obligation of the States to incorporate the populations in the evaluation processes through specific guarantees to exercise the rights to participation and access to information. It must also be established that such evaluations must take into account the repercussions on the well-being of people and the environment. These evaluations must incorporate the obligation of the States to report the results of the evaluations in a transparent manner and through accessible means.

**Centre for Human Rights, University of Pretoria:**

Add new paragraphs:

**[3. States Parties and international organisations shall take all necessary steps, particularly through human rights, social and environmental impact assessments, to respect and protect human rights in all development initiatives and plans.**

**4. States parties shall ensure that any decision-making processes or actions regarding national development plans shall be in accordance with their human rights obligations and shall take all necessary steps to ensure that such decisions and actions do not contribute, cause, or be directly linked to human rights abuses and violations in the course of development.]**

(Explanation: Article 19 in the draft Convention should be clear and specific requiring mandatory human rights due diligence (mHRDD) in all development projects. The article should clarify on the role of States, international organisations and other private actors in conducting mHRDD and human rights, social and environmental impact assessments. )

**Article 20 – Statistics and data collection****NHRI El Salvador:**

**Comment:** It is recommended the inclusion of obligations related to defining and maintaining reliable and updated public information systems with censuses and periodic studies that determine a scan more in line with the characteristics and realities of the population and not only that of “collecting data and statistics” In any case, they must allocate sufficient resources to produce, exchange and disseminate the information, in addition to the specific guarantees to gain access to it.

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

**Soroptimist International:**

1. States Parties undertake to collect appropriate information, including ~~statistical and research~~ **[quantitative and qualitative]** data, **[and use data collected by other agents of development,]** to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

(Explanation: Using ‘quantitative and qualitative’ would reflect the language used in data for development discussions, and would fully reflect the forms of data collected both by states and non-state actors. Data not collected by governments should also be used by states, as it often uses different methodologies which can reveal information about the realities of development and can better gather data on marginalised groups.)

**UNODC:**

1. States Parties undertake to collect [and disseminate] appropriate information, including statistical and other research data, to enable them to [produce the evidence needed to] formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

adding a new bullet point after Point 1(b), to read as follows:

(c) Comply with the United Nations Fundamental Principles of Official Statistics to ensure data are produced according to quality standards and respecting professional independence of statistical entities.

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for privacy;

**UNESCO:**

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for privacy **[online and offline]**;

(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with the present article shall be disaggregated, as appropriate, and used to help to assess the implementation of States Parties' obligations under the present Convention and to identify and address the obstacles to the full realization of the right to development.

**China:**

2. The information collected in accordance with the present article shall be disaggregated, as appropriate, and used **[by States Parties] to help** to assess **[, according to its laws, regulations and policies,]** the implementation of **States Parties'** **[its]** obligations under the present Convention and to identify and address ~~the~~ **[its own]** obstacles to the full realization of the right to development.

**Cuba:**

2. The information collected in accordance with the present article shall be ~~disaggregated, as appropriate, and~~ used to help to assess the implementation of States Parties' obligations under the present Convention and to identify and address the obstacles to the full realization of the right to development.

**Ecuador:**

2. The information collected in accordance with ~~the present~~ **[this]** article ~~shall be disaggregated~~ **[will be broken down into, at least by sex, gender, age, ethnicity, disability, and human mobility situation, and will be]** used ~~to help to assess the implementation of States Parties' obligations~~ **[as an aid to evaluating the fulfilment by the States Parties of their obligations]** under ~~the present~~ **[this]** Convention, ~~and~~ **[as well as]** to identify and address the obstacles to the full realization of the right to development,

**National Human Rights Commission of Mauritius:**

**Comments:** Article 20(2) disaggregated data. What would be the components?

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** Draft Article 20 on "Statistics and data collection" should refer specifically to certain vulnerable groups that are still "invisible" in domestic information systems intrinsically linked to human development (e.g., indigenous peoples, afro-descendant populations, older persons, persons with disabilities, women/girls, persons living with HIV and other communicable diseases, LGBTQ+, refugees, displaced persons, children, etc.). It is suggested to review the SDG Declaration and make this article consistent with all persons and groups mentioned by the SDGs. This article should include



a reference to the technical cooperation of UN and specialized agencies since those institutions work at domestic and international level to collect data and information.

**Soroptimist International:**

2. The information collected in accordance with the present article shall be disaggregated, [**income, sex, age, race, ethnicity, migration status, disability, geographical location and other characteristics relevant in national contexts**] ~~as appropriate~~, and used to help to assess the implementation of States Parties' obligations under the present Convention and to identify and address the obstacles to the full realization of the right to development.

(Explanation: This language is used by the Sustainable Development Goals (See 17.18 in SDG17 under 'Data, Monitoring and Accountability') and this list has been replicated in many UN resolutions since. Given it's established use and relevance to the right to development, it is appropriate to use here. 'As appropriate' should be deleted because it provides for the possibility of not disaggregating data, which is known to be detrimental to achieving development aims.)

**Committee on the Rights of Persons with Disabilities (CRPD):**

2. The information collected in accordance with the present article shall be disaggregated, as appropriate, [by sex, age, ethnicity, disability, migratory status, geographical location and other characteristics relevant in national contexts,] and used to help to assess the implementation of States Parties' obligations under the present Convention and to identify and address the obstacles to the full realization of the right to development.

**FAO:**

Suggestion to add upfront:

**[(a) Statistics and research data should disaggregated by gender, age and other social factors]**

3. States Parties shall assume responsibility for the dissemination of these statistics in a manner consistent with the objective of fully realizing the right to development for all.

**Ecuador:**

Add a new paragraph:

**[4. Based on the compilation of data and statistics, the States Parties undertake to build public policies for the welfare of the most vulnerable groups that allow their economic inclusion and upward social mobility.]**

**UNODC:**

3. States Parties shall assume responsibility for the [open and transparent] dissemination of this [data] statistics in a manner consistent with the objective of fully realizing the right to development for all.

**Article 21 – International peace and security**

**UNODC:**

UNODC notes the reference to disarmament as the means to achieving development. However, UNODC suggests:

Considering other aspects contributing to international peace and security. These include preventing and countering terrorism, strengthening the rule of law, preventing and countering corruption as well as transnational organized crime in its various forms, including cybercrime.

1. States Parties reaffirm their existing obligations under international law to promote the establishment, maintenance and strengthening of international peace and security in consonance with the principles and obligations contained in the Charter of the United Nations, including the peaceful settlement of disputes.

**People for Successful Corean Reunification (PSCORE):**

1. States Parties reaffirm their existing obligations under international law to promote the establishment, maintenance and strengthening of international peace and security in consonance with the principles and obligations contained in the Charter of the United Nations, including **[all United Nations Security Council resolutions and]** the peaceful settlement of disputes.

(Explanation: In pursuing international disarmament to realize the global right to development, we agree with the need to stress the peaceful settlement of disputes. We also draw attention to, however, the necessity to re-emphasize the obligation of member states to observe UNSC resolutions, particularly with regard to the DPRK. The DPRK has continuously and flagrantly violated UNSC resolutions by growing their WMD and ballistic missile programs over the past decade. The state was estimated, on average, to have spent between 13%-23% of its GDP on military defense spending every year from 2007-2017. Despite numerous UNSC resolutions against the DPRK, implementation and enforcement of said resolutions have been far from universal. [...])

**Soroptimist International:**

1. States Parties reaffirm their existing obligations under international law to promote the establishment, maintenance and strengthening of international peace and security in consonance with the principles and obligations contained in the Charter of the United Nations, including the peaceful settlement of disputes **[and by enacting the women, peace and security agenda]**.

(Explanation: The women, peace and security agenda, as established by UNSC 1325, is essential for ensuring development (as outlined in the Convention Preamble). Given the nexus between gender equality, peace and development, it is appropriate that a reference to the women, peace and security agenda is included in Article 21 and it would help connect this article with Article 16.)

2. To that end, States Parties undertake to pursue collective measures with the objective of achieving general and complete disarmament under strict and effective international control so that the world's human, ecological and economic resources can be used for the full realization of the right to development for all.

**Pakistan (oral statement):**

We would request for the addition of reference to the outcome document of the first special session of the General Assembly on disarmament in line 3 of the paragraph two. In line with the principles enshrined in the outcome document of the special session of the General Assembly on disarmament.

We would suggest addition of words: "to pursue collective, non-discriminatory and verifiable measures".

**Russian Federation:**

**Comments:** According to the commentaries, the above norm is formulated based on article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of 1968. Indeed, in accordance with the above-mentioned norm of the NPT the State Party has the duty to "pursue negotiations in good faith on

effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament". At the same time, following the rules of interpretation contained in paragraph 2 of article 31 of the Vienna Convention on the Law of Treaties of 1969, this article should be interpreted in conjunction with the preamble. First of all, the subject of the NPT is not a general and complete prohibition of nuclear weapons, but "the prevention of wider dissemination of nuclear weapons", which "would seriously enhance the danger of nuclear war" (paragraphs 2, 3 and 4 of the preamble of the NPT). Paragraphs 4, 9, 10 and 12 refer to the "intention" of the participating States "to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament". In the context of the NPT, both the nuclear Powers and the non-nuclear-weapon States have obligations for the non-proliferation of nuclear weapons, but not the complete disarmament.

The NPT regulates legal relations in the field of nuclear disarmament in the most general terms, limiting itself by establishing the "framework" of this process and not encroaching on the prerogatives of nuclear Powers conducting substantive negotiations on this issue or taking unilateral measures to limit and reduce their nuclear capabilities.

All existing international treaties related to prohibition of a particular type of activity related to nuclear weapons (the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in outer Space and Under Water of 1963, the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil thereof of 1971, the Antarctic Treaty of 1959, etc.) were concluded with the active participation of nuclear Powers. At the same time, it should be understood that there is no norm in modern international law on prohibition of the possession of nuclear weapons and the use of their strategic deterrence.

In addition, the advisory opinion of the International Court of Justice of 8 July 1996 on the Legality of the Threat of Nuclear Weapons confirmed the right of nuclear Powers to possess nuclear weapons.

In our opinion, paragraph 2 of article 21 of the draft suggests a fundamentally different approach to regulating interstate relations in the field of nuclear arms control and nuclear disarmament. We consider it expedient either to exclude it, or to limit ourselves to the wording that the parties will take all measures to fulfil their previous obligations in this area.

**Cuba (oral statement):**

We fully support the inclusion of the question of disarmament, complete and general disarmament in this part.

**Panama (oral statement):**

We would like to put on record our strong support to Article 21 under international peace and security. The comment made by Russian Federation represents a wrong interpretation of the Non-Proliferation Treaty (NPT). The NPT does not give countries a right to continue to possess nuclear weapons, according to its Article 6. This norm is also confirmed in the Treaty on the Prohibition of Nuclear Weapons. We can support the proposal made by Pakistan on Paragraph 2 of this Article.

**Holy See:**

2. To that end, States Parties undertake to pursue collective measures with the objective of achieving general and complete disarmament under strict and effective international control so that the world's human, ecological, [technological] and economic resources can be used for the full realization of the right to development for all [, contributing in this way to the establishment, maintenance and strengthening of peace and security at all levels.]

(Explanation: The inclusion of technology as well as a reference to the pursuit of peace and security would bring this document in line with the 2030 Agenda for Sustainable Development. )

**NHRI El Salvador:**

**Comment:** The wording of this article 21 could be modified to establish the obligation of States to incorporate the principles related to the right to development and human rights in general in all national and international activities related to disarmament and reconstruction after the armed conflicts peace and democracy.)

**National Human Rights Commission of Nigeria:**

**Comment:** The Commission notes that peace and security are essential drivers of development and key to implementing and achieving the right to development. The right to development is impeded when insecurity does not allow women, girls and vulnerable populations to enjoy their right to dignity, education and health. To this end, the Commission notes that article 21 does not address key concerns on the obligations of states to ensure peace and security of lives and properties within their territories and their responsibility to protect civilians and other vulnerable populations in conflict and peace time. We propose that there should be an additional paragraph to article 21 to address these concerns.

**Amman Center for Human Rights Studies:**

2. To that end, States Parties undertake to pursue collective measures with the objective of achieving general and complete disarmament[, as well as gradual demilitarization,] under strict and effective international control so that the world's human, ecological and economic resources can be used for the full realization of the right to development for all.

**CINGO:**

**Comment:** paragraph 2 of Article 21 is diluting very much of the great components of the declaration in making really the right to development reflected as the representative of Panama was saying before, we are speaking of a huge amount of money which goes to buy weapons for conflicts and so on, to promote these, while these resources can be really released for combating extreme poverty, poverty food, hunger, and so on, especially in countries which are really struggling. We would like a civil society, this Article 21 to be stronger and to reflect fully.

**Modern Advocacy Humanitarian Social and Rehabilitation Association:**

**Comment:** The convention on the right to development is very specific on its respect to Human Rights, so, it cannot mention most sensitive issues such as Peace and end at the level of international considerations only. If it emphasises on individual persons with respect to human rights, it has to do same with respect to peace and security. Human beings also need to be disarmed from their corrupt and societal hateful mind-sets. If this very sensitive part is not appropriately trashed, we'll face, in the future, what we faced in the past and still facing today. Disarming the individual from his/her destructive self, provides clearer and more secured path for his/her right to development, as well as, those of others. No matter how wonderful we develop our communities, those who manage such, if they are not acculturated in the values to protect and cherish, they will destroy it all, and send us all back to the start. The convention should reflect in a manner to include some States' responsibilities for enhancing an individual consciousness building processes

**Article 22 – Sustainable development**

States Parties, individually and jointly, undertake to ensure that:

(a) Laws, policies and practices relating to development at the national and international levels pursue and contribute to the realization of sustainable development;

**Holy See:**

(a) Laws, policies and practices relating to development at the national and international levels pursue and contribute to the realization of sustainable [and integral] development;

(Explanation: Art. 22 translates the affirmation of PP6 and Art. 3(e-f) into a legal obligation to

ensure that efforts to promote the RTD lead to true and sustainable development. From the perspective of the Holy See, it would be preferable to include a reference to integral development.)

(b) Their decisions and actions do not compromise the ability of future generations to realize their right to development;

**Argentina (oral statement):**

(b) Their decisions and actions do not compromise the ability of **[present and]** future generations to realize their right to development;

**CINGO:**

(b) Their decisions and actions do not compromise the ability **[of present and future]** generations to realize their right to development;

**Explanation:** What is sustainable development? Sustainability should be defined for a development that should respect and preserve the environment and meet the needs of present and future generations. A clear definition of sustainable development is not provided in the draft; however, our suggestion draws from the UNDP definition that defines sustainable development as a **development that meets the needs of the present without compromising the ability of future generations to meet their own needs.**

**Modern Advocacy Humanitarian Social and Rehabilitation Association:**

(b) Their decisions and actions do not compromise the ability of future generations to realize their right to development... the phrase seems incomplete, what should they do for it not to compromise? Probably: **by failure to institute mechanisms for enhancing the development prospects of such future generations.**

(c) The formulation, adoption and implementation of all such laws, policies and practices aimed at realizing sustainable development are made fully consistent with the provisions of the present Convention.

**Argentina (oral statement):**

(c) The formulation, adoption and implementation of all such laws, policies and practices aimed at realizing sustainable development are made fully consistent with the provisions of the present Convention **[and international law]**.

**Iran (Islamic Republic of):**

(c) The formulation, adoption and implementation of all such laws, policies and practices aimed at realizing sustainable development are made fully consistent with the provisions of the present Convention **[and based on cultural backgrounds and national circumstances of member States]**.

**Saudi Arabia:**

**Comment:** Rephrase this article in order to indicate that nation should take the appropriate measures to ensure the implementation of the provisions of this Convention.

**Holy See:**

(c) The formulation, adoption and implementation of all such laws, policies and practices aimed at realizing sustainable **[and integral]** development are made fully consistent with the provisions of the present Convention.

**Commissioner for Fundamental Rights of Hungary:**

c) The formulation, adoption and implementation of all ~~such~~ laws, policies and practices aimed at realizing ~~sustainable development [the present Convention]~~ are made fully consistent with the ~~provisions of the present Convention [concept of sustainable development]~~.

(Explanation: Article 22 of the draft Convention addresses the relationship between sustainable development and the right to development, but in its section (c) it seems to give preference to the right to development over sustainable development. This interpretation is also confirmed in the “Draft Convention on the Right to Development, with commentaries” document, page 71, section 4.

This could be a questionable approach in an era when climate change and the loss of biodiversity – just to name two of the most pressing environmental problems – require mankind to accelerate a global shift towards a more sustainable development. The Preamble and Article 3 (e) of the draft Convention demonstrates a different approach:

*“Recognizing that the realization of the right to development constitutes both the primary end and the principal means of sustainable development, and that the right to development cannot be realized if development is not sustainable.”*

“It is important to note that the Rio Declaration on Environment and Development explicitly linked and limited the right to development to the criteria of sustainable development. In its paragraph 3, the Rio Declaration affirmed that *“the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations”*. The Vienna Declaration and Programme of Action echoed the Rio language in its paragraph 11.

Bearing all this in mind, I would suggest to reconsider the draft convention’s Article 22 – Sustainable development paragraph (c) for a more balanced approach that could better ensure an alignment between the two concepts in line with the Preamble and Article 3 (e).

**Iran (Islamic Republic of):**

**Comment:** New (d) Recognizing that a true sustainable development is achieved when all nations equally enjoy opportunities to thrive and prosper and when no State seizes such opportunity to the detriment of the others.

**Pakistan:**

**Comment:** Add new para in article 22 highlighting the significance of international cooperation and collective responsibility in achieving SDGs.

**Bangladesh:**

Add a new para after para (c) of Art. 22:

**[The effective global partnership for sustainable development, based on a spirit of strengthened international cooperation and global solidarity.]**

(Explanation: based on 2030 Agenda for Sustainable Development)

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** It is suggested to include SDG 4.7 in article 22 or formulate a separate article that refers to SDG 4.7:

*“By 2030 ensure all learners acquire knowledge and skills needed to promote sustainable development, including among others through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship, and appreciation of cultural diversity and of culture’s contribution to sustainable development.”*

**Legal Resources Centre:**

Add a new paragraph:

**[(d) Their actions will mainstream sustainable development at all levels, integrating economic, social and environmental aspects and recognizing their interlinkages, to achieve sustainable development in all its dimensions.]**

(Explanation: The Brundtland Report, Johannesburg, and Rio Declarations on Sustainable Development refer to the important pillars of Sustainable Development and their relationship with one another. We believe, therefore, that conventions and treaties referring to sustainable development should refer to these underlying pillars, namely, economic growth, social development and environmental protection.)

**Article 23 – Harmonious interpretation****Russian Federation:**

**Comment:** article 23 of the draft, which deals with issues of treaty interpretation, is formulated in a controversial manner. In this regard, we assume that all issues related to the rules of interpretation of international treaties, the procedure for applying consistently concluded international treaties relating to the same issue, and other issues of the law of international treaties have already been settled by the 1969 Convention and the future Contention on the Right to Development can hardly serve as a basis for revising such fundamental norms of international law.

1. Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention. To that end, the United Nations and its specialized agencies are under an obligation to promote the right to development.

**Holy See:**

1. Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention. To that end, the United Nations and its specialized agencies are under an obligation to promote the right to development.

(Explanation: While the Commentary affirms that it does not intend to create additional obligations for the UN and its specialized agencies, simply reaffirming the obligations that are contained in the Charter and the constitutive documents of the various specialized agencies, it is inappropriate in a legally binding instrument to define the obligations of another international body. )

**Club Ohada Thiès:**

(Comment: Article 23 of the draft convention in the last sentence of the 1st paragraph: It has not been specifically mentioned how the United Nations and its specialized agencies will be required to promote the law. In our opinion, it was necessary to specify how the specialized agencies should work harmoniously.)

2. The provisions of the present Convention shall not affect the rights and obligations of any State Party deriving from any existing international agreements, except where the exercise of those rights and obligations would contravene the object and purpose of this Convention. The present paragraph is not intended to create a hierarchy between the present Convention and other international agreements.

**Cuba:**

2. The provisions of the present Convention shall not affect the rights and obligations of any State Party deriving from any existing international **agreements [instruments]**, except where the exercise of those rights and obligations would contravene the object and purpose of this Convention. The present paragraph is not intended to create a hierarchy between the present Convention and other international **agreements [instruments]**.

**Holy See:**

2. The provisions of the present Convention shall not affect the rights and obligations of any State Party deriving from any existing international agreements, except where the exercise of those rights and obligations would contravene the object and purpose of this Convention. The present paragraph is not intended to create a hierarchy between the present Convention and other international agreements.

(Explanation: The provisions of the present Convention could potentially affect the rights enjoyed in virtue of other international agreements, especially where the RTD is concerned, under the principle of pacta sunt servanda it would be inappropriate to assert that the obligations under other instruments are affected by this Convention. If this were to be the case, a de facto hierarchy of international agreements would be created, notwithstanding the final phrase of this article.)

**Special Envoy of the UNSG on Disability and Vulnerability:**

Add a new paragraph:

**[3. The provisions of the present Convention shall not be interpreted in any case as impairing the human rights and obligations of State Parties enshrined in human rights treaties of the United Nations system.]**

**Part IV**

**Brazil:**

**Comment:** Brazil suggests deletion of Part IV as a whole

**Russian Federation:**

**Comment:** Bearing in mind the unique nature of the bodies proposed to be established under articles 24 and 26 of the draft, we would consider it appropriate to exclude any intrusive or evaluation control schemes. We would recommend limiting ourselves to providing periodic reports, conducting an independent internal assessment, but without further expert review and a complaints procedure.

Monitoring procedures could be made optional, for example, by including them in the relevant optional protocol.

**FAO:**

**Comment:** In terms of implementation mechanism, the draft Convention leaves it for the Conference of State Parties to establish such a mechanism (article 24-26). First, it would make the work of the CoP easier if there was a secretariat that prepares and organizes its work. Second, the draft sets out the nature of the implementation mechanism under article 26, leaving one wondering why it does not already establish an expert body.

**Fundação Antonio Meneghetti:**

**Comment:** For the periodic convention that will be organized for the accomplishment of the right to development, we suggest to create a permanent commission of support for the states that participate



on it. That will allow access to information, technical support, meaning that this group can serve as a consultative organ, where the conference member states can gather the information they need.

#### **Article 24 – Conference of States Parties**

##### **CINGO:**

#### **Article 24 – Conference of States Parties**

##### **Kirkon ulkomaanapu (Finn Church Aid) (oral statement):**

FCA welcomes the opportunity mentioned in the draft declaration, that non-governmental organizations with consultative status with the Economic and Social Council may participate as Observers in the public sessions of the Conference of States Parties. In addition, the convention could consider mechanisms to include non-governmental organizations and the private sector actors to contribute to the realization of the right to development and the Conference of States Parties, and especially the proposed implementation mechanism. Namely,

INGOs with ECOSOC consultative status, as well as local civil society organizations can often have an opportunity to support the rights holders in their respective countries with the facilitation of requests referred to in the Article 26, 3(c). Similarly, civil society organizations, as well as the private sector actors, can be well positioned to support the relevant States Parties in fulfilling their obligations on Right to Development. FCA supports a relevant wording to allow these competences to be included in the proposed implementation mechanisms.

FCA would like to ask the expert group, whether the current wording under article 26.2 is inclusive of the opportunity of having independent experts with civil society- and private sector perspectives? If it is not, we suggest these two expertise would be strengthened.

##### **Centre Europe - tiers monde (CETIM) (oral statement):**

Nous avons quelques observations à faire concernant les article 24 et 26.

Premièrement, la répartition des compétences entre la Conférences des États parties (art. 24) et le mécanisme de mise en œuvre d'experts (art. 26) n'est pas très claire et nécessite une réflexion approfondie.

A titre d'exemple, il est prévu à l'alinéa a) du paragraphe 2 de l'article 24 que les rapports des Etats parties seront examinés par la Conférences des États parties et ensuite envoyés mécanisme de mise en œuvre d'experts. C'est le contraire qui serait plus logique si l'on veut respecter l'hierarchie entre ces deux instances. Il faudra également prévoir un suivi effectif et efficace suite à l'examen de ces rapports.

**Translation:** We have a few observations to make regarding Articles 24 and 26.

First, the division of competences between the Conference of States Parties (art. 24) and the expert implementation mechanism (art. 26) is not very clear and requires careful consideration.

For example, article 24, paragraph 2 (a), provides that the reports of the States Parties shall be considered by the Conference of the States Parties and then sent to the expert implementation mechanism. The opposite would be more logical if the hierarchy between these two bodies is to be respected. It will also be necessary to provide for an effective and efficient follow-up to the examination of these reports.)

1. A Conference of States Parties is hereby established.

2. The Conference of States Parties shall keep under regular review the effective implementation of the Convention and any related legal instruments that the Conference of States Parties may in future adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To that end, the Conference of States Parties shall:

**Holy See:**

2. The Conference of States Parties shall keep under regular review the effective implementation of the Convention and any related legal instruments that the Conference of States Parties may in [the] future adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To that end, the Conference of States Parties shall:

(a) Periodically examine reports by States Parties on the implementation of their obligations under the Convention and the obstacles that they face in the realization of the right to development, in the light of the object and purpose of the Convention. In this regard, the Conference of States Parties may refer such reports to the implementation mechanism contemplated under article 26 of the present Convention;

**Holy See:**

Comment: The periodic reports of States Parties under Art. 24(2a) are intentionally voluntary. There is no obligation to present such reports, nor a recommendation as to their frequency or form. The Commentary affirms that this is to create a collaborative – and not an adversarial – character to the Convention.

**National Human Rights Commission of Mauritius:**

**Comment:** Article 24(2)(a) Reporting periods?

Alliance Defending Freedom International (ADF):

**Comment:** This runs in direct contradiction to the institutional setup established by each of the core international human rights instruments, according to which the exclusive responsibility for the periodic reporting process lies with the relevant monitoring bodies. Besides raising genuine doubts as to the ability of an intergovernmental body to perform such function effectively and with the required absolute impartiality and objectivity, conferring competence on the Conference of States Parties to consider States Parties' reports carries obvious risks of duplication with other state-driven human rights review processes, such as the Universal Periodic Review.

(b) Promote and facilitate the open exchange of information on measures adopted by States Parties to address the realization of the right to development, taking into account the differing circumstances, responsibilities and capabilities of States Parties and their respective obligations under the Convention;

**Philippines:**

Comments: As the body responsible to promote and facilitate the open exchange of information on measures to address the realization of the right to development, the Conference of State Parties may further explore appropriate and effective accountability and enforcement mechanisms, including the enhancement of accountability of governments, donors, and partners of development assistance; and exploring the concrete impact of rights-based approaches to development.

(c) Promote, develop and periodically refine, in accordance with the provisions of the present Convention, the methodologies and best practices for States Parties to assess the status of realization of the right to development;

**UNODC:**

(c) Promote, develop and periodically refine, in accordance with the provisions of the present Convention, the methodologies, best practices [and indicators] for States Parties to assess the status of realization of the right to development;

**National Human Rights Commission of Mauritius:**

**Comment:** Methodology not clear

**All Win Network:**

(c) Promote, develop and periodically refine, in accordance with the provisions of the present Convention, the methodologies and best practices for States Parties to assess the status of realization of the right to development [**and any new laws or human rights actions that develop from this day on from passing of the Convention**];

(d) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and governmental and non-governmental bodies;

**China:**

(d) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and governmental and non-governmental bodies[, **based on the principle of non-objection by State Parties**];

(e) Consider and adopt regular reports on the status of implementation of the Convention, and ensure their publication;

(f) Make recommendations on any matters relevant to the implementation of the Convention, including, inter alia, the adoption of protocols or amendments;

(g) Exercise such other functions as are required for the achievement of the object and purpose, as well as the aims, of the Convention.

**Holy See:**

(g) Exercise such other functions [within the scope of the Convention] as are required for the achievement of the object and purpose, as well as the aims, of the Convention.

(Explanation: The proposed modification seeks to limit the scope of the functions and activities that the Conference in this regard.)

3. The first session of the Conference of States Parties shall be convened by the Secretary-General of the United Nations no later than six months after the entry into force of the present Convention. At its first session, the Conference of States Parties shall adopt its own rules of procedure, which shall include decision-making for matters not already stated in the Convention.

4. The Conference of States Parties shall meet in public sessions, except as otherwise determined by it, in accordance with its rules of procedure.

5. All States not party to the present Convention, specialized agencies, funds and programmes of the United Nations system, other international organizations, United Nations human rights mechanisms, regional human rights bodies, national human rights institutions, and non-governmental organizations with consultative status with the Economic and Social Council may participate as Observers in the public sessions of the Conference of States Parties. The Conference of States Parties may, in accordance with its rules of procedure, consider requests from, or may invite, other stakeholders to participate as Observers.

**International-Lawyers.Org:**

**Comment:** While this article provides for participation by non-governmental organizations, this participation should be guaranteed through more specific provisions in the treaty. Moreover, provision should be made in the treaty to ensure that the participation of non-state actors is geographical equitable.

Consideration should also be given to the creation of a system for grants to non-government organizations for their participation in the work of the conference of the parties and the implementation mechanism for this treaty.

**Grand Council of the Crees:**

5. All States not party to the present Convention, specialized agencies, funds and programmes of the United Nations system, other international organizations, United Nations human rights mechanisms, regional human rights bodies, national human rights institutions, and non-governmental organizations with consultative status with the Economic and Social Council may participate as Observers in the public sessions of the Conference of States Parties. **[Procedures shall also be devised to enable the participation of indigenous peoples' representatives.]** The Conference of States Parties may, in accordance with its rules of procedure, consider requests from, or may invite, other stakeholders to participate as Observers.

**Soroptimist International:**

5. All States not party to the present Convention, specialized agencies, funds and programmes of the United Nations system, other international organizations, United Nations human rights mechanisms, regional human rights bodies, national human rights institutions, and non-governmental organizations with consultative status with the Economic and Social Council may participate ~~as Observers~~ in the public sessions of the Conference of States Parties. The Conference of States Parties may, in accordance with its rules of procedure, consider requests from, or may invite, other stakeholders to participate as Observers.

(Explanation: As essential development partners who are already realizing many of the objectives of this Conventions, CSOs, human rights bodies, development agencies and others should be better included in any review processes and not only be observers. In other human rights mechanisms, the reports and information submitted by these organizations have proved invaluable and with the current Article the Conference of State Parties may miss out on this vital information. Instead, a process similar to the Universal Periodic Review could be adopted.)

**Centre Europe - tiers monde (CETIM) (oral statement):**

Le §5 de l'article 24 prévoit une liste exhaustive des entités qui pourraient participer à la Conférence des États parties. Ce qui est problématique c'est l'inclusion dans d'«autres parties prenantes» des entreprises privées, si l'on se réfère aux commentaires des auteurs du projet (cf. A/HRC/WG.2/21/2/Add.1, p. 75).

Pour le CETIM la participation de ces entités à la Conférence des États parties est hautement problématique et doit être tout simplement écartée. D'ailleurs quelles entreprises seraient éligibles? En effet, ces dernières sont éphémères du fait des acquisitions ou fusions et peuvent faire des faillites. Faut-il le rappeler, par définition, les entreprises privées ne sont pas des structures démocratiques et ne poursuivent que des intérêts privés. Nous observons avec une grande préoccupation l'activisme des lobbies des sociétés transnationales au sein de l'ONU depuis plusieurs décennies. Celles-ci orientent les politiques publiques dans le sens de leurs intérêts particuliers que cela soit dans le domaine de la santé ou de l'agriculture pour ne citer que ces deux domaines. Encore récemment, les lobbies des sociétés transnationales agroalimentaires sont fortement engagées pour orienter dans le sens de leurs intérêts les préparatifs du Sommet des Nations Unies sur les systèmes alimentaires, prévu en automne de cette année. Autrement dit, de manière générale, les activités des sociétés transnationales privées vont à l'encontre

d'un des principes fondamentaux du droit au développement, celui du droit des peuples de décider de leur avenir et de choisir leur mode de développement.

**Translation:** Article 24(5) provides for an exhaustive list of entities that may participate in the Conference of States Parties. What is problematic is the inclusion in "other stakeholders" of private companies, if one refers to the comments of the authors of the draft (see A/HRC/WG.2/21/2/Add.1, p. 75).

For CETIM, the participation of these entities in the Conference of States Parties is highly problematic and must simply be ruled out. Moreover, which companies would be eligible? Indeed, these companies are ephemeral due to acquisitions or mergers and can go bankrupt. By definition, private companies are not democratic structures and pursue only private interests. We observe with great concern the activism of the lobbies of transnational corporations within the UN for several decades. They have been directing public policies in the direction of their particular interests, whether in the field of health or agriculture, to name but two. Even recently, the lobbies of the transnational agri-food companies were strongly committed to orienting the preparations for the United Nations Summit on Food Systems, scheduled for autumn of this year, in the direction of their interests. In other words, in general, the activities of private transnational corporations run counter to one of the fundamental principles of the right to development, that of the right of peoples to decide their own future and to choose their own mode of development.

6. The Conference of States Parties shall be held annually as part of the sessions of the Working Group on the Right to Development.

**China:**

6. The Conference of States Parties shall be held annually ~~as part of~~ [during] the sessions of the Working Group on the Right to Development.

Holy See:

6. The Conference of States Parties shall be held annually as part of the sessions of the Working Group on the Right to Development.

(Explanation:

-States Parties do not have jurisdiction to determine the internal processes of the Working Group and therefore do not have the right to dictate that part of its sessions will be dedicated to the Conference;

-while operative for several years, the Working Group may one day be terminated; it is inadvisable that the Conference be dependent on a separate and distinct international organ;

-modalities for coordinating with the Working Group could just as easily, and much more appropriately, be addressed with the Rules of Procedure of the Conference)

**CINGO:**

**Comment:** The second of observation is the conference of State Parties will be place during the working group on the right to development, just for two days, it will be this enough. Will be then the Working Group extended also in its days because it is not clear to me how we will proceed

7. Special sessions of the Conference of States Parties shall be held at such other times as it may deem necessary, or upon the request of any State party, in accordance with its rules of procedure.

8. The Conference of States Parties shall transmit its reports to the General Assembly, the Economic and Social Council, the Human Rights Council, the Working Group on the Right to Development and the high-level political forum on sustainable development.

**Holy See:**

8. The Conference of States Parties shall transmit its reports to the General Assembly, the Economic and Social Council, the Human Rights Council, [and other relevant bodies of the UN] the Working Group on the Right to Development and the high-level political forum on sustainable development.

(Explanation: For similar reasons to those listed above (Art. 24(6)), it would seem more appropriate to make general reference to “other relevant bodies of the UN” so as to avoid such references from becoming obsolete.)

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** with regard to the transmission of the reports of the Conference of State Parties, it is suggested to include the “Meeting of the Chairpersons of the UN Human Rights Treaty Bodies” which is an important and formal occasion, that incidents on the area of human rights, and in addition, is the direct channel to reach the human rights treaty bodies.

**Article 25 – Protocols to the Convention**

**Philippines:**

Comments: Multi-stakeholder agreements may be considered to further specify obligations under the Convention. Given that this instrument is open to a wide variety of State and non-State actors, multi-stakeholder agreements can represent a further stage in the creation of an international legal regime on the right to development.

1. The Conference of States Parties may adopt protocols to the present Convention.
2. The text of any proposed protocol shall be communicated to States Parties at least six months before such a session.
3. The requirements for the entry into force of any protocol shall be established by that instrument.
4. Decisions under any protocol shall be taken only by the States Parties to the protocol concerned.

**All Win Network:**

4. Decisions under any protocol shall be taken only by the States Parties to [solely] the protocol concerned.

(Explanation: As per Article 25, Paragraph 5, to add “to solely the protocols concerned” to ensure that the specific protocols in the Convention are the ones being addressed.)

**Article 26 – Establishment of an implementation mechanism**

**International-Lawyers.Org:**

**Comment:** While we welcome the reference to an implementation mechanism in article 26, we believe that such a mechanism should be established in the treaty and not left to be established subsequent to the entry into force of the treaty as this article appears to do. Moreover, such a mechanism could be modelled on the committees currently found in the major United Nations human rights treaties.)

**CINGO:**

**Comment:** The convention can have an article that says that States ratifying it are obliged to present a periodic report to the expert body and to include systematically in their UPR report and in the reports related to the other ratified treaty bodies, the implementation of the RTD.

**CINGO :**

*We propose to establish a more effective implementation mechanism in the convention and not to postpone its creation to the first Conference of States Parties. Such a mechanism could be modelled on the committees currently found in the major United Nations human rights treaties such the CRC, CEDAW, CRPD etc.*

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established an implementation mechanism on the right to development (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of twelve and, after ratification of or accession to the Convention by the thirty-fifth State Party, of eighteen experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
3. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
4. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once.
5. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.
5. The Committee shall establish its own rules of procedure.
6. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.
7. With the approval of the General Assembly of the United Nations, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
8. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.
9. The Committee shall:

- (a) Examine the quadrennials reports submitted by Member States that have ratified the convention, on the measures taken to give effect to their obligations under the present Convention and on the progress made in that regard.
- (b) Adopt general comments or recommendations to assist in the interpretation or implementation of the provisions of the Convention;
- (c) Review obstacles to the implementation of the Convention at the request of the Conference of States Parties;
- (d) Review requests by rights holders to comment on situations in which their right to development has been adversely affected by the failure of States to comply with their duty to cooperate, as reaffirmed and recognized under the present Convention;
- (e) Undertake any other functions that may be vested by the Conference of States Parties.

**Alliance Defending Freedom:**

I would just like to echo the concerns raised by APG 23 regarding Article 26 and its provisions, it seems like the question of the periodic review process is a fundamental aspect of any implementation mechanism established under the international human rights instrument adopted at the UN level, so it is our view as well that we should see perhaps greater emphasis on this function besides the others already provided for under Article 26.

**Alliance Defending Freedom International (ADF):**

**Comment:** Alliance Defending Freedom International (ADF) regrets that Article 26 of the draft convention does not explicitly provide that the independent experts composing the implementation mechanism shall be nominated by States Parties among their nationals and subsequently elected by the Conference of States Parties. In this regard, it is particularly concerning that the Working Group has strongly recommended that States Parties mandate the Expert Mechanism on the Right to Development – a mechanism of the Human Rights Council – ‘to also act as the implementation mechanism under the draft convention

Suggest: '3. The implementation mechanism shall:

- (a) Periodically examine reports by States Parties on the implementation of their obligations under the Convention, and in this regard to make such suggestions and general recommendations on these reports as it may consider appropriate;
- (b) Adopt general comments or recommendations to assist in the interpretation or implementation of the provisions of the Convention In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention, make suggestions and general recommendations based on information received pursuant to subparagraph (a);
- (c) Transmit to any State Party concerned and report to the General Assembly its suggestions and general recommendations under subparagraphs (a) and (b), together with comments, if any, from States;
- (b) (d) Review obstacles to the implementation of the Convention at the request of the Conference of States Parties;
- (c) (e) Review requests by rights holders to comment on situations in which their right to development has been adversely affected by the failure of States to comply with their duty to cooperate, as reaffirmed and recognized under the present Convention:



(d) (f) Undertake any other functions that may be vested by the Conference of States Parties.’

1. At its first session, the Conference of States Parties shall establish an implementation mechanism to facilitate, coordinate and assist, in a non-adversarial and non-punitive manner, the implementation and promotion of compliance with the provisions of the present Convention.

**Pakistan (oral statement):**

in a non-adversarial and non-punitive **[and non-discriminatory]** manner,

**Soroptimist International:**

1. At its first session, the Conference of States Parties shall establish an implementation mechanism to facilitate, coordinate and assist, in a non-adversarial and non-punitive manner, the **[monitoring, review,]** implementation and promotion of compliance with the provisions of the present Convention.

(Explanation: It is common for development mechanisms to use monitoring and review mechanisms, and as this Convention is on the right to development, it is appropriate to use these frequently used development terms. This language is also consistent with human rights mechanisms like the UPR which use a similar approach.)

2. The implementation mechanism shall consist of independent experts, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems and balanced gender representation.

**Cuba:**

2. The implementation mechanism shall consist of independent experts, ~~consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems and balanced gender representation~~ **[whose configuration should pay due attention to gender balance and equitable geographical representation, as well as appropriate representation of different legal systems].**

**Cuba (oral statement):**

It’s very important to have the mention here to balanced geographical distribution and balanced gender representation.

**Iran (Islamic Republic of):**

2. The implementation mechanism shall consist of independent experts, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems and **[women and men]** balanced ~~gender~~ representation.

**Pakistan (oral statement):**

and of ~~the principal~~ **[different]** legal systems and balanced gender representation

(Explanation: This is based on the language of HRC Resolution 5/1 in the context of appointment of mandate holders, that they should represent different legal systems.)

**Special Envoy of the UNSG on Disability and Vulnerability:**

**Comment:** Following-up resolution 68/268 of the UN General Assembly on strengthening the treaty bodies, it is suggested to add in No 2 “...balanced gender representation and the participation of experts with disabilities”.

**National Human Rights Commission of Mauritius:**

<p><b>Comments:</b> No. of experts to be determined</p>
<p><b><u>CINGO:</u></b></p> <p><b>Comment:</b> In our opinion, this implementation mechanism (a Committee?) should be better defined in its role, composition, number of experts (12? 18?) etc. A further discussion is needed on this matter.</p> <p><b><u>Committee on the Rights of Persons with Disabilities (CRPD):</u></b></p> <p>The implementation mechanism shall consist of independent experts, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation [<b>and the participation of experts with disabilities</b>]</p> <p><b><u>Alliance Defending Freedom International (ADF):</u></b></p> <p>2. The implementation mechanism shall consist of independent experts [<b>elected by States Parties from among their nationals</b>], consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems and balanced gender representation.</p>

3. The implementation mechanism shall:

(a) Adopt general comments or recommendations to assist in the interpretation or implementation of the provisions of the Convention;

<p><b><u>Nigeria:</u></b></p> <p>(a) <del>Adopt</del><b>[Explore]</b> general comments or recommendations to assist in the interpretation or implementation of the provisions of the Convention;</p> <p>(Explanation: Nigeria believes that general comments should be processed and subjected to debate, scrutiny and consensus by State Parties. It is therefore, our view that the paragraph undermines the sovereignty of States in the interpretation of the Treaty provision.)</p> <p><b><u>Personhood Education:</u></b></p> <p>(a) Adopt general comments or recommendations to assist in the <del>interpretation or</del> implementation of the provisions of the Convention;</p> <p>(Explanation: We strongly request and urge that “interpretation” be deleted. The text is for the most part strong and clear (more so if a stand-alone definition of development is included). We realize that a process of interpretation may be needed to clarify how the Convention applies to specific situations, but to mandate “interpretation” proactively risks contention and controversy in future. Art. 26 is entitled implementation. Please stay within the scope of this article and allow States Parties and experts to deliberate as time goes on, in an organic and culturally sensitive manner, in order to ensure that this Convention facilitates a natural evolution of understanding based on States’ and individual rights holders’ experiences, abilities and competencies.)</p> <p><b><u>Alliance Defending Freedom International (ADF):</u></b></p> <p><b>Comment:</b> wishes to stress that the recognition of an institutional competence on the part of the implementation mechanism to assist in the interpretation of the treaty would be unprecedented for an international human rights instrument adopted within the framework of the United Nations.</p>
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(b) Review obstacles to the implementation of the Convention at the request of the Conference of States Parties;

**China:**

(b) Review obstacles to the implementation of the Convention at **[the request of all States Parties at]** the Conference of States Parties;

**All Win Network:**

(b) Review obstacles to the implementation of the Convention at the request of the Conference of States Parties **[and shall oversee any obstacle and work with the State Party to ensure implementation];**

(c) Review requests by rights holders to comment on situations in which their right to development has been adversely affected by the failure of States to comply with their duty to cooperate, as reaffirmed and recognized under the present Convention;

**China:**

~~(e) Review requests by rights holders to comment on situations in which their right to development has been adversely affected by the failure of States to comply with their duty to cooperate, as reaffirmed and recognized under the present Convention;~~

**Cuba:**

(c) Review requests by rights holders to comment on situations in which their right to development has been ~~adversely~~ affected by the failure of States to comply with their duty to cooperate, as reaffirmed and recognized under the present Convention;

**Iran (Islamic Republic of):**

~~(e) Review requests by rights holders to comment on situations in which their right to development has been adversely affected by the failure of States to comply with their duty to cooperate, as reaffirmed and recognized under the present Convention;~~

**Russian Federation:**

**Comments:** There are some doubts regarding [this subparagraph], suggesting that the implementation mechanism, at the request by rights holders, will be authorized “to comment on situations in which their right to development has been adversely affected by the failure of States to comply with their duty to cooperate, as reaffirmed and recognized under the present Convention”. At the same time, the commentaries explain that in this particular paragraph the term “State” is deliberately used instead of “State Party” in order to provide the implementation mechanism the opportunity to consider situations of violation of rights under the future Convention not only in relation to its Parties, but also third States not participating in the Convention. We believe, however, that this rule should be critically evaluated in light of article 34 of the 1969 Convention, which contains a general rule that “a treaty does not create either obligations or rights for a third State without its consent”. It is our understanding that, having assumed the general obligation to cooperate under international law, the State 0 not being a party to the future Convention – did not give its consent to the consideration of any communication regarding itself by the implementation mechanism.)

**All Win Network:**

Add a new paragraph:

**[d. Hold quadrennial review sessions of compliance by States Parties, accompanied by shadow reports by civil society to seek ways of coming to grips with challenges encountered.]**

(Explanation: Common challenges can become the topic of regular intervision sessions attended by States Parties together with members of civil society to find solutions to such challenges.)

(d) Undertake any other functions that may be vested by the Conference of States Parties.

**Holy See:**

(d) Undertake any other functions that may be vested by the Conference of States Parties [and that lie within the purview of the Convention].

(Explanation: For the reasons mentioned under Art. 24(2g), it seems necessary to limit the potential additional functions of the implementation mechanism.)

4. The Conference of States Parties shall adopt rules of procedure for the operation of the implementation mechanism.

**National Human Rights Commission of Mauritius:**

**Comment:** Establishment of implementation mechanism to be more detailed

**Part V**

**Article 27 – Signature**

The present Convention shall be open for signature by all States and international organizations at United Nations Headquarters in New York as of \_\_\_\_\_.

**Article 28 – Consent to be bound**

1. The present Convention shall be subject to ratification, approval or acceptance by signatory States.

**Cuba:**

1. The present Convention shall be subject to ratification, ~~approval or acceptance~~ by signatory States.

2. Notwithstanding the obligations of international organizations existing under international law and the present Convention, the consent of signatory international organizations to be bound by the present Convention shall be expressed through an act of formal confirmation.

3. The present Convention shall be open for accession by any State or international organization that has not signed the Convention.

**Article 29 – International organizations**

1. International organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the present Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

**All Win Network:**

**Comment:** As per Article 29, Paragraph 1, State parties shall declare the extent of their competence in respect to the convention and for the State Parties to be held within their respective competence.

2. References to “States Parties” in the present Convention shall apply to such organizations within the limits of their competence.

**All Win Network:**

**Comment:** As per Article 29, Paragraph 2, State parties shall declare the extent of their competence in respect to the convention, and reasonably be accomplished within their competence.)

3. For the purposes of article 30, paragraph 1, and article 31, paragraphs 2 and 3, any instrument deposited by an international organization shall not be counted.

4. International organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Convention. Such an organization may not exercise its right to vote if any of its member States exercises its right, and vice versa.

**China:**

**Comment:** Delete the entire article.

**China (oral statement):**

We support comments of Russian Federation on Article 29.

**Iran (Islamic Republic of):**

**Comment:** Delete the entire article

**Russian Federation:**

**Comment:** We also draw attention to article 29 of the draft, which provides the opportunity for international organizations to become a party to the future Convention. We are of the view that, based on the specific subject of the treaty, it will be appropriate to refer only to the States among the subjects responsible for its implementation, since they have primary responsibility to ensure the rights of their population. Moreover, it is not typical for human rights international treaties to consider international organizations as its parties.

**Article 30 – Entry into force**

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

**Turkey:**

**Comment:** Although the right to development has been studied in the UN for some time, we believe there is still no settled understanding of its scope in international law. In this respect, Turkey proposes to stipulate that more instruments of ratification and accession must be deposited with the depositor in order for the Convention to enter into force.

2. For each State or international organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

**Article 31 – Amendments**

**South Africa:**

**Comment:** Article 31 makes provision for two processes for amending the Convention, one in relation to substantive provisions and one in relation to institutional matters. This is in line with other multilateral agreements. The purpose is to allow for a simplified amendment procedure when dealing with institutional matters that do not have significant impact on the rights and obligations of States Parties.

Whilst we do not have an objection to this approach in principle, we are concerned with the provisions in relation to which the simplified amendment procedure will apply and that such provisions may not constitute purely institutional matters.

In this respect, we note that an implementation mechanism is established in Article 26, which will be non-adversarial and non-punitive. In the current manner in which the Draft Convention is drafted, it may be possible to amend the non-adversarial, non-punitive mechanism to become a binding mechanism merely by way of the simplified procedure provided for in Article 31(3).

It is submitted that the provisions referred to in Article 31(3) are not entirely institutional, but could have a substantial impact on States Parties, which require their acceptance. As such, it is proposed that Article 31(3) be reassessed.

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months of the date of such communication, at least one third of States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of the present article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties that have accepted it.
3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of the present article that relates exclusively to articles 24, 25 and 26 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

**Article 32 – Denunciation**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

**Article 33 – Dispute settlement between States Parties**

Any dispute between two or more States Parties with respect to the interpretation or application of the present Convention that has not been settled by negotiation may, upon agreement by the parties to the dispute, be referred to the International Court of Justice for a decision.

**China:**

**Article 33 – Dispute settlement between States Parties**

Any dispute between two or more States Parties with respect to the interpretation or application of the present Convention that has not been settled by negotiation may, upon agreement by the parties to the dispute, be referred to the International Court of Justice for a decision.

**China (oral statement):**

We support comments of Russian Federation on Article 33.

**Russian Federation:**

**Comment:** Article 33 of the draft proposes to resolve disputes between two or more parties, including by applying to the J6 Clemente Institute (IJC). If such an approach is adopted, it will create a potential risk that a significant number of cases related to the obligations of private companies will be sent to the Court.

**Qatar:**

**Comment:** This article addressed the issue of settling disputes between State parties, but did not address how to resolve disputes in which international organizations are a party, especially since the Convention granted international organizations the right to be a party to the Convention. Accordingly, we suggest amending this article or adding a new paragraph that specifies how to resolve disputes to which international organizations are a party.

**CINGO:**

(Comment: What happens with the disputes involving other Parties (international organizations)? Is dispute settlement only between States Parties?)

**International-Lawyers.Org:**

**Comment:** Although we recognize that it matter that is currently left to the discretion of States as reflected in this article, we recommend making compulsory the reference to the International Court of Justice, disputes between States that are not resolved within a reasonable period of time.)

**Article 34 – Accessible format**

The text of the present Convention shall be made available in accessible formats.

**Article 35 – Depositary**

The Secretary-General of the United Nations shall be the depositary of the present Convention.

**Article 36 – Authentic texts**

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

In witness thereof, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

**Expert Mechanism on the Rights of Indigenous Peoples:**

Add a new article:

**[Article 37. Nothing in this Convention shall be interpreted so as to infringe the Charter of the United Nations or the principles and international standard-setting instruments relating to the rights of individuals and peoples.]**

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—————  
**Other relevant comments:**

**Note:** This section comprises comments received that are generic in nature or do not relate to specific provisions of the draft convention.

**Argentina:**

The considerations made supra seem to indicate that it would be appropriate for Argentina to continue analyzing the advisability/convenience of supporting the negotiation of a Convention on the Right to Development, since many of the proposed articles would reiterate issues agreed in the 2030 Agenda. In conclusion, it would be worth evaluating in detail the implications it could have on the balance reached in the aforementioned resolution 70/1.

**Brazil:**

Brazil reserves itself the right to present further comments and suggestions to any part of the draft in the future sessions of the Working Group.

**Ecuador:**

Consider that the document does not include complaint mechanisms to help individuals or groups. The project could guarantee that every State implements, for its execution and operation, a commission with protocols that guarantee the right to development of the citizens of each country. This commission must have the legal power to diagnose and issue resolutions to organizations that help people who have been abused or mistreated. It was suggested to consider this recommendation.

The States must commit to creating all the necessary mechanisms to address the controversies of indigenous and tribal peoples in accordance with their social, language, and dialect reality. Local experts could participate in the application of the constitutional laws of each country, region, etc.

Finally, in terms of inclusive language, it should be considered that a more inclusive term could be added than the indefinite pronoun “all”, such as “all human beings and peoples”.

For example, in “Article 8. The States Parties undertake to respect, protect and fulfill the right to development of all (...)”

**The Philippines:**

On the draft LBI, we acknowledge the thorough work put into the drafting process and the preparation of the highly instructive commentaries which provide clarification on the rationale of the provisions. We note and welcome in this respect the following key considerations with respect to the current draft LBI:

- 1) That it does not create new concepts, rights, or obligations and only reiterates those already existing under international law;
- 2) The recognition of the obligation of everyone, whether State or non-state actors, to respect the human rights of others;
- 3) The recognition of unique circumstances and vulnerability status of stakeholders and varying levels of development among States that may require special and remedial measures; and
- 4) The State duty to cooperate with each other as integral in ensuring development and eliminating obstacles to development.



While noting these useful considerations, we also anticipate that there will be certain overlapping functions in the Member States' monitoring and reporting of obligations and commitments to the RTDs and the SDGs. We would suggest that the functions of the envisioned treaty body on the RTD be clearly delineated from the existing international institutional mechanisms on the SDGs.

As the right to development relates to economic, social, cultural, civil, and political processes, we note that the LBI on RTD overlaps with other core human rights instruments. In our discussions forward, there is a need to clarify how the LBI on RTD will use existing mechanisms and protocols within countries and the UN system in relation to these existing human rights treaties and even the SDGs.

**Russian Federation:**

According to the Russian Federation, the draft, in fact, is a compilation of the provisions of universal and regional international treaties in the field of promotion and protection of human rights, as well as declarative documents. The Russian Federation cannot support such duplication and selective quoting, which leads to fragmentation of international law and increases the risk of potential conflicts of legal norms.

The draft does not contain a definition of the term "right to development" (or, at least, a norm that would contain the elements of such a right). In the absence of this basic definition the concept of the draft looks very vague.

**Pakistan:**

For addition - Avoid taking measures that would undermine the realization of the right to development and other human rights due to politically motivated export control regimes and intellectual property clauses.

**Turkey:**

The right to self-determination is mentioned in the Articles 3 and 5. There is no definite definition of the right to self-determination in international law. Turkey would like to reiterate that the right to self-determination should be evaluated in conformity with the principle of territorial integrity and the provisions of the UN Charter.

**European Union:**

We have to re-state our position that we are not in favour of the elaboration of an international legal standard of a binding nature as we do not believe that this is an appropriate or efficient mechanism to realise sustainable development.

Moreover, we view critically the proposed draft, including the following aspects:

The text does not reflect our understanding of the right to development as outlined at the outset of this intervention, as based on the indivisibility and interdependence of all human rights, the multidimensional nature of development strategies, and the individuals as the central actors and beneficiaries of the development processes.

There should be clarity that human rights are central to all efforts to pursue development and that States need to adhere to their human rights obligations in doing so.

It should also be clearly stated that human rights are inherent to all human beings, with no discrimination or distinction of any kind.

For the EU, it has to be made clear that the rights-holders of the right to development are individual human beings, whereas the role of states is to fulfil, respect and protect human rights. To the contrary, in the present text, focus is placed on international cooperation, and obligations of industrialised

countries towards developing countries. It promotes the narrative of international solidarity and economic and social development as prerequisites for the realization of human rights. Therefore, the text as it stands now distorts the framework of international human rights law as enshrined i.a. in the UN Charter, Universal Declaration and the human rights covenants.

Furthermore, the draft text triggers several questions:

It uses concepts of which the meaning is unclear in the context of IHRL, such as common concern of humankind or the right to regulate.

It introduces vague notions of extraterritorial obligations for the States.

It attributes unclear obligations and responsibilities in the matter of human rights to third parties, including businesses and international organisations such as UN agencies, and fails to articulate clearly what exactly the obligations to respect, protect and fulfil entail for the primary duty-bearer, the individual State.

Neither does it not make sufficiently clear that measures taken by States in advancing development may not be used as a justification for violating human rights.

The draft hints at possibilities of limitations of the right to development, but without specifying the basis for it.

And last but not least, it falsely equates coercive measures with violations of the right to development.

#### **FAO:**

FAO supports the overall content and structure of the Draft Convention and specifically welcomes the inclusion of Art. 3(c) on the need to apply a human rights-based approach to achieve the object and purpose of the Convention the inclusion of Art. 8.1 on the three levels of obligations (respect, protect, fulfil) as well as Articles 16 and 17 on gender equality and indigenous and tribal peoples, respectively.

#### **UNHCR:**

This is an important Convention, addressing a right that has appropriately gained increased attention in international discussions in recent years, including in relation to human mobility and displacement.

The draft Convention anticipates recognizing international organizations as duty bearers and allows them to sign on to the Convention and become a party. UNHCR will further reflect and may provide additional comments on this component at a later stage.

#### **Human Rights Commission of Mexico City:**

One article about people with disabilities should be added in order to guarantee right to consultation.

#### **NHRI El Salvador:**

We are of the opinion that on the basis of the different forms of societies, there are multiple differences between developed and so-called developing countries; In this sense, the convention should focus its measures, especially in favor of the latter and its own political, social and economic conditions where opacity and corruption prevail.

The process of formulating the Convention should be seen as an opportunity to incorporate provisions related to the “Guiding Principles on Business and Human Rights” of the United Nations. Specifically, this article should incorporate the obligation of States to protect against violations of the human right to development committed in their territory and / or jurisdiction by third parties, including companies. To this end, they must adopt the appropriate measures to prevent, investigate, punish, and repair such abuses through appropriate policies, regulatory activities, and submission to justice (Founding Principle).

It will include in it expressly establish communication and collaboration with the holders of special procedures mandates and other experts in human rights issues. Likewise, incorporate the National Human Rights Institutions at the national level.

**National Human Rights Commission of Nigeria:**

The Commission notes that there cannot be right to development in the absence of responsibility to implement economic, social and cultural rights (ESC rights). We propose that article 6 or article 11 should have an additional paragraph enjoining state parties to make the right to development, and ESC rights enforceable through domestic legal and institutional frameworks.

The Commission notes the importance of an inclusive development framework on persons with disabilities, older persons and other vulnerable groups. To this end, the Commission is proposing a draft article which calls on state parties to:

- a. Promote inclusive development where persons with disabilities, the key populations and other vulnerable groups shall be involved in decision making, policy formulation, leadership etc.
- b. Ensure that Persons with disabilities and other vulnerable groups live a life of dignity and not subjected to structural or institutional discrimination and poor living conditions.
- c. Eliminate all forms of discrimination and harmful practices against women, children and other vulnerable groups.

**Centre for Human Rights, University of Pretoria:**

Some of the key issues requiring stronger provisions include:

- a. Incorporating mandatory elements of free, prior, and informed consent in all development projects
- b. Strengthening provisions on the right to self-determination (self-determined development)
- c. Mandatory human rights due diligence
- d. Heightened solidarity and international cooperation
- e. The primacy of human rights over trade and investment agreements

The draft convention would benefit from a sub article on the impact of illicit financial flows on the right to development which remains a huge challenge in the developing world especially Africa—denting its capacity to develop. There is need for heightened solidarity, assistance and international cooperation and to address the global problem of illicit financial flows.

The issue of Scope of the right is also missing in the draft Convention. Whereas resolution 39/9, of the Human Rights Council mentions the need to elaborate a legally binding instrument on the right to development through a collaborative process of engagement, including on the content and scope of the future instrument, the draft convention does not have a specific provision on the same. Whereas the scope could be read within Article 4 on the Right to Development, it is suggested that in the absence of a definition, the content and scope of the right to development be clarified in at least one of the provisions in the text. It is important that the content and scope of the convention specifically covers the right to self-determined development.

**Beijing Changier Education Foundation:**

Intersectionality is a framework that outlines the complex ways in which people face discrimination based on the combination of the different aspects of their identities. The OHCHR should consider including the concept in the draft convention because it can better describe the mission of the right to development: ensuring that every person can contribute and enjoy all human rights and liberties. Global issues, which are key targets of the RtD, stem from different categories of identity, such as race, class, or gender. The right to development's integrative and holistic nature directly reflects the intersectionality of these global injustices.

The right to development is essentially a cluster right that reinforces all other human rights. Intersectionality describes the cross-section of, inter alia, health issues, gender inequality, sexuality discrimination, racial bias, and class inequality; this concept explains the interconnectedness between all human rights, which is the essence of the RtD. Therefore, the draft convention could reap benefits from this slight revision.

**OCCAM - The Observatory on Digital Communication:**

In particular, new technologies together with existing digital platforms could help in the affirmation, diffusion, and dissemination of the importance of the right to development. As such, digital innovations are a guiding light for all those searching for stability, connection, and recognition.

The same technologies could allow for the enormous amount of accumulated knowledge and skills to be shared among the Civil Society to elevate the standard of life, promoting the instances of women and young people, preserving the planet, giving a strong great push impulsion to environmental and social justice issues, including the right to development.

There is a great challenge in front of us: to overcome the social, energetic, economic, housing and food security gaps through the implementation of digital solutions capable of providing basic forms of e-welfare to all and turning the theoretical right to a sustainable development into a concrete one.

This comment holds the encouragement in the use of new technologies applied to the sectors of telemedicine, food security, e-governance and e-learning as crucial to have the appropriate catalyst for rapid, equitable, sustainable and inexpensive development.

Only a strong and synergetic convergence between actors and means could build a fairer and more inclusive Digital Society.

**International Human Rights Association of American Minorities (IHRAAM):**

The comments on the draft convention concerning Indigenous Peoples reduces the rights of Indigenous Peoples to ILO 169 and to the Declaration on the Rights of Indigenous Peoples unilaterally. The "Experts" deny the historical right of Indigenous Peoples who are independent historically or have the right to pursue independent due to their historical status or lack of right of an existing State to subsume such nations into their state without their consent. The Experts were selective in commenting on such historical status on Article 17 of the Draft Convention on the Right to Development.

**International Human Rights Association of American Minorities (IHRAAM) (oral):**

My first impression is that this text needs to be specific to determine whether or not other bodies or mechanisms are or not addressing particular questions of the right to development. In order to address the fear of duplication, special procedures and other mechanisms need to develop either a mechanism or a process to determine what is duplication. The question of duplication needs to be discussed to meet out what is the context of duplication, since questions of duplication can be an excuse for another body either associated with the mandate or with another management but refuses to address violation or will only address one aspect of the violation without addressing the particular violation.

Lastly, the question of universality aspect in the right of self-determination needs to be clear so that indigenous peoples who have the right to external self-determination cannot be considered within the domestic jurisdiction of a state who clearly violates their rights under Article 73 non-self-governing territories or for United Nations Security Council resolutions.

**World Council of Churches-Commission of the Churches on International Affairs:**

Overall, we believe the draft convention adds value to existing conventions and frameworks by addressing unjust global trade and financial structures that are at the root of poor development and by recognizing that system-wide transformation requires coherence, coordination, and a spirit of solidarity among all states and across a wide range of actors founded on common values and aims.

**Esperanto Radicals Asocio (ERA):**

In our opinion, the *Draft Convention on the Right to Development*, while containing important concepts relating to the conditions, or not, of development does not take into account how in the last century colonialism and imperialism have no longer been exercised only on the peoples but directly on the minds of the persons of other peoples through linguistic colonialism. This form of slavery, the linguistic one, does not distinguish by race, sex or religion but points straight to the people's minds to assimilate and enslave them economically and to its own organizational and thought system.

**Innoeva Development Foundation:**

The Right of self-actualization is no doubt as relevant as the Right to self-determination; and should be considered within the obligations and considerations under Human Rights.

It is equally significant and equally important that sustainable research, innovation and sciences is relevant to development and that we embrace these developments. We cannot be oblivious of the many benefits accruable to development which has its bedrock from research, sciences and innovation for social, environmental, human and political emancipation.

Hence, the call for the continuous education of State Parties, the inclusive participation of Civil Society, NGOs and Private Sector or Trade Institutions in the promotion of rights to development is as important as the Rights to Development and the protection of the rights of human inclusion in development planning; this we may opine as the right to knowledge.

**Association pour l'Intégration et le Développement Durable au Burundi:**

Article 1 – Object and purpose to the end of articles of this draft of Convention on the Right to Development.

At article 2, indigenous peoples have the mechanisms of their rights protection and promotion such as Expert Mechanism (EMRIP) and Permanent Forum on Indigenous Peoples' issues (PFII) could be incorporated and defined as done for other mechanisms.

At the other articles, we underline to focus on the rights to health, economic, social and cultural for indigenous peoples. Specifically, the poverty, hunger, inequality and sustainable development are still indigenous peoples' issues.

What is more, indigenous peoples are need to access to “sustainable energy as other human being.

As indigenous peoples are victims of negative effect of climate change, it is important to formulate the articles for them protect them and to adapt themselves at the climate change. And other articles focusing on the resilience and mitigation of climate change for indigenous peoples.

It is also important to think about rights to indigenous women, children and other perspectives as the peace and security of indigenous.

About international cooperation, indigenous peoples are not considered as other people. It is important to create enable environment of international organisation of indigenous we have created from a long time. We say that because I do not see the place of our international organizations of indigenous for instance we are in platform that we could consider being key stakeholder for a defending and negotiating the flow of financing for indigenous to their effective development aligned with to the Sustainable Development Goals (SDGs).

**International Federation of Social Workers:**

Recommendations from a social work perspective:

1. The International Federation of Social Workers recommends that governments invite social workers in the upcoming phase of implementing the convention at every level.

3. Participation has several components to be considered and shall be established with a whole-society approach and integrate the civil society, farmers and small enterprises, indigenous peoples and the various local/regional interests based on the principles of equity, equality and non-discrimination.

4. Investment and efforts in education on the right to development for people and communities and the duties of responsibilities of the state is critical. Only in full awareness and respect of reciprocal rights and responsibilities can trust between states and civil society and communities be established to collaboratively work in fulfilling the right to development. This demanding time of the COVID-19 pandemic has revealed this to great extent.

6. Recognition of historical injustices including colonization and how these have impeded the right to self-determined development trajectory has to be promoted to enable a peaceful development pathway.

7. Based on the lessons of the Global Sustainable Development Report 2019: “The Future is Now”, the right to development can’t be achieved without reforming key architectural features of global legal and economic frameworks relating production, consumption and conservation. To realize the provisions of the convention on the right to development an alignment of relevant agreements and other related conventions must occur.

**All Win Network:**

In regards to Article 2, #4, it is true that in international law and other existing conventions, that any persons endowed with any rights is considered a legal person and considered a legal person with a legal personality. In this Convention, the definition of “legal persons” must be extended to include all those who should be and ought to be subjected to human rights freedoms. Legal personality is bestowed on those who are subject to human rights, laws, and responsibilities. This, in turn, creates a fundamental moral and legal obligation to protect those who are legal persons in regards to human rights and the right to development.

As such, international organizations and other entities would fall under this definition of legal persons as stated in the commentary, however, international organizations and other entities have the ability to

serve as large and individual actors, thus, have a legal obligation to act for the human persons and human kind.

In regards to the commentary regarding the Maastricht Principles, “conduct” should stay in Article 11 because it refers to all of the acts of territories rather than the issue of only including “harm,” which wouldn’t reference the entire acts of territories.

**Club Ohada Thiès:**

En parcourant le texte, ce projet nous avons pu un « vide juridique » par rapport au rôle que devrait jouer la Société Civile en général dans l’applicabilité du texte fini de la convention sur le plan national. La Société Civile joue un rôle très important dans l’appui et le soutien pour atteindre le développement. Donc il urge de lui réserver une place centrale dans la mise en pratique de ladite convention au niveau nationale.

Enfin, est ce que la convention a-t-elle suggéré aux Etats membres de créer obligatoirement in mécanisme national qui fera office par la même occasion de point focal de la convention comme c’est le cas des autres conventions.

Le club Ohada thies vous suggère de recommander aux Etats signataires de cette convention sur le Développement de créer un mécanisme national : Au Sénégal nous avons l’OFNAC qui officie comme point focal de la convention des Nations unies contre la Corruption et l’ONLPL pour la Convention des Nations Unies contre la Torture.

**Soroptimist International:**

One of the bigger challenges facing the successful implementation of this Convention, is clearly agreeing what development is that we all should have a right to. While the preamble does cite the 1986 Declaration on the Right to Development and key documents that provide outlines of what development should achieve, including inter alia, the 2030 Agenda and Sustainable Development Goals, the Addis Ababa Action Agenda, the Beijing Platform for Action and the Copenhagen Declaration, there is not a clear definition of ‘development’ within the Convention. Nor is it clear if these already agreed documents would form or be the basis of an agreed definition that would determine whether the right to development was being met or not. This is crucial in ensuring that those who have been consistently left behind, or who have benefited less from development efforts — including women and girls in all their diversity — are able to realise their human rights through development efforts and are protected by this Convention. In establishing a human right to development, these documents referred to above must be the minimum standard used for any definition, particularly as they are already agreed to by all member states. These agreed positions on development can only be built upon; there cannot be regression in development standards.

In the Preamble, many obstacles to development are considered at the state level, for example issues of territorial integrity and inequality between states is emphasised. While these are important, and Soroptimist International supports their inclusion, it is vital that development is viewed as a human phenomenon and as a vehicle for the betterment of all people, both as communities and as individuals. Additional barriers to humankind benefitting from the right to development must also be highlighted in the Preamble. Here, alongside racism, gender inequality would also be relevant here as barrier. Gender inequality is a universal phenomenon and an already agreed barrier to development. While Article 16

on Gender Equality is strong, it stands alone despite gender inequality being agreed as a cross-cutting barrier to development in the 2030 Agenda. There are few references to gender equality elsewhere in the Convention, and this should be rectified.

In support of gender equality, Soroptimist International welcomes the inclusion of ‘de facto equality’ within the Convention, and recognises that this can realise the human rights principle of equality that states are obligated to achieve, as enshrined in all international human rights treaties. All actions taken to achieve this Convention must support de facto equality. The Committee on the Elimination of all forms of Discrimination Against Women has gone to particular efforts to discuss the importance of this principle in human rights implementation and how it relates to the Preamble paragraphs of the Convention on the Elimination of all forms of Discrimination Against Women (see Preamble paragraphs 7, 9, 12 & 14). In achieving gender equality, including in efforts to realise the right to development, it is vital to recognise that equality of outcome can require different resourcing, levels of service provision and programmes. All of these actions should be gender-transformative in order to realise the right to development and gender equality.

For the monitoring and review of the implementation of this important Convention, Soroptimist International requests that a process akin to the Universal Periodic Review is used. This inclusive, discursive approach would bring together a multitude of states and development agents, including CSOs, in order to realise this Convention and its ambitions. Other human rights instruments have similar review mechanisms, so this would be consistent with current practice and would accelerate implementation.

#### **Al Haq and Al-Mezan:**

There is a need for the acknowledgement of the growing role of the business enterprises as non-State actors in the process of development and the impacts that business activities might have on the realization of the right to development. Therefore, we advise that the DC RTD includes provisions on corporate liability and reflect the United Nations ‘Protect, Respect and Remedy’ Framework as per UN Guiding Principles on Business and Human Rights

The comprehensive nature of limitations for the right to development, as acknowledged in the DC RTD, as well as its strong connection to the right to self-determination requires provisions that translate the struggles of the people under overwhelming conditions of existing power asymmetry between the subjects. Therefore, to secure self-determined development demands a clear accountability mechanism that would allow the main subjects of the right to development to ensure their ability to secure their sovereignty over natural resources as a crucial component of the right to development.

#### **Caring and Living as Neighbours (CLAN):**

##### **The importance of language**

The *Draft Convention on the Right to Development* should use simple language. It should be understandable by all to have the largest impact. Simple language makes issues more relatable and less sterile. Reducing technical language facilitates the involvement and participation of Community – particularly children and young people. Their experiences and investment in the *Draft Convention on the Right to Development* will be key to its adoption and success. The *Draft Convention on the Right to Development* is about human rights and equality for all peoples. It should be written from a humanitarian perspective and include intuitively presented and relatable statistical content.

##### **A life-course approach to development**



The *Draft Convention on the Right to Development* must acknowledge the United Nations Convention on the Rights of the Child (UNCRC) and recognize and affirm the critical role of youth in achieving development. Young people are changemakers for themselves but also for future generations who will suffer the consequences of development goals that are not met. Successes and failures in international development will shape the earth they inherit and impact their quality of life in adulthood. Children and youth are not currently mentioned in the Draft Convention on the Right to Development.

### **Acknowledging the link between health and development**

Greater focus on the links between health and development must be considered. The Draft Convention rightly asserts the importance of full employment to the right to development. For example, families caring for children with NCDs and other chronic health conditions suffer a double burden of 1) the financial and social costs of care, and 2) the time costs of care which reduce opportunity for employment. The right to development in this uniquely challenged group will be strengthened when their challenges are made explicit in forums such as the Draft Convention on the Right to Development.

### **Strengths based approaches – learning from success stories**

The *Draft Convention on the Right to Development* deserves more serious consideration from the Global North. Current efforts in humanitarian thought and action will have profound impact on the future wellbeing of Indigenous Peoples of the world. The Global North must recognise that Indigenous peoples are successfully leading our communities in politics, economics, social and cultural determinants of health.

Questions:

1. Have the Millennium Goals been achieved? If not, and the Draft Convention on the Right to Development are aligned, do we truly believe the Right to Development goals will be endorsed and implemented?
2. The Right to Development has not been implemented 35 years after its adoption. Then, what significant changes—of the draft or in wider society—do the Intergovernmental Working Group believe are necessary for adoption?
3. Do the Right to Development goals align with current economic and trade policies, especially with the global impact of COVID-19?

### **International Human Rights Council:**

It seems as if the Right to Development approach of the MDG era has shifted to the Human Rights-Based Approach to Development in the ongoing SDG era, leaving many questions unanswered, including: What is the relationship between human rights and development? Can global north and global south states reach a place of agreement with respect to this question? What does the human rights approach to development actually mean and how does it function to promote sustainable human development as well as human rights? Is the controversy between global north and global south states steeped in semantics and rhetoric or are there also practical implications to each framework? As these questions linger in UN spaces, debates remain heated between global north and global south countries.