**Maat for Peace’ submission to the Intergovernmental Working Group on the Right to Development on “Comments & Textual Suggestions on** **the Draft Convention on the Right to Development”**

* **Preamble:**

The United Nations Declaration on the Right to Development acknowledged in 1986 that the right to development belongs to all individuals and peoples, everywhere, without discrimination and with their participation. The Declaration recognizes the right to self-determination and full sovereignty over natural wealth and resources. Hence, 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 economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

During the 39th session of the Human Rights Council in September 2018, the Council adopted Res. 39/9 on the right to development, and mandated the Working Group on the Right to Development at its twentieth session to prepare a proposal for a legally binding convention or instrument to make the right to development a reality for all, through creating favorable conditions at the national and international levels for its implementation and the discontinuation of all measures that may undermine the right to development in accordance with the Charter, the Declaration on the Right to Development and other international instruments and relevant documents.

The Council also emphasized that the eradication of poverty in all its forms, including extreme poverty, is one of the critical elements in promoting and realizing the right to development, which is the biggest challenge facing the world and an indispensable requirement for achieving sustainable development. Eradication of poverty requires a multifaceted and integrated approach, emphasizing the need to achieve sustainable development in its three dimensions: economic, social and environmental in a balanced and integrated manner. Besides, the Council emphasized that recognizing development as a comprehensive economic, social, cultural, civil and political process aims to continuously improve the well-being of all residents and all individuals on the basis of their active, free and purposeful participation in achieving development and the equitable distribution of the its benefits.[[1]](#footnote-1)

With this in mind, **Maat for Peace, Development and Human Rights** is interested in commenting on the Draft Convention on the Right to Development about Israel’s violations of the Palestinians’ right to development through its continued violation of their right to self-determination, as well as their economic and social rights. Owing to its discriminatory and racist policies, for 15 years, the Gaza Strip has been witnessing a suffocating blockade imposed by the Israeli authorities that has affected all social, economic and humanitarian sectors.

* **Comment on the Draft Convention on the Right to Development:**

The Draft Convention on the Right to Development acknowledged, **in its preamble**, that the realization of the right to development is a common concern of humankind, especially in light of the existence of serious obstacles undermining the realization of the right to development such as 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.

It also affirmed in **Art. 8** that 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. **Art. 4** affirmed that 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. Besides, 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. [[2]](#footnote-2)

**In application to the Palestinian reality**, we find that Israel, since its birth, has been violating this right and deliberately depriving the Palestinian people by all means of achieving development through its discriminatory and racist practices towards everything that is Palestinian. This was confirmed by the United Nations, as it affirmed that the Palestinians are not allowed to take any serious steps towards achieving economic and social development, which hinders their inalienable right to achieve development or contribute to achieving economic and social development.[[3]](#footnote-3)

The Israeli violations against Palestinian civilians varied. The Israeli government continued its systematic sabotage and vandalism against Palestinian properties. The Israeli forces opened rainwater stores allowing water to flood Gaza, which damaged crops, destroyed agricultural fields and inflicted heavy losses upon Palestinian farmers. The occupation forces also cut off the electricity in north Jericho, and flooded hundreds of acres of agricultural land with rainwater, after opening the ferries east of Gaza City, and drowned dozens of citizens in Hamsa in the Jordan Valley after demolishing their homes and displacing them in the open. All these incidents set clear example of the occupation’s policy of racism and the ongoing violations that aim at annexing the Palestinian lands, displacing citizens and replacing them with settlers. [[4]](#footnote-4)

The **third article** of the Draft Convention also emphasized the obligation of everyone at the level of individuals and the international community to respect the rights of individuals and groups, including the right to development, provided that this includes the existence of a joint responsibility for companies, commercial institutions and other actors to achieve sustainable development for these peoples.[[5]](#footnote-5)

Although UN Security Council Res. 2334 affirmed that the establishment of settlements in the West Bank constitutes a flagrant violation under international law, the unabated loss of land and natural resources for settlements, the constant flow of financial resources into the Israeli treasury, the impact of the prolonged blockade and repeated military operations in Gaza, the escalating threat of annexation of vast areas of the West Bank by the occupying power, which has spent billions of dollars to build modern infrastructure to expand settlements, and at the same time, the demolition of Palestinian buildings and production assets to increase the area of ​​settlement expansion, all of this led to the creation of a coercive, unfavorable environment that pushes Palestinians to leave their lands. Despite the pandemic-induced slowdown in human activity in the region and around the world, 2020 recorded the highest number of demolitions and displacements of Palestinians in recent years. In 2020, the occupation forces targeted 848 Palestinian-owned properties across the West Bank. The demolitions and confiscations led to the displacement of hundreds of Palestinians.[[6]](#footnote-6)

Thus, it can be said that the expansion of the Israeli settlements takes place at the expense of the confiscation of Palestinian lands and the exploitation of their resources, which deprives the Palestinian people of enjoying their resources and exercising their sovereignty over them, as well as exploiting them in order to achieve development.

***Hence, it is necessary that the Convention on the right to development include a clear affirmation of the illegality of the exploitation of the power based on the occupation or the exercise of power over another people for looting its resources and lands. In addition, commercial companies and states must boycott the productions generated by the occupation forces from these lands.***

 **Article V** of the draft Convention highlighted the link between the right to development and the right to self-determination and stressed that 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. 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.[[7]](#footnote-7)

***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.[[8]](#footnote-8)

***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.***

**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. The population of the Strip is suffering from an alarming rise in the unemployment rate, which has reached 45%, with 217,100 unemployed workers, and it rises among the youth to reach 63%. More than half of the population of the Gaza Strip suffers from poverty, as data from the Palestinian Central Bureau of Statistics indicate that the prevalence of poverty among the population of the Gaza Strip is 53%, and more than 62.2% of the population of the Strip suffer from food insecurity, according to the United Nations Office for the Coordination of Humanitarian Affairs. The civilian population still suffers from a lack of electricity and water services due to the lack of fuel supplies and the disconnection of feeding lines from Israel from time to time, while the local market suffers from a shortage of many basic materials on the pretext of their dual use. In the **West Bank**, many roads are still completely closed since the Al-Aqsa Intifada in 2000. In addition to the fixed checkpoints, the occupation forces continue to set up many sudden checkpoints, block the movement of civilians, and arrest many at these checkpoints and border crossings, specifically Al-Karamah Border Crossing between Jordan and Iraq.[[9]](#footnote-9)

* **Suggestions:**

Based on the Israeli violations of the Palestinians’ right to development and sovereignty over their natural resources, **Maat for Peace, Development and Human Rights** stresses that the proposed Convention for the right to development must consider the following:

* The reciprocal relationship between the right to development and the enjoyment of human rights without discrimination for all peoples, especially those under occupation or not enjoying self-government.
* To clarify the systematic Israeli practices of apartheid and the continuation of aggression against the Palestinian people, as well as the economic blockade aimed at undermining the right of the Palestinian people to development in a more clear and explicit way in the Convention.
* Inclusion of additional articles and provisions related to the responsibility of business companies in a manner that reflects the United Nations framework on protection, respect and redress, in accordance with the United Nations Guiding Principles on Business and Human Rights. As well as the need for a clear accountability mechanism that gives the people involved the right to development by ensuring their ability to have sovereignty over natural resources as a critical component of the right to development.
* The Convention should include clearly-worded articles that acknowledge and ensure the protection of peoples under occupation or non-self-governing territories from discriminatory and racist practices aimed at depriving them of their inherent right to development.
* To establish a complaints mechanism that can be applied to all peoples, through which occupied peoples who do not enjoy the right to self-determination can claim for their rights to sovereignty over their natural resources and wealth, as the basis for realizing the right to development.
1. ديباجة القرار 39/9 لمجلس حقوق الانسان ، الدورة 39 لمجلس حقوق الانسان، 28 سبتمبر 2018، الرابط، <https://undocs.org/ar/A/HRC/RES/39/9> [↑](#footnote-ref-1)
2. Draft convention on the right to development, Working Group on the Right to Development, Twenty-first session, link, 4–8 May 2020, <https://undocs.org/en/A/HRC/WG.2/21/2> [↑](#footnote-ref-2)
3. التكاليف الاقتصادية التي يتكبدها الشعب الفلسطيني بسبب الاحتلال الاسرائيلي، الدورة السادسة والسبعون للجمعية العامة للامم المتحدة، 30 اغسطس 2021، الرابط، <https://www.undocs.org/ar/A/76/309> [↑](#footnote-ref-3)
4. استغراب فلسطيني للصمت الدولي على الانتهاكات الاسرائيلية، موقع الشرق الاوسط، 20 فبراير 2021، الرابط، <https://bit.ly/3e7d6HV> [↑](#footnote-ref-4)
5. Draft convention on the right to development, Working Group on the Right to Development, Twenty-first session, link, 4–8 May 2020, <https://undocs.org/en/A/HRC/WG.2/21/2> [↑](#footnote-ref-5)
6. التكاليف الاقتصادية التي يتكبدها الشعب الفلسطيني بسبب الاحتلال الاسرائيلي، الدورة السادسة والسبعون للجمعية العامة للامم المتحدة، 30 اغسطس 2021، الرابط، <https://www.undocs.org/ar/A/76/309> [↑](#footnote-ref-6)
7. Draft convention on the right to development, Working Group on the Right to Development, Twenty-first session, link, 4–8 May 2020, <https://undocs.org/en/A/HRC/WG.2/21/2> [↑](#footnote-ref-7)
8. International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Report to Human Rights Council Working Group on Universal Periodic Review, 29th Session, (January to February 2018). [↑](#footnote-ref-8)
9. التقرير الأسبوعي حول الانتهاكات الإسرائيلية في الأرض الفلسطينيــة المحتلــة (30 ديسمبر 2021 – 5 يناير 2022)، المركز الفلسطيني لحقوق الانسان، <https://bit.ly/3t8SeZK> [↑](#footnote-ref-9)