**Obligations under Articles 18-21 of the Revised Draft Convention**

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Distinguished Chair Ambassador Akram and Members of the Working Group:

Before we turn to these provisions, may I invite everyone to examine pages 113 and 114 of the Commentaries to the Revised Draft Convention, which contain the tracked changes language for these three provisions. As you will see, Article 18 is an entirely new provision. The changes implemented for Articles 20 and 21 are relatively minor and much of the original language in the 17 January 2020 Draft Convention has been retained.

**Article 18 Prevention and suppression of corruption**

States Parties recognize that corruption presents a serious obstacle to the realization of the right to development. To this end, States Parties shall, individually and jointly:

(a) Promote and strengthen measures to prevent and combat corruption;

(b) Promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery;

(c) Promote integrity, accountability and proper management of public affairs and public property;

(d) Ensure financial integrity and transparency in international financial architecture, taxation, and transactions

As previously stated, Article 18 is a new provision that is reflective of the evolution of international law on this subject. Paragraph 14 of the Preamble recognizes corruption as one of the serious obstacles to the realization of the right to development, and its prevention and suppression by States Parties is entirely consistent with Article 3(3) of the 1986 Declaration on the Right to Development (e.g. “States have the duty to 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.”). As the Commentaries to the Revised Draft Convention indicate, this provision reflects Article 1 of the UN Convention against Corruption, and HRC Resolution 47/7.

**Article 19 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 the limitations on other human rights applied in accordance with international law.

This provision elicited a proposal to delete all words beginning with the word “except”. The Expert Drafting Group recommended retention of the language as under the 17 January 2020 Draft Convention to ensure clarity insofar as any of the other limitations that exist under international law and international human rights law, such as the derogations provision under the International Covenant on Civil and Political Rights, the general limitations provision in the International Covenant on Economic, Social and Cultural Rights, among others.

**Article 20 Impact assessments**

1. States Parties undertake to take appropriate steps, individually and jointly, including within international organizations, to establish legal frameworks for conducting prior and ongoing assessments of actual and potential risks and impacts of their national laws, policies and practices and international legal instruments, policies and practices, and of the conduct of legal persons that they are in a position to regulate to ensure compliance with the provisions of the present Convention.

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.

There were a few proposals to modify the language of this provision, as well as to add two other paragraphs. The Expert Drafting Group recommended retaining the language of this provision, other than to indicate the word “assessment” and “impact” in plural form, and to use the auxiliary word “that” in lieu of the word “which”. These improvements were undertaken primarily for syntactic purposes.

**Article 21 Statistics and data collection**

1. States Parties undertake to collect appropriate information, including statistical and research data from official and other sources, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

(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 by the State Party to assess the implementation of States Parties’ its obligations under the present Convention and to identify and address the obstacles to the full realization of the right to development.

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.

There were various proposals to specify methods of data collection, identify modalities of information gathering such as “qualitative and quantitative”. The Expert Drafting Group noted these proposals, and recommended that the phrase “undertake to collect appropriate information” was broad enough to encompass these methods and modalities. In Article 21 paragraph 1, subparagraph (a), the Expert Drafting Group incorporated the UNESCO suggestion to refer to the phrase “online and offline”, since this was substantively and syntactically appropriate for this text. There were no comments on Article 21 paragraph 1 subparagraph (b).

As to Article 21 paragraph 2, there were also several proposals to specify the nature of information collected and the items of information to be disaggregated. The Expert Drafting Group did not find consensus among these proposals, and recommended retention of the existing broad language, which could encompass any of these proposals without being too prescriptive on the prerogatives, capacities, and policy determinations of States.

Finally, as to Article 21, paragraph 3, there were specific proposals to add more elaborate language, or to introduce other descriptors such as the words “open and transparent”. The Expert Drafting Group recommended that the formulation, which subjects the responsibility for dissemination of statistics to the objective of fully realizing the right to development for all, is sufficiently broad in respecting the choices of States for determining data dissemination, while still bound by legally determinate parameters through the said objective.