**PHILIPPINES**

**21st Session of the Intergovernmental Working Group**

**on the Right to Development**

(17-21 May 2021)

**GENERAL COMMENTS**

Thank you, Mr. Chair.

The Philippines welcomes the progress in the work of the Working Group on the Right to Development. We extend our appreciation to the Chair-Rapporteur of the Working Group and the Members of the Drafting Group for the preparation of the draft Convention and the commentaries. This session presents an opportunity for constructive engagement on the elaboration of draft legally-binding instrument on the right to development.

The Philippines has consistently affirmed its position on the universality, indivisibility, inalienability and interdependence of all human rights and fundamental freedoms, including the right to development. We have steadily supported efforts in the international and multilateral fora such as in the Human Rights Council to foster greater acceptance and operationalization of the right to development. We acknowledge in this regard the valuable contributions made by the mandates of the Expert Mechanism and the Special Rapporteur on the Right to Development in promoting the implementation of this right worldwide.

This commitment and advocacy with respect to the right to development find full expression in our policies and planning processes in line with the 2030 Agenda. Two important planning documents--- Our Ambition 2040 and the Philippine Development Plan 2017-2022 --- carefully integrate human rights-based approach, sustainability and inclusivity as both goals and principles that guide our development strategies. Philippine development planning inheres inclusiveness and wide stakeholder engagement.

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.

We look forward to a fruitful exchange of views.

Thank you, Chair.

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**SPECIFIC COMMENTS**

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| **Section** | **Comments** |
| **PART I**Article 3- General Principles, item (b) | We recommend the inclusion of ***transparency*** as part of the universal principles common to all human rights, which will guide the Parties to the Convention. Transparency will ensure that duty-bearers will provide information to the rights-holders on the operationalization of the RTD. Transparency also fosters accountability and participation. Access to information is necessary to enable the right-holders to hold their duty-bearers accountable as well as to entice inclusive and meaningful participation among various stakeholders towards the promotion of RTD.  |
| **PART III**Article 16- Gender Equality, item (e ) | We suggest revising the text to read: “To ensure equal and equitable access to ***and control over*** resources…” It is important to specify equality of control to recognize the balance of power between women and men. We also recommend including the provision stated in the Beijing Platform for Action Strategic Objective 2: “*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 BPFA Strategic Objective 1, this can only be realized if there is a provision articulating the need for affirmative actions to increase women´s capacity to participate in decision-making and leadership. |
| **PART IV**Article 24- Conference of State Parties, item (b) | 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.  |
| **PART IV**Article 25- Protocols to the Convention | 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.  |