20 Aug 2021

**Call for comments and textual suggestions:**

**Draft Convention on the Right to Development**

The *Draft Convention on the Right to Development* intends to address basic human rights in the context of poverty, famine, discrimination, health and education. Thirty-five years after the Declaration on the Right to Development was adopted (General Assembly resolution 41/128 of 4 December 1986) it has not been effectively implemented.

The basic human rights outlined within the Right to Development affect Indigenous peoples around the world. We as First Nations Peoples experience higher rates than non-Indigenous peoples of poor health, including an inequitable burden of non-communicable diseases (NCDs), poverty, inadequate housing, social and emotional trauma, poor nutrition, discrimination and a lack of culturally safe and appropriate education. Indigenous children and youth have the added burden of breaking through inter-generational cycles of trauma, racism and dispossession, so achieving the right to development will be inextricably linked to improvements in health and wellbeing. For these reasons, we believe the *Draft Convention on the Right to Development* goals must be formulated, implemented, and sustained if we are to achieve the highest quality of life for all Indigenous peoples across the life-course.

**The importance of Community Control and Self-Determination**
Member States have the capacity and authority to support change, yet it is imperative governments listen to Indigenous peoples to fully understand what needs to be done. Aboriginal and Torres Strait Islander peoples and the Aboriginal Community Controlled Health Organisations (ACCHO) sector across Australia demonstrated clearly throughout the COVID-19 Pandemic that effective change will only happen when Indigenous leaders are informing priorities for collaborative action with government.

All Member States must recognise Indigenous peoples’ rights to development. Self-determination is key, and Indigenous leaders are best placed to identify community priorities in the political and economic arenas, and champion action to redress inequities associated with the social and cultural determinants of health. Indigenous Peoples’ knowledge, and cultural and traditional practices have the potential to guide sustainable and equitable development and management of lands on which we all live and work. Our environmental footprint is small as we do not abuse what Mother Nature has allowed us to have.

T**he 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**The *Draft Convention on the Right to Development* should align with the *UN Declaration on the Rights of Indigenous Peoples* and the UNCRC and ensure the right to health is protected and promoted. This connection should have more consideration and stronger language. Many people – especially those living in the most vulnerable circumstances in low- and middle-income countries - still lack the basic rights of access to essential medicine and treatment for NCDs and this denies them any hope of development and true financial freedom.

**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. Leadership from Aboriginal Community Controlled Health Organisations in Australia during COVID-19 led to extraordinary success. Likewise, Indigenous Peoples’ knowledge, cultural and traditional practices contribute to sustainable and equitable management of the lands on which we all live and work. In Australia, Indigenous knowledge sharing with the wider community is helping displace an extractive and transactional view of the natural environment, with a shared sense of responsibility and custodianship.

**Recommendations:**

1. Article 17 (clause 2) The terms ‘**Indigenous’** and ‘**Tribal**’ should always be capitalised when referring to Indigenous peoples.
2. 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* whichreinforces Indigenous peoples’ right to self-determination and the importance of **consulting** with Indigenous peoples on decisions affecting them **‘Articles 18 and 19’.**

**2a. 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”.

**2b.** Acknowledgement of the importance of considering children and youth in the context of development is strongly recommended.

1. 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”.
2. 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*.

**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?