**NATIONAL HUMAN RIGHTS COMMISSION, NIGERIA**

**Comments Of the National Human Rights Commission (NHRC) Nigeria On The Second Revised Text Of The Draft Convention On The Right To Development**

1. **General Remarks**

The National Human Rights Commission, Nigeria is pleased to offer its comments on the draft Convention on the Right to Development. The Commission is encouraged by the fact that this Convention seeks to provide the framework for the realization of the right to development, and is based on the principles of non-discrimination, non-retrogression and participation.

The Commission extends profound appreciation to all the contributors to the Draft Convention for their courage, dedication and great efforts to produce a document that attempts to unify all, despite the differences in jurisdictions and the potentially contentious nature of previous attempts.

The adoption of the second revised text of the draft Convention on the Right to Development better reflects the scope and content of this right. The Commission particularly welcomes the inclusion of new provisions that address the need for the participation of all relevant actors in the realization of the right to development and acknowledges the importance of participation in policy-making, decision-making and implementation. It is commendable that the Draft Convention recognises the need for economic and social policies to be based on the principles of human rights, and the explicit recognition of the presence of gender, racial, ethnic and other forms of discrimination in the right to development

The Federal Government of Nigeria has committed itself towards sustainable development and respect for human rights and fundamental freedoms. This is demonstrated by the fact that Nigeria is a party to international human rights instruments including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant of Economic, Social and Cultural Rights (ICESCR) and the African Charter on Human and Peoples Rights (ACHPR). Also, the country continues to strengthen efforts towards the realisation of the Sustainable Development Goals with an improvement in her ranking from 160 in 2020 to 139.

1. **General Framework of the Draft Convention**

The establishment of the Draft Convention is a representation of a desire for the inclusion of developing countries to more effectively participate in the decision-making processes on international economic matters.

The Draft Convention does not propose any new rights or obligations but highlights the already existing rights and emphasises the interdependence of human rights and development. The Commission submits that it is a great improvement on and is more extensive than the Declaration on the Right to Development, which did little to address power imbalance and had no obligations or binding effect.

1. **Notable Provisions of the Draft**

The Commission particularly commends the inclusion of the detailed obligations of States, set out in Article 8 of the Draft Convention as well as obligations by international organizations. Article 15 is applauded because it acknowledges the marginalization of some countries due to certain injustices and the need to deal with them on a reparative level, where needed. The inclusion of Article 18, which delineates measures to prevent and combat corruption is laudable as corruption poses a particular challenge to achieving development in developing countries. Furthermore, the Commission appreciates the inclusion of non-discrimination, as it is essential to ensure that the human rights of all individuals are respected and protected.

It is however observed that although the Implementation Mechanism contained in the Draft Convention includes a review of requests by rights holders to comment on situations in which their right to development has been adversely affected by the failure of States, it does not provide guidance on how to ensure that all people, including those in marginalised and vulnerable populations, benefit from the realisation of the right to development.

1. **Conclusion**

The Commission believes that the Draft Convention is a crucial step towards the realisation of the right to development and will provide the necessary normative and legal framework to ensure that all peoples are able to enjoy this right. We urge all Member States to take action to ensure the adoption of the Convention at the earliest opportunity.