

**SOUTH AFRICAN PERMANENT MISSION GENEVA**

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**SOUTH AFRICAN TEXTUAL PROPOSALS TO SECOND REVISED DRAFT CONVENTION ON THE RIGHT TO DEVELOPMENT – MAY 2023**

TITLE:

* In view of the commentary by the Expert Drafting Group with regard to the editorial rules of the United Nations documentation system, South Africa proposes changing the title from an **International Convention** to an **International Covenant** on the Right to Development.
* An update from a Convention to a Covenant would reflect consistency with provisions already adopted by the UN Member States, namely “International Covenant on Civil and Political Rights” and “International Covenant on Economic, Social and Cultural Rights.” This title change would support the relationship of the “right to development” with other civil, political, economic, social, and cultural rights and fundamental freedoms as enshrined in both Covenants.

ARTICLE 13- DUTY TO COOPERATE

**13 (1)**

* South Africa proposes the replacing of ‘shall implement their duty to cooperate with each other through joint and separate action’ with the phrase: ‘States Parties reaffirm ‘**their commitment to act’.** It would thus read as**:**
	+ - 1. States Parties reaffirm **their commitment to act** ~~and shall implement their duty to cooperate with each other, through joint and separate action~~, in order to:

**13 (1) (b)**

* Proposal to replace the term ‘End’ with **‘Eradicate’**
* In order to address the tautology in the sentence, the term ‘eradicating’ can be deleted:

**(b**) ~~End~~ **Eradicate** poverty in all its forms and dimensions, including ~~eradicating~~ extreme poverty;

**13 (1) (c )**

* Proposal to change the term ‘Promote higher’ with **‘Improve’** so that the document reads as:

**(c)** Improve ~~Promote higher~~ standards of living, full and productive employment, decent work, entrepreneurship, conditions of human dignity, and economic, social, cultural, technological and environmental progress and development;

**13 (2)**

* *South Africa proposes the deletion of the last part of the sentence that reads: ~~‘including through cooperation within international organizations and engagement with civil society’~~*
* 2. To this end, States Parties have primary responsibility, in accordance with the general principle of international solidarity described in the present Convention, for the creation of international conditions favourable for the realization of the right to development for all, and shall take deliberate, concrete and targeted steps, individually and jointly, ~~including through cooperation within international organizations and engagement with civil society~~:

**13 (4)**

* South Africa proposes deletion, after the term ‘duty’ the phrase *‘to cooperate‘* and this regard the 13 (4) would read as follows:

**(4)** States Parties recognize their duty ~~to cooperate to~~ create a social and international order conducive to the realization of the right to development by, inter alia:

**13 (4) (b)**

* South Africa proposes replacing the term ‘special and’ with ‘**equal but.’** Furthermore, we also propose the deletion of the phrase ‘for developing countries, in particular least developed countries’ as it creates sub-categorisation of developing countries. In this regard, the sentence would now read as follows:

4. (b) Implementing the principle of ~~special and~~ **equal but** differential treatment as defined in applicable trade and investment agreements;

**13 (4) (f)**

* South Africa proposes replacing the term ‘encouraging’ with ‘**providing’**
* Also, the inclusion of reference to ‘**and agreed targets’** after ‘existing commitment’

**(f)** ~~Encouraging~~ **Providing** official development assistance, financial flows and foreign investment, including through but not limited to the implementation of any existing commitments **and agreed targets**, for States where the need is greatest, in particular least developed countries, African countries, small island developing States and landlocked developing countries, in accordance with their national plans and programmes;

ARTICLE 15- SPECIFIC AND REMEDIAL MEASURES

**15 (1)**

* South Africa proposes the inclusion of the term, **‘gender’** in the listing of vulnerabilities identified
* This inclusion would emphasise the principle of non-discrimination as articulated in international human rights instruments such as the International Bill of Rights.

1. States Parties recognize that certain individuals, groups and peoples, owing to their marginalization or vulnerability because of race, colour, sex, **gender,** language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, age or other status, may need specific and remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development. Specific and remedial measures may include enabling the full, effective, appropriate and dignified participation of such individuals, groups and peoples in decision-making processes, programmes and policymaking that affect their full and equal enjoyment of the right to development, without subjecting them to structural, environmental or institutional constraints or barriers.

ARTICLE 16- EQUALITY BETWEEN MEN AND WOMEN

**16 (2) d**

* Propose the inclusion of the term **‘responsive’** after ‘gender’ in order to read as: gender-responsive
* To also replace the term **‘**perspective’ with **‘approach’**
* In this regard this will make emphasis on a **‘gender responsive approach’**

**(d)** To incorporate and mainstream a gender ~~perspective~~ **responsive approach** into the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;