**Maat for Peace’s comments and textual suggestions: Second revised text of the draft convention on the right to development**

**Introduction**

The contexts of development and its necessities are interconnected with human tendencies and aspirations towards consolidating peace and security internationally, regionally and locally, as well as its endeavors towards economic, social, environmental and climatic justice until it has become a key and inseparable rights at all levels: political, civil, economic, social and cultural. In this context, Maat for Peace, Development and Human Rights presents its Comment on the second revised text of the draft Convention on the Right to Development to the International Working Group on the Right to Development.

**First: Maat’s Comment on “Articles (1, 2, 3)**

The second revised text of the draft Convention on the Right to Development singles out the first part of the Convention and includes articles (1, 2, 3) related to the subject and purpose of the Convention, its definitions and general principles. Maat welcomes the wording of Article 1 on people’s right to enjoy development at the national and international levels everywhere. Maat also believes that the phrase “at all times” should be added to ensure recognition of the right to development for all present and future generations. Besides, Article 2 wording was also appreciated for the definitions included therein, such as “Legal Person” and “International Organization”, noting the need to develop clear, explicit and practical definitions for the terms “Peoples” and “Development” after taking into account the contexts of their past, current and future development; as well as their political, economic, social, cultural, environmental and civil dimensions; defining its criteria and indicators for its measurement and evaluation, and praising the principles contained in Article (3) and its paragraphs (a, b, c, d, e, f, g, h, i, j, k, l).

In the context of the foregoing, Maat recommends the need to reformulate Paragraph (a) to be “Human-Centered Development” instead of “Individual and Peoples-Centered Development” in order to achieve the principle of equality and non-discrimination and dissipates confusion around the term “Peoples” which may exclude “minorities”, “indigenous peoples” and marginalized groups”, and draws attention to the need to expand the scope of paragraph (b) to ensure principles common to all human rights including principles on “compensation, reparation, transitional justice and free, voluntary and informed consent”. Maat also recommends the reformulation of paragraph “i” in question with the principle of international solidarity"; to become international solidarity and global partnership for development so that those actors in the international community can unify interests, purposes, procedures and social cohesion and establish a new international economic order, based on the sovereign equality of states and their political and economic independence, interdependence, mutual benefit, participation, equality and respect for all human rights fundamental freedoms, joint and differentiated responsibility, and preferential and discriminatory treatment for developing countries.

At the conclusion of that part, Maat draws attention to the need to include a number of additional principles as a prerequisite for the realization of the right to development. These include the following: (i) the "principle of development based on social justice", which pays attention to the need to take into account social differences and inequalities, and to achieve equal opportunities among all spectrums located within the jurisdiction of the state and outside it; (ii) the principle of “development based on not causing significant harm”, which strikes a balance between the right of states, peoples, and individuals to freely act and have full and complete sovereignty over their wealth and natural resources, and the obligation not to cause significant harm at all levels, especially in terms of life, survival, water, land, peace, security, the environment, and climatic changes, whether within or outside the jurisdiction of the state; (iii) the “principle of development based on active, meaningful, free and full participation”, which requires the participation of individuals and peoples, including vulnerable and marginalized groups and groups such as women and indigenous peoples, after making available and providing potential access to sufficient and necessary information in relevant languages to take and make decisions related to development at all levels, which includes defining goals, priorities, projects, plans, activities, implementation, monitoring and evaluation; (iv) the “principle of development based on international peace and security”, which stresses the inclusion of the principle of development based on environmental and climate justice, which means “enjoying the right to development in a way that achieves climate and environmental justice among all peoples and individuals and requires development policies to take climate action and evaluate its impact on the climate and the environment in a way that does not affect the right to a suitable environment and protection from climate change and its repercussions.

**Second: Maat’s Comment on Articles (4: 7)**

The second part covers articles (4, 5, 6, 7), which discuss the right to development and its relationship to the right to self-determination and other human rights and the responsibility of every person to respect human rights under international law, respectively. Maat welcomes the recognition of Article 4 of the right to development as an inalienable right for every human being and for all peoples, including their right to enjoyment, contribution, active, free and meaningful participation in political, civil, economic, social and cultural development and the fair distribution of benefits arising from it, and recommends the need to include the environmental dimension of development alongside the aforementioned dimensions, as well as to include the phrase “without prejudice to the right or ability of future generations to development and fairness” at the end of Paragraph (1) of Article 4.

Maat also welcomes the second revised text of the draft agreement’s handling of the close and reciprocal relationship between the right to development and the right to self-determination in line with Article (1) of the International Covenant on Political and Civil Rights and the International Covenant on Economic, Social and Cultural Rights. Maat recognizes the need to include the phrase “without prejudice to any existing international cooperation, and historical agreements at the end of Paragraph (3) so that Article (5) is not interpreted as endorsing the freedom of peoples to freely dispose of their absolute natural wealth and resources and is invoked in order to getting free from the obligations arising from the inherited historical agreements, especially the agreements regulating shared water resources, and opens a door to conflicts and disputes instead of development over the GERD crisis that exists between the State of Ethiopia seeking the right to development and disposition of its wealth and natural resources, and the two downstream countries that stick to historical obligations arising from international law and its agreements.

**Third: Maat’s Comment on Articles (8:38)**

The second revised text of the draft Convention expands to include the third part and its articles (8:24), the fourth part and its articles (25:27) and the fifth part and its articles (28:38). Maat welcomes the general obligations of states and organizations to articles (8, 9) and recommends the need to expand the scope of the obligations of States to respect, protect and fulfill Articles (10, 11, 12); to include the obligation of states to provide means of remedies, complaints, and a fair, effective, equal, and full trial for all parties located within and outside their jurisdiction regarding violations and abuses, especially coercive measures regarding the right to development and the requirements for its realization and implementation, while ensuring the possibilities of fair and equitable compensation for those abuses and damages by states, individuals, groups, or legal persons, and the refusal of the States Parties to ignore the activity of a State, international or sub-international organization, or legal persons, prevents all individuals and peoples from enjoying the right to development and violates the obligations of States Parties to the right to development and subjecting their development policies to sustainable foundations and the free, voluntary and informed consent of peoples and individuals, including Indigenous peoples, minorities and marginalized groups.

In addition, Maat welcomes Article (13) stressing the necessity of cooperation, and recommends the need of cooperation and the joint international responsibility, which is differentiated between developing and developed countries in a way that holds developed countries responsible for assisting developing countries in realizing and activating the right to development and creating national and international conditions conducive to its implementation, improving ways of tripartite cooperation in the fields of science, technology and innovation, modifying the terms of trade, providing debt service support, achieving fair globalization, equal opportunities, improving global trade programs and rules, providing access to markets and restructuring the international financial system. Maat stressed Articles (14, 15, 16, 17, 18, 19, 20, 21, 22) concerned with coercive measures, special or remedial measures, gender equality, indigenous peoples, prohibition of restrictions on development, impact assessments, statistics and data collection, international peace and security and sustainable development respectively.

Maat also recommends the need to reconsider Paragraph (2) of Article (24) which focuses on “harmonious interpretation”, and its text stating that the “provisions of this Convention do not affect the rights and obligations of any state party, unless the exercise of these rights and obligations is inconsistent with the intent and purpose of this Convention.” This exceptional situation, according to Maat, may open the way for countries to breach existing international obligations on the grounds that they are inconsistent with this Convention, which may allow conflicts and disputes, especially in the case of historical Convention and rights inherited from the colonial era, such as the agreements on the international law of the sea and river basins, as well as other agreements concerned with human rights and climate, as well as Article 22 on “international peace and security”, specifically paragraph (3), which reads: “States Parties undertake to promote peace and inclusive societies within their territories for the full realization of the right to development for all.”