On behalf of Association for Citizen's Tolerance and Cooperation - ACTAC, represented by president Aleksandar Cvetkoski, please find in continuation our views and proposals on a draft legally binding instrument on the right to development:

Type of the instrument:

The instrument should principally be:

 a treaty modelled on existing human rights treaties, defining the rights of individuals and peoples and corresponding obligations of States and non-state actors.

Content of the instrument:

2. Which previous instruments and provisions should be referenced in the preamble?

The Agenda 20/30, which has all the necessary declarations, is sufficient, with short and easily-handled guidelines for Right to Development (from all the other conclusions reached), which will cover the assessment of States' commitment to sustainable development. For this reason, a draft of a legally binding instrument on the right to development should refer to the basic document resolution 39/9, but it should explain that this draft is an open development tool that will begin with several elements - which should be targeted, and it will then expand into areas and tools that will (further) turn it into an instrument for the implementation of Agenda 20/30 regarding the right to development.

- 3. Which considerations should be incorporated in the preamble? Limitation and specializing on a legally binding instrument on the right to development on feasible aspects of resolution 39/9. This means an orientation towards less scoped, more modest declaration and increased action component, by selecting only a few components of the human development strategy resolution 39/9. This resolution should be based on a "rich and poor agreement" and an international agreement on "migrating problems from a declaration to manageability" or "evolution of tools for the realization of the right to development" rather than on declarations.
- 4. How should the object and purpose of the instrument be formulated? The purpose of the instrument should focus on the possibility of international and national adoption of rules (tools) of development commitment in the form of: monitoring of investment corruption, tax evasion and initial assessment of sustainability of investments in accordance with Agenda 20/30, from the countries themselves investors, and the object of the instrument would be the specific tools for accountability and transparency of corporations and states in relation to the above-mentioned rules and tools for many types of public, corporate and business Key Assessment and causing a public debate to reconcile the need for economic development and all other components of human development.

Thus, this instrument should be positioned between Agenda 20/30 and corporate initiatives (projects).

5. Which elements should be included in the instrument and how should it be structured?

An element that the draft should "center" is how developed, underdeveloped and least developed countries could get a framework for a fair balance of interests, and thus overcoming the nominalism of ideas from the "Resolution" and the beginning of the "exchange" of discounts ("Something for Something").

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The instrument should be "smart" and not just "fair".

Here the truth is helping: the less developed and poorest countries to accept standards and monitor national acts of repression of corruption, tax evasion and uncontrolled investment, and richer countries to pay for it and control their own investments in third countries (not just for those countries, in which they invest, but also for themselves). It requires focusing on three general topics:

- 1. How to devise political and international binding expert tools for developing countries and the least developed countries to reduce tax evasion, gray economy and corruption and/or blindness when investing in their countries (greater damage than profit) through linking planning of such national actions (National Plans for Right to Development Actions) with the funds of international donors that they would receive as assistance for such actions;
 2. How can developed countries establish investment monitoring (each state of
- 2. How can developed countries establish investment monitoring (each state of its own investments, by sending it to the Working Group on the Right to Development) in developing countries, through specially designed tools for assessing damages (Program: Investment + Care) from investing and mandatory measures to fulfill the right to development;
- 3. Given the "immovable" differences between different countries regarding the content of this instrument, it should provide tools for "reaching a common understanding of Resolution 39/9" and an "approximation planning" tool. Only the public sector, culture and engaged art can provide this, because the art medium cannot be manipulated by corporations or states and centers of power in them, so if the Intergovernmental Working Group on the Right to Development or Human Rights Council, Culture and Arts socially engage (Resolution 39/9: the public sector must be revitalized), will receive the culture-friendly technologies of development that will be motor fuel to the new public awareness of the right to development, thereby "pressing" the Governments, corporations and power centers to gradually accept it.
- 6. Which duty bearers, in particular non-state actors, should be included? NGOs and cultural actors can play a key role in feeding the public with visions of human development and thus "from bottom to top" to harmonize the opinions of citizens from different countries.
- 7. Which obligations should the instrument concretize?
 The Instrument may prescribe a Fund, a Guide and Minimum Standards for reform planning and non-legislative changes in states that are hoping for structural adjustment assistance (mainly in developing countries, and especially in the least developed countries, laws are good but not enforced), and the prescribed improvement measures (corruption, tax evasion, non-transparent investment with protectionist measures, etc.) should be assessed and the means for their implementation, in cooperation with the NGOs previously mentioned, would report about the implementation progress.

 Successful reforms and moves should be rewarded by the "Structural Adjustment Fund for the Enforcement of the Right to Development", which

Adjustment Fund for the Enforcement of the Right to Development", which would be the responsibility of the Intergovernmental Working Group on the Right to Development or Human Rights Council (Board).

The "exporting" countries of the capital and the domicile countries of the investors would form a tool: "National Expert Councils for assessing the eco and humane responsibility of investment and trade with developing countries and the least developed countries."

The Intergovernmental Working Group on the Right to Development would set up an NGO Fund - and support structural government reforms for Right to Development, which would monitor such reforms and would increase the awareness of the population on the right to development.

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8. How should the relationship with other rights and obligations under international law be determined?

Institutional arrangements:

- What type of institutional arrangements should be foreseen?
 An expert body with the mandate to submit reports on its work to the General Assembly, adopt recommendations, views and general comments
- 10. Which entity should serve as the Secretariat?
- 11. Should there be a funding mechanism for covering the costs of the institutional arrangements and implementing recommendations?
 The Intergovernmental Working Group on the Right to Development can form a Funding for Structural Change Planning for the Right to Development, which would fund the design of national reforms, their expert judgment, the approval process and the National Development Action Plans, as well as the Reimbursement Fund, for the reimbursement of funds spent by the state for these planned improvements, if it is estimated that the improvements have occurred.

A Fund for Planning Structural Changes for the Right to Development should also have a Program for the Promotion of the Right to Development, to finance a common understanding of development issues that would have an international and national component.