

Proposals on a draft legally binding document on the right to development (questionnaire)

The following is the response to the request to provide the point of views, and suggestions that we may have on a draft legally binding right to development based on the points mentioned in the questionnaire sent.

Concerning the type of the document: We believe that the legally binding document should be a treaty modeled on existing human rights treaties that define the rights of individuals, peoples, the duties of states, and non-state actors towards them to achieve the full realization of the right to development.

Concerning the content of the document:

2)We suggest that the following instruments should be specifically included: The Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, Nations General Assembly resolution (1803), permanent sovereignty over natural resources, and the 1986 Declaration on the Right to Development. We also propose that the following conferences should be included: the New York Children's Summit (1990), the Earth Summit in Rio de Janeiro (1992), the International Conference on Human Rights in Vienna (1993), International Conference on Population and Development in Cairo (1444), the World Conference on Women in Beijing (1990), the World Summit for Social Development in Copenhagen (1995), the United Nations Conference on Human Settlements in Istanbul (1991), World Food Summit in Rome (1999), the World Conference against racism (1998), the Millennium Declaration in New York (2000), the United Nations Conference on Sustainable Development (2012) the United Nations Conference on Sustainable Development (2015), United Nations Climate Change Conference (2015).

3)Considerations that should be included in the preamble: We propose that the concept of sustainable development should be listed in the preamble, which includes the multiple dimensions of sustainability: economic, social, human, cultural, environmental, and political development. The right to development is not confined to the right of the individual, but includes groups at the geographical, urban, rural, gender levels, and vulnerable groups in society.

4)How to formulate the subject of the document: We believe that the document should be discussed and drafted in such a way that ensure its realization and implementation. The subject of the document should set standards on the right to development with measurable results. This is expected to be a contributing factor for the Sustainable Development Goals, and to establish developing supervisory mechanisms for assessing the implementation of the various rights and obligations.

5)Items that should be included: Article 9 of the Declaration on the Right to Development provides that all aspects of the right to development are coherent as well as interrelated, and each aspect should be viewed. (All articles of the Declaration should be discussed in the items)

6)We believe that governments, private institutions, civil society institutions, individuals are **all duty bearers that should be included in the document with their responsibilities at the following levels:**

- At the level of the United Nations and international organizations with OHCHR participation: mainstreaming the right to development in treaty body processes and supporting economic and social rights.
- At state level: adapting legislative and economic measures to combat marginalization and poverty, promoting respect for human rights, and integrating the methodology to measure compliance with the right to development into national development strategies and development policies.
- At the level of civil society: participation in the development process and mainstreaming the right to development into the activities of civil society organizations.
- At the individual: active participation and effective contribution to development and awareness of fundamental rights and duties.

(7) Duties should be enshrined in the document: in particular, the right to non-discrimination, the right to participate in public affairs, the right to an adequate standard of living, and the right to enjoy a social and international in which the rights and freedoms set forth in this Declaration can be fully realized.

(8) How to define the relationship with the other rights and obligations assumed under international law: article 9, item 1 of the Declaration on the Right to Development: nothing in this Declaration shall be interpreted as contrary to the purposes and principles of the United Nations, and any State, group or individual has not the right to engage in any activity or to perform any act which aimed to violate human rights of the Universal Declaration of Human Rights in the International Covenants on Human Rights.

Concerning the institutional arrangements

The institutional arrangements should include the following:

- **Establishing a Panel of Experts** charged with preparing reports concerning the General Assembly, and adapting general recommendations, opinions, and comments. The institution should involve multiple stakeholders to enhance the content of the document and ensure all rights. The institution should set time for the work of the team.
- **Secretariat:** The secretariat of the institution responsible for the implementation of the Convention under the direct supervision of OHCHR.
- **Financing:** As stated in Paragraph 14 of Human Rights Council resolution 2/27 on allocation of resources for the realization of the right to development in a balanced and visible manner, and the State of Qatar affirms its full cooperation in the realization of the right to development to make it a reality for all people.

The Compliance, Monitoring and Enforcement arrangement:

(9) Type of the Compliance, Monitoring and Enforcement arrangement: There should be a compliance committee for the right to development and under the auspices of the Human Rights Council, whereas reporting is supposed to occur throughout a compliance committee. States should also review its reports periodically and discuss the reports before the Committee and the experts. We also consider that some of the procedures contained of the compliance arrangements are optional and included in the text of the instrument in the form of a participation or non-participation condition.

Concerning the final arrangements

(10) Producing legal effect: The United Nations requires to sign the Convention and promote the signature or ratification of it. The signature represents acceptance of the Convention, and the legal effect of signing the Convention is limited to the obligation of the signatory State by refraining from any act contrary to the object and purpose of the Convention on that issue.

(11) We propose that States should be allowed to **enter reservations to the provisions** contained therein or Some of these provisions; therefore, the State should be allowed to release a statement that excludes or changes the legal effect of certain provisions of the Convention in respect of that State. In any case, no reservations shall be permitted with the object and purpose of the Convention.

(12) The human rights obligations of States: there are three levels of human rights obligations of states: the obligation to respect, protect, and fulfil. The obligation to fulfil includes both the obligation to commitment as well as provide. The obligation to respect requires that State refrain from interfering, directly or indirectly, with the enjoyment of the right, the obligation to protect requires States to adapt measures that will prevent third parties to have a negative impact on the level of enjoyment or to prejudice the guarantees established, and the obligation to perform requires States to adopt appropriate legal, administrative, budgetary, judicial and promotional measures towards the full realization of rights. The failure of the State to fulfil its obligation under any of these levels constitutes a violation of human rights.

(13) The progressive realization of certain rights that might not be attained only in a gradual: all rights involve aspects that may be applied immediately, and other aspects of the right that may only be applied gradually. A distinction must therefore be made between the State party's inability to comply with its obligations relating to the right and Its unwillingness or its failure to adapt the necessary measures to ensure the realization of the right despite its ability to do so. The burden of proof the impossibility of the full realization of the right lies with the State concerned; thus, it should have to prove that it had made every effort and used all available resources to fulfill its obligations, and it had been unable to full realization of the right.

(14) Legal effect of ratification or accession to a convention: At the national level, the legal effect of the convention varies depending on the nature of its legal system. Human rights conventions recognize minimum standards and guarantees. The Convention on the Rights recognizes the standards and guarantees; therefore, the State should seek to raise those standards and guarantees. If the level of guarantees or standards varies, everyone shall enjoy provisions that provide maximum guarantees or standards with respect to the implementation of the right.