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|  |  | A/HRC/WG.2/24/CRP.1 |
|  |  | 11 January 2023  |

**Human Rights Council**

**Working Group on the Right to Development**

**Twenty-fourth session**

15–19 May 2023

Item 4 of the provisional agenda

**Review of progress made in the promotion and**

**implementation of the right to development**

 **Compilation of comments and textual suggestions on the draft convention on the right to development**

 **Secretariat of the Working Group on the Right to Development**

The Working Group on the Right to Development commenced its consideration of the draft convention on the right to development, which was submitted by the Chair-Rapporteur on the Right to Development, at the request of the Human Rights Council, at its twenty-first session.[[1]](#footnote-1) It continued its consideration at its twenty-second and twenty-third sessions.[[2]](#footnote-2) The secretariat issued calls for comments and textual suggestions on the draft convention after each session. The present compilation contains the comments and textual suggestions made during or received after the twenty-third session on the first revised text of the draft convention on the right to development.[[3]](#footnote-3)

**Draft convention on the right to development**

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| **Panama:****[Replace:** ~~Draft convention on the right to development~~ **international covenant on the right to development : Pakistan, South Africa, Special Envoy of the UN Secretary-General on Disability and Accessibility, Panama, Associazione Comunita Papa Giovanni XXIII ]**(Explanation: We support the proposal made by several delegations during the last session of this Working Group, including Pakistan, South Africa and the Special Envoy of the UNSG on Disability and Accessibility, to change the title of this instrument, since this would strengthen the relationship between the right to development with other civil, political, economic, social and cultural rights and fundamental freedoms enshrined in the two existing International Covenants.)**Comment:** We renew our support to the proposal presented by the International Service for Human Rights during the last session to introduce a new article on the relationship with the rights of human rights defenders. **Pakistan:****[Replace:** ~~Draft convention~~**International Covenant]** on the right to development(Explanation: We would reiterate our suggestion regarding the title of the Covenant and suggest making it in line with the ICCPR and the ICESCR that we may change it to the “International Covenant on Right to Development.”)**Iran (Islamic Republic of):**We would like to support the proposal made by our colleagues from Pakistan with regard to the title of the convention.**South Africa:****[Replace:** ~~Draft convention~~**International Covenant]** on the right to development **Associazione Comunita Papa Giovanni XXIII on behalf of CINGO:**We would like to second the proposal on the title of the Convention to be named International Covenant on the Right to Development, since we do hope that this convention will be included in the Bill of Human Rights.**CETIM (Centre Europe-Tiers Monde):**We support the change of title proposed by several delegations for the future instrument, namely to replace "convention" by "pact". |

**Preamble**

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| **Maldives:****Comment:** We propose to include in the preamble paragraphs a reference to HRC res. 48/13 entitled “**[the human right to a clean, healthy and sustainable environment]**”, as the Human Rights Council last year recognized for the first time the right to a clean, healthy and sustainable environment as a human right.This right will now become an integral part of our development, and we are making this proposal as we believe that in addition to listing international instruments, it is important to specify and refer to seek difficult human rights resolutions as well.**Pakistan:****Comment:** We think that in order to achieve the objective of the Convention, we need to reduce the length of the preamble because it would also help in building consensus among multiple stakeholders. So, we may reduce the length of the preamble and it should be limited to highlighting the key principles highlighted in the international human rights law, especially related to the right to development. We may take guidance from the UN Declaration on the Right to Development. Preamble paragraphs 6, 9, 10 and 11, are simply recalling various resolutions of the UN General Assembly and the Human Rights Council and referring to the regional instruments. If we read “towards the earlier adopted international covenants, especially the ICCPR and ICESCR”, we do not see space for such recalling of the UNGA resolution.**Comment:** We agree with the Russian Federation that we can keep those elements for the resolutions of the Human Rights Council of the UN General Assembly that would be adopting this Convention. Instead of putting it in the body of the covenant, we may make it part of the relevant resolution of the Human Rights Council and the UN General Assembly. |

The States Parties to the present Convention,

No comments.

*Guided* by all the purposes and principles of the Charter of the United Nations, especially those relating to the achievement of international cooperation in solving international problems of an economic, social, cultural, environmental or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction of any kind,

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| **Russian Federation:** Guided by **[~~all~~]** the purposes and principles of the Charter of the United Nations, **[**especially those relating to the achievement of international cooperation in solving international problems of an economic, social, cultural, **[~~environmental~~]** or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction of any kind,](Explanation: It is our view that it is not quite right to refer to all of the purposes and principles of the charter of the United Nations. If we are talking about the fact that State parties to this Convention are guided by all of the purposes and principles of the charter of the United Nations, then there is no need to list them. We looked at different human rights international treaties and whenever the purposes and principles of the charter of United Nations [are mentioned], we do not use the word “all”. Russia suggests saying “all the principles” and not listing them or deleting the list and then keeping the reference.We believe that reference to environmental problems is not correct here, given the particular nature of the Right to Development as a stand-alone right. We believe that we should bring this into line with the Declaration of the Right to Development.)**Iran (Islamic Republic of):****Comment:** Regarding preamble paragraph 2, we propose to keep it as it is without adding any words as suggested by other delegations. We support the proposal made by the Russian Federation, to delete the word “all” in the first line.We acknowledge the important role of international cooperation in the realization of the Right to Development. Therefore, we propose to have a separate paragraph derived from previously adopted HRC and GA resolutions. |

*Recalling* the obligation of States under articles 1 (3), 55 and 56 of the Charter of the United Nations to take joint and separate action in cooperation with the Organization for the promotion of higher standards of living, full employment and conditions of economic and social progress and development; solutions of international economic, social, health and related problems; international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

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| **Panama:**Recalling the obligation of States under articles 1 (3), 55 and 56 of the Charter of the United Nations to take joint and separate action in cooperation with the Organization for the promotion of higher standards of living, **[**~~full employment~~ **decent work]** and conditions of economic and social progress and development; solutions of international economic, social, health and related problems; international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion without distinction **[of any kind]**,(Explanation: We suggest replacing the word “full employment” with “decent work”. Also at the end of that paragraph to make a general reference “without distinction of any kind”, since it seems that the forms of discrimination set out here are quite restricted in comparison with national law. We would need, for example, to refer to disability, age, ethnicity, inter alia. These words bring the text into line with the final part of preamble paragraph 1.)**Uruguay:****Comment:** We propose to unify the use of the phrase “without distinction of any kind” throughout the text. For example, these phrases used in the first paragraph and in the second one, contain a listing that is not comprehensive in our view, and it is lacking other important grounds, such as gender. Therefore, in our view the general reference to “without distinction of any kind” should be used throughout the text and works better to accommodate other grounds of dissemination that have knowledge with the evolution of the human rights law. In our view, it was in line with the experts' comments in the page 7 of the draft.**International Human Rights Association of American Minorities (IHRAAM):****Comment:** If the Declaration of the Rights of Indigenous Peoples is referenced in the preamble paragraphs, then we need to include the Declaration of Non-Self-Governing Territories that is Article 73 of the Charter of the United Nations, or the Declaration on the Granting of Independence of Colonial Countries and Peoples (General Assembly resolution 15/14). IHRAAM proposes that preamble paragraph 2 must include the reference to above-mentioned articles as listed in preamble paragraph 4 or paragraph 13.**CETIM (Centre Europe-Tiers Monde):**Recalling the obligation of States under articles 1 (3), 55 and 56 of the Charter of the United Nations to take joint and separate action in cooperation with the Organization for the promotion of higher standards of living, **[decent]** full employment and conditions of economic and social progress and development; solutions of international economic, social, health and related problems; international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, |

*Reaffirming* that, under the provisions of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized, and that everyone, as a member of society, is entitled to the realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for her or his dignity and the free development of her or his personality,

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| **Panama:**Reaffirming **[the Universal Declaration of Human Rights and recalling]** that, under **[ its** ~~the~~**]** provisions **[**~~of~~ ~~the Universal Declaration of Human Rights~~**]**, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized, and that everyone, as a member of society, is entitled to the realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for her or his dignity and the free development of her or his personality,(Explanation: We would like to see that the initial sentence has a more general reference to the Universal Declaration of Human Rights.)**Caribbean Court of Justice**Reaffirming that, under the provisions of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized, and that everyone, as a member of society, is entitled to the realization, through **[**~~national effort~~ **regional effort]** and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for her or his dignity and the free development of her or his personality,(Explanation: This change should be effected throughout the Draft Convention as is required. The inclusion of ‘regional efforts’ in that paragraph covers the development of regional initiatives, instruments, and jurisprudence as well as the promotion of regional integration.) |

*Recalling* the provisions of all human rights treaties, as well as other international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

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| **Russian Federation:**  Recalling the provisions of **[~~all~~** **international]** human rights treaties, Recallingfurther **[relevant]** international **[human rights]** instruments, including the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,(Explanation: We have two suggestions: to delete “all”, because not all states are parties to all human rights treaties. We believe it would be correct to add “international” human rights treaties. The reference to other international instruments seems to be superfluous. We could add in “relevant international instruments”, so it would read, “ rights treaties, as well as other relevant international instruments”. In that way, the paragraph would be, in two parts: the first of “all international human rights treaties” and then “other relevant international instruments”, ones that are of a declaratory nature.)**Panama:****Split this para in half:****[***~~Recalling the provisions of all human rights treaties, as well as other international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,~~*]**[Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,**]**[Recalling also other international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the United Nations Declaration on Human Rights Defenders,**](Explanation: With regard to paragraph 4, we propose dividing it into two, so that one paragraph would focus on international human rights instruments, which are binding, in other words, the treaties, and the second would be dedicated to other human rights instruments, such declarations. We propose that part (a) preamble paragraph 4 reads as follows “the International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, The Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.”On paragraph 4 (b), it would read as follows: "also other international instruments, including the UN Declaration on the Rights of Indigenous Peoples, the UN Declaration on the Rights of Persons and other people working in rural areas, the UN Declaration on the Rights of Persons belonging to national or ethnic, religious and linguistic minorities and the UN Declaration on Human Rights Defenders.”)**Paraguay:**Recalling the provisions of all human rights treaties, as well as other international instruments, including **[Convention on the Protection and Promotion of the Diversity of Cultural Expressions,]** the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,**CETIM (Centre Europe-Tiers Monde):****Comment:** The reference to the Declaration on the Rights of Peasants and Other Rural Workers should also be maintained. This is an extremely important instrument for rural development. It is important to remember that peasants and other rural people still constitute almost half of humanity and play a central role in food production, the maintenance of biodiversity and in the fight against climate change.The preamble lacks a reference to the standards of the International Labour Organization (ILO). This is an extremely important element. In Europe, we used to say that work is health. Nowadays, it is a suffering for hundreds of millions of people on all continents. The conditions and relations between employers and employees are of paramount importance for the well-being of everyone. Development based on exploitation, discrimination and repression cannot be tolerated. That is why it is essential to refer in the preamble to the norms of loyalty. |

*Reaffirming* the Declaration on the Right to Development, adopted by the General Assembly on 4 December 1986,

No comments.

*Recalling* the reaffirmation of the right to development in several international declarations, resolutions and agendas, including the Rio Declaration on Environment and Development, the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, the Beijing Declaration and Platform for Action, the Rome Declaration on World Food Security, adopted at the World Food Summit, the United Nations Millennium Declaration, the Durban Declaration and Programme of Action, the Monterrey Consensus of the International Conference on Financing for Development, the Declaration of Principles and Plan of Action, adopted at the World Summit on the Information Society, the Tunis Agenda for the Information Society, the 2005 World Summit Outcome, the United Nations Declaration on the Rights of Indigenous Peoples, the outcome document of the high-level plenary meeting of the General Assembly on the Millennium Development Goals, the Istanbul Programme of Action for the Least Developed Countries for the Decade 2011–2020, the outcome documents of the thirteenth session of the United Nations Conference on Trade and Development, held in 2012, the outcome document of the United Nations Conference on Sustainable Development entitled “The future we want”, the quadrennial comprehensive policy review of operational activities for development of the United Nations system, the SIDS Accelerated Modalities of Action (SAMOA) Pathway, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, the Paris Agreement on climate change, the Sendai Framework for Disaster Risk Reduction 2015–2030, the New Urban Agenda, adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), and the outcome documents of the fourteenth session of the United Nations Conference on Trade and Development,

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| **Russian Federation:****Reward {**Recalling the reaffirmation (…) United Nations Conference on Trade and Development,**}**(Explanation: On paragraph 6, we believe that it is not really formulated in the right way to be part of a convention. We believe that we should look at the two kinds of preambles. First, there is a preamble to the Convention itself. Whenever we open up any convention, there are a few number of paragraphs in any convention, and then there is a kind of preamble. The second kind is the resolution of the General Assembly where the convention is adopted. We are not against the wording of the paragraph 6, we agree with it, but we believe it could be better reflected in the General Assembly resolution. First, the Human Rights Council resolution and the General Assembly resolution, which would be adopting the Convention. When we look at the genealogy of the right to development, we think that it could be reflected in the cross-resolution; we think that it would correspond to previous practice, whenever international treaties and conventions have been approved. **Panama:**Recalling the reaffirmation (…), the 2030 Agenda for Sustainable Development **[**~~and the Sustainable Development Goals~~**]**, the Paris Agreement on climate change, (…)(Explanation:We think that the reference to the SDGs is actually a bit redundant and suggest to delete it.)**Iran (Islamic Republic of):**Recalling the reaffirmation of the right to development in several international declarations **[proclamations]**, resolutions and agendas, including the Rio Declaration on Environment and Development, the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development **[1968 Proclamation of Tehran, Declaration on the Right to Development]**, the Beijing Declaration and Platform for Action, (…) |

*Reaffirming* the objective of making the right to development a reality for everyone, as set out in the Millennium Declaration, adopted by the General Assembly on 8 September 2000,

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| **Panama:****Comment:** We have no problem with reference to The Millennium Declaration, but it seems to us that that is a little outdated, given that at the current time, States are in the final status of the post-2015 agenda.**Russian Federation:****Delete {**Reaffirming the objective of making the right to development a reality for everyone, as set out in the Millennium Declaration, adopted by the General Assembly on 8 September 2000,**}****(**Explanation:onparagraphs 8, 9, 10, 11 and 12. We agree with the content of these paragraphs, but we believe that they should not be contained in the future international legally binding instrument rather in a resolution.) |

*Recalling* the multitude of resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development,

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| **Brazil:****Comment:** Brazil believes that generally mentioned UN General Assembly resolutions from the Commission on Human Rights resolutions, and Human Rights Council resolutions may not reflect a joint position of the Member States given that many of those resolutions were not adopted by consensus.**Russian Federation:****Delete {**Recalling the multitude of resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development,**}** |

*Recalling* also, in particular, General Assembly resolutions 48/141 of 20 December 1993, in which the Assembly established the Office of the United Nations High Commissioner for Human Rights, with a mandate to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose, 52/136 of 12 December 1997, in which the Assembly affirmed that the inclusion of the Declaration on the Right to Development in the International Bill of Human Rights would be an appropriate means of celebrating the fiftieth anniversary of the Universal Declaration of Human Rights, and 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, deciding that its work should be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, including the right to development,

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| **Russian Federation:****Delete {**Recalling also, in particular (…) including the Right to Development.**}** |

*Taking note* of the regional human rights instruments and the subsequent practices relating thereto that specifically recognize and reaffirm the right to development, including the African Charter on Human and Peoples’ Rights, the Inter-American Democratic Charter, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, the Arab Charter on Human Rights, the Human Rights Declaration of the Association of Southeast Asian Nations, the American Declaration on the Rights of Indigenous Peoples, and the Abu Dhabi Declaration on the Right to Development,

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| **Russian Federation:****Delete {**Taking note(…) on the Right to Development.**}****Panama:**Taking note of the regional human rights instruments and the subsequent practices relating thereto that specifically recognize and reaffirm the right to development, including the African Charter on Human and Peoples’ Rights, **[the American Convention on Human Rights]** the Inter-American Democratic Charter, (…)**Iran (Islamic Republic of):**Taking note of the **[relevant]** regional human rights instruments and (…)**Holy See:****[**~~Taking note also of~~ **Bearing in mind also]** the obligations of States pertaining to integral development in the Charter of the Organization of American States, and to progressive development in the American Convention on Human Rights,(Explanation: The Holy See requests reverting to the language used in the first draft text of the convention, since the documents are of a regional and not a global nature. “Bearing in mind” thus seems more appropriate.)**Associazione Comunita Papa Giovanni XXIII on behalf of CINGO:****[**~~Taking note~~ **Bearing in mind]** of the regional human rights instruments and the subsequent practices (…)(Explanation: We understand the explanation given on the substitution of the wording of the previous draft “Bearing in mind” with “Taking note” in the tenth paragraph concerning the regional instruments. Anyhow, we think that retaining “Bearing in mind” that is slightly stronger would be better because, in our opinion, it should not constitute a problem for those States that do not fall under these regional instruments.) |

*Taking note* also of the obligations of States pertaining to integral development in the Charter of the Organization of American States, and to progressive development in the American Convention on Human Rights,

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| **Russian Federation:****Delete {**Taking note also(…) *American Convention on Human Rights,***}** |

*Taking into consideration* the various international instruments adopted for realizing sustainable development, including in particular the 2030 Agenda for Sustainable Development, which affirm that sustainable development must be achieved in its three dimensions, namely, economic, social and environmental, in a balanced and integrated manner and in harmony with nature,

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| **Russian Federation:****Delete {**Taking into consideration(…) *harmony with nature,***}****Iran (Islamic Republic of):**Taking into consideration the various international instruments adopted for realizing sustainable development, including in particular the 2030 Agenda for Sustainable Development, which affirm that sustainable development must be achieved in its three dimensions, namely, economic, social and environmental, in a balanced and integrated manner and in harmony with nature **[taking into account different national realities, capacities and levels of development and respecting national policies and priorities, (Resolution adopted by the General Assembly on 25 September 2015: Transforming our world: the 2030 Agenda for Sustainable Development)]** , |

*Acknowledging* that the realization of the right to development is a common concern of humankind,

No comments.

*Concerned* at the existence of serious obstacles to the realization of the right to development comprising, inter alia, poverty in all its forms and dimensions, including extreme poverty, hunger, inequality in all forms and manifestations within and across countries, climate change, health emergencies and health crises, colonization, neo-colonization, forced displacement, racism, discrimination, conflicts, foreign domination and occupation, aggression, threats against national sovereignty, national unity and territorial integrity, terrorism, crime, corruption, all forms of deprivation affecting the subsistence of peoples, and the denial of other human rights,

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| **Panama:**Concerned at the existence of serious obstacles to the realization of the right to development comprising, inter alia, poverty in all its forms and dimensions, including extreme poverty, hunger, inequality in all forms and manifestations within and across countries, **[digital divide, environmental crises]** climate change, health emergencies and health crises, colonization, neo-colonization, forced displacement, racism, discrimination **[gender inequalities, arms race]**, conflicts, (…)(Explanation: It seems that there are key elements that have not been mentioned and therefore we would like to add after “within and across countries” reference to digital divide, to climate change and environmental crises, and after reference to discrimination add “gender inequalities, arms race”.)**South Africa:**Concerned at the existence of (…), colonization, neo-colonization, [**inequitable international economic order**] forced displacement, (…).(Explanation:This inclusion is important for the Global South, as the reform of the international economic architecture, institutions and rules to make them pro-development, is critical as they were designed at a time when most countries were not independent states and are not fit for purpose.)**Iran (Islamic Republic of):**Concerned at the existence of serious obstacles to the realization of the right to development comprising, inter alia, poverty in all its forms and dimensions, including extreme poverty, hunger, inequality in all forms and manifestations within and across countries, climate change, health emergencies and health crises, colonization, **[unilateralism,]** neo-colonization, forced displacement, racism, discrimination, conflicts, foreign domination and occupation, **[coercive measures,]** aggression, threats against national sovereignty, national unity and territorial integrity, terrorism, crime, corruption, all forms of deprivation affecting the subsistence of peoples, and the denial of other human rights,**China:**Concerned at the existence of (…), inequality in all forms and manifestations within and **~~across~~** **[among]** countries, (…).**Associazione Comunita Papa Giovanni XXIII on behalf of CINGO:**Concerned at the existence of serious obstacles to the realization of the right to development comprising, inter alia, **[the unfair international trading system, unregulated finance, asymmetries of power in global governance and decision-making, unequal access to information and technology, external debts, unilateral coercive measures]** poverty in all its forms and dimensions, including extreme poverty, hunger, inequality in all forms and manifestations within and across countries, climate change, health emergencies and health crises, colonization, neo-colonization, forced displacement, racism, discrimination, conflicts, foreign domination and occupation, aggression, threats against national sovereignty, national unity and territorial integrity, terrorism, crime, corruption, all forms of deprivation affecting the subsistence of peoples, and the denial of other human rights,(Explanation: Among the obstacles to the realization of the right to development mentioned in paragraph 13, we proposed the adding of other obstacles such as the unfair international trading system, unregulated finance, asymmetries of power in global governance and decision-making, unequal access to information and technology, external debts and unilateral coercive measures. It is a true that, as the commentaries made by the drafting committee underline, this paragraph mentioning the different obstacles should be inclusive and not exhaustive and the word “inter alia” has been included. Nevertheless, some of our proposed obstacles are really, in our opinion, very relevant root causes for the lack of implementation of the right to development, and we would like to insist on taking into consideration the inclusion of at least some of them in this paragraph.) |

*Emphasizing* that the right to development is an inalienable human right of all human persons and peoples, and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,

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| **Panama:**Emphasizing that the right to development is an inalienable human right of all **[**~~human persons~~ **individuals]** and peoples, and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,**Caribbean Court of Justice:**~~Emphasizing that the right to development is an inalienable human right of all human persons and peoples, and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,~~ **[Move before 14th preambular paragraph]**(Explanation: The CCJ suggests that the 15th preambular paragraph be moved above the 14th preambular paragraph. The 15th preambular paragraph underscores the fact that human rights are universal and inalienable, i.e. all people everywhere in the world are entitled to them as espoused in Article 1 of the Universal Declaration of Human Rights. It is suggested that there is a common thread between paragraphs 13 and 15 of the Preamble and so the 15th preambular paragraph should become the 14th. This change may promote readability.) |

*Recognizing* that development is a comprehensive civil, cultural, economic, environmental, political and social process that is aimed at the constant improvement of the well-being of the entire population and of all peoples and individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

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| **Argentina:****Comment:** Regarding the conceptualization of the right to development as a blended right, an individual and collective with the right of all peoples as such. It is mentioned in certain preamble paragraphs, as well as the body of the text, for our delegation the difficulty lies in the fact that the draft does not define the concept of people or peoples, meaning that the content could be very diverse and could be politicized rather than being purely legal. We reiterate the need to clarify the definition of "people" or "peoples" used throughout the text. In preamble paragraph 16, references made to individual peoples but also make reference to entire populations. We do not understand what the logic is behind the reference to entire populations because we are talking about a future binding instrument. If we were referring to the entire population as the English text says, it would appear to indicate that we are making allusion to the whole world, meaning that there being no need to make reference to individual peoples. It cannot be a simple, ethical, sociological definition. References stemming from the General Assembly and the Committee on Decolonisation defined certain peoples and their rights to self-determination, but none of this is referred to in the draft instrument. not all groups of human beings are peoples.The Argentine government argues that self-determination is applicable only when there is an active subject who is the holder of that right. That is, a people subject to subjugation, domination and foreign exploitation, as established in operative paragraph 1° of Resolution 1514 (XV). In the absence of such a subject, there is no right to self-determination.Furthermore, in accordance with international law, as recognised by the General Assembly in paragraph 6 of Resolution 1514 (XV), self-determination should not be used as a pretext to break the territorial integrity of existing States.**Iran (Islamic Republic of) :**Iran suggests the insertion of the paragraph, [***Recognizing* also that effective international co-operation is essential in providing countries with appropriate means and facilities to foster comprehensive development**] (based on Article 4 (2) Declaration on the Right to Development).**CETIM (Centre Europe-Tiers Monde):****Comment:** We did not understand the meaning of the intervention of the Argentine delegation concerning the terms "peoples" and "populations". In our opinion, the term "peoples" is already enshrined in many United Nations instruments, starting with its Charter and the two International Covenants on Human Rights. Paragraph 13 refers to populations. This term refers to any person under the jurisdiction of a State. We can include in this category colonized peoples and/or those under domination and migrant workers who do not have the status of citizens to be able to participate in the decision-making process of the State in which they live. |

*Acknowledging* that development is understood not simply in terms of economic growth, but also as a means to widening people’s choices to achieve a more satisfactory intellectual, emotional, moral and spiritual existence rooted in the cultural identity and the cultural diversity of peoples,

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| **Caribbean Court of Justice:**Acknowledging that development is understood not simply in terms of economic growth, but also as a **[comprehensive economic, social, cultural, civil and political process and]** a means to widening people’s choices **[and promoting the constant improvement of their wellbeing]** to achieve a more satisfactory intellectual, emotional, moral and spiritual existence rooted in the cultural identity and the cultural diversity of peoples **[while facilitating active, free and meaningful participation in development and in the fair and equitable distribution of benefits resulting therefrom.]**(Explanation: This change is suggested as it is evident throughout the Commentary that the Draft Convention should be consistent with the Declaration on the Right to Development.) |

*Reaffirming* the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

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| **International Human Rights Association of American Minorities (IHRAAM):****Comment:** The universality of human rights as mentioned in preamble paragraph 17 needs to be followed by concrete reference to the serious nature of article 5 of the 1986 Declaration on the Right to Development, including in the preamble or the operative paragraphs, “**apartheid, crimes against humanity or genocide**”. We agree thus with Argentina that there is no reference to colonization.The Human Rights Council resolution 48/7 includes the context of the Declaration on the Granting of Independence of Colonial Countries and Peoples, bearing in mind the universality of the right to self-determination. Also bearing in mind that in this context, a renewal of the international decade to address decolonization at the General Assembly level invites us to participate. This is the first time we have been included without being reduced solely to the Declaration on the Rights of Indigenous Peoples when some of our indigenous people or peoples have been recognized with international treaties, or under the United Nations decolonization process, or as subjects of international law. Thus, it would only be fair that this include those nations, peoples and unrecognised peoples, since there are some with international treaties under the United Nations, or under the United Nations trusteeships system. |

*Recognizing* that the realization of the right to development constitutes an important end and an integral means of sustainable development, and that the right to development cannot be realized if development is not sustainable,

No comments.

*Considering* that peace and security at all levels is an essential element for the realization of the right to development and that such realization can, in turn, contribute to the establishment, maintenance and strengthening of peace and security at all levels,

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| **Panama:**Considering that peace and security at all levels is an essential element for the realization of the right to development and **[**~~that such realization can, in turn, contribute to the establishment, maintenance and strengthening of peace and security at all levels,~~**]****pp20 *bis:* [Add: *Reaffirming* that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples, and in particular those of the developing countries.**] |

*Recognizing* that good governance, accountability and the rule of law at all levels, including the national and international levels, and the realization of the right to development are mutually reinforcing,

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| **Russian Federation:** Suggestion one: **Delete {**Recognizing (…)reinforcing,**}**Suggestion two: Recognizing that good governance, accountability and the rule of law **[**~~at all levels, including the national and international levels, and the realization of~~ are **[important for** **realising]** the right to development **[**~~are mutually reinforcing,~~**~~]~~**(Explanation: We would prefer to delete the paragraph on good governance. If the group feels that this is not possible, then we would suggest that in the third line, we delete the end and add “important for”, so we would be saying that “good governance, accountability and the rule of law are important for realising the right to development”. Then we would delete the “and are mutually reinforcing”.) |

*Recognizing also* that the human person and peoples are the central subjects of the development process, and that development policy should therefore make them the main participants and beneficiaries of development,

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| **Panama:**Recognizing also that the **[**~~human person~~ **individuals]** and peoples are the central subjects of the development process, and that development policy should therefore make them the main participants and beneficiaries of development,(Explanation: On paragraphs of 22 and 23, we have the same comment about “human person”; we would like to see that replaced by “individual” or “individuals”.)**Holy See:**Recognizing also that **[the inherent dignity of all members of the human family is the foundation of freedom, justice and peace, that every]** **[**~~the~~ ] human person **[**~~and peoples are~~ **is therefore]** the central subject**[~~s~~]** of the development process, and that development policy should **[consequently** ~~therefore~~] make**[s]** **[**~~them~~] **[the human person]** the main participant[**~~s~~**] and beneficiar**[y]** of development,(Explanation: The Commentary affirms that the reformulation of this paragraph is unnecessary as it had already been stated in the Declaration on the Right to Development; however, in the preamble, it is appropriate to reaffirm those core principles at the heart of the right to development. For this reason, the Holy See reiterates its proposal to include explicit reference to the dignity of the human person as the foundation of the right to development.) |

*Recognizing* further that all human persons and peoples are entitled to a national and global environment conducive to just, equitable and participatory development, centred on human persons and peoples, respectful of all human rights,

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| **Panama:** Recognizing further that all [~~human persons~~ **individuals**] and peoples are entitled to a national and global environment conducive to just, equitable and participatory development, centred on [~~human persons~~ **individuals**] and peoples, respectful of all human rights, |

*Acknowledging* that States have the primary responsibility, through cooperation, including engagement with civil society, for the creation of national and international conditions favourable to the realization of the right to development,

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| **Russian Federation:** Acknowledging that States have the primary responsibility, **[**~~through cooperation, including engagement with civil society~~**]**, for the creation of national and international conditions favourable to the realization of the right to development,(Explanation: States bear the core responsibility for respecting human rights (…). We work very actively indeed with society and we seek to fulfil our obligations in other human rights conventions, but we believe that primary responsibility through cooperation of society could then be deleted. |

*Recognizing* that every organ of society at the national or international level has a duty to respect the human rights of all, including the right to development,

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| **Russian Federation:****Delete [**~~Recognizing that every organ of society at the national or international level has a duty to respect the human rights of all, including the right to development,~~**~~]~~**(Explanation: We cannot support the statements that “every organ or society has a duty to respect the human rights of all”. Again, we believe that this paragraph contradicts the paragraph on the states having the prime responsibility for enjoyment of human rights. I think it is quite unclear what is meant by “organ” or “society”. Therefore, we cannot support that paragraph and suggest to delete it.)**Caribbean Court of Justice:**Recognizing that every organ of society at the national **[regional]** or international level has a duty to respect the human rights of all, including the right to development, |

*Concerned that,* despite the adoption of numerous resolutions, declarations and agendas, the right to development has not yet been effectively operationalized,

No comments.

*Convinced* that a comprehensive and integral international convention to promote and secure the realization of the right to development, through appropriate and enabling national and international action, is essential,

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| **Panama:****Add:** Emphasizing the need to integrate an age, disability and gender perspective in all aspects of the implementation and realization of the right to development,]**Centre for Human Rights, University of Pretoria***Recognizing* that human rights defenders are particularly targeted when challenging huge investment and development projects, taking into consideration particular vulnerabilities and heightened risks for certain groups of human rights defenders including women, indigenous and environmental human rights defenders, human rights defenders working in isolated and rural areas and human rights defenders engaged in the protection of land, and the obligation of States to protect human rights defenders against any harm; or **CINGO: *Recognizing* that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination against women are priority objectives of the international community;****CINGO: *Emphasizing* that civil society actors, including human rights defenders, have an important and legitimate role in promoting the respect of human rights and the realization of the right to development.**]**Comment:** We support the points made by Pretoria University - Human Rights Unit, to have a reference to human rights defenders and women's participation. |

Have agreed as follows:

No comments.

**Part I**

No comments.

**Article 1 — Object and purpose**

No comments.

The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere, and to guarantee its effective operationalization and full implementation at the national and international levels.

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| **Colombia:****Comment:** We find that neither in defining the “object and purpose” of the Convention, nor throughout the text of the instrument is the scope and content of the right to development described, delimited, or detailed. In other words, despite of the fact that the Convention seeks to establish the international obligations of States with respect to the right to development, what is or should be understood by the "right to development" remains unaddressed.Likewise, neither the rightsholders, nor the subjects on whom the obligation to protect the right to development rests are detailed on the reviewed texts. Although it is clear from the wording in the article that there is an individual as well as a collective dimension of the right to development, the text has a vague definition of the subjects that could claim a presumptive violation of this right, and we do not observe either that the scheme of reciprocal obligations between States is contained in the provision in question.**Panama:**The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every **[**~~human person~~ **individuals]** and all peoples everywhere, and to guarantee its effective operationalization and full implementation at the national and international levels.**Russian Federation:**The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere, and to guarantee its effective **[**~~operationalization and~~**]** full implementation at the national and international levels.(Explanation: There may be some nuances between “operationalization” and “full implementation” of these rights at national and international levels. In our view, we believe the two terms are synonyms. We would be grateful for further explanation, because at this point, we would prefer to delete “operationalization'' and just keep “full implementation”. )**Ecuador:**The object and purpose of the present Convention is to **[guarantee,]** promote and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere, and to guarantee its effective operationalization and full implementation at the national and international levels.Add the term guarantee after the word “convention”.**Iran (Islamic Republic of):**The object and purpose of the present Convention is to promote and ensure the full **[realization of the right to development]** and, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere, and to guarantee its effective operationalization and full implementation at the national and international levels.**Holy See:**The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere, and to guarantee its effective **[**~~operationalization~~ **realization]** and full implementation at the national and international levels(Explanation: The term “operationalization” has a functional connotation while “realization” better reflects the holistic achievement of the enjoyment of the right to development by all.)**Caribbean Court of Justice:**The object and purpose of the present Convention is to promote and ensure the full, equal and meaningful enjoyment of the right to development by every human person and all peoples everywhere and to guarantee its effective operationalization and full implementation at the national, **[regional]** and international levels, **[‘through inter alia eradication of the barriers to the right including corruption, poverty, inequality, colonialism, imperialism, cultural and traditional norms inconsistent with international human rights standards]**.(Explanation: The CCJ agrees with the recommendation of The Centre for Human Rights, University of Pretoria, to add the words ‘through inter alia eradication of the barriers to the right including poverty, inequality, colonialism, imperialism, cultural and traditional norms inconsistent with international human rights standards’ at the end of the object and purpose.The CCJ also suggests that ‘corruption’ be included in the list of barriers to the right to development and that this list be identified as being non-exhaustive. This suggestion is made on the basis that the Draft Convention stated object and purpose - to promote and ensure the full, equal and meaningful enjoyment of the right to development - cannot be achieved without the eradication of the barriers to development. The CCJ appreciates that these barriers may be considered throughout the Convention but submits that in its very object and purpose, there should be mention of the eradication of the barriers to development as this is necessary to promote the realization of the right to development which is recognized as the object and purpose of the present Convention.) |

**Article 2 — Definition**

No comments.

*For the purposes of the present Convention:*

No comments.

(a) “Legal person” means any entity that possesses its own legal personality under domestic or international law and is not a human person, a people or a State;

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| **Russian Federation:****Delete** the whole article.(Explanation: On article 2, we believe that the parties to the Convention must be States, because they have the primary responsibility for the full enjoyment of human rights in their countries, and for the sustainable development. Therefore, we need to be very prudent with who will be the subject under the national law. Thus, we cannot support paragraph 1.) (***Secretariat comment****: in the* written submission, the Russian Federation deleted the whole article, but orally only the first para.)**Panama:**“Legal person” means any entity that possesses its own legal personality under domestic or international law and is not a **[**~~human person~~ **individual]**, a people or a State; |

(b) “International organization” means an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality; international organizations may include, in addition to States, other entities as members;

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| **Russian Federation:****[**~~“International organization” means an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality; international organizations may include, in addition to States, other entities as members;~~**]** (Explanation:In subparagraph (b), there should not be any mention of a physical entity. Thus, we would like to delete this subparagraph.) |

(c) “Working Group on the Right to Development” means the entity established by the Commission on Human Rights in its resolution 1998/72 of 22 April 1998, as endorsed by the Economic and Social Council in its decision 1998/269 of 30 July 1998;

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| **Russian Federation:****[**~~“Working Group on the Right to Development” means the entity established by the Commission on Human Rights in its resolution 1998/72 of 22 April 1998, as endorsed by the Economic and Social Council in its decision 1998/269 of 30 July 1998;~~**]**(Explanation: On subparagraphs (c) and (d), we request deletion. We need to discuss the fate and the future work of the Working Group on the Right to Development, which is the entity that has a mandate to monitor this right.) |

(d) “High-level political forum on sustainable development” means the entity established pursuant to the outcome document of the United Nations Conference on Sustainable Development of 2012, as endorsed by the General Assembly in its resolution 66/288 of 27 July 2012 and supplemented by Assembly resolution 67/290 of 9 July 2013.

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| **Russian Federation:****[**~~“High-level political forum on sustainable development” means the entity established pursuant to the outcome document of the United Nations Conference on Sustainable Development of 2012, as endorsed by the General Assembly in its resolution 66/288 of 27 July 2012 and supplemented by Assembly resolution 67/290 of 9 July 2013.~~**]**(Explanation: On subparagraphs (c) and (d), we request deletion. The 2030 Agenda is dealt with by the high-level political forum on sustainable development, and we expect it to stop functioning, at least in the current format, and perhaps under that title. Therefore, we propose to delete this reference.) |

**Article 3 — General principles**

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| **Russian Federation:****Comment:** On Article 3, the key problem for us lies in the fact that this article has subparagraphs that are parts of different documents, whether legally or not legally binding. Therefore, we need to use provisions and language only from legally binding documents.**Ecuador:**We recommend including the following principle: Development planning. For the development of the text related to this principle, article 9 of the Organic Code of Planning and Public Finance of Ecuador could be taken as a reference.**[Art. 9.- Development planning. - Development planning is oriented towards the fulfillment of constitutional rights, the development regime and the regime of good living, and guarantees territorial ordering. The exercise of public powers must be framed in development planning to incorporate approaches of equity, multi-nationality and interculturality].** |

To achieve the object and purpose of the present Convention and to implement its provisions, the Parties shall be guided by, inter alia, the principles set out below:

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| **Russian Federation:**To achieve the object and purpose of the present Convention and to implement its provisions, the **[States]** Parties shall be guided by **[the principles of international law]**, **[as well as]** inter alia, the principles set out below:(Explanation: On the introductory part of Article 3, the chapeau, we prefer to use the wording “States Parties”.) |

(a) Development centred on the human person and peoples: the human person and peoples are the central subjects of development and must be the active participants and beneficiaries of the right to development;

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| **Russian Federation:**Development centred on the human person and peoples: the human person and peoples are the central subjects of development and must be the **[**~~active participants and~~**]** beneficiaries of the right to development;(Explanation: Subparagraph (a) says that human rights are enjoyed by the individuals. But when we say that the States should be guided by the following principles, then we should talk about the rights holders as beneficiaries. Therefore, the “active participants” should be deleted.) **Ecuador:**Development centred on the human person and peoples: the **[**~~human~~**] person [human being]** and peoples are the central subjects of development and must be the active participants and beneficiaries of the right to development;(Explanation: We suggest referring to a person or human being, the term human person would not fit, since the term refers to an individual of the human species.**Holy See:**Development centred on the human person **[**~~and peoples~~**]:** the human person **[in virtue of his or her inherent dignity, is]** **[**~~and people are~~**]** the central subject[~~s~~] of development and should be the active participant**[**~~s~~**]** and beneficiar**[y]** of the right to development;(Explanation: The Holy See reiterates the importance of firmly and explicitly grounding the right to development in the dignity of the human person so as to avoid any inappropriate or incomplete interpretation that would suggest that it is the Convention itself, or the international community, that bestows rights on individuals.)**Panama:**Development centred on the **[**~~human person~~ **individual]** and peoples: the **[**~~human person~~ **individual]** and peoples are the central subjects of development and must be the active participants and beneficiaries of the right to development; |

(b) Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of equality, non-discrimination, empowerment, participation, transparency, accountability, equity, subsidiarity, universality, inalienability, interdependence and indivisibility;

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| **Russian Federation:**Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of equality, non-discrimination, **[**~~empowerment,~~**]** participation, transparency, accountability, equity, subsidiarity, **[**~~universality,~~**]** inalienability, interdependence and indivisibility;(Explanation: In subparagraph (b), it would be more correct to use “principles common to all universal human rights”.In the same subparagraph, we do not believe that “empowerment” is a principle as such. The same applies to “universality” since we are based on universal principles. Therefore, we suggest to not repeat the term “universality'' in the third line.)**Panama:**Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of equality, non-discrimination, empowerment, participation, transparency, accountability, equity, **[inclusion, accessibility,]** subsidiarity, universality, inalienability, interdependence and indivisibility;**Egypt:****[**~~Universal principles common to all human rights~~**Principles common to universal human rights]** : the right to development should be realized in a manner that integrates the principles of equality, non-discrimination, empowerment, participation, transparency, accountability, equity, subsidiarity, universality, inalienability, interdependence and indivisibility;(Explanation: We support the Russian Federation in their comments on Article 3 (b) on universal human rights. It is suggested to replace “Universal principles common to all human rights” by “Principles common to universal human rights”.)**Algeria:**Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of equality, non-discrimination, **[**~~empowerment,~~**]** participation, transparency, accountability, equity, subsidiarity, universality, inalienability, interdependence and indivisibility;(Explanation: We suggest to delete “empowerment” as this is not clearly understood as a principle.)**Caribbean Court of Justice:**Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of **[inclusion,]** equality, non-discrimination, empowerment, participation, transparency, accountability, equity, subsidiarity, universality, inalienability, interdependence and indivisibility;(Explanation: The CCJ notes that in paragraph 3 of the commentary on Article 3(b), it is stated that ‘the drafting group agreed that the principles of “transparency”, “inclusion” and “accessibility” should be added to this provision.’ The CCJ agrees with this position but notices that the words ‘inclusion’ or ‘inclusivity’ has been omitted in Article 3(b) of the Revised Draft Convention. It is the Court’s view that these words be inserted.)**Holy See:**Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of equality, non-discrimination, **[**~~empowerment~~ **promotion]**, participation, transparency, accountability, equity, subsidiarity, universality, inalienability, interdependence and indivisibility;(Explanation: While acknowledging the Expert Drafting Group’s affirmation that the word “empowerment” has been interpreted by the OHCHR, the Holy See notes that such an interpretation has not been codified in international law by States. The Holy See therefore reiterates the request to replace the word “empowerment” with the word “promotion” so as to avoid any individualistic interpretation that might otherwise be applied to the term.) |

(c) Human rights-based development: as development is a human right that is indivisible from and interrelated and interdependent with all other human rights, the laws, policies and practices of development, including development cooperation, must be normatively anchored in a system of rights and corresponding obligations established by international law;

**Russian Federation:**

**[**~~Human rights-based~~**]****~~d~~D**evelopment **[with full respect to international human rights law]**: as development is a human right that is indivisible from and interrelated and interdependent with all other human rights, the laws, policies and practices of development, including development cooperation, must be normatively anchored in a system of rights and corresponding obligations established by international law;

(Explanation: In subparagraph (c), we cannot support the term “human rights based development” since it is not fully agreed upon. However, we do acknowledge the importance of human rights and we would suggest adding “in full respect to international human rights law”.)

**China:**

**Comment:** We need a clear understanding of a human rights-based approach for development. We believe that it is still a controversial concept that needs to be employed in caution in a legally binding instrument. Consequently, we keep our reservation on this part.

**Delete** this subparagraph.

**Argentina:**

**Comment**: On Article 3, paragraph (c), we found the new wording confusing to us. We suggest reviewing the wording so as to improve its clarity.

**Egypt:**

**Comment:** We support the Russian Federation and Argentina on paragraph (c) of the article on a free human rights-based approach for development. It is suggested to replace “Human rights-based development” by “development based on the applicable human rights law”.

**Iran (Islamic Republic of):**

**[**~~Human rights-based development: as development is a human right that is indivisible from and interrelated and interdependent with all other human rights, the laws, policies and practices of development, including development cooperation, must be normatively anchored in a system of rights and corresponding obligations established by international law;~~ **Development-Based Approach: Human Rights and fundamental freedoms are indivisible, thus the full realization of civil and political rights is impossible without the enjoyment of economic, social and cultural rights,]**

(Explanation: Regarding Article 3, subparagraph (c), we agree on the ambiguity of the term human rights-based approach for development, and we think it is controversial. Iran suggests to replace the current text with “New (c) Development-Based Approach: Human Rights and fundamental freedoms are indivisible, thus the full realization of civil and political rights is impossible without the enjoyment of economic, social and cultural rights.” [Based on Final Act of the Tehran Conference on Human Rights, Tehran - 1968])

**Algeria:**

**[**~~Human rights-based development:~~**]** as development is a human right that is indivisible from and interrelated and interdependent with all other human rights, the laws, policies and practices of development, including development cooperation, must be normatively anchored in a system of rights and corresponding obligations established by international law;

(Explanation: Concerning Article 3(c), on the term human rights based approach for development, we think that it is not clear and does not specify the scope. Thus, we suggest deleting it.)

**Caribbean Court of Justice:**

**Add:**New paragraph “international humanitarian-law based approach to development: colonialism and foreign occupation must be realized consistent with international humanitarian law for the restoration and reparation of exploited peoples and countries”.

Explanation: The Court notes with appreciation the proposal of the International Human Rights Association of American Minorities for a new paragraph, (c), as follows: ‘international humanitarian-law based approach to development: colonialism and foreign occupation must be realized consistent with international humanitarian law for the restoration and reparation of exploited peoples and countries.

**Holy See:**

Human rights-based development: as development is a human right that is indivisible from and interrelated and interdependent with **[**~~all other~~ **fundamental]** human rights, the laws, policies and practices of development, including development cooperation, must be normatively anchored in a system of rights and corresponding obligations established by international law;

(Explanation: The addition of “fundamental” is in line with the UDHR, ICCPR and ICESCR.)

(d) Contribution of development to the enjoyment of all human rights: development, as described in the present Convention, is essential for the improvement of living standards and the welfare of human persons and peoples and contributes to the enjoyment of all human rights;

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| **Russian Federation:**Contribution of development to the enjoyment of ~~all~~ **[universal]** human rights: development, as described in the present Convention, is essential for the improvement of living standards and the welfare of all human persons and peoples and contributes to the enjoyment of ~~all~~ **[universal]** human rights;**Panama:**Contribution of development to the enjoyment of all human rights: development, as described in the present Convention, is essential for the improvement of living standards and the welfare of **[**~~human persons~~ **individuals]** and peoples and contributes to the enjoyment of all human rights;**Uruguay:****Comment:** On paragraph (d), we suggest to include cooperation, as is the case in Article 13.**Associazione Comunita Papa Giovanni XXIII on behalf of CINGO:**Contribution of development to the enjoyment of all human rights:**[the right to]** development, as described in the present Convention, is essential for the improvement of living standards and the welfare of human persons and peoples and contributes to the enjoyment of all **[other]**  human rights; |

(e) Principles of international law concerning friendly relations and cooperation among States: The realization of the right to development requires full respect for the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations;

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| **Russian Federation:****[**~~Principles of international law concerning~~**]** **~~f~~F**riendly relations and cooperation among States: **[**~~The realization of the right to development requires full respect for the principles of international law concerning friendly relations and cooperation among States~~**]** in accordance with the Charter of the United Nations; |

(f) Self-determined development: development is determined by individuals and peoples as rights holders. The right to development and the right to self-determination of peoples are integral to each other and mutually reinforcing;

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| **Argentina:**Self-determined development: **[**~~development is determined by individuals and peoples as rights holders.~~**]** The right to development and the right to self-determination **[**~~of peoples~~**]** are integral to each other and mutually reinforcing;(Explanation:On Article 3, paragraph (f), we noticed the inclusion of a new sentence that was not included in the first draft, which is having “peoples” after self-determination. In our view, this creates confusion and we suggest deleting it, because free determination is applicable only when there is an active right holder of that right. These are people subjected to foreign exploitation and domination as established resolution 15/1 and as recognized by the General Assembly in paragraph (c) of the same resolution. We wish to reiterate that self-determination is applicable only when there is an active subject who is the holder of that right. That is, a people subject to subjugation, domination and foreign exploitation, as established in operative paragraph 1° of Resolution 1514 (XV).Furthermore, in accordance with international law, as recognised by the General Assembly in paragraph 6 of the above-mentioned Resolution 1514 (XV), self-determination should not be used as a pretext to break the territorial integrity of existing States.)**Holy See:**Self-determined development: **[**~~development is determined by individuals and peoples as rights holder~~**~~s~~** **the priorities of development are determined, inter alia, by individuals and peoples as rights holders, with due consideration for promoting the common good]**. The right to development and the right to self-determination of peoples are integral to each other and mutually reinforcing;(Explanation: The Holy See considers the changes from the first draft text to be problematic for several reasons: i) States necessarily have a role to play in “determining” development, based, inter alia, on available resources, global markets, and national/cultural values; ii) “determining” development seems to suggest a very relativistic approach, in which “individuals and peoples” would decide what it means. This is particularly problematic from a perspective of a holistic understanding of human development, which is based on the objective and unchanging values that promote the dignity of the human person, while being implemented in a way that takes into account the subjective and cultural context. The proposed alternative language seeks to address these issues.)**Associazione Comunita Papa Giovanni XXIII on behalf of CINGO:****[**~~Self-determined development~~ **Self-determination** ~~development is determined by individuals and peoples as rights holders.~~**]** The right to development and the right to self-determination of **[individuals and]** peoples **[as rights holders,]** are integral to each other and mutually reinforcing; |

(g) Sustainable development: development must be achieved in its three dimensions, namely, economic, social and environmental, in a balanced and integrated manner and in harmony with nature. The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations; and the right to development cannot be realized if development is unsustainable;

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| **Uruguay:****Comment:** We think that the definition of the Right to Development in the current draft is lacking clarity, especially for a legally binding instrument. The same applies on the sustainable development mentioned in Article 3.**Holy See:**Sustainable development: development must be achieved in **[**~~its three dimensions, namely~~ **all of its aspects, including, inter alia**,**]** economic, social, **[cultural]** and environmental, in a balanced and integrated manner and in harmony with nature. The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations; and the right to development cannot be realized if development is unsustainable;(Explanation: The Holy See welcomes the inclusion in the second draft of the environmental dimension of development. The mention of the “three dimensions” of development (economic, social and environmental), however is problematic as it is presented as an exhaustive list. While many other aspects could be added as well (intellectual, emotional, religious), the EDG has commented that it wants to keep the paragraph “simple and non-controversial”, and the addition of multiple adjectives would complicate the formulation. The alternative wording proposed here would cover all bases of development while still maintaining the simple and non-controversial nature of the sub-article that the Expert Drafting Group desires to achieve. The addition of the “cultural” aspect of development also harmonizes the current article with the additions made in PP17.) |

(h) Right to regulate: the realization of the right to development entails the right for States Parties, on behalf of the rights holders, to take regulatory or other related measures to achieve sustainable development on their territory in accordance with international law, and consistent with the provisions of the present Convention;

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| **Russian Federation:****Delete sub para (h).**(Explanation:on subparagraph (h), we underscore the fact that for us governance is just not clear as a concept; all States have their roles and obligations. However, if we adopt this subparagraph, the relationship between States and investors would be affected. Therefore, we need to be mindful of the relationship and balance between States and investors.) **Iran (Islamic Republic of):****Comment:** Regarding subparagraph (h), we think it needs more clarification to not undermine the role of the State on the realization of theright to development.**Uruguay:****Comment:** On Article 3, paragraph 8, from my legal point of view, we are not convinced of the language on aligning instruments, since we are using the term “right” to refer to “States”. We note that this has been built up on the basis of the Declaration on Right to Development. However, we believe that it is important to align this treaty better with the existing human rights binding framework.  |

(i) National and international solidarity: the realization of the right to development requires an enabling national and international environment created through a spirit of cooperation and unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals everywhere. This principle includes the duty to cooperate with complete respect for the principles of international law;

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| **Russian Federation:**(…) purposes and actions and the recognition of different needs and rights to achieve common goals everywhere. **[**~~This principle includes the duty to cooperate with complete respect for the principles of international law~~**]**;**China:**(i) National and international (…) This principle includes the duty to cooperate **[adhere to the principle of common but differentiated responsibilities]** with complete respect for the principles of international law;**Caribbean Court of Justice:**National, **[regional**] and international solidarity: the realization of the right to development requires an enabling national, regional and international environment created through a spirit of cooperation and unity among individuals, peoples, States, regional bodies and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to promote the realization of the right to development. This principle includes the duty to cooperate.” (Explanation: The CCJ submits that ‘national and international’ be changed to ‘national, regional and international’ for the reasons outlined in the suggestions for the preamble. Regional integration promotes cooperation amongst States and Article 3(i) speaks specifically to this.) |

(j) South-South cooperation as a complement to North-South cooperation: South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation, and hence should not result in the reduction of North-South cooperation or hamper progress in fulfilling existing official development assistance commitments;

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| **CETIM (Centre Europe-Tiers Monde):**South-South cooperation as a complement to North-South cooperation: South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation, and hence should not result in the reduction of North-South cooperation or hamper progress in fulfilling existing official development assistance commitments;(Explanation: We propose the deletion of the last sentence of Article 3(j) for two reasons: 1) as development aid is often linked and/or conditioned, this sentence could constitute an obstacle to the implementation of the future binding instrument on the right to development; 2) by deleting this sentence, we will conform to the content of Article 8, which will allow for greater clarity.)**Ecuador:**South-South cooperation as a complement to North-South cooperation: South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation, and hence should not result in the reduction of North-South cooperation or hamper progress in fulfilling existing official development assistance commitments; **[The States Parties must adopt mechanisms to deepen the advantages offered by the protection of the environment and the creation of alternatives with joint purposes at the international level and articulated with the Agenda for Sustainable Development 2030.] [Member States must create mechanisms, methodologies, and tools that allow specifying public management processes, procedures, and channels, for collective subject to be a full and not invisible participant.]**Member States must create mechanisms, methodologies, and tools that allow specifying public management processes, procedures, and channels, for collective subject to be a full and not invisible participant.**Comment**: We suggest that no distinction to be made between North-South cooperation and South-South cooperation, we simply suggest referring to the scope and objective of international cooperation from a general perspective.We should consider that the principle of accountability is an institutional management. |

(k) Universal duty to respect human rights: everyone has the duty to respect all human rights, including the right to development, in accordance with international law;

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| **Russian Federation:****[**~~Universal duty to respect human rights: everyone has the duty to respect all human rights, including the right to development, in accordance with international law;~~]On subparagraph (k), we agree with that principle that every person has a duty to respect human rights. However, this subparagraph undermines the role of States and its duties. Therefore, we cannot support it.**Uruguay:****Comment:** We find subparagraph (k) (universal duty to respect human rights) unclear when highlighting major responsibility under the international human rights law. **Iran (Islamic Republic of):**Universal duty to respect human rights: everyone has the duty to respect all human rights, including the right to development, in accordance with international law **[and to refrain from participating in the violation of the right to development]** ; |

(l) Right and responsibility of individuals, peoples, groups and organs of society to promote and protect human rights: in accordance with international law, everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of the right to development at the national and international levels. Individuals, peoples, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the right to development can be fully realized.

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| **Russian Federation:****[**~~Right and responsibility of individuals, peoples, groups and organs of society to promote and protect human rights: in accordance with international law, everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of the right to development at the national and international levels.~~**]** Individuals, peoples, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the right to development can be fully realized.**Nigeria** **Comment:** Regarding Article 3, paragraph (c), Nigeria aligns with the Russian Federation and Egypt, and would like to highlight that the section is streamlined with international instruments to avoid inconsistencies, redundancy, and repetition.**Ecuador:****Comment:** We recommend including the following principle: Development planning. For the development of the text related to this principle, Article 9 of the Organic Code of Planning and Public Finance of Ecuador could be taken as a reference: “Art. 9.- Development planning. - Development planning is oriented towards the fulfillment of constitutional rights, the development regime and the regime of good living, and guarantees territorial ordering. The exercise of public powers must be framed in development planning to incorporate approaches of equity, multi-nationality and interculturality”. (**SNP**) **Iran (Islamic Republic of):****[Individual and collective]** Right and responsibility **[**~~of individuals, peoples, groups and organs of society~~ **of all human beings]** to promote and protect **[“the right to development as]** human rights: in accordance with international law, everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of the right to development at the national and international levels. Individuals, peoples, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the right to development can be fully realized.**[“Development-Based Approach: Human Rights and fundamental freedoms are indivisible, thus the full realization of civil and political rights is impossible without the enjoyment of economic, social and cultural rights.]**(Explanation: Iran proposes the insertion of “Individual and collective” before “right and responsibility”, and “of all human beings” after this. “individuals, peoples, groups and organs of society” should be deleted, and “the right to development as” inserted after “promote and protect”. Iran also suggests the instertion of a new paragraph after (l), “Development-Based Approach: Human Rights and fundamental freedoms are indivisible, thus the full realization of civil and political rights is impossible without the enjoyment of economic, social and cultural rights.” [Based on the Act of World Human Rights Conference – Tehran - 1968])**Caribbean Court of Justice:**Right and responsibility of individuals, peoples, groups and organs of society to promote and protect human rights: in accordance with international law, everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of the right to development at the national **[regional]** and international levels. Individuals, peoples, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the right to development can be fully realized. |

**Part II**

No comments.

**Article 4 — Right to development**

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| **Russian Federation:**Comment: On Articles 4.1, 4.2 and 5.3, we do not support them as they are right now, since they lack clarity and need further research from the side of experts. **China:****Comment:** We think it is necessary to emphasize that development should be coordinated and balanced and not biased. We propose to add some words, and it would read as "can contribute to" and “enjoy civil, cultural, economic, political and social development”, and “enjoy the benefits of coordinated and balanced development”.  |

1. Every human person and all peoples have the inalienable right to development, by virtue of which they are entitled to participate in, contribute to and enjoy civil, cultural, economic, political and social development that is indivisible from and interdependent and interrelated with all other human rights and fundamental freedoms.

**Argentina:**

The language used in the text lacks clarity. It is more appropriate for non-binding than for a potential binding instrument. We believe that clear simple language must be used in such an instrument to avoid the potential for multiple interpretations. This instrument has binding implications, and the inconsistencies that could be seen across the text could lead to difficulties when it comes to determining whether a State has met its obligations or not.

In the new version of the draft, certain inconsistencies and some vagueness remain in the conceptualisation of the right to development - such as the statement that the subject of the right would be individuals and peoples (this is the case, for example, of pp22; pp23; Article 3 including (a) and (d); Article 4 including 1).

**Uruguay:**

**Comment:** We think that the definition of the Right to Development in the current draft is lacking clarity, especially for a legally binding instrument.

**Panama:**

Every **[**~~human person~~ **individual]** and all peoples have the inalienable right to development, by virtue of which they are entitled to participate in, contribute to and enjoy civil, cultural, economic, political and social development that is indivisible from and interdependent and interrelated with all other human rights and fundamental freedoms.

**Ecuador:**

Every human person and all peoples have the inalienable right to development, by virtue of which they are entitled to participate in, contribute to and enjoy civil, cultural, economic, political and social **[and environmental]** development that is indivisible **[and inalienable]** from and interdependent and interrelated with all other human rights and fundamental freedoms.

**Iran (Islamic Republic of):**

Every human person and all **[**~~peoples~~ **nations]** have the inalienable right to development, (…)

**China:**

Every human person (…) cultural, economic, political and social development **[and enjoy the benefits of coordinated and balanced development]** (…)

**Maat for Peace :**

**Comment :** Article 4 (a) stipulates that development is a right for everyone, and paragraph (b) of the same article stipulates that every person has the right to benefit from the proceeds of this development. However, the articles of the Convention did not set a clear definition of development to be adhered to by signatory countries. In this context, Maat for Peace proposes that article 4 on the definition of the right to development shall be redrafted to include that the right to development is an inalienable human right, whereby everyone and all peoples have the right to participate and to enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully enjoyed.

2. Every human person and all peoples have the right to active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.

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| **Iran (Islamic Republic of):**Every human person and all **[**~~peoples~~ **nations]** have the right to active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.**Panama:**Every **[**~~human person~~ **individual]** and all peoples have the right to active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.**CETIM (Centre Europe-Tiers Monde)****[**~~Every human person and all peoples have the right to active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom~~ **All human beings and all peoples have the right to participate actively, freely and meaningfully in the choice of development and in the equitable sharing of the benefits resulting from such development.]**(Explanation: The wording of "development choices" is missing in this article. In a world where a single development model is imposed on a global scale with catastrophic consequences, it is very important for the peoples and the States that represent them to be able to choose their mode of development according to their needs and priorities.) |

 **Article 5 — Relationship with the right of peoples to self-determination**

No comments.

1. The right to development implies the full realization of the right of all peoples to self-determination.

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| **Caribbean Court of Justice:**The right to development implies the full realization of the right of all peoples to self-determination **[and to choose their own development concepts, models and path in accordance with their national conditions and based on their economic development levels, development stages and priorities while ensuring full compliance with the rule of law, all human rights obligations and also ensuring that the measures implemented by any State do not undermine the right to development of any entity afforded the right and also does not undermine the duty to cooperate.]**(Explanation: The CCJ understands China’s recommendation to add the words ‘and to choose their own development, concepts, models and path in accordance with their national conditions and based on their economic development levels, development stages and priorities’ to this Article at paragraph 1 of the commentary. It is suggested that the proposed phrase be added with a proviso which mandates compliance with human rights obligations.)Note by the Secretariat: The drafting group had already considered the proposal from China and had recommended against it in the commentaries to the first revised draft.  |

2. All peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue the realization of their right to development.

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| **Caribbean Court of Justice:**All peoples have the right to self-determination **[~~,~~. By]** virtue of **[**~~which~~ **that right]** they freely determine their political status and freely pursue **[their economic, social and cultural development and]** the realization of their right to development.(Explanation: The CCJ is of the opinion that the specification of political status in this paragraph is a limited expression of the scope of the right to self-determination. It is suggested that the language of Article 1 of the International Covenant on Economic, Social and Cultural Rights be adopted. It is recommended that the expression of the right to self-determination be expanded to reflect its scope. Thus, it is suggested that consideration be given to amending Article 5(2).)**China:**All peoples have the right (…) their right to development. **[Each state has the inalienable right to choose freely and develop in accordance with the sovereignty will of its people, its own political, social, economical, and cultural systems, without interference from any other State or non-state actor (A/HRC/RES/43/21,pp11)]** |

3. All peoples may, in pursuing the realization of their right to development, freely dispose of their natural wealth and resources based upon the principle of mutual benefit, sustainable development and international law. In no case may a people be deprived of its own means of subsistence. Nothing in the present Convention shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

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| **Russian Federation:****[**~~All peoples may, in pursuing the realization of their right to development, freely dispose of their natural wealth and resources based upon the principle of mutual benefit, sustainable development and international law. In no case may a people be deprived of its own means of subsistence. Nothing in the present Convention shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.~~**]**(Explanation: On article 5.3, we do not support it as it is right now, since they lack clarity and need further research from the side of experts.)**China:****Comment:** We suggest to replace the first phrase of this paragraph and to use PP7 of the Declaration of the Right to Development. In addition, on the third line, we could use the words in the declaration, such as “all forms of racism and racial discrimination, colonialism, foreign domination and occupation. We propose to add the words “racial” and “foreign”.**~~[All people may, in pursuing the realization of their right to development, freely dispose of their natural wealth and resources based upon the principle of mutual benefit, sustainable development, and international law.]~~ [All people have the right to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources. (Declaration on the Right to Development,pp7)]** In no case may a people (…)**Ecuador:**All peoples may, in pursuing the realization of their right to development, freely dispose of their natural wealth and resources based upon **[the basis of the principles of sovereignty, integration]** the principle of mutual benefit, sustainable development and international law. In no case may a people be deprived of its own means of subsistence. Nothing in the present Convention shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources **[** **in a sustainable and maintainable manner].****Iran (Islamic Republic of):**All peoples may, in pursuing the realization of their right to development, freely dispose of their natural wealth and resources based upon the principle of mutual benefit, sustainable development and international law. In no case may a people be deprived of its own means of subsistence. Nothing in the present Convention shall be interpreted as impairing the inherent right of all peoples **[and nations]**  to enjoy and utilize fully and freely their natural wealth and resources. |

4. The States Parties to the present Convention, including those having responsibility for the administration of Non-Self-Governing Territories, shall promote the realization of the right to self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations and international law.

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| **Ecuador:**The States Parties to the present Convention, including those having responsibility for the administration of Non-Self-Governing Territories, shall promote the realization of the right to self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations and international law **[and the current national regulations]** .(Explanation: After the word "international" adding: “and the current national regulations.” (**SNP**)) |

5. States shall take resolute action to prevent and eliminate massive and flagrant violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and discrimination, colonialism, domination and occupation, aggression, interference and threats against national sovereignty, national unity and territorial integrity, threats of war and the refusal to recognize the fundamental right of peoples to self-determination.

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| **Caribbean Court of Justice:****Comment:** The CCJ agrees with paragraph 5 of the commentary on this Article which suggests that the provision be amended to reflect that all human rights violations be eliminated and not just those which are considered to be massive and flagrant. Every person is entitled to protection of their right to development and massive and flagrant breaches of human rights are usually collective (and cumulative) in nature. For example, those specified in Article 5(5). The CCJ appreciates that the objective is not to exclude lesser forms of violations of human rights but is of the view that every effort should be taken to protect human rights violations of any person and of all persons.**Ecuador:****Comment:** Specify what “strong measures” consist of. **Comment**: A distinction must be made between human rights and the right to development, since there are parts in the document where the terms are mixed and do not refer to the main idea addressed. (**CONADIS**). **Holy See:**States shall take resolute action to prevent and eliminate massive and flagrant violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and **[racial]** discrimination, colonialism, **[foreign]** domination and occupation, aggression, **[foreign]** interference and threats against national sovereignty, national unity and territorial integrity, threats of war and the refusal to **[otherwise]** recognize the fundamental right of peoples to self-determination(Explanation: The Holy See suggests reverting to the former wording of this sub-paragraph, as included in the first draft of the Convention.)**China:**States shall (…) all forms of racism and **[racial]** discrimination, colonialism, **[foreign]** domination and occupation, (…) |

6. Nothing contained in the present Convention shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a government representing the whole people belonging to the territory, without distinction of any kind.

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| **Argentina:****Comment**: Argentina in its oral statement at the 21st session of the WGRTD noted that "only part of the corresponding resolution 2625 has been copied and this could weaken the paragraph". In order to strengthen the principle of respecting the territorial integrity, it suggested that this paragraph be completed with the statement in resolution 2625 that follows the one originally proposed. During the 23rd session, it commented that “on Article 5, paragraph 6, we noticed that our comment was not included, which was using the words of resolution 26/25 “every state shall refrain from any action aimed at the partial toward destruction of unity and territorial integrity of any state or country.” |

**Article 6 — Relationship with other human rights**

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| **Russian Federation:****Delete** the article**.**(Explanation: we completely agree with the substance, but it is a repetition of Article 3. Therefore, we would suggest deleting all repetitions.) **Ecuador:****Comment:** It is necessary to specify what is understood and made up of the “right to development” in this convention. (**CNII**). |

1. States Parties reaffirm that all human rights, including the right to development, are universal, inalienable, interrelated, interdependent, indivisible and equally important.

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| **Holy See:**States Parties reaffirm that all human rights, including the right to development, are universal, inalienable, interrelated, interdependent, **[and]** indivisible **[**~~and equally important~~**]**.(Explanation: It is incorrect to suggest that all human rights are “equally important”, since certain rights (e.g. the right to life) are necessary conditions for the enjoyment of other rights. The Holy See reiterates its request to delete “and equally important”.)**Panama:**States Parties reaffirm that all human rights, including the right to development, are universal, inalienable, interrelated, interdependent, indivisible and equally important **[and apply online and offline]**.(Explanation: This in line with the UNESCO proposal made during the last session of this WG.) |

2. States Parties agree that the right to development is an integral part of human rights and should be realized in conformity with the full range of civil, cultural, economic, political and social rights.

No comments

**Article 7 — Relationship with the responsibility of everyone to respect human rights under international law**

No comments.

Nothing in the present Convention may be interpreted as implying for any human or legal person, people, group or State any right to engage in any activity or perform any act aimed at the destruction, nullification or impairment of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention. To that end, States Parties agree that all human and legal persons, peoples, groups and States have the general duty under international law to refrain from participating in the violation of the right to development.

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| **Russian Federation :****Comment**: We cannot support Article 7; the reason is that it is vital that we identify the scope of the subjects to come under the Right to Development. Therefore, we propose to reformulate this article.**Panama:**Nothing in the present Convention may be interpreted as implying for any **[**~~human~~**natural]** or legal person, people, group or State any right to engage in any activity or perform any act **[online and offline]** aimed at the destruction, nullification or impairment of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention. To that end, States Parties agree that all **[**~~human~~**natural]** and legal persons, peoples, groups and States have the general duty under international law to refrain from participating in the violation of the right to development.Support International Service for Human Rights in adding an article on the rights of defenders:**1. States Parties shall adopt and enforce all necessary and appropriate measures to ensure an enabling environment for all peoples to promote and defend the right to development.** **2. A violation of the rights of an individual or group promoting or protecting the right to development constitutes a violation of the right to development.]****Iran (Islamic Republic of):****Comment:** wesuggest the deletion of Article 7.)**Holy See:**Nothing in the present Convention may be interpreted as implying for any human or legal person, people, group or State any right to engage in any activity or perform any act aimed at the destruction, nullification or impairment of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention. To that end, States Parties agree that all human and legal persons, peoples **[and]** groups **[**~~and States~~**]** have the **[**~~general duty under international law~~ **responsibility, in virtue of the inherent dignity of every human person,]** to refrain from participating in the violation of the right to development. **[States have the duty to implement appropriate mechanisms, at the national and international levels, to ensure that such violations do not occur and that recourse is provided for victims in the event of such violations.]**(Explanation: The proposed amendments to this Article harmonize the content of the Article with its title, which refers to “the responsibility of everyone to respect human rights”. It also denotes the obligation of States to ensure that proper mechanisms are put into place to address cases in which individuals or entities that do not possess full international subjectivity violate their responsibility in this regard.) |

**Part III**

No comments.

**Article 8 — General obligations of States Parties**

No comments.

1. States Parties shall respect, protect and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, language, religion, political or other opinion, nationality, statelessness, national, ethnic or social origin, property, disability, birth, age or other status, in accordance with obligations set forth in the present Convention.

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| **Russian Federation:**States Parties shall respect, protect and fulfil the right to development for all, without discrimination of any kind **[**~~on the basis of race, colour, sex, language, religion, political or other opinion, nationality, statelessness, national, ethnic or social origin, property, disability, birth, age or other status,~~ **]** in accordance with obligations set forth in the present Convention.**Argentina:****Add** **[subject to their jurisdiction]** after respecting the right of persons. It seems important to make a reference to the 1986 resolution. A country may very well recognise the existence of a right - in this case the right to development - but may or may not consider it appropriate to adopt a certain binding legal instrument referring to that right. We also believe that a declaration and a treaty are two completely different things, and that the latter requires much greater legal precision in its drafting.**Comment:** In line with this and as a general reflection related to the first two parts but which becomes apparent in the following articles, it is that the scope of the obligations cited in the instrument is not clear. For this reason, we believe it is necessary that when it talks about respecting the rights of individuals, as in Article 8, it should be added, subject to its jurisdiction.**Egypt:****Comment:** We wish to replace all the categories stated in this paragraph by the forms of discrimination mentioned in the two Covenants: the International Covenant of Economic, Social and Cultural Rights and the International Covenant for Civil and Political Rights.**Pakistan :****Comment:**  Regarding the proposal by the Russian Federation and Egypt, we would suggest that in Article 8 and 15, we may take guidance from the ICCPR, IESCR to list discrimination, and it would be a prudent approach.**Ecuador:**States Parties shall respect, protect **[promote]** and fulfil the right to development for all, without discrimination of any kind on the basis of race, colour, sex, language, religion, **[disability,]** political or other opinion, nationality, statelessness, national, ethnic or social origin, property, disability, birth, age or other status, in accordance with obligations set forth in the present Convention.**Caribbean Court of Justice:****Comment:** The CCJ understands the Expert Drafting Group’s position in relation to the ‘deeply contested status’ of gender, gender identity and sexual orientation as grounds of discrimination in international human rights law. However, the CCJ respectfully submits that these grounds should be explicitly included as discrimination on these bases is prevalent and constitutes a breach of fundamental human rights and freedoms. The CCJ also understands that ‘other status’ will cover these grounds and ensures that the list is non-exhaustive. It is helpful as it leaves room for the evolution of international law and human rights obligations. |

2. States Parties shall cooperate with each other in ensuring development and eliminating obstacles to development, encouraging full observance and realization of all human rights.

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| **Ecuador:**States Parties shall cooperate with each other **[**~~in ensuring~~  **to achieve]** development and eliminate**[**~~ing~~**e]** obstacles **[**~~to development, encouraging full observance and realization of all human rights.~~**for its achievement, promoting the full observance, guarantee and realization of all human rights without discrimination.]****Panama:**States Parties shall cooperate with each other in ensuring development and eliminating obstacles to development, encouraging full observance and realization of all human rights **[online and offline].****Associazione Comunita Papa Giovanni XXIII on behalf of CINGO:****Comment:** concerning part III, we are glad with the removal of the word “gender” in article 8 and recommend to be consistent with this in all the text. Moreover, we noticed that in several articles the wording “Member States shall” has been introduced instead of “undertake to” and we think that this is diluting the message.  |

3. States Parties shall ensure that public authorities and institutions at all levels act in conformity with the present Convention.

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| **Holy See:**States Parties shall ensure that public authorities and institutions **[**~~at all levels~~**]**act in conformity with the present Convention.(Explanation: The inclusion of “at all levels” could lead to problematic interpretations, especially considering the inclusion in numerous articles of the duty of States to ensure compliance with the Convention even outside their territories, regarding which numerous States have expressed their concern.) |

4. States Parties recognize that each State has the right, on behalf of its peoples, and also the duty to formulate, adopt and implement appropriate national development laws, policies and practices in conformity with the right to development and aimed at its full realization. To that end, States Parties undertake to refrain from nullifying or impairing, including in matters relating to cooperation, aid, assistance, trade or investment, the exercise of the right and discharge of the duty of every State Party to determine its own national development priorities and to implement them in a manner consistent with the provisions of the present Convention and international law.

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| **Russian Federation:****Delete** the paragraph.(Explanation: We believe that this is a very self-evident thought that stems from the role and functions of States and, therefore, any further clarifications or any passage of this kind is not required in our Convention.)**Ecuador:**States Parties recognize that each State has the right, on behalf of its peoples, and also the duty to formulate **[create and establish]**, adopt and implement appropriate national development laws, (…)**Iran (Islamic Republic of):**States Parties recognize that each State has the right, on behalf of its peoples, and also the duty to formulate, adopt and implement appropriate national development laws, policies and practices in conformity with the right to development and aimed at its full realization. To that end, States Parties undertake to refrain from nullifying or impairing **[hindering, obstructing]** , including in matters relating to cooperation, aid, assistance, trade or investment, the exercise of the right and discharge of the duty of every State Party to determine its own national development priorities and to implement them in a manner consistent with the provisions of the present Convention and international law. |

**Article 9 — General obligations of international organizations**

No comments.

Without prejudice to the general duty contained in article 7, States Parties agree that international organizations also have the obligation to refrain from conduct that aids, assists, directs, controls or coerces, with knowledge of the circumstances of the act, a State or another international organization to breach any obligation that the State or the latter organization may have with regard to the right to development.

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| **Russian Federation:****Delete** the article.(Explanation: In our view, it is not acceptable that organisations are mentioned on the same footing as a State in a legally binding document, because we are running against international law)**Argentina:** **Comment:** Regarding article 9, we believe that it would be necessary to clarify which organisations are being referred to.**Holy See:**Without prejudice to the general **[**~~duty~~ **responsibility]**contained in Article 7, States Parties agree that international organizations (…)(Explanation: The title of Article 7 refers to the “responsibility” of everyone to protect…; it would be appropriate to harmonize the language with that article.) |

**Article 10 — Obligation to respect**

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| **Russian Federation:****Delete** the article.(Explanation:For Articles 10, 11, and 12, we definitely agree that States do have obligation to respect, to protect and to implement human rights, and to promote the compliance with human rights. However, these obligations derive from specific human rights, which are possessed by individuals. In this context, Articles 10, 11 and 12 contain rather difficult provisions to understand with no added value with respect to voluntary obligations and voluntary commitments. We see a difference between voluntary commitments and obligations. Consequently, for us, the introduction of any new categories other than these are not acceptable.)In addition, in Article 10, there is a reference to an international organisation. We must remember that the parties to treaties are States; we cannot accept the extra territorial application of this Convention either. That applies to any of the human rights involved.**Argentina :** **Comment:** Concerning Article 10, we think this is a very broad article. |

States Parties shall refrain from conduct, whether expressed through law, policy or practice, that:

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| **Holy See:**States Parties shall refrain from conduct **[**~~whether expressed through law, policy or practice,~~**]** that:(Explanation: The Commentary specifies that “conduct” implies both acts and omissions. The very broad context of such conduct, which would include “law, policy or practice”, potentially exposes States to numerous allegations of breaching international obligations. This is all the more the case given the fact that, in virtue of Article 10(a), States would be held accountable for action/inaction that occurs outside their territory.) |

(a) Nullifies or impairs the enjoyment and exercise of the right to development;

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| **Iran (Islamic Republic of):**Nullifies **[,hinders, obstructs]** or impairs the **[full]** enjoyment and exercise of the right to development; |

(b) Impairs the ability of another State or an international organization to comply with that State’s or that international organization’s obligations with regard to the right to development;

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| **Iran (Islamic Republic of):**Impairs the **[opportunity and]**  ability of another State or an international organization to comply with that State’s or that international organization’s obligations with regard to the right to development; |

(c) Aids, assists, directs, controls or coerces, with knowledge of the circumstances of the act, another State or an international organization to breach that State’s or that international organization’s obligations with regard to the right to development;

No comments.

(d) Causes an international organization of which it is a member to commit an act that, if committed by the State Party, would constitute a breach of its obligation under the present Convention, and does so to circumvent that obligation by taking advantage of the fact that the international organization has competence in relation to its subject matter.

No comments.

**Article 11 — Obligation to protect**

No comments.

States Parties shall adopt and enforce all necessary, appropriate and reasonable measures, including administrative, legislative, investigative, judicial, diplomatic or others, to ensure that human or legal persons, peoples, groups, or any other State or agents that the State is in a position to regulate do not nullify or impair the enjoyment and exercise of the right to development within or outside their territories when:

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| **Russian Federation:****Delete** the article.**Ecuador:**Obligation **[**~~to protect~~ **of protection]**States Parties shall adopt **[elaborate]** and enforce all necessary, appropriate and reasonable measures, including administrative, legislative, investigative, judicial, diplomatic or others, to ensure that human or legal persons, peoples, groups, or any other State or agents that the State is in a position to regulate do not nullify or impair the enjoyment and exercise of the right to development within or outside their territories when:(Explanation: We recommend changing the name from Obligation to protect to Obligation of protection, since its range of application is wide.) **Holy See:**States Parties shall adopt and enforce all necessary, appropriate and reasonable measures, including administrative, legislative, investigative, judicial, diplomatic or others, to ensure that human or legal persons, peoples, groups, or any other State or agents that the State is in a position to regulate do not nullify or impair the enjoyment and exercise of the right to development **[**~~within or outside their territories~~**]** when:(Explanation: In the commentary on Article 10(a), the Expert Drafting Group noted the lack of consensus on including “within or outside their territories”. The Holy See is of the position that this reference should be removed from this Article as well, for the same reasons.)**Panama:**States Parties shall adopt and enforce all necessary, appropriate and reasonable measures, including administrative, legislative, investigative, judicial, diplomatic or others, to ensure that **[**~~human~~ **natural]** or legal persons, peoples, groups, or (…) |

(a) Such conduct originates from or occurs on the territory of the State Party;

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| **Holy See:**Such conduct **[**~~originates from or~~**]** occurs on the territory of the State Party;(Explanation: The broad applicability of conduct, including omissions, and the lack of jurisdiction of a State on such conduct that occurs outside its territory would create undue burdens on States to uphold their obligation to protect. The Holy See therefore suggests to limit the scope of this sub-paragraph to such conduct that occurs on the territory of the State Party.Whereas the Holy See is of the view that combining the concept of “effective control” with an “obligation to protect outside their territories”, an undue burden is placed on States that, in practice, would be impossible to uphold. The explanation that had been provided by the Holy See in no way should be construed to imply that the Holy See adopts the notion of “effective control” but, rather, the EDG had expressed in its own commentary to the first draft their intention to do so.) |

(b) The human or legal person has the nationality of the State Party;

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| **Ecuador:****Comment:** Paragraph b) a difference between human and legal person must be established, it is not considered appropriate to mix these two terms. The articles do not refer to the indicated scope (**CONADIS**).**Panama:**The **[**~~human~~ **natural]** or legal person has the nationality of the State Party; |

(c) The State Party has the requisite legal duty under either domestic or international law to supervise, regulate or otherwise exercise oversight of the conduct of the legal person engaging in business activities, including those of a transnational character.

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| **Caribbean Court of Justice:****Comment:** As regards to Article 11(c), the CCJ wishes to highlight that many states of the Caribbean region may be unable to implement this article as required given the human and economic resource constraints. |

**Article 12 — Obligation to fulfil**

No comments.

1. Each State Party shall take measures, individually and through international assistance and cooperation, with a view to progressively enhancing the right to development, without prejudice to its obligations to respect and protect the right to development contained in articles 10 and 11 of the present Convention or to those obligations contained in the present Convention that are of immediate effect. States Parties may take such measures through any appropriate means, in particular through the adoption of legislative measures.

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| **Russian Federation:****Delete** the article. |

2. To this end, each State Party shall take all necessary measures at the national level, and shall ensure, inter alia, equality of opportunity for all human persons and peoples in their access to basic resources, education, health services, food, housing and employment, and in the fair distribution of income, and shall carry out appropriate economic and social reforms with a view to eradicating all social injustices.

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| **Argentina:****Comment:** Article 12, in particular 12.2, we think it is vital to include a reference to the idea of progressivity in line with the Covenant on civil, political and cultural rights. It appears in paragraph 1, but we think it is also important to include it in paragraph 2.**Panama :**To this end, each State Party shall take all necessary measures at the national level, and shall ensure, inter alia, equality of opportunity for all [~~human persons~~ **individuals]** and peoples in their access to basic resources, education, health services, food, housing and employment, [**digital inclusion**] and in the fair distribution of income, and shall carry out appropriate economic and social reforms with a view to eradicating all social injustices.**Caribbean Court of Justice:****Comment:** The CCJ agrees with the recommendation of the Legal Resources Centre on the inclusion of an encouragement or recommendation for the adoption of regional measures which contribute to the progressive enhancement of the right to development.**Ecuador:**To this end, each State Party shall adopt all necessary measures at the national level and shall guarantee, among other things, [**rights]** and equal opportunities for all human beings and peoples in terms of access to [~~resources]~~, basic **[services],** education, **[culture, science]**, health [~~services]~~, food, **[habitat and]** housing, employment **[and social security],** as well as the fair distribution of income **[and territorial equity],** and carry out appropriate economic and social reforms in order to eradicate all social injustices. **Holy See:**To this end, each State Party shall take all necessary measures at the national level **[and in accordance with domestic legislation]**, and shall ensure, inter alia, equality of opportunity for all human persons and peoples in their access to basic resources, education, health services, food, housing and employment, and in the fair distribution of income, and shall carry out appropriate economic and social reforms with a view to eradicating all social injustices.(Explanation: The Holy See considers the proposed insertion as an important addition so as to recognize the specific nature and structure of each State Party.)**Associazione Comunita Papa Giovanni XXIII on behalf of CINGO:****Comment:** we think that in article 12 “Obligations to fulfil” the previous paragraph 2 should be retained because it is quite important in relation to the conditionalities that are usually imposed in international cooperation: regarding the new formulation of paragraph 2 on which we agree, it can be added becoming paragraph 3. |

**Article 13 — Duty to cooperate**

No comments.

1. States Parties reaffirm and shall implement their duty to cooperate with each other, through joint and separate action, in order to:

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| **Russian Federation:**States Parties [~~reaffirm and~~] shall [~~implement their duty to~~] cooperate with each other, through joint and separate action, in order to: |

(a) Solve international problems of an economic, social, cultural, political, environmental, health-related, educational, technological or humanitarian character;

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| **Panama:**Solve international problems of an economic, social, cultural, political, environmental,**[climate]** health-related, educational, technological or humanitarian character;  |

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

No comments.

(c) Promote higher standards of living, full and productive employment, decent work, conditions of human dignity, and economic and social progress and development;

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| **Russian Federation:****Comment:** Regarding Article 13.1.(c), we agree with the idea, which is included in this subparagraph, but we do not fully understand how States can promote a higher standard of living for their people. I am talking about States that have committed themselves to being responsible for this future Convention or promoting higher standards of living in other States. If the definition is going to be left in this way, we have to further elaborate on this subparagraph.**China :**Promote higher standards of living, full and productive employment, decent work, conditions of human dignity, and economic [~~and~~ ]social **[and cultural]** progress and development;(Explanation: We think that the above-mentioned rights belong to the economic, social and cultural rights. Same as the higher standard of living is related to the environmental aspects.)**Panama:** Promote higher standards of living, full and productive employment, decent work, conditions of human dignity, and economic [~~and~~ ], social **[and technological]** progress and development; |

(d) Promote and encourage universal respect for human rights and fundamental freedoms for all, without discrimination of any kind.

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| **Iran (Islamic Republic of):**Promote and encourage universal respect for **[the right to development as an integral part of]** human rights and fundamental freedoms for all, without discrimination of any kind. |

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 to 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:

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| **Ecuador:****Comment:** we suggest adding the term “**appropriate**” after the word “international”. **Argentina :****Comment:** in its new wording together with (d) subordinates the formulation, approval and application of all legal instruments to which the states parties are parties, as well as international policies and practices, to their compatibility with the right to development, thus becoming a sort of test of validity for the foreign policy of the states.**China**:To this end, States Parties have [~~primary~~] [**major**] responsibility (…) |

(a) To ensure that human and legal persons, groups and States do not impair the enjoyment of the right to development;

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| **Russian Federation:****Comment:** 13.2.(a), we already mentioned subjects of international law. We need some sort of a clarification, when we read 13. 2. (a) together with the heading in the chapeau of 13.2. We must understand who is responsible for what. In other words, it sounds as if the State Parties must ensure that individuals, legal entities, groups of individuals and States do not violate the exercise of the right to development. It is difficult to understand exactly what aspects would be governed by national laws and which would be covered by the international treaty.**Panama:**To ensure that [~~human~~ **natural**] and legal persons, groups and States do not impair the enjoyment of the right to development; |

(b) To eliminate obstacles to the full realization of the right to development, including by reviewing international legal instruments policies and practices;

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| **Iran (Islamic Republic of):**To eliminate **[all]** obstacles to the full realization of the right to development, including by reviewing international legal instruments policies and practices;**Russian Federation****Comment:** On 13.2.(b), we ask to delete it since it has a broad interpretation that could potentially cover any legal obligations, including in the economic sphere in trade and commercial relations. **Nigeria :** On Article 13, on the duty to cooperate, subparagraph 2.(b), we do not agree with the wording. |

(c) To ensure that the formulation, adoption and implementation of States Parties’ international legal instruments, policies and practices are consistent with the objective of fully realizing the right to development for all;

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| **Argentina:** **Comment:** Regarding article 13.2.(c), it includes a reference to State parties in new wording. Then, when reading it with (d), it gives the impression that (c) covers (d) as well. Article 13.2 (c) in its new wording together with (d) subordinates the formulation, approval and application of all legal instruments to which the states parties are parties, as well as international policies and practices, to their compatibility with the right to development, thus becoming a sort of test of validity for the foreign policy of the states. |

(d) To formulate, adopt and implement appropriate international legal instruments, policies and practices aimed at the progressive enhancement and full realization of the right to development for all;

No comments.

(e) To mobilize appropriate technical, technological, financial, infrastructural and other necessary resources to enable States Parties, particularly in developing or least developed countries, to fulfil their obligations under the present Convention.

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| **Russian Federation:****Comment:** In 13.2.(e), with respect to developing or Least Developed Countries, we believe it is essential to give an explanation of what constitutes the Developing or Least Developed Countries, bearing in mind that this list of countries could sometimes differ. |

3. States Parties shall ensure that financing for development and all other forms of aid and assistance given or received by them, whether bilateral, or under any institutional or other international framework, are in compliance with internationally recognized development cooperation principles and consistent with the provisions of the present Convention.

No comments.

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:

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| **Ecuador:**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~~]:Alteration suggested by **MIES.** |

(a) Promoting a universal, rules-based, open, non-discriminatory, equitable, transparent and inclusive multilateral trading system;

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| **Argentina:****Comment:** Include an explicit reference to WTO.**Russian Federation :**Promoting a universal, [~~rules-based~~], open, non-discriminatory, equitable, transparent and inclusive multilateral trading system;**Comment:** There is a political connotation present in the inclusion of this reference. We do not understand which rules are being referred to. We must base ourselves on the provisions of international law and not just any old rules. Therefore, we reject it in the context of a draft Convention.**Argentina :** **Comment:** With respect to 13.4.(a), we think that the reference to WTO documents is necessary, since we talk about the multilateral trading system. |

(b) Implementing the principle of special and differential treatment for developing countries, in particular least developed countries, as defined in applicable trade and investment agreements;

No comments.

(c) Improving the regulation and monitoring of global financial markets and institutions, and strengthening the implementation of such regulations;

No comments.

(d) Ensuring enhanced representation and voice for developing countries, including least developed countries, in decision-making in all international economic and financial institutions, in order to deliver more effective, credible, accountable and legitimate institutions;

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| **Ecuador:****Comment:** After the word "intervention" adding the words “and decision-making power”. **Russian Federation:****Replace** [~~Ensuring enhanced~~ **preventing any discrimination in**] representation and voice [~~for~~ **in**] developing countries, including least developed countries, in decision-making in all international economic and financial institutions, in order to deliver more effective, credible, accountable and legitimate institutions(Explanation: On 13.4.(d), we believe that it is vital to be more specific in wording this passage, because we are talking about enhanced representation in eliminating discrimination of all kinds. That should be replaced by “preventing any discrimination”.) |

(e) Enhancing capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts;

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| **Egypt:**Enhancing capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, [~~gender~~ **sex**], age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts; [**Support: Islamic Republic of Iran, Pakistan, the Russian Federation and Nigeria**]**Comment:** We wish to stick to the forms of discrimination mentioned in the two Covenants: the International Covenant of Economic, Social and Cultural Rights and the International Covenant for Civil and Political Rights. Egypt wishes to replace the word “gender” by “sex”.**Iran (Islamic Republic of):**Enhancing capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, [~~gender~~ **sex**], age, race, ethnicity, [~~migratory status~~], disability, geographic location and other characteristics relevant in national contexts;**Associazione Comunita Papa Giovanni XXIII on behalf of CINGO:**Enhancing capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, [~~gender~~] age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts;**Alliance Defending Freedom:****Comment:** the aim of increasing the availability of high-quality, timely and reliable data requires that such data be disaggregated based on objective categories. In this regard, the inclusion of ‘gender’ among the listed categories introduces unnecessary ambiguity into the provision as there is no clarity about the definition of the concept under international human rights law. Accordingly, any data disaggregated on the basis of ‘gender’ would lack the necessary objectivity, consistency, accuracy and reliability, and could produce biased outcomes that may further exacerbate existing inequalities. In line with previous revisions made by the Working Group in Articles 8 and 16 of the draft convention, ADF International recommends that in Article 13, paragraph 4, subparagraph (e) of the draft convention, the term ‘gender’ be replaced by ‘sex’, whose absence from the listing is unjustified. |

(f) Encouraging official development assistance, financial flows and foreign investment, including through but not limited to the implementation of any existing commitments, 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;

No comments.

(g) Enhancing North-South, South-South, triangular and other forms of regional and international cooperation in all spheres, particularly on access to science, technology and innovation, and also enhancing knowledge-sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level and through existing and new mechanisms for global technology facilitation;

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| **Ecuador:**Enhancing North-South, South-South, triangular and other forms of regional and international cooperation in all spheres, particularly on access to science, technology **[inclusive]** and innovation, (…)**Panama:**Enhancing North-South, South-South, triangular and other forms of regional and international cooperation in all spheres, particularly on access to science, technology and innovation, and also enhancing knowledge-sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level and through existing and new mechanisms for global technology facilitation **[and digital cooperation]**; |

(h) Enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change and extreme weather events, addressing the economic, social and environmental impacts of climate change and enhancing access to international climate finance to support mitigation and adaptation efforts in developing and least developed countries, especially those that are particularly vulnerable to the adverse effects of climate change;

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| **Russian Federation:****Delete** this paragraph.**South Africa:** Enhancing [**mitigation actions and**] adaptive capacity, strengthening resilience and reducing vulnerability to climate change and **[response to]** extreme weather events **[in the context of Just Transition]**, addressing the economic, social and environmental impacts of climate change **[in accordance with equity, CBDR&RC in light of national circumstance]** and enhancing **[the provision of and]** access to **[new, additional, appropriate and at-scale]** international climate finance **[technology transfer and capacity building]** to support mitigation and adaptation efforts in developing **[and least developed] c**ountries, especially those that are particularly vulnerable to the adverse effects of climate change;**Comment:** ​​On Article 13.4.(h), we believe that it is important to streamline this subparagraph to put it in line with the UNFCCC. Unless covered elsewhere in the chapeau this sub-clause is devoid of context that gives meaning to the right of development for developing countries and assumes everyone is equal. We need to cover all pillars and main elements of the UNFCCC, such as mitigation, adaptation, support, Loss and damage etc. Access to finance is just part of the problem as it is all about what type, scale, form etc the funding takes (most of this so-called support takes the form of loans that erode the right to development by exacerbating the debt crisis). Hence the need to add G77 climate finance language above. There are three parts to support – finance, technology and capacity building.All developing countries that need support have the right to it under the UNFCCC and when you start identifying sub-categories like LDCs it gets tricky as we will add Africa, others will oppose etc. The phrase “those the are particularly vulnerable” that is already in the text is the best way to avoid this problem.**Pakistan:**We support the proposal made by South Africa on Article 13, in the context of climate change. |

(i) Promoting the development, transfer, dissemination and diffusion of environmentally sound and human rights-compliant technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed;

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| **Ecuador:**Promoting the development, transfer, dissemination and diffusion of environmentally sound and human rights-compliant technologies **[inclusive]** to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed;Alteration suggested by**.** **Russian Federation:**Promoting the development, transfer, dissemination and diffusion of **[**~~environmentally sound and human rights-compliant~~**]** technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed; |

(j) Eliminating illicit financial flows by combating tax evasion and corruption, reducing opportunities for tax avoidance, enhancing disclosure and transparency in financial transactions in both source and destination countries and strengthening the recovery and return of stolen assets;

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| **South Africa:**Eliminating illicit financial flows by combating tax evasion and corruption, reducing opportunities for tax avoidance, enhancing disclosure and transparency in financial **[and property]** transactions in both source and destination countries and strengthening the recovery and return of stolen assets;**Comment:** Studies show that while financial transactions are subject to strict vetting, a major loophole is property transactions, where much stolen wealth is invested. For subparagraph (j), under transparency and financial, South Africa wishes to include “property” for the transactions.**UNODC:**Eliminating illicit financial flows by combating tax evasion**, [organized crime]** and corruption, reducing opportunities for tax avoidance and enhancing disclosure and transparency in financial transactions in both source and destination countries.  ~~and strengthening the recovery and return of stolen assets.~~After sub-paragraph 13.4(j), UNODC suggests adding a new sub-paragraph on illicit financial flows. The proposed text for sub-paragraph 13.4(j.bis) would read as follows:**[Eliminating illicit arms flows by preventing, combatting and eradicating all forms of diversion of arms and ammunition, including their illicit manufacturing and trafficking, through the effective management of stockpiles, marking and record-keeping measures and tracing efforts to prevent unauthorized recipients, including criminals and terrorists, from acquiring arms and ammunitions, and to cooperate effectively with each with a view to investigate and prosecute these offences and bring perpetrators to justice.]**(Explanation: The reason for the above proposal is that SDG 16 of the Agenda for Sustainable Development on promoting peaceful and inclusive societies for sustainable development recognizes, in target 16.4, the negative impact of illicit financial and arms flows as impediments to development and commits Member States to “significantly reducing “illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime”. As sub-paragraph 13.4(j) already addresses illicit financial flows, adding specific details relating to tax evasion, corruption, transparency in financial transactions etc, UNODC suggests adding a separate sub-paragraph on illicit financial flows.The proposed language for this additional sub-paragraph stems partially from 1) operational paragraph 2 of the General Assembly's resolution [76/232](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F76%2F232&Language=E&DeviceType=Desktop&LangRequested=False) on the illicit trade in small arms and light weapons in all its aspects of 24 December 2021; 2) operational paragraphs 3 and 7-10 of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects ([A/CONF.192/15](https://undocs.org/Home/Mobile?FinalSymbol=A%2FCONF.192%2F15&Language=E&DeviceType=Desktop&LangRequested=False)); and 3) the United Nations Firearms Protocol.) |

(k) Eliminating illicit arms flows through all necessary means in accordance with international cmmitments;

No comments.

(l) Assisting developing and least developed countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and addressing the external debt of highly indebted poor countries to reduce debt distress;

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| **CETIM (Centre Europe Tiers Monde):****Comment:** an important element is missing, namely the removal of the debt. Indeed, when we know the origin and the conditions under which the debts were contracted, it would be necessary, after a public audit, to eliminate certain odious debts. It is not enough to reduce or restructure them, but to eliminate them. Numerous studies show that a significant part of the debt is the result of either corruption or from dubious operations also called "odious debts". It is therefore important to include the elimination of debt in Article 13.4(k).Alternatively, a specific sentence could be added after paragraph (k) that would read the following:[**Consideration should also be given to eliminating the odious and illegitimate portion of the debt following the completion of an audit;**] |

(m) Facilitating safe, orderly and regular migration and mobility of people, including through the implementation of planned and well managed rights-based migration policies.

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| **Iran (Islamic Republic of):**[~~Facilitating safe, orderly and regular migration and mobility of people, including through the implementation of planned and well managed rights-based migration policies.~~ **Taking measures to provide, on the basis of bilateral, regional and international cooperation, humanitarian financing that is adequate, flexible, predictable and consistent, to enable developing host countries of the people on the move, to respond their longer-term development needs. (A/RES/71/1 - New York Declaration for Refugees and Migrants)**]**Russian Federation:**Facilitating safe, orderly and regular migration and mobility of people, including through the implementation of planned and well managed [~~rights-based~~] migration policies*.***South Africa:****Comment:** South Africa also supports the comments by the Russian Federation on subparagraph (l) on the issues of migration.**Ecuador:****MIES** suggests sdding the term “human” after the word “rights”. It is necessary to take into account that the party country can cooperate, but not solve problems of an economic nature and others that the article indicates. **(CNII**)**UNODC:****Comment:** Add reference to vulnerable people, noting the complex, but established connections between, on the one hand, irregular migration, trafficking in persons and diverse vulnerabilities and, on the other hand, obstacles to opportunity and development. Extend the text, by adding reference to legislative and other measures to prevent and combat trafficking in persons and smuggling of migrants. In this re-submission, modified language is proposed, which reflects OPs 16, 60 and 61 of the [*Progress Declaration of the International Migration Review Forum*](https://migrationnetwork.un.org/system/files/docs/A%20AC.293%202022%20L.1%20English.pdf) adopted by the General Assembly in May 2022, and in line with the [*Global Compact for Safe, Orderly and Regular Migration*](https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf). The insertion of these references in sub-paragraph 13.4(l), would read as follows: Facilitating safe, orderly and regular migration and mobility of people, including through the implementation of planned and well managed rights-based migration policies [**and legislative and other measures to prevent and combat trafficking in persons, smuggling of migrants and crimes against migrants, which continue to pose significant threats to the lives and well-being of migrants and other vulnerable groups.]** |

**Article 14 — Coercive measures**

**China:**

Article 14 — **[Unilateral]** C~~c~~oercive measures

1. The use or encouragement of the use of economic or political measures, or any other type of measure, to coerce a State in order to obtain from it the subordination of the exercise of its sovereign rights in violation of the principles of the sovereign equality of States, the freedom of consent of States or applicable international law constitutes a violation of the right to development.

**China**:

The use or encouragement of the use of economic or political measures, or any other type of **[unilateral]** measure

2.States Parties shall refrain from adopting, maintaining or implementing the measures referred to in paragraph 1.

No comments.

**Article 15 — Specific and remedial measures**

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| **Holy See:**Specific [~~remedial~~] measures. |

1. States Parties recognize that certain human persons, groups and peoples, owing to their marginalization or vulnerability because of race, colour, sex, language, religion, political or other opinion, nationality, statelessness, national, ethnic or social origin, property, disability, birth, age or other status, including as human rights defenders, 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 can include, among others, enabling the full, effective, appropriate and dignified participation of such human persons, 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.

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| **Russian Federation:**States Parties recognize that certain [~~human persons~~] individuals, groups and peoples, owing to their marginalization or vulnerability because of race, colour, sex, language, religion, political or other opinion, [~~nationality~~], statelessness, national, ethnic or social origin, property, disability, birth, age or other status, [~~including as human rights defenders~~] may need specific and remedial measures (…)(Explanation:On Article 15, we prefer to keep the term that already appears in international treaties, that is, “special measures”. In the same article, we categorically oppose the reference to human rights defenders in the way in which it is used. This term does not have a definition and Member States are constantly discussing this issue in a variety of different fora and different locations. We have declarations which talk about declarations on human rights defenders in an informal way, but usually we talk about the rights and obligations of people engaged in the defending of universal human rights.) **Pakistan:****Comment:**  Regarding the proposal by the Russian Federation and Egypt, we would suggest that in Article 8 and 15, we may take guidance from the ICCPR, IESCR to list discrimination, and it would be a prudent approach.**Egypt:**“States Parties recognize that certain [~~human persons, groups and peoples, owing to their marginalization or vulnerability because of race, colour, sex, language, religion, political or other opinion, nationality, statelessness, national, ethnic or social origin, property, disability, birth, age or other status, including as human rights defenders,~~ **individuals affected by discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status**],may need specific and remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development.Egypt requests that all the categories stated in this paragraph be replaced by the forms of discrimination mentioned in the two covenants ICESCR- ICCPR, as above. **Panama:**States Parties recognize that certain [~~human persons~~ **individuals]**, groups and peoples, owing to their marginalization or vulnerability because of race, colour, sex, language, religion, political or other opinion, nationality, statelessness, national, ethnic or social origin, property, disability, birth, age or other status, including as human rights defenders, 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 can include, among others, enabling the full, effective, appropriate and dignified participation of such [~~human persons~~ **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.**Nigeria:**States Parties recognize that certain human persons, groups and peoples, owing to their marginalization or vulnerability because of race, colour, sex, language, religion, political or other opinion, nationality, statelessness, national, ethnic or social origin, property, disability, birth, age or other status, ~~[including as human rights defenders~~], 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 can include, among others, enabling the full, effective, appropriate and dignified participation of such human persons, 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.(Explanation:On Article 15 on the specific and remedial measures, we do not support attempts to expand categories for non-discrimination. Nigeria proposes to delete the phrase, “including human rights defenders”. There is no need to single out this group. Our position is that human rights defenders should neither enjoy more rights, nor be given a status different from other citizens in the country. One of the objectives is to ensure that no one is left behind, but at the same time, we should avoid expanding and redefining those grounds. We believe that the phrase “or other status” indeed adequately covers all the status.)**Ecuador:**States Parties recognize that certain human persons, groups and peoples, owing to their marginalization or vulnerability because of race, colour, sex **[gender]**, language, religion, political or other opinion, (…)**Holy See:**States Parties recognize that certain human persons, groups and peoples, owing to their marginalization or vulnerability because of race, colour, sex, language, religion, political or other opinion, nationality, statelessness, national, ethnic or social origin, property, disability, birth, age or other status, including as human rights defenders, 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 can include, among others, enabling the full, effective, appropriate and dignified participation of such human persons, 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.(Explanation: The Holy See notes that the Expert Drafting Group formulated this provision bearing in mind UNGA Resolution 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 16 December 2005. It must be said, however, that the “remedies” addressed in the UNGA Resolution refer to victims, which is substantially different than the “remedial measures” envisioned for persons or groups in vulnerable situation.It must be reiterated that no other Human Rights treaty refers to “remedial measures”.While recognizing that special/specific measures might need to be taken to ensure the “de facto equality” in the enjoyment of the right to development of certain persons and groups, the concept of “remedial measures” seems to consolidate the logic according to which such groups of persons enjoy rights per se, rather than in a derivative fashion, in virtue of the dignity of every human person. In practice, there is little evidence to suggest that “remedial measures” are effective in creating a true situation of equality. On the contrary, it is a subtle form of continuing discrimination (even if positive), which often results in reverse-discrimination concerning persons outside the category that enjoys such remedial measures.) |

2. States Parties recognize that developing and least developed countries, owing to historical injustices, conflicts, environmental hazards, climate change or other disadvantages, including of an economic, technical or infrastructural nature, may require specific and remedial measures through mutually agreed international legal instruments, policies and practices for ensuring equal realization of the right to development by all human persons and peoples. Such measures may, as appropriate, include:

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| **Panama:**States Parties recognize that (…) development by all ~~[human persons~~ **individuals]** and peoples. Such measures may, as appropriate, include:**South Africa :** ​​States Parties recognize that developing [~~and least developed~~] countries, owing to **[present and]** historical injustices, conflicts, environmental hazards, climate change or other disadvantages, including of an economic, technical or infrastructural nature, [~~may~~] require specific **[assistance]** [~~and remedial measures~~][~~through mutually agreed international legal instruments, policies and practices~~] for ensuring equal realization of the right to development by all [: ~~human persons and peoples~~]. Such measures [~~may, as appropriate,~~] include: (Explanation: Is this paragraph about climate change or development in general? It seems de-linked from A13, hence the need as above to add context on climate change specifically given that it has legal obligations and provisions that do not exist elsewhere. As above we can’t single out only LDCs.Right to development is eroded by current injustices, such as the unfair global economic and political order, exploitation of developing countries that still mainly export raw materials, foreign occupation, illicit financial flows etc. “May” and “as appropriate” adds a subjective qualification that erodes the right under the UNFCCC to support. We do not need “remedial actions”, this is very patronising developed country language. The specific meaning of ‘through mutually agreed international legal instruments, policies and practices” is unclear, it sounds subjective, donor-driven and open to abuse.)**Russian Federation:****Comment**: On article 15.2, we have a concern about the reference to Least Developed and Developing Countries, but I think that can be settled and we can agree on which lists we are going to actually use in our document.**Ecuador:****Comment**: We suggest when referring to developing and least developed countries, it should change to the following: “The States Parties recognize that developing and developing countries.” **Holy See:**States Parties recognize that developing and least developed countries, owing to historical injustices, conflicts, environmental hazards, climate change or other disadvantages, including of an economic, technical or infrastructural nature, may require specific **[**~~and remedial~~**]** measures through mutually agreed international legal instruments, policies and practices for ensuring equal realization of the right to development by all human persons and peoples. Such measures may, as appropriate, include:**Caribbean Court of Justice:**States Parties recognize that developing and least developed countries **[and small island developing states]**, owing to historical injustices, conflicts, environmental hazards, climate change or other disadvantages, including of an economic, technical or infrastructural nature, may require specific and remedial measures through mutually agreed international legal instruments, policies and practices for ensuring equal realization of the right to development by all human persons and peoples. Such measures may, as appropriate, include:(Explanation: The CCJ appreciates the recognition of the various disadvantages faced by developing and least developed countries and the vulnerabilities that exist as a result. This Article and the measures stated therein are therefore of great importance to ensuring that the right to development is promoted and ensured. The CCJ suggests the inclusion of ‘small island developing states’ after ‘least developed countries’. Small island developing states are a distinct group of developing countries facing specific social, economic and environmental vulnerabilities.) |

(a) Recognition of common but differentiated responsibilities **[and respective capabilities]**, taking into account different national circumstances;

No comments.

(b) The provision of special and differential treatment;

No comments.

(c) Preferential terms on trade, investment and finance;

No comments.

(d) The creation of special funds or facilitation mechanisms;

No comments.

(e) The facilitation and mobilization of financial, technical, technological, infrastructural, capacity-building or other assistance;

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| **Panama:**The facilitation and mobilization of financial, technical, technological, infrastructural, capacity-building, **[digital cooperation]**, or other assistance; |

(f) Other mutually agreed measures consistent with the provisions of the present Convention.

No comments.

**Article 16 — Equality between men and women**

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| **Argentina:****[Gender]** Equality ~~between men and women~~**]****Panama:****[Gender]** Equality ~~between men and women~~**]****Paraguay:****Comment:** Paraguay highlights the need of a wording that makes adolescent women visible throughout the text of this article.**South Africa:****Comment:** We appreciate the drafting committee’s efforts of aligning this article with existing international instruments. Therefore, South Africa is happy to join consensus. |

1. States Parties, in accordance with their obligations under international law, shall ensure full equality for all women and men, and shall adopt measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.

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| **Egypt:** States Parties, in accordance with their obligations under international law, shall [~~ensure full equality for all women and men~~ **equality between women and men**], and shall adopt measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against [~~all~~] women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.(Explanation: We wish to replace the first phrase “ensure full equality for all women and men” to be “equality between women and men”, and for the fourth line, there is a similar provision that says “against all women and girls everywhere”. We want to delete the word “all”. It does not add any meaning to the words “women and girls”.) The same concern we have is on Paragraph 2.c). We have the “empowerment of all women and girls at all levels”- we want to delete the word "all". This concern we have raised during the last session, we stick to it, and we want to be taken into consideration.**Russian Federation:**States Parties, in accordance with their obligations under international law, shall ensure [~~full~~] equality for [~~all~~] women and men, and shall adopt measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against [~~all~~] women and girls [~~everywhere~~] so as to ensure their full and equal enjoyment of the right to development.(Explanation: On article 16, we welcome a number of the amendments made to this article. However, we still have concerns. First, we support efforts at the international and national levels to expand the role of women's rights and opportunities. We also have doubts about whether we need a separate article, since we have the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Political Rights of Women and then the documents on equality between men and women. We think it is possible to retain Article 16.1 in a corrected form, so the article would talk about the importance of achieving equality between men and women. Nevertheless, our amendments would be as follows to this article: first, in the first line we would take out the word “full”. It is not necessary because this idea is already enshrined in a number of instruments. When we talk about some sort of full equality, then the question arises as to what is the difference between full equality and equality. We do not understand the need to add the word “all” before women and men. If we talk about women and men in general, we are including all of them in any other Articles or provisions.Also, in the fourth line, we propose that we take out the word “everywhere”. The reason is that Member States must ensure equality between men and women. However, when we talk about everywhere, this might assume an extra territorial jurisdiction, and it might apply throughout the country or throughout the jurisdiction of the State.**Nigeria:**States Parties, in accordance with their obligations under international law, shall ensure [~~full~~] equality for all women and men, and shall adopt measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against ~~[all~~] women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.(Explanation: On Article 16, we propose that the language be aligned closely with CEDAW. In paragraph 1, we align with the Russian Federation’s proposal to delete “full” before equality, and “all” before women and men. **Panama :**States Parties, in accordance with their obligations under international law, shall ensure full **[gender]** equality (…)**Comment:** In paragraph 1 of this article, we would like to go back to the original language on gender equality for all women and men. **[Support: Argentina, South Africa]****Iran (Islamic Republic of):****Comment:** There were some suggestions from previous speakers to delete the word “all” in the second line of article 16.1. When talking about the rights of women and men,, it means all women and men. **Caribbean Court of Justice:**States Parties, in accordance with their obligations under international law, shall ensure full equality for all women and men, and shall adopt measures, including through **[legislation and]** temporary special measures as and when appropriate, to end all forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development(Explanation:In Article 16(1), the CCJ suggests including ‘legislation and’ before ‘temporary special measures’. This is in line with the obligation of State Parties under Article 3 of the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) which gives positive affirmation to the principle of equality and requires State Parties to take ‘all appropriate measures including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.’ This inclusion will also strengthen the text.)**Alliance Defending Freedom:** States Parties, in accordance with their obligations under international law, shall ensure [~~full~~] equality for [~~all~~] women and men, and shall adopt measures, including through temporary special measures as and when appropriate, to end all forms of discrimination against [~~all~~] women and girls [~~everywhere~~] so as to ensure their full and equal enjoyment of the right to development.(Explanation:We welcome the changes made by the expert drafting group on Article 16; we think that would strengthen the provisions focus on addressing discrimination against women and girls. In the interest of streamlining the text, we would like to make a few minor edits to Article 16 paragraph 1.We echo the suggestions made regarding the redundancy of the term “full” equality for “all” women and men. With specific regard to the formulation equality for all women and men, we propose aligning it with the revised title of the article, namely equality between men and women.Along similar lines, we recommend streamlining the phrase “and all forms of discrimination against all women and girls everywhere” so that it simply reads “and all forms of discrimination against women and girls”. In particular, the removal of the term “everywhere” would help avoid confusion as to the territorial scope of State Parties' obligations. ) |

2. To that end, States Parties shall adopt appropriate measures, individually and jointly, inter alia:

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| **Russian Federation:****Delete** the 16.2.(Explanation:Concerning 16.2, we think that unfortunately in the context of this Convention, 16.2, it might end up being discriminatory in its effect because we are talking about women and girls. But we are speaking about concepts such as combatting violence. We think it is necessary to combat violence against all individuals, and we understand that women and girls are subjected to violence more often than men. However, we think that this reference should be universal. Consequently, in connection with these aspects of universal implementation of the future Convention, we think it does not make sense to include Article 16.2 in the text.) At the same time, we would like to include a caveat that the inclusion in the draft Convention of such concepts as “online” and “offline” also are not appropriate, because there is no clear understanding of when a person working on his computer is online and when he is offline.In various articles, it is proven necessary to refer to the public and private sphere. Therefore, we cannot support the inclusion of online and offline. The same thing applies to, for example, participation. In a number of cases, we see the adjectives “effective” and “meaningful” participation, which in their essence are basically the same thing.**Egypt:****Comment:** we would like to mention that contrary to what has been stated in paragraph 46, Egypt didn’t support changes to article 16.2, accordingly we wish to delete the following phrase: “Egypt supported comments by Russia on article 16.2.” |

(a) To prevent and eliminate all forms of violence and harmful practices against all women and girls in the public and private spheres online and offline, including trafficking and sexual and other types of exploitation;

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| **Egypt:**To prevent and eliminate all forms of violence and harmful practices against ~~[all~~] women and girls in the public and private spheres online and offline, including trafficking and sexual and other types of exploitation;**Paraguay:**To **[take actions to]** prevent, **[denaturalize]** and eliminate all forms of violence and harmful practices against all women and girls in the public and private spheres online and offline, including trafficking and sexual and other types of exploitation;**Nigeria:** To prevent and eliminate all forms of violence and harmful practices against ~~[all~~] women and girls in the public and private spheres online and offline, including trafficking and sexual and other types of exploitation;**UNODC:**In sub-paragraph 2(a), UNODC suggests either of the following amendments:a1) To prevent and eliminate all forms of violence and harmful practices against all women and girls in the public and private spheres online and offline, including ~~trafficking and~~ sexual and other types of exploitation**[, as well as trafficking in persons]**a2) To prevent and eliminate all forms of violence and harmful practices against all women and girls in the public and private spheres online and offline, including trafficking **[in persons]** and **[all forms of ]** sexual and other types of exploitation(Explanation: The primary point of the suggestion is to ensure consistency with existing international law, noting that the UN Trafficking in Persons Protocol, which moves steadily towards universal ratification (178 States parties), provides the only international definition of trafficking (trafficking in persons) and is widely implemented in national law. Related to this, ‘exploitation’ is the key, but only element of trafficking in persons, hence the suggestion to slightly modify the current language. While the current language reflects SDG 5.2 (as noted in the commentaries) and the Sustainable Development Goals explicitly refer to ‘human trafficking’ in SDG 8.7, most UN and international sources refer to ‘trafficking in persons’, including in relation to the 2030 Agenda for Sustainable Development – see, for example, the Interagency Coordination Group Against Trafficking in Persons’, [The Role Of The Sustainable Development Goals (SDGs) In Combating Trafficking In Persons](https://icat.un.org/sites/g/files/tmzbdl461/files/publications/icat_issue_brief_sdgs_2018.pdf). – and multiple UN resolutions refer to ‘trafficking in persons’ or ‘human trafficking’ when addressing violence against women (see, for example, GA resolution [75/158](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/371/89/PDF/N2037189.pdf?OpenElement), ‘Trafficking in Women and Girls’; draft GA resolution [76/L.11](https://digitallibrary.un.org/record/3948046), ‘2021 Political Declaration on the Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons’). ) |

(b) To ensure women’s full, equal, effective and meaningful participation and equal opportunities for leadership at all levels in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic, cultural and public life, and within legal persons;

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| **Caribbean Court of Justice:**To ensure women’s full, equal, effective and meaningful participation and equal opportunities for leadership [~~at all levels~~ **national, regional and international levels**] in the conceptualization, decision-making, implementation, monitoring and evaluation of policies and programmes in political, economic,**[social]** cultural and public life, and within legal persons;(Explanation: In Article 16(2)(b), the measure is to ensure women’s full, equal, effective and meaningful participation and equal opportunities for leadership ‘at all levels.’ The assumption is that this means participation and equal opportunity for leadership at all levels of government, public sector and society as a whole within State parties. The question is whether this also applies to the women’s participation and leadership opportunities at the international level. It is suggested to [replace ‘at all levels’ with ‘national, regional and international levels’ in the provision].The CCJ further suggests the [addition of ‘social’ before ‘cultural’] to expand the various spheres of life which require women’s participation and influence and strengthen the text. The addition of ‘social’ will also be in conformity with Article 3 of the CEDAW.) |

(c) To adopt and strengthen policies and enforceable legislation for the promotion of equality of opportunities and the empowerment of all women and girls at all levels;

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| **Egypt:**To adopt and strengthen policies and enforceable legislation for the promotion of equality of opportunities and the empowerment of [~~all~~] women and girls at all levels;(Explanation: We want to delete the word “all”. It does not add any meaning to the words “women and girls”. We have the “empowerment of all women and girls at all levels”- we want to delete the word "all". This concern we have raised during the last session, we stick to it, and we want to be taken into consideration.)**Panama:**To adopt and strengthen policies and enforceable legislation for the promotion of [~~equality of opportunities~~ **gender equality]** and the empowerment of all women and girls at all levels;**Argentina:**To adopt and strengthen policies and enforceable legislation for the promotion of equality of opportunities and the **[Replace** ~~empowerment~~ **autonomy]** of all women and girls at all levels;Explanation: At this point, we stress that for our delegation it is important to replace the word "empowerment" with "autonomy". We consider empowerment to be inappropriate because it is seen as alien to the reality of the regions of the global south.**South Africa:****Comment :** We support comments made by Panama on gender in article 16. We think the first draft on this article was much stronger. However, it would be good to not see a complete deletion of gender mainstreaming. |

(d) To incorporate and mainstream gender perspectives into the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;

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| **Iran (Islamic Republic of):**To incorporate and mainstream [~~gender~~ **relevant**] perspectives into the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;(Explanation: We support the proposal to delete the word “gender” in this paragraph, and suggest replacing it by “relevant perspectives”. It will help to avoid any confrontation between delegations.)**Nigeria:**To incorporate and [~~mainstream gender perspectives~~ **to mainstream the principle of equality between men and women]** into the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;**Russian Federation:****Comment:** On Article 16.2, sub-paragraph (d), on the term “gender perspective”. In English, we use the terminology of “mainstream gender perspectives”, which is itself not accepted by the majority of States. In terms of wording, the agreed wording is singular, and in English it reads “a gender perspective”.**Alliance Defending Freedom:**To incorporate and mainstream [~~gender~~ **the** perspectives **of women and girls**] into the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;(Explanation: this subparagraph should unequivocally reflect the need to incorporate and mainstream the perspectives of women and girls into national and international decision-making at all levels.) |

(e) To ensure equal and equitable access to, and control over, the resources necessary for the full realization of the right to development by women and girls everywhere;

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| **Russian Federation:****Comment**: On sub-paragraph (e), on the word “everywhere”- that might imply an extra territorial jurisdiction.  |

(f) To ensure equal and equitable access to quality education and services necessary for the full realization of the right to development by women and girls everywhere;

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| **Nigeria:**To ensure equal and equitable access to, and control over, the resources necessary for the full realization of the right to development by women and girls ~~everywhere~~;**(**Explanation: because we believe that the aim of objective is to be sure about women and girls are not left out irrespectively of geography. In this view, the word “everywhere” does not add a value to women and girls.)**Associazione Comunita Papa Giovanni XXIII on behalf of CINGO:**To ensure equal and equitable access to quality education **[and training that fully respect their cultural identity and]** services necessary for the full realization of the right to development by women and girls everywhere;(Explanation: This inclusion is inspired, and copied from the Article 5 of the Universal Declaration on Cultural Rights[1]. We consider that the right to development cannot focus exclusively on a market-oriented education, and therefore, education also must enable citizens to know who they are in their particular context.) |

(g) To realize the women, peace and security agenda and ensure the full, effective and meaningful participation of women in the prevention and resolution of armed conflicts and in peacebuilding for the maintenance and promotion of peace and security at all levels.

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| **Russian Federation:** **Comment:** On 16.2(g), we find the reference to women, peace and security agenda, categorically unacceptable, since it transfers a specific item of the agenda of the UN Security Council into a future binding document. We must respect the division of labour within the UN system. At the same time, when we are talking about armed conflicts, in the context of the general Convention that speaks, not only about women and girls, but all individuals, we should ensure that the Convention is acceptable to everyone, and that there is not any kind of discrimination. In this sense, each of the subparagraphs of 16.2 could be criticised in this way. Thus, we do not think it is appropriate to include this section.**Egypt:** **Comment:** Egypt supports Russia’s proposals on Article 16.2(g).**Ecuador:**It is suggested to add paragraph **(h):****[Ensure access to employment and decent wages without discrimination based on race, ethnicity, age, nationality; as well as maternity, disability, sexual preferences, among others.]****We suggest adding [The member states shall establish the conditions to ensure equal rights between men and women through the creation and operation of comprehensive protection systems for development.]****Comment**: Additionally, in the field of gender equality and non-discrimination, we recommend to contextualize it in relation to equality and equity of opportunities, and in the elimination of discrimination based on gender; in order to promote the exercise of the right to development for all people in accordance with the obligations established in the Human Rights conventions. In an equality and non-discrimination approach, it is necessary to include a transversal line in the exercise of rights, with equal opportunities for all. We suggest including a paragraph that refers to the rights of the LGBTI+ population considering that these groups are vulnerable to discrimination and gender violence, which poses obstacles to the exercise of their right to development.**Paraguay:** Paraguay suggests to add paragraph **(h):****[To strengthen public institutions for the implementation of gender equality policies in plans, programs and projects with the provision of sufficient budgetary and human resources.]** |

**Article 17 — Indigenous peoples**

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| **Ecuador:****Comment:** wesuggest incorporating an article in which persons with disabilities are specifically recognized, since the full right to development is sought, in accordance with the Convention on the Rights of Persons with Disabilities. **International Human Rights Association of American Minorities (IHRAAM)**In Article 17, it is mentioned that States cannot use domestic law or its deficiencies, where we are recognized as separate and distinct, and not within the territorial integrity of the State who is administering us. It is vitally important that this reflects it and that there is no duplicity if we are to proceed. |

1. Indigenous peoples have the right to freely pursue their development in all spheres, in accordance with their own needs and interests. They have the right to determine and develop priorities and strategies for exercising their right to development.

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| **Paraguay:**[~~Indigenous peoples have the right to freely pursue their development in all spheres, in accordance with their own needs and interests. They have the right to determine and develop priorities and strategies for exercising their right to development.~~ **Indigenous and Tribal Peoples have the right to freely pursue their economic, social and cultural development. They have the right to determine and develop priorities and strategies for development within the broadest respect for the cultural patterns of each one of them, guaranteed by the States Parties.**]**Caribbean Court of Justice:**Indigenous peoples have the right to freely pursue their development in all spheres, in accordance with their own [~~needs and interests~~ **aspirations**]. They have the right to determine and develop priorities and strategies for exercising their right to development.(Explanation: The CCJ appreciates the inclusion of an article specifically addressing indigenous peoples’ right to development. Various indigenous groups live across different jurisdictions within the Caribbean, and it is vital that their right to development is exercised in accordance with their own needs and interests.)**Comment:** One consideration to further encourage the active involvement of indigenous peoples in the measures for exercising their right to development and help foster the relationship between the State and representative institutions is to include reference to an obligation for the State to establish government liaisons with these representative institutions or other suitable mechanisms. |

2. In accordance with international law, States Parties shall consult and cooperate in good faith with the indigenous and tribal peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

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| **Ecuador:**In accordance with international law, States Parties shall [~~consult~~ **hold free and informed prior consultation]** and cooperate in good faith with the [**concerned]** indigenous and tribal peoples [~~concerned~~] through their ~~[own~~] representative institutions ~~[in order to obtain their free, prior and informed consent]~~ before adopting and [~~implementing~~ **applying**] legislative or administrative measures that [~~may~~] affect them **[and shall value their opinion according to the criteria established in national laws and international human rights instruments].****Argentina:****Comment :** On article 17, subparagraph 2, now contains a phrase “in accordance with international law”, which is a positive element. We have some doubts on 2 and 3, and therefore we would like to make comments thereon at a later stage. Although the United Nations Declaration on the Rights of Indigenous Peoples refers to "their own representative institutions", given that this would be a legally binding instrument, it should be noted that this phrase could pose difficulties in the future, since in some specific case there could be more than one person or entity that is considered as a representative institution of the same indigenous people or community. |

3. States Parties shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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| **Argentina:**Same comment as above.**Ecuador:**States Parties shall **[**~~consult~~ **carry out free and informed prior consultation]** and cooperate in good faith with the indigenous peoples concerned through their own representative institutions [ ~~in order to obtain their free and informed consent~~ ] prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. **[In the case of legislative or administrative measures related to the exploitation of natural resources that affect them, indigenous and tribal peoples have the right to participate in the benefits derived from their application or receive compensation for the damages caused to them.]**(Explanation:In the case of legislative or administrative measures related to the exploitation of natural resources that affect them, indigenous and tribal peoples have the right to participate in the benefits derived from their application or receive compensation for the damages caused to them. **The following additions are also suggested:****[The member states shall adopt specific measures in order to eliminate all forms of discrimination that affect peoples, shall recognize and support their forms of organization and shall protect indigenous peoples in isolation to guarantee their lives, their self-determination and their will to remain in isolation.]** **[The member states shall adopt measures for the application of prior, free, and informed consultation and obtaining consent, before the implementation of plans, programs, and projects related to development.]** **[The member states will promote the strengthening and conservation of information and ancestral knowledge of the peoples, which must be structured in a model of harmonious development.]** |

**Article 18 — Prevention and suppression of corruption**

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| **Russian Federation:**Prevention and [~~suppression of~~ fight against] corruption.(Explanation: on the title of this article, we would like to propose that we stick to the language of the UN Convention against Corruption, and therefore, to replace the word “suppression” by “fight against”. In English, therefore, the title of this article would be as follows: “prevention and fight against corruption”.) **Argentina:****Comment :** Corruption and International Peace and Security are not the main objective of this text. We are not certain that this is the core objective of the document, and there are already other documents on these issues. **Caribbean Court of Justice:****Comment:** In the June 2021 UN General Assembly political declaration , Governments pledged to include anti-corruption safeguards in public procurement. While the Article does include the promotion of this at (c), it is suggested that a more explicit reference to the taking of actual measures such as implementing anti-corruption safeguards in public procurement and ensuring transparency in public spending be included.**UNODC:****[**~~Prevention and suppression of corruption~~ **Measures to prevent and combat corruption**](Explanation: this would also align the language with the title of the UNGASS Political Declaration of 2 June 2021, entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”.)UNODC would like to propose a separate article on organized crime, so as to highlight its relevance as serious impediment to sustainable development. The language for the proposed Article 18bis stems from the GA resolution 55/25 of 2000 that adopts UNTOC and would read as follows: **[Article 18bis: Prevention and combating transnational organized crime****States parties recognize the negative economic and social implications related to organized crime activities, which represent a serious threat to peace and security and an obstacle to sustainable development. To this end, States Parties, in accordance with the United Nations Convention on Transnational Organized Crime, shall, individually and jointly:****(a)** **Promote and strengthen measures as may be necessary, to prevent and combat all forms of organized crime;****(b)** **Establish criminal offences and other measures as may be necessary, in line also with international legal instruments, to prevent and combat transnational organized crime;****(c)** **Promote, facilitate and strengthen international cooperation and technical assistance to prevent and combat such activities more effectively at the national, regional and international levels, and to deny safe havens to those who engage in transnational organized crime by prosecuting their crimes wherever they occur and by cooperating at international level this end.]** |

States Parties recognize that corruption represents a serious obstacle to the realization of the right to development. To this end, States Parties shall, individually and jointly:

**UNODC:**

States Parties recognize that corruption represents a serious obstacle to the realization of the right to development. States Parties shall, [**in accordance][ ~~line~~** ] [**with the United Nations Convention against Corruption]**, individually and jointly:

(Explanation: adding reference to the United Nations Convention against Corruption (UNCAC), which is the only legally binding universal anti-corruption instrument. To date, UNCAC has 189 parties, 184 of which are UN Member States. The Parties to the Convention on the Right to Development will be the same Member States. Therefore, a reference to UNCAC in Article 18 would avoid fragmentation of the international legal framework on corruption. It would further ensure that the article is read in conjunction with the broader anti-corruption framework provided by UNCAC.)

(a) Promote and strengthen measures to prevent and combat corruption;

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| **Ecuador:**Promote and strengthen measures to prevent and combat corruption **[in the public and private spheres].** **UNODC:**(a) Promote and strengthen measures to prevent and combat corruption **[more efficiently and effectively]**; |

(b) Promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery;

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| **UNODC:**Promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption [**and in the recovery and return of stolen assets];[** ~~, including in asset recovery; ]~~(Explanation: Making reference to the recovery and return of stolen assets, by reproducing the language used in the UN Convention against Corruption (UNCAC) and the political declaration adopted by the United Nations General Assembly Special Session (UNGASS) against corruption.)**CETIM (Centre Europe-Tiers Monde):** Promote, facilitate and support international cooperation **[judicial or legal assistance and other technical assistance]** and technical assistance in the prevention of and fight against corruption, including in asset recovery;(Explanation: We have just one small observation regarding Article 18. Very often when we talk about economic crimes such as corruption, there are obstacles that stand in the way to appropriate action, particularly when we are talking about affairs involving two or even more states. We believe that technical assistance does not actually cover those legal proceedings, and so after international cooperation, we could add “judicial or legal assistance and other technical assistance” so that when we are talking about cases that concern several countries, there would be judicial or legal cooperation between those countries to prevent and sanction economic crimes.)**Ecuador:**Promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset **[tax evasion and avoidance]** recovery; |

(c) Promote integrity, accountability and proper management of public affairs and public property;

No comments.

(d) Ensure financial integrity and transparency in international financial architecture, taxation and transactions.

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| **Russian Federation:****Delete** this sub paragraph.(Explanation: we propose that this paragraph be deleted because its wording is too vague, given the broad subject matter of this article, which is the fight against corruption.)**Ecuador:**We suggest adding:**[The Member States shall establish mechanisms to promote and encourage citizens to be aware of the right they have to access public information and provide the tools to comply with this right.]**  **South Africa:****Comment:** On article 18(d), maybe to speak on enhanced reinforcement and financial integrity with regards to corruption.**UNODC:****Delete** this subparagraph.(Explanation: it is already covered in subparagraphs (a) and (c). With regard to the term “taxation”, it is not per se a corruption-related issue, though it may be relevant to other provisions of the draft Convention.) |

**Article 19 — Prohibition of limitations on the enjoyment of the right to development**

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| **Russian Federation:****Comment :** ​​On Article 19, we have taken note of the fact that the article consists of two parts. The first says that there should not be any limitation, and the second is that there might be some limitations relating to the exercise of other human rights in accordance with international law. However, we do think that this article could have been further clarified, using Article 4 of the International Covenant on Civil and Political Rights.**Argentina :****Comment :** Prohibition of limitations may be too broad. |

States Parties recognize that the enjoyment of the right to development may not be subject to any limitations except insofar as they may result directly from the exercise of limitations on other human rights applied in accordance with international law.

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| **Iran (Islamic Republic of):**States Parties recognize that the enjoyment of the right to development may not be subject to any limitations except insofar as they may result directly from the exercise of limitations.  ~~on other human rights applied in accordance with international law.~~(Explanation: With regard to article 19, we would like to take this opportunity to reiterate our previous proposal to amend this article and to[delete of the part after “limitations”]because setting a limitation or giving permission to have a limitation on this, may be contradicted with the main purpose of this convention. We **suggest** full stop after the word “limitations”]. Alternatively, we can suggest a new formulation for this paragraph, we can work it, and we will send it by email to the Secretariat for consideration.) |

Article 20 — Impact assessments

No comments.

1. States Parties undertake to take appropriate steps, individually and jointly, including within international organizations, to establish legal frameworks for conducting prior and ongoing assessments of actual and potential risks and impacts of their national laws, policies and practices, and international legal instruments, policies and practices, and of the conduct of legal persons that they are in a position to regulate to ensure compliance with the provisions of the present Convention.

No comments.

2. States Parties shall take into account any further guidelines, best practices or recommendations that the Conference of States Parties may provide with respect to impact assessments.

No comments.

**Article 21 — Statistics and data collection**

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| **Russian Federation:****Comment:** Suggested to **delete this article**. But in case it is decided to keep it, they proposed the below: |

1. States Parties undertake to collect appropriate information, including statistical and research data from official and other sources, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

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| **Russian Federation:**States Parties undertake to collect appropriate information, including statistical and research data ~~from official and other sources~~, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:**China**:States Parties undertake to collect appropriate information, including statistical and research data [~~from official and other sources]~~ to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall: |

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for privacy online and offline;

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| **Russian Federation:****Comment:** On the subparagraph (a), in accordance with Article 31 of the Convention on the Rights of Persons with Disabilities in this context, we mentioned our problem with “online” and “offline”. We cannot accept such terminology in a legally binding document. |

(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

No comments.

2. The information collected in accordance with the present article shall be disaggregated, as appropriate, and used by the State Party to assess the implementation of its obligations under the present Convention and to identify and address the obstacles to the full realization of the right to development.

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| **Ecuador:**The information collected in accordance with the present article shall be disaggregated, as appropriate, and used by the State Party to assess the implementation of its obligations under the present Convention **[consistent with your national plans and programs]** and to identify and address the obstacles to the full realization of the right to development. |

3. States Parties shall assume responsibility for the dissemination of these statistics in a manner consistent with the objective of fully realizing the right to development for all

No comments.

**Article 22 — International peace and security**

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| **Panama:****Comment :** My delegation would like to offer its firm support to the inclusion of this article, and we do hope that it will be retained. The language proposed seems to us to be consistent with preamble paragraph 12 and Articles 7 and 10 of the Declaration on the Right to Development.**Argentina:****Comment :** On Article 22, we are not certain that this is the core objective of the document, and there are already other documents on these issues. We are also concerned about Article 18 for the same reason. |

1. States Parties reaffirm their existing obligations under international law to promote the establishment, maintenance and strengthening of international peace and security in consonance with the principles and obligations contained in the Charter of the United Nations, including the peaceful settlement of disputes.

No comments.

2. To that end, in accordance with international law, States Parties undertake to pursue collective measures with the objective of achieving general and complete disarmament under strict and effective international control so that the world’s human, ecological, economic and technological resources can be used for the full realization of the right to development for all.

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| **Russian Federation:** ~~To that end, in accordance with international law, States Parties undertake to pursue collective measures with the objective of achieving general and complete disarmament under strict and effective international control so that the world’s human, ecological, economic and technological resources can be used for the full realization of the right to development for all.~~(Explanation: On Article 22, Russia reiterates in that States do not have obligations for complete disarmament, negotiations, and collective action. It is quite clear that all of that is continuing. The Non-Proliferation Treaty imposes on nuclear states, and in principle on States' obligations, to not proliferate rather than to completely disarm. In current international law, there is no norms to ban the possession of nuclear weapons or the use of its potential as a deterrent. We kindly ask to delete paragraph 2 of article 22, because there is a distinction between documents of recommendatory character and legal obligations.) |

3. States Parties undertake to promote peace and inclusive societies within their territories for the full realization of the right to development for all.

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| **Holy See:**States Parties undertake to promote peace [~~and inclusive societies~~**]** within their territories for the full realization of the right to development for all.**(**Explanation: The Holy See welcomes the addition of the paragraph as an important step in strengthening the commitment to peace and security with regard to development. However, the reference to “and inclusive societies” is unnecessary and out of place within the context of this sub-paragraph. The Holy See therefore requests its deletion.)**UNODC :**UNODC noticed that, while the concept of disarmament is mentioned in paragraph 2 of Article 22, the inclusion of reference to “*illicit arms flows*” would further align article 22.3 with the wording of the Agenda for Sustainable Development and add the important component of illicit arms transfers to criminals and non-state armed groups to the text of the convention.States Parties undertake **[to significantly reduce illicit arms flows]** and promote peace and inclusive societies within their territories for the full realization of the right to development for all.(Explanation : The suggestion of adding reference to illicit arms flows is based on the General Assembly's acknowledgment that “the issue of the illicit trade in small arms and light weapons […] and their uncontrolled spread in many regions of the world has a wide range of humanitarian and socioeconomic consequences and poses a serious threat to peace, reconciliation, safety, security, stability ***and sustainable development*** at the individual, local, national, regional and international levels” (See e.g. [A/RES/76/232](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F76%2F232&Language=E&DeviceType=Desktop&LangRequested=False)). The importance of combating illicit arms flows to ensure peace and stability has also been recognized in Security Council's resolution [2117 (2013)](http://unscr.com/en/resolutions/doc/2117), which “recall[ed] with grave concern that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel armed conflicts and have a wide range of negative human rights, humanitarian, *development and socioeconomic consequences*”. ) |

**Article 23 — Sustainable development**

No comments.

States Parties, individually and jointly, undertake to ensure that:

No comments.

(a) Laws, policies and practices relating to development at the national and international levels are aimed at and contribute to the realization of sustainable development, consistent with States Parties’ obligations under international environmental law, climate change law and human rights law;

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| **Egypt:**Laws, policies and practices relating to development at the national and international levels are aimed at and contribute to the realization of sustainable development, consistent with States Parties’ obligations under international environmental law, ~~climate change law~~  **[UNFCCC and Paris Agreement]** and human rights law;(Explanation: We have concerns on Article 23 about sustainable development. For subparagraph (a), it is not clear to what exactly the phrase "climate change law" refers to; thus, we prefer that instead we can refer to the UNFCCC, as well as to the Paris Agreement.)**Ecuador:**Laws, policies and practices relating to development at the national and international levels are aimed at and contribute to the realisation of sustainable development, including  **[In favour of the human right to access and use of water]**, consistent with States Parties’ obligations under international environmental law, climate change law and human rights law;**Russian Federation :**Laws, policies and practices relating to development at the national and international levels are aimed at and contribute to the realization of sustainable development, consistent with States Parties’ obligations under international **[**~~environmental~~**]** law, **[**~~climate change law~~**]** and human rights law;(Explanation:On Article 23 subparagraph (a), regarding the international environmental law and climate change law which are often seen as one single sector of the international law, there is a difference between legally binding documents and recommendations. International Commissions consist of independent experts who offer recommendations on the development of international law and its codification. This subparagraph should be brought in line with what we have in other international conventions and treaties. In our view, a body of experts cannot interpret States obligations in international conventions on the human rights. States sign and ratify Conventions and thus assume certain obligations.If we are talking about the right to development as one of the human rights that falls under this possible future area of international rights, then we need to talk about economic rights also into other areas of law. Thus, it is not appropriate here to invent any kinds of reasons for the inclusion of different areas or sectors.)**Iran :**Laws, policies and practices relating to development at the national and international levels are aimed at and contribute to the realisation of sustainable development, consistent with States Parties’ obligations under international environmental law, [~~climate change law]~~  and human rights law; **[taking into account different national realities, capacities and levels of development and respecting national policies and priorities; and in accordance with common and differentiated development; (Resolution adopted by the General Assembly on 25 September 2015: Transforming our world: the 2030 Agenda for Sustainable Development)** ]**Holy See:**Laws, policies and practices relating to development at the national and international levels are aimed at and contribute to the realization of sustainable development, consistent with States Parties’ obligations under **[applicable]** international **[** ~~environmental~~**]** law **[** ~~climate change law and human rights law~~**];****(**Explanation: The Holy See is of the position that referring generally to “applicable international law” helps to ensure that all relevant aspects of international law are included in the realization of sustainable development.) |

(b) Their decisions and actions do not compromise the ability of present and future generations to realize their right to development;

No comments.

(c) The formulation, adoption and implementation of all such laws, policies and practices aimed at realizing sustainable development are made fully consistent with the provisions of the present Convention and other obligations for realizing sustainable development in international law.

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| **Russian Federation:****Delete** this subparagraph.**Ecuador:**The formulation, adoption and implementation of all such laws, policies and practices aimed at realizing sustainable development are made fully consistent with the provisions of the present Convention and other obligations for realizing sustainable development in international law **[ “in line with the national plans and programs”].** **Comment:** For the States, the formulation of public policies and regulations are applied with criteria that respond to the sustainable development objectives (SDGs); and thus guarantee the elimination of poverty and generate the development of the States. |

**Article 24 — Harmonious interpretation**

No comments.

1. Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention. To that end, the United Nations and its specialized agencies are under an obligation to promote the right to development.

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| **Russian Federation**:Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention. **[**~~To that end, the United Nations and its specialized agencies are under an obligation to promote the right to development.~~**]**(Explanation: We retain our objection, for deleting the last sentence that states **“**the United Nations and its specialized agencies” we are not only talking about specialized agencies, but also about the UN system as a whole in order to promote the Right to Development. In this connection, the WTO actively participates in the UN system. For instance, within UNCTAD, the WTO participates as an observer. And, if we look at the UN system and its individual structures and bodies, there is a coordinating council within the United Nations that is called in English “the Chief Executive Board of the United Nations”. In addition, the WTO also participates in the person of the Director General. As a result, we cannot say that the RDO has no connection with the United Nations.We consider that it is a new aspect to have international organizations within an international Convention on human rights. There is already a reference to international organization in the Commission on the Rights of People with Disabilities, from which we could borrow those articles. In addition, CRPD has certain functions as a supra-national organization.)**Holy See:**Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention. **[**~~To that end, the United Nations and its specialized agencies are under an obligation to promote the right to development~~**] [Alt: To that end, the States Parties recognize that the United Nations and its specialized agencies are under an obligation to promote the right to development]**.**(Explanation:** While the Commentary affirms that it does not intend to create additional obligations for the UN and its specialized agencies, simply reaffirming the obligations that are contained in the Charter and the constitutive documents of the various specialized agencies, it is inappropriate in a legally binding instrument to define the obligations of another international body. For this reason, the Holy See requests the deletion of the final phrase of this sub-paragraph or, if that is not possible, the adoption of the alternative language proposed above.) |

2. The provisions of the present Convention shall not affect the rights and obligations of any State Party deriving from any existing international law, except where the exercise of those rights and the discharge of those obligations would contravene the object and purpose of the present Convention. The present paragraph is not intended to create a hierarchy between the present Convention and other international law.

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| **Russian Federation:****Comment:** The Russian Federation requests the deletion of Article 24.2, because there are already existing bodies responsible for this.**Holy See:**The provisions of the present Convention shall not affect the rights and obligations of any State Party deriving from any existing international law, except where the exercise of those rights and the **[**~~and discharge of those obligations~~**]** would contravene the object and purpose of the present Convention. The present paragraph is not intended to create a hierarchy between the present Convention and other international law.**(**Explanation**:** The provisions of the present Convention could potentially affect the rights enjoyed in virtue of other international agreements, especially where the RTD is concerned, under the principle of pact sunt servanda it would be inappropriate to assert that the obligations under other instruments are affected by this Convention. If this were to be the case, a de facto hierarchy of international agreements would be created, notwithstanding the final phrase of this article.) |

**Part IV**

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| **South Africa:****Comment:** In our view, it would be a big disappointment if Part IV were deleted or diluted, as the absence of an implementation mechanism (which the Convention clearly states will be non-adversarial and non-punitive) would seriously reduce the real-world impact of the convention and arguably put it on a lesser footing compared to other human rights instruments. |

**Article 25 — Conference of States Parties**

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| **Brazil:****​​Comment:** Regarding Article 25, Brazil views the establishment of a Conference of the Parties unnecessary, given the existence of the Expert Mechanism on the right of development, the mandate of the Special Rapporteur on the Right to Development and also the present Working Group. It is important to bear in mind the need to rationalise the work of the UN to fulfil the existing mandates.**Panama:****Comment:**  On part 4 of the document, we have a few doubts about Articles 25 and 27 on the establishment of the Conference of States Parties and to an implementation mechanism. Our preference would be to have a Committee, as was done with other international human rights treaties. We would like to see a clear indication of the number of expert and balanced geographical and gender representation, as well as a representation of Persons with Disabilities. In the document prepared with commentaries, there is reference to the fact that what we are trying to avoid is increasing the reporting burden on Member States in particular. Because Member States have already to submit many reports, including to Treaty Bodies. In this particular case, however, our feeling is that it would be better to follow what has always been the established practice. In conclusion, we would like retain the use of word “gender'' in the text.**Pakistan:****Comment :** On Article 25 and 27, in line with the suggestions made by our colleagues the Russian Federation and Egypt, we suggest that we should align the contents of this article with the other covenants, especially the ICCPR and the ICESCR. We believe that the domain of examining the report should remain with the implementation mechanism. We should call it maybe the Committee on the Rights of Development, as we have established the Human Rights Committee. Instead of calling it an implementation mechanism, we can refer it to the Committee on right to development. Similarly, we agree with the Russian Federation on transmitting the report as indicated in Article 5. It would be only to the General Assembly, since we are not clear about the future mandate of this Working Group after the adoption of the Covenant and the High Political Forum on Sustainable Development. In general comments on the implementation mechanism, there is no such provision in previous human rights covenants. Thus, we may avoid it. **International Human Rights Association of American Minorities:** **Comment :** What we view as constructive ambiguity in standard setting can create gaps or a limitation in participation in a manner that denies human rights or the ability to address the realization of the right to development. The mandate of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) is limited. Thus addressing solely on recommendations from EMRIP will not take into account the universal aspect of the right of self-determination.IHRAAM requests that States review and accept this proposal to bridge the existing gap in implementing the right to development.Again, recognized “peoples”, must not be treated as civil society. |

1. A Conference of States Parties is hereby established.

No comments.

2. The Conference of States Parties shall keep under regular review the effective implementation of the Convention and any related legal instruments that the Conference of States Parties may in future adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To that end, the Conference of States Parties shall:

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| **Holy See:**The Conference of States Parties shall keep under regular review the effective implementation of the Convention and any related legal instruments that the Conference of States Parties may in **[the]** future adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To that end, the Conference of States Parties shall**(**Explanation: Typographical correction.) |

(a) Periodically examine reports by States Parties on the implementation of their obligations under the Convention and the obstacles that they face in the realization of the right to development, in light of the object and purpose of the Convention. In this regard, the Conference of States Parties may refer such reports to the implementation mechanism contemplated under Article 27 of the present Convention;

No comments.

(b) Promote and facilitate the open exchange of information on measures adopted by States Parties to address the realization of the right to development, taking into account the differing circumstances, responsibilities and capabilities of States Parties and their respective obligations under the Convention;

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| **Ecuador:**Promote and facilitate the open exchange of information on measures adopted by States Parties to address the realization of the right to development, taking into account the differing circumstances, responsibilities and capabilities of States Parties **[their national plans and programs.]** and their respective obligations under the Convention;**Russian Federation:**Delete this subparagraph, because of duplication with UPR. |

(c) Promote, develop and periodically refine, in accordance with the provisions of the present Convention, the methodologies and best practices for States Parties to assess the status of the realization of the right to development;

No comments.

(d) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and governmental and non-governmental bodies;

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| **Russian Federation:****Delete** this subparagraph, because of duplication with UPR.(Explanation: it should be transferred to the implementation mechanism.) |

(e) Consider and adopt regular reports on the status of implementation of the Convention, and ensure their publication;

No comments.

(f) Make recommendations on any matters relevant to the implementation of the Convention, and ensure their publication;

No comments.

(g) Exercise such other functions as are required for the achievement of the object and purpose, as well as the aims, of the Convention.

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| **Holy See:**Exercise such other functions **[,within the scope of the Convention,]** as are required for the achievement of the object and purpose, as well as the aims, of the Convention.(Explanation: The proposed modification seeks to limit the scope of the functions and activities that the Conference in this regard.) |

3. The first session of the Conference of States Parties shall be convened by the Secretary-General of the United Nations no later than six months after the entry into force of the present Convention. At its first session, the Conference of States Parties shall adopt its own rules of procedure, which shall include decision-making for matters not already stated in the Convention.

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| **Russian Federation:**The first session of the Conference of States Parties shall be convened by the Secretary-General of the United Nations no later than six months after the entry into force of the present Convention. At its first session, the Conference of States Parties shall adopt its own rules of procedure, **{Reservation:** which shall include decision-making for matters not already stated in the Convention.**}**(Explanation: we reserve our position with respect to the end of this paragraph. Perhaps we will need additional explanation with respect to decision making for matters not already reflected or stated in the Convention. We have a concern with respect to the section that reads “which shall include decision making for matters not already stated in the Convention”. We are not completely convinced that the ending of this subparagraph is appropriate.) |

4. The Conference of States Parties shall meet in public sessions, except as otherwise determined by it, in accordance with its rules of procedure.

No comments.

5. All States not party to the present Convention, specialized agencies, funds and programmes of the United Nations system, other international organizations, United Nations human rights mechanisms, regional human rights bodies, national human rights institutions and non-governmental organizations with consultative status with the Economic and Social Council may participate as observers in the public sessions of the Conference of States Parties. The Conference of States Parties may, in accordance with its rules of procedure, consider requests from, or may invite, other stakeholders to participate as observers.

No comments.

6. The Conference of States Parties shall be held annually as part of the sessions of the Working Group on the Right to Development.

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| **Russian Federation:****Delete** this paragraph.(Explanation: we still need to discuss the mandate of the Working Group, and whether it needs to be preserved after the adoption of the Convention. As far as we know, the Conference of States Parties is constituted of high-level delegations. The Working Group on the right to development has experts. Thus, we are not sure that the correct hierarchy therefore is reflected in this subparagraph.)**Egypt:****Comment :** Egypt expresses reservations that the conference of state parties be held annually as part of the sessions of the Working group on the Right to Development. **Holy See:**The Conference of States Parties shall be held annually **[**~~as part of the sessions of the Working Group on the Right to Development.~~**]****(**Explanation**:**- States Parties do not have jurisdiction to determine the internal processes of the Working Group and therefore do not have the right to dictate that part of its sessions will be dedicated to the Conference;- while operative for several years, the Working Group may one day be terminated; it is inadvisable that the Conference be dependent on a separate and distinct international organ;- modalities for coordinating with the Working Group could just as easily, and much more appropriately, be addressed within the Rules of Procedure of the Conference)**China**:The Conference of States Parties shall be held annually **~~[as part of]~~ [during]** the sessions of the Working Group on the Right to Development. |

7. Special sessions of the Conference of States Parties shall be held at such other times as it may deem necessary, or upon the request of any State Party, in accordance with its rules of procedure.

No comments.

8. The Conference of States Parties shall transmit its reports to the General Assembly, the Economic and Social Council, the Human Rights Council, the Working Group on the Right to Development and the high-level political forum on sustainable development.

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| **Russian Federation:**The Conference of States Parties shall transmit its reports to the General Assembly, **[**~~the Economic and Social Council, the Human Rights Council, the Working Group on the Right to Development and the high-level political forum on sustainable development.~~**]**(Explanation:On article 25.8, we do not see any added value in submitting reports to bodies of a lower level than the General Assembly.) |

Article 26 — Protocols to the Convention

No comments.

1. The Conference of States Parties may adopt protocols to the present Convention.

No comments.

2. The text of any proposed protocol shall be communicated to States Parties at least six months before consideration.

No comments.

3. The requirements for entry into force shall be established by that instrument.

No comments.

4. Decisions under any protocol shall be taken only by the States Parties to the protocol concerned.

No comments.

**Article 27—Establishment of an implementation mechanism**

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| **Colombia:****Comment:** Under Articles 25 and 27 of the draft Convention, States are required to submit periodic reports on compliance with and implementation of the Convention to the Conference of the Parties established by the Convention.Article 27 also provides that the Conference of the States Parties shall establish an implementation mechanism, consisting of independent experts, that facilitate and promote the implementation of and compliance with the convention (which is part of the general mandate of an Implementation and Compliance Committee).This mechanism, in addition to adopting general recommendations to States in the interpretation and application of the Convention, is empowered to "(Art. 27. C) “Review requests by rights holders to comment on situations in which their right to development has been adversely affected by the failure of States to comply with their duty to cooperate, as reaffirmed and recognized under the present Convention, within the mandate established for this purpose by the Conference of States Parties.”In other words, the Convention creates a system of individual petitions, administered by the implementation mechanism, to which the holders of the right to development (individuals and peoples) can appeal when their right to development has been undermined by the failure of States to comply with their duty to cooperate.In this sense, Colombia could not be in the position to support the creation of such a mechanism, since we believe that the creation of new mechanisms setting the possibility for international claims on human rights will weaken the possibility to reach the required consensus necessary to advance in the negotiation of the instrument.**Russian Federation:****Comment:** On Article 27, we have concerns that the creation of the implementation mechanism without a Committee would not have the support of our delegation, because the implementation mechanism would duplicate the work done by the supposed Committee. in this connection, we reiterate our support to create such a Committee, but not an implementation mechanism with a traditional range of functions.**Panama:****Comment:** On part 4 of the document, we have a few doubts about Articles 25 and 27 on the establishment of the Conference of States Parties and to an implementation mechanism. Our preference would be to have a Committee, as was done with other international human rights treaties. We would like to see a clear indication of the number of expert and balanced geographical and gender representation, as well as a representation of Persons with Disabilities. In the document prepared with commentaries, there is reference to the fact that what we are trying to avoid is increasing the reporting burden on Member States in particular. Because Member States have already to submit many reports, including to Treaty Bodies. In this particular case, however, our feeling is that it would be better to follow what has always been the established practice. In conclusion, we would like retain the use of word “gender” in the text.**Pakistan:****Comment:** On Article 25 and 27, in line with the suggestions made by our colleagues the Russian Federation and Egypt, we suggest that we should align the contents of this article with the other covenants, especially the ICCPR and the ICESCR. We believe that the domain of examining the report should remain with the implementation mechanism. We should call it maybe the Committee on the Rights of Development, as we have established the Human Rights Committee. Instead of calling it an implementation mechanism, we can refer it to the Committee on right to development. Similarly, we agree with the Russian Federation on transmitting the report as indicated in Article 5. It would be only to the General Assembly, since we are not clear about the future mandate of this Working Group after the adoption of the Covenant and the High Political Forum on Sustainable Development. In general comments on the implementation mechanism, there is no such provision in previous human rights covenants. Thus, we may avoid it. **Associazione Comunita Papa Giovanni XXIII on behalf of CINGO:** **Comment:** With regards to “Establishment of an implementation mechanism”, we would like to reiterate that the Convention should better describe such a mechanism and not to postpone its creation to the first Conference of States Parties. We propose modelling it on the mechanisms of the committees currently found in the major United Nations human rights treaties such the CRC, CEDAW, CRPD.**Argentina:****Comment:** The draft is giving in ARTICLE 27. 3. C to the rights holders the possibility to make specific requests to this mechanism. We would like to note that for our delegation there are a number of issues to be considered in this instrument that we are not sure about the relevance of inserting such a mechanism in this instrument, such as:the right to development is unclearly defined, as are the enforceable state obligations;the holders of the right are not only individuals, but also "peoples" - a concept that is not defined; Finally, it is nowhere made clear that a state is only responsible for persons subject to its jurisdiction, but seems to state precisely the opposite.Furthermore, Article 27 of the new proposal could, in general terms, render the Voluntary National Reports of the 2030 Agenda null and void.  |

1. At its first session, the Conference of States Parties shall establish an implementation mechanism to facilitate, coordinate and assist, in a non-adversarial and non-punitive manner, the implementation and promotion of compliance with the provisions of the present Convention.

No comments.

2. The implementation mechanism shall consist of independent experts, consideration being given to, inter alia, gender balance and equitable geographic representation as well as to an appropriate representation of different legal systems.

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| **Russian Federation:** **Comment :** On article 27.2, we are not completely confident with respect to the inclusion of “gender balance”. First, such a provision should be laid out in the rules of procedure and some other document. The issue is that when we say “gender balance” or ensuring actual equal opportunities for women”, this should not be discriminatory. Second, when we are talking about mechanisms and particularly expert mechanisms, experts play the greatest role. If gender balance is mentioned, it would be very important also to include some provisions of the UN Charter, such as 101, which mentions professionalism, competence, the experience of staff. |

3. The implementation mechanism shall:

No comments.

(a) Adopt general comments or recommendations to assist in the interpretation or implementation of the provisions of the Convention;

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| **Russian Federation:** **Delete** this subparagraph.**Alliance Defending Freedom:****[**~~Adopt general comments or recommendations to assist in the interpretation or implementation of the provisions of the Convention~~Periodically examine reports by States Parties on the implementation of their obligations under the Convention, and in this regard to make such suggestions and general recommendations on these reports as it may consider appropriate;**]**(Explanation: The express recognition of an institutional competence on the part of the implementation mechanism to ‘assist in the interpretation of the provisions of the treaty’ has no precedent in any international human rights instrument adopted within the framework of the United Nations. In fact, for each of the core international human rights instruments there is a only recognized competence upon the relevant treaty bodies to prepare “comments”, “suggestions” or “recommendations” based exclusively on the examination of the reports and information received from the States Parties. Nowhere is provision made for such general comments or observations to apply evolutionary interpretations of treaty provisions, nor to bear a normative guidance role with regard to their implementation. It is well-known that rather than being mandated by the relevant treaties, the evolution of general comments into alleged “sources of evolutionary interpretation” of treaty obligations, took place as a result of the self-regulatory prerogatives accorded to treaty monitoring bodies under their respective constitutive instruments, and that in a number of cases such interpretations stand in flagrant contradiction with the established rules of interpretation of treaties as set forth in the Vienna Convention on the Law of Treaties and in customary international law. It is not by chance that States have often put on record their rejection of such documents.Without an express conferral of competence to consider the periodic reports submitted by States Parties, and in the absence of an explicit requirement that the content of general comments or recommendations be based on the information contained in such reports, the implementation mechanism would not only lack the necessary experience, but also the legitimacy to issue general comments or recommendations of any kind.) |

(b) Review obstacles to the implementation of the Convention at the request of the Conference of States Parties;

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| **Alliance Defending Freedom:****[**~~Review obstacles to the implementation of the Convention at the request of the Conference of States Parties;~~ Adopt general comments or recommendations to assist in the interpretation or implementation of the provisions of the Convention In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention, make suggestions and general recommendations based on information received pursuant to subparagraph (a);**]** |

(c) Review requests by rights holders to comment on situations in which their right to development has been adversely affected by the failure of States to comply with their duty to cooperate, as reaffirmed and recognized under the present Convention, within the mandate established for this purpose by the Conference of States Parties;

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| **Iran (Islamic Republic of):****Delete** this subparagraph.Iran proposes that paragraph 27.3(c) be deleted.**Russian Federation :****Delete** this subparagraph.(Explanation: On article 27.3.(c), we get the impression from this subparagraph that the implementation mechanism will consider cases of violation by any State, even those who have not signed or never seen the Convention. If we are talking about just States Parties, this needs to be indicated clearly, so that it reads “States Parties” and not “State” alone. In the same paragraph, the term “rights holders” does not bring any change when comparing with terms under other human rights treaties.**Colombia :** **Comment:** This mechanism, in addition to adopting general recommendations to States in the interpretation and application of the Convention, is empowered to (Art. 27. C) “Review requests by rights holders to comment on situations in which their right to development has been adversely affected by the failure of States to comply with their duty to cooperate, as reaffirmed and recognized under the present Convention, within the mandate established for this purpose by the Conference of States Parties.”In other words, the Convention creates a system of individual petitions, administered by the implementation mechanism, to which the holders of the right to development (individuals and peoples) can appeal when their right to development has been undermined by the failure of States to comply with their duty to cooperate.In this sense, Colombia could not be in the position to support the creation of such a mechanism, since we believe that the creation of new mechanisms setting the possibility for international claims on human rights will weaken the possibility to reach the required consensus necessary to advance in the negotiation of the instrument.**Alliance Defending Freedom:****[**~~Review requests by rights holders to comment on situations in which their right to development has been adversely affected by the failure of States to comply with their duty to cooperate, as reaffirmed and recognized under the present Convention, within the mandate established for this purpose by the Conference of States Parties;~~ Transmit to any State Party concerned and report to the General Assembly its suggestions and general recommendations under subparagraphs (a) and (b), together with comments, if any, from States.**]****China:** **Delete** this subparagraph. |

(d) Undertake any other functions that may be vested by the Conference of States Parties.

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| **Holy See:**Undertake any other functions that may be vested by the Conference of States Parties **[and that lie within the purview of the Convention]**(Explanation: The proposal is aimed at focusing the work of the implementation mechanism to those areas relevant to the Convention.) |

**Part V**

No comments.

Article 28 — Signature

No comments.

1. The present Convention shall be open for signature by all States and international organizations at United Nations Headquarters in New York as of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

No comments.

Article 29 — Consent to be bound

No comments.

1. The present Convention shall be subject to ratification, approval or acceptance by signatory States.

No comments.

2. Notwithstanding the obligations of international organizations existing under international law and the present Convention, the consent of signatory international organizations to be bound by the present Convention shall be expressed through an act of formal confirmation.

No comments.

3. The present Convention shall be open for accession by any State or international organization that has not signed the Convention.

No comments.

**Article 30—International organizations**

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| **China:****Comment:** First, we would like to make it clear that the rights holders include all of the persons and peoples, according to the context of this Convention. On Article 30, we noticed that this part is similar to the zero draft. Nevertheless, we would like to reiterate that it is not typical for international treaties to consider international organisations as Parties of exercising the right to vote. Therefore, it will be appropriate to refer only to States that hold the responsibility of implementation. Thus, we keep our reservation on this article. **Delete** this article.**Russian Federation:****Delete** this article.(Explanation: We cannot agree to create the opportunity to become parties to international conventions. We need to understand that they have different mandates. Looking at those organisations, they have their own obligations or mandates, they have their own nature, and we cannot put them all on the same level and treat them all the same way.)**Iran (Islamic Republic of) :**  **Delete** this article. |

1. International organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the present Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

No comments.

2. References to “States Parties” in the present Convention shall apply to such organizations within the limits of their competence.

No comments.

3. For the purposes of article **~~30~~ [31]**, paragraph 1, and article **~~31~~ [33]**, paragraphs 2 and 3, any instrument deposited by an international organization shall not be counted.

No comments.

4. International organizations, in matters within their competence, may exercise their right to vote at the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Convention. Such an organization may not exercise its right to vote if any of its member States exercises its right, and vice versa.

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| **Egypt:****Comment :** Egypt expresses reservations about Article 30, paragraph 4 which confers the right to vote to international organisations. |

Article 31 — Entry into force

No comments.

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

No comments.

2. For each State or international organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

No comments.

**Article 32 — Reservations**

No comments.

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

No comments.

2. Reservations may be withdrawn at any time.

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| **Argentina:**1. **[Reservations may be withdrawn at any time.**
2. **Reservations incompatible with the object and purpose of the present Convention shall not be permitted.]**

(Explanation: Argentina proposes a change in the order of the text, as above.Firstly, admitting the possibility of making reservations, and only then establishing restrictions on them according to their content.) |

Article 33 — Amendments

No comments.

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months of the date of such communication, at least one third of States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.

No comments.

2. An amendment adopted and approved in accordance with paragraph 1 of the present article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties that have accepted it.

No comments.

3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of the present article that relates exclusively to articles 25, 26 and 27 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

No comments.

Article 34—Denunciation

No comments.

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

No comments.

**Article 35 *—* Dispute settlement between States Parties**

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| **Colombia:****Comment:** The Draft Convention provides not only for a system of individual-State rights and obligations, but also for a scheme of reciprocal inter-State duties.Colombia would not be in the position of accepting clauses or agreements that grant jurisdiction to the International Court of Justice to resolve disputes regarding human rights obligations.**China:****Delete** this article.Explanation**:** We think that Article 35 is not a common or necessary practice, so we suggest deleting this article. |

Any dispute between two or more States Parties with respect to the interpretation or application of the present Convention that has not been settled by negotiation may, upon agreement by the parties to the dispute, be referred to the International Court of Justice for a decision.

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| **Russian Federation:** Any dispute between two or more States Parties with respect to the interpretation or application of the present Convention that has not been settled by negotiation may, upon agreement by the parties to the dispute, be referred to the International Court of Justice for a decision **[Add: unless the disputants agree to another mode of settlement]**. **(**Explanation : We would like to propose adding an ending to the subparagraph, which could offer new opportunities to resolve disputes, including peacefully. Hence, we are proposing the addition of that short phrase in English in order to offer states a broad range of possibilities to resolve their disputes.)**Comment:** Lastly, we note that here are legally binding documents and there are advisory or recommendatory documents. In this regard, the Russian Federation could not support mentioning the ILO 190, given that certain provisions in that Convention were very controversial. |

Article 36 — Accessible format

No comments.

The text of the present Convention shall be made available in accessible formats.

No comments.

Article 37 — Depositary

No comments.

The Secretary-General of the United Nations shall be the depositary of the present Convention.

No comments.

Article 38 — Authentic texts

No comments.

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

No comments.

**In witness thereof, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.**

No comments.

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| **Additional comments:****Geneva Academy – LVC – CETIM – FIAN (Joint contribution)**Inspired by Article 17 on Indigenous Peoples of the Draft Convention on the Right to Development, and using agreed language taken from UNDROP’s Articles 2.3, 3.2 and 5.2, we propose the following new article for inclusion in the UN Convention on the Right to Development.New Article. Peasants and Other People Working in Rural Areas1. Peasants and other people working in rural areas have the right to determine and develop priorities and strategies for exercising their right to development.2. In accordance with international law, before adopting and implementing legislation and policies, international agreements and other decision-making processes that may affect the rights of peasants and other people working in rural areas, States shall consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions, engaging with and seeking the support of peasants and other people working in rural areas who could be affected by decisions before those decisions are made, and responding to their contributions, taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.3. States shall take measures to ensure that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based on, but not limited to:(a) A duly conducted social and environmental impact assessment;(b) Consultations in good faith, in accordance with the second paragraph of the present Article;(c) Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people working in rural areas.**Maat for Peace:****Comment (Oral):** The right to development guarantees everyone the right to participate in, contribute to and benefit from economic, social, cultural and political development. The right to development enhances individuals' capabilities, achievements and choices and provides a comprehensive approach to the realization of human rights through attention to structures, processes and outcomes while recognizing the entitlements of individuals as groups, including future generations. It makes equity, equality and justice fundamental determinants of development and promotes the full realization of fundamental freedoms.Indeed, growing inequalities and overall social instability with regard to human rights make many people's access to the right to development unfulfilled.This right was first recognized in 1981 in article 22 of the African Charter on Human and Peoples' Rights as an individual and collective final right. Article 22 (122) states: "All peoples have the right to economic, social and cultural development with due regard to their freedom, identity and equal enjoyment of the common heritage of mankind."**Comment:** In the revised draft convention on the right to development, the Government's Working Group on the Right to Development listed a number of essential items for the inclusion of the right to development, which are as follows:- Definition of the right to development- Relationship between peoples' right to self-determination- Relationship to other human rights- Relationship to everyone's responsibility to respect human rights under international law- States parties' general obligationsIn this contribution, Maat for Peace, Development and Human Rights makes some comments and suggestions that it proposes to add to the basic items of the agreement to be concluded on the right to development.A. Minorities and their responsibility for developmentInternational law on the protection of minorities defines provisions for the political participation of minorities in the State in which they live. However, the relevant provisions have been drafted in vague terms that remain far from establishing any criteria for the different mechanisms to be applied in order to achieve the objective of securing participation, and article 15 of the Framework Convention could serve as an example: "The Parties shall create the necessary conditions for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them."Minority rights are based on the recognition that minorities are in a vulnerable situation in comparison to other major groups. These rights aim to protect minority groups from discrimination, assimilation, prosecution, hostility or violence, as a consequence of their status. It should be highlighted that minority rights do not constitute privileges, but act to ensure equal respect for members of different communities. These rights serve to accommodate vulnerable groups and to bring all members of society to a minimum level of equality in the exercise of their human and fundamental rights.[1]The participation of persons belonging to minorities in public affairs and in all aspects of the country's political, economic, social and cultural life is indeed essential to preserving their identity and combating social exclusion. Mechanisms are needed to ensure that the diversity of society with regard to minorities is reflected in public institutions, such as national parliaments, the civil service, including the police and the judiciary, and that persons belonging to minorities are adequately represented, consulted and empowered. Have a voice in decisions that affect them or the regions and areas in which they live. Participation must be meaningful and not only symbolic, recognizing, for example, that minorities are usually underrepresented and that their concerns may not be adequately addressed.Even women from minorities do not belong to a large extent in their community, they are burdened by the fact that they are minorities in addition to being the vulnerable groups[2]. Therefore, Maat for Peace, Development and Human Rights proposes to add an article on the right of minorities to participate in the development process. The article states:A. The right to development is not restricted to a certain group of people, even if they are more dominant than other groups. "Peoples of all communities, groups and societal fabric, no matter how small or many, have the same responsibility to pursue and work jointly with the State to achieve economic, political and social development. The fruits of such development are enjoyed by the people and equitably distributed among not only economically, socially or politically dominant groups, but also all groups and classes of society.B. The State is committed to promulgating legal and institutional frameworks that ensure the equal distribution of development opportunities and the participation of minorities in development, without prejudice to their identity or ambiguity.B. The role of civil society in developmentCivil society is an ecosystem that impacts social change outside the family, market or government, often referred to as the space in which we work for the public good. Civil society aims to link poor or marginalized people with groups that can mobilize support for assistance.Civil society organizations play multiple roles. They are an important source of information for both citizens and government, monitor government policies and actions, hold the government accountable, participate in advocacy and offer alternative policies to government, the private sector and other institutions. They also provide services, especially for the poor and disadvantaged, defend citizens' rights and work to change and support social norms and behaviours, which is one of the most important pillars of development.[3]Therefore, Maat for Peace proposes acknowledgment in the body of the draft agreement an article emphasizing the role of civil society and the right to participate in development, the texts of which could be as follows:A. The role of civil society as a pillar of development cannot be marginalized through its role in raising citizens' awareness of their rights and duties, monitoring the Government, directing youth energies and entrepreneurs towards a development effort and highlighting the obstacles to the development process and trying to contribute to its resolution.B. The States Parties to the Convention are obligated to providing a safe environment for the full functioning of civil society bodies to fulfil their developmental role by providing spaces for the circulation of information through all images of visual media, allowing peaceful assembly, organizing meetings, symposiums and establishing NGOs. The States Parties shall undertake to supervise and monitor the above in times of peace and war. C. Elimination of violations related to racism and discrimination against refugees and migrantsToday, migrants and refugees worldwide play a major role within society. The causes of migration and asylum in the world have multiplied and varied. Thanks to globalization, anyone in any State can be a migrant or refugee without any difficulty. In low-income States, thousands of migrants flee their countries due to political reasons, persecution from neighbouring States, wars and conflicts, or environmental changes. All of such factors drive people to seek refugee in other safer countries.[4]In high-income or developed countries, migrants leave their homes in search of a better life, or to escape dictatorship. Therefore, today's refugees and migrants are an essential part of the fabric of society, who are working, learning, growing, producing, consuming and participating in the State's development plans. Accordingly, these refugees and migrants have the right to enjoy the development they contribute to achieve in their new countries and also have the right to benefit equitably from the benefits of such development.However, migrants, especially those in an irregular situation, are often excluded from national health promotion, disease prevention, treatment and care programs, as well as from financial and housing protection. They can also face high user fees, low levels of educational level, and poor cultural efficiency among migrant providers.These barriers are greater for persons with disabilities and women and girls may find it difficult to access protection services and respond to sexual and gender-based violence. Refugee and migrant children, especially unaccompanied minors, are likely to face traumatic events and difficult situations, such as exploitation and abuse, and may have difficulty accessing health care.In the midst of all that migrants and refugees face, this prevents the possibility of benefiting from their productive capacities in a manner that contributes to the development process of the State even though they are already citizens of the State and benefits from its resources, Therefore, the Convention on Development can never diminish the role and responsibility of refugees and migrants to production and work, as well as the responsibility of the host State to provide such a productive environment by facilitating their rights to food, housing, medical care, education and also a safe environment, so that they are not intimidated or their rights violated.[5]Therefore, Maat for Peace proposes adding an article related to the right of refugees and migrants to development in order to guarantee their rights in the hosting countries in exchange for their contribution to work, achievement and innovation within their second homeland, the article shall state that:Migrants and refugees in countries who complete their papers and entry permits in the country have the right to participate in development by obtaining jobs commensurate with their practical experiences, and they also enjoy the development results that appear in the development of scientific, health and even recreational institutions, provided that the countries hosting these migrants and refugees pledge to provide them a better environment than the one from which they fled in terms of enjoying rights, security and work.D. Obstacles to exercising the right to developmentThe draft convention on the right to development was limited to corruption as one of the obstacles to development. The draft stipulated some guiding principles to curb and restrain corruption, but there are other obstacles to development that complement the issue of corruption and have the same importance, so it is necessary to mention them, such as:A. The political side of the right to developmentProviding a political environment that helps to demonstrate the right to development as pluralism and democracy contributes significantly to assessing development plans, holding accountable those responsible and reducing corruption, which the Working Group on the Right to Development considers to be one of the most important obstacles to development.B. IgnoranceIgnorance is one of the most important obstacles to the right to development because individuals are ignorant of this right and are ignorant of the responsibilities that this right requires. Here comes the role of civil society organizations and state organizations concerned with educating citizens about this right and raising their awareness. Therefore, the state shall support the authorities in educating citizens academically or through training about their right to development.C. Exercise the right to developmentThe third obstacle to the realization of the right to development is the absence of the exercise of the right to development, resulting from the absence of policies at the national and international levels that go beyond the notion and that identify priorities and allocate resources on the basis of the right.In development, the challenge is to make the right to development a priority in development policy, as reflected in national and international strategies, programs and practices.[6]Concluding that : The future of the right to development depends on the extent to which political, intellectual and practical impediments are addressed. Political obstacles appear in the tone and content of Governments' deliberations and decisions, and it is up to those Governments that take the right to development seriously and adopt specific programs and mechanisms that will help them fulfil their mutual obligations in this regard. Intellectual obstacles are to be addressed more clearly, which would enhance political debate as if it were to define national and international policy through the participation of more universities, professional associations and scientific publications in an intensive investigation of the meaning and value of the right to development.The most important obstacle to the implementation of the right to development is the practical one, owing to the lack of incentives to put into effect the official policies of international agencies and national Governments and to introduce targeted approaches to the right to development. The response to this challenge lies in careful and detailed discussion and adjustment of programs and projects at the country level.Such an outcome would add momentum to efforts to integrate human rights-based approaches to development, and requires innovative rethinking of the development process in terms of resource allocation in the national budget, negotiations with development partners and trade and investment policies, so the obstacles to the rethinking outlined here are enormous but not insurmountable. |

1. The draft convention on the right to development is contained in the annex to document A/HRC/WG.2/21/2. The draft convention with commentaries is contained in document A/HRC/WG.2/21/2/Add.1. [↑](#footnote-ref-1)
2. The first revised draft convention on the right to development is contained in the annex to document A/HRC/WG.2/23/2. The draft convention with commentaries is contained in document A/HRC/WG.2/23/2/Add.1. [↑](#footnote-ref-2)
3. The written submissions are available at [OHCHR | Comments and textual suggestions received after the 21st session](https://www.ohchr.org/en/comments-and-textual-suggestions-received-after-21st-session-working-group-right-development) of the Working Group, [OHCHR | Comments received after the 22nd session](https://www.ohchr.org/en/hrc-subsidiaries/iwg-on-development/comments-and-textual-suggestions-received-after-22nd-session-working-group-right-development) and [OHCHR | Comments received after the 23rd session](https://www.ohchr.org/en/hrc-subsidiaries/iwg-on-development/comments-and-textual-suggestions-received-after-23rd-session-working-group-right-development). [↑](#footnote-ref-3)