**Non-Paper**

**Note by the secretariat**

 **Compilation of comments and textual proposals on the second revised text of the draft convention on the right to development**

 **Secretariat of the Intergovernmental 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 of the Working Group on the Right to Development, at its twenty-first session.[[1]](#footnote-2) It continued its consideration at its twenty-second and twenty-third sessions.[[2]](#footnote-3) At its twenty-fourth session, it considered the second revised text of the draft convention.[[3]](#footnote-4) 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.[[4]](#footnote-5)

**Draft convention on the right to development**

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| **Cuba:** ~~Draft convention~~ [**International covenant**] on the right to development **Iran:**We support the proposal made by Pakistan and Cuba. |

**Preamble**

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| **SR on RTD:****Comment**: The Preamble should acknowledge the critical role of businesses in realising the right to development as well as risks to the right related to unsustainable or irresponsible business activities.  The Preamble should also recognise the importance of an affordable and equitable access to technologies to realise the right to development as well as how new technologies, if not properly regulated, might disrupt the enjoyment of this right.**APG23 on behalf of CINGO:****Comment:** The CINGO Forum reiterates its preferential option to name the legally binding instrument « International Covenant on the Right to Development”. In this way, it hopes that the instrument could be included in the International Bill of Human Rights. |

The States Parties to the present Convention,

No comments.

*Guided* by 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 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, |

*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 of any kind,

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| **European Union:**Recalling the [~~obligation~~ **pledge**] 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 [**sustainable**] development; solutions of international economic, social, health and related problems; international cultural and educational cooperation; and [~~universal respect for, and observance of~~ **promoting respect, protection and fulfilment of**]human rights and fundamental freedoms for all without [~~distinction~~ **discrimination**] as to race, sex, language or religion,**Comment:** Please note that that Art 56 reads: Article 56 – *All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55*.In case a verbatim quote is not pursued, it would be welcome that the language reflect the jurisprudence on human rights, which has developed since the adoption of the Charter. **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, in accordance with the ILO standard]** 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* the Universal Declaration of Human Rights, and recalling that, under its provisions, 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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| **European Union:** **Split this paragraph in half:**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,[**Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights (art. 3 of ICCPR and CESCR).**][~~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 culturel rights indispensable for her or his dignity and the free development of her or his personality,~~ **Recalling that each State has a duty to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of economic, social and cultural rights, which are indispensable for the dignity and the free development of every human person,**] |

*Recalling* the provisions of all international 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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| **Bolivia:** **Comment:** This should be at the centre of this Convention.**Mauritius:***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, **[United Nations Security Council 1325]** and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,  |

*Reaffirming* the Declaration on the Right to Development,

No comment

*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, 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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| **Argentina:** **Comment:** We would be calling for an inclusion of the Marrakech Agreement. There is a reference only to the Paris Convention. There should be a reference to the Framework Convention as well.**China:** **Comment:** We would suggest to change the Paris Agreement on Climate Change into United Nations Framework Convention on climate change. *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~~ **United Nations Framework Convention on Climate Change and its Paris**], 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, [**and** **the political declaration of the special session of the United Nations against Corruption,]**(Explanation: The United Nations Framework Convention on Climate Change is the first international legal treaty on climate change. It is still in effect and serves as the cornerstone of global climate governance. The Paris Agreement is a legal document reached within the framework of the Convention to strengthen its implementation. Corruption not only undermine development efforts, but also erode trust in public institutions and jeopardize the enjoyment of human rights. “The Political Declaration of the Special Session of the United Nations General Assembly Against Corruption” is an important UN document in the arena of anti-corruption and should be included in the preamble.)**Egypt:** **Comment:** We support the mentioning of the Framework Convention on climate change.**Mexico:** **Comment:** This paragraph is too long and we suggest to shorten it.**Panama:****Comment:** We would like to include a reference to the Marrakech Agreement and the Framework Convention on climate change.**Pakistan:** **Comment:** This paragraph is too long and we suggest highlight the key principles instead of quoting the declarations.**Russian Federation:**Recalling that ~~the reaffirmation of~~ the right to development [**was reaffirmed**] 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, 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,~~ |

*Reaffirming* the objective of making the right to development a reality for everyone, as set out in the Millennium Declaration,

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| No comment. |

*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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| **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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| **Pakistan:** **Comment:** We do not see a value added in referencing to the resolution**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.}**European Union:** 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,(Explanation: The treaty cannot take a stance on practices that are undefined.) |

*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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| **Bolivia:** **Comment:** we do not agree with the reference to the Charter of the Organization of American States. It is not universally accepted by the members of the region.**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 all its dimensions, including economic, social and environmental, in a balanced and integrated manner and in harmony with nature,

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| **Argentina:** **Comment:** We do not accept the changes that were done by the drafting committee. It is necessary to include Agenda 2030, as this paragraph makes a specific reference to it. Especially, paragraph 2 of the Agenda is important, which mentions the three dimensions and in the current draft it is not clear how many dimensions exist, with the possibility of having additional dimensions. **Panama:** **Comment:** we support the proposal made by Argentina. **Russian Federation:****Delete {**Taking into consideration(…) *harmony with nature*,} |

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

No Comment

*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 among countries, climate change, health emergencies and health crises, colonization, neocolonization, 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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| **Argentina:** 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 **[, including gender 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, **Bolivia:** 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~~ gap], environmental crises]** climate change, health emergencies and health crises, colonization, neo-colonization, [**neo-liberalism,**] forced displacement, racism, discrimination **[gender inequalities, arms race]**, conflicts, (…)**China:** *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, [**unilaterarism, protectionism,**] 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: As many member states have mentioned, external interference and unilateral coercive measures present significant barriers to the realization of the right to development. These obstacles restrict access to opportunities and resources crucial for development.)**Chile:** **Comment:** We support the changes made by Argentina.**European Union:** 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, [**denial of the right to self-determination,**] colonization, neo-colonization, forced displacement, racism, discrimination, [**armed**] conflicts, foreign domination and occupation, aggression, threats against [~~national sovereignty, national unity and territorial integrity,~~ **the territorial integrity or political independence of any state**] terrorism, [**organised**] crime, corruption [**and poor governance**], all forms of deprivation affecting [~~the~~] subsistence [~~of peoples, and the denial of other human rights,~~ **, particularly of those persons in the most vulnerable situations and that, in order to promote development, equal attention and urgent consideration should be given to the respect, protection and fulfilment of all civil, political, economic, social and cultural rights,**](Explanation: Not all elements listed in this article are human rights as suggested by the current wording so the article needs to be adapted accordingly. The current formulation does also not reflect the spirit of pp 10 of the Declaration on the right to development, which is the equivalent paragraph in the Declaration. It underscores that denial of human rights need to be promoted to achieve development.)**Mauritius:**Concerned at the existence of serious obstacles… and the denial of other human rights **[and all forms of violence]****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~~ gap], 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”.)**Venezuela:** *Concerned* at the existence of serious obstacles to the realization of the right to development comprising, inter alia, poverty in all its forms [**among countries including loss of biological diversity, neo-colonization, forced displacement, racism, national unity and territorial integrity and the negation of other human rights.**] [~~and d~~ **D**]imensions, including extreme poverty, hunger, inequality in all forms and manifestations within and across countries, climate change, [**loss of biodiversity,**] 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,**China Society for Human Rights Studies:** 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 among countries, [**protectionism, unilateralism,**] 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,**IT for Change:***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, [**technological inequality and data extractivism**] 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:The United Nations Department of Economic and Social Affairs conducted the ‘World Economic and Social Survey 2018’ on frontier technologies for sustainable development.[[5]](#footnote-6) In the Survey, it was observed that “A great technological gap persists, largely explaining the ‘development divide’ between developed and developing countries.” While frontier technologies provide leapfrogging opportunities to developing countries, most developing countries still need to catch up with the previous technological paradigms[[6]](#footnote-7) raising concerns that the development divide will widen with the deployment of Industry 4.0. This requires a concerted effort at the multilateral level to narrow the technological gap through, amongst others, ODA and international public finance.Digital colonialism, led by Big Tech’s extraction of data from Global South/developing countries limits the latter’s ability to exercise sovereignty over the data of their peoples and territories.[[7]](#footnote-8) The acknowledgment of the concerns of the Global South in the text of the Draft Convention will provide a much-needed fillip to their attempts to preserve their policy space and assert their right to the economic value of data.[[8]](#footnote-9)) |

*Emphasizing* that the right to development, which derives from the inherent dignity of all members of the human family, is an inalienable human right of all individuals 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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| **European Union:** [~~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,~~]**[Recognizing and affirming that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms, including the right to development,]**(Explanation: We propose using agreed language that clarifies our concerns with this preambular paragraph. The alternative language is pp2 of the Vienna Declaration.) |

*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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| **European Union:** Recognizingthat [**sustainable**] development is [**understood not simply in terms of economic growth, but as**] 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~~ **human beings**] on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom, [**and without compromising the ability of future generations to realise their aspirations and meet their own needs,**](Explanation: The individual is the central subject of and rights holder to the right to development (including pp 2 of the Declaration to the right to development). The first sentence from recital 17 can be included here. The aspect of sustainability with respect to *future generations* is not explicitly mentioned within the preamble and it would be well placed here.)**China Society for Human Rights Studies:** Recognizing that development is a comprehensive [~~civil, cultural, economic, environmental, political and social process~~ **economic, political, social, cultural and environmental**] 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*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, |

*Acknowledging* that development is understood not simply in terms of economic growth, but also as a means of 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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| **European Union:****Comment:** Delete the 17th recital and incorporate the first sentence of the 17th rectal in the 16th recital.(Explanation: The current formulation overlooks the fact that human rights are enjoyed by individuals and that marginalization and exclusion has intersecting and multiple reasons depending on factors such as ethnicity, minority status, disability/ ability, age etc. It also presupposes that all individuals in a given State want to pursue a collective form of “cultural identity” thus going against the very basic notion of individual freedom and that everyone has a right to determine their own path in life. It justifies violating rights of individuals in the name of the collective.) |

*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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| **China Society for Human Rights Studies:** *Reaffirming* the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of [~~all civil, cultural, economic, political and social rights, including the right to development,~~ **all civil and political rights, and economic, social, cultural and environmental rights, together with the right to development,]** |

*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,

**China Society for Human Rights Studies:**

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

*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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| **European Union:** Considering that [**development,**] peace and security [~~at all levels is an essential element for the realization of the right to development~~ **and human rights are interlinked and mutually reinforcing**] and that [~~such~~ **the**] realization [**of the right to development**] can, in turn, contribute to the [~~establishment~~ **realisation of other human rights and to**] maintenance and strengthening of peace and security at all levels,(Explanation: All three UN pillars should be referred to in the recital. The EU proposal builds on agreed language from the HRC, see for example see HRC45/31 pp5.) |

*Recognizing* that the effective rule of law, good governance and accountability 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:** *Recognizing* that the [~~effective rule of law~~], good governance and accountability [~~at all levels, including the national and international levels~~**~~,~~ and are important for**] the realization of the right to development [~~are mutually reinforcing~~], |

*Recognizing* also that the individual 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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| **China:** *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**European Union:** [~~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,~~ **Recognizing also that the human person is the central subject of the right to development,**](Explanation: Suggest replacing by Art. 2.1. of the Declaration on the right to development.)**China Society for Human Rights Studies:***Recognizing* also that [~~the individual and peoples~~ **the entire population and all individuals**] are the central subjects of the development process, and that development policy should therefore make [~~them~~ **the entire population and all individuals**] the main participants and beneficiaries of development, |

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

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| **China:** *Recognizing further* that all [~~individuals and~~] people[~~s~~] are entitled to a national and international environment conducive to just, equitable and participatory development, centred on them and respectful of all human rights,(Explanation: to make the draft syntactically appropriate and in reference of the expression used in other UN documents).**European Union:** [~~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,~~ **Recognizing further that every human person is entitled to participate in, contribute to, and enjoy civil, economic, social, cultural and political development, in which all human rights can be fully realized,**](Explanation: The elements in article 1.1 and 1.2 of the Declaration on the R2D are now merged in a non-helpful way. The elements of art 1.2 are already enshrined in article 3.(f) of this draft -> suggest replacing this recital by article 1.1 of the Declaration on the right to development.)**China Society for Human Rights Studies:** *Recognizing further* that [~~all individuals and peoples~~ **the entire population and all individuals**] are entitled to a national and international environment conducive to just, equitable and participatory development, centred on them and 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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| **European Union:** Acknowledging that States have the primary responsibility, [**including**] through cooperation, [~~including~~ **and through meaningful**] engagement with civil society, for the creation of national and international conditions favourable to the realization of the right to development,(Explanation: The primary responsibility of each state for the respect, protection and fulfilment of human rights cannot be shifted to the international community. Cooperation and primary responsibility are two different things. Art 3.3 of the Declaration on the right to development and the Vienna declaration (Op10.4) outline that: *States should cooperate with each other in ensuring development and eliminating obstacles to development. The international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development.*The declaration on the R2D underscores that the creation of conditions favourable to development for the benefit of the population“ is the primary responsibility of *their* States”.Furthermore, to be consistent with the rest of the DLBI add a reference to meaningful engagement.)**Russian Federation:** Acknowledging that States have the primary responsibility, **[**~~through cooperation, including engagement with civil society~~**]**, [**including through cooperation with relevant stakeholders**] for the creation of national and international conditions favourable to the realization of the right to development,**NHRI Argentina:**Acknowledging that States have the primary responsibility, through cooperation, including engagement with civil society **[together with NHRIs that collaborate actively and also critical],** for the creation of national and international conditions to the realization of the right to development. |

*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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| **China:** **Comment:** add a new paragraph. [**Emphasizing equal participation of all countries in international decision making, including discussing and addressing international issues, or formulating an international norm, in realizing the right to development, equal participation of all countries in international decision making, should be guaranteed,**](Explanation: In realizing the right to development, equal participation of all countries in international decision-making should be guaranteed, and that means all countries can participate fully and effectively in the discussion of international development issues on an equal basis, and their opinions and interests can be fully respected.**Mexico:** **Comment:** “organ of society” is a vague expression and needs clarification. **Russian Federation:***Recognizing* that every organ of society at the national or international level [~~has a duty to~~ **should**] respect the human rights of all, including the right to development,**China Society for Human Rights Studies:** *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 [**of all**], |

*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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| **Cuba:**We would like to add a paragraph into the preamble: [**An appeal to fulfilling the commitments entered into official aid for development, including the capacity creation transfer of technology external financing, in preferential conditions, due to the fact that we consider that these commitments entered into, are fundamental components that might make it possible to achieve the right to development;]** |

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 individual and all peoples everywhere, and to guarantee its effective operationalization and full implementation at the national and international levels.

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| **China:** 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 individual [~~and~~**,**] all peoples [**and all countries, especially** **developing countries**] everywhere, and to guarantee its effective operationalization and full implementation at the national and international levels.**Colombia:**The object and purpose of the present Convention is to promote and [~~ensure~~ **encourage and elevate ~~to incentivate~~**] the full, equal and meaningful enjoyment of the right to development by every individual and all peoples everywhere, and to guarantee its effective operationalization and full implementation at the national and international levels.**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.**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”.**European Union:** 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~~ **being**] everywhere, and to guarantee its effective operationalization and full implementation at the national and international levels.**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.**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 individual 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”. )**Centre Europe-Tiers Monde:**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.**China Society for Human Rights Studies:** The object and purpose of the present Convention is to promote and ensure the full, equal[**, effective and sustainable**] [~~and meaningful~~] enjoyment of the right to development by every individual and all peoples everywhere, and to guarantee its effective operationalization and full implementation at the national and international levels.**German Institute for Human Rights:** The object and purpose of the present Convention is to promote [~~and ensure~~ **national and international environments conducive to**] the full, equal and meaningful enjoyment of the right to development by every individual and all peoples everywhere, and to [~~guarantee its~~ **identify obstacles that hinder its**] effective operationalization and full implementation at the national and international levels. |

**Article 2 — Definition**

**Panama:**

**Comment:** There is a need for an international definition of the right to development in this article.

**Russian Federation:**

**Comment:** There is a need for an international definition of the right to development in this article.

**APG23 on behalf of CINGO:**

**[Definitions]**

*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 natural person, a people or a State;

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| **European Union:** 1st option: **Delete** {Legal person” means any entity that possesses its own legal personality under domestic or international law and is not a natural person, a people or a State;}2nd option: 1. ´Legal Person´ means any entity that possesses its own legal personality under domestic or international law and is not a [~~human person, a people~~ **human being, an international organization**] or a State;

**Russian Federation:****Delete** { Legal person” means any entity that possesses its own legal personality under domestic or international law and is not a natural person, 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:****Delete** ~~{~~“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;**}** |

**Article 3 — General principles**

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| **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].****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. |

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

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| **Mexico:** **Comment:**Regarding Article 3(l) and 7 of the draft convention, the CNDH considers that the responsibility in question of legal persons such as businesses, whether private or public, should be emphasised. In most cases, the role these persons have is crucial and decisive when talking about possible violations to the right of development and other human rights, as it has been proven by the work done at CNDH. From 2019 and until October 31st, 2022, 1,307 of the claims that have been made before this national institution, appertain possible violations of human rights related to the commercial activities of businesses; 1,098 of them concern public businesses, while 209 concern private ones.Under this context, the CNDH issued the Recommendation 37/2019, which establishes that the development of several vulnerable groups is threatened by situation occurring inside and outside of businesses. Likewise, 11 sectors were identified as having more frequent cases of violations to human rights.For the foregoing, the CNDH considers it appropriate to emphasise the responsibility of these legal persons, who possess the capacity to affect the right to development and other human rights in a significant way when compared to other actors.**SR on RTD:****Comment:** the responsibility/duty of businesses to respect all human rights, including the right to development, should be included as a general principle in Article 3. |

(a) Development centred on the individual and peoples: the individual 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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| **China:** 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;**Egypt:** [**People-centred]** 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;**European Union:** [**Sustainable** ~~D~~**d**evelopment] centred on [~~the~~] human [~~person and peoples: the human person and peoples are~~ **beings as**] the central subjects [**,** ~~of development and must be~~] the active participants and [~~beneficiaries~~ **holders**] of the right to development;**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.) **China Society for Human Rights Studies:** [~~Development centred on the individual and peoples: the individual and~~ **Development should be based on people-oriented principle: It should respect the dominant status of the people, persist in developing for the people, relying on the people, benefiting the people, and that its fruits are shared by the people more abundantly and fairly. Peoples**] are the central subjects of development and must be the active participants and beneficiaries of the right to development;**Maat for Peace:****[Human-centred]** development ~~centred on the individual and peoples~~: the individual and peoples are the central subjects of development and must be the active participants and beneficiaries of the right to development;**German Institute for Human Rights:**Development [~~centred on the individual and peoples: the~~  **is process to which all human beings and communities have an equal right free from structural unfair or discriminatory impediments. The**] individual and peoples are the central subjects of development and must be the active participants and beneficiaries of the right to development; |

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

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| **Saudi Arabia:**~~Principles common to all human rights:~~ **[universal principles common to universal human rights]** the right to development should be realized in a manner that integrates the principles of the universality, inalienability, indivisibility, interdependence and interrelatedness of all human rights, as well as of equality, non-discrimination, empowerment, participation, transparency, accountability, equity, inclusion, accessibility and subsidiarity;**SR on RTD:**Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of **[intersectionality,]** equality, non-discrimination, empowerment, participation, transparency, accountability, equity, subsidiarity, universality, inalienability, interdependence and indivisibility;**Maat for peace:**Universal principles common to all human rights: the right to development should be realized in a manner that integrates the principles of **[compensation, reparation, transitional justice and free, voluntary and informed consent,]** equality, non-discrimination, empowerment, participation, transparency, accountability, equity, subsidiarity, universality, inalienability, interdependence and indivisibility;**China Society for Human Rights Studies:** **Comment:** Breaking this paragraph down into two principles: (b) the principle of shared benefits; (c) the principle of good laws and good governance.**[(b) the principle of shared benefits: ensure the realization of equal rights, equal opportunities and fair rules, so that all people and all individuals can participate in the development process on an equal, undifferentiated and non-discriminatory basis, share the fruits of development equally, and realize the unity of sharing by all people, sharing comprehensively, sharing jointly, and sharing progressively.** **(c) the principle of good laws and good governance: insist on the rule of law and good governance, and realize the principles of participation, transparency, accountability, effectiveness and efficiency, equality and equity, accessibility and subsidiarity]** |

(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;

**Chile:**

**Comment:** We believe the part “human-rights based development” is one of the most important parts of this Convention and would like to leave it as it is, and not delete it.

**China:**

Delete this subparagraph.

(Explanation: the human-rights based development, or the human-rights based approach lacks consensus among member states).

**Cuba:**

**Delete {** 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;}

**European Union:**

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 [**human rights**] law. [**The promotion of one right cannot justify the violation of other human rights**];

(Explanation: the new element proposed at the end of this article reflects pp 9 of the Declaration on the right to development; it should be clearly spelled out in the context of HRBA.)

**Iran:**

**Delete {** 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;}

**Panama:**

**Comment:** not in favor of deleting this article.

**Saudi Arabia:**

~~Human rights-based development~~ **[development based on the applicable 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;

**China Society for Human Rights Studies:**

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~~ **international legal documents to which countries have participated or ratified**]

**German Institute for Human Rights:**

[~~Human rights-based development: as development is a human right that is indivisible from and~~ **Development should be human rights based, meaning that it is**] 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;

(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 individuals and peoples and contributes to the enjoyment of all other human rights;

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| **European Union:** Contribution of development to the enjoyment of all human rights: [**sustainable**] development, as described in the present Convention, is essential for the improvement of living standards and the welfare of human [~~persons~~ **beings**] [~~and peoples~~] and contributes to the enjoyment of all human rights. [**Likewise, the respect, protection and fulfilment of all human rights is essential to achieve inclusive and sustainable development;**](Explanation: it is crucial to make a clear link between HRBA and the contribution of development.)**Iran:** We support the proposal made by Russia on this subparagraph.**China Society for Human Rights Studies:** [~~Contribution of development to the enjoyment of all human rights~~ **Development-based approach to human rights: valuing 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 individuals and peoples and contributes to the enjoyment of all other human rights;**German Institute for Human Rights:** [~~Contribution of development to the enjoyment of all human rights: development, as described in the present Convention, is essential for the improvement of~~ **The object of the right to development is a fair and conducive environment for all individuals and communities to achieve their potential, within societies and among nations. The resulting economic and social development contributes to the enjoyment of all human rights, as it constantly improves the**] living standards and the welfare of individuals and peoples and [**thus**] 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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| **German Institute for Human Rights:**[~~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 [**. Both the national and international dimensions of the right to development are essential and complement each other**]; |

(f) Self-determined development: the priorities of development are determined by individuals and peoples as rights holders in a manner consistent with the provisions of the present Convention. The right to development and the right to self-determination of peoples are integral to each other and mutually reinforcing;

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| **European Union:** Self-determined development: development is determined by [~~individuals and peoples~~ **human beings**] as rights holders. The right to development and the right to self-determination of peoples [**, together with all other human human rights,**]are integral to each other and mutually reinforcing;**German Institute for Human Rights:** [~~Self-determined development: t~~ **T**]he priorities of development are determined by individuals and peoples as rights holders in a manner consistent with the provisions of the present Convention. The right to development and the right to self-determination of peoples are integral to each other and mutually reinforcing; |

(g) Sustainable development: development must be achieved in all its dimensions, including, 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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| **Argentina:** Sustainable development: **[sustainable]** development must be achieved in its ~~all~~ **[three]** dimensions-, ~~including~~, economic, social and environmental-, in a balanced and integrated manner and in harmony with nature**[, in line with all the principles of the Rio Declaration on Environment and Development, including,inter alia,the principle of common but differentiated responsibilities, as set out thereof. ]** 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;**European Union:** 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. [**Development should be inclusive.**] 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;**Russian Federation:** **Delete {** Sustainable development: development must be achieved in all its dimensions, including, 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;}**German Institute for Human Rights:** [~~Sustainable development: d~~ **D**]evelopment must be achieved in all its dimensions, including, 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 a clean healthy and sustainable environment**]; [~~and t~~ **T**]he right to development cannot be realized if development is unsustainable;**IT for Change:** Sustainable development: development must be achieved in its three dimensions, namely, economic, social **[, technological**] 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: Technology can be an enabler for inclusive and sustainable development.[[9]](#footnote-10) However, the advent of frontier technologies such as blockchain and AI brings to the fore concerns regarding the carbon footprint of digitization. An increase in energy demand, e-waste, and mineral extraction poses a serious threat to sustainable development.[[10]](#footnote-11) As developing countries bear the repercussions of climate change, the developmental gains achieved by them are under threat.[[11]](#footnote-12) It is disconcerting that Big Tech is not committed to reducing its full value chain emissions.[[12]](#footnote-13) The inclusion of the term “technological” in the provision pertaining to sustainable development will provide the necessary impetus to States Parties to hold Big Tech and frontier technology to a higher standard of accountability.) |

(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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| **Argentina**: In the Spanish version, we suggest changing the word "reguladoras" to "regulatorias". **European Union:** [~~Right~~ **Duty**] to regulate: the realization of the right to development entails the [~~right~~ **duty**] for States Parties ~~[, on behalf of the rights holders,~~] to take [**reasonable and proportional**] regulatory or other related measures [**in the public interest**] to achieve sustainable development on their territory in accordance with international [**human rights**] law, and consistent with the provisions of the present Convention;(Explanation: Under international human rights law states have a *duty* to undertake measures, including legal, to ensure that individuals are protected against actions that can undermine their rights.)**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.)**German Institute for Human Rights:** [~~Right to regulate: t~~ **T**]he realization of the right to development entails the right for States Parties, on behalf of the rights holders, to take regulatory [~~or other related~~ **and public policy**] measures to achieve sustainable development on their territory in [**full transparency in**] accordance with [**national constitutions and**] international [**human rights**] law [~~, and consistent with the provisions of the present Convention~~];**World Organization of the Scout Movement:**Right to regulate: the realization of the right to development entails the right for States Parties, on behalf of the rights holders **[and with their meaningful participation]**, 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;(Explanation: this would take a considerable step to emphasizing the important role that right holders have in enumerating development priorities.) |

(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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| **Colombia:****Comment:**From a political point of view, there would be no observations as long as the final sentence that highlights the importance of cooperating within respect for International Law is maintained, consequently, national and international solidarity must be understood within respect for the sovereignty and territorial integrity of States, as well as the right to self-determination of peoples.**European Union:** 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~~ **entails**] to cooperate with complete respect for the principles of international law;**Comment:** requires further consideration as the current formulation is unclear.**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 lawf~~**]**; [**This principle includes cooperation with each other with full respect for the principles of international law;**]**German Institute for Human Rights:**National and international solidarity: [~~t~~ **T**]he realization of the right to development requires an enabling national and international environment [~~created through~~ **based on the rule of law and enhanced by**] 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~~ **recognizing the different needs to achieve common goals to achieve common goals everywhere**]. This principle includes the duty to cooperate with complete respect for the principles of international law; |

(j) South-South and triangular cooperation as a complement to North-South cooperation: South-South and triangular cooperation contribute to the realization of the right to development. They are not a substitute for, but rather a complement to, North-South cooperation;

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| **German Institute for Human Rights:** Delete this subsection.{South-South and triangular cooperation as a complement to North-South cooperation: South-South and triangular cooperation contribute to the realization of the right to development. They are not a substitute for, but rather a complement to, North-South cooperation;} |

(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:****Delete {** 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.**China Society for Human Rights Studies:** Universal duty to respect [~~human rights~~ **the right to development**]: everyone has the duty to respect [~~all human rights, including the right to development~~ **the right to development**], in accordance with international law;**German Institute for Human Rights:** Universal duty [**of states parties**] to respect [**, protect and fulfil all**] human rights: [~~everyone has~~ **companies, private actors and individuals have**] the duty to respect all human rights, including the right to development, in accordance with international law; |

(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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| **European Union:** [~~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,~~ **Human beings,**] 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.(Explanation: This article blurs the line between States’ primary duty to respect, protect and fulfil human rights and recognizing the possible positive contribution that other actors can have in furthering their enjoyment.)**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.**Mexico:** **Comment:** “organ of society” is a vague term and needs clarification.**German Institute for Human Rights:** [~~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. |

**Part II**

No comments.

**Article 4 — Right to development**

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| **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”. **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.  |

1. Every 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, environmental, political and social development that is indivisible from and interdependent and interrelated with all other human rights and fundamental freedoms.

**European Union:**

[~~Every human person and all peoples~~ **All human beings, without discrimination of any kind,**] 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.

**World Organization of the Scout Movement:**

Every human person and all peoples have the inalienable right to development, by virtue of which they are entitled **[as they so choose]** 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.

**Maat for Peace:**

Every 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, environmental, political and social development that is indivisible from and interdependent and interrelated with all other human rights and fundamental freedoms **[without prejudice to the right or ability of future generations to development and fairness]**

**China Society for Human Rights Studies:**

Every 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, environmental, political and social development~~ **economic, political, social, cultural and environmental development**] that is indivisible from and interdependent and interrelated with all other human rights and fundamental freedoms.

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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| **European Union:** [~~Every human person and all peoples~~ **All human beings**] have the right to active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.**APG23 on behalf of CINGO:** 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**China:** Every ~~[human person~~] [~~and~~ **,**] all peoples [**and all countries, especially developing countries,**] have the right to active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.(Explanation: to show that the right to development is a collective human right).**World Organization of the Scout Movement:**Recommendation: We would suggest the addition of a second sentence to Art 4 para 2. **[bis This includes the right of individuals, groups and peoples to participate in decision-making process that affect their full enjoyment of the right to development]** |

 **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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| No Comments. |

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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| **China Society for Human Rights Studies:** 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~~ **countries have the right to combine the universality of human rights with their own national conditions, historical and cultural traditions and realistic levels of development, and to choose the paths and models of development that are conducive to realize the right to development in the light of national realities]** |

3. All peoples may, in pursuing the realization of their right to development, freely dispose of their wealth and sustainably use their natural resources based upon the principle of mutual benefit 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 wealth and natural resources in a manner consistent with international law and the provisions of the present Convention.

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| **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 peoples may, in pursuing the realization of their right to development, freely dispose of their wealth and sustainably use their natural resources based upon the principle of mutual benefit and international law. In no case may a people be deprived of its own means of subsistence. **[Stolen assets linked to war, corruption or crime should be returned unconditionally.**] Nothing in the present Convention shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their wealth and natural resources in a manner consistent with international law and the provisions of the present Convention.(Explanation: Stolen assets and corruption more broadly are human rights issues because it pose a major challenge to many societies, to people’s ability to exercise their human rights, including the right to development. In the 2030 Agenda for Sustainable Development, member States committed to significantly reduce illicit financial flows and to strengthen the recovery and return of stole assets by 2030).**Russian Federation:****[All peoples may, in pursuing the realization of their right to development, freely exercise full permanent sovereignty over all their wealth, natural resources and economic activity 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 wealth and natural resources in a manner consistent with international law and the provisions of the present Convention.~~**SR on RTD:**….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 natural resources in a manner consistent with international law and the provisions of the present Convention.**Maat for Peace:**Nothing in the present Convention shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their wealth and natural resources in a manner consistent with international law and the provisions of the present Convention **[without prejudice to any existing international cooperation, and historical agreements]** |

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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| No comment. |

5. States Parties 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, 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.

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| **European Union:** States shall take resolute action to prevent and eliminate massive and flagrant violations of [~~the~~] human [**beings’**] rights [~~of persons and peoples affected by~~ **in**] situations such as those resulting from apartheid, all forms of racism and discrimination, colonialism, [**foreign**] domination and occupation, aggression, interference and threats against [~~national sovereignty, national unity and territorial integrity,~~ the territorial integrity or political independence of any state] threats of war and the refusal to recognize the [~~fundamental~~] right of peoples to self-determination. |

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. Each State Party shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State.

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| **IT for Change:** 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. [**Each State Party shall refrain from any action aimed at the partial or total disruption of the national unity, development sovereignty and territorial integrity of any other State.**](Explanation: Trade agreements are often used as instruments by developing countries to restrict the policy/regulatory space of developing countries through provisions entailing the prohibition of data localization requirements and transfer of source code.[[13]](#footnote-14) Linked to the national unity and territorial integrity of nation states is their development sovereignty. The inclusion of the suggested addition will ensure the preservation of the right to development of developing countries and LDCs.) |

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

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| **Colombia:** **Comment:** This article would fit into Article 3 (b), (k), as it is a general comment. It should be a preambular paragraph rather than an incentive one.**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.)  |

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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| **China Society for Human Rights Studies:** States Parties reaffirm that [~~all human rights, including the right to development,~~ **the right to development and all other human rights**] are universal, inalienable, interrelated, interdependent, indivisible and equally important. |

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

 **European Union:**

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~~ **all human rights, be they**] civil, cultural, economic, political and social rights.

(Explanation: The first part of article 6.2 is redundant given 6.1 and thus generates confusion. The latter edit: As per comments to article 3 (c).)

**China Society for Human Rights Studies:**

States Parties agree that the right to development is an integral part of human rights and must be realized in conformity with the full range of [~~civil, cultural, economic, environmental, political and social rights~~ **civil, political, economic, social and cultural rights, and the realization of all other human rights must be contingent upon facilitating the realization of the right to development.**]

**IT for Change:**

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 [**and digital**] rights.

(Explanation: Technological ubiquity has given rise to a focus on digital rights such as privacy, freedom of speech and expression online, protection from harmful content, demands for algorithmic transparency, freedom from workplace surveillance, etc.[[14]](#footnote-15) Right to development, in the digital epoch, must respect and be realized in conformity with digital rights as these are an extension of the equal and inalienable rights in the United Nation’s Universal Declaration of Human Rights.[[15]](#footnote-16))

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

**Columbia:**

**Comment:** We suggest submitting this article to general principles in articl 3(k).

**SR on RTD:**

**Comment:** Article 7 should be revised to separate the independent responsibility/duty of businesses to respect the right to development from the responsibility of everyone to respect human rights. Moreover, businesses should be required to conduct human rights due diligence to ensure that their activities do not abridge the right to development.

Nothing in the present Convention may be interpreted as implying for any natural 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 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.

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| **Colombia:** **Comment:** This article should be moved to Article 3(k), as it a general principle. **European Union:** 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~~  **in international law, including international human rights law.**](Explanation: Suggest editing in order for the heading and the substance to match. Please also note that human rights obligations of States. Under *the pacta tertiis* rule, a treaty cannot create obligations or rights for a third party without its consent, provided it has the capacity to consent under international law.)**Mexico:** Regarding Article 3(l) and 7 of the draft convention, the CNDH considers that the responsibility in question of legal persons such as businesses, whether private or public, should be emphasised. In most cases, the role these persons have is crucial and decisive when talking about possible violations to the right of development and other human rights, as it has been proven by the work done at CNDH. From 2019 and until October 31st, 2022, 1,307 of the claims that have been made before this national institution, appertain possible violations of human rights related to the commercial activities of businesses; 1,098 of them concern public businesses, while 209 concern private ones.Under this context, the CNDH issued the Recommendation 37/2019, which establishes that the development of several vulnerable groups is threatened by situation occurring inside and outside of businesses. Likewise, 11 sectors were identified as having more frequent cases of violations to human rights.For the foregoing, the CNDH considers it appropriate to emphasise the responsibility of these legal persons, who possess the capacity to affect the right to development and other human rights in a significant way when compared to other actors.**Russian Federation:**Nothing in the present Convention may be interpreted as implying for any ~~natural or legal person, people, group or~~ State, **[group or person**] 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~~ **[recognized]** herein or at their limitation to a greater extent than is provided for in the **[present]** Convention. ~~To that end, States Parties agree that all 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.~~ |

**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, 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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| **Argentina:**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~~ **gender**], 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.**Egypt:** **Commentt:** replace all the categories stated in this paragraph by the forms of discrimination mentioned in the two covenants (ICESCR- ICCPR).**Saudi Arabia:**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, national, ethnic, or social origin, property, disability, birth, age or other status,~~ [**without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status**] in accordance with obligations set forth in the present Convention.**Special Rapporteur on freedom of religion or belief** 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 **[or belief]**, 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. |

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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| **European Union:** States Parties shall cooperate with each other in ensuring [**sustainable**] development and eliminating obstacles [~~to development~~ **thereto**], [~~encouraging full observance and realization of all human rights~~ **while adhering to their obligations under international human rights law**].(Explanation: The latter part of 8.2 runs contrary to other parts of the draft that underscore that human rights *should* be adhered to when eliminating obstacles to sustainable development.)**China Society for Human Rights Studies:**States Parties shall cooperate with each other in ensuring development and eliminating obstacles to development, encouraging full observance and realization of all human rights [**through development**].**CETIM:**States Parties shall cooperate with each other in ensuring development **[centred on the individual and peoples]** and eliminating obstacles to development, encouraging full observance and realization of all human rights.(Explanation: addition to make it consistent with principles in Article 3,)**ODVV:** States Parties shall cooperate with each other in ensuring development and eliminating obstacles to development, [**or obstacles they have placed on development of other countries**] encouraging full observance and realization of all human rights. |

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

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| No Comment. |

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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| **China:**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. **[State Parties respect the right of each country to pursue a development path, tailored to its national circumstances and needs of its people.]** 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.**European Union:** 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 [**the**] discharge of the duty of every State Party to determine its own national [**sustainable**] development priorities and to implement them in a manner consistent with the provisions of the present Convention and international law [**, including international human rights law.**](Explanation: The State is the duty bearer of the right to development, not the right holder.)**Russian Federation:****Delete** { 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.}(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.)**China Society for Human Rights Studies:** 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, [**finance, taxation,**] 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.**German Institute for Human Rights:** States Parties recognize that each State [~~has the right~~], on behalf of its peoples, [~~and also~~ **has**] the duty to formulate, adopt and implement appropriate national development laws, policies and practices [**to implement all economic, social and cultural rights**] 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 [**international**] cooperation, aid, assistance, trade or investment, the exercise of the right and discharge of the duty of every State Party to determine its own [**human rights based**] national development priorities and to implement them in a manner consistent with the provisions of the present Convention and international law.**World Organization Scout Movement:**States Parties recognize that ~~each State has the right, on behalf of its peoples, and also the duty~~ **[each State has the right, on behalf of the rights holders with their meaningful participation, 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. |

**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** {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.}**Comment:** Could make use of CRPD Article 44 without any further interpretation, or article can be redrafted to refer to universal obligation to refrain from conduct that aids, assists, directs, controls… without referring to international organizations.(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. It is strange that States Parties agree on behalf of international organizations, and they may be responsible for violations by international organizations.)**European Union:**  |

**Article 10 — Obligation to respect**

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| **Argentina:** **Comment**: As currently drafted, the articles would enable individuals and "peoples" within or outside the territory of a State to argue that that State has failed to comply with its obligation to abstain from conduct that they believe has impaired the ability of another State to comply with that other State's obligations under the right to development. This formula is of such breadth that there are multiple hypotheses that could be included in it. For illustrative purposes, think of measures to international trade, or the construction of infrastructure (road, port, airport, etc.) that gives competitive advantages to one country over another for its own development. **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.)The right to development might be considered as a principle, but it is not an obligation yet because it is not reflected in any of the legally binding instruments. Could consider one paragraph on States’ obligation to respect, protect, and fulfil human rights, including the right to development, or States’ obligation to respect, protect, and fulfil the right to development.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.**CETIM:****Comment:** Articles 10 – 13 are the heart of the draft Convention; without these articles the instrument would not be operational. |

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

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| No Comment. |

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

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| **German Human Rights Institute:** Nullifies or impairs the enjoyment and exercise [**of economic, social and cultural rights at the national level, including**] the right to development; |

1. 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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| No Comment. |

(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**

**Colombia:**

**Comment:**

It is important to emphasize that the definition of the specific components of the rights protected by international instruments facilitates their implementation, this being especially relevant for States to issue domestic regulations and develop public policies and programs to adjust the behavior of their organs towards the fulfillment of the obligations contracted. This is the case with the rights contained in the American Convention on Human Rights of 1969 (ACHR). By way of example, the article protecting the right to humane treatment contains the following components: (i) the prohibition of being subjected to torture or cruel, inhuman or degrading treatment or punishment, and (ii) respect for mental and moral integrity. The definition of the components of the right to humane treatment allows States to implement actions aimed at its respect and guarantee.[[16]](#footnote-17)

**NHRI Argentina:**

**Comment:** While legal persons, in particular those engaged in commercial activities, including international corporations, may contribute to the realization of the right to development, they may also affect it. Bearing in mind that States have the responsibility to take all necessary, appropriate and reasonable measures to monitor, regulate and impose controls on the conduct of companies, it should be recalled that a guiding framework based on the *United Nations Guiding Principles on Business and Human Rights has already been established.*

States Parties shall adopt and enforce all necessary, appropriate and reasonable measures, including administrative, legislative, investigative, judicial, diplomatic and others, to ensure that natural 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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| **Argentina:** **Comment:** concerned with the way in which the article is drafted, which implies States Parties’ responsibility for the conduct of their nationals when they are outside the jurisdiction of that country, which is inconsistent with the principle of territorial reality under the law.**Colombia:****Comment:** cannot take a position at this point while a national position is being consolidated over the instrument regarding business and human rights. **European Union:** 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:**Russian Federation:****Delete** { States Parties shall adopt and enforce all necessary, appropriate and reasonable measures, including administrative, legislative, investigative, judicial, diplomatic and others, to ensure that natural 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:}**German Institute for Human Rights:** States Parties shall adopt and enforce all necessary, appropriate and reasonable measures, including administrative, legislative, investigative, judicial, diplomatic and others, to ensure that natural 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 [**economic, social and cultural rights including**] the right to development within or outside their territories when: |

(a) Such conduct occurs, partially or fully, on the territory of the State Party;

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| No Comment. |

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

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| No Comment. |

(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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| **IT for Change:** 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 [**, and of a virtualized nature**].(Explanation: Big Tech’s hegemony in the global economy calls for urgent regulatory measures to enforce corporate accountability for human rights obligations, taxation, and cross-border conduct, including in virtualized business operations. The incorporation of the term “and of a virtualized nature” would include concerns that developing countries express in respect of rights violations as well as tax evasion by transnational digital corporations.)**Comment:** Renumber existing provision under Article 11 as Article 11(1) and add the following suggested text as sub-clause (2)**[(2) States Parties shall conduct prior assessment, with public participation and public disclosure, of the risks and potential extraterritorial impacts of their laws, policies and practices on the enjoyment of civil, cultural, economic, environmental, political, social and digital rights within or outside their territories, and adopt measures to prevent violations and ensure effective remedies.]** (Explanation: With the increasingly transnational and digital nature of global value chains, it is essential to consider the extraterritorial impact of domestic laws. The commentary to the second revised text reveals that Article 11 is derived from the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights. Here we think it apt to add another provision from the Maastricht Principles[[17]](#footnote-18) pertaining to impact assessment and prevention – to enable States Parties to abstain from conduct infringing the rights of other States Parties and their citizens. This is extremely important in an age when AI regulation is seen as key for democracy and rule of law, and ex-ante assessments and the “precautionary principle” are gaining ground as necessary measures before AI models are adopted. Further, the liability for remedies in the event of societal and individual harms needs to be pinned down on entities that do not perform their duty of care with regard to algorithms and AI.) |

**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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| **Columbia:** Each State Party shall take measures [**within their power**], 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~~ **inter alia**] through the adoption of legislative measures.**Russian Federation:****Delete** { 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.}**German Institute for Human Rights:** Each State Party shall take measures, individually and through international assistance and cooperation, with a view to progressively [~~enhancing~~ **implementing economic, social and cultural rights including**] the right to development, [**withtin or outside its territory,**] 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. |

2. To this end, each State Party shall take all necessary measures at the national level, and shall ensure, inter alia, equality of opportunity, including through digital inclusion where applicable, for all individuals and peoples in their access to basic resources, education, health services, food, housing, employment, and social security and protection, 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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| **Colombia:****Comment:** Follow the parameters of the International Covenant on Economic, Social and Cultural Rights.To this end, each State Party shall take all necessary measures [**within its power**] at the national level, **[to the maximum of its available resources]** ~~and shall ensue~~, 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.**European Union:** To this end, each State Party shall take all necessary measures at the national level, and shall ensure, inter alia, [**non-discrimination, including**] equality of opportunity [~~for all human persons and peoples in their access to basic resources,~~ **and through digital inclusion where applicable, in rights holders accessing services, benefits, and social and other programs aimed at ensuring the enjoyment of their rights with respect to**] education, [**the highest attainable standard of physical and mental**] health services, food, [**adequate**] housing [**, water and sanitation,**] [~~and~~] employment [**and work**], [**and social security protection**] and in the fair distribution of income [**and control over basic resources,**] and shall carry out appropriate economic and social reforms with a view to eradicating [**discrimination and**] all social injustice [**and recalling the need for targeted special measures and reasonable accommodations in this regard**~~s~~**.**] (Explanation: The elements described in draft article 12.2 (education, health, housing etc.) are human rights and States have a duty to ensure non-discrimination with respect to their enjoyment. Equality of opportunity would not align with the obligations under for example the CESCR, CRPD, CEDAW etc.)**Make Mothers Matter:**To this end, each State Party shall take all necessary measures at the national level, and shall ensure, inter alia, equality of opportunity, **[including through digital inclusion where applicable]** for all ~~human person~~ **[individuals]** and peoples in their access to basic resources, education, health services, food, housing, ~~and~~ employment **[care,] [and social security and protection,]** and in the fair distribution of income, and shall carry out appropriate economic and social reforms with a view to eradicating all social injustices **[,in particular those linked to Gender]**. |

**Article 13 — Duty to cooperate**

**Cuba:**

**Comment:** Agree with suggestion by drafting group.

**Iran:**

**Comment:** Agree with Pakistan.

**Pakistan:**

**Comment**: The title can refer to promoting international cooperation.

**Russian Federation:**

[~~Duty to~~ ~~cooperate~~ **Cooperation**]

(Explanation: This is an interpretation of the UN Charter, which does not include reference to the duty to cooperate itself. Cooperation is a process to be upheld by States.)

**Comment:** We can support Pakistan’s suggestion.

**SR on RTD:**

**Comment:** States’ duty to cooperate in Article 13 should include a duty to ensure policy coherence between the right to development and other relevant frameworks (e.g., dealing trade and investment, development finance, climate change, migration, and regulation of technology) developed at the regional and international levels.

**APG 23:**

**Comment:** We support title as it is and deletion of “gender”.

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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| **Colombia:****Comment**: the term duty is problematic; it goes against the voluntary nature which has guided international cooperation, including South-South cooperation, in the past and continues to do so.**Russian Federation:**States Parties [~~reaffirm and~~] shall [~~implement their duty to~~] cooperate with each other, [**with full respect for the principles of international law,**] through joint and separate action, in order to:**South Africa:** States Parties reaffirm ~~[and shall implement their duty to cooperate with each other, through joint and separate action~~ **their commitment to act**], 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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| No Comment. |

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

 **South Africa:**

[~~End~~ **Eradicate**] poverty in all its forms and dimensions, including [~~by eradicating~~] extreme poverty;

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

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| **South Africa:** [~~Promote higher~~ **Improve**] standards of living, full and productive employment, decent work, conditions of human dignity, and economic and social 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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| **European Union:** Promote [~~and encourage universal respect for~~ **the enjoyment**] human rights and fundamental freedoms for all, without discrimination of any kind.(Explanation: Article 1(d): “Encourage universal respect for” does not meet States’ obligations under existing human rights law.) |

2. To this end, States Parties have primary responsibility, in accordance with the general principle of international solidarity described in the present Convention, for the creation of international conditions favourable for the realization of the right to development for all, and shall take deliberate, concrete and targeted steps, individually and jointly, including through cooperation within international organizations and engagement with civil society:

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| **Colombia;**To this end, States Parties [~~have primary responsibility]~~, in accordance with the general principle of international solidarity described in the present Convention, **[strive to]** 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:**European Union:** 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 [**and human rights defenders**]:**South Africa:** To this end, States Parties have primary responsibility, in accordance with the general principle of international solidarity described in the present Convention, for the creation of international conditions favourable for the realization of the right to development for all, and shall take deliberate, concrete and targeted steps, individually and jointly, [~~including through cooperation within international organizations and engagement with civil society~~]: |

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

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| **Russian Federation:**To ensure that [~~natural and legal persons, groups and States do not impair~~] the enjoyment of the right to development [is not impaired]; |

(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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| **Russian Federation:**Delete this paragraph.{To eliminate obstacles to the full realization of the right to development, including by reviewing international legal instruments, policies and practices;} |

(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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| No Comments. |

(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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| **Argentina:**To mobilize appropriate technical, technological, financial, infrastructural and other necessary resources to enable States Parties, particularly in developing [~~or~~ **and]** least developed countries, to fulfil their obligations under the present Convention.**China:**To mobilize appropriate technical, technological, financial, infrastructural and other necessary resources **[from developed countries]** to enable States Parties, particularly in developing [~~or~~ **including]** least developed countries, to fulfil their obligations under the present Convention. |

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.

**China:**

**Comment:** delete the paragraph.

**{**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.**}**

(Explanation: there is no one-size-fits-all approach or universal principle of international development cooperation; each country has the right to choose the development cooperation model based on its national conditions.)

**Colombia:**

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.

**European Union:**

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 [**, human rights**] and consistent with the provisions of the present Convention.

**South Africa:**

**Comment:** South Africa proposes that is important for states to verify the universal acceptance of these development cooperation principles before acceding to them.

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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| **South Africa:** 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:**Comment:** South Africa fully support the creation of a social and international order. South Africa proposes that such an order as implied can only be created through cooperation. |

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

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| **Argentina:****Comment:** Promoting a universal, rules-based, open, non-discriminatory, equitable, transparent and inclusive multilateral trading system under the World Trade Organization;**Russian Federation :**Promoting a universal, [~~rules-based~~ **based on rules with international law**], 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.**German Institute for Human Rights:** Add a paragraph: [**guaranteeing that regulations and policies are developed with full participation of all persons and;**] |

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

**South Africa:**

Implementing the principle ~~[of special and~~ **equal but**] differential treatment [~~for developing countries, in particular least developed countries,~~] as defined in applicable trade and investment agreements;

(Explanation: Within the context of the WTO, the Language creates unnecessary subgroup amongst developing countries which are exploited by developed countries to introduce language that undermines the trade interests of the developing countries.)

(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:****preventing any discrimination in** [~~ensuring enhanced~~ **and encouraging broadest**] 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;**Comment:** As an alternative, this part should reflect prevention of discrimination while adding language about supporting and encouraging broader representation and voice for developing countries. |

(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, relevant, timely and reliable disaggregated data;

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| No comments. |

(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;

**Colombia:**

**Comment:** Need to include support for middle-income countries.

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;

**Cuba:**

Comment: Language should be strengthened, there should be an obligation for countries to fulfill commitment for development assistance.

**Iraq:**

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, **[and countries effected by terrorism and climate change**] in accordance with their national plans and programmes;

**South Africa:**

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

(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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| **Colombia:**{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;}[**Strengthen North-South, South-South, triangular and other innovative forms of regional and international cooperation in all areas, particularly with regard to access to science, technology and innovation; as well as to dynamize the exchange of knowledge, good practices and experiences following the principles of horizontality, solidarity, and mutual benefit; through close coordination between existing cooperation mechanisms, in particular at the United Nations level, for the democratization of science, technology and innovation at the global level under sustainable conditions;**]**Cuba:** **Comment:** split this paragraph into 2 parts, one paragraph on North-South cooperation, one paragraph on South-South and triangular cooperation.**IT for Change:** 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, [**while also recognizing adequate benefit-sharing mechanisms,**] including through improved coordination among existing mechanisms, in particular at the United Nations level and through existing and new mechanisms for global technology facilitation;(Explanation: Similarly, in Article 13(4)(g), knowledge sharing on mutually agreed terms must recognize the inherent difference in political and technological power between Global North and South countries, and enable benefit-sharing mechanisms, as under the Convention on Biodiversity and the Nagoya Protocol, to take precedence.) |

(h) Enhancing mitigation actions and adaptive capacity, strengthening resilience and response and reducing vulnerability to climate change and extreme weather events, addressing the economic, social and environmental impacts of climate change, taking into account the imperatives of a just transition, equity and the principles of common but differentiated responsibilities and respective capabilities in the light of national circumstances, and enhancing access to international climate finance, technology transfer and capacity-building 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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| **China:**Enhancing mitigation actions and adaptive capacity, strengthening resilience and response and reducing vulnerability to climate change and extreme weather events, addressing the economic, social and environmental impacts of climate change, ~~taking into account the imperatives of~~ **[ensuring sustainable development and]** a just transition, ~~equity and~~ **[following]** the principles of common but differentiated responsibilities and respective capabilities ~~in the light of~~ **[taking into account the imperatives of different]** national circumstances, and ~~enhancing access to~~ **[increasing developed countries assistance of]** international climate finance, technology transfer and capacity-building to support mitigation and adaptation efforts in developing ~~and~~ **[including]** least developed countries, especially those that are particularly vulnerable to the adverse effects of climate change;(Explanation: to reflect the principle enshrined in the Paris Agreement on climate change).**Colombia:** **[Improve mitigation measures and adaptive capacity, strengthen resilience and reduce vulnerability to climate change and extreme weather events, addressing the economic, social and environmental impacts of climate change, taking into account the imperatives of fair conversion, equity and the principles of common but differentiated responsibilities and respective capabilities, in light of national circumstances, and improving access to international climate finance, technology transfer and social appropriation of knowledge as well as capacity-building to support mitigation and adaptation actions in developing and least developed countries, especially those that are particularly vulnerable to the adverse effects of climate change].****Iraq:** 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, [**recognizing the obligation of upstream countries to prevent or minimize significant harm to downstream countries caused by the use of water resources**] especially those that are particularly vulnerable to the adverse effects of climate change;**Mauritius:****[To consider making provision to address environmental emergency such as disaster-related issues, capacity building in disaster response, mitigation and preparedness.]****Russian Federation:****Delete** this paragraph. {Enhancing mitigation actions and adaptive capacity, strengthening resilience and response and reducing vulnerability to climate change and extreme weather events, addressing the economic, social and environmental impacts of climate change, taking into account the imperatives of a just transition, equity and the principles of common but differentiated responsibilities and respective capabilities in the light of national circumstances, and enhancing access to international climate finance, technology transfer and capacity-building 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;}**Maat for Peace:****Comment:** To better assess the impacts of the listed measures, provisions for monitoring progress and measuring the effectiveness of options should be added to ensure accountability. |

(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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| **Argentina:**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;**Comment**: We would like to know the reference of the inclusion of the term "human rights compliant", because the language of the rest of the paragraph is taken verbatim from SDG 17.7, with the exception of such inclusion. This, to the extent that it is difficult for us to understand how to classify a technology as "human rights compliant". The use can perhaps be categorized, but it is more difficult to do with technology as such. **Russia:**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;**Comment:** Agree with Argentina. Technology itself cannot be good or bad; misuse of technology by some individuals may be a threat to human rights.**China Society for Human Rights Studies:** Promoting the development, transfer, dissemination and diffusion of environmentally sound and [~~human rights-compliant technologies~~ **the right to development-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 and property transactions in both source and destination countries and strengthening the recovery and return of stolen assets;

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| **China:**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 **[with the stance of zero tolerance towards corruption, zero loopholes in institutions and zero barriers in action]**; (Explanation: to reflect the spirit enshrined in United Nations Convention against Corrpution).**Colombia:** **Comment:** This paragraph is in accordance with the provisions of the United Nations Convention against Corruption, the Inter-American Convention against Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, since it refers to preventive measures against corruption, implementation of actions to detect and deter international transfers of funds of illicit origin, as well as asset recovery. The foregoing under the principles of transparency, accountability, cooperation and mutual assistance.**German Institute for Human Rights:** 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 [**as well as to avoid all forms of corruption**]; |

(k) Eliminating illicit arms flows by all necessary means, in accordance with international commitments;

**China:**

[~~Eliminating~~ **Combating**] illicit arms flows through all necessary means in accordance with international commitments;

(Explanation: according to incomplete statistics, the number of illegal small arms worldwide is currently in the billions. Considering its huge quantity, it is unrealistic to completely eliminate the flow of illegal weapons..)

**Columbia:**

**Comment:** It is in line with the objectives that have been agreed upon in various international instruments on the subject. In addition, it coincides with the targets that have been proposed in the SDGs. This background adds to the idea that the illicit flow of arms negatively affects development. For this reason, it is considered pertinent and no changes are recommended.

**Egypt:**

Eliminating illicit arms flows through all necessary means in accordance with international commitments [**obligations of Member States**];

(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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| **China:**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 **[and debt treatment**], as appropriate, and addressing the [~~external~~ **public**] debt of highly indebted poor countries to reduce debt distress;**Columbia:** **Comment:** the following paragraph is suggested for inclusion: **[Promote a comprehensive approach to the World Drug Problem from a holistic, multilateral perspective that respects human rights, public health and the environment within the framework of the principle of common and shared responsibility, recognizing the impact of this phenomenon on the development and security of States.]** **CETIM:**Assisting developing and least developed countries in attaining long-term debt sustainability through coordinated policies aimed at fostering [**debt cancellation,**] debt financing, debt relief and debt restructuring, as appropriate, and addressing the external debt of highly indebted poor countries to reduce debt distress; |

(m) Facilitating safe, orderly and regular migration and mobility of people, including through the implementation of planned and well-managed rights-based migration policies and the adoption of legislative and other measures to prevent and combat trafficking in persons, smuggling of migrants and crimes against migrants

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| **Egypt:****Comment:** We need clarification won what crimes against migrants means. **Iraq:** Facilitating safe, orderly and regular migration and mobility of people, including through the implementation of planned and well managed rights-based migration policies [**and the recruitment of children in terrorist operations**].**Russian Federation:**Comment: It would be fine to speak about migration policies based on international human rights.**Comment:** The CINGO Forum strongly supports the addition of a reference to human trafficking.**Saudi Arabia:****Comment:** We need clarification on what is crimes against migrants, and if it is found in any international legal instruments. |

**Article 14 — Coercive measures**

**Colombia:**

**Comment:** Agree with Cuba.

**Cuba:**

**[Unilateral]** coercive measures

**Iran:**

**Comment:** Agree with Cuba.

**Russian Federation:**

**Comment:** Agree with Cuba.

**China Society of Human Rights Studies:**

[**Prohibition of**] coercive 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 measure, [**including inetentionally setting prerequisites for returning stolen assets links to corruption,**] to coerce **[and bully]** 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.

**Colombia:**

The use or encouragement of the use of economic or political measures, or any other type of measure, **[which are contrary to international law]** 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.

**Cuba:**

El uso o el fomento del uso de medidas económicas o políticas, o de cualquier otro tipo de medida, para coaccionar a un Estado a fin de obtener de él la subordinación del ejercicio de sus derechos soberanos en violación de los principios de la igualdad soberana de los Estados, la libertad de consentimiento de los Estados o el derecho internacional aplicable constituye una ~~vulneración del~~ **[violación de los derechos humanos de las poblacions de los paises afectos, incluido el]** derecho al desarrollo.

**European Union:**

The use or encouragement of the use of economic or political measures, or any other type of measure, to coerce a State [**Party**] 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~~ **is prohibited**].

**International Service for Human Rights:**

Delete 14 (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 Staes, the freedom of consent of States or applicable international law constitutes a violation of the right to development}

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

**International Service for Human Rights:**

Delete 14 (2) {States Parties shall refrain from adopting, maintaining or implementing the measures referred to in paragraph 1}

**Article 15 — Specific and remedial measures**

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| No comments. |

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

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| **Argentina:**States Parties recognize that certain human persons, groups and peoples, owing to their marginalization or vulnerability because of race, colour, ~~sex~~ **[gender]**, (…)**European Union:** States Parties recognize that [~~certain human persons, groups and peoples, owing to their~~ **addressing discrimination,**] marginalization or vulnerability because of race, colour, sex, [**sexual orientation and gender identity,**] 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~~ **, in accordance with international human rights law, towards the realisation**] of the right to development. Specific and remedial measures can include, among others, [~~enabling~~ **reasonable accommodation and measures to ensure**] the full, effective, appropriate and dignified participation of [~~such human persons, groups, and peoples~~ **rights holders**] in decision-making processes, programmes and policymaking that affect their full and equal enjoyment of the right to development [**and addressing**], [~~without subjecting them to~~] structural, environmental or institutional constraints or barriers [**to this end**].**Comment:** Suggest strengthening the paragraph - addressing discrimination is an immediate obligation under international human rights law. Any measures striving to address existing inequalities need to adhere to these standards, which with respect to persons with disabilities include reasonable accommodation. Furthermore, as per the existing human rights law States have an obligation to respect, protect and fulfil the rights to participation in public affairs and other rights that are relevant with view of the human person being and active agent in development.**Egypt:****Comment:** Egypt requests that all the categories stated in this paragraph be replaced by the forms of discrimination mentioned in the two covenants ICESCR- ICCPR.**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. We can support inclusion of disability, but for sex/gender, due to differences, the text should use internationally recognized grounds.**Panama:****Comment:** We favor adding gender.**Russian Federation:****Comment**: We can include disability, which is based on an international instrument, but not gender for sex since CEDAW General Comment was not broadly accepted.**South Africa:** 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, 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. **German Institute for Human Rights:** States Parties recognize that certain individuals, groups and peoples, owing to their marginalization or vulnerability because of race, colour, sex, language, religion, political or other opinion, national, ethnic [**, indigenous**] or social origin, property, disability, birth, age or other status, may need specific and remedial measures to accelerate or achieve de facto equality in their enjoyment of the right to development. Specific and remedial measures may include enabling the full, effective, appropriate and dignified participation of such individuals, groups and peoples in decision-making processes, programmes and policymaking that affect their full and equal enjoyment of the right to development, without subjecting them to structural, environmental or institutional constraints or barriers.**IT for Change:** 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 [**, technological**] or institutional constraints or barriers.(Explanation: The inclusion of technological barriers is in keeping with the current draft of the Convention which has already recognized the immense importance of the digital on development-related concerns. This addition brings overall coherence to this aspect.)**Special Rapporteur on freedom of religion and belief:**States Parties recognize that certain human persons, groups and peoples, owing to their marginalization or vulnerability because of race, colour, sex, language, religion **[or belief]**, 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.**World Organization of the Scout Movement:**Comment: We recommend amending article 15 (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.}**[“States Parties recognize that realizing the right to equality for all people and on an intersectional basis requires a transformative process. This requires, inter alia:**1. **Providing redress to socioeconomic disadvantages;**
2. **Addressing stigma, stereotyping, prejudice and violence and to recognize the dignity of human beings and their intersectionality;**
3. **Enhancing participation, to reaffirm the social nature of people as members of social groups and the full recognition of humanity through inclusion in society, and;**
4. **Accommodating difference as a matter of human dignity.**

**It is through and as a result of realizing the right to development for all people that this can be realized at large. Until such time as this can be realized, and as a means to accelerate its realization, certain individuals, groups and peoples, owing to their current or historic marginalization or vulnerability may need State Parties to adopt specific measures with a view to realizing their enjoyment of the right to development, and as a result all other human rights.”]** |

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 individuals and peoples. Such measures may, as appropriate, include:

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| **China:**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 **[equitable and]** equal realization of the right to development by all human persons and peoples. Such measures may, as appropriate, include:**European Union:** States Parties recognize that developing and least developed countries, [~~owing to historical injustices~~ **mostly affected by armed**] 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~~ **beings**]. Such measures may, as appropriate, include:**ODVV:** States Parties recognize that developing and least developed countries, owing to historical injustices, conflicts, environmental hazards, climate change [**, imposition of Unilateral Coercive Measures**] or other disadvantages, including of an economic, technical or infrastructural nature, may require specific and remedial measures [**or compensation mechanisms**] 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: |

1. Recognition of common but differentiated responsibilities and respective capabilities, taking into account different national circumstances;

**China:**

Recognition **[and respect]** of common but differentiated responsibilities and respective capabilities, ~~taking into account~~ **[in the light of]** different national circumstances;

(Explanation: should not change from the language of the Paris agreement.

(b) The provision of special and differential treatment;

No comments.

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

**ODVV:**

Preferential terms on trade, investment and finance [**, or normalization of trade and prevention of unilateral coercive measures from continuing for decades**];

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

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The creation of special funds or facilitation mechanisms [**or compensation mechanisms**];

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

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| **Colombia:****Comment:** Add paragraph (g) on facilitation of science, technology, and innovation. |

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

No comments.

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| **Argentina:****Article 16 — Equality between men and women****[Gender]** Equality ~~between men and women~~**]**(Explanation: Current draft does not cover references to discrimination on the basis of sexual identity and gender.)**Colombia:****Comment:** We support suggestions made by Panama and Argentina.**Cuba:****Comment**: The only individual right referenced is gender-related. We suggest deleting this article and instead including this issue in the preamble and a paragraph in the first part of the document, using language from para 20 Agenda 2030.**Egypt:** **Comment:** Adding paragraph 16.3: “States Parties undertake to strengthen family-centered programmes, policies and measures, and to increase cooperation family issues at all levels, to ensure equality between men and women, as part of an integrated and comprehensive approach to the realization of the right to development”**European Union:** [**Gender**] equality [~~between men and women~~ **and the empowerment of all women and girls**]**Iraq:****Comment:** Add: 16 (1bis): States Parties recognize the family as a contributor to development, including in achieving equality between women and men, and to this end, undertake to strengthen family-centered programmes, policies, and measures and to increase cooperation on family issues at all levels as part of an integrated and comprehensive approach to the realization of the right to development.**Mexico:****Comment**: We do not accept changes in this draft, i.e. deleting “gender equality” and deleting “all” before women and girls, and we need to address multiple and intersecting forms of discrimination.**Nigeria:****Comment:** We do not accept any changes to internationally agreed language.**Pakistan:****Comment:** We agree with Russian Federation the article needs to be shortened and focused on principle of equality. We can take guidance from ICESCR Article 3. CEDAW already provides more detailed guidance.**Panama:****[Gender]** Equality ~~between men and women~~**]****Comment:** It is important to keep a separate article. **Qatar:** **Comment:** We propose to add article 16bis as follows:[States Parties recognize the family as a contributor to development, including in achieving equality between women and men, and to this end, undertake to strengthen family-centered programs, polices, and measures and to increase cooperation on family issues at all levels as part of an integrated and comprehensive approach to the realization of the right to development (based on CSW60 Agreed Conclusion 23(x), Copenhagen Declaration 26 (s)).]**Russian Federation:****Comment:** This article is not necessary in the context of this specific Convention. It singles out a specific group, which is covered under a different Convention. Suggestions by many delegations are not internationally agreed on. Language should come from international human rights treaties. **Saudi Arabia:**Article 16 (1bis):\* **[States Parties recognize the family as a contributor to development, including in achieving equality between women and men, and to this end, undertake to strengthen family-centered programmes, policies and measures and to increase cooperation on family issues at all levels as part of an integrated and comprehensive approach to the realization of the right to development. (based on CSW60 Agreed Conclusion 23(x), Copenhagen Declaration 26(s)).**]**SR on RTD:** **Comment:** Article 16 should be reframed as achieving substantive gender equality without reference to any binary “men-women” typology. A special attention should be given to overcoming intersectional discrimination faced by individuals and groups, especially those who are marginalised or vulnerable.  |

1. States Parties, in accordance with their obligations under international law, shall ensure substantive equality between 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 women and girls so as to ensure their full and equal enjoyment of the right to development.

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| **Argentina:**States Parties, in accordance with their obligations under international law, shall ensure full [gender] equality [~~for all women and men,~~]and shall adopt measures, including through temporary special measures as and when appropriate, to end [~~all~~ **multiple and intersecting]** forms of discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.**Colombia:**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 **[and exclusion]** against all women and girls everywhere so as to ensure their full and equal [**and equitable**] enjoyment of the right to development.**Egypt:****Comment**: We do not support adding “all” in front of “women and girls”, nor “multiple and intersecting forms of discrimination”.States Parties, in accordance with their obligations under international law, shall ensure [~~substantive]~~ equality between women and men, (…).**European Union:** States Parties, in accordance with their obligations under international law, shall ensure [~~full~~ **gender**] equality [~~for all women and men~~ **and the empowerment of all women and girls**], 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.**Comment:** Article 17 tracks Goal 5 and 17 of the SDGs – the EU suggest making the corresponding changes to the article.**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, Colombia].** We support “women and girls in all their diversity” and “multiple and intersecting forms of discrimination”. Adding “all” in front of “women and girls” may be a compromise.**German Institute for Human Rights:** States Parties, in accordance with their obligations under international law, [**including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**] shall ensure substantive equality between women and men, and shall adopt measures, including through legislation and temporary special measures as and when appropriate [**and as defined by article 4 of the CEDAW Convention**], to end all forms of discrimination against women and girls so as to ensure their full and equal enjoyment of the right to development. **IT for Change:** 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 [**recognize and**] end all forms of [**intersectional**] discrimination against all women and girls everywhere so as to ensure their full and equal enjoyment of the right to development.(Explanation: Recognizing and addressing intersectional discrimination is necessary to achieving meaningful substantive equality for all., moving beyond a single-axis discrimination law.[[18]](#footnote-19)) |

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

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| **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.”**16.2 *bis* [State Parties undertake to strengthen community and family-centered programs, policies and measures and to increase cooperation on family issues at all levels to ensure equality between men and women as part of an integrated and comprehensive approach to the realization of the right to development.]****Iraq:****Comment:** We support 16.2 bis suggested by Egypt.**Nigeria:** **Comment:** We support 16.2 bis by Egypt.**Pakistan:****Comment**: We need a separate article, framed in terms of equality of provision of basic and social services to all, and also in terms of equal access to employment. We can take guidance from ICESCR Article 7.**Panama:****Comment:** We do not support 16.2 bis by Egpyt since there is no agreed upon language and women and girls as rights holders should not be subjugated to the institution of family.**Russian Federation:** **Delete** the 16.2.{To that end, States Parties shall adopt appropriate measures, individually and jointly, inter alia:}(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.Comment: What international human rights treaties or provisions were used to draft this article and why specific areas were elaborated on? The Security Council agenda on women, peace, and security should be addressed in the context of this treaty. We support Pakistan’s suggestion (below)**Comment**: We support 16.2 bis and would appreciate the source for the language. We could use language from ICESCR Art 10.1, preambles from CRC and CRPD.**Saudi Arabia:****Comment:** We support adding family-centered programs, policies and measures (Egypt). We do not support making any changes to internationally agreed languages.**APG 23:****Comment**: We support 16.2 bis or to include in other parts of the Convention. |

(a) To prevent and eliminate all forms of violence and harmful practices against 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;

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| **Argentina:**To prevent and eliminate all forms of violence [including genderbased violence] and harmful practices against 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;**Colombia:**To prevent and eliminate all forms of violence and harmful practices **[including cultural practices]** against all women and girls **[in all of their diversity]** in the public and private spheres online and offline, including trafficking and sexual and other types of exploitation;**China Society for Human Rights Studies:** **Comment:** We suggest the addition of the following paragraph.**[(a) To incorporate and mainstream a gender perspective into the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;]** |

(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, social, cultural and public life, and within legal persons;

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| **Argentina:** To ensure [**all]** 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, social, cultural and public life, and within legal persons;**Colombia:**  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 [, **environmental**] and public life, and within legal persons;**Comment:** In addition, it is important to reflect about possible inclusion of indigenous people in their countries.**Panama:****Comment:** We support adding “environmental” (Colombia).**China Society for Human Rights Studies:** To ensure women’s full, equal, effective and meaningful participation and equal opportunities for leadership at all levels in the [~~conceptualization, decision-making,~~ **formulation**] implementation, monitoring and evaluation of policies and programmes in political, economic, social, cultural and public life, and within legal persons;**Make Mothers Matter:**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, **[social,]** cultural and public life, and within legal persons **[, inter alia by addressing their disproportionate share of unpaid care and domestic work as one of the main structural barrier];** |

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

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| **Colombia:**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 **[and in urban, periurban, and rural areas]**;**Panama:****Comment:** We support adding “autonomy” (Argentina). |

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

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| **Argentina:****Comment:** Provision should be retained.**Panama:**To incorporate and mainstream gender**[-responsive]** ~~perspectives~~ **[approach]** into the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;**South Africa:** To incorporate and mainstream a gender [~~perspective~~ **responsive approach**] into the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices;**German Institute for Human Rights:** To incorporate and mainstream a gender perspective into the formulation, adoption and implementation of all national laws, policies and practices and international legal instruments, policies and practices [**allocate the required human, technical and financial resources, and establish mechanisms for regular monitoring and impact assessment of these national laws, policies and practices on the equality men and women**]; |

(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;

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| **Colombia:**To ensure ~~equal~~ **[egalitarian]** and equitable access to, and control over, the resources necessary for the full realization of the right to development by women and girls **[in all of their diversity]** everywhere;**China:**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 **[especially benefitting equitably from those resources]**;(Explanation: The ultimate goal is for women and girls to benefit from, not to have control over, those resources.) |

(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;

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| **Argentina:**To ensure equal and equitable access to quality education **[including comprehensive sexuality education]** and **[sexual and productive health]** services necessary for the full realization of the right to development by women and girls everywhere;**Colombia:**To ensure [~~equal~~ **egalitarian]** and equitable access to quality education and services necessary for the full realization of the right to development by women and girls **[in rural, periurban, and urban areas]**;**Maat for Peace:**To ensure equal and equitable access to quality **[formal and informal]** education and services necessary for the full realization of the right to development by women and girls everywhere; |

(g) To realize the women and 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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| **Colombia:****16. (g)** ***bis*** **[Reduce the gaps between urban women and rural women through the adoption of measures aimed at guaranteeing their rights and eliminating all forms of discrimination and historic exclusion in order to make progress on the full realization of the rights of development]****16. (g) *ter* [Include in the approach to development all measures that are aimed at achieving equality in care jobs, with gender, territorial, and racial approach]****Make Mothers Matter:****16. (h) bis [Address structural barriers to equality between men and women, in particular the disproportionate share of unpaid care and domestic work undertaken by women and girls, by recognizing, valuing and redistributing unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility. ]** **WOSM:**To realize the women, peace and security agenda and ensure the full, effective and meaningful participation of women **[and girls]** in the prevention and resolution of armed conflicts and in peacebuilding for the maintenance and promotion of peace and security at all levels. |

**Article 17 — Indigenous peoples**

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| **Colombia:****Comment:** This article should be done within the framework of ILO Convention 169 and should reference the Convention.**Indonesia:****Comment**: Reservation, waiting for instructions from capital and will provide suggestions later. **Russian Federation:** **Comment**: It would be better not to single out any particular group. **CETIM:****17.** ***bis* [Peasants and people working in rural areas regarding the exercise of their right to development, peasants and other people working in rural areas (fisher-folks, pastoralists, indigenous peoples working on the land, agricultural workers, hunters-gatherers, transhumant, nomadic and semi-nomadic communities) define and establish priorities and strategies in this framework.****Peasants and other people working in rural areas shall effectively participe in the elaboration and implementation of national legislation and policies, international agreements and other decision-making processes that may affect their right to development. In this framework, States shall consult with their representatives organizations.****States shall not take any measures that may affect the natural resources that peasants and other people working in rural areas traditionally hold without consulting them.]****Maloca Internationale:** **Comment:** We thank Colombia’s reference to ILO Convention 169, and Argentina’s gender approach.**NHRI Mexico:** **Comment:** In regard to the second and third paragraphs of Article 17 of the draft convention, the CNDH considers appropriate that the obligation of States Parties to consult and cooperate in good faith with Indigenous Peoples, has been contemplated; however, it considers that the minimum characteristics of said obligation should also comprehend that it has to be performed in a culturally appropriate manner. Said characteristic has proven to be necessary to uphold human rights, as it may be appreciated in some of CNDH’s work.The United Nations Declaration on the Rights of Indigenous Peoples has multiple provisions on the scope and the content of the right of development for indigenous peoples and it should be read as a whole. The selected provisions in this article leave out important aspects.**SR on RTD:** **Comment:** Article 17 should include Indigenous Peoples’ right to self-determination. Moreover, States should meaningfully consult Indigenous Peoples even prior to adopting and implementing all development policies and programmes.  |

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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| **CETIM:**Indigenous peoples have the right to freely pursue their development in all spheres, in accordance with their own **[knowledge,]** needs and interests. They have the right to determine and develop priorities and strategies for exercising their right to development.**China Society for Human Rights Studies:** **Comment:** add the following paragraph.**[The international community and States parties shall take all necessary and possible measures to protect the right to development of indigenous peoples.]****Expert Mechanism on the Rights of Indigenous Peoples (EMRIP):****Comment:** Rephrase and amend to include:Indigenous Peoples in freely pursuing their development in all spheres and in exercising their right of self-determination have the right to determine and develop priorities and strategies for exercising their right to development, as consistent with the fundamental rights included in the UN Declaration on the Rights of Indigenous Peoples. |

2. In accordance with international law, 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, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

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| **CETIM:**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 **[or organizations]** in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.**EMRIP:** Comment: The inclusion of ‘tribal peoples’ used in conjunction with Indigenous Peoples in article 17 (2) is unusual, implying that first, tribal peoples are not Indigenous Peoples and second, that tribal peoples are not entitled to the same protections afforded to Indigenous Peoples in the remainder of article 17.**Maat for Peace:****Comment:** Combine 17.2 and 17.3 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 **[and 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.]** |

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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| **World Organization the Scout Movement:**(Recommendation: We suggest the addition of a new Article on Young People and Development to follow Article 17 (on indigenous peoples) and to precede the current Article 18 (on measures to prevent and combat corruption)**[Article 18 bis****Young People and Development****1. States Parties, in accordance with their obligations under international law, shall ensure that young people are able to meaningfully contribute to decision making, through the formulation, implementation and monitoring of all relevant legislation, policies, services and programs affecting their lives, both at school and at the community, local, national and international levels.****2. In this regard, the States Parties recognize the inherent relation between the personal development of all young people and the development of the communities in which they live. As such State Parties, in consultation with young people, shall adopt appropriate measures, individually and jointly, inter alia:****(a) To ensure all young people are able to participate in quality formal and non-formal education, and have the opportunity to develop and practice the skills necessary to achieve their own personal development and to contribute to the development of the community;****(b) To support young people to participate in and organize initiatives and projects that further contribute to their development and the development of their community;****(c) To ensure young people, individually and in community with others, have access to, and control over, the resources necessary for the full realization of the right to development by young people;****(d) To create and promote intergenerational dialogue, at all levels and in all spaces within society, in which young people are effectively and meaningfully engaged as partners;****(e) To incorporate and mainstream the perspectives of young people in decision making processes, through the formulation, implementation and monitoring of all national laws, policies and practices, as well as in international legal instruments;****(f) To prevent and eliminate all forms of violence and harmful practices against children and young people in the public and private spheres online and offline, and to ensure that victims of such violence have access to the support necessary;****(g) To realize the youth, peace and security agenda and ensure the full, effective and meaningful participation of young people in the prevention and resolution of armed conflicts and in peacebuilding for the maintenance and promotion of peace and security at all levels.”]** |

**Article 18 — Measures to prevent and combat corruption**

States Parties recognize that corruption presents a serious obstacle to the realization of the right to development. To this end, States Parties shall, in accordance with international law, individually and jointly:

**China:**

States Parties recognize that corruption represents a serious obstacle to the realization of the right to development. To this end, States Parties shall**,** in accordance with international law, **[United Nations Convention Against Corruption and the political declaration of the sepecial session of the United Nations General Assembly against corruption]** individually and jointly:

**Mauritius:**

States Parties recognize that corruption **[and money laundering]** present a serious obstacle to the realization of the right to development. To this end, States Parties shall, in accordance with international law individually and jointly:

**Russia:**

States Parties recognize that corruption presents a serious obstacle to the realization of the right to development. To this end, States Parties shall, in accordance with international law **[and the fundamental principles of their legal systems]**, individually and jointly:

**China Society for Human Rights Studies:**

States Parties recognize that corruption presents a serious obstacle to the realization of the right to development. To this end, States Parties shall, in accordance with international law [**and the domestic laws of each country,**] individually and jointly:

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

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| **Mauritius:**Promote and strengthen measures to prevent and combat corruption **[and money laundering];****German Institute for Human Rights:** Promote and strengthen measures to prevent and combat corruption **[, including through transparency in oublic policies, enhancing democratic institutions, the independence of the judiciary, free media and unhindwred access to information];** |

(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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| **China:**Promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in **[personnel repatriation and]** asset recovery **[for a joint denial of safe haven to corruption]**;**Mauritius:**Promote, facilitate and support international cooperation, **[exchange of information]** and technical assistance in the prevention of and fight against corruption, **[money laundering and asset recovery;]****CETIM (Centre Europe-Tiers Monde):** Promote, facilitate and support international cooperation **[judicial cooperation or mutual 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.) |

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

No comments.

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

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| **Argentina:****Comment:** Prohibition of limitations may be too broad. It would create hierarchy of rights when the right of development is the only one without limitations. **Russian Federation:****Comment:** delete this article.**EMRIP:**Comment: Any reference to legislative or administrative measures should be consistent with an Indigenous right to maintain and develop their political economic and social systems and to be able to engage freely with their traditional and other economic activities. |

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 the limitations on other human rights applied in accordance with international law.

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| **European Union:** States Parties recognize that [~~the enjoyment~~ **the realisation**] 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~~ **it infringes on the enjoyment of any**] other human rights applied in accordance with international law.**China Society for Human Rights Studies:** 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 the limitations on other human rights applied in accordance with international law~~ **are imposed by exigent circumstances such as force majeure under international law].** |

Article 20 — Impact assessments

**Argentina:**

**Comment:** Article too wide and difficult to enforce. Either delete or provide clearer definitions.

**SR on RTD:**

Comment: Article 20 should be strengthened by adding a requirement for States to consult all relevant stakeholders in a meaningful way in undertaking regular impact assessments of their law, policies, programmes and practices on the realisation of the right to development. Such an assessment should also include bilateral, regional and international agreements negotiated by States.

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.

**China Society for Human Rights Studies:**

**[In accordance with this Convention,]** 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.

**German Institute for Human Rights:**

States Parties undertake to take appropriate steps, individually and jointly, [~~including within international organizations,~~] to establish legal frameworks for conducting prior and [~~ongoing~~ **continued**] assessments of actual and potential risks and impacts [**on the right to development, within and outside their territories**] of their national laws, policies and practices [~~and~~ **.**] International legal instruments, policies and practices, [~~and of~~ **States should also assume preventive and remedial responsibility for**] the conduct of legal persons that they are in a position to regulate to ensure compliance with the provisions of the present Convention.

**ODVV:**

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 [**and extraterritorial reach**] of their national laws, policies and practices, [**and foreign policy tools of political coercion,**] 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.

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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| **China:****Comment:** Currently there is no globally unified rule on how sovereign countries can exercise their sovereign rights over cross-border data flows and intangible, unbounded, and free data in virtual spaces. Therefore, we believe it is our best option to delete the who paragraph, but in the spirit of compromise, we would like to propose the following revisions for consideration:**Colombia:****Comment:** We recognize the importance of advancing in the use of statistical information for the process of developing public policies, as well as for decision-making processes, where actors such as the private sector and civil society participate. In the case of Colombia, reference is made to the existence of a legal framework, according to which legislative projects and initiatives must take official statistics as a starting point. Similarly, the terminology is vague, since "data and statistics" and "statistical and research data" are generic expressions that lack regulation regarding their compilation and production. Likewise, it should be considered that research involves academic and inquiry exercises that respond to logics other than the production of official statistics for decision-making. In view of the above, it is suggested to adjust, so that explicit reference is made to official statistics, recognized in the national and international framework. Similarly, it is considered pertinent to include issues related to confidentiality, protection of personal data and respect for privacy, as well as protection of human rights and fundamental freedoms, with emphasis on those associated with the collection and use of statistics. However, in addition to these components, central elements such as the quality, relevance and other attributes of official statistics that are an integral part of them are left out. In particular, the existence of frameworks such as the OECD Council Recommendation on Good Statistical Practice, which reflects these elements, is particularly recognized, and which must be complied with by Member States, as well as future candidates, as a condition for membership in that organization. In this way, recognizing the plurality of stakeholders with the subject of statistics, it is recommended to be able to generate an approach by the Working Group of the Human Rights Council with the United Nations Statistics Division who provides the secretariat services to the United Nations Statistical Commission, as an organ of ECOSOC.**Iraq:** States Parties undertake to collect appropriate information, including **[updated**] 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:**APG23:****Comment:** We support the changes in this article. |

1. States Parties undertake to collect appropriate information, including statistical and research data, 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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| **APG23 on behalf of CINGO:** 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:**German Institute for Human Rights:** States Parties undertake to collect [~~appropriate~~ **relevant**] information [**on the equality and sustainability of their development policy frameworks**], including statistical and research data, 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:**Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for privacy [**online and offline**]; |

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

**China:**

Comply with [~~internationally accepted norms~~ **international laws]** to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

(Explanation: the definition of international norm is ambiguous).

**European Union:**

Comply with [~~internationally accepted norms to protect~~ **their obligations to respect, protect and fulfil**] human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

**Comment:** 1(b) falls short of states obligations under international human rights law.

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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| **Mauritius:**The information collected in accordance with the present article shall be **[gender sensitive]** disaggregated **[data],** as **[may be]** appropriate (…).**Russian Federation:**The information collected in accordance with the present article shall be disaggregated, as appropriate, and used by the State Party to [help] 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. |

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.

**Article 22 — International peace and security**

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| **CETIM:****China:**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 **[according to their domestic laws and regulations].****Maat for Peace:****Comment:** This gives States too much freedom in deciding how and to what extent to distribute data collected. A mention of a coordination mechanisms within and among states for the dissemination of the statistics should be added. It is also important to encourage collaboration with the relevant stakeholders such as civil society, to ensure consistency comparability and reliability of disseminated data. We suggest adding a subparagraph that would commit states to disseminate such data in a way that is clear and understandable for all.**Comment:** Articles 22-24 must not be changed in substance since they contribute to the implementation in practice of the right to development. |

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

**Russian Federation:**

Comment: States Parties reaffirm their existing obligations under international law to [~~promote the establishment, maintenance and strengthening of~~ **maintain]** 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.

(Explanation: clear reference to UN charter. States do not have obligations to establish, maintain, and strengthen international peace and security.)

**German Institute for Human Rights:**

States Parties reaffirm [**the inherent interdependence between development, security and human rights. States and**] 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 [**as condition for the fulfilment of the right to development.**]

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:** **Comment:** Delete or compromise is to take the language directly and if necessary from legally binding instruments on non-proliferation. {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.}**Colombia:**To that end, in accordance with international law, States Parties undertake to pursue collective measures ~~with the objective~~ ~~of achieving~~ **[to prevent proliferation and to achieve]** general, **[transparent, verifiable, irreversible]** 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. |

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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| No comment. |

**Article 23 — Sustainable development**

**European Union:**

Sustainable [**and inclusive**] Development

**APG23:**

**Comment:** We support the changes in this article.

**China Society for Human Rights Studies:**

**Comment:**

a. It should be refined according to the goals, tasks and indicators of sustainable development, as well as the content and requirements set out in the long-term planning for future development, such as the “2030 Agenda for Sustainable Development”;

b. Clarifying the meaning and function of sustainable development for the right to development and its specific modes of action;

c. Stipulating that States and the international community have the responsibility to act individually or collectively to ensure the realization of the right to development by promoting sustainable development.

**[a. The provisions of this article are too simple and abstract, not refined enough;**

**b. The three paragraphs of this article are suspected of duplication;**

**c. There is no clear provision to realize the right to development through sustainable development;**

**d. In 23(b), the expression of “do not compromise the ability of present and future generations to realize their right to development” is too vague to be legally judged and measured. What exactly are future generations and what is their right to development? None of these can be definitively evaluated at the legal level.]**

**German Institute for Human Rights:**

**Comment:** This article should be moved up to art. 2 and should be combined with art. 2. Development and only be considered as sustainable developement, because otherwise policies and measures could become support to destroy the long term implementation of all human rights including the right to develoment

**NHRI Mexico:**

**Comment:** In respect to Article 23 of the draft convention, the CNDH considers that the observance of sustainable development in the formulation, adoption and implementation of policies should also be considered as means of reparation for human rights violations.

In this sense, such principle may be seen through the lens of both preventive and responsive lenses. The foregoing may have the effect of focusing on the present and future problems equally.

The labour at CNDH has confirmed that this criterion is useful, for instance, when dealing with the protection of wildlife, National Parks, management of chemical substances, water sanitation, among others.

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, in a manner consistent with their obligations under international law;

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| **Russian Federation :****Comment:** If we include UNFCCC and Paris Agreement then we would also need to refer to other instruments. We support the current draft which do not include exhaustive list.**German Institute for Human Rights:** Laws, policies and practices relating to development at the national and international levels are aimed at and contribute to the realization of sustainable development, in a manner consistent with their obligations under international law [**including the right to a healthy, safe and sustainable development**]; |

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

**ODVV:**

Their decisions and actions do not compromise the ability of present and future generations [**or other nations**] to realize their right to development;

(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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| **Argentina:**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~~ **under]** international law **[for realizing sustainable development].****European Union:** 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~~ **and other obligations under international human rights law.**]**Russian Federation:****Delete** this subparagraph.{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.} |

**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, States Parties reaffirm that the United Nations and its specialized agencies are under an obligation to promote the right to development.

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| **European Union:** 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~~ **should contribute**] to promote the right to development [**in accordance with their constituent instruments**].**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, States Parties reaffirm that the United Nations and its specialized agencies are under an obligation to promote the right to development.**] |

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.{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.}**European Union:** 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~~ **and the**] present paragraph is not intended to create a hierarchy between the present Convention and other international law. [**Potential conflicts shall be solved in accordance with the Vienna Convention on the Law of Treaties**.]**German Institute for Human Rights:** Add a subsection: [**3. Nothing in the present Convention shall affect more favourable implementation paths for human rights or freedoms granted by virtue of:****(a) The law or practice of a State Party; or****(b) Any bilateral or multilateral treaty in force for the State Party concerned.**]**Maat for Peace:****Comment:** Maat recommends the need to reconsider this paragraph. This exceptional situation, according to Maat, may open the way for countries to breach existing international obligations on the grounds that they are inconsistent with this Convention, which may allow conflicts and disputes, especially in the case of historical Convention and rights inherited from the colonial era, such as the agreements on the international law of the sea and river. |

**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.**German Institute for Human Rights:** **Comment:** See the comments in the paper of the German Institute for Human Right, proposing that the convention should be adopted as an optional protocol to the International Covenant of Economic, Social and Cultural Rights.Accodingly the following paragraphs could be changed: States Parties to the Optional Protocol |

**Article 25 — Conference of States Parties**

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| **China:** **Comment:** We agree with the proposals made by Pakistan.**Columbia:** **Comment:** It is important to clearly define what themes the mechanism will be addressing, to avoid duplication with another mechanism.**NHRI Argentina:**Comment: After the Conference of States Parties, the NHRIs may submit, within a period of two months, alternative reports to the country report, or others based on statements given at the Conference of States Parties.The creation of instances of critical participation amounts to building interest in an attempt to ensure that States are not alone in measuring milestones, progress and results on the right to development. This one-sided perspective could prove extremely positive in the face of realities that are not.All that with a view to strengthening the role of the UN system’s programmes, funds and specialized, regional human rights bodies, NHRIs and non-government organisations in consultative status so that they can be key, active participants and critics and not merely observers.  |

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 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:

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| **Colombia:****Comment:** The Convention includes topics already contained in specific instruments on the subject that have technical implementing bodies and have funding (e.g. fight against corruption). It is important to consider that it is not a duplication of efforts.**APG23 on behalf of CINGO:** **Comment:** The CINGO Forum highlights the need to insert a specific reference to a time-framework of the reports made by the State Parties, while also explicitly stating their compulsory nature. CINGO suggests adopting a quadrennial process of reporting. |

(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 the 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;

**Russian Federation:**

**Comment:** It should be the mandate of the implementation mechanism. Rephrase this subparagraph.

**ADF INTERNATIONAL:**

Delete {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;}

(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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| **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;

**Russian Federation:**

**Comment:** We suggest to move this subparagraph to the mandate of the implementation mechanism.

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

**Russian Federation:**

**Comment:** We suggest to move this subparagraph to the mandate of the implementation mechanism.

 **Russian Federation:**

**Comment:** We suggest to move this subparagraph to the mandate of the implementation mechanism.

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

**Russian Federation:**

**Comment:** We suggest to move this subparagraph to the mandate of the implementation mechanism.

 **Russian Federation:**

**Comment:** We suggest to move this subparagraph to the mandate of the implementation mechanism.

(g) 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.

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| No comments. |

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 within the scope of its mandate that are 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.**}**1st option: delete the last part (shown as reservation above).2nd option: rephrase the last part of this subparagraph. |

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.

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| No comments. |

7. Special sessions of the Conference of States Parties shall be held at such other times as it may deem necessary, or at 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 and the Economic and Social Council.

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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~~**]** |

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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| **Russian Federation:**This article (the mandate of the implementation mechanism) should be expanded, using a number of provisions of article 25.**Saudi Arabia:** **Comment:** We support the proposal of Russia, Pakistan and China for an establishment of an implementation mechanism. We would support the idea of sticking to the implementation mechanism of previous international human rights instruments. |

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 geographical representation, as well as to an appropriate representation of different legal systems. Experts shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention.

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| **China:** The implementation mechanism shall consist of independent experts, consideration being given to, inter alia, gender balance and equitable geographical representation, as well as to an appropriate representation of different legal systems. Experts shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. [**State parties shall work together on the standard of selecting independent experts**].**Colombia:** **Comment:** It is important to consider how the mechanism will interact with other existing mechanisms on issues addressed by this convention, for example, the mechanisms established by the UNCAC in the area of anti-corruption.It is important to clearly define the issues on which the mechanism is going to pronounce, this, considering that the convention addresses issues that are already evaluated at the international level and could fall into a duplication of efforts with other Conventions.**Russian Federation:** The implementation mechanism shall consist of independent experts, consideration being given to, inter alia, [~~gender balance~~] and equitable geographical representation, as well as to an appropriate representation of different legal systems. Experts shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention.**Saudi Arabia:** The implementation mechanism shall consist of independent experts, [**elected by states parties from among their nationals]** consideration being given to, inter alia, gender balance and equitable geographic representation as well as to an appropriate representation of different legal systems. Experts shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention.**ADF INTERNATIONAL:**The implementation mechanism shall consist of independent experts, **[elected by State Parties from among their nationals]** consideration being given to, inter alia, gender balance and equitable geographic representation as well as to an appropriate representation of different legal systems. **[Experts shall serve in their personal capacity and shall of high moral standing and recognized competence and experience in the field covered by the present Convention]****German Institute for Human Rights:**The implementation mechanism shall consist [~~of independent experts~~ **the bureau of CESCR, give the objective links between this convention and the covenant on ESCRs, in additions to five independent experts with established knowledge and practical experience in international trade and financial matters, to be nominated and elected by states parties to this convention**], consideration being given to, inter alia, gender balance and equitable geographical representation, as well as to an appropriate representation of different legal systems. Experts shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. [**Add language on emoluments, facilities, privileges and immunities of the experts.**]**World Organization of the Scout Movement:**Recommendation: We would also urge the State parties to consider the feasibility and benefit that young(er) members of the implementation mechanism could offer to ensure that the considerations of young people are represented. While on its own this is insufficient to represent young people, when considered in addition to other modalities it is crucial to empowerment of young people. For this reason, we would **recommend that age is considered alongside gender balance and equitable geographical representation** in Art. 27 (2) on the composition of the implementation mechanism. |

3. The implementation mechanism shall:

**Russian Federation:**

**Comment:** The language can be drawn directly from one of the human rights conventions. These would refer to general comments, but in relation to national periodic reports from States.

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

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| **Russian Federation:** **Delete** this subparagraph.{Adopt general comments or recommendations to assist in the interpretation or implementation of the provisions of the present Convention;}**Saudi Arabia:**1. **[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.] [**~~Adopt general comments or recommendations to assist in the interpretation or implementation of the provisions of the present Convention;]~~
2. **[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);**
3. **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]**

**ADF INTERNATIONAL:****Alt (a) [Periodically examine reports by State Parties on the implementation of their obligations under the Convention, and in this regard to make such suggestions and general recmmendations on these reports as it may consider appropriate;**~~(a) Adopt general comments or recommendations to assist in the interpretation or implementation of the provisions of the Convention;~~ **[(b) 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) 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;]** |

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

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| **ADF INTERNATIONAL:**~~(b)~~ **[(d)]** Review obstacles to the implementation of the Convention at the request of the Conference of States Parties;**German Institute for Human Rights:** Review obstacles to the implementation of the Convention at the request of the Conference of States Parties [**or individual states parties to this Convention**];**World Organization of the Scout Movement:****[bis (c) Ensure, through their methods of work, including child-friendly reporting, that they seek to explicitly engage young people, and other vulnerable or marginalized peoples in the monitoring of the convention;”]** |

(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 Convention;

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| **China:** Delete this subparagraph.{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 Convention;}**Russian Federation:****Delete** this subparagraph, as it is unclear.{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 Convention;}(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.**ADF INTERNATIONAL:**~~(c)~~ **[(e)]** 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;**APG23 on behalf of CINGO:** 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~~];**Comment:** The CINGO would have liked its previous suggestion of a stronger and more defined implementation mechanism to be considered. **German Institute for Human Rights:** Review [**individual**] requests by rights holders to comment on [~~situations~~ **national or international situations, decisions or policies**] 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~~ **their obligations**] under the Convention[**. Such reviews will result in recommendations to the states concerned as to how to remedy adverse effects on the right to development in the cases under consideration**]; |

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

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| **ADF INTERNATIONAL:**1. **[(f)]** Undertake any other functions that may be vested by the Conference of States Parties.

**German Institute for Human Rights:** Undertake [~~any other functions~~ **inquries on the most serious obstacles to fulfilling the right to development**] within the scope of the Convention [~~that may be vested by the Conference of States Parties~~ , **in collaboration with relevant international organisations and mechanisms**]. |

**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.

**Argentina:**

**Comment:** The paragraph seems contradictory. On one hand, it talks about international organization who will be subject obligations stemming from the convention, and on the other hand there is need for official formal confirmation to express consent from international organization who are signatories for the obligations within the convention. We seek clarification on this.

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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| **Russian Federation:****Delete** this article. A solution would be to track article 44 of the CRPD.(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.) |

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 31, paragraph 1, and article 33, paragraphs 2 and 3, any instrument deposited by an international organization shall not be counted.

No comments.

4. International organizations may not exercise a right to vote in the Conference of States Parties or for the purposes of article 33, paragraph 1.

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| **APG23 on behalf of CINGO:** 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~~ **a**] right to vote [~~if any of its member States exercises its right, and vice versa~~ **in the Conference of States Parties or for the purposes of article 33, paragraph 1**]. |

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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| **APG23 on behalf of CINGO:** 1. **[Reservations may be withdrawn at any time.**
2. **Reservations incompatible with the object and purpose of the present Convention shall not be permitted.]**
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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.

**European Union:**

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.

**Comment:** The amendment should enter into force only for those states that have accepted it.

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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| **China:****Delete** this article.(Explanation**:** Both the United Nations Charter and the Statute of the International Court of Justice have already made clear specifications on dispute settlement with respect to interpretation or application of international conventions, and in practice, state parties of other international conventions follow the above mentioned documents in settling disputes. In addition, ICESCR and CRC also don’t have such kind of articles.) |

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, unless another mode of dispute settlement is agreed upon by them.

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| **Argentina:** **Comment:** the last addition is confusing and is not necessary to us.**Cuba:** **Comment:** We support Argentinas proposal. Dispute settlement before the ICJ should be agreed upon beforehand. This will be the dispute settlement, unless another mode of dispute settlement is agreed upon. This means that the ICJ will be the first instance of dispute settlement. We are not in agreement with this. According to our interpretation, there should be an agreement between the two states before they go to the court. We would like clarity on the interpretation of this paragraph. |

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:****Argentina:** Language is not as clear as it should be. This applies especially to preambular paragraphs 22 and 23, arts 1, 3(a)(b), 4(1). Some binding provisions should be included and less room for interpretation should be given. For example, the notion of people, peoples, the entire population need clarification.**Colombia:** The instrument should include the notion that this generates obligations of a progressive nature. Sometimes terms are used here that do not actually imply the management of the State but rather results only. The measures of a resutl are not clear. For cooperation, it should be voluntary cooperation. The right to development definition lacks concrete concrete elements that allow one to understand what the enjoyment of this right might be.**Iraq:** Retaining the word “sex” throughout the text, to keep the draft text consistent with international human rights law, and we suggest deleting the word “gender” as it does not enjoy consensus.**Russian Federation:** Delete the preambular paragraphs from 8-12, as they are listing instruments and decisions, which can be done in one paragraph.**Iraq, Russia, Egypt, Colombia, Iran, Chile, Saudi Arabia:** The above listed countries had comments regarding the use of the terms “sex/gender” throughout the entire convention.**German Institute for Human Rights:** The German Institute for Human Rights had already commented on the first draft of the Convention on the Right to Development in October 2020[[19]](#footnote-20) and would like to take this opportunity to share comments on the second revised text of the draft convention. This paper contains seven general remarks. Comments and proposed changes to the second revised text of the draft convention will be shared separately:1. Development is sustainable development, that should be fully reflected in the definition of the right to development: There is an increasing understanding of the linkages between (and interdependence of?) the economic, social, and environmental aspects in the context of sustainable development. Further, environmental problems linked to climate change, the loss of biodiversity and the pollution of the natural habitats on the planet are accelerating. Mankind has also increase its collective knowledge of the boundaries of our natural environment and planet and of the areas, in which these boundaries were already crossed. Hence, it would be recommendable to ensure that the right to development includes the dimension of intra- and inter-generational accountability through the integration of sustainable development, an issue on which the UN Committee on Economic, Social and Cultural Rights (CESCR) is currently drafting a general comment. Therefore, we propose to combine Arts. 4 and 23 of the current draft, or to place them in a sequence.
2. The right to development is defined as a right of every individual and of peoples in access to policies that allow the realization of their right to take part in all dimensions of development in national and international policies. However, this national dimension is currently covered in the second revised text only in parts and could feature more prominently in the draft text.

Core of the idea that every individual has the right to „enjoy civil, cultural economic, environmental, political and social development“ is the obligation for the State to create a national enabling environment that allows each individual to enjoy such access to an all-encompassing development. The draft´s description of the State obligation at the domestic level is not clear and not detailed enough to cover this necessary action for an enabling environment. Thus, the individual and with this the core of the human rights dimension of the right to development is, therefore, not comprehensively spelt out.* The draft contains in different articles elements of that individual right to development; for example, in Art. 15 (1) or Art. 16. The text should either be more explicit in covering this individual dimension as the core of the right to development as a human right, or it should refer to other human rights treaties, which do cover such detailed description, particularly the International Covenant on Economic, Social and Cultural Rights (ICESCR). Subparagraphs of several articles in the draft convention address the creation of an enabling environment to realize the right to development on the national level, such as Art. 10 (a) on the „obligation to respect“, Art. 11 on the „obligation to protect“ and Art. 12 (2) on the „obligation to fulfil“. Art. 12 (2) on the obligation to fulfil contains references to some of those human rights that are relevant for the domestic realisation of the right to development in its individual dimension: „equality of opportunity,…. for all individuals and peoples in their access to basic resources, education, health services, food housing, employment and social services and protection, and in the fair distribution of income, and shall carry out appropriate economic and social reforms with a view to eradicating all social injustices”. The text refers here to rights that are all covered in the ICESCR.

Recommendation: There are numerous objective links between this key dimension of the right to development to the full realisation of the ICESCR. Ensuring coherent jurisprudence and integrity of international human rights law, therefore, would make it recommendable that the convention on the right to development should ideally become an optional protocol to the ICESCR, both in its national and international dimensions. The individual dimension of the right to development – the creation of a national enabling development – could be taken up in the review of States Parties through the respective treaty body, the UN Committee on Economic, Social and Cultural Rights (CESCR). The text of this new optional protocol to the ICESCR would also focus on the real strength of the current draft, namely provisions on the obligations of States to cooperate internationally; for instance, Art. 13 on the duty to cooperate, Art. 15 (2), Arts. 19 and 20, as well as Art. 22.1. Furthermore, the obligations of States at the national level to create a national supportive environment for the right to development is not systematically addressed in the draft convention, but only appears sporadically. Further, the draft convention mixes States’ obligations pertaining to the national level and those pertaining to the international level. The draft is strong in defending the right of States to protect their national environment against influences from outside, such as from other States, from trade policy etc. However, the text would clearly benefit if it separated obligations that relate to what States have to do on the national level and what states have to do on the international level.
2. The current draft does not address the question of any potential problems /collisions between an individual´s right to development and the right of peoples to development. Both rights are always mentioned in the same context, even though conflicts might arise between them; for example, when it comes to national minorities etc. It would be recommendable that the text covers these issues in a dedicated article.
3. A key and strong part of the draft and its strong point is the description of the international dimension of the right to development: the duty to cooperate, international and cross-border activities (e.g. in Art. 13 on the duty to cooperate, in Art. 15 (2), Arts. 19 and 20, as well as Art. 22). These paragraphs and subparagraphs should be combined as core elements of this convention. They describe what is needed in form of an international enabling environment to foster the realization of the right to development for all everywhere.

Recommendation: To establish and to strengthen the inherent link to the domestic dimension (the national enabling environment) we propose to develop this planned convention as an optional protocol to the ICESCR. The ICESCR recognizes the need of international cooperation already in Art. 2.1.[[20]](#footnote-21) The new optional protocol (on the right to development) would deliberately be more explicit what States shall do when acting abroad and when acting jointly on the international level, in order to make sure that the implementation of the Covenant will contribute at the same time to the realization of the right to development. This is best exemplified in Art. 13 of the draft, which is strong in describing the different elements of the duty to cooperate through joint and separate action to achieve the full realization of all human rights (under paragraph 1) and particularly, by elaborating on key economic, social and cultural rights, such as poverty eradication, a higher standard of living, and full and productive employment. Paragraph 2 covers measures of international solidarity, with references to all levels of international obligations to respect (para. 2 (a) and (c)), to protect (para. 2 ( b)) and to fulfil (para. 2 (d)). Art. 13 also refers to the importance of financing for development (under paragraph 3) and to the elements needed for an enabling international environment for the right to development (under paragraph 4). All these elements of the duty to cooperate are essential.1. It would also be helpful, if a more comprehensive description of the obligations of States when acting abroad or internationally would be taken up in the convention / optional protocol. The ICESCR has already developed such an understanding in its recent General Comments, such as General comment No. 24 (2017) on State obligations in the context of business activities and General comment No. 26 (2022) on Land and Economic, Social and Cultural Rights. The term “extraterritorial obligations” has been used by the CESCR Committee and other experts to characterize this dimension of obligations. Whatever terminology is chosen, it would be useful if the text of the Convention would be explicit in describing the obligations for international cooperation and solidarity– as specific State obligations to respect, protect and support in fulfilment for their international cooperation and assistance work. Art. 3 of the draft describes in detail the elements of a „human rights-based development“. Additionally, the text of the draft convention already covers such international obligations in different parts. The obligation to respect is contained in Art. 10 (b), (c), (d). Art. 13 addresses the duty to cooperate in a detailed. Art. 15 (2) describes the common but differentiated responsibilities and capabilities of least developed countries based on different national circumstances for trade policies, investment and finance.
2. If the convention was adopted as an optional protocol to the International Covenant of Economic, Social and Cultural Human Rights:
* This would allow to link the right to development at the national level with the full realization of economic, social and cultural rights, and it would strengthen the individual dimension of the right to development. By doing so, it should exclude non-normative and too general provisions of the current draft. The CESCR Committee would be invited to develop a standard procedure to systematically integrate the individual dimension of the right to development into its work.
* The CESCR Committee is already giving high attention to Art. 2.1 (ICESCR) on „international cooperation and assistance“, in order to support the implementation of this international dimension of economic, social and cultural rights. It also monitors that policies of international cooperation and assistance themselves do not negatively impact the implementation of the Covenant rights. An Optional Protocol would enable the CESCR Committee to raise more detailed questions on the duty to cooperate, international solidarity and an enabling international environment in its constructive dialogues with States Parties.
* Adopting the convention as an optional protocol to ICESCR would help to enrich the work of the CESCR Committee and of the UN human rights system on the right to development and the obligation of international cooperation and assistance (Art. 2.1 ICESCR), as well as to fulfil the task set out in the draft text „to comment on situations in which (rights holders’) right to development has been adversely affected by the failure of States to comply with their duty to cooperate …” (art. 27 (3)(c) of the draft convention). The proposed implementation mechanism for the convention on the right to development (Art. 27) is already constructed with a mandate „to facilitate, coordinate and assist, in a non-adversarial and non-punitive manner, the implementation and promotion of compliance.“ Such a mechanism of independent experts could be set up that meets regularly. It could, in collaboration with some members of the CESCR Committee, pursue the function described in Art. 27 (3), including the „adoption of general comments and recommendations to assists in the interpretation and implementation of the provisions of the present convention“ (Art 27 (3) (a)). The optional protocol would avoid the creation of a duplicative body by setting up such an implementation mechanism as an expert body assisting the CESCR Committee by bringing together 2-3 experts with a background of trade law and IFIs expertise with some existing members of the CESCR Committee.
* Art. 25 describes the role of the conference of States Parties. These roles and functions could also be maintained for the States Parties under the Optional Protocol. They could meet from time to time in form of such a conference of States Parties to the OP.

Overall, this proposed setting would allow to integrate the right to development as an integral part into the existing United Nations human rights protection system. This is would also be more in line with the treaty body strengthening process and GA resolution [68/268](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F68%2F268&Language=E&DeviceType=Desktop&LangRequested=False) of 2014 that lays our modalities for enhancing synergy within the existing human rights accountability framework, rather than proliferating new instruments and duplicating existing ones.**ILGA World:****Issue:** The Expert Drafting Group (EDG) changed the previous “gender equality” reference on the title to “equality between women and men” and eliminated language referring to “all women and girls”. The EDG accepted suggestions from some States to frame the article with a binary approach of equality “between women and men” based on the reasoning that the objective of this draft article is addressing discrimination against women and girls specifically, and not gender inequality in a broader sense. The decision was also based on the EDG reasoning that the concept of “gender” implied the obligation of States not to discriminate on the basis of sexual orientation and gender identities, agreeing with the critique of some States that the previous title of this draft article which spoke to gender equality was not in sync with the intended limited focus on women and girls and that the concept of gender could in some cases reduce the rights of women and girls. In addition, the EDG justified the current language employed in the draft article 16 as fully in line with CEDAW and accepted to erase the word “all” before “women and girls” to ensure consensus.**Our response:** Despite understanding that there are disparities in the interpretation of the concept of “gender,” the usage of **“gender equality”** shows the need to tackle the root causes of the inequalities and imbalance that affect us all in different levels and proportions. This notion is used by UN Women, CEDAW, and other relevant actors such as the UN Secretary and many Member States when talking, for instance, about combatting Gender-Based Violence. While the CEDAW Convention, adopted in 1979, does not contain the word ‘gender’ (which also reflects the level of legal and social scholarship at that time), later CEDAW documents do use the notion of ‘gender’, including through explicit references to it.In its General recommendation No. 28 (2010), the CEDAW Committee drew a very clear distinction between the notion of sex (as based on biology) and gender (socially constructed):*The term* ***“sex”*** *here refers to biological differences between men and women. The term* ***“gender”*** *refers to socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women. This social positioning of women and men is affected by political, economic, cultural, social, religious, ideological and environmental factors and can be changed by culture, society and community.*[[21]](#endnote-2)Since then, this definition has been used by the Committee in its practice, for instance:***Gender*** *refers to socially constructed identities, attributes and roles for women and men and the cultural meaning imposed by society on to biological differences, which are consistently reflected within the justice system and its institutions.[[22]](#endnote-3)*Therefore, the argument on the purpose of Article 16 to address discrimination against women and girls specifically, and that the notion of gender would imply a broader sense that will deviate for this purpose is unsubstantiated. The notion of “gender,” from CEDAW’s perspective, covers discrimination against women and girls in a holistic way that, instead of lessening the focus, reinforces it and improves the comprehension of the social positioning of women and girls in several areas. Moreover, the claim that the language used in the draft Convention is fully in line with CEDAW recommendations and jurisprudence is incorrect since recent developments of the Committee are fully inclusive of the usage of the term gender and have a focus on root causes of inequality. By excluding the word “gender” and the notion of “gender equality” from Article 16, the EDG would risk not following the current developments of International Human Rights Law of the last decade. Overall, the CEDAW Committee’s practice is based on the **concept of gender and relevant notions**, such as: * gender equality;
* gender-based structural inequality;
* gender bias; gender stereotypes;
* gender socialization; (patriarchal) gender roles;
* gendered ideologies, structures and systems; gender order of society; gender regime;
* gender gap; gender disparities; gender-differentiated impact;
* gender segregation; gender-segregated labour market;
* gender-based discrimination; gender-based violence; gender-related persecution
* gender analysis; gender perspective;
* gender-sensitive legislation; gender-sensitive / gender-responsive measures; gender-responsive action plans;
* gender-sensitive complaint and grievance mechanisms; gender-responsive judicial remedies; gender-sensitive court proceedings; gender-sensitive legal aid;
* gender-responsive educational programmes; gender-sensitive / gender-responsive training;
* gender-responsive social protection and essential services.

In particular, the CEDAW Committee formulated the definition of **‘gender perspective’** (in this case, for Indigenous women, but this approach can be extrapolated on many other areas):*A* ***gender perspective*** *takes into consideration the discriminatory norms, harmful social practices, stereotypes and inferior treatment that have affected Indigenous women and girls historically and still affect them in the present.*[[23]](#endnote-4)Another crucial concept developed by the CEDAW Committee is **‘gender-based violence’**. In 1992, in its *General recommendation No. 19: Violence against women*, the Committee has already introduced the concept of ‘gender based violence’, even though it has not been reflected in the title of the General recommendation. The Committee defined that ‘gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.’[[24]](#endnote-5)In 2017, the CEDAW Committee issued its *General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*. This time, the term ‘gender-based violence’ has been included into the title of the document, and the Committee additionally explained that:*The concept of ‘violence against women’, as defined in general recommendation No. 19 and other international instruments and documents, has places an emphasis on the fact that such violence* ***is gender based****. Accordingly, in the present recommendation, the term ‘****gender-based violence*** *against women’ is used as a more precise term that makes explicit* ***the gendered causes and impacts*** *of the violence. The term further strengthens the understanding of the violence as a social rather than an individual problem, requiring comprehensive responses, beyond those to specific events, individual perpetrators and victims/survivors.*[[25]](#endnote-6)*The Committee regards* ***gender-based violence*** *against women as being rooted in gender related factors, such as the ideology of men’s entitlement and privilege over women, social norms regarding masculinity, and the need to assert male control or power, enforce* ***gender roles*** *or prevent, discourage or punish what is considered to be unacceptable female behaviour.*[[26]](#endnote-7)**CEDAW: Gender and Development**The CEDAW Committee also consistently refers to gender in their approach to development, particularly when referring to the Sustainable Development Goals (SDGs). ***Examples from general recommendations:**** *The Convention on the Elimination of All Forms of Discrimination against Women should also be interpreted in a manner that takes into consideration the 2030 Agenda for Sustainable Development, in which States agreed that the achievement of* ***gender equality*** *and the empowerment of women and girls is paramount to sustainable development and the end of poverty.*[[27]](#endnote-8)
* *Violations of all rights under the Convention may be found at the root of trafficking in women and girls and must be addressed as part of a transformative approach that empowers women and girls by* ***promoting gender equality*** *and their civil, political, economic, social and cultural rights, in line with Sustainable Development Goals 1, 3, 4–5, 8, 10–11, 13 and 16.*[[28]](#endnote-9)
* *Well-designed disaster risk reduction and climate change initiatives that provide for the full and effective participation of women can advance* ***substantive gender equality*** *and the empowerment of women, while ensuring that sustainable development, disaster risk reduction and climate change objectives are achieved. It should be underlined that* ***gender equality*** *is a precondition for the realization of the Sustainable Development Goals.[[29]](#endnote-10)*
* *States parties, separately and in cooperation with others, should (…) integrate a* ***gender equality perspective*** *into relevant international, regional, national, sectoral and local programmes and projects, including those financed with international climate and sustainable development funds.[[30]](#endnote-11)*

***Examples from country periodic reviews:**** *The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive)* ***gender equality****, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development.*[[31]](#endnote-12)
* *The Committee calls for the realization of substantive* ***gender equality****, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.[[32]](#endnote-13)*

**Intersectionality: CEDAW Contribution to the 2030 Sustainable Development Goals in response to a call for inputs by the High-Level Political Forum on Sustainable Development (HLPF) 27 April 2018** In addition, CEDAW has employed language on intersectionality and women in all their diversity when contributing to the development framework. In CEDAW’s assessment of the situation regarding the principle of “ensuring that no one is left behind” at the global level the Committee stated: “*CEDAW provides robust standards on equality and non-discrimination* ***for all women****. It also provides critical normative standards that are intrinsically linked to the Agenda 2030 for sustainable development, such as those related to food, education, health, housing, non-discrimination, political participation, and freedoms of expression and assembly. “*Moreover, CEDAW emphasized the **intersection of gender with other forms of disadvantage, such as race, class, ethnicity and sexuality,** and how it is scarcely considered by nearly all countries and this causes an increase in inequalities among women, especially in countries where economic development has been more pronounced but insufficiently accompanied by democratic and social reforms. **2. Other instruments that use the notion of gender.*** ***Convention on the Rights of Person with Disabilities (CRPD)***

Besides CEDAW, many Treaty Bodies and the text of one International Convention have used the notions of gender and/or gender equality in their work. The most illustrative example is the *Convention on the Rights of Person with Disabilities* adopted in 2006 and currently ratified by 186 States.Additionally, in the Preamble to the CRPD Convention, it is stated that State parties ‘[emphasize] the need to incorporate a **gender perspective** in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities.’ Further, references to gender are also contained in articles on specific rights or freedoms:***Article 16 - Freedom from exploitation, violence and abuse****1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their* ***gender-based aspects****.**2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of* ***gender-*** *and age****-sensitive assistance and support*** *for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that* ***protection services are*** *age-,* ***gender-*** *and disability-****sensitive****. (…)*This example demonstrates that the notion of gender has been adopted by one of the most recent international human rights conventions. Thus, not including this understanding of gender, particularly in Article 16 of the draft convention of the right to development, would imply and step back in the established internationally agreed language.* ***The Agenda 2030 on Sustainable Development***

Furthermore, the notion of gender equality which was previously proposed in the title of the draft Article 16, would be aligned with the wording used in the Agenda 2030, as well as the word “all” before “women and girls.” Indeed, the concept of gender equality shapes Goal 5 and all its targets[[33]](#endnote-14). Although not a legally binding instrument, the Agenda 2030 reflects a universally agreed document by United Nations Member States, and being part of the development framework, it is certainly an example that shows that reverting to “Equality between men and women” and excluding the word “all” before women and girls would be a step backguards on human rights and development language that does not reflect the current global priorities and agreements made by United Nations. Thus, by accepting these modifications, many women would not be represented in Article 16 of the draft Convention, and this would be a real cause to reduce their rights. * ***The Commission on the Status of Women***

The Commission on the Status of Women (CSW) is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women. While the final text of CSW, called “Agreed Conclusions,” are not a treaty, they do come in unanimous decisions creating agreed language in an ECOSOC process. The most recent Agreed Conclusions are on “Innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls”. In this text, all Member States have agreed on “build more inclusive innovation eco-systems to promote safe and gender-responsive innovation for gender equality and the empowerment of all women and girls”, amongst other actions to bridge inequalities and bring all women and girls, in all their diversity, to the center.Past Agreed Conclusions use similar language on gender, showing that the multilateral conversation on gender equality uses the same terminology as CEDAW and this submission, addressing root causes like the patriarchy and calling Member States to act in order to include women in all of their diversity and who suffer multiple and intersecting forms of discrimination.**3. Recommendations**1. We recommend the Expert Drafting Group consider the recent appliance and interpretation of the notions of “gender” and “gender equality” in international human rights law and other agreed language in documents produced by ECOSOC processes. We urge the EDG to revert to the initial proposal to use the concept of “gender equality” in the text of the draft convention instead of equality between women and men.
2. We highlight the emphasis made on the Agenda 2030 to promote gender equality for ALL women and girls to achieve sustainable development, and we suggest continuing this specific approach in the draft convention.
3. In order to fully transmit the aims of Article 16 and tackle the roots and causes of inequality for women and girls, it is crucial to address the multiple intersections that constitute the realities of all women and girls. Therefore, we encourage to add in the text of the draft Convention direct references of intersectionality and grounds of vulnerability such as race, class, ethnicity, sexual orientation, gender identity, disabilities, among others.

**International Communities Organisation:****Introduction**This research paper explores four significant gaps in the Second Draft (SD) of the United Nations Convention on the Right to Development. The first gap is the lack of provisions codifying the rights of minorities to participate in Development Planning and Decision-Making Processes (DPDMP). The second gap is the SD’s inadequate protection against discrimination and oppression faced by minorities. The third is ambiguity regarding the Right to Self-Determination (RSD) for minorities and the final gap is the SD’s inadequate protection for cultural rights/heritage of indigenous peoples and other minorities. This report highlights these gaps and provides potential solutions through explicit references, improved monitoring, detection, and accountability mechanisms. These solutions will ensure that the rights of minorities are protected under the Convention.**Lack of provisions codifying the rights of minorities to participate in development planning and decision-making processes**The right of minorities to participate in DPDMP is a fundamental aspect of the Right to Development (RD). It recognises the importance of involving individuals/groups, who are most affected by development decisions which impact their lives/communities. However, the SD fails to uphold this principle as it lacks provisions which specifically address this issue and codify such rights.The draft does not make explicit reference to the participation of minorities in development, and only mentions *"participation of all individuals and peoples" (Article 2.2)*. This lack of clarity is concerning, as it may perpetuate the marginalisation of minorities in development processes.According to a report by the Office of the High Commissioner for Human Rights, *"the participation of those who may be most affected by a development project, such as minorities, indigenous peoples, and women, is essential to ensuring that the project benefits everyone and does not cause harm."* Additionally, the report emphasises that participation is not just consultation but rather involvement in development and decision-making process. Therefore, the lack of explicit mention of minorities in the draft is a significant gap in ensuring that development processes are inclusive and equitable.Furthermore, as noted by Professor Ramin Jahanbegloo, *"Development, if not planned and implemented in a participatory manner, can easily lead to the marginalisation of ethnic and religious minorities*.” (14) Thus, it is crucial to ensure that the rights of minorities are explicitly mentioned in the convention to protect them.To resolve this issue, possible solutions entail the inclusion of explicit references to the participation of minorities in DPDMP, in the text of the Convention. The inclusion of such references would ensure that the rights of minorities are protected through thorough and precise codification resulting in the minorities not being marginalised in development processes.Additionally, reporting and monitoring mechanisms could be established where states are required to report regularly on their efforts to promote minority participation in DPDMP. The said reports could be reviewed by external oversight bodies and used to identify areas where states are falling short in their obligations and where states have successfully implemented good practices, which could be used create models for other states to follow. Moreover, the development of detection mechanisms to identify and address cases where minorities have been marginalised in development processes is also another possible solution. Referring to the idea of an external independent body or ombudsman, these entities could receive and investigate complaints regarding the failure of participation of minorities in DPDMP, directly from collective minority organisations and NGOs. This would provide an avenue for minorities to seek redress in cases where their participation has been ignored or marginalised.In conclusion, the UN convention on the right to development's lack of clarity on minority participation in DPDMP is a significant gap. Explicit references, improved monitoring, and detection mechanisms are necessary to protect minority rights in development.**Inadequate protection against discrimination and oppression faced by minorities**The SD includes provisions for the protection of minority groups against discrimination and other forms of oppression. The draft does indeed recognise that for the equal enjoyment of the right to development, discrimination in all its forms must be eliminated by states, as stipulated in Article 5.1. However, the draft does not comprehensively cover this issue and gives it minimal attention. The convention mentions non-discrimination as a guiding principle but does not provide a specific definition nor guidance on how to ensure this principle is upheld. Furthermore, the draft does not explicitly mention vulnerable groups, such as ethnic and linguistic minorities, as groups that require special protection.Professor Régis Malet, highlights the need for the convention to recognise the diversity of groups within societies and the need for targeted measures to address discrimination/inequalities faced by these groups. Malet, argues that specific policies and programs are needed for specific groups’ needs (Eide & Jørgensen 799-827). Similarly, a report by the UNDP emphasises the importance of recognising the specific needs and experiences of minority groups in DPDMP.To address this issue, the convention could include explicit provisions to protect the rights of minority groups, including measures to address discrimination. The convention could also establish external bodies like those in the case of DPDMP, which monitor and ensure that states are complying with their obligations to protect minority rights.Another possible solution could be the creation of accountability mechanisms to hold individuals or institutions responsible for discriminatory actions. This can involve the creation of investigative tribunals which would have the power to sanction or penalise those found to be engaging in discriminatory practices; ultimately, creating a culture of responsibility and retribution which will also act as a deterrent to future discriminatory behaviour. The Canadian Human Rights Commission is a prime example which can be used as model, its responsible for investigating complaints of discrimination and can hold public hearings and make recommendations for remedial action.In conclusion, the SD overlooks minority group protection against discrimination and must acknowledge their diversity and needs through specific policies and programs.**Ambiguity regarding the right to self-determination for minorities**Self-determination is the right of a group of people to determine their own political status, to pursue their own economic, social, and cultural development, thus, having a say in their own governance without external interference. This right is enshrined in international law and is recognised as a fundamental human right.While the SD includes provisions on the right to self-determination in Article 1, these provisions lack clarity and could be open to abuse. The UK expressed concern that the draft *"could provide a basis for unilateral secession or territorial dismemberment and is therefore inconsistent with the principle of territorial integrity."* Similarly, the European Union has noted that *"the precise meaning and scope of the right to self-determination is not clear."*As mentioned, the ambiguity of the provisions leaves open the possibility of abuse by states. Anastasia Ufimtseva, an international law expert, has noted that *"the notion of self-determination is often associated with the right to secession, which can be a contentious issue in many countries where minority groups seek greater autonomy"* (41-57). Consequently, many states incorrectly attribute self-determination to solely secession, resulting in many taking measures to prevent minorities from gaining any rights due to fear of territorial loss. Additionally, the ambiguity causes inconsistent implementation of the Convention, as the meaning of the RSD is open to interpretation and many states would interpret the right in ways that serve their own interest.To address this issue, it is important that the convention provides a clear and concise definition of the RSD. As Ufimtseva has suggested, *"the right to self-determination should be interpreted in a way that is consistent with international law and does not violate the territorial integrity of states."* (41-57). This could be achieved by providing guidance on the circumstances in which the right can be exercised, and by specifying the rights and responsibilities of both minority groups and the state in the process.Additionally, providing legal assistance and mediation services can help resolve the issue of self-determination by aiding conflict resolution between states and minority groups. These services provide minority groups with the resources and knowledge to navigate legal processes and negotiate with states for their rights. Mediation facilitates dialogue and compromise, potentially leading to greater autonomy and recognition of minority rights, while helping states avoid conflict and secession. In conclusion, the right to self-determination is a fundamental human right recognised by international law, yet the SD lacks clarity regarding this. Clear definitions and guidelines are needed to prevent ambiguity and ensure that the right is interpreted in a correct way. Legal assistance and mediation services can also play a crucial role in resolving conflicts related to self-determination.**Inadequate protection for cultural rights and heritage of indigenous peoples and other minorities**Cultural rights and heritage of indigenous peoples and minorities refer to their right to maintain, develop, and express their own cultural identities, including languages, beliefs, customs, and traditions. It is an essential aspect of their identity and a means of preserving their unique heritage for future generations. The SD does not adequately protect this right, as the draft only briefly mentions the need to protect cultural diversity and heritage, without addressing the specific concerns of minority communities. Article 6 of the draft does acknowledge the importance of cultural diversity in development and calls for respect for cultural identity and heritage but does not provide a specific framework for protecting cultural rights.The lack of consultation with indigenous peoples and other minorities during the drafting process is a significant issue. As Indigenous scholar, Erika George notes, "*the Convention does not appear to have been developed with the input or guidance of those who are most likely to be affected by its provisions."* (George 125-149) This lack of consultation has led to concerns that the Convention does not reflect the unique cultural and historical experiences of minority communities.Moreover, the Convention does not provide explicit protection for the intellectual property rights (IPR) of Indigenous peoples. The Convention does not establish a clear mechanism for protecting Indigenous peoples' traditional knowledge and cultural expressions, which are often subject to exploitation and appropriation by non-Indigenous actors.Possible solutions to protect minority and indigenous cultural rights could involve initiatives to raise awareness about cultural diversity and heritage through educational programs for both minority groups and the wider population, public campaigns, and media outreach. These efforts promote greater understanding and appreciation for the cultural contributions of these groups and respect for their rights to self-determination. This creates a more supportive environment for the inclusion of their practices and traditions in development processes and prevents marginalisation and erasure.Additionally, the Convention could provide greater support for the preservation and promotion of Indigenous languages and cultural practices. It is widely established that language and culture are inseparable as the former encodes the latter, as such, the Convention could establish a fund specifically designed to support the revitalisation and preservation of Indigenous languages, which are often at risk of extinction due to colonialism, globalisation, and other forms of oppression. Furthermore, IPR of these groups can be protected through requiring states to introduce legislative measures to protect their IPR and prevent their unauthorised use, appropriation, or exploitation by others. This mechanism could be designed to ensure that Indigenous peoples and other minority groups determine clear rules of how their cultural heritage is protected/promoted by non-Indigenous actors.In conclusion, the SD fails to adequately protect the cultural rights and heritage of indigenous peoples and minorities. Lack of consultation and explicit protection of intellectual property rights are major issues. Initiatives to raise awareness and greater support for the preservation of indigenous languages and cultural practices could address these gaps. **Conclusion:**It is evident that the protection and promotion of the rights of minorities and indigenous peoples is crucial for building inclusive and just societies. The four issues discussed in this report are just some of the issues the SD needs to address to create a convention that is just, fair, and equitable. Addressing these gaps requires collective action from governments, civil society, and international organisations to ensure that the rights of minorities and indigenous peoples are respected, protected, and fulfilled.**International Human Rights Association of American Minorities and Indigenous Peoples and Nations Coalition**The repudiation of the Doctrine of Discovery must be examined and reviewed to determine its impact on the rights of Indigenous Peoples in international standard setting processes. This includes its impact on the denial of the right to development of Indigenous Peoples in the Western Hemisphere and around the world. IHRAAM and IPNC in consultation with others agree that any legally binding instrument must address the violation of our right to development based on the Doctrine of Discovery in association with the Papal Bulls of the Pope and the Vatican. This is crucial for the full development as nations and peoples and States of peoples who can fully operationalize the right to development. The current draft text and commentaries of the legally binding instrument on the right to development do not take into account the repudiation of the Doctrine of Discovery based on the Papal Bulls decrees of the Pope and the Vatican. A full examination and review are necessary to address the scope and application of rights in the full context of the rights of Indigenous Peoples. This includes the recommendations with the full ability of Indigenous Peoples to address rights under the Law of Nations and international law without limitation of their status. The history and status need to be examined along with the encroachment and discriminating development of colonial law and policy and the foreign occupation of Indigenous peoples and unrecognized peoples who have yet to exercise and to fully realize the full scope of the right of self-determination as peoples. The sacred trust responsibilities and protection against abuses in, inter alia, Articles 1, 2, 55, 56, 73, 74 and 76 of the United Nations Charter and all other applicable provisions of the Charter and international law without limitation of the status of Indigenous Peoples. Human Rights Council resolution 48/7 must be examined as recommended by the 107th meeting of CERD, stating that there are two ways to realize Indigenous rights – 1. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and 2. Human Rights Council resolution 48/7 the negative impact of legacies of colonialism on the enjoyment of human rights; HRC 48/7 is not included in the examination of the rights of Indigenous Peoples in the draft Convention process. The rights of Indigenous Peoples in the context of General Assembly resolution 1514 based on the Article 73, the Declaration of Non-Self-Governing Territories as it applies to Indigenous Peoples must be examined with a full review of the methods and principles that establish the full range of factors and principles to address the rights of Indigenous Peoples who have the right, or believe they must address their rights under the United Nations Decolonization process and international law. The recommendations and analysis of the rights of peoples in the exercise of the right of self-determination must not deny the full recognition of the rights of Indigenous Peoples. The rights must consider the ability to address violations of the right to development in the full scope of rights by addressing colonialism and foreign domination and occupation under the United Nations Decolonization process utilizing international human rights and humanitarian law, being fully applicable and without limitation of the ability to fully realize the right of self-determination in accordance with those principles, including proper mechanisms and machinery to realize such rights. States that violate the rights of peoples in the colonial or foreign occupation context are attempting to derogate from their responsibilities to protect the ‘peoples concerned’ by granting status and rights to their own citizens as if they are a part of the province or jurisdiction. The legally binding instrument must be able to address these violations. The acts of omissions by States must also be addressed in the legally binding instrument on the right to development. , most often illicitly claiming such status without any check or balance due solely to Power or to seek a reward or through simple blackmail to weaker States that do not feel obligated to uphold the principles of international law. Alaska and Hawaii are perfect examples of the Power brokering or for denying the application of international law principle that would provide protection against abuses of international law responsibilities by other States and human rights or humanitarian law institutions or mechanisms. Indigenous Peoples studies emanating from the Sub-Commission on Human Rights under the former Commission on Human Rights must also be included in the examination process. The legally binding international law instruments, including the elaboration of the right to development as a Convention is being developed without taking into account the recent repudiation of the Doctrine of Discovery and other religious and racially discriminating law and policy. This includes the apartheid laws and policy that are recognized as crimes against humanity. The inherent denial of our fundamental rights, including the recognition of our right to self-determination and the premise that we must grant to the white race superior title and status over our territory and resources since we must adhere to “them as a people over whom the superior genius of Europe might claim an ascendency”. The recognized principles developed in law and policy must be accepted and adhered to without consideration in our status with “States” and their superiority over us must be addressed not only in international law instrument but in the further elaboration of international law to grant equal with the equal right and self-determination as peoples. States continue to assume superior control by denying our right to participate equally exercising diplomatic powers. The tacit acceptance of discriminating law and policy in the development of international law denies our equal right to participate and to defend our interests in international standard setting processes. Indigenous States, Nations and peoples need to be included in the Conference of Parties in order to ensure our equal participation in the right to development. The section on international treaties and economic agreements cannot be limited to States, as States continue to negate and exclude our rights by limiting and reducing our right to protection against abuses.The 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 must be listed in the Convention with a Non-Derogation clause:NON-DEROGATIONNothing in these Principles and Guidelines shall be construed as restricting or derogating from any rights or obligations arising under domestic and international law. In particular, it is understood that the present Principles and Guidelines are without prejudice to the right to a remedy and reparation for victims of all violations of international human rights law and international humanitarian law. It is further understood that these Principles and Guidelines are without prejudice to special rules of international law as they apply to the right of peoples, including Indigenous Peoples and non-recognized peoples in the full exercise of the right of self-determination of all peoples.IHRAAM and IPNC will further elaborate on these comments and include text to address the deficiencies in the draft Convention. **Third World Network**1. **Introduction**

Third World Network (TWN) is pleased to make this submission in response to the call for comments and textual suggestions on the second revised draft convention on the Right to Development[[34]](#footnote-22) that is currently under consideration with the Working Group on the Right to Development.TWN is an NGO with ECOSOC consultative status. Based in Malaysia with offices and researchers in Europe, Asia, Oceania, Africa, North America, and Latin America, TWN is an independent non-profit international research and advocacy organisation involved in issues relating to development, developing countries and North-South affairs. It seeks to bring about a greater articulation of the needs and rights of peoples in the Global South, a fair distribution of world resources, and forms of development which are ecologically sustainable and fulfill human needs, and to deepen the understanding of the development dilemmas and challenges facing developing countries and to contribute to policy changes in pursuit of just, equitable and ecologically sustainable development. TWN conducts research on economic, social, health and environmental issues pertaining to the South; publishes books and magazines; participates in intergovernmental processes; organises and participates in conferences, seminars and workshops; and provides a platform representing broadly developing country interests and perspectives at international fora such as United Nations agencies UN General Assembly, UN Human Rights Council, UNCTAD, UNFCCC, UNEP, Convention on Biological Diversity, and specialized agencies such as FAO, WHO and WIPO, as well as WTO, the World Bank and IMF. TWN is fully supportive of the ongoing effort in the Working Group on the Right to Development to develop and finalize the proposed Convention on the Right to Development. Doing so will be a significant step in the concretization under international law of the Right to Development as a fundamental human right. The existing Declaration on the Right to Development, adopted by the UN General Assembly in 1986 (as Document 41/128) is almost forty years old. Its adoption was a milestone in international cooperation and highlighted a global vision of fairness and equity in global relations that, at the time that it was adopted, was marked by deep divisions and distrust among countries and a wide development gap between developed and developing countries. The world is now radically different yet at the same time radically similar to how it was in 1986. The development divide between developed and developing countries continues to exist, albeit with different characteristics now. Internal and cross-border conflict and political insecurity is distressingly present in many parts of the world. While the global economy has expanded, bringing along with it increased prosperity for billions of people, such expansion has been undertaken in a manner that has intensified economic, social, and political inequity within and among countries.Since 1986, the world has seen shifts of historical significance as some developing countries experienced rapid and systemic declines in poverty and moved forward in achieving their right to development, primarily through their strategic use of national policy space in the context of changing global economic and political conditions. At the same time however, many more developing countries continue to remain mired in poverty and barely able to provide for their people, because of the adverse effects of those same changing global economic and political conditions, invasion and war, and widening development, technological, digital, and resource gaps, compounded by the increasingly adverse effects of environmental degradation and climate change. It is in this context that clearly institutionalizing the Right to Development as a fundamental treaty-based right through the negotiation and adoption of the draft Convention becomes extremely important. In doing so, it will provide States with the normative international law basis, in addition to the Declaration on the Right to Development, for making such right operational at the multilateral and national levels.1. **Systemic Challenges to the Right to Development**

The second revised draft of the Convention highlights significant advances in multilateral policymaking that are relevant to the Right to Development, especially providing a greater emphasis on the various multilateral declarations, decisions, treaties, plans of action, and other steps taken within the outside the United Nations system relating to sustainable development, international trade, international finance, climate change, environmental degradation, disaster risk reduction and management, and other issues.This is only fitting because the world is now amid several social and environmental trends that have important long-lasting effects.  Some are on the verge of reaching a tipping point, where a long-term trend produces critical and sometimes irreversible events. The realization of the Right to Development requires that we identify, diagnose and address these global issues, challenges and problems. In doing so, these should then be reflected in the Convention on the Right to Development as a way of triggering enhanced international cooperation on such Right pursuant to States’ duty to cooperate.1. **The global economy remains uncertain, and systemic crises are emerging**

The continued economic sluggishness in developed countries, seen in growth rates that are well below pre-2008 financial crisis and pre-COVID19 pandemic levels, has had adverse impacts on developing countries’ economies, whose own growth rates are also now much lower and, in many cases, converging downwards. With commodity prices down, many commodities dependent developing countries are facing reduced export earnings. Many countries are going through great fluctuations in the inflow and outflow of funds, due to the absence of controls over speculative capital flows. Currencies are fluctuating due to lack of a global mechanism to stabilize currencies. Growth rates have fallen in Africa and elsewhere and many developing countries are on the brink of another debt crisis. There is for them an absence of an international sovereign debt restructuring mechanism, and countries that do their own debt workout may well become victims of vulture funds. All these become challenges for maintaining development, and are obstacles to the right to development, and need addressing.1. **The challenges of implementing appropriate development strategies through industrial policy.**

Developing countries that aspire to achieving sustained economic growth and sustainable economic development face many challenges in formulating and implementing policies that work to shift and diversify their economies away from subsistence or low-skill/low value added sectors to higher value added sectors such as industrial manufacturing. There are challenges in getting policies right in agricultural production, ensuring adequate livelihoods and incomes for small farmers, and national food security. Countries that aim to industrialise face the challenges of climbing the ladder from starting viable low-cost industries to establishing labour-intensive industries to higher technology industries including overcoming the middle-income trap. Then there are the challenges to build a range of services, including providing social services like health and education and water supply, lighting and transport, developing financial services and commerce. These sectoral policies and the overall policy are even more difficult to formulate and implement due to the trend of liberalisation and the dangers of premature liberalisation as a result of loan conditionality and recently due to trade and investment agreements which also constrain policy space. In particular, investment agreements that contain the investor-state dispute settlement (ISDS) system enable foreign investors to take advantage of imbalanced provisions and great shortcomings in the arbitration system that not only cause countries a lot of costs but also put a chill or constraint on the ability to make policy. There is an increasing legitimacy problem for the investment rules regime. These challenges and obstacles to development policy making should be addressed including through processes relating to international cooperation that would be reflected in the draft Convention on the Right to Development.1. **Climate change has become an existential problem for the human race.**

Climate change is an outstanding example of an environmental constraint to development and the right to development. The UN Framework Convention on Climate Change and its related instruments in the Kyoto Protocol and the Paris Agreement are landmark international instruments to address climate change but much more needs to be done. In seeking a solution to climate change, one key question is which countries and which groups within countries should cut emissions by how much? The danger is that the burden will mainly be passed on to developing and poorer countries and to the poor and vulnerable in each country. This is a major challenge to development and the realization of the right to development. Climate change should hence have a more prominent reflection in the second draft of the Convention.1. **Health crises such as anti-microbial resistance and new pandemics bring new dangers to global solidarity.**

The COVID-19 pandemic showed the world that the very interconnectedness of the global economy allowed for the rapid transmission of new microbes and viruses around the world, with devastating consequences on individual lives, community life, and economic situations. As the pressures of climate change and human-caused environmental degradation and ecosystem encroachment bring humans into closer contact with wildlife, it is almost a certainty that new zoonotic diseases could arise to again hit the human community. Another possible existential issue that is less known is antibiotic resistance or more broadly anti-microbial resistance. Many diseases are becoming increasingly difficult to treat because bacteria have become more and more resistant to anti-microbials. Some strains of bacteria are now resistant to multiple antibiotics and a few have become pan resistant – resistant to all antibiotics. Other bacteria have been discovered to have genes with the frightening ability to easily spread resistance to other species of bacteria even to the most powerful antibiotics that we currently have. Developing countries require funds and technology such as microscopes and diagnostic tools; they also need to have access to existing and new medicines and antibiotics at affordable prices; and people in all countries need to be protected from new viral surges and anti-microbial resistance if life expectancy is to be maintained and if there is to be realization to the right to development. The draft Convention on the Right to Development does have references to health emergencies and health crises, but its operational provisions could be further enhanced to provide for a duty to cooperate among States with respect to addressing such health emergencies and crises.1. **The impact of rapid technological change.**

The rapid pace of technological change, including the advent of artificial intelligence and robotics, the increased digitalization and automation of productive forces in many national economies, and the explosion of digital connectivity (through the Internet and the Internet of Things) can pose significant challenges as well as opportunities for employment, production, consumption, and knowledge control particularly on developing countries. Increased automation, for example, can result in increased productivity without necessarily increasing employment and income growth. Taking advantage of opportunities will require significant strategic and directed investments into R&D, which in turn will determine who gains and loses from the new technologies emerging in energy, manufacturing, provision of services, travel and transportation, production of consumer goods. Issues of ownership and control, access, the regulation of AI and robot technology, and addressing the impact of underlying IPRs over control and access need to be addressed, particularly with respect to innovation and the sharing of innovation benefits from technology. Privacy issues and control of big data and the Internet will also be important considerations. In many countries, especially developing countries, the policy framework for strategically addressing these issues do not yet exist, and missing out on the opportunities while failing to address the challenges will adversely impact the achievement of the right to development. The draft Convention on the Right to Development should have operational provisions for technology transfer, including addressing challenges and barriers to such transfer posed by intellectual property rights. Currently, the draft does not have any reference to intellectual property rights or how to address the challenges these pose to the Right to Development. 1. **Demographic change.**

The global population is projected to growth from today’s 8 billion to around 9 billion in by the year 2050, with virtually all of that growth happening in most developing countries. The key challenge to achieving the right to development, therefore, in these circumstances is to ensure that the economies of developing countries are able to expand, diversify and develop sufficiently fast enough so as to be able to provide enough decent jobs and economic opportunities for the millions of young people in Asia, Africa and Latin America who will be entering the labour force and looking for jobs and economic opportunities every year. The development dividend arising from having a youthful labour force will arise only when appropriate and strategic policy interventions are made beforehand to ensure that the domestic economy is robust and able to generate enough opportunities for the youth to find paid work and contribute to the economy. Failure to do so can give rise to economic, social and political instability; internal displacement and external migration; and increased hardship, resulting in failure to achieve the SDGs, the right to development, and increased challenges to the enjoyment of all human rights.1. **Systemic Solutions Are Needed**

Addressing these multiple challenges to development in a manner that allows the global community, and particularly developing countries, to achieve the right to development and promote the full enjoyment of all human rights, will require systemic approaches and solutions. These include the following:1. First, a key objective of the SDGs as part of Agenda 2030, and to achieving the right to development, is to secure an accommodating international environment for development, particularly for developing countries, through an enhanced, strengthened, and supportive international policy environment for international cooperation, consistent with long-standing commitments from the developed countries to support the development objectives of developing countries. This is clearly seen in SDG Goal 17. The focus should be on helping developing countries pursue an active industrial policy to develop their domestic and regional industrial base, robust local markets, and dynamic enterprise sector (subsidies and regulations to support domestic productive capacity, SOEs where appropriate, public sector procurement, regulate ownership of productive assets (including IPR), address inequalities)
2. Second, by virtue of their circumstances, developing countries would require special and differentiated treatment and policy space and flexibility compared to developed countries when it comes to international rules and obligations, as well as with respect to the SDGs, since the goals will be applied to all countries. In this context, the Rio principles and particularly the principle of common but differentiated responsibilities (CBDR) are important principles to be reflected applied in a central way when implementation is undertaken.
3. Third, the effective implementation of the SDGs and Agenda 2030, together with the other outcomes from 2015 such as the UNFCCC Paris Agreement, as factors to help ensure that developing countries are able to achieve the Right to Development will depend on achieving systemic reforms in various global policy regimes such as in multilateral trade, global macroeconomic governance, international taxation, investment, debt workout and restructuring, and other areas, in order to create an improved international policy environment that will be fully supportive of developing countries’ development needs and priorities. These systemic reforms cannot be divorced or be seen as separate from the achievement particularly of Goal 17 of the SDGs.
4. Fourth, the entire structure of the SDGs and Goal 17 in particular is premised on there being a strong international partnership for the provision of the needed financial and technological resources to developing countries to achieve the SDGs. Such resources should be provided through an enhanced global partnership for development, in which the provision of the means of implementation to developing countries will be a key component. Implementing the SDGs, Agenda 2030, and the climate change agreements, in a manner that is coherent, comprehensive, and cohesive, will require trillions of dollars annually in new and additional financing and investments in developing countries. To this end, there are existing financing and technology transfer commitments – including in ODA and climate financing – from developed to developing countries that still need to be fully fulfilled. This should be at the core of the global partnership for development. At the same time, recognizing that North-South public financing and technology transfers will not be sufficient, developing countries need to be enabled to mobilize and retain their domestic resources themselves to finance their own industrialization and development. This means fostering rapid technology diffusion, transfer, and innovation, in both North and South, to maximize income and industrial productivity potential arising from automation, internet connectivity, and climate change mitigation and adaptation actions. It also means generating and channeling financial resources (domestic and external resources) into climate-adapted infrastructure development and productive capacity development in the South, and climate retro-fitting infrastructure in the North, and to provide social security floors; increased ODA, effective tax cooperation, curb illicit flows, debt restructuring, strategically regulated FDI for development. This will require changes in the multilateral finance, trade, debt, and taxation policy architecture to provide developing countries with greater policy space and flexibility to be able to impose, when needed and appropriate, capital controls on outflows, lessen their vulnerability to external economic shocks, and maximize the developmental impact of domestic investments and productive activity in developing countries. The multilateral, regional and bilateral investment regimes should be reformed in order to enable developing countries to channel foreign investments into those sectors of the economy that can best spur sustainable industrial development in developing countries.
5. Fifth, to complement the provision of the means of implementation for the SDGs and the undertaking of systemic multilateral policy reforms in order to make the international policy environment more positive for developing countries’ achievement of the Right to Development, reforms in international economic governance institutions, such as the World Bank, the IMF, the Bank of International Settlements, are also required in order to provide developing countries with greater levels of voice and participation in their decision-making. Additionally, multilateral norm-making and standards-setting, particularly with respect to issues that will have economic impacts on developing countries, should be undertaken in universal multilateral institutions such as the United Nations. Stronger South-South multilateral and regional cooperation can also serve as the basis for North-South engagement; this means that South-South cooperation would also need to be focused on strategic political/policy coordination in various multilateral policy areas (trade, climate, health, IPR, science, environment, etc.), economic engagement, technology development, resource mobilization, industrial and infrastructure development.
6. **Reflecting the Duty to Cooperate as a Key Element of the Right to Development**

Article 13 of the draft Convention on the Right to Development articulates States’ duty to cooperate with respect to the achievement of the Right to Development. It is useful to recall in this connection some relevant provisions from the 1986 Declaration on the Right to Development. For example, the Declaration establishes a clear “primary responsibility” on the part of States to create “national and international conditions favourable to the realization of the right to development.”[[35]](#footnote-23) In so doing, States have a duty to cooperate with “each other in ensuring development and eliminating obstacles to development,” and should “realize their rights and fulfill their duties in such a manner as to promote a new economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as to encourage the observance and realization of human rights.”[[36]](#footnote-24) Further, States have a “duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development,” for which “sustained action is required to promote more rapid development of developing countries.”[[37]](#footnote-25) Thus, effective international cooperation toward the provision of appropriate means and facilities to foster comprehensive development is an essential complement to the efforts of developing countries to achieve their Right to Development.[[38]](#footnote-26)Further, the 1993 Vienna Declaration and Programme of Action on the Right to Development also includes a discussion of international cooperation, stating that “States should cooperate with each other in ensuring development and eliminating obstacles to development,” and calling upon the international community to “promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development.”[[39]](#footnote-27) It states that “lasting progress toward the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level.”[[40]](#footnote-28)Language in the Universal Declaration of Human Rights addresses the question of cooperation in pursuance of human rights obligations, stating that all people are “entitled to 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 his dignity and the free development of his personality.”[[41]](#footnote-29) Additionally, the International Covenant on Economic, Social and Cultural Rights requires that each State Party “undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”[[42]](#footnote-30) It is significant to note that the language employed in these documents, both of which are now widely considered to be binding,[[43]](#footnote-31) establish that realization of rights should be achieved through national *and* international cooperation, emphasizing that not only national action but also international cooperation are necessary mechanisms for establishing human rights.One of the purposes and objectives of the United Nations enumerated in the United Nations Charter is the achievement of “international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”[[44]](#footnote-32) This objective is made operative in the promotion of “conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.”[[45]](#footnote-33) In pursuance of this, the Charter mandates that the U.N. should promote: “higher standards of living, full employment, and conditions of economic and social progress and development; solutions of international economic, social, health, and related problems; and 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.” Thus, U.N. member-States are required to “pledge themselves to take joint and separate action in co-operation with the Organization.”[[46]](#footnote-34)Given the changing development context that all countries now operate in, with additional constraints being imposed by climate change and global environmental degradation, there now exists an opportunity for the draft Convention on the Right to Development to emphasize and enhance the language on the Duty to Cooperate in its Article 13 to promote a new international economic order. An operational Duty to Cooperate has the potential to serve as the basis for a more coherent and systemic approach to development policy globally but also for a realignment of the global political, economic, and social framework that will ensure a treaty-based, truly progressive international development framework.1. **Conclusion**

The achievement of the Right to Development is the foundation upon which all other human rights are to be achieved. The Right to Development is the basis for ensuring that economic, social, and political stability and security are achieved and maintained in developing countries, and along with these the full and effective enjoyment of human rights for all. This therefore means that neither the achievement of progress towards the Right to Development nor the implementation of the SDGs can be reduced to a matter of measurement, of indicators.A global, macroeconomic, perspective is required – a perspective that looks at whether or not developed countries are dealing with developing countries in a fair and equitable manner and addresses the challenges that developing countries face in undertaking their development in the face of the opportunities and constraints that exist in the various multilateral policy regimes (trade, finance, investment, tax, debt, climate change, human rights, etc.) that they are a part of.It is fitting to recall some of the important elements of this right to development. It is human and people centered. It is a human right, where every human person and all peoples are entitled to participate in, contribute to and enjoy development in which all rights and freedoms can be fully realized. The human person is the central subject of development and should be the active participant and beneficiary of development. It gives responsibility to each State to get its act together to take measures to get its people’s right to development fulfilled. But it also places great importance to the international arena, giving a responsibility to all countries to cooperate internationally and especially to assist the developing countries. It recognizes that international relations and rules have important roles. And it implicitly recognises that there are imbalances and inequities in the existing international order that hinder countries from implementing the right to development. Therefore, it calls for a new equity-based international order.The right to development is also practical. It calls for the realization of the right to development. It recognizes that there are obstacles to the realization of the right to development. It also recognizes that there are international-level obstacles and national-level obstacles, and encourages all parties and stakeholders to identify these obstacles and to act to remove these obstacles. The international obstacles obviously require international cooperation to address them. Having a new Convention on the Right to Development, with strong operational provisions on the duty to cooperate and a more systemic and structural approach towards addressing the development problematique, can be an important contribution towards building a just, equitable and fair world future for all. |

1. The draft convention on the right to development is contained in the annex to document [A/HRC/WG.2/21/2](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FWG.2%2F21%2F2&Language=E&DeviceType=Desktop&LangRequested=False). The draft convention with commentaries is contained in document [A/HRC/WG.2/21/2/Add.1](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FWG.2%2F21%2F2%2FAdd.1&Language=E&DeviceType=Desktop&LangRequested=False). [↑](#footnote-ref-2)
2. The first revised draft convention on the right to development is contained in the annex to document [A/HRC/WG.2/23/2](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FWG.2%2F23%2F2&Language=E&DeviceType=Desktop&LangRequested=False). The draft convention with commentaries is contained in document [A/HRC/WG.2/23/2/Add.1](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FWG.2%2F23%2F2%2FAdd.1&Language=E&DeviceType=Desktop&LangRequested=False). [↑](#footnote-ref-3)
3. The second revised text of the draft convention is contained in document [A/HRC/WG.2/24/2](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FWG.2%2F24%2F2&Language=E&DeviceType=Desktop&LangRequested=False). The draft convention with commentaries is contained in document [A/HRC/WG.2/24/2/Add.1](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FWG.2%2F24%2F2%2FAdd.1&Language=E&DeviceType=Desktop&LangRequested=False). [↑](#footnote-ref-4)
4. The written submissions are available at [Compilation of submissions received after the 20th session of the Working Group on the Right to Development](https://www.ohchr.org/sites/default/files/documents/issues/development/session21/WGRTD-20session-non-paper_submissions.docx), [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 22](https://www.ohchr.org/en/hrc-subsidiaries/iwg-on-development/comments-and-textual-suggestions-received-after-22nd-session-working-group-right-development)[nd](https://www.ohchr.org/en/hrc-subsidiaries/iwg-on-development/comments-and-textual-suggestions-received-after-22nd-session-working-group-right-development) [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), and [OHCHR | Comments and textual suggestions received on the second revised text of the draft convention on the right to development](https://www.ohchr.org/en/hrc-subsidiaries/iwg-on-development/comments-and-textual-suggestions-received-second-revised-text-draft-convention-right-development). [↑](#footnote-ref-5)
5. *World Economic and Social Survey 2018 - Frontier technologies for sustainable development.* (2018). United Nations. Retrieved April 21, 2023, from <https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/publication/WESS2018_full_web.pdf> [↑](#footnote-ref-6)
6. UNCTAD. (2022). *Industry 4.0 for Inclusive Development.* Retrieved April 21, 2023, from <https://unctad.org/system/files/official-document/dtlstict2022d4_en.pdf> [↑](#footnote-ref-7)
7. Goel, D. (2021, May 06). *The global digital divide is reminiscent of colonialism*. LSE. Retrieved April 21, 2023, from <https://blogs.lse.ac.uk/brexit/2021/05/06/the-global-digital-divide-is-reminiscent-of-colonialism/> [↑](#footnote-ref-8)
8. *Cross-border ‘Data flow with data rights’: Going beyond the ‘Data Free Flow With Trust’ (DFFT) framework to include economic rights to data.* (2022, September). IT for Change. Retrieved February 21, 2023, from <https://itforchange.net/sites/default/files/2208/Cross-Border%20%E2%80%98Data%20Flow%20With%20Data%20Rights%E2%80%99.pdf> [↑](#footnote-ref-9)
9. Utoikamanu, F. (2018, December). Closing the technology gap in least developed countries. UN Chronicle. Nos. 3 & 4 Vol. LV, "*New Technologies: Where To?*". Retrieved April 21, 2023, from <https://www.un.org/en/chronicle/article/closing-technology-gap-least-developed-countries> [↑](#footnote-ref-10)
10. UNEP. (2021, November). *The Growing Footprint of Digitalisation - Foresight Brief No. 027 November 2021.* Retrieved April 21, 2023, from <https://wedocs.unep.org/handle/20.500.11822/37439> [↑](#footnote-ref-11)
11. Dervis, K. (2007). Devastating For The World's Poor: Climate Change Threatens The Development Gains Already Achieved. Vol. XLIV, No. 2, "*Green Our World!*", 2007. UN. Retrieved April 21, 2023, from <https://www.un.org/en/chronicle/article/devastating-worlds-poor-climate-change-threatens-development-gains-already-achieved> [↑](#footnote-ref-12)
12. Kwet, M. (2022, May 31). *Digital ecosocialism - Breaking the power of big tech.* Longreads. Retrieved March 03, 2023, from <https://longreads.tni.org/digital-ecosocialism> [↑](#footnote-ref-13)
13. Sengupta, R. *Development opportunities or challenges: Looking at the proposed Free Trade Agreement between India and the European Union.* Rosa-Luxemburg-Stiftung. Retrieved April 21, 2023, from <https://www.rosalux.eu/kontext/controllers/document.php/1002.a/1/17af0e.pdf> [↑](#footnote-ref-14)
14. *Focus on rights in the digital age.* (n.d.). OECD. Retrieved April 21, 2023, from <https://www.oecd.org/digital/rights/> [↑](#footnote-ref-15)
15. Hutt, R. (2015, November 13). *What are your digital rights?.* World Economic Forum. Retrieved April 21, 2023, from <https://www.weforum.org/agenda/2015/11/what-are-your-digital-rights-explainer/> [↑](#footnote-ref-16)
16. American Convention on Human Rights of 1969. Article 5. [↑](#footnote-ref-17)
17. *Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights.* (n.d.). CIEL. Retrieved April 21, 2023, from <https://www.ciel.org/wp-content/uploads/2015/05/Maastricht_ETO_Principles_21Oct11.pdf> [↑](#footnote-ref-18)
18. Smith, B. (2016). Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective. *The Equal Rights Review*, Vol. Sixteen (2016). Retrieved May 11, 2023, from <https://www.equalrightstrust.org/ertdocumentbank/Intersectional%20Discrimination%20and%20Substantive%20Equality%20A%20Comparative%20and%20Theorectical%20Perspective.pdf> [↑](#footnote-ref-19)
19. German Institute for Human Rights (2020): Position Paper: First Draft of an International Convention on the Right to Development, October 2020, <https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Stellungnahmen/Position_Paper_First_Draft_of_an_International_Convention_on_the_Right_to_Development.pdf> [↑](#footnote-ref-20)
20. *Article 2 (1) „Each State Party to the present Covenant understakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all approriate means, including particularly the adoption of legislative measures.*“ [↑](#footnote-ref-21)
21. General recommendation No. 28 on the core obligations of States parties under article 2 of the CEDAW, CEDAW/C/GC/28 (2010), para. 5. [↑](#endnote-ref-2)
22. General recommendation No. 33 on women’s access to justice, CEDAW/C/GC/33 (2015), para 7. [↑](#endnote-ref-3)
23. General recommendation No. 39 on the rights of Indigenous women and girls, CEDAW/C/GC/39 (2022), para. 4. [↑](#endnote-ref-4)
24. Ibid, para. 1. [↑](#endnote-ref-5)
25. General recommendation No. 35 on gender based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35 (2017), para. 9. [↑](#endnote-ref-6)
26. General recommendation No. 35 on gender based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35 (2017), para. 19. [↑](#endnote-ref-7)
27. General recommendation No. 39 on the rights of Indigenous women and girls, CEDAW/C/GC/39 (2022), para. 15. [↑](#endnote-ref-8)
28. General recommendation No. 38 on trafficking in women and girls in the context of global migration, CEDAW/C/GC/38 (2020), para. 21. [↑](#endnote-ref-9)
29. General recommendation No. 37 on the gender-related dimensions of disaster risk reduction in the context of climate change, CEDAW/C/GC/37 (2018), para. 7. [↑](#endnote-ref-10)
30. General recommendation No. 37 on the gender-related dimensions of disaster risk reduction in the context of climate change, CEDAW/C/GC/37 (2018), para. 46(e). [↑](#endnote-ref-11)
31. Concluding observations: Bahrain, CEDAW/C/BHR/CO/4 (2023), para. 6; Concluding observations: Costa Rica, CEDAW/C/CRI/CO/8 (2023), para. 7; Concluding observations: Georgia, CEDAW/C/GEO/CO/6 (2023), para. 7; Concluding observations: Hungary, CEDAW/C/HUN/CO/9 (2023), para. 7; Concluding observations: Norway, CEDAW/C/NOR/CO/10 (2023), para. 8; Concluding observations: Slovenia, CEDAW/C/SVN/CO/7 (2023), para. 7; Concluding observations: Tunisia, CEDAW/C/TUN/CO/7 (2023), para. 7. [↑](#endnote-ref-12)
32. Concluding observations: Bahrain, CEDAW/C/BHR/CO/4 (2023), para. 51; Concluding observations: Costa Rica, CEDAW/C/CRI/CO/8 (2023), para. 51 [↑](#endnote-ref-13)
33. The 2030 Agenda for Sustainable Development. Goal 5.Achieve gender equality and empower all women and girls. [↑](#endnote-ref-14)
34. See A/HRC/WG.2/24/2, 30 November 2022. [↑](#footnote-ref-22)
35. Declaration on the Right to Development, G.A. Res. 41/128, U.N. Doc A/RES/41/128 (Dec. 4, 1986), art. 3. [↑](#footnote-ref-23)
36. Declaration on the Right to Development, G.A. Res. 41/128, U.N. Doc A/RES/41/128 (Dec. 4, 1986), art. 3. [↑](#footnote-ref-24)
37. Declaration on the Right to Development, G.A. Res. 41/128, U.N. Doc A/RES/41/128 (Dec. 4, 1986), art. 4. [↑](#footnote-ref-25)
38. Declaration on the Right to Development, G.A. Res. 41/128, U.N. Doc A/RES/41/128 (Dec. 4, 1986), art. 4. [↑](#footnote-ref-26)
39. World Conference on Human Rights, June 14–25, 1993, *Vienna Declaration and Programme of Action*, ¶ 10, U.N. Doc. A/CONF.157/23 (July 12, 1993). [↑](#footnote-ref-27)
40. World Conference on Human Rights, June 14–25, 1993, *Vienna Declaration and Programme of Action*, ¶ 10, U.N. Doc. A/CONF.157/23 (July 12, 1993)*.* [↑](#footnote-ref-28)
41. Universal Declaration of Human Rights, G.A. Res. 217 (III) A, art. 22, U.N. Doc. A/RES/217(III) (Dec. 10, 1948). [↑](#footnote-ref-29)
42. International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), art. 2.1, U.N. Doc. A/6316 (Dec. 16, 1966). [↑](#footnote-ref-30)
43. The International Covenant on Economic and Social Rights is binding on States Parties upon entry into force, taking into consideration valid reservations, while the Universal Declaration of Human Rights is considered by leading scholars to be firmly established as customary international law. *See, e.g.,* Hurst Hannum, *The Status of the Universal Declaration of Human Rights in National and International Law*, 25 Ga. J. Int’l & Comp. L. 287, 289 (1995); Richard B. Lillich, *The Growing Importance of Customary International Human Rights Law*, 25 Ga. J. Int’l & Comp. L. 1, 1-8 (1995). [↑](#footnote-ref-31)
44. U.N. Charter, art. 1.3. [↑](#footnote-ref-32)
45. U.N. Charter, art. 55. [↑](#footnote-ref-33)
46. U.N. Charter, art. 56. [↑](#footnote-ref-34)