Mr Chairperson,

Development can only truly be achieved and sustained if individuals are able to fully realise their human rights. Likewise a country’s development may indeed have an impact on human rights.

All of us in this room – can agree these basic facts. No one is arguing that countries should not be allowed to develop or that human rights should not play a role in a country’s development.

Development should not be an issue that comes between us or divides us. The UK is proud of the development assistance that we provide across the world. We work hand in hand with many countries towards common development outcomes, sharing best practise and providing technical assistance.

Mr Chairperson

This Working Group could focus on identifying the links between human rights and development work. This Working Group – could be offering practical suggestions on how human rights can ensure a country’s development is sustainable. This Working Group could be a forum to build a common understanding of this important agenda. Instead – we focus on drafting a legally binding instrument – of which many countries do not think is necessary let alone agree the substance of what it says.

The UK’s position on a legally binding instrument is well known. However, for the record, I would like to reiterate our clear position that whilst we place the utmost importance on development and the relationship between human rights and development, we do not see the added value or need for a new legally binding instrument.

We will not be in a position this week to provide substantial comments on the draft instrument. However, in the spirit of cooperation and to allow colleagues to better understand our concerns – let me spell out some of our more serious concerns.

1. **Purpose of the treaty.** From our reading - the current draft remains at odds with international human rights law. It is unclear from the draft what new rights are being set out, who the treaty is aiming to give these rights to and who is under the obligation to realise these rights.
2. **Lack of definition.** The draft contains no clear definition of what ‘development’ actually is and how an individual’s right to development is achieved.
3. **Wide scope**: the treaty speaks about the relationship of development with various phenomena and issues - peace and security, colonization, neo-colonization, racism, foreign interference. These are all important issues that could indeed have an impact on development – however – these issues are broad and lack definition in themselves. It is difficult to even envisage how to implement these concepts and ensuing rights and obligations.
4. **Lack of focus on the individual** – The draft affords rights to entities who do not have rights or obligations under international human rights law including – groups and the UN itself. It even sets out a range of obligations regulating States Parties’ behaviour in international organisations. In our view – a human rights treaty needs to focus on a State’s obligations to individuals within its jurisdiction. This draft unfortunately – does not do this.
5. **Reference to obligations that have not been agreed:** The draft make reference to obligations which have not been agreed, some of which are being discussed in other forums, and many which, in our view, are not appropriate to include in a human rights treaty. These include business and human, the regulation of overseas aid, global economic/trading system, and Common but Differentiated Responsibilities. Adopting this draft will be to ignore the important discussions being had and potentially derail discussions in other forums.
6. **Not all human rights are addressed**: Despite this being a draft human rights treaty – the current draft does not focus on the key human rights which will ensure that development is sustainable - including the importance of participation in development processes, the importance of democratic institutions and the rule of law, and combatting corruption.

I hope this explains clearly some of our key concerns. I make these points – not to create more division but to illustrate that our concerns are real and fundamental. In order for us to be able to engage on this draft – we would need to see a serious attempt to at least try and address some of these issues.

I know that we are not the only ones to have these concerns. If the objective of this Working Group is to progress understanding around this issue then surely it is in everyone’s best interest to take a step back, work out our common objective and try find a solution to together.

Thank you