**CETIM’s amendments made during**

**24th Session of the Working Group on the RTD on**

**the Second revised text of the draft convention on the right to**

**development**

(15-19 May 2023)

**TITLE AND PREAMBLE**

About the title, we find it appropriate to call it a **Covenant**.

On the Preamble, in the second paragraph, third line. When we talk about standards of living and full employment, it is appropriate to add before “full employment” the word “**decent**”. And after we can add a comma and also the following sentence “**according to the norms of the ILO**”. This is a very important element as we cannot imagine a development based on exploitation, discrimination and repression, as it is the case nowadays in several countries. In this regard, the ILO norms seem to be a safeguard

In the end of paragraph 18 of the preamble, it would be appropriate to add “**in the territories, and in**” before “the cultural diversity of peoples”. It would read as follows: “…rooted in the cultural identity, in the territories, and in the cultural diversity of peoples”. It is important to consider in the framework of this convention that different peoples are attached in different ways to their respective territories.

**PART I – ARTICLES 1 TO 3**

About **Article 1**: in the end we talk about the promotion of the right to development at national and international levels, it would be appropriate to add after “international”, the word “**regional**”, given that when we speak about regions at the UN we are referring to continents.

About **Article 3.b**: it would be convenient to add the word “effective” before “**participation**”. It is just to harmonise the text, as in many paragraphs and articles we talk about effective participation.

**PART II – ARTICLES 4 TO 7**

**Article 4.2**:

In English

For the sake of coherence with the draft as a whole, after meaningful participation, add “**in their chosen development model**”

“Every individual and all peoples have the right to active, free and meaningful participation **in their chosen development model** and in the fair distribution of benefits resulting therefrom.” (PLEASE CHECK TRANSLATION)

In French

“Tous les individus et tous les peuples ont le droit de participer activement, librement et utilement au **choix de leur propre modèle de** développement et au partage équitable des avantages qui en résultent.”

**PART III – ARTICLES 8 TO 12**

**Article 8.2**: in order to harmonise it with Article 3, we propose the addition of the following parts in bold:

States Parties shall cooperate with each other in ensuring **a people- and individual-centred development** and eliminating obstacles to **such** development, encouraging full observance and realization of all human rights

Commentaries on the articles 10, 11 e 12 e 13

They constitute the heart of this convention. Without these articles the future instrument will not be operational. If we want the right to development to be operational, states must respect their compromise so that we do not find ourselves in undesired situations later on.

**PART III – ARTICLES 13 TO 15**

**Article 13.4.l**: regarding external debt, we should add debt “**cancelation**” in the second line. It reads as follows:

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

Justification: The external debts of countries of the South have been contracted in conditions that we all know about, and we also know to what purpose these debts have served. We can therefore estimate that a non negligeable portion of such debts is illegitimate. So, there should be a cancellation of the illegitimate portion of these debts. This is a very important element, because nowadays, most of the resources of indebted countries of the South go, as a matter of priority, to the renversement of their external debt. This means that these funds cannot be devoted to promoting the right to development and generally be spent for the sake of these countries’ populations. Moreover, the external debt has become something that is in the hands of the creditor countries and banks very often exerting domination. So, in this situation, adding the word “cancellation” is extremely important in this paragraph.

**PART III – ARTICLES 16 TO 18**

**Article 17.1**: add the word “**knowledge**” as follows:

“in accordance with their own **knowledge**, needs and interests”

**Article 17.2**: add “**or organizations**” as follows:

“…own representative institutions **or organizations** in order to”

Justification: This is an important element, given that institutions can be too formal and not always representative or accessible to indigenous peoples.

**Article 18.b**: When we talk about international cooperation, we should add “**judicial cooperation**”.

It reads as follows:

“Promote, facilitate and support international cooperation, **judicial cooperation** and technical assistance in the prevention of and fight against corruption, including in asset recovery”

Justification: This is also very important when it comes to economic crimes. If a country requests information from another country and the latter does not respond favourably and does not cooperate, justice will not be done and measures will not be taken to combat the crime. We made this proposal last year already, but there was an error in the translation from French to English. In English the correct term is “judicial cooperation”.

Lastly, as we have mentioned in our general comments, the participation of peasants and rural communities is essential to developing and improving all rural policies and projects, so that these groups can benefit from their right to development. In this sense we propose a new article, 17bis, which reads as follows:

**Article 17bis (NEW): Peasants and other people working in rural areas**

***1. 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.***

***2. 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 decisionmaking processes that may affect their right to development. In this framework, States shall consult with their representatives organizations.***

***3. States shall not take any measures that may affect the territories and the natural resources that peasants and other people working in rural areas traditionally hold without consulting them.***