**Maat for Peace’ submission on “Comments and Textual Suggestions: Draft Convention on the Right to Development”**

**Permeable**

The right to development guarantees everyone the right to participate in, contribute to and benefit from economic, social, cultural and political development. The right to development enhances individuals' capabilities, achievements and choices and provides a comprehensive approach to the realization of human rights through attention to structures, processes and outcomes while recognizing the entitlements of individuals as groups, including future generations. It makes equity, equality and justice fundamental determinants of development and promotes the full realization of fundamental freedoms.

Indeed, growing inequalities and overall social instability with regard to human rights make many people's access to the right to development unfulfilled.

This right was first recognized in 1981 in article 22 of the African Charter on Human and Peoples' Rights as an individual and collective final right. Article 22 (122) states: "All peoples have the right to economic, social and cultural development with due regard to their freedom, identity and equal enjoyment of the common heritage of mankind."

**Comments and proposals on a draft convention on the right to development**

In the revised draft convention on the right to development, the Government's Working Group on the Right to Development listed a number of essential items for the inclusion of the right to development, which are as follows:

* Definition of the right to development
* Relationship between peoples' right to self-determination
* Relationship to other human rights
* Relationship to everyone's responsibility to respect human rights under international law
* States parties' general obligations

In this contribution, Maat for Peace, Development and Human Rights makes some comments and suggestions that it proposes to add to the basic items of the agreement to be concluded on the right to development.

1. **Minorities and their responsibility for development**

International law on the protection of minorities defines provisions for the political participation of minorities in the State in which they live. However, the relevant provisions have been drafted in vague terms that remain far from establishing any criteria for the different mechanisms to be applied in order to achieve the objective of securing participation, and article 15 of the Framework Convention could serve as an example: "The Parties shall create the necessary conditions for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them."

Minority rights are based on the recognition that minorities are in a vulnerable situation in comparison to other major groups. These rights aim to protect minority groups from discrimination, assimilation, prosecution, hostility or violence, as a consequence of their status. It should be highlighted that minority rights do not constitute privileges, but act to ensure equal respect for members of different communities. These rights serve to accommodate vulnerable groups and to bring all members of society to a minimum level of equality in the exercise of their human and fundamental rights.[[1]](#footnote-1)

The participation of persons belonging to minorities in public affairs and in all aspects of the country's political, economic, social and cultural life is indeed essential to preserving their identity and combating social exclusion. Mechanisms are needed to ensure that the diversity of society with regard to minorities is reflected in public institutions, such as national parliaments, the civil service, including the police and the judiciary, and that persons belonging to minorities are adequately represented, consulted and empowered. Have a voice in decisions that affect them or the regions and areas in which they live. Participation must be meaningful and not only symbolic, recognizing, for example, that minorities are usually underrepresented and that their concerns may not be adequately addressed.

Even women from minorities do not belong to a large extent in their community, they are burdened by the fact that they are minorities in addition to being the vulnerable groups[[2]](#footnote-2). Therefore, Maat for Peace, Development and Human Rights proposes to add an article on the right of minorities to participate in the development process. The article states:

1. The right to development is not restricted to a certain group of people, even if they are more dominant than other groups. "Peoples of all communities, groups and societal fabric, no matter how small or many, have the same responsibility to pursue and work jointly with the State to achieve economic, political and social development. The fruits of such development are enjoyed by the people and equitably distributed among not only economically, socially or politically dominant groups, but also all groups and classes of society.
2. The State is committed to promulgating legal and institutional frameworks that ensure the equal distribution of development opportunities and the participation of minorities in development, without prejudice to their identity or ambiguity.
3. **The role of civil society in development**

Civil society is an ecosystem that impacts social change outside the family, market or government, often referred to as the space in which we work for the public good. Civil society aims to link poor or marginalized people with groups that can mobilize support for assistance.

Civil society organizations play multiple roles. They are an important source of information for both citizens and government, monitor government policies and actions, hold the government accountable, participate in advocacy and offer alternative policies to government, the private sector and other institutions. They also provide services, especially for the poor and disadvantaged, defend citizens' rights and work to change and support social norms and behaviors, which is one of the most important pillars of development.[[3]](#footnote-3)

**Therefore, Maat for Peace proposes acknowledgment in the body of the draft agreement an article emphasizing the role of civil society and the right to participate in development, the texts of which could be as follows:**

1. The role of civil society as a pillar of development cannot be marginalized through its role in raising citizens' awareness of their rights and duties, monitoring the Government, directing youth energies and entrepreneurs towards a development effort and highlighting the obstacles to the development process and trying to contribute to its resolution.
2. The States Parties to the Convention are obligated to providing a safe environment for the full functioning of civil society bodies to fulfil their developmental role by providing spaces for the circulation of information through all images of visual media, allowing peaceful assembly, organizing meetings, symposiums and establishing NGOs. The States Parties shall undertake to supervise and monitor the above in times of peace and war.
3. **Definition of Development**

Article 4 (A) stipulates that development is a right for everyone, and paragraph (b) of the same article stipulates that every person has the right to benefit from the proceeds of this development. However, the articles of the Convention did not set a clear definition of development to be adhered to by signatory countries.

**In this context, Maat for Peace proposes that article 4 on the definition of the right to development shall be redrafted to include that the right to development is an inalienable human right, whereby everyone and all peoples have the right to participate and to enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully enjoyed.[[4]](#footnote-4)**

1. **Elimination of violations related to racism and discrimination against refugees and migrants**

Today, migrants and refugees worldwide play a major role within society. The causes of migration and asylum in the world have multiplied and varied. Thanks to globalization, anyone in any State can be a migrant or refugee without any difficulty. In low-income States, thousands of migrants flee their countries due to political reasons, persecution from neighboring States, wars and conflicts, or environmental changes. All of such factors drive people to seek refugee in other safer countries.[[5]](#footnote-5)

In high-income or developed countries, migrants leave their homes in search of a better life, or to escape dictatorship. Therefore, today's refugees and migrants are an essential part of the fabric of society, who are working, learning, growing, producing, consuming and participating in the State's development plans. Accordingly, these refugees and migrants have the right to enjoy the development they contribute to achieve in their new countries and also have the right to benefit equitably from the benefits of such development.

However, migrants, especially those in an irregular situation, are often excluded from national health promotion, disease prevention, treatment and care programs, as well as from financial and housing protection. They can also face high user fees, low levels of educational level, and poor cultural efficiency among migrant providers.

These barriers are greater for persons with disabilities and women and girls may find it difficult to access protection services and respond to sexual and gender-based violence. Refugee and migrant children, especially unaccompanied minors, are likely to face traumatic events and difficult situations, such as exploitation and abuse, and may have difficulty accessing health care.

In the midst of all that migrants and refugees face, this prevents the possibility of benefiting from their productive capacities in a manner that contributes to the development process of the State even though they are already citizens of the State and benefits from its resources, Therefore, the Convention on Development can never diminish the role and responsibility of refugees and migrants to production and work, as well as the responsibility of the host State to provide such a productive environment by facilitating their rights to food, housing, medical care, education and also a safe environment, so that they are not intimidated or their rights violated.[[6]](#footnote-6)

**Therefore, Maat for Peace proposes adding an article related to the right of refugees and migrants to development in order to guarantee their rights in the hosting countries in exchange for their contribution to work, achievement and innovation within their second homeland, the article shall state that:**

Migrants and refugees in countries who complete their papers and entry permits in the country have the right to participate in development by obtaining jobs commensurate with their practical experiences, and they also enjoy the development results that appear in the development of scientific, health and even recreational institutions, provided that the countries hosting these migrants and refugees pledge to provide them a better environment than the one from which they fled in terms of enjoying rights, security and work.

1. **Obstacles to exercising the right to development**

The draft convention on the right to development was limited to corruption as one of the obstacles to development. The draft stipulated some guiding principles to curb and restrain corruption, but there are other obstacles to development that complement the issue of corruption and have the same importance, so it is necessary to mention them, such as:

1. **The political side of the right to development**

Providing a political environment that helps to demonstrate the right to development as pluralism and democracy contributes significantly to assessing development plans, holding accountable those responsible and reducing corruption, which the Working Group on the Right to Development considers to be one of the most important obstacles to development.

1. **Ignorance**

Ignorance is one of the most important obstacles to the right to development because individuals are ignorant of this right and are ignorant of the responsibilities that this right requires. Here comes the role of civil society organizations and state organizations concerned with educating citizens about this right and raising their awareness. Therefore, the state shall support the authorities in educating citizens academically or through training about their right to development.

1. **Exercise the right to development**

The third obstacle to the realization of the right to development is the absence of the exercise of the right to development, resulting from the absence of policies at the national and international levels that go beyond the notion and that identify priorities and allocate resources on the basis of the right.

In development, the challenge is to make the right to development a priority in development policy, as reflected in national and international strategies, programs and practices.[[7]](#footnote-7)

**Conclusion**

The future of the right to development depends on the extent to which political, intellectual and practical impediments are addressed. Political obstacles appear in the tone and content of Governments' deliberations and decisions, and it is up to those Governments that take the right to development seriously and adopt specific programs and mechanisms that will help them fulfil their mutual obligations in this regard. Intellectual obstacles are to be addressed more clearly, which would enhance political debate as if it were to define national and international policy through the participation of more universities, professional associations and scientific publications in an intensive investigation of the meaning and value of the right to development.

The most important obstacle to the implementation of the right to development is the practical one, owing to the lack of incentives to put into effect the official policies of international agencies and national Governments and to introduce targeted approaches to the right to development. The response to this challenge lies in careful and detailed discussion and adjustment of programs and projects at the country level.

Such an outcome would add momentum to efforts to integrate human rights-based approaches to development, and requires innovative rethinking of the development process in terms of resource allocation in the national budget, negotiations with development partners and trade and investment policies, so the obstacles to the rethinking outlined here are enormous but not insurmountable.

1. Why are minority rights important, political youth network? <https://bit.ly/3bjP66p> [↑](#footnote-ref-1)
2. Minorities played vital role in country’s development, Pakistan today, <https://bit.ly/3NkhX8k> [↑](#footnote-ref-2)
3. Enabling Civil Society is a Development Priority, the forum, <https://bit.ly/3OwAfnM> [↑](#footnote-ref-3)
4. The Right to Development at a glance, <https://bit.ly/3xOMQM8> [↑](#footnote-ref-4)
5. The plight of refugees and migrants around the world, Aljazeera, <https://bit.ly/39Opuym> [↑](#footnote-ref-5)
6. Refugees and Migrants Arrive in the Same Boat, But Are Treated Differently, the century foundation, <https://bit.ly/3xP3KdK> [↑](#footnote-ref-6)
7. OBSTACLES TO THE RIGHT TO DEVELOPMENT, Harvard University, <https://bit.ly/39OGtk3> [↑](#footnote-ref-7)