**Article 1**

Revised Draft Article 1 is identical to the one in the zero draft. It is titled “object and purpose” and reads as follows:

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

With respect to this article, there were a few suggestions received from respondents. The Drafting Group evaluated all the suggestions and recommends that we retain the language of the provision in its original form.

The draft commentaries prepared by my colleague and current chair of the drafting group, Dr. Diane Desierto, explain the rationale for this. As such, I may only address a few points.

There was a suggestion that we add “all nations” as right-holders after the reference to “every human person and all peoples”. While the drafting group agrees that obstacles to the realization of the right to development at the national level directly impacts the realization of the right by human persons and peoples, it is technically important in the treaty to retain the right-holders as human persons and peoples. “Nations” as an entity do not possess human rights. As such, we suggest retaining the language as it is.

There was also some concern raised with respect to the words “guarantee its effective operationalization and full implementation at the national and international levels”. In particular, it was noted in one of the comments that “given the nature of the right to development, as a right by itself and as a means for the full enjoyment of all other human rights, the notion of “guarantee” may raise concerns about the scope and extent of the obligations regarding the operationalization of the draft Convention, as the right to development can only be progressively realized through an incremental process supported by increased international cooperation”.

The Drafting Group recalls that in the commentaries to the zero draft, it was noted that this provision does not by itself describe the right to development or obligations of specific duty-bearers. Rather, it is aimed at clearly articulating the purpose of the convention so that the substantive provisions on rights and duties to follow can be interpreted in its light. It was also noted that the provision focuses on what the convention seeks to achieve vis-à-vis the right-holders, rather than how it seeks to do so. In particular, the terms “and to guarantee its effective operationalization and full implementation at the national and international levels” underscore the very reason why the status quo on the right to development is not deemed adequate and adoption of a convention is deemed essential. The word “Guarantee” signifies the seriousness in purpose which has been found wanting hitherto. As such, the drafting group recommends retaining the language as in the original text.

**Article 2**

Revised Draft Article 2 is titled “definitions” and is identical to the one in the zero draft. It comprises the meaning to be ascribed to four terms used in the draft convention viz. legal persons, international organization, Working Group on the Right to Development, and the high-level political forum on the right to development. There were only a few suggestions made. One of them was for adding definitions for more terms such as “development” or “sustainable development”. Insofar as the definition of “development” is concerned, the drafting group has stressed in the commentaries to the zero draft, and has reiterated in the discussions during the 21st and 22nd sessions of the WGRTD, that this is neither possible nor in sync with the draft convention. The right to development, as incorporated in draft article 4, is human and people-centred, in that, it entails their right to participate in, contribute to, and enjoy development. This necessarily implies that the authorship of what development means lies entirely with the right-holders and will differ from context to context. Imposing a one-size-fits-all definition of development will defeat the very elements of participation in and contribution to development which comprise the foundation stones of the right to development. In other words, recognizing that all human persons and peoples have the right to development necessarily entails a rejection of a singular definition of development. This is irrespective of the fact that there is in reality no common definition of development adopted by the United Nations system or by States. Similarly, in case of “sustainable development”, the drafting group notes that the 2030 Agenda does not define sustainable development but rather identifies its elements through 17 goals and 169 targets. However, it is pertinent to point out that the Sustainable Development Goals as adopted in 2015 reflect the global understanding of what sustainable development entailed at that time. The SDGs are time-bound and are likely to evolve as newer challenges (such as the COVID-19 pandemic) face humanity and the planet. As such, the drafting group does not recommend including a definition of sustainable development in this draft article. It is best left to be understood in the context of sustainable development agendas as adopted from time to time in the future.

**Article 3**

Revised draft article 3, as with the zero draft, is titled “general principles” and begins with the opening statement “To achieve the object and purpose of the present Convention and to implement its provisions, the Parties shall be guided by, inter alia, the principles set out below”.

A number of suggestions were made with respect to the principles already included in the zero draft. There were also suggestions received for adding a few more. The drafting group carefully reviewed all suggestions and recommends the text as now contained in the revised draft. For the sake of this presentation and the constraints of time we have, it is not possible to go into all the comments received. As such, I will read the revised text and only point out any significant additions or modifications that have been made.

Revised paragraph (a) reads as follows: 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;

Only cosmetic change to the title has been made. Previously, it was titled as “Human person and people-centred development”. Now it reads “Development centred on the human person and peoples” based on suggestions received.

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

As can be noted, the principles of universality, inalienability, indivisibility, interdependence and interrelatedness of all human rights have been added to the original language in the zero draft. The drafting group also agreed that the principles of “transparency”, “inclusion” and “accessibility” should be added to this provision, as suggested by several respondents.

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With respect to paragraph (c), the revised title is “Human rights-based development” and the text reads as follows: “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;”

As can be seen, there are some modifications made in the revised draft with reference to paragraph c. These were based on comments received from a few respondents. The original formulation of the title was “Human rights-based approach to development”. The text was “development is a human right and should be realized as such and in a manner consistent with and based on all other human rights”. A number of respondents both in the oral statements and the written submissions raised concerns to the use of words “in a manner consistent with and based onall other human rights”. Taking these into account and to ensure that the core essence of the principle is not diminished, the title is replaced to “Human rights-based development” and the text now uses the words “development is a human right that is indivisible from and interrelated and interdependent with all other human rights”.

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Draft paragraph (d) is new. It draws on some of the suggestions made and notes that it is normatively based on Human Rights Council Resolution 41/19. As such, it reads as follows: “Contribution of development to the enjoyment of all human rights: development, as described in the present Convention, is essential for the improvement of living standards and the welfare of human persons and peoples and contributes to the enjoyment of all human rights;”

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Draft paragraph (e) is titled “Principles of international law concerning friendly relations and cooperation among States”. The text stipulates that “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;”

This is also a new paragraph. This was specifically suggested by some respondents and the drafting group accepted it since this is an architectural norm aligned with the fundamental purposes and principles of the Charter of the United Nations, as well as UN General Assembly Resolution 2625 (Friendly Relations Declaration).

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Draft paragraph (f) is titled “Self-determined development”. The text stipulates that “development is determined by individuals and peoples as rights holders. The right to development and the right to self-determination of peoples are integral to each other and mutually reinforcing;”.

The only modification in this paragraph is inclusion of the words “of peoples” after the words “right to self-determination”. This was based on suggestion from one of the respondents. The drafting group considers that this suggestion should be incorporated since the rights-holders of the right to self-determination are peoples.

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A number of suggestions were received with respect to paragraph (g). The original text in the draft convention read as follows:

“development cannot be sustainable if its realization undermines the right to development, and the right to development cannot be realized if development is unsustainable”.

Based on the suggestions received, the drafting group considered that the paragraph might be better framed in positive terms rather than negative terms. As such, the revised text now reads as follows:

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

The first sentence of this sub-paragraph is drawn directly from the 2030 Agenda for Sustainable Development. The first clause of the second sentence is drawn from Principle 3 of the 1992 Rio Declaration on Environment and Development (e.g. “the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations”), while the second sentence is based on the 17 January 2020 Draft Convention.

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Revised draft paragraph (h) is titled as “Right to regulate”. The text stipulates that “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;”

With respect to this paragraph in the zero draft, there were some concerns raised in the 21st and 22nd sessions that the provision might be interpreted to permit a violation of international law. The drafting group had clarified then that this is not accurate. However, in order to assuage all such fears, the revised draft now adds the words “in accordance with international law”.

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Draft paragraph (i) is titled as “National and international solidarity”. The text stipulates that “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;”

The only substantive change from the zero draft is the inclusion of “national solidarity” in addition to “international solidarity”. This is based on suggestions from some respondents.

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Draft paragraph (j) is new. It is based on suggestions received. The title is “South-South cooperation as a complement to North-South cooperation” and the text reads as follows: “South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation, and hence should not result in the reduction of North-South cooperation or hamper progress in fulfilling existing official development assistance commitments;”. This language is drawn from paragraph 10 of the Buenos Aires outcome document of the second High-Level United Nations Conference on South-South Cooperation.

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Draft paragraph (k) is titled as “Universal duty to respect human rights”. It stipulates that “everyone has the duty to respect all human rights, including the right to development, in accordance with international law;”. There is no modification from the zero draft, except the replacement of words “respect human rights” to “respect all human rights”.

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The final draft paragraph (l) is titled as “Right and responsibility of individuals, peoples, groups and organs of society to promote and protect human rights”. The text stipulates that “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”. This is identical to the formulation in the zero draft.

**Article 4**

Article 4 is titled “Right to development”. At the outset, the Expert Drafting Group notes that article 4 is the heart and soul of the draft convention. It defines the right to development and spells out its scope. It is conceptually and linguistically drawn from article 1(1) of the DRTD. As the commentaries to the zero draft noted, paragraph 1 of draft article 4 consciously does not tamper a lot with the formulation of the right to development in article 1(1) of the DRTD. It only makes suitable modifications to adapt to the requirements of a legally binding instrument and to ensure that there is no room for any ambiguity in its construction. Considering that this article formulates the principal subject of this convention – the right to development – it is important to remain as close as possible with its formulation in the DRTD. In particular, the threefold entitlements of the right to development viz. the entitlement to participate in, contribute to and enjoy development, are fundamental. It is in this context that the suggestions for modification made by respondents were considered.

In the reformulated paragraph in the revised text, the words “civil, cultural, economic, political and social” have been arranged alphabetically to adhere to the current manner of addressing this list. Additionally, in line with the modifications to article 3(c), the language of “development that is consistent with and based on all other human rights and fundamental freedoms” has been replaced with “development that is indivisible from and interdependent and interrelated with all other human rights and fundamental freedoms”. As such the revised draft article 4(1) reads as follows:

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

Paragraph (2) of article 4 has been retained as it is. It reads as follows:

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.

(**Note to interpreters**: I may have to add some comments here based on comments from States).

**Article 5**

The original draft article 5 was titled as “Relationship with the right to self-determination. Based on suggestions received, the title has been modified to “Relationship with the right “of peoples” to self-determination. This was accepted since this right is indeed guaranteed to peoples as the rights-holders.

Paragraphs 1 and 2 of Article 5 have not been modified. Paragraph 1 stipulates that “The right to development implies the full realization of the right of all peoples to self-determination.”

Paragraph 2 stipulates that “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”.

In terms of paragraph 3, slight modifications have been made. Based on one of the suggestions received, the words “sustainable development” have been added after the words “mutual benefit”. This reflects the accepted principle that the disposal of wealth and natural resources should be based also on the principle of sustainable development. The first part of the paragraph therefore now reads as follows “All peoples may, in pursuing the realization of their right to development, freely dispose of their natural wealth and resources based upon the principle of mutual benefit, sustainable development, and international law. In no case may a people be deprived of its own means of subsistence”.

An additional sentence has been added at the end stipulating that “Nothing in the present Convention shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources”. This is a verbatim reproduction of article 25 of the ICCPR and is directly related to this provision.

I would also like to point out that there was a suggestion to modify the words “natural wealth and resources” to “wealth and natural resources”. In fact, this was accepted by the drafting group. However, that has not been reflected in the text of the revised draft. This is an error on our part and hopefully, the same will be reflected in the final draft.

In terms of paragraph 4, the revised text now reads “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”. The only modification is the addition of the words “international law” at the end based on a recommendation.

Revised draft paragraph 5 reads as follows: “States shall take resolute action to prevent and eliminate massive and flagrant violations of the human rights of persons and peoples affected by situations such as those resulting from apartheid, all forms of racism and discrimination, colonialism, domination and occupation, aggression, interference and threats against national sovereignty, national unity and territorial integrity, threats of war and the refusal to recognize the fundamental right of peoples to self-determination”. This is an improvement over the text originally contained in the zero draft. The modifications have been made based on the suggestions received from several respondents.

In the revised paragraph 6, an additional sentence has been added based on a concern that the original one in the zero draft only reflected part of the corresponding statement in Resolution 2625 of the UNGA. The drafting group therefore recommends adding the following sentence at the end “Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State”.

**Article 6**

Draft article 6 is titled “Relationship with other human rights”. The current text now reads “States Parties reaffirm that all human rights, including the right to development, are universal, inalienable, interrelated, interdependent, indivisible and equally important”. The only modification in the revised text is the inclusion of the word “inalienable” to bring it in sync with modifications made in draft article 3(b) to the same effect.

**Article 7**

Revised draft article 7 is identical to the original one in the zero draft. It is titled “Relationship with the responsibility of everyone to respect human rights under international law” and reads as follows:

“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 the commentaries to the zero draft, as well as the 21st and 22nd sessions of the Working Group, extensive explanations have already been provided indicating the rationale and normative justification for this provision.