



Human Rights Council
Working Group on the Right to Development
Twenty-fourth session
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Item 4 of the provisional agenda
**Review of progress made in the promotion and
implementation of the right to development**

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

Chair-Rapporteur: Zamir Akram (Pakistan)

Summary

The annex to the present report of the Chair-Rapporteur of the Working Group on the Right to Development contains the second revised text of the draft convention on the right to development, submitted pursuant to Human Rights Council resolution 51/7. The commentaries on the second revised text are contained in document [A/HRC/WG.2/24/2/Add.1](#). The original text of the draft convention and the corresponding commentaries are contained in documents [A/HRC/WG.2/21/2](#) and [A/HRC/WG.2/21/2/Add.1](#), respectively. The first revised text of the draft convention and the corresponding commentaries are contained in documents [A/HRC/WG.2/23/2](#) and [A/HRC/WG.2/23/2/Add.1](#), respectively.



Introduction

1. In its resolution 51/7, the Human Rights Council requested the Chair-Rapporteur to submit a second revised draft convention on the right to development to the Working Group on the Right to Development at its twenty-fourth session for intergovernmental negotiation and, following that process, to submit the final draft text of the convention to the Council.
2. In the same resolution, the Human Rights Council requested the United Nations High Commissioner for Human Rights to engage experts for their continued provision of necessary advice, input and expertise to the Chair-Rapporteur of the Working Group in the fulfilment of his mandate and the preparation of the second revised draft of the convention on the right to development, to facilitate the participation of the experts in the twenty-fourth session of the Working Group and to provide advice with a view to contributing to discussions on the elaboration of the draft convention, as part of the implementation and realization of the right to development.
3. At the request of the Chair-Rapporteur of the Working Group on the Right to Development, the Office of the United Nations High Commissioner for Human Rights convened a meeting of the drafting group of experts, which was held on 19 and 20 September 2022 in Geneva. The members of the drafting group were Diane Desierto (Philippines), Koen de Feyter (Belgium), Mihir Kanade (India), who acted as Chair-Rapporteur of the meeting, Margarete May Macaulay (Jamaica) and Makane Moïse Mbengue (Senegal).
4. During the meeting, the drafting group considered all comments and textual suggestions made during and received after the twenty-third session of the Working Group.¹ The Chair-Rapporteur of the Working Group attended the meeting and shared his observations on the comments and textual suggestions and provided further guidance to the drafting group.
5. On the last day of the meeting, on 20 September 2022, the drafting group adopted the draft text *ad referendum*. On 4 October 2022, Mr. Kanade submitted, on behalf of the drafting group, the second revised text of the draft convention on the right to development, together with commentaries, to the Chair-Rapporteur of the Working Group.
6. The Chair-Rapporteur of the Working Group subsequently reviewed and endorsed the second revised text of the draft convention on the right to development, which is contained in the annex to the present document.

¹ The written submissions are available at: <https://www.ohchr.org/en/hrc-subsiidiaries/iwg-on-development/comments-and-textual-suggestions-received-after-23rd-session-working-group-right-development>.

Annex

Draft convention on the right to development*

Preamble

The States Parties to the present Convention,

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,

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,

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,

Reaffirming the Declaration on the Right to Development,

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

* Second revised text. While the title as contained in the present annex is “convention on the right to development”, Member States may wish to consider, in their negotiations, the alternative title proposed by the drafting group of experts and by several stakeholders, namely “covenant on the right to development” (see [A/HRC/WG.2/24/2/Add.1](#)).

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,

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,

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,

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,

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,

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

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, 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,

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,

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,

Reaffirming the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including 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,

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,

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,

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,

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,

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,

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,

Concerned that, despite the adoption of numerous resolutions, declarations and agendas, the right to development has not yet been effectively operationalized,

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.

Have agreed as follows:

Part I

Article 1

Object and purpose

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.

Article 2

Definitions

For the purposes of the present Convention:

- (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;
- (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.

Article 3

General principles

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:

- (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;
- (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;
- (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;
- (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;
- (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;
- (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;
- (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;
- (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;
- (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;

(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;

(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;

(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.

Part II

Article 4 Right to development

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.
2. Every individual and all peoples have the right to active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.

Article 5 Relationship with the right of peoples to self-determination

1. The right to development implies the full realization of the right of all peoples to self-determination.
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.
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.
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.
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.

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.

Article 6

Relationship with other human rights

1. States Parties reaffirm that all human rights, including the right to development, 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.

Article 7

Relationship with the responsibility of everyone to respect human rights under international law

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.

Part III

Article 8

General obligations of States Parties

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

Article 9

General obligations of international organizations

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.

Article 10

Obligation to respect

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

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

Article 11

Obligation to protect

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:

- (a) Such conduct occurs, partially or fully, on the territory of the State Party;
- (b) The natural or legal person has the nationality of the State Party;
- (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.

Article 12

Obligation to fulfil

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.

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.

Article 13

Duty to cooperate

1. States Parties reaffirm and shall implement their duty to cooperate with each other, through joint and separate action, in order to:

(a) Solve international problems of an economic, social, cultural, political, environmental, health-related, educational, technological or humanitarian character;

(b) End 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;

(d) Promote and encourage universal respect for human rights and fundamental freedoms for all, without discrimination of any kind.

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:

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

(b) 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;

(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;

(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.

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.

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*:

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

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

(c) Improving the regulation and monitoring of global financial markets and institutions, and strengthening the implementation of such regulations;

(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;

(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;

(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;

(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;

(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;

(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;

(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;

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

(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;

(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.

Article 14

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.

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

Article 15

Specific and remedial measures

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.

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:

- (a) Recognition of common but differentiated responsibilities and respective capabilities, taking into account different national circumstances;
- (b) The provision of special and differential treatment;
- (c) Preferential terms on trade, investment and finance;
- (d) The creation of special funds or facilitation mechanisms;
- (e) The facilitation and mobilization of financial, technical, technological, infrastructural, capacity-building or other assistance;
- (f) Other mutually agreed measures consistent with the provisions of the present Convention.

Article 16

Equality between men and women

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.

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

- (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;
- (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;
- (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;
- (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;
- (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;

(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;

(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.

Article 17

Indigenous Peoples

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.

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.

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.

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:

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

(b) Promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery;

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

Article 19

Prohibition of limitations on the enjoyment of the right to development

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.

Article 20

Impact assessments

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.

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.

Article 21

Statistics and data collection

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:

(a) 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.

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.

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

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.

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.

3. States Parties undertake to promote peace and inclusive societies within their territories for the full realization of the right to development for all.

Article 23

Sustainable development

States Parties, individually and jointly, undertake to ensure that:

(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;

(b) Their decisions and actions do not compromise the ability of present and future generations 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.

Article 24

Harmonious interpretation

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.
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.

Part IV

Article 25

Conference of States Parties

1. A Conference of States Parties is hereby established.
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:
 - (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;
 - (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;
 - (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;
 - (d) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and governmental and non-governmental bodies;
 - (e) Consider and adopt regular reports on the status of implementation of the Convention, and ensure their publication;
 - (f) Make recommendations on any matters relevant to the implementation of the Convention, and ensure their publication;
 - (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.
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.

4. The Conference of States Parties shall meet in public sessions, except as otherwise determined by it, in accordance with its rules of procedure.
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.
6. The Conference of States Parties shall be held annually.
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.
8. The Conference of States Parties shall transmit its reports to the General Assembly and the Economic and Social Council.

Article 26

Protocols to the Convention

1. The Conference of States Parties may adopt protocols to the present Convention.
2. The text of any proposed protocol shall be communicated to States Parties at least six months before consideration.
3. The requirements for entry into force shall be established by that instrument.
4. Decisions under any protocol shall be taken only by the States Parties to the protocol concerned.

Article 27

Establishment of an implementation mechanism

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.
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.
3. The implementation mechanism shall:
 - (a) Adopt general comments or recommendations to assist in the interpretation or implementation of the provisions of the present Convention;
 - (b) Review obstacles to the implementation of the Convention at the request of the Conference of States Parties;
 - (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;
 - (d) Undertake any other functions within the scope of the Convention that may be vested by the Conference of States Parties.
4. The Conference of States Parties shall adopt rules of procedure for the operation of the implementation mechanism.

Part V

Article 28 Signature

The present Convention shall be open for signature by all States and international organizations at United Nations Headquarters in New York as of _____.

Article 29 Consent to be bound

1. The present Convention shall be subject to ratification, approval or acceptance by signatory States.
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.
3. The present Convention shall be open for accession by any State or international organization that has not signed the Convention.

Article 30 International organizations

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.
2. References to "States Parties" in the present Convention shall apply to such organizations within the limits of their competence.
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.
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.

Article 31 Entry into force

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
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.

Article 32 Reservations

1. Reservations may be withdrawn at any time.
2. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

Article 33

Amendments

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.
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.
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.

Article 34

Denunciation

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.

Article 35

Dispute settlement between States Parties

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.

Article 36

Accessible format

The text of the present Convention shall be made available in accessible formats.

Article 37

Depositary

The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 38
Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

In witness thereof, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.
