The 13th session of the Expert Mechanism on the Right to Development

Item 4 of the Provisional Agenda
Implementation of the mandate and programme of work –
Consideration of thematic studies
Conference Room 6, United Nations Headquarters, New York

An interactive chapter-by-chapter discussion on the draft international covenant on the right to development

Thursday 23 April 2026, 10:00 to 13:00

Unofficial transcript of the oral statement by the European Union

I am afraid I have prepared general comments, which, as we heard, is apparently not always so appreciated, but it seemed the most appropriate for this forum. We were a bit surprised to see the topic on the agenda of the Expert Mechanism on the Right to Development, since there used to be a very clear division of labour between the Working Group and the Expert Mechanism. But at the same time, I really appreciate the opportunity to hear from the people so familiar with the text and gain insights from yourselves, because that was very enlightening.

Obviously, the position of the European Union towards the draft legally binding instrument that came out of Geneva is well known. We are not endorsing this document. We are not comfortable with it.

Now, from what I hear here, we are a bit cast in the role of a villain, and I think it would always be useful if the villains were quiet and then everyone can project their maybe frustrations, maybe understandings onto them. So please also acknowledge that I am here to engage. I was here throughout the two days. I'm hoping to be here for the whole session, trying to learn, trying to understand where people are coming from. It's sometimes easier to stay quiet, especially if you are negotiating on behalf of a whole group. For us, especially when it comes to this being a legally binding instrument and not only, “resolution”, it is a very heavy process for me to even be able to speak on behalf of our Member States. So that partly also explains why we're not the most active. This is a slow super tanker in every negotiation, but when it is about a legally binding instrument, the stakes are obviously much higher here.

Coming to these two concerns, they remain. I'm not going to go into detail here, in line with this being general comments. We feel that the focus has shifted from what we had in the Declaration on the Right to Development, where we had aspects like equality, social reform, and public participation that are very inwards facing. Now the duty to cooperate is very pronounced in the new document. I understand that this is by design, and it was referred to as things that came out of the evolution in the forty years in between, but it's certainly a concern on our side. We also feel that, despite all the statements we heard in the last few days about the interconnectedness and intertwinement of all human rights and fundamental freedoms, including the right to development, there is a vision to elevate the right to development over other rights, which again is something that we're not comfortable with and that we struggle with.

I see there is often at the UN, a tendency to bring important initiatives in a bit of a rush. We tend to have a lull and then a sudden burst of activity, especially on important things. And very often I think that's out of necessity. There are many chefs in the kitchen. Suddenly the dam breaks and we bring something and we try to rush it through. I hear now that this might, in this case, also be by design, with the thought that there's no longer any point in negotiation, the European Union will never be convinced. Well, if we're casting this light of engaging in any possible negotiation in bad faith, then

indeed there is not much left to do. But a decision will need to be made whether we should have another opportunity to discuss or whether it goes ahead as it is, which we would find very unfortunate.

I reject the notion that we are only here to perform, to pretend that we have concerns, or to just delay the process or block the process. There are valid concerns. And I hear when it is questioned whether certain questions should even still be askable. I think our whole job here at the UN is to ask questions until, ideally, everyone feels comfortable enough to reach consensus, unless we don't want consensus from the get-go, in which case that's a whole different way of approaching the process. In a way, it can go both ways. So, I wanted to share these. I would almost say personal insights after listening.

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