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 Mexico

Mexico would like to make a few general comments on the draft International Covenant on the Right to Development. The scope of this instrument includes a whole set of extremely relevant themes. Nevertheless, it is necessary to recognize that several of these aspects have already been subject to regulation by way of legally binding instruments already in force. These normative frameworks are the result of exhaustive negotiations and are governed by the principle of progressivity, and this has enabled significant progress to be made. In this regard, for us, it is essential that, under the perspective of the right to development, we prioritize complementarity between this draft Covenant and existing instruments to safeguard the coherence of the international legal framework that gave rise to them. The strengthening of the right to development must focus on promoting a more effective, coherent, and results-based implementation of international commitments that have already been made.

It is essential to avoid duplication, institutional fragmentation, or the imposition of additional burdens that do not lead to concrete benefits for developing countries. This is why, for us, it would be beneficial to adopt an approach that prioritizes effective implementation as well as adequate follow-up and translation of international commitments into tangible public policies, rather than the proliferation of new normative formulations.

It is necessary to ensure that existing obligations are applicable and in line with the real implementation capacities of States. Furthermore, we observe that some provisions of the text have a lack of clarity. As a result, it would be beneficial to improve its drafting, to avoid redundancies, to prevent ambiguities, and to precisely outline the enforceability of the normative scenarios.

The novel nature of this legal instrument requires particular attention from the authorities involved in the negotiation of the Covenant. It is essential to carefully assess its operability to avoid future questioning and to prevent possible attributions of international responsibility to States for a lack of compliance. This will be crucial once the Covenant enters into full force. This, regarding its complementary nature, could generate meaningful stumbling blocks to its implementation and compromise its efficacy, and cause legal uncertainty both for operators as well as for those to whom the regulation applies.

Mexico reiterates its preparedness to participate constructively in the negotiations of the Covenant and stands ready to present specific comments in line with the provisions of Human Rights Council Resolution 54/18, which decides to subject the consideration of this draft Covenant to the General Assembly, with a view to its eventual adoption.

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