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 –
Focused thematic discussions
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

Concept Note
Presented by Mihir Kanade

Introduction

The right to development, as recognized in the 1986 United Nations Declaration on the Right to Development, affirms that every human person and all peoples are entitled to participate in, contribute to, and enjoy development in which all human rights and fundamental freedoms can be fully realized, placing human beings at its centre.

Efforts to further elaborate its normative framework have evolved within the United Nations system. Following discussions within the Working Group on the Right to Development on the content and scope of a possible legally binding instrument, the Human Rights Council, in its resolution 42/23 (September 2019), requested the Chair-Rapporteur of the Working Group to prepare a draft instrument on the basis of prior deliberations and to submit it for substantive negotiations, while undertaking consultations with Member States and relevant stakeholders.

In support of this mandate, the Chair-Rapporteur, with the assistance of the Office of the United Nations High Commissioner for Human Rights, established an Expert Drafting Group composed of international legal experts, chaired by Mihir Kanade, to prepare successive drafts of the instrument and accompanying legal commentaries. The process involved multiple rounds of consultations and negotiations within the Working Group, with inputs from Member States and other stakeholders reflected in revised versions of the draft.

Following these processes, a draft **International Covenant on the Right to Development** was submitted to the Human Rights Council (A/HRC/54/50), which in October 2023 decided to forward it to the General Assembly for its consideration, negotiation, and possible adoption. The draft covenant is currently pending before the General Assembly.

The inclusion of this discussion in the programme of the thirteenth session responds to interest expressed by Member States in holding a technical and structured exchange on the draft covenant. The discussion is intended to provide clarification and reflection and does not constitute a negotiation process.

In line with its mandate, the Expert Mechanism will facilitate an interactive chapter-by-chapter discussion of the draft covenant to enhance understanding of its structure, content, and implications.

Purposes

The discussion aims to:

1. Provide a **technical and structured review** of the draft covenant through a chapter-by-chapter approach.

2. Enhance understanding of the **architecture, key provisions, and internal coherence** of the draft instrument.

3. Facilitate an informed exchange among Member States and stakeholders, without prejudice to ongoing or future intergovernmental processes.

Format

The session will be conducted as an interactive and technical dialogue, structured around the chapters of the draft covenant.

1. The discussion will begin with a panel of international legal experts, who will provide background on the drafting process and present the structure and key elements of the chapters of the draft covenant.

2. The panel will be invited to present the chapters of the draft covenant and respond to questions.

3. The session will be primarily dedicated to an **interactive exchange with Member States and stakeholders**, with most of the time allocated to responding to questions and requests for clarification from the floor.

4. The discussion will be moderated to ensure a **focused, transparent, and non-negotiating environment**.

Member States and other stakeholders are invited to submit **questions in advance** to facilitate a more structured discussion. Questions may be sent to the EMRTD Secretariat (**ohchr-emrtd@un.org**) with the subject line **"Question on the draft Covenant"** by **17 April 2026**. These questions will be shared with the panel to support the discussion.

Expected Outcomes

1. Improved understanding among participants of the structure and content of the draft covenant.

2. Strengthened dialogue among Member States and stakeholders on issues related to the right to development.

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