

*Proposal to develop Commentaries on the Declaration on the Right to Development*

The Expert Mechanism on the Right to Development has expressed its support for a legally binding instrument on the right to development. It has also expressed a view on the [essential elements of such an instrument](#).

Pending the adoption and ratification of a legally binding instrument, constructive engagement on the full implementation of the UN Declaration on the Right to Development remains a priority [e.g., see UN HRC resolution [45/6](#) (6 October 2020)]. The EMRDT thus seeks to embark on drafting Commentaries on the various articles of the Declaration.

The EMRDT formulates this proposal considering its two overarching objectives: to mainstream, reinvigorate and operationalize the right to development; and to enhance the ability of grass-roots organizations to use the right to development.

The purpose of the Commentaries would be to clarify the content of the provisions of the Declaration and to suggest approaches to their implementation by all relevant stakeholders. The EMRDT takes the view that the Declaration is a living instrument dedicated to providing human dignity for all in today's world. The Commentaries will provide an opportunity to promote an evolutionary interpretation of the Declaration that takes into account present day conditions, while they will also allow identifying normative gaps that the future legally binding instrument should address. In any case, the Commentaries on the Declaration will contribute to the awareness of the right to development in societies across the world, and encourage its operationalization.

Substantively, the Commentaries will build on state practice in implementing the right to development; on the experience of civil society organizations in engaging with the right to development, and on earlier work by United Nations bodies including the Office of the High Commissioner for Human Rights. The EMRDT will also seek the expert advice of its academic friends. It is envisaged that draft Commentaries would be discussed with States and other stakeholders prior to their adoption under a dedicated agenda item at the biannual meetings of the Expert Mechanism.

The EMRDT's intention to engage in commentaries on the Declaration on the Right to Development does not detract from the Expert Mechanism's resolve to remain fully engaged with the drafting process of a legally binding instrument.

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