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**The 20th session of the Working Group on the Right to Development**

**29 April-3 May 2019, room V, PdN**

**Agenda item 4.5**

**Discussion to elaborate a draft legally binding instrument on the right to development through a collaborative process of engagement, including on the content and scope of the future instrument**

**Wednesday, 1st and Thursday 2nd May 2019, 10:00-13:00 and 15:00-18:00**

In its resolution 39/9 on the right to development, the Human Rights Council decided that the Working Group, at its twentieth session, should commence the discussion to elaborate a draft legally binding instrument on the right to development through a collaborative process of engagement, including on the content and scope of the future instrument.

It also decided that the Chair-Rapporteur should prepare a draft legally binding instrument on the basis of the discussions held during the twentieth session of the Working Group and the resource material from previous Working Group sessions to serve as a basis for substantive negotiations on a draft legally binding instrument, commencing at its twenty-first session.

In addition, it requested the Human Rights Council Advisory Committee, while taking into account the views of Member States, to prepare a research-based report on the importance of a legally binding instrument on the right to development, to present an oral update on the preparation of the report to the Council at its forty-second session, and to present the report to the Council at its forty-fifth session.

Finally, it decided that the Working Group should invite the Special Rapporteur, in consultation with Member States, to provide his views on the work of the Working Group and its relevant agenda items, at its twentieth session.

Four meetings are allocated to consider this agenda item, organized in four sub-items, with the participation of experts:

Sub-item 1: **Discussion of the working method, preamble and final provisions of a legally binding instrument on the right to development**

Makane Moïse Mbengue

*Observations concerning the working method, preamble and final provisions of a legally binding instrument on the right to development*

Sub-item 2: **Discussion of the type and structure of a legally binding instrument on the right to development**

Koen de Feyter

*Observations concerning possible types and structure of a legally binding instrument on the right to development*

Meskerem Geset Techane

*Observations concerning the role and rights of women in a legally binding instrument on the right to development*

Sub-item 3: **Discussion of the content and scope of a legally binding instrument on the right to development**

Mihir Kanade

*Observations concerning the formulation of the right to development and the nature of obligations of State parties to a legally binding instrument on the right to development*

Carlos Lopez

*Observations concerning the advantages and disadvantages of imposing obligations on business enterprises and investors in relation to human rights and right to development*

Sub-item 4: **Discussion of the institutional arrangements and compliance procedures of a legally binding instrument on the right to development**

Diane Desierto

*Observations concerning institutional arrangements and compliance procedures of a legally binding instrument on the right to development*