



Research on the Right to Development from the Perspective of International Human Rights

Huali Fu¹, Yaning Bai^{2,*}

¹International Department, University of South China, Hengyang, Hunan, China.

²School of Economic Management and Law, University of South China, Hengyang, Hunan, China.

How to cite this paper: Huali Fu, Yaning Bai. (2024) Research on the Right to Development from the Perspective of International Human Rights. *Journal of Humanities, Arts and Social Science*, 8(2), 486-490. DOI: 10.26855/jhass.2024.02.032

Received: February 5, 2024

Accepted: March 3, 2024

Published: March 29, 2024

***Corresponding author:** Yaning Bai, School of Economic Management and Law, University of South China, Hengyang, Hunan, China.

Abstract

As a fundamental concept related to human survival and development, the right to development has garnered significant attention since its inception. After evolving from a mere goal to actual human rights, it has now become a crucial component of the human rights system. A reasonable interpretation of the connotation of the right to development from this perspective is the premise and foundation for realizing the right to development. However, despite some positive factors in the current implementation of the right to development, it still faces practical challenges. Unilateral sanctions impact a wide range of human rights, including the right to development. Insufficient international cooperation hinders the progress of underdeveloped countries, while inequality remains a primary challenge in contemporary development efforts. Putting the realization of the right to development within the research framework of international human rights law, establishing specialized human rights protection institutions, prioritizing the interests of developing countries, and promoting multilateralism are beneficial for achieving the right to development.

Keywords

Right to development, International human rights law

1. The development history of the right to development

In 1970, Keba Mbaye of the United Nations Commission on Human Rights formally put forward the "right to development" for the first time in a speech entitled "Right to development as a human right". Since the concept came into being, it has undergone the following three evolutions (Li Chunlin & Yu Yingchao, 2021):

1.1 From human rights goals to due human rights

Whether it is the initial right of national self-determination, the permanent sovereignty of natural resources, or the subsequent civil and political rights and economic, social, and cultural rights, it is based on the development of all mankind. As stated in the Universal Declaration of Human Rights in 1948, since an individual is a member of society, he should enjoy the right to social security and other related rights and should be able to participate in the development process of society, economy, and other aspects, and these developments are the premise for his self-esteem, freedom and personality to be fully realized. Since then, the right to development has gradually become one of the contents of human rights law, which is the first evolution of its concept. But at this time, the right to development has not been confirmed by authoritative and formal legal norms, and it is only a natural human right.

1.2 From natural human rights to legal human rights

In the 1970s, the right to development was gradually written into legal norms and became a legal human right. In 1977, UNESCO published *Thirty Years of Struggle*, which regarded the right to development as an independent new type of human rights (He Zhipeng, 2009); In 1979, the United Nations General Assembly adopted the Resolution on the Right to Development, stressing that "the right to development is a human right, and equal opportunities for development are not only the privilege of each country, but also the privilege of individuals within each country." This is the first appearance of the concept of "right to development" in the United Nations General Assembly. Thus, the right to development has completed the second evolution from natural human rights to legal human rights.

1.3 From statutory human rights to actual human rights

Since then, the right to development has been written into more and more legal norms. The Declaration on the Right to Development was born in 1986, the global consultation meeting was held in 1990, the meeting of the Legal Committee of the New International Economic Order was held in 1991, and the Kolkata Declaration on the Right to Development was formally adopted in 1992. With these profound discussions, the right to development gradually changed from a legal human right to a real human right, which is the third evolution of its concept.

Since then, statements such as the Algiers Charter and the African Charter on Human and Peoples' Rights, as well as international legal documents in and around the region, which appeared in the 1960s and 1970s, have fully reflected that the right to development is constantly developing in the process of exploration and controversy.

2. Connotation of the right to development under international human rights

The original legal basis of the right to development comes from the "correlation between economic development and the realization of human rights" in the Charter of the United Nations in 1945, which is also its initial bud in international law. In 1948, the Universal Declaration of Human Rights pointed out the importance of social progress and development to the realization of human rights, which accelerated the birth of the right to development (Li Chunlin & Yu Yingchao, 2021). Nowadays, "the relationship between development and human rights is inseparable and mutually promoting" is the connection between development and human rights at the macro value level. It can be seen that this concept did not come into being overnight, but with the conclusion of the Second World War, the establishment of the United Nations officially started the process of internationalization of human rights (Jiang Kai, 2020).

Nowadays, the right to development has become an important right in the human rights system. How to further explore the right to development from the perspective of international human rights, the key is to reasonably define the subject and content of the right to development. After the above-mentioned cognitive changes, people have reached some basic consensus on the issue of "the connotation of the right to development under international human rights" (Ye Chuanxing, 2019). As far as its main scope and content are concerned:

First of all, the subject scope of the right to development should be clearly defined. As a human right, the subject is a person, including a single individual and a collection of individuals or nations. There are also many controversial views on the subject of the right to development in academic circles. Some domestic scholars believe that the scope of the subject is extensive, except for the above-mentioned individuals, people, or nations, as well as society, the international community, and all mankind. But on the whole, these views agree that the right to development can be enjoyed by both individuals and collectives.

Secondly, in terms of the content of the right to development, it should be emphasized that the right to development at the human rights level is a comprehensive right, which covers economic, political, cultural, social, and other aspects, and the right to survival and development derived from it. However, regarding the comprehensiveness of the content of the right to development, some scholars believe that it is unnecessary to put forward the right to development as a separate right and that the existing human rights such as political and economic rights have already covered the right to development. However, from a practical perspective, the right to development from the perspective of international human rights now seems to be an independent human right, which is different from other human rights in the following ways:

As far as the subject of rights is concerned, the subject of the right to development includes both individual and collective aspects, while other human rights are single, either collective or individual.

As far as the content of rights is concerned, it presents outstanding comprehensive characteristics, covering

economic, social, and other rights, while other human rights usually only involve a single field, a single aspect, and a single social relationship.

As far as the realization and protection of rights are concerned, domestic laws cover other human rights, that is, they belong to a country's internal affairs, but the right to development not only belongs to a country's internal affairs but also requires all members of the international community to respect, safeguard and guarantee this right, that is, to emphasize international arrangements.

From the above differences, we can see that the right to development from the perspective of international human rights has gone beyond the scope of traditional human rights, and it is an independent human right. Nowadays, the right to development has become an important right with comprehensiveness and independence in the human rights system, and a reasonable interpretation of the connotation of the right to development from this perspective is the premise and foundation for realizing the right to development.

3. The present situation of the realization of the right to development

At present, although the international community has generally recognized the concept of the right to development, it has also taken many measures to promote the realization of the right to development. However, the promotion and realization of the right to development still have a long way to go, mainly facing the following practical difficulties:

3.1 Unilateralism affects a wide range of human rights, including the right to development

In August 2021, four United Nations human rights experts issued a joint statement saying that the unilateral sanctions imposed by the United States have seriously affected the economic development and personal lives of Cuba, Iran, Venezuela, and other countries, which not only blocked their telephone conference and data services but also prevented doctors from even consulting the database. In addition, its basic living services such as housing, water, and electricity are not guaranteed. The statement pointed out that unilateralism has caused a considerable negative impact on a wide range of human rights, including the right to development. In response, experts who issued a joint statement called on countries that imposed unilateral sanctions to withdraw or minimize sanctions, advocate the practice of true multilateralism, promote development through cooperation, and make the development achievements of the world benefit more countries and people fairly.

3.2 Inequality remains the main problem of development

In theory, all countries should enjoy equal rights to development, whether according to the right to development as the content of human rights or according to the confirmation of the above-mentioned documents (Lu Shiguang & Deng Yufei, 2022). In fact, the promotion of economic globalization and the construction of Community of Shared Future for Mankind has not completely eliminated the gap between the rich and the poor, and the human rights situation in some countries other than developed countries and well-governed developing countries is still not optimistic. At the same time, limited by the level of domestic economic development and the degree of attention paid by the international community to the right to development of various countries, the problem of inequality in development is still very prominent (Xiao Wei & Qian Jianxing, 2015).

3.3 The lack of cooperation between the international community restricts the development of underdeveloped countries

International cooperation plays a vital role in the realization of the right to development in underdeveloped countries. The Declaration on the Right to Development points out that close international cooperation and unified collective action are effective supplements to the efforts of developing countries (Zhang Xiao, 2012). As far as relatively underdeveloped countries are concerned, their development is not limited by the government's governance ability or good governance. It is precisely because of the lack of funds and technology that many projects aimed at developing the economy and improving human rights are difficult to implement, and official assistance cooperation from the international community can solve this problem to a great extent.

4. Suggestions for improvement

4.1 The establishment of specialized human rights protection agencies to provide organizational protection

In June 1993, the World Conference on Human Rights formally adopted the Vienna Declaration and Programme of

Action, which advocated for all countries to actively establish and improve national human rights institutions. So far, more than 60 countries in the world have established specialized national institutions for the promotion and protection of human rights (Jiang Suhong, 2006). For example, the Philippine Human Rights Commission, Thailand's Human Rights Protection Commission, and the State Council's Human Rights Bureau. However, these institutions only promote and protect a specific human right, and their role is seriously limited. If a special human rights institution can be established, it can provide an organizational guarantee for the realization of the right to development by effectively exerting the basic functions of domestic legal norms on human rights protection, drafting periodic reports on human rights, and accepting and examining allegations of human rights violations.

4.2 Attach importance to the interests of developing countries and promote equal development opportunities for all countries

At the international level, the equality of development opportunities among countries is an important condition for the construction of a good international environment. Not only should developing countries strive for their own development opportunities, but other developed countries should also carry out active and sincere international cooperation on the difficulties faced by developing countries, honor their promises of official development assistance, and actively help them develop their economies through debt reduction and debt cancellation, so as to extricate them from difficulties as soon as possible, so as to promote them to realize their right to subsistence and development. In this way, the two sides will also form a benign and harmonious interactive relationship to promote the equal realization of development opportunities in all countries.

4.3 Practicing multilateralism and strengthening international cooperation

The realization of the right to development not only means that all subjects get equal opportunities for development but also means that all subjects can share the existing and future development achievements fairly (Karin Artes, Vatabangon Tomo, & Xu Yunxia, 2017). At present, unilateral sanctions have become a serious challenge to global solidarity, development, and human rights protection, affecting a wide range of human rights, including the right to development. In this regard, countries should implement the Community of Shared Future for Mankind's concept, pursue true multilateralism, strengthen cooperation in poverty alleviation, food security, public health, clean energy, digital economy, and environmental issues, and promote fair and reasonable benefits of development to more countries and people. Facing the challenge of unilateralism, China should shoulder the responsibility of promoting the development of human rights in the world and exert greater influence in international human rights affairs on the basis of adhering to its consistent position on human rights (Sun Meng, 2019).

References

- Fang Shirong & Sun Caihua. (2008). On the protection of the right to equal development by administrative law. *Hubei Social Sciences*, (08), 149-152.
- He Zhipeng. (2009). Looking at development with human rights. *Law and Social Development*, (04), 105-117.
- Jiang Kai. (2020). Research on developing countries' participation in the construction of international human rights norms (doctoral dissertation, Party School of the Central Committee of the Communist Party of China). <https://kns.cnki.net/kcms/detail/detail.aspx? dbname=CDFDLAST2022&filename=1020134523.nh>.
- Jiang Suhong. (2006). On the ways to realize the right to development. *Hebei Law*, (03), 67-71. DOI: 10.16494/j.cnki.1002-3933.2006.03.015.
- Karin Artes, Vatabangon Tomo, & Xu Yunxia. (2017). The right to development in international law: a new impetus after 30 years? *International Law Studies*, (01), 26-46.
- Li Chunlin & Yu Yingchao. (2021). On the historical evolution of the relationship between intellectual property protection and the right to development in international trade. *Straits Law*, (04), 46-56.
- Lu Shiguang & Deng Yufei. (2022). Promoting the continuous development of international human rights. *Guangming Daily*, 002.
- Sun Meng. (2019). China's participation in the UN human rights mechanism and the promotion of international human rights discourse-taking the special procedures of the Human Rights Council as an example. *Foreign Affairs Review*

(Journal of Foreign Affairs University), (03), 29-55+5. Doi: 10.13569/j.cnki.far.2019.03.029.

Xiao Wei & Qian Jianxing. (2015). Equitable development: the key to the post-2015 agenda. Fudan Journal (Social Science Edition), (05), 131-138.

Ye Chuanxing. (2019). Analysis of the concept of the right to development: between politics and law. Dongyue Tribune, (12), 156-164. Doi: 10.15981/j.cnki.dongyuelunchong.2019.12.018.

Zhang Xiao. (2012). Research on the domestic realization of the right to development (Master's degree thesis, East China University of Political Science and Law).
<https://kns.cnki.net/kcms/detail/detail.aspx? dbname=CMFD201301&filename=1012449138.nh>.