

Evolution and Prospect of how Development has Contributed to the Enjoyment of all Human Rights

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The contribution of development to the enjoyment of human rights aims to reveal and explain the value, function and mode of development for the promotion of human rights, so as to change the previous model that overemphasized the role of human rights in realizing development. Based on this, it aims to explore a new path of “development-based approach to human rights”, which is a thorough reflection to the current mainstream path of “human rights-based approach to development”.

I. Legal sources and basis for the contributions of development to the enjoyment of all human rights

In the international human rights legal system centered on the Charter of the United Nations, the Universal Declaration of Human Rights and the Two International Covenants on Human Rights, we can find legal sources and foundations for promoting human rights through development. From the perspective of evolution, it can be divided into four stages:

The first stage: the birth of the Charter of the United Nations in 1945 - the adoption of the two international covenants on human rights in 1966.

1. Article 55 of the Charter of the United Nations in 1945 states: “The United Nations shall promote: 1) higher standards of living, full employment and conditions of economic and social progress and development.”

2. Article 22 of the 1948 Universal Declaration of Human Rights stipulates: “Everyone, as a member of society, has the right to social security and is entitled to realization... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”

3. The preamble of the 1966 International Covenant on Economic, Social and Cultural Rights stipulates: “the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights”. There are similar provisions in the preamble of the International Covenant on Civil and Political Rights. Article 2 of the International Covenant on Economic, Social and Cultural Rights specifically emphasizes that: “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means.”

The second stage: 1966 - the adoption of the Declaration on the Right to Development in 1986.

1. In 1969, the United Nations adopted the Declaration on Social Progress and Development, highlighting the importance of economic and social development for the enjoyment of human rights.

2. In 1986, the United Nations adopted the Declaration on the Right to Development, declaring in the preamble: “Confirming that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations.” Article 1 states: “The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

The third stage: 1986-2015 the adoption of the "2030 Agenda for Sustainable Development".

1. The Preamble, Articles 2, 6, 8, 9, 10, 11, and 12 of the 1993 Vienna Declaration and Program of Action repeatedly emphasized the role of development in human rights.

2. The 2000 Millennium Development Declaration further listed eight development goals and their relationship with human rights.

3. In 2015, the United Nations adopted the 2030 Agenda for Sustainable Development. Paragraphs 10 and 35 emphasized the inherent relationship between sustainable development and human rights (including the right to development).

Paragraph 10 states: “The new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome Document. It is informed by other instruments such as the Declaration on the Right to Development.”

Paragraph 35 states: “Sustainable development cannot be realized without peace and security; and peace and security will be at risk without sustainable development. The new Agenda recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions.”

The fourth stage: 2015 - now. The above three stages all saw the mutual relationship between development and human rights, but more emphasis was placed on the role of human rights in development rather than the importance of development to human rights.

For the first time in history, the contribution of development to the enjoyment of human rights was formally recognized in Resolution 35/21 adopted by the United Nations in 2017 and a series of subsequent documents. Specifically:

1. UN Human Rights Council Resolution 35/21 on June 22, 2017, “The contribution of development to the enjoyment of all human rights”, which affirms that development contributes significantly to the enjoyment of all human rights by all.

2. The report “Contribution of development to the enjoyment of human rights” (A/HRC/41/50) adopted by the Advisory Committee of the United Nations Human Rights Council on May 7, 2019.

3. UN Human Rights Council Resolution 41/19 on 12 July 2019, “The contribution of development to the enjoyment of all human rights”.

4. Resolution 47/11, “The contribution of development to the enjoyment of all human rights” adopted by the UN Human Rights Council on July 12, 2021. (A/HRC/RES/47/11)

II. Concrete manifestations of the contribution of development to the enjoyment of all human rights

Development has six functions for the realization of human rights: “empowerment, inspiration, respect, protection, reinforcement and fulfillment.” Based on these functions, a brand-new human rights path, that is, a “development-based approach to human rights”, should be built. The specific content of this approach can be summarized as follows:

(a) Development is fundamental to the realization of human rights.

(b) Development not only directly promotes economic, social and cultural rights, but also contributes to the realization of civil and political rights. It also promotes the realization of human rights such as the right to peace, the right to development, the right to the environment, and digital human rights.

(c) Sustainable development must be promoted in order to improve the human rights situation.

(d) The human rights process should be based on people-centered development and adhere to innovative, coordinated, green, open and shared development.

(e) The level and degree of national development should be incorporated into the human rights evaluation system.

(f) All human rights mechanisms, institutions, funds, procedures or projects should contribute to the developmental capacity of all people, especially developing countries and vulnerable groups.

III. China's experience and plan to the contribution of development to the enjoyment of all human rights

“Promoting human rights through development” is the basic feature of China's human rights path. Since China started reform and opening up in the 1970s, Deng Xiaoping put forward that “Development is the absolute principle” and insisted on economic development as the center, realized the first leap from poverty to food and clothing, and guaranteed the basic survival of more than 1 billion people, such as the right to food. By the 1990s, China further stated that “development is the top priority in governing and rejuvenating the country”, adhered to the people-oriented scientific concept of comprehensive, coordinated and sustainable development, and further improved the rights to survival and development of all people. In the 21st century, especially in 2012, China entered a new era, put forward that “development is China's top priority”, and explored a path for the development of human rights in China. The specific manifestations are: insisting that the rights to subsistence and development are the primary basic human rights, insisting on continuously improving human rights in the process of development, taking the people's happy life as the greatest human right, coordinating the promotion of citizens' political rights and economic, social and cultural rights, strengthening the legal protection of human rights, attaching importance to protect the human rights of special groups such as ethnic minorities, women, children, the elderly and the disabled, promoting and optimizing global human rights governance, and building a community with a shared future for mankind to promote the development of the global human rights cause.

So, how exactly does China promote human rights through development? China has formed a complete set of new development theory systems, specifically: In terms of concepts, it adheres to the five new development concepts of innovation, coordination, green, openness, and sharing, so as to provide sufficient motivation for continuous improvement of human rights. In terms of strategy, the “five-in-one” overall layout of

economic, political, social, cultural and ecological civilization construction will lay a solid foundation for the full realization of all human rights. In terms of structure, the domestic and international dual cycles are realized with the domestic circulation as the mainstay, and human rights are promoted through the combination of independent development and development cooperation. In terms of effect, it puts forward the development goals of achieving high-quality development and continuously improving people's quality of life, and is committed to realizing the people's right to a happy and beautiful life. In terms of practice, in order to fully integrate the aforementioned development ideas into the human rights system, China has established an overall institutional framework and human rights development model that promotes human rights through development at the six levels of the Constitution, laws, policies, schemes, plans, and specific measures.

IV. Conclusion and Outlook

Development not only creates external conditions for realizing human rights, it is itself a human right. We should not only fully understand the extreme importance of development in the enjoyment of human rights, but also put it into practice, fully and efficiently release the values and functions of “promoting human rights through development”, and lose no time in transforming this valuable concept into basic principles, practical programs and action plans at the legal and policy levels.

1. At the international level, the role of the Sustainable Development Agenda in safeguarding human rights, especially the right to development, should be continuously strengthened. To this end, it is recommended that the United Nations human rights system should formulate and issue an “Action Guidelines on the Implementation and Advancement of Development's Contribution to the Enjoyment of All Human Rights” to provide practical principles and action guidance for the international community and various countries.

2. At the regional level, in order to strengthen in-depth cooperation between regional human rights mechanisms and development mechanisms, it is recommended that human rights issues should be fully integrated into development cooperation strategies,

policies, and programs, and human rights in various regions should be improved and enhanced through regional development cooperation.

3. At the national level, it is recommended to further strengthen the relationship between development strategies, schemes, plans, programs and citizens' basic rights in the national constitutional laws and policies. It should not only emphasize the value guidance of human rights for development, but also pay special attention to the unique significance of development for promoting human rights.

4. At the thematic level, it is recommended that the United Nations human rights system specializes in the study of human rights difficulties, hotspots, challenges and solutions in the implementation of the “2030 Agenda for Sustainable Development”, and adopts a special “Resolution on Accelerating the Implementation of the Sustainable Development Agenda to Promote Human Rights, Especially the Right to Development”, in order to ensure better protection of human rights in the process of sustainable development with practical and concrete plans.