China's Approach to the Realization of the Right to Development from the Perspective of Building a Community with a Shared Future for Mankind: Value Logic, Institutional Dilemmas and Specific Paths

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Abstract: *In global human rights governance, the right to development is closely linked to the fundamental interests of developing countries. However, the rules governing the right to development in the current international system are still deeply constrained by Western-dominated paradigms and institutional inertia. The traditional logic of "just war" represented by military intervention has gradually been transformed into more concealed forms such as technological blockades, institutional constraints and economic sanctions. This structural oppression has caused developing countries to face multiple dilemmas in realizing the right to development, including divergences in understanding the nature of the right to development, the weak binding force of relevant international norms, and the vague definition of the content of the right to development, making the problems of uneven development opportunities and unfair competition difficult to solve for a long time. In this regard, grounded in the concept of building a community with a shared future for mankind, this article proposes China's approach to the realization of the right to development. At the level of value logic, it is necessary to explain the value leap from individual-centeredness to common interests of mankind, from formal equality to substantive fairness, and from confrontation and games to win-win cooperation. At the level of solving institutional dilemmas, it is necessary to reveal the root cause of Western-centrism behind the unequal international economic order and demonstrate the necessity of reshaping the implementation rules of the right to development with the Global Development Initiative. At the level of specific paths, it is necessary to put forward the global governance concept based on the principle of extensive consultation, joint contribution and shared benefits to improve the normative system of the right to development, innovate the international development cooperation mechanism through the practice of the Belt and Road Initiative, optimize the structure of global human rights governance with China's experience of taking the right to subsistence and the right to development as the primary fundamental rights, and contribute a new normative foundation to the governance of the global right to development.*

Keywords: right to development ♦ unequal international economic order ♦ people-centered approach ♦ building a community with a shared future for mankind ♦ global development initiative

Introduction

Since its establishment as an independent human right by the 1986 UN General Assembly's *Declaration on the Right to Development*, the right to development has consistently embodied the collective aspiration of developing countries to escape poverty, achieve autonomous development, and pursue equity and justice. Entering the 21st century, economic globalization has encountered adverse currents, and the problems of unbalanced, inadequate, and uncoordinated global development have become increasingly prominent. New challenges such as climate change, public health crises, the digital divide, and technological barriers continue to emerge. Consequently, the traditional implementation paths of the right to development — characterized by West-centrism and oriented toward the maximization of national interests — have become unsustainable. Against this backdrop,

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the vision of building a community with a shared future for mankind, proposed by Xi Jinping, general secretary of the Communist Party of China (CPC) Central Committee, aims for common development, universal security, lasting peace, openness and inclusiveness, and a clean and beautiful world. This vision transcends the obsolete zero-sum game mindset dominated by hegemony and injects new value connotations into the global protection of the right to development, positioning the realization of common prosperity and global development as one of its core value pursuits.[1] At the 2021 Davos Forum, President Xi Jinping specifically noted in his address that we must adhere to a people-centered philosophy of development and place the promotion of development and the protection of people's livelihoods in a prominent position within the global macro-policy framework.[2] This provided clearer value guidance for the realization of the right to development. On September 21 of the same year, during the general debate of the 76th session of the UN General Assembly, General Secretary Xi Jinping proposed the Global Development Initiative (GDI), emphasizing the need to stay committed to development as a priority, a people-centered approach, benefits for all, innovation-driven development, and harmony between man and nature.[3] This initiative is not only a significant conceptual contribution by China to global human rights governance but it also constructs a systematic path for the realization of the right to development under the vision of building a community with a shared future for mankind.

The people-centered philosophy of development and the goal of common prosperity inherent in the vision of building a community with a shared future for mankind are intrinsically consistent with the right to development, which emphasizes that "every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development." Both take the development of "the person" as their ultimate goal, the common development of all countries as their objective, and international cooperation as their path to realization. However, under the current international legal system, countries still hold divergent understandings of the right to development. The effectiveness of relevant international norms remains limited, and their operability faces practical challenges, leading to multiple dilemmas in the actual advancement of the right to development. By analyzing the implementation dilemmas of the right to development and their causes, this paper explores the common prosperity concept of a community with a shared future for mankind as guidance, the people-centered philosophy of development as leadership, and the Global Development Initiative as a practical path. From the three dimensions of the value logic, institutional dilemma, and specific paths, it systematically elucidates new ways to resolve the implementation dilemmas of the right to development. By constructing a Chinese solution for the realization of the right to development within the perspective of building a community with a shared future for mankind, this paper aims to provide theoretical support and practical guidance for the reform of the global human rights governance system.

I. The Value Logic of the Realization of the Right to Development Under the Vision of Building a Community with a Shared Future for Mankind

Value logic refers to the logical principles and methods followed by individuals in the process of perceiving and judging the value of things. It is a way of thinking that relies on values for reasoning and judgment when handling various issues, making decisions, and conducting evaluations. The value logic of the right to development under the vision of building a community with a shared future for

[1] Xi Jinping, "Work Together to Build a Community of Shared Future for Mankind: Speech by H.E. Xi Jinping, President of the People's Republic of China, at the United Nations Office at Geneva," January 18, 2017.

[2] Xi Jinping, "Let the Torch of Multilateralism Light up Humanity's Way Forward: Special Address by H.E. Xi Jinping, President of the People's Republic of China, at the World Economic Forum Virtual Event of the Davos Agenda," *People's Daily*, January 26, 2021, 2.

[3] Zhao Zhongxiu, "Advancing Human Rights through Development: Putting the Global Development Initiative into Practice," *Guangming Daily*, June 18, 2023, 8.

mankind generally achieves a value transition from an individual-based orientation to the common interests of humanity. The most condensed expression regarding the right to development in General Secretary Xi Jinping's important discourses on respecting and protecting human rights can be found in the statement: "Subsistence is the foundation of all human rights; living a happy life is the primary human right."[4] Its core essence is twofold: first, the right to development occupies a priority status in the hierarchy of the human rights system; second, "the people" are treated as a whole, reflecting a holistic view of human rights — namely, the unity of individuals and the collective, and of rights and obligations. Furthermore, "the people" here are based globally, not limited to one country or region, thus possessing a global character. As President Xi Jinping emphasized in his congratulatory letter to the Forum on Global Human Rights Governance, "safeguarding human rights through security, promoting human rights through development,"[5] underscores that development is the prerequisite for the realization of human rights.

Therefore, it can be argued that the vision of building a community with a shared future for mankind provides a new normative basis for the realization of the right to development and reflects a trend of shifting from individual-state centrism to community-based responsibility. The close connection between the vision of building a community with a shared future for mankind and the right to development can be demonstrated through three community dimensions: first, a community of shared values, where the connotation of the right to development is the autonomy and dignity of the development process, translating in international law as the indivisibility of the right to development as a human right. Second, a community of shared responsibility, where the connotation of the right to development is the common but differentiated assumption of development obligations, translating in international law as the principle of common but differentiated responsibilities. Third, a community of shared interests, where the connotation of the right to development is the fair distribution of development outcomes, translating in international law as the principle of non-attachment of political conditions to development assistance.

In the realization of the right to development, the primary theoretical logic is the value logic, which should answer why the right to development exists and what values should guide it. This logic takes the vision of building a community with a shared future for mankind as its fundamental compliance, achieving a transition from the Western individual-based view of human rights to the unity of collective development and human rights. Traditional Western human rights theories center on liberal individualism, narrowing the right to development to an extension of individual economic freedom and political rights, thereby ignoring the collective development aspirations of developing countries and the fundamental value of the rights to subsistence and development for the people of those nations. This value orientation has caused global issues regarding the right to development to long remain trapped in dilemmas that prioritize formal equality over substantive equity, individual rights over collective development, and the interests of developed countries over the rights and interests of developing countries. The vision of building a community with a shared future for mankind emphasizes common human values and common human interests, asserting that peace, development, equity, justice, democracy, and freedom are the common values of all humanity.[6] This provides the fundamental compliance for reshaping the value system of the right to development.

On a global scale, as far as developing countries are concerned, the demand for the right to development should insist on treating development as the primary human right, placing the rights to

[4] *Selected Readings from the Works of Xi Jinping*, vol. 2 (Beijing: People's Publishing House, 2023), 597.

[5] "Xi Jinping Sends a Congratulatory Letter to the Forum on Global Human Rights Governance (2023-6-14)," *People's Daily*, June 15, 2023, 1.

[6] Xi Jinping, "Working Together to Forge a New Partnership of Win-win Cooperation and Create a Community of Shared Future for Mankind: Statement by H.E. Xi Jinping, President of the People's Republic of China, at the General Debate of the 70th Session of the UN General Assembly," September 28, 2015.

subsistence and development at the foundational position of the human rights system, and adhering to the principle of promoting human rights through development and safeguarding development through human rights to achieve the intrinsic unity of developmental and human rights values. Its implementation model should reject partial perceptions such as human rights preceding development or political rights being superior to economic, social, and cultural rights; it maintains that without development, there are no true human rights, and without a stable development environment, basic human rights cannot be guaranteed. For the vast number of developing countries, eliminating poverty, improving people's livelihoods, and achieving economic and social development are themselves the most urgent and realistic protections of human rights. This value positioning is highly consistent with the basic approach of the vision of building a community with a shared future for mankind, which seeks to solve global problems through development.

At the same time, the demand for the right to development should regard common development as its core value objective to transcend zero-sum games and unilateral egoistic thinking. President Xi Jinping once emphasized, "True development is development for all and good development is sustainable."[7] The vision of building a community with a shared future for mankind opposes behaviors that harm global common development, such as beggar-thy-neighbor policies, technological blockades, and trade barriers. It does not pursue the absolute developmental advantage of a single country but advocates taking into account the legitimate concerns of other countries while pursuing one's own development, thereby promoting the realization of the global common right to development in the process of realizing one's own right to development. This value orientation of common development corrects the structural injustice where developed countries benefit while developing countries suffer in the traditional implementation of the right to development, highlighting the value pursuit of the supremacy of the common interests of all humanity.

More importantly, the implementation mechanism of the right to development should take equity and justice as the value baseline, advocating substantive equity rather than formal equality. The vision of building a community with a shared future for mankind opposes hegemonism and power politics in the field of international development, demanding a change in the unreasonable and unjust international economic order to ensure that developing countries participate equally in global governance and enjoy development outcomes equally. Development is not a privilege of a few countries but an inalienable right enjoyed universally by the people of all nations. Under the vision of building a community with a shared future for mankind, the international community should respect the development paths chosen independently by each country, oppose the politicization and instrumentalization of development issues, and oppose using human rights as an excuse to interfere in the internal affairs of other countries. This value logic, with equity and justice as the baseline, provides the legitimacy and moral foundation for the global realization of the right to development.

The value logic of an effective implementation scheme for the right to development, guided by the vision of building a community with a shared future for mankind, constructs a three-dimensional value system of development priority, common development, and equity and justice. It achieves a fundamental transformation of the value of the right to development from individual-based to the common interests of humanity, from formal equality to substantive equity, and from confrontational games to win-win cooperation, providing positive ideological guidance for resolving the dilemmas in the realization of the right to development through the vision of building a community with a shared future for mankind.

II. Dilemmas Facing the Realization of the Right to Development

A. The emergence and evolution of the right to development

In 1969, the concept of the "right to development" explicitly appeared for the first time in the report *The Right to Development of Underdeveloped Countries* issued by the Algerian Commission

[7] Xi Jinping, "Carrying Forward the Shanghai Spirit and Deepening Solidarity and Collaboration for a Stronger Community with a Shared Future," *People's Daily*, November 11, 2020, 2.

of Justice and Peace. Prior to this, although expressions related to the right to development were scattered in documents such as the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social and Cultural Rights*, and the preamble of the *Charter of the United Nations* also reflected concern for these issues,[8] no systematic or complete theoretical exposition had been formed. It was not until the adoption of the *Declaration on the Right to Development* by the UN General Assembly in 1986 that the right to development was politically recognized as an inalienable human right. The Declaration clearly stated that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that "every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development."[9] In 1993, the *Vienna Declaration and Programme of Action* reaffirmed that the right to development is a universal and inalienable right and an integral part of fundamental human rights, calling on the international community to strengthen cooperation to eliminate obstacles to development and promote its realization.[10] Since the establishment of the UN Human Rights Council in 2006, the right to development has become a standing item in its annual reports.

Although the right to development is closely related to economic growth, social justice, cultural diversity, and specific human rights such as property rights, the right to equality, and cultural rights, it possesses a unique legal status. From the perspective of the subject of rights, the right to development encompasses both the state and the individual, possessing both collective and individual attributes, rather than primarily focusing on the individual dimension as other human rights do. In terms of content, the right to development is not limited to isolated progress in a specific field but is global and comprehensive, emphasizing integrated development with multi-dimensional coordination.

B. The proposal of the Draft International Covenant on the Right to Development

In 2023, the 54th session of the UN Human Rights Council adopted Resolution A/HRC/RES/54/18, which annexed the *Draft International Covenant on the Right to Development* and formally transmitted it to the General Assembly, marking a milestone in the process of realizing the right to development. The draft stipulates obligations such as special and differential treatment, technology transfer, and capacity building. It incorporates principles of equality, non-discrimination, intersectionality, empowerment, participation, transparency, accountability, equity, inclusiveness, accessibility, and subsidiarity. That is, a holistic approach should be adopted to achieve sustainable development from economic, social, and environmental aspects based on the harmony between humans and nature. Among these, the focus on intergenerational equity incorporates the sustainable connotation of the environmental dimension into its concept and implementation, beyond the original political, economic, cultural, and social dimensions of the right to development. Furthermore, the draft reaffirms the obligation of states to create social and international orders conducive to the realization of the right to development, thereby promoting the construction of a universal, rules-based, open, non-discriminatory, equitable, transparent, and inclusive multilateral trading system.

C. Major dilemmas facing the realization of the right to development

Although developed and developing countries reached a consensus on the human rights attribute of the right to development in the *Vienna Declaration and Programme of Action*, fundamental differences remain at the specific implementation level, especially regarding the fulfillment of state responsibilities as stipulated in Article 3, paragraph 3 of the *Declaration on the Right to Development*. This has made it difficult for the international community to form an effective synergy in promoting

[8] Potter Pitman, "Human Rights Protection: The Role of Institutional Capacity and Selective Adaptation," 14 *Journal of Human Rights* 2 (2019): 59-82.

[9] Resolution 41/128 of the United Nations General Assembly, 1986.

[10] Udombana N. J., "The Third World and the Right to Development: Agenda for the next Millennium," 22 *Human Rights Quarterly* 3 (2000): 753-787.

development cooperation and eliminating structural obstacles.

1. Value conflict: divergent understandings of the attribute of the right to development

Before a 1979 resolution of the UN Commission on Human Rights expressed that the equality of opportunity for development was a prerogative of nations and of individuals who make up nations, the right to development was usually understood as a human right whose subject of application was only the individual. However, since then, numerous resolutions adopted by the UN General Assembly and the Human Rights Council have continuously reaffirmed that the subjects of the right to development include both individuals and states.[11]

Examined from the dimension of a community of shared values, the indivisibility of the right to development as a human right requires that its subjects be clearly defined. However, there are currently obvious disagreements in academia regarding the identification of the subject of the right to development, primarily forming three different views. The first view argues that the subject of the right to development should be the individual, on the grounds that development is essentially the process of realizing individual human rights. The second view holds that the right to development belongs to collective rights, serving as an important representative of "third-generation human rights"[12] with distinct collective attributes. The third view attempts to reconcile the two positions, arguing that the right to development belongs to the individual in principle and final attribution but relies on collective exercise in its implementation mechanism, thus possessing both individual and collective aspects.[13] The international human rights legal system established after World War II has its philosophical roots mainly in the modern Western idea of natural rights. Under this theoretical framework, human rights are usually understood as rights inherent to the individual, and collectives have long been excluded from the category of eligible subjects of human rights. Because of its collective right attributes, the right to development exists in tension with traditional individualistic human rights concepts.[14] This divergence essentially reflects the conflict in value logic between the Western individual-based view of human rights and the pursuit of the unity of individual and collective development under the vision of building a community with a shared future for mankind, making it difficult to form a value consensus on the attribute of the right to development.

Furthermore, disagreements persist in the international community regarding whether the right to development should belong to all states or only to developing and least developed countries. This disagreement was highlighted during the voting process for the *Declaration on the Right to Development* — the United States cast a negative vote, while eight developed countries, including Denmark, Finland, the Federal Republic of Germany, Iceland, Israel, Japan, Sweden, and the United Kingdom, chose to abstain.[15] The positions of these countries reflect the concern that the right to development might be used by some developing countries as an excuse to ignore or even sacrifice other human rights in the process of establishing a New International Economic Order or might even be viewed in certain contexts as a tool for developing countries to demand aid from developed countries or to evade debt repayment.[16]

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[11] CHR/Res. /6 (XXXVI), 1980.

[12] Karel Vasak, "Human Rights: A 30-Year Struggle: The Sustained Efforts to Give Force of Law to the Universal Declaration of Human Rights." *UNESCO Courier,* November 1977.

[13] Wang Xigen, "The Jurisprudential Analysis of the Subject of the Right to Development," *Modern Law Science* 1 (2002).

[14] Peter Uvin, "From the Right to Development to the Rights-based Approach: How 'Human Rights' Entered Development," 17 *Development in Practice* 4/5 (2007): 597-606.

[15] "Voting Summary of the Declaration on the Right to Development: Resolution/Adopted by the General Assembly," United Nations Digital Library, December 4, 1986, https://digitallibrary.un.org/record/280782?ln=en.

[16] Wang Xigen, *Research Report on the Right to Development in China: The Construction of a Discourse System* (Beijing: People's Publishing House, 2020), 7-8.

However, as an important concept under the framework of international law, the implementation of the right to development depends largely on state action. Regarding the right to development as a collective right has practical rationality because the state plays an irreplaceable role in eliminating development obstacles, safeguarding civil and political rights, and promoting the realization of economic, social, and cultural rights. For this reason, considering that the right to development is an individual right in its final attribution but possesses collective right attributes in its implementation mechanism is a relatively accurate grasp of its essential characteristics.

2. Vacuous responsibility: low effectiveness of international normative documents related to the right to development

Although some argue that the right to development has transcended the specific scope of international human rights law to become a general principle of international law that can guide various fields of international relations,[17] its actual effectiveness still faces multiple challenges. From the dimension of a community of shared responsibility, common but differentiated responsibilities require that norms regarding the right to development have the mandatory binding force. However, on the one hand, international treaties related to the right to development are still deficient in implementation and remedy mechanisms — the *Declaration on the Right to Development* is often questioned for its lack of actual binding force due to the absence of an effective dispute settlement mechanism.[18] Currently, no systematic and operable framework for the protection of the right to development has been established at either the international or domestic levels.[19] On the other hand, even if a more complete dispute settlement mechanism is constructed in the future, the adjudicability of the right to development may still trigger controversy. The UN Human Rights Council is generally considered to lack jurisdiction over globalization issues such as trade, technology transfer, international economic policies, and the behavior of multinational corporations, and it also lacks the professional capacity to handle such cross-domain disputes.[20]

In addition, international treaties related to the right to development have limited authority; they have neither formed international customary law nor attained the status of jus cogens. As long as a state refuses to sign relevant treaties, it has no obligation to fulfill the development cooperation or assistance responsibilities stipulated therein, especially the international support obligations undertaken by developed countries. This institutional defect makes it difficult to effectively narrow the development gap between countries, and the goal of global common development is also difficult to achieve, thereby seriously restricting the implementation of the right to development.[21]

3. Unrealized interests: vague content and weak operability of the right to development

The proposal of the right to development originally stemmed from the response of developing countries to the dominant position of developed countries in the international market. In the early stages of its conceptual formation, the content of the right to development was mainly linked to meeting "basic needs," aiming to alleviate the common problems of insufficient basic survival needs and poverty caused by economic backwardness in developing countries through institutional means. However, after entering the 21st century, a consensus gradually emerged in academia and practice

[17] Zhu Yansheng, "An Analysis of the Concept of the Right to Development," *CASS Journal of Political Science* 3 (2001).

[18] Russel Lawrence Barsh, "The Right to Development as a Human Right: Results of the Global Consultation," 13 *Human Rights Quarterly* (1991): 338.

[19] Arjun Sengupta, "Realizing the Rights to Development," *Development and Change* 31 (2000): 570.

[20] Stephen (I) Marks, "The Human Right to Development: Between Rhetoric and Reality," *Harvard Human Rights Journal* 17 (2004): 137-168.

[21] Wang Xigen, *Research on the Global Rule-of-Law Mechanism for the Right to Development* (Beijing: China Social Sciences Press, 2008), 237-239.

that the right to development should no longer be limited to the scope of "basic needs."[22] Although the preamble of the *Declaration on the Right to Development* explicitly states, "development is a comprehensive economic, social, cultural and political process," the document does not provide a clear definition of the specific content of the right to development.

From the perspective of a community of shared interests, clarifying the content is necessary to ensure the fair distribution of development outcomes and establish a benefit-sharing mechanism. However, the vagueness of the content of the right to development has led to significant controversy and uncertainty in its theoretical interpretation and practical application. For example, in the arbitral practice of the International Center for Settlement of Investment Disputes (ICSID), the widely applied Salini criteria are used to determine whether an activity qualifies as an investment. According to these criteria, an investment should: make a contribution to the Host State's economy, possess a certain duration rather than being temporary or short-lived, involve the investor's participation in the risks associated with the investment, and make a contribution to the host state's development.[23] However, precisely because the content and scope of the right to development remain insufficiently defined, the criterion of "Contribution to the Host State's Development" is often confined to the dimension of economic development, while overlooking a comprehensive assessment of social, cultural, and political development. As a result, key indicators such as employment levels, wage conditions, compliance with domestic labor and environmental laws, the fulfillment of corporate social responsibility, the extent of technology transfer, the training of local workers, the diversification of the economic structure, and respect for local cultures, customs, and traditions are not adequately taken into account. This reductionist approach creates a risk of misapplication and abuse of the right to development in practice.[24]

III. Main Causes of and Solutions to the Dilemmas in the Realization of the Right to Development

Since the inception of the international legal system, developed countries have consistently maintained an institutional and cognitive inertia of containment toward the development of developing countries. This structural tension can be traced back to the historical context of Hugo Grotius's *Mare Liberum* (*The Freedom of the Seas*) in the early 17th century. At that time, the Netherlands was attempting to break free from Spanish rule and urgently needed to open Asian markets through maritime trade to obtain technology and development opportunities. However, Portugal, in a union with Spain and backed by papal authorization, sought to monopolize maritime trade routes and restrict Dutch rights to free navigation and trade. In response to this suppression, Grotius argued, based on natural law and the law of nations, that nations with different languages, cultures, and resources are distributed across the world, and the need for exchange and trade inevitably arises among them to obtain resources that are scarce at home but abundant elsewhere. Therefore, the rights to the freedom of the seas and free trade are inalienable universal rights endowed by natural law.[25] The situation of the Netherlands in Grotius's era is analogous to that of today's developing countries: both concern the development dilemmas of being marginalized by "center" states and excluded from the benefit distribution system when attempting to integrate into a dominant international system — then led by the union of church and state, now by established powers. This institutional inertia severely restricts the institutional space and development momentum for

[22] Frances Stewart, "Basic Needs Strategies, Human Rights, and the Right to Development," 11 *Human Rights Quarterly* 3 (1989): 347-374.

[23] Salini Construtorri S.p.A. and Iralstrade S.p.A v Morocco, ICSID no. ARB/00/4, Decision on Jurisdiction (23/07/2001).

[24] Monebhurrun, Nitish, "The (Mis) Use of Development in International Investment Law: Understanding the Jurist's Limits to Work with Development Issues," 10 *Law and Development Review* 2 (2017): 451-476.

[25] Hugo Grotius, *The Freedom of the Seas* (Oxford: Oxford University Press, 1916), 7-8 and 61-64.

developing countries to autonomously conduct capacity building, making it difficult for them to achieve true economic independence and sustainable development.

A. Main causes of the dilemmas in the realization of the right to development

1. Formal equality masking substantive inequality

In the 1970s and 1980s, as a large number of Asian, African, and Latin American countries gained independence and joined the United Nations, development issues became a core item on the international agenda. Developing countries took a clear stance, emphasizing state sovereignty, the right to self-determination, and differentiated development that accommodates the diverse development needs of developing nations. This position was rooted in profound reflection on the history of colonialism and strong dissatisfaction with the then-unequal international economic order.[26] The *Charter of Economic Rights and Duties of States*, adopted by the UN General Assembly in 1974, further proposed the establishment of a New International Economic Order based on sovereign equality, interdependence, common interests, and cooperation.[27] Conversely, developed countries, led by the United States, generally held reserved or even opposing attitudes toward the right to development. They believed that the fundamental driving force for development lies domestically and that developing countries should focus on establishing effective market mechanisms, protecting property rights, combating corruption, and improving governance, rather than attributing development problems to an external unjust order.[28]

The reason why developed countries often fail to fully recognize the development problems faced by developing countries in the process of modernization is that the current experiences of developing countries differ essentially from the dilemmas once faced by developed countries in history. Although economic globalization has superficially brought some improvements in living standards for people in developing countries, formal equality of opportunity does not necessarily lead to substantive fairness. Just as a so-called "equal" predatory competition between a wolf and a sheep, where rules appear consistent, is destined to produce an unjust outcome. Under rules that emphasize only formal equality, countries in extremely impoverished regions are forced to engage in free economic competition and technological transactions with developed countries. This not only fails to bridge the gap but may also deepen the original chasm between developed and underdeveloped economies.[29] It is evident that the reality of the international economic order objectively restricts the space for developing countries to freely pursue development, hindering their smooth transition from traditional societies to modern ones characterized by economic prosperity, industrial advancement, political stability, and smooth social mobility.

2. Structural exclusion of the unequal international economic order

The most direct reason why the right to development is difficult to fully realize under the current international system is the structural exclusion of developing countries by the unequal international economic order. After World War II, former colonies and semi-colonies gained political independence and established sovereign states. However, due to long-term exploitation, these developing countries remained economically weak and faced an international economic order established solely by developed nations. Under this order, advanced technologies are monopolized by developed countries, resulting in single and heterogeneous economic structures, backward production technologies, and deteriorating terms of trade for developing countries.[30] Specifically,

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[26] Article 2 of the *Declaration on the Establishment of a New International Economic Order*.

[27] Chapter 1 of the *Charter of Economic Rights and Duties of States*.

[28] UN Human Rights Council, Fifteenth Session: *Report of the Working Group on the Right to Development on Its Eleventh Session*, A/HRC/15/23, June 10, 2010.

[29] Wang Xigen, *Studies on the Right to Development (2021 Volume)* (Wuhan: Wuhan University Press, 2022), 73-82.

[30] Dong Guohui, "The Origin of the Development Rights in Economic Theories," *Journal of Nankai University (Philosophy, Literature*

many developing countries still rely on primary commodity exports for foreign exchange earnings. The prices of these primary commodities often fluctuate violently due to policy changes in developed countries, bringing immense uncertainty to the economies of developing nations. Meanwhile, developed countries impose restrictions through non-tariff barriers, such as tariff escalation, and trade protection measures.[31] This power-based trade, investment, and financial system, by depriving developing countries of pricing power for primary products, subjects them to institutional exclusion and locks them into low-end positions in global value chains, making it difficult for them to achieve industrial upgrading and economic diversification.

Furthermore, the heavy debt burden continues to affect the fair distribution of global resources and the rational construction of the international order, serving as an obstacle to the realization of the right to development for developing countries.[32] According to statistics, in 2023, the external debt of developing countries reached 11.4 trillion USD, accounting for 99% of their export trade income.[33] Moreover, when responding to sovereign debt crises, international financial institutions often require debtor nations to implement structural adjustment programs, such as austerity fiscal policies, cutting public spending, and increasing taxes. While these measures may help improve fiscal conditions and debt repayment, they have a negative impact on social equity. Cutting social welfare spending may worsen the living conditions of impoverished populations, thereby exacerbating social inequality.[34] The aforementioned debt burden not only weakens a state's fiscal capacity but also further affects its comprehensive development in political, economic, social, cultural, and environmental fields.

3. Institutional inertia and development containment under West-centrism

Since its medieval inception, international law has been closely related to the law of war, with the theory of "just war" being a core topic for over four hundred years.[35] However, on the one hand, the impact of war on people is rarely taken into account.[36] On the other hand, the "justice" of just war remains only in an ideal state (de jure), as it recognizes the acquisition of territory through war and conquest.[37] For example, when Spain and Portugal used this to divide their respective rights and obligations, they considered neither the potential claims of other European countries nor the needs of the people in conquered regions, resulting in an "unjust" reality (de facto).[38] The reason is that the law reflects the will of the ruling class. International law is no exception; it maintains the interests of Western countries — the power that shapes and controls the international legal system, hidden in the

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and Social Science Edition) 5 (2014).

[31] Li Dan and Li Longlong, "Building a Global Community of Shared Development: Core Connotations and China's Practice," *China International Studies* 4 (2024).

[32] Report of the Global Consultation on the Right to Development as a Human Right, "The Challenge of Implementing the Right to Development in the 1990s" in *Realizing the Right to Development*, United Nations Office of the High Commissioner for Human Rights, 2013, 61.

[33] Liang Tong, "The International Debt Management Conference Calls for Enhancing Debt Management Resilience in Developing Countries," *Economic Daily*, March 20, 2025, 4.

[34] United Nations General Assembly: Report of the Independent Expert on the Effects of Foreign Debt and Other Related International Financial Obligations of States on the Full Enjoyment of All Human Rights, Particularly Economic, Social and Cultural Rights, A/72/153, July 17, 2017.

[35] Arthur Nussbaum, *A Concise History of the Law of Nations*, Zhang Xiaoping trans. (Beijing: Law Press • China, 2011), 13, 32-33, 48, 51, 58, 61, 84, 109, 138, 173 and 212.

[36] Immanuel Kant, *Perpetual Peace* (Indianapolis: Bobbs-Merrill Educational Publishing, 1957), 10-23.

[37] Mao Haiyan, "On Hobbesian Natural Law and International Conflict Theory," *Journal of Soochow University (Philosophy & Social Science Edition)* 1 (2002).

[38] He Zhipeng, "International Law and Rising Powers," *Jilin University Journal of Humanities and Social Sciences* 1 (2017).

form of law.[39] Regarding the rules of international law, modern international law originated in early 17th-century Europe and was closely related to the rise of European capitalism and outward expansion. To protect interests such as overseas trade and colonial expansion, early capitalist countries needed to establish corresponding legal rules to adjust relations between states, thus giving birth to modern international law. Moreover, international law was initially a regional legal system based on European civilization, adjusting relations between European states based on the principles of state sovereignty and equality. This indicates that the emergence of international law was, to some extent, to meet the economic interest needs of these Western countries at the time, and it also served them.[40]

It was not until the signing of the *Peace of Westphalia* in 1648 that international law gradually evolved in form from "European law" to "world law." However, biases remain in the historical narrative, rule paradigms, and organizational construction of international law. Rules such as "pacta sunt servanda", the distinction between "jus cogens" and "jus dispositivum," the institutional framework of diplomatic and consular relations, state immunity, as well as "terra nullius," occupation, "bona fide" acquisition, and prescription, all essentially originate from the West. Even in the codification process of the *Vienna Convention on the Law of Treaties*, the primary references for practices and institutions came from the Anglo-American legal system and the Civil Law system.[41] Regarding the operation of international law, most international standards that non-Western countries and entities must accept are established by Western-led international organizations. Furthermore, staff members of international organizations generally attend Western universities for advanced studies before taking office.[42] It is evident that the theory, rules, and construction of international organizations in international law exhibit a "West-centrism" dominated by the West.

In the process of international law evolving from European law to global law, Western countries gradually perfected their internal order through a series of treaties and achieved basic internal peace to some extent.[43] However, especially in the 19th century, the legal relations formed by treaties signed between Western and non-Western countries were mostly built on an unequal basis. In the international legal system of that time, non-Western countries were viewed as "uncivilized"[44] and became legitimate targets for being forced to sign unequal treaties. For instance, the series of unequal treaties China was forced to sign featured manifest unfairness and processes filled with military coercion, yet they were universally recognized by the international community due to their formal legality, serving as a true portrayal of "unjust law is still law." This is a continuation of the just war logic under West-centrism.

Today, although the *Charter of the United Nations* explicitly prohibits the use of force, in an objectively unequal international order deeply influenced by West-centric thinking, when developed countries and their nationals perceive that their interests may be harmed in the process of economic globalization, they often turn to anti-globalization policies based on the cognitive inertia of West-centrism, implementing development containment against developing countries through technical and

[39] Bianchi, Andrea, *International Law Theories*: *An Inquiry into Different Ways of Thinking* (Oxford: Oxford University Press, 2016), 72-89.

[40] Zhang Naigen, "On the Relation between International Law and Ideology," *Gansu Social Sciences* 4 (2023).

[41] United Nations Conference on the Law of Treaties, *Documents of the Conference*: *First and Second Sessions* (*Vienna*, 26 *March-24 May* 1968 *and* 9 *April-22 May* 1969). A/CONF. 39/11/Add. 2. 1971.

[42] Caserta Salvatore, "Western Centrism, Contemporary International Law, and International Courts," *Leiden Journal of International Law* 34, no. 2 (2021): 321-342.

[43] He Li, "Evolution of International Law and Fusion of Civilizations from the Perspective of the Community with a Shared Future for Mankind," *Journal of Xiamen University (Arts & Social Sciences)* 6 (2019).

[44] Liu Wenming, "The Civilization Standard of International Law in 19th Century Europe," *World History* 1 (2014).

institutional means such as trade sanctions. It can be seen that the form of expression of just war has transformed from traditional military operations into trade wars and other economic coercive measures using sanctions as a "force" tool.[45] Furthermore, for a long time, in the Western-led international economic order, developed countries have advocated and actively promoted the freedom of trade in goods and services in the field of international trade. However, in terms of technology trade, they never advocate for freedom but instead impose strict controls. This is clearly a powerful containment of the right to development aspirations of developing countries. The aforementioned institutional inertia severely restricts the institutional space and development momentum for developing countries to autonomously conduct capacity building, making it difficult for them to realize their development rights.[46]

This institutional inertia of West-centrism is fundamentally in conflict with the community responsibilism required by the right to development. The individual-state centrism it adheres to differs from the priority of the common interests of humanity advocated by China's vision of building a community with a shared future for mankind, which is more suited to the implementation requirements of the right to development. In other words, when developed countries take unilateral measures on the grounds of "Making America Great Again," their logical premise is the absolutization of the implementation of their own right to development, while ignoring the community responsibility to take into account the reasonable concerns of other countries while pursuing their own development.

B. Solutions to the dilemmas in the realization of the right to development

Distinguished from the international relations paradigm in the Western tradition centered on zero-sum games and confrontational competition, the goal pursued by the vision of building a community with a shared future for mankind emphasizes equality, mutual benefit, and win-win cooperation, committing to the realization of a diverse yet unified global development vision. Common prosperity under this vision requires countries to take into account the reasonable concerns of others while pursuing their own interests and to promote the common development of all countries in the process of seeking their own development. This can provide new ideas for resolving the dilemmas in the realization of the right to development.

1. The people-centered philosophy of development

The people-centered philosophy of development proposed by General Secretary Xi Jinping[47] provides the fundamental compliance for realizing the right to development based on the vision of building a community with a shared future for mankind. Understanding the right to development from the concept of development, its core lies in promoting the all-round development of the individual,[48] covering multiple dimensions such as education, skill enhancement, creativity cultivation, and self-actualization. Individuals should enjoy sufficient opportunities to exert their talents and potential to pursue a higher quality of life and self-worth. However, the realization of the subjectivity and agency of individual development — namely, the ability of individuals in different countries to improve their living conditions through education, training, and access to opportunities — is always inseparable from the overall development of their respective countries. The realization of the right to development

[45] Chen Xu and Liu Xing, "Criticism and Reconstruction:New Economic Globalization from the Perspective of a Human Community with a Shared Future," *On Economic Problems* 9 (2022).

[46] Dong Guohui, "The Origin of the Development Rights in Economic Theories," *Journal of Nankai University (Philosophy, Literature and Social Science Edition)* 5 (2014).

[47] Xi Jinping, *Ground Our Efforts in the New Development Stage, Apply the New Development Philosophy, and Create a New Development Dynamic* (Beijing: Central Party Literature Press, 2021), 94.

[48] Wang Ruolei, "On the Justification of Human-Rights-Based Approach to Development," *Journal of the Party School of the Central Committee of the CPC* 5 (2015).

as a collective human right cannot be separated from the guarantee of strong sovereignty.[49] Therefore, individual development cannot be conducted in isolation but must be coordinated with a country's progress in economic advancement, harmonious social relations, cultural heritage, political stability, and environmental protection.

Furthermore, the right to development focuses not only on meeting the basic material needs of individuals and communities, such as food, housing, healthcare, and education — the foundations for realizing individual potential and social harmony — but also encompasses the fulfillment of non-material needs such as cultural identity, artistic participation, deepening of education, social integration, and spiritual enrichment.[50] These are all key to achieving all-round development from the individual to the collective. In this context, the right to development emphasizes capacity building and the principle of equality, aiming to ensure that all subjects of the right to development, regardless of their gender, race, religion, socioeconomic status, or other identity characteristics, can equally access the opportunities and resources required for development. This principle is committed to eliminating all forms of discrimination and promoting common development and prosperity for all countries and groups on a fair basis. It is evident that the ultimate goal of the right to development is to achieve the all-round development of the person, and the people-centered philosophy of development precisely places human development at the core of national and global development.

2. Practical guidance of the global development initiative for the realization of the right to development

In September 2021, during the general debate of the 76th session of the UN General Assembly, General Secretary Xi Jinping proposed the Global Development Initiative (GDI), which lays out six major propositions: staying committed to development as a priority, a people-centered approach, benefits for all, innovation-driven development, harmony between man and nature, and results-oriented actions.[51] There is a close intrinsic link between the GDI and the right to development. The GDI is committed to development as a priority,[52] placing development in a prominent position in the global macro-policy framework, which echoes the status of the right to development as a fundamental human right. Moreover, the GDI stays committed to a people-centered approach, emphasizing the protection and improvement of people's livelihoods and the protection and promotion of human rights in development, which directly responds to the core appeal of the right to development. The GDI also stays committed to benefits for all, focusing on the special needs of developing countries and striving to solve the problems of unbalanced and inadequate development between and within countries, providing specific path guidance for the realization of the right to development.

3. The global governance view of extensive consultation, joint contribution, and shared benefits conducive to the realization of the right to development

The formation of the vision of building a community with a shared future for mankind stems from the profound transformation of international relations since the end of the Cold War, especially after entering the 21st century. Against the backdrop of the in-depth development of world multi-

[49] Gao Zhihua, "An Analysis of the Relationship Between National Sovereignty and Human Rights," *Journal of People's Public Security University of China* 4 (2004); Zhang Xiaoling, "On the Relationship Between Human Rights and Sovereignty," *Human Rights* 4 (2014).

[50] Wang Xigen, "The Value Consensus Between China and Africa in Jointly Advancing the Right to Development," *Guangming Daily*, August 22, 2025, 12.

[51] China Institute of International Studies, *Promoting Modernization in All Countries through the Global Development Initiative*, 2025, page 3.

[52] Xi Jinping, "Bolstering Confidence and Jointly Overcoming Difficulties To Build a Better World: Statement by H.E. Xi Jinping, President of the People's Republic of China, at the General Debate of the 76th Session of the United Nations General Assembly," September 21, 2021.

polarization, economic globalization, social informatization, and cultural diversity, non-traditional security threats have become increasingly prominent, emerging countries have risen collectively, the balance of international power has become more even, peace and development have become irreversible trends of the times, and win-win cooperation has gradually become a universal consensus in the international community. In this historical change, countries have explored the direction of global governance and the future international order, and the solution proposed by China is precisely to promote the construction of a new type of international relations and advocate for the building of a community with a shared future for mankind.[53]

On October 12, 2015, while presiding over the 27th collective study session of the Political Bureau of the 18th CPC Central Committee, General Secretary Xi Jinping explicitly proposed to "promote the global governance philosophy of extensive consultation, joint contribution, and shared benefits," pointing the way forward for the reform of the global governance system. This global governance view advocated by the vision of building a community with a shared future for mankind provides institutional guarantees for the realization of the right to development. Extensive consultation means that all countries participate equally in decision-making and jointly formulate rules in international affairs; joint contribution means that all countries jointly participate in global development cooperation and jointly build an open world economy; shared benefits mean that all countries jointly share development outcomes and achieve common prosperity.[54] This global governance view is highly consistent with the realization path of the right to development. The realization of the right to development requires countries to cooperate at the international level to jointly eliminate development obstacles. The global governance view of extensive consultation, joint contribution, and shared benefits emphasizes the equal status and common responsibility of all countries on development issues, opposes unilateralism and hegemonism, and advocates for resolving development disputes through multilateral consultation, which will create a favorable international environment for the realization of the right to development.

C. Feasibility of resolving the dilemmas in the realization of the right to development based on the concept of common prosperity in a community with a shared future for mankind

The concept of common prosperity advocated by the vision of building a community with a shared future for mankind is the manifestation of the people-centered philosophy of development at the level of international law. It aligns with the GDI and the global governance view of extensive consultation, joint contribution, and shared benefits, focusing not only on the development outcomes of countries but also highly valuing their capacity building. This concept aims to enhance the development capacity of countries and strengthen their competitiveness in global economic development by promoting their development capacity. It advocates resolving trade disputes through dialogue and consultation, jointly formulating fair and reasonable international trade rules, and ensuring that all countries, especially developing ones, enjoy equal development opportunities.

The concept of common prosperity in a community with a shared future for mankind is not a castle in the air; the implementation of the Belt and Road Initiative (BRI) is a specific practice of this concept. Under this framework, China fully respects the development wishes and autonomous choices of partner countries, helping partners enhance their autonomous development capacity through various means such as infrastructure construction and trade and investment cooperation. For instance, at the level of extensive consultation, the concept of common prosperity in a community with a shared future for mankind respects the rights of countries to autonomously choose their development paths based on their own national conditions and development needs. The BRI has innovated the consultative generation model of soft law, establishing the principle of extensive consultation through programmatic documents such as *Vision and Actions on Jointly Building Silk Road Economic Belt*

[53] Huang Huikang, "China's Diplomacy and International Law," (Beijing: Law Press • China, 2019), 463.

[54] Wu Xiaodan and Wang Wenqi, "Theoretical Contributions and Practical Value of the Global Governance Vision Featuring Extensive Consultation, Joint Contribution and Shared Benefits," *People's Daily*, May 19, 2025, 9.

and 21st-Century Maritime Silk Road,[55] transforming developing countries from passive recipients of international rules into co-formulators. This is highly consistent with the core appeal of the right to development — the right to development explicitly grants countries the right to autonomously formulate development policies and explore development models suited to themselves.[56]

At the level of joint contribution, the BRI also advocates for cooperation among China, the United Nations, developed countries, and developing countries. China provides funding through the China-FAO South-South Cooperation Trust Fund for an aquaculture project in Ethiopia and shares advanced aquaculture technologies. The Food and Agriculture Organization of the United Nations (FAO) facilitates the South-South Cooperation framework, project coordination and technical guidance. The Government of the Netherlands, via Wageningen University, offers professional technical consultation on aquaculture. As a pilot country, Ethiopia undertakes project implementation and technology transfer. This four-party cooperation mechanism involving China, the FAO, the Netherlands and Ethiopia[57] embodies complementary strengths and shared responsibilities in multilateral development cooperation. It goes beyond traditional development assistance models and represents a new approach to realizing the right to development under the vision of building a community with a shared future for mankind and achieving common prosperity.

In terms of shared benefits, unlike exclusive security architectures built upon traditional military alliances or unilateral sanctions, China has granted zero-tariff treatment to products covering 97% of tariff lines from the 40 least developed countries that have established diplomatic relations and completed the exchange of notes with China.[58] This move effectively addresses the plights of developing countries, which are trapped at the low end of the global value chain and confronted with deteriorating terms of trade. Furthermore, starting from 2007, China has taken hybrid rice as a flagship assistance project for Madagascar. With China's development assistance including improved seed varieties and supporting mechanisms, Madagascar has become the African country with the largest planting area and highest output of hybrid rice.[59] In addition, according to Huawei's 2024 annual report, the company has jointly built Huawei Information and Communications Technology (ICT) Academies with over 3,000 universities across more than 110 countries and regions worldwide. To date, it has jointly trained 1.3 million students, launched 76 online courses, and opened examinations and certifications to over 170 countries and regions, forming an integrated digital skills training model combining schools, enterprises and international certification.[60] These practices fully embody the global governance philosophy of extensive consultation, joint contribution and shared benefits, and put into practice the people-centered philosophy of development.

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[55] "Vision and Actions on Jointly Building Belt and Road," *Belt and Road Forum, for International Cooperation*, accessed March 3, 2026, http://2017. beltandroadforum.org/english/n100/2017/0410/c22-45-5. html.

[56] Laure-Hélène Piron, "The Right to Development: A Review of the Current State of the Debate for the Department for International Development," DFID's Social Development Department, 2002.

[57] Report of the Secretary-General to the Twentieth Session of the UN High-level Committee on South-South Cooperation, SSC/20/2, 2021-5-17, page 12.

[58] Office of the Customs Tariff Commission of the State Council: "China Grants Zero-Tariff Treatment to 97 Percent of Tariff Lines on Imports from the Solomon Islands Starting from 1 February 2021 (Ministry of Finance of the People's Republic of China)," accessed January 3, 2026, http://gss.of.gov.cn/gzdt/zhengcejiedu/202101/t20210121_3647363.htm.

[59] Xu Ruiqing, Li Zhuoqun and Ling Xin, "China and Africa Jointly Write a New Chapter in Africa's Agricultural Modernization," accessed January 3, 2026, http://www. news. cn/world/20250610/1e5f59c3fc4040348a92e78484cab64f/c. html.

[60] Huawei Investment & Holding Co., Ltd., 2024 Annual Report of Huawei Investment & Holding Co., Ltd., page 140.

IV. Specific Paths to Overcome the Dilemmas in the Realization of the Right to Development

To address the current dilemmas in the realization of the right to development, we should be guided by the concept of common prosperity in a community with a shared future for mankind, take the GDI as the practical path, and be led by the people-centered philosophy of development. Efforts should be made from the following three aspects to promote the resolution of the issues: reshaping the international community's consensus on the subjects of the right to development, constructing a systematic international legal system for the right to development, and thereby enhancing the effectiveness and operability of relevant norms; while further clarifying the substantive connotation of the right to development and practicing the global governance view of extensive consultation, joint contribution, and shared benefits.

A. From value divergence to identity: reshaping nations' understanding of the attribute of the right to development

To some extent, the Donald Trump administration's proposal to "Make America Great Again" had the core goal of restoring U.S. economic competitiveness through a series of policy measures, which can be understood as the United States, as a developed country, attempting to protect its own right to development by adjusting its policies.[61] It can be seen that the right to development is not an exclusive right of developing countries; developed countries also have aspirations for the right to development. However, due to the lack of concepts of common development and common prosperity, and being confined by the cognitive inertia of the unequal international economic order, they have adopted high tariff measures, ignored the differences in economic development levels among countries, and violated the WTO principles of non-discrimination and most-favored-nation treatment.[62]

In this context, the concept of common prosperity in a community with a shared future for mankind should guide the reshaping of the international community's perception of the right to development and establish a foundation for consensus as a value community. On the one hand, the right to development should no longer be understood as a right belonging only to a certain country or group, but as a universal aspiration for the common development and progress of all mankind. When countries reach a consensus on the issue of the right to development and commit to common development, wars and conflicts caused by competition for resources and conflicts of interest are expected to be significantly reduced. Furthermore, humanity is collectively facing global challenges such as climate change, environmental pollution, terrorism, and public health crises. Unifying the understanding of the right to development is precisely the important conceptual guidance for jointly addressing such challenges and achieving common cooperation and development.

On the other hand, while promoting consensus among nations on the right to development, it is also necessary to recognize that the measures taken by countries in the process of realizing their own right to development are not unrestricted. Differences exist among countries in terms of economic development stages, resource conditions, political systems, and cultural traditions. These differences may lead to multifarious understandings of the connotation and implementation paths of the right to development, and may even result in some countries politicizing the issue of the right to development and using it as a tool to advance their own strategic interests. Under the guidance of the concept of common prosperity in a community with a shared future for mankind, countries should fully recognize their interdependence when formulating and implementing development policies and strive to achieve mutual benefit and win-win results. This means that the development of any country should

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[61] Wang Yuzhu and Jiang Fangfei, "Economic Unilateralism of the Trump Administration and Its Impact," *International Studies* 4 (2019).

[62] Zhou Siyu, Ouyang Wei and Fan Yu, "Undermining the Multilateral System and Damaging the Global Economy: What is Wrong with the U.S. 'Reciprocal Tariffs'?" *Yan'an Daily*, March 20, 2025, 6.

not be built on the basis of harming the interests of other countries. Instead, countries around the world should strengthen international cooperation and dialogue, and enhance the representation and voice of developing countries in global economic and environmental governance, so as to promote cultural exchange and the protection of cultural diversity, and build effective mechanisms for shared benefits and responsibilities. Based on that, the contradictions and conflicts caused by unbalanced development and the widening gap between the rich and the poor can be effectively alleviated, ultimately achieving the fundamental goal of the right to development — common prosperity.

B. From vacuous responsibility to implementation: enhancing the effectiveness of international normative documents related to the right to development

Reshaping countries' understanding of the right to development is the theoretical premise and the ideal (de jure) direction for addressing the dilemmas in its realization. However, from a practical (de facto) perspective, the direct formulation of international jus cogens norms or global unified treaties related to the right to development by states faces realistic difficulties at the current stage. Nevertheless, international soft law promoted by international organizations can serve as an effective breakthrough for advancing the governance of the right to development. Such soft law mechanisms can, on the one hand, guide countries to gradually form consensus and recognition of the right to development in their domestic legislation and policy practices, and on the other hand, provide an important basis and orientation for future international practice and even the generation of hard law.[63] On this basis, by continuously accumulating and interacting with the practices of various countries, a more systematic international legal system for the right to development can be gradually constructed, promoting the formation of universal international standards related to the right to development.

Specifically, first, promote the adoption and entry into force of the draft international convention on the right to development, with accompanying optional protocols to clarify the content and remedy mechanisms of the right to development, and establish a unified Council on the Right to Development under the framework of the draft to transform soft law recommendations into international legal provisions that interface with the global economic governance system. Second, international law largely needs to be translated into domestic law in its implementation. The aforementioned international organizations also need to coordinate with domestic industry associations and government agencies in various countries to facilitate the transformation of international soft law rules into domestic soft and hard laws in relevant fields. Finally, the effectiveness of the right to development can be enhanced through the long-term practice of endorsing states in translating relevant international soft law rules into domestic law, forming universal international standards, or making them evidence of the existence of international custom or international legal norms, thereby evolving into customary international law. Although customary international law is still subject to the rule of consent — meaning some countries can remain unbound by persistent objection[64]—when the endorsing states constitute a majority and form universal international standards within the international legal system of the right to development, the minority of objecting states will also make compromises on the establishment of relevant international hard law to integrate into the existing international system, ultimately achieving the goal of enhancing the effectiveness of international normative documents related to the right to development.

In the context of the gradual evolution of the international legal system for the right to development toward a hard law nature, and given the limitations of the UN Human Rights Council in terms of jurisdictional authority and dispute settlement mechanisms, incorporating the concept of the

[63] He Zhipeng and Sun Lu, "How Is International Soft Law Possible? An Environmental Perspective," *Contemporary Law Review* 1 (2012).

[64] Louis Henkin, International Law: Politics and Values, translated by Zhang Naigen et al. (Beijing: China University of Political Science and Law Press, 2004), 41 and 296.

right to development into the GATT/WTO multilateral trade framework[65] is expected to enhance its normative operability and the effectiveness of dispute resolution. Incorporating the right to development into the WTO system means that in the process of formulating relevant international rules and domestic policies, governments need to more broadly solicit the opinions and demands of their nationals, especially groups and enterprises that may be affected by the policies. Taking the U.S. CHIPS and Science Act as an example, if a WTO policy coordination mechanism based on the right to development existed, domestic and foreign enterprises potentially negatively affected by the act could intervene early in the legislative stage and raise objections through institutionalized channels for expressing opinions, thereby prompting the government to reassess the potential damage of its policies to the right to development and avoid pursuing industrial competitive interests at the expense of global common development responsibilities.

C. From frustrated interests to guarantee: mechanisms for clarifying the content of the right to development

The right to development led by the vision of building a community with a shared future for mankind means that states and individuals should achieve a balance between economic growth and social equity, promote spiritual and ecological civilization while advancing material civilization, maintain cultural diversity, strengthen environmental protection, and promote the realization of common prosperity and social justice with an orientation toward peace, cooperation, and win-win results.[66] Before an international consensus is reached on the specific connotations of the right to development, if states or individuals are allowed to directly sue foreign governments solely on the grounds of infringement of the right to development, it may cause chaos at the judicial and practical levels. Therefore, it is necessary to further clarify its specific content in the process of enhancing the international legal effectiveness of the right to development.

Regarding the mechanism for clarifying the content of the right to development, one can refer to the human rights standards identified by the Office of the High Commissioner for Human Rights (OHCHR) to refine the indicators of the right to development. The OHCHR proposed the "RIGHTS" criteria for assessing human rights. Among them, "R" stands for relevant, robust, and reliable, meaning the indicators should be closely related to the realization of human rights, and if the indicators are redesigned using the same data generation mechanism, the same results should be obtained; "I" means that the data collection method should be independent of the object being monitored; "G" refers to globally meaningful, meaning the indicators should have universal significance but can be contextualized and categorized under the premise of prohibiting discrimination; "H" means the indicators should be human rights standards-centric, anchored in the normative framework of rights; "T" means the indicator methodology should be transparent and timely; "S" means the indicators should be simple and specific, easy to understand and apply.[67]

At the same time, the OHCHR further refines these through structural indicators, process indicators, and outcome indicators.[68] Structural indicators reflect a state's acceptance of human rights and evaluate its commitment at the legal and policy levels, including legal, institutional, and policy frameworks, such as the ratification of international human rights treaties, the guarantee of specific human rights in the constitution or laws, and the implementation of domestic laws. Process indicators evaluate the efforts and measures taken by a state in implementing human rights standards, as well as

[65] Wang Guofeng, "On the Right to Development in the WTO," *Northern Legal Science* 3 (2015).

[66] Xiao Wei, "Promoting Right to Development on All Fronts Through a Chinese Path to Modernization," *Journal of Nanjing Normal University (Social Science Edition)* 1 (2023).

[67] Fasel, Nicolas, "The Indicators Framework of OHCHR Applied to the Right to Development" in *Realizing the Right to Development*, United Nations, Office of the High Commissioner for Human Rights, 2013, page 350.

[68] Malhotra, Rajeev, "Towards Operational Criteria and a Monitoring Framework," in *Realizing the Right to Development*, United Nations, Office of the High Commissioner for Human Rights, 2013, page 390.

its progress in implementing human rights commitments, thereby measuring the effectiveness of policies and other measures in actual execution, such as public expenditure, enrollment rates, dropout rates, teacher qualifications, and training. Outcome indicators evaluate the ultimate realization of human rights standards, reflecting the results of a state's promotion of human rights enjoyment, such as gender equality, completion rates, and literacy rates.

The construction of indicators for the right to development can draw on this framework but needs to be adjusted according to the specific attributes of the right to development. In this regard, one can refer to the broad consensus already formed on the concept of development to refine the indicators of the right to development. The book *Realizing the Right to Development*, published by the OHCHR in 2013, points out based on an analysis of major UN documents and debates that the concept of development should include the following elements: (a) development should have the realization of individual potential and the harmonious development of the community as its primary goal; (b) individuals should be regarded as subjects rather than objects of development; (c) development needs to meet both material and non-material basic needs; (d) respect for human rights is fundamental to the development process; (e) individuals must be able to fully participate in shaping their own reality; (f) respect for the principles of equality and non-discrimination is crucial; (g) achieving a certain degree of individual and collective self-reliance should be part of the development process.[69]

Drawing on the human rights assessment standard model and further refining the content of the right to development and its assessment methods around the eight elements of development, while combining specific practices such as the Belt and Road Initiative and tailoring assessment standards to the different development needs of countries at different stages of development, is a mechanism for clarifying the content of the right to development and guaranteeing its realization.

Conclusion

Seeking a path to resolve the dilemmas in the implementation of the right to development from the perspective of building a community with a shared future for mankind stems from the fact that the mindsets and structural inertia existing in the current international economic order and institutional system make it difficult to effectively respond to the constraints imposed by developed countries on the process of realizing the right to development for developing countries, including China. Truly realizing the right to development requires all countries, especially developed ones, to prudently formulate and adjust their domestic and foreign policies to avoid obstructing the development processes of other countries, particularly developing and underdeveloped nations. To this end, it is necessary to transcend the logic of the unequal international economic order implicit in the existing international system and instead be guided by the vision of building a community with a shared future for mankind that pursues global common prosperity, take the people-centered philosophy of development as the fundamental compliance, and take the GDI as the practical path, providing a new theoretical perspective and practical direction for solving the difficult problem of realizing the right to development. Guided by this vision, the international community should be encouraged to re-recognize and jointly construct the legal connotation and practical mechanisms of the right to development, strengthen cooperation and shared responsibility among nations in creating a favorable development environment, and gradually construct an international legal system for the right to development. By enhancing the effectiveness and operability of relevant international legal rules and clarifying the substantive content and implementation paths of the right to development, the goal of global justice — where all countries can freely seek development and share prosperity — will ultimately be achieved.

(Translated by *LI Donglin*)

[69] Report of the Secretary-General, "The Emergence of the Right to Development," in *Realizing the Right to Development*, United Nations Office of the High Commissioner for Human Rights, 2013, page 8.