

The “Right to Development” of Developing Countries

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Abstract: The issue of development is a hot spot in the WTO reform negotiations, which is related to the major interests of the financial and trade development of developing countries. To study the essence of "special and differential treatment" in WTO, that is, the "right to development" of developing countries. However, the theory of "right to development" of developing countries is almost blank, which is far from protecting the vital interests of developing countries. From the perspective of "right to development" theory, this paper interprets the essence of "special and differential treatment" in developing countries, makes an in-depth analysis of the evolution of "right to development" in different periods, emphasizes that "right to development" is the due meaning of the idea of a community with a shared future of mankind, and constructs a community with a shared future of mankind, which can truly realize the right to development of developing countries. In view of the fact that the study of international trade theory needs to explore the complex field of international relations, these exploratory attempts made in this paper provide theoretical support for China and other developing countries to enjoy "special and differential treatment", safeguard the trade interests of developing countries and strive for the rationality of the right to development, and are of great significance to the construction of a new world development pattern and the follow-up negotiations on WTO development issues.

1. Introduction

Survival and development are the two major themes of mankind. Since its establishment, WTO has created a good trade environment for all countries in the world and guaranteed the orderly progress of Global trade. With the continuous rise of China and a large number of developing countries, developed countries emphasize the balance and reciprocity of the rights and obligations of WTO members, and unilateralism is becoming more and more rampant. The United States and other developed countries have repeatedly flagrantly violated the principles and purposes of the WTO, wantonly implemented aggressive trade unilateralism, repeatedly submitted proposals to the WTO on Abolishing the right of developing countries to continue to enjoy "special and differential treatment", tried to require China and other developing countries to "graduate", and even put forward the political demands of building a "nondiscriminatory WTO", all of which are suppressing the strong economic development of emerging developing countries represented by China. The coercive trade retaliation carried out by the United States and other western developed countries against developing countries has led to thorns on the road of WTO reform, and Global trade has gradually slipped into the "Thucydides trap".

In this context, the theoretical study of international trade needs to explore the complex field of international relations ^[1], and the theoretical study of the "right to development" of developing countries is of great significance for building a new world development pattern and safeguarding the trade interests of developing countries. However, at present, more studies only study the "right to development" of developing countries from the perspective of jurisprudence, and the theory of "right to development" of developing countries is almost blank, so it is necessary to dig deeply to fill in the shortcomings of existing research. The construction of a community of shared future of mankind attaches importance to the issue of "development deficit", emphasizes that all countries should participate in global governance, and effectively protect the development rights of WTO developing countries. Therefore, from the perspective of the theory of "right to development" in developing countries, this paper makes a tentative and innovative exploration from the theoretical research, which can provide theoretical support for the rationality of "special and differential treatment" and other development rights enjoyed by China and other developing countries.

2. The Nature of "Special and Differential Treatment" in Developing Countries

Survival and development are the two major themes of mankind, and the "right to development" is an important basis and basis for developing countries to safeguard their own interests in trade negotiations with developed countries. "Special and differential treatment" is an important symbol of the "right to development" of developing countries. The "right to development" reflects the priority of developing countries, and the attention to the right to development is considered one of the important positions of Marxist International Political Economy ^[2]. The evolution of "special and differential treatment" in developing countries is the history of their struggle for the right to development. The "right to development" dates back to 1969, when Algeria first proposed in its report "the right to development in underdeveloped countries" that "the right to development" is the country's "right to development". In 1986, the Declaration on principles of public international law for the construction of a new international economic order explicitly regarded the "right to development" as public international law to safeguard the world economic order. In 1993, the Vienna Declaration and programme of action similarly defined "the right to development" as "a universal and indivisible right." Combing the historical development context of "right to development", the right to development has become a general principle to guide international and foreign affairs. Therefore, developed and developing countries have basically reached a consensus on the rationality of formulation based on the "right to development".

The "right to development" is a basic human right, the right of individuals or countries to participate in and enjoy all aspects of economic and social development at home or abroad, highlighting the equality of "development" opportunities and the sharing of development benefits. "The right to development" should become an important guiding principle to solve the development issues of WTO. However, due to historical, opportunity and other reasons, the lack and unfairness of trade opportunities seriously threaten the "right to development" of developing countries. The lack of "right to development" is very easy to open the development gap between developing countries and developed countries, resulting in the imbalance of national interests of the two categories of members, which directly threatens the basic rights and welfare of the people of developing countries ^[3].

3. "Right to Development" Theory in Developing Countries

From the perspective of "right to development", the essence of "special and differential treatment" in developing countries, this paper attempts to analyze the internal logic and evolution path of "right to development" in developing countries from the perspective of "right to development" theory. By systematically sorting out the development context of developing

countries, this paper makes an in-depth analysis of the evolution of "right to development" in different periods. Generally speaking, since the 15th century, the theory of "right to development" in developing countries has roughly experienced four stages of evolution.

3.1. The Absence of the Right to Development (15th—late 19th century)

3.1.1. Background

The original international trade dates to the great discovery of Geography in the 15th century. In the early process of economic globalization, the colony of the suzerain state was transformed into the origin of trade, which was characterized by narrow international economic cooperation areas, fixed trade channels between the suzerain state and the colony, and highlighted the colonial relations between imperial powers dominated by capitalist developed countries. The raw materials and primary products of the colonies became the wealth of the host country's export trade. In the 18th and 19th centuries, Britain actively promoted classical free trade theory in order to expand trade scale, and the colony became the source of raw materials for the suzerain state. At the end of the 19th century, the world market and the world economic system were formed, and Britain remained a monopoly in international trade. The globalization of colonialism is dominated by a few hegemonic powers, and colonial and developing countries lack a trade voice ^[4].

3.1.2. Progress on the Right to Development in Developing Countries

During this period, international trade gradually developed from relatively simple to large-scale. Trade occurs mainly between suzerain States and colonies, with the nature of hegemonism and colonization of imperial powers by one or even more countries, and is characterized by "unequal" transactions. The purpose of trade is to strengthen the control, management and increase fiscal revenue of colonies. Countries with backward or relatively weak economies that do not have absolute advantages in the production of any products, even if they participate in international trade according to comparative advantages, they are limited to raw materials and primary products, and the substantial development of their economies is limited.

On the whole, classical free trade theory only consolidates its hegemonic position through trade from the perspective of powerful countries, while ignoring the long-term economic development of developing countries ^[5]. At this stage, the right to development of developing countries is basically in a state of absence. The problem that colonial and semi colonial countries need to solve is the independence of the country. Colonial countries have not yet been able to get rid of trade control and monopoly from suzerain countries, and the road of development of developing countries is full of thorns.

3.2. Weakening Stage of the Right to Development (early 20th century—1970s)

3.2.1. Background

After World War II, the U.S. economy expanded unprecedentedly, gradually did not meet the domestic market, and was eager to open up the international market to consolidate its hegemonic position. Pushed by the United States, the general agreement on Tariffs and trade (GATT) was signed in October 1947 to make full use of national resources, eliminate trade discrimination and obstacles, promote trade liberalization and achieve the economic development of Member States. "International economic order" is an institutional arrangement to promote the economic and social development of developing countries in the context of global economic development, and closely links the pursuit of economic independence and national development of developing countries ^[6].

3.2.2. Progress on the Right to Development in Developing Countries

In the 1940s, the establishment of the Bretton Woods system ignored the reality of interdependence and common development between developing and developed countries in international trade and economic cooperation, and regarded national development and trade cooperation as two different issues, which led to the weakening of the important position of developing countries in Global trade; After World War II, many colonial and semi colonial countries gained independence, and the biggest problem facing independent countries was how to overcome historical inequalities and promote economic development ^[7]. With the economic development of independent countries, international development law has gradually applied to regulate the relationship between economies with different levels of economic development, and developing countries have begun to enjoy the right to development.

The signing of GATT promoted trade after World War II mainly by reducing tariffs and some non-tariff barriers. According to the relevant provisions of international conventions, the general assembly of the United Nations has adopted resolutions such as the Charter of the United Nations (1945) and the Universal Declaration of human rights (1948), in which the "right to development" is granted to the people of every GATT/WTO member. While the term "right to development" does not appear in the GATT/W.T.O. covered agreements, it does contain provisions on the obligation of developed countries to dominate the international economic system and to provide special preferential assistance or assume greater responsibility for developing countries. However, if many developing countries want to enter the markets of developed countries, they still need to face barriers such as tariffs, which have become obstacles to "development". Therefore, the pursuit of substantive trade fairness and differential treatment and the real sharing of the fruits of free trade have become the new demands of developing countries.

3.3. The Appealing Stage of the Right to Development (1970s—late 20th century)

3.3.1. Background

In the early 1970s, events such as the collapse of the Bretton Woods system, the U.S.-Japan trade war and the oil crisis marked the emergence of the great crisis of multilateralism ^[8]. The U.S. global hegemony has gradually shaken, forming a situation of the United States, Europe, Japan and other countries. Countries around the world should strengthen international cooperation and promote the process of liberalization through the multilateral trading system. At this time, the world is in a state of breaking away from the "unipolar" control of the United States and moving towards a "multi-level" equilibrium, and globalization has entered a stage of rapid growth. In the 1990s, WTO replaced the general agreement on Tariffs and trade, as the carrier of global economic governance, and formally became an international trade organization to manage the operation of the multilateral trading system, and globalization developed more rapidly. In short, since the 1990s, under the background of globalization and challenges, global governance has gradually become a major issue of concern to all countries in the world ^[9].

3.3.2. Progress on the Right to Development in Developing Countries

In the 1980s, the Uruguay Round negotiations began, and the negotiation process was frequently hindered by the United States and other western developed countries, resulting in slow progress. Among them, the issue of "special and differential treatment" for developing countries has become the focus of controversy between developing and developed countries. The establishment of WTO in 1995 has become an important basis for international economic governance ^[10], strengthened the importance of GATT to the right to development of developing countries and people, and strengthened the people-oriented spirit in rule making. The W.T.O. gives developing countries more

special preferences because of their inherent shortcomings in competitiveness ^[11]. Subsequently, developing countries put forward many implementation issues such as the urgent need to solve the "special and differential treatment" clause to the WTO, demonstrating the determination of developing countries to participate in multilateral trade negotiations and call on the WTO to attach importance to the right to development of developing countries.

According to the relevant provisions of international conventions, the United Nations General Assembly has adopted resolutions such as the resolution on the right to development (1979) and the Declaration on the right to development (1986). Among them, the resolution on the right to development stipulates that the "right to development" is a human right, and Global trade is the way and way to realize the "right to development"; The Declaration on the right to development regards the "right to development" as an inalienable human right, and all peoples have the right to participate in and share the dividends of development. The concept of "development" has been reduced to the principle of "special and differential treatment" in multilateral trade legislation, which exempts developing countries from certain obligations under the trading system, and every WTO member has the right to participate in, promote and share development. At present, the Uruguay Round negotiations, known as the "development round", have been stalled, and the demands of developing countries for the right to development have been delayed by developed countries.

3.4. The Focus Stage of the Right to Development (early 21st century— present)

3.4.1. Background

At the beginning of the 21st century, the financial crisis broke out, and the developed countries were deeply affected by the negative impact of the crisis, resulting in slow economic development ^[12]. Unilateral actions by the United States and Brexit have exacerbated the wave of anti-globalization. At the same time, as advanced representatives of developing countries, BRICs countries (Brazil, Russia, India, China and South Africa) have achieved remarkable economic growth. The United States has put forward the reform demands of "undifferentiated WTO", such as reformulating the criteria for identifying developing countries, changing the policy from "multilateral" to "unilateral" in international trade, and trying to reconstruct the rules of international economy and trade. Emerging developing countries are deeply integrated into the process of globalization, actively advocating open economic cooperation and enhancing their voice in participating in international affairs. At the same time, the United States and other western developed countries have serious deficits in Global trade and structural imbalances in domestic economic development. With the deepening of economic globalization, the world economic pattern shows a pattern of "rising in the East and falling in the west", and is in the period of reforming the original international economic system and establishing a new international economic order.

3.4.2. Progress on the Right to development in Developing Countries

The basic principles of sovereign equality, cooperation, mutual benefit and common development advocated by the new international economic order are effective guarantees for promoting developing countries ^[13]. With the economic recovery, emerging developing economies have shown a collective rise, gradually impacting the economic pattern dominated by advanced western countries in the past, benefiting from the full autonomy of the multilateral international order ^[14]. Subsequently, international economic integration has become closer and closer, developing countries have joined the WTO negotiations in groups, and their negotiation capabilities have gradually increased. However, the overall rise of developing countries has exposed shortcomings, and trade issues have become constraints to sustainable development, especially the negative impact of trade on income and employment, which has led developing countries to fall into

economic growth traps.

From the perspective of development, the current international economic order is dominated and controlled by the United States and other developed countries, and developing countries are passively and blindly involved in economic globalization ^[15]. Therefore, only by subverting the old international economic order can we promote developing countries to control the right to development, actively integrate into the international economic cycle, promote the healthy, sustainable and balanced economic development of countries with different levels of economic development in the WTO, and let the sunshine of the construction of a community of a shared future of mankind shine on the world.

4. "The Right to Development" is the Due Meaning of the Idea of a Community with a shared Future of Mankind

4.1. Background of Profound Changes Unseen in a Century

The unilateralism and hegemonic behavior of western countries are not conducive to the establishment of a new international economic order and the maintenance of the multilateral trade legal system. The global development deficit has increased unabated, and it is urgent to seek a new governance model ^[16]. As the largest developing country, China should dare to face up to the game of economic and trade rules between China and the United States, and strive to develop the reform in a direction conducive to the representation and voice of developing countries.

With the in-depth cooperation and rapid development of international economy and trade, as well as the intensification of the wave of economic globalization, the world economy has entered a period of great power game, and the multilateral trade legal system of WTO is facing unprecedented challenges. In 2020, with the spread of the global covid-19 pandemic and the election in the United States, the uncertainty of the international community intensified the difficulty of global economic governance, resulting in another heavy blow to global economic and social development. The continued outbreak of covid-19 and the common fight against the epidemic around the world have led to the joint maintenance of the international order and win-win global cooperation more important than ever.

With the evolution of the world economic pattern, the conflict between the rise of emerging developing countries and the old international economic order has become increasingly prominent. A new type of international economic relations with equality as the basic principle, win-win cooperation as the core and the construction of a community with a shared future of mankind as the ultimate goal has become an inevitable trend. With the enhancement of economic strength, China has put forward the idea of building a community with a shared future of mankind, taken the initiative to assume responsibility, adhered to the global governance concept of joint consultation, co construction and sharing, and contributed China's plan and wisdom to the construction of a fair and reasonable global governance system.

4.2 Legal Basis of the Idea of a Community of Shared Future of Mankind

"Special and differential treatment" is a concrete manifestation of the idea of a community of a shared future of mankind. The idea of a community with a shared future of mankind reveals the objective facts of the interconnection, interdependence and common development of all countries in the international community, examines the unfair distribution of global resources morally, and recognizes the political and economic weakness of developing countries.

The world today is undergoing unprecedented changes in a century. The continuation of trade frictions between China and the United States, the disorder of multilateral trade and the persistence of covid-19 have caused the complexity of Global trade. As an international organization that compulsorily guarantees the fair, just and orderly development of international cooperation and

economic and trade activities through rules and laws, WTO needs to speak out for relatively weak developing countries and provide necessary guarantees [17].

The idea of a shared future for mankind emphasizes "equality". Among them, "equal rights" emphasizes the right of all countries in the world, big or small, strong or weak, rich or poor, to participate equally in global governance. "Equal opportunities" mainly emphasizes equal competition, harmonious coexistence and win-win cooperation among countries, and "equal rules" mainly emphasizes common governance and institutional equality under the new international economic order and the global governance system. Building a community with a shared future of mankind is a realistic reflection of the world economic pattern, respecting the development reality of developing countries, fully considering and taking into account the interests of developing countries, emphasizing the voice and participation of developing countries in international affairs, and ensuring "equal rights", "equal opportunities" and "equal rules" between developing and developed countries in international economic cooperation.

4.3. A Community with a Shared Future of Mankind-realizing the Right to Development in Developing Countries

Building a community with a shared future of mankind is a strong guarantee for the realization of the right to development of developing countries. There is a big gap between developing countries and developed countries in terms of comprehensive competitive strength, there are differentiated interest demands between the two camps, and there are inconsistencies and conflicts between the two sides in the development issue of "special and differential treatment". The idea of a community with a shared future of mankind conforms to the trend of historical development, points out the direction of human development, opposes hegemonism and zero sum game, advocates common destiny, co construction and sharing, conforms to the legal basis of substantive fairness and differentiated justice, and is conducive to the development of international cooperation between developing and developed countries. Therefore, "special and differential treatment" fully expresses the demands of developing countries for the right to development, which has the right to enjoy "special and differential treatment", and countries with different levels of economic development bear corresponding responsibilities and obligations according to their endowment and capabilities. That is, as long as it conforms to the concept of "special and differential treatment" and the relevant provisions, it should enjoy preferential treatment.

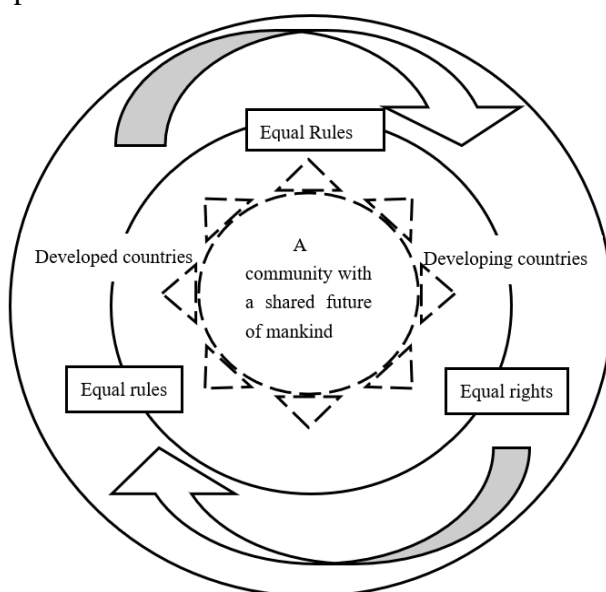


Figure 1: Schematic diagram of A community with a shared future of mankind

To let the torch of multilateralism light the way forward for mankind, China advocates building a community with a shared future of mankind, which does not mean completely abandoning the right to "special and differential treatment". The international community should coordinate relations among countries through rules and systems, take a long-term view, work together in the same boat, protect the development rights and interests of developing countries, and provide necessary support for the development of developing countries. Therefore, building a community with a shared future of mankind is not only the ultimate goal of multilateralism, but also the only way to global governance [18].

The schematic diagram of A community with a shared future of mankind is shown in Figure 1.

5. Conclusions and Policy Recommendations

This paper first points out the essence of "special and differential treatment" of developing countries, that is, the "right to development" of developing countries, which is related to the major interests of trade development and economic development of developing countries, and developing countries have the right to give priority to trade and economic development. Secondly, by sorting out the development context of developing countries, this paper makes an in-depth analysis of the theory of "right to development" in different periods, and tries to carry out the research of each stage through background introduction, classic international trade theory interpretation and the progress of the right to development; Finally, it emphasizes that "the right to development" is the due meaning of the idea of a community with a shared future of mankind, and only by building a community with a shared future of mankind can we truly realize the right to development of developing countries. The results provide strong theoretical support for developing countries to truly enjoy the right to development.

It should be pointed out that the traditional path of studying the economic development of developing countries is basically carried out in terms of foreign trade, resources and environment, and most of the foothold lies in whether it promotes the level of economic development of the country. However, there is little attention and Reflection on the priority "development" rights called for by developing countries. Does "development" mean only economic development?

How to explain the essence and characteristics of economic globalization through theoretical innovation, and whether the focus of research should gradually shift from paying too much attention to trade opportunities to paying attention to the "right to development" of developing countries, so as to truly realize the harmonious unity of personal development and national development in developing countries, and finally realize the common and sustainable development of human society.

In view of this, the theory of "right to development" of developing countries still needs to be deeply excavated, the principle and spirit of people-oriented WTO should be strengthened, the theoretical system of "right to development" of developing countries should be established, and the legitimate claim of developing countries to have the right to development should be maintained from a theoretical perspective to promote the orderly and healthy operation of the multilateral trading system.

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