

Brief Reflections on the Building of a Theory and Practice of Community with a Shared Future for Mankind and Global Human Rights Governance [建立具有人类共同未来的社区理论和实践以及全球人权治理的简要思考]

Remarks presented at a side event on the occasion of the 51st Session of the Human Rights Council. That side event, entitled "Human Rights Development in the Perspective of Community with Shared Future for Mankind" was hosted by the China Society for Human Rights Studies and organized by Shandong University. 29 September 2022, Geneva, Switzerland

Larry Catá Backer

W. Richard and Mary Eshelman Faculty Scholar; Professor of Law and International Affairs
Penn State University Ombudsperson (<https://senate.psu.edu/faculty/faculty-ombudspersons/>)
Pennsylvania State University | 239 Lewis Katz Building, University Park, PA 16802 1.814.863.3640
(direct) | | lcb11@psu.edu

SHORT VERSION FOR ORAL DELIVERY:

I am grateful for the opportunity to participate in this side event, Human Rights Development in the Perspective of Community With Shared Future for Mankind, hosted by the China Society for Human Rights and organized by Shandong University on the occasion of the 51st Human Rights Council. I am especially grateful to Professor Zheng Zhihang for his leadership in those efforts. Today I speak to the construction of Chinese Socialist Human Rights Internationalism. That discussion is undertaken within the broader context of the internationalization of human rights as both have developed over the last decades. The resulting reconceptualization of human rights offers an important window on the current state of discourse around what most political societies seek, each in their own way—that is, a fair and just international order. Yet this striving is now undertaken at a time when the vision of those ideals have become more sharply contested.

What exactly are the principals that make up this new socialist internationalism vision? The principles were comprehensively identified in the 2019 South-South Human Rights Forum, organized by the Chinese State Council Information Office and the Ministry of Foreign Affairs. The principles are both well-known and clearly identified. They include the following concept principles: (1) “Building a Community with a Shared Future for Mankind and Global Human Rights Governance,” (2) “The Right to Development: The Belt and Road Initiative Promotes the Realization of the 2030 Agenda for Sustainable Development,” and (3) “The Practice and Experience of Human Rights Protection in the Countries of Global South.”¹ These principles interlink three fundamental concepts—globalism, sustainable development, and human rights. Today, these concepts serve as the foundational principles for the construction of a Socialist System of

¹ ‘2019 South-South Human Rights Forum builds consensus among developing countries,’ Xinhua (12 December 2019); available [http://www.xinhuanet.com/english/2019-12/12/c_138626094.htm].

Human Rights and Socialist Internationalism. They represent the outward face of the development of the advanced contemporary structures of Chinese Marxist-Leninism in its current New Era.

The current expression of these principles were initially elaborated in their current form at the start of the leadership of Xi Jinping. In his now well-known 23 March 2013 speech at Moscow State Institute of International Relations, President Xi Jinping elaborated China's vision for a community with shared future for mankind at about the time that China first announced what would become the Belt & Road Initiative. In 2021, President Xi Jinping' further elaborated China's vision of a Socialist global order in his remarks to the UN General Assembly.² Its principal components included overcoming the challenge of pandemic, pursuing greener and more balanced global development, embracing a revamped ordering of international relations, enhancing global solidarity around concepts of mutual respect and win-win cooperation, and on that of establishing a more refined practice of global governance and multilateralism.

This approach was expanded in the same year (2021) in a State Council White Paper entitled "China's International Development Cooperation in the New Era."³ The important principles of prosperity and stability features prominently in this White Paper.⁴ Most recently, in a keynote address delivered 21 September 2022 by State Councilor and Foreign Minister Wang Yi at the Ministerial Meeting of the Group of Friends of the Global Development Initiative (GRI),⁵ Chinese officials broadened and deepened the visions for human rights and development. The object was to solidify a counter-approach to the dominant vision of human rights and development long developed under the leadership of liberal democratic states and embedded within the working style of international organs.

Taken together these events provide a glimpse of the key elements of Chinese socialist internationalism . They also point to the way in which these elements align the doctrine of the community with shared values for mankind, with principles of socialist human rights. Combined, they are offered as an alternative global model in the form of the GDI, the Belt & Road Initiative, and more generally, of Chinese socialist internationalism. At an even deeper level, these movements evidence a more mature manifestation of New Era theory in its outward expression, and also as a template by which states with similar approaches to internal and global ordering might shape their own destinies.

Jointly, these emerging expressions of Chinese theory provide a basis to consider some of the more profound ramifications of this project of Socialist human rights, its foundations in theories of the human right to development, and grounded in the overall principles of a "Community of Shared Future for

² 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 (21 September 2021); available [http://www.news.cn/english/2021-09/22/c_1310201230.htm].

³ State Council Information Office of the People's Republic of China, China's International Development Cooperation in the New Era (10 January 2021) available [https://english.www.gov.cn/archive/whitepaper/202101/10/content_WS5ffa6bbbc6d0f72576943922.html].

⁴ Ibid. e.g., "Agriculture is the foundation of economic growth and social stability" *ibid.*, Chp IV.2; "Confronted by acute global challenges, no country can achieve lasting stability and development without solidarity, cooperation, and a partnership featuring peaceful and mutually beneficial cooperation, equality, openness, inclusiveness and shared growth" (*ibid.*, conclusion)

⁵ 'Press Statement of the Ministerial Meeting of the Group of Friends of the Global Development Initiative,' Ministry of Foreign Affairs of the People's Republic of China (21 September 2022) available [https://www.fmprc.gov.cn/mfa_eng/zxxx_662805/202209/t20220921_10769142.html].

Mankind.” In particular, it may be worth considering some of the scope and implications of critical differences between the “standard” or orthodox human rights narrative overseen by the U.N. apparatus in Geneva and (sometimes) New York, and what may be emerging from South-South conversations under the leadership of China. These shifts will have important consequences for emerging specific conceptions of the integrity of human rights as a global concept, and on the movements toward its fracture, which mirror the fracture of global trade along regional lines.

The object is to offer a path to a fundamental shift in the focus of human rights and human rights discourse. That shift would move the core of discussion from one framed in the discursive tropes of liberal democratic ideology to one framed in an emerging Marxist-Leninist discourse.⁶ The shift is occurring even as those who think themselves the vanguard of traditional internationalist human rights ideology continue to advance and more deeply develop the dominant approach to human rights, development, and internationalism. Under the core leadership of liberal democratic states that project remains strongly embedded in the basic structures of the institutional international law and norms. It continues to function as the legitimating discourse of the international community.

But the challenge of a more mature Socialist path to international relations and to the framing of human rights within it now evidences a greater and more open divide between Socialist and Liberal Democratic approaches to shaping the world order. That divide may not affect many objectives or practices. It does, however, affect the approach to important fundamental principles and interpretations on which are built the structures and understandings, that is, the ideologies, of development, of the nature and content of human rights, and of the centrality of sustainability. The result is to return the international community to a time when it operated in the shadow of a clear cut choice. That choice is between systems that view economic, social, and cultural rights as a necessary predicate to the effective nurturing of civil and political rights, and those systems that are based on the ordering principle that civil and political rights are the predicate to effective and legitimate development and protection of economic, social, and cultural rights.

It is therefore important to understand the Chinese path. It is equally important to study the way it shifts the discourse from that of traditional liberal democratic markets-driven actors. Traditional human rights and human rights discourse takes as its starting point the key premises of the ideology on which liberal democratic social-political-economic orders are organized and through which they understand both themselves. That human rights discourse is centered on the individual. It speaks to the relationship between the individual and centers of power that affect the individual as an autonomous being and within collective organization. Individuals have rights—states and other organs of power have duties and responsibilities.

Marxist-Leninist States take as their starting point the key ideological baselines that human rights proceeds from and is centered on the collective. Better put, it is centered on a pyramidal system of hubs of collectives all connected by the spokes of obligation to a leadership core. Individuals have expectations; collective authority has rights, duties, and responsibilities. The betterment of the welfare of the individual collectively is the primary duty of the state. *And thus the core framework within which human rights can*

⁶ Larry Catá Backer, ‘China,’ in *Tipping Points in International Law: Critique and Commitment* 52-73 (Jean d’Aspremont, and John Haskell eds., Cambridge University Press, 2021)

*be understood and elaborated are through the principle that the state's primary duty is to ensure the prosperity and stability of the collective.*⁷ Civil and political rights are understood as necessarily constrained by and proceeding from the overall imperative to ensure prosperity and stability.

This new language of human rights requires, in turn, a new vocabulary. It requires a vocabulary that shifts the emphasis of discourse (and thus the way that terms are understood and applied as policy and rules and norms) *from the language and vocabularies of human rights (of the individual) to that of development (of society and collective institutions).*

This is an important project. It builds not just structures of rights and responsibilities but also narratives that rationalize and order the way that societies understand the world around them. Some control of the way that narratives are constructed and people (including influential collective leadership groups) is critical to the investing of great principles with ideologically aligned meaning. That is possible only when they are attached to a collectively embraced system of common understanding of meanings and markers of legitimacy. In that context China understands that it is important to both develop a new vocabulary and a new framing for those core matters traditionally monopolized by the discursive tropes of liberal democratic ideologies (the authority of which had been virtually undisputed since the fall of the Soviet Union and its dependencies in the late 1980s). Chinese leaders now appear to act on the understanding that it is impossible to acquire influence over meaning making unless one can exercise some control over the ideological perspectives from out of which objects, thoughts, and actions are invested with meaning. Here is the essence of the Chinese "win-win" strategy, and more generally of Chinese Socialists internationalism.

Thank you.

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Future for Mankind and Global Human Rights Governance]

Larry Catá Backer (白轲)

我很感谢有机会在第 51 届人权理事会召开之际，参加由中国人权研究会主办、山东大学承办的这次活动——人类共享未来共同体视角下的人权发展。我特别感谢郑志航教授对这些工作的领导。今天我谈的是中国社会主义人权国际主义的建设。这一讨论是在人权国际化的大背景下进行的，因为两者在过去几十年中都有发展。由此产生的人权的重新概念化为我们提供了一个重要的窗口，让我们了解目前大多数政治社会以各自的方式所追求的东西，即一个公平和公正的国际秩序的讨论状况。然而，现在这种努力是在这些理想的愿景变得更加尖锐的争论中进行。

⁷ Larry Catá Backer, *Hong Kong Between 'One Country' and 'Two Systems': Essays from the Year that Transformed the Hong Kong Special Administrative Region (June 2019 – June 2020)* (Little Sir Press, 2021); chp. 9.

构成这一新的社会主义国际主义愿景的原则究竟是什么？在中国国务院新闻办公室和外交部举办的 2019 年人权论坛上，这些原则得到了全面的确认。这些原则既是众所周知的，又是明确的。它们包括（1）“构建人类共享的未来和全球人权治理共同体”，（2）“发展权。一带一路”倡议促进了 2030 年可持续发展议程的实现，以及（3）“全球南方国家人权保护的实践和经验”。这些原则将三个基本概念联系在一起——全球主义、可持续发展和人权。今天，这些概念是建设社会主义人权体系和社会主义国际主义的基础性原则。它们代表了中国马克思列宁主义在当前新时代先进的当代结构发展的外在表现。

这些原则目前的表达方式最初是在习近平领导的初期以现有形式阐述的。2013 年 3 月 23 日，习近平主席在莫斯科国立国际关系学院的演讲中，阐述了中国对人类共同未来的愿景，当时中国首次宣布了后来的“一带一路”倡议。2021 年，习近平主席在联合国大会的讲话中进一步阐述了中国对社会主义全球秩序的愿景。其主要内容包括克服大流行病的挑战，追求更绿色和更平衡的全球发展，围绕相互尊重和合作共赢的概念，接受一个新的国际关系秩序的全球团结，并在此基础上建立一个更完善的全球治理和多边主义实践。

同年，这一路径在 2021 年题为“新时期中国的国际发展合作”的国务院白皮书中得到扩展。繁荣与稳定在这份白皮书中占据了突出位置。最近，在 2022 年 9 月 21 日国务委员兼外交部长王毅在全球发展倡议之友小组部长级会议上发表的主旨演讲中，中国官员扩大并深化了人权和发展。其目的是为了巩固对长期以来在自由民主国家领导下形成的、嵌入国际机构工作方式中的人权和发展的主导性做出回应。

总的来说，这些事件让我们看到了中国社会主义国际化的关键因素。它们还指出，这些要素是如何将共同体的理论与人类的共同价值观以及社会主义人权原则结合起来的。它们结合起来，以 GDI、“一带一路”倡议，以及更广泛的中国社会主义国际主义的形式，提供了一个替代的全球模式。在更深的层次上，这些运动证明了新时代理论在其外在表现形式上更加成熟，同时也是一个模板，对国内和全球秩序有类似做法的国家可以据此塑造自己的命运。

中国理论的这些新表达为考虑社会主义人权工程更深刻的影响提供了基础，其基础是人权发展的理论，并以人类共享未来的共同体的总体原则为基础。尤其值得考虑的是，在日内瓦和纽约的联合国机构所监督的“标准”或正统的人权叙述与中国领导下的南南对话中可能出现的关键差异的一些范围和影响。这些转变将对作为全球概念的人权完整性的新的具体概念产生重要影响，并对其断裂的运动产生重要影响，这反映了全球贸易按区域划分的断裂。

我们的目标是为人权和人权讨论的焦点的根本转变提供一条道路。这种转变将使讨论的核心从自由民主意识形态的话语套路转移到新兴的马克思列宁主义话语框架中。即使在那些自认为是传统国际主义人权意识形态先锋的人继续推进并更深入地推动人权、发展和国际主义的方法时，上述转变也正在发生。在自由民主国家的核心领导下，该项目仍然强烈地嵌入到体制性国际法和规范的基本结构中。它继续作为国际社会的合法话语发挥作用。

但是，更成熟的社会主义道路对国际关系的挑战，以及在国际关系中对人权框架的挑战，现在证明了社会主义和自由民主主义在塑造世界秩序方面存在着更大和更公开的分歧。这种分歧可能不会影响许多目标或做法。然而，它确实影响了对重要的基本原则和解释的态度，这些原则和解释有助于建立对发展的作用和重要性、人权的性质和内容以及可持续性的核心地位的结构和理解。其结果是使国际社会回到了一个在明确选择的阴影下运作的时代。这个选择是在两种体系之间进行的，一种是将经济、社会和文化权利视为有效培育公民和政治权利的必要前提，另一种是基于公民和政治权利是有效和合法发展和保护经济、社会和文化权利的前提这一排序原则的体系。

因此，了解中国的道路很重要。同样重要的是，要研究它如何将话语从传统的自由市场驱动的行为者的话语中转移出来。传统的人权和人权话语以自由民主的社会-政治-经济秩序赖以组织的意识形态的关键前提为出发点，并通过这种意识形态来理解他们自己。这种人权论述是以个人为中心的。它谈到了个人与权力中心之间的关系，这些权力中心影响着作为自主存在的个人和集体组织中的个人。个人有权利，国家和其他权力机关有义务和责任。

马克思列宁主义国家把关键的意识形态基线作为他们的出发点，即人权是从集体中产生的，并以集体为中心。更好的说法是，它以一个金字塔式的集体周边系统为中心，所有的集体都被义务的辐条绑在一个领导核心上。个人有期望；集体权威有权利、义务和责任。改善个人集体的福利是国家的首要职责。因此，可以理解和阐述人权的核心框架是通过国家的主要职责是确保集体的繁荣和稳定这一原则。公民权利和政治权利被理解为必然受到确保繁荣和稳定的总体要求的制约，并从该要求出发。

这种新的人权语言反过来需要一种新的词汇。它需要一种词汇，将话语的重点（以及作为政策、规则和规范的术语的理解和应用方式）从人权（个人）的语言和词汇转向发展（社会和集体机构）的语言和词汇。

这是一个重要的工程。它不仅建立了权利和责任的结构，还建立了使社会理解周围世界的方式合理化和有序化的叙事。对叙事的构建和人们（包括有影响力的集体领导团体）拥护期望的方式有一定的控制，伟大的原则只有在附加到对意义和合法性标记的共同理解上时才能获得意义。在这种情况下，中国明白，对于那些传统上被自由民主意识形态的话语套路所垄断的核心事务（自 20 世纪 80 年代末苏联及其附属国解体以来，其权威性几乎无可争议），开发新的词汇和新的框架非常重要。中国领导人现在的行动似乎是基于这样的理解：除非能够对意识形态的观点进行某种控制，否则就不可能获得对意义创造的影响，而对象、思想和行动都是从这些观点中被赋予意义的。这就是中国“双赢”战略的精髓，也是中国社会主义国际主义的精髓。

Thank you.

感谢各位！

ANNOTATED LONGER VERSION:

I am grateful for the opportunity to participate in this side event, Human Rights Development in the Perspective of Community With Shared Future for Mankind, hosted by the China Society for Human Rights and organized by Shandong University on the occasion of the 51st Human Rights Council. I am especially grateful to Professor Zheng Zhihang for his leadership in those efforts. Today I speak to the construction of Chinese Socialist Human Rights Internationalism. That discussion is undertaken within the broader context of the internationalization of human rights as both have developed over the last decades. The resulting reconceptualization of human rights offers an important window on the current state of discourse around what most political societies seek, each in their own way—that is, a fair and just international order. Yet this striving is now undertaken at a time when the vision of those ideals have become more sharply contested.

What exactly are the principals that make up this new socialist internationalism vision? The principles were comprehensively identified in the 2019 South-South Human Rights Forum, organized by the Chinese State Council Information Office and the Ministry of Foreign Affairs. The principles are both well-known and clearly identified. They included y included (1) “Building a Community with a Shared Future for Mankind and Global Human Rights Governance,” (2) “The Right to Development: The Belt and Road Initiative Promotes the Realization of the 2030 Agenda for Sustainable Development,” and (3) “The Practice and Experience of Human Rights Protection in the Countries of Global South.”⁸ These principles interlink three fundamental concepts—globalism, sustainable development, and human rights. Today, these concepts serve as the foundational principles for the construction of a Socialist System of Human Rights and Socialist Internationalism. They represent the outward face of the development of the advanced contemporary structures of Chinese Marxist-Leninism in its current New Era.

The current expression of these principles were initially elaborated in their current form at the start of the leadership of Xi Jingling. In his now well-known 23 March 2013 speech at Moscow State Institute of International Relations, President Xi Jinping elaborated China’s vision for a community with shared future for mankind at about the time that China first announced what would become the Belt & Road Initiative. In both cases the object was to present both a concept and an operational model for a new approach to global relations that was meant to shift its emphasis, one that offered China’s success as a model that could be contextually exported. In an important speech elaborating the concept, President Xi Jinping explained:

An old Chinese saying goes, when you reap fruits, you should remember the tree; when you drink water, you should remember its source. China’s development has been possible because of the world, and China has contributed to the world’s development. We will continue to pursue a win-win strategy of opening-up, share our development opportunities with other countries and welcome them aboard the fast train of China’s development.⁹

⁸ ‘2019 South-South Human Rights Forum builds consensus among developing countries,’ Xinhua (12 December 2019); available [http://www.xinhuanet.com/english/2019-12/12/c_138626094.htm].

⁹ Xi Jinping, ‘Work Together to Build a Community of Shared Future for Mankind,’ Speech by H.E. Xi Jinping at the United Nations Office at Geneva (18 January 2017) available [http://www.xinhuanet.com/english/2017-01/19/c_135994707.htm] (“The Belt and Road initiative I put forward aims to achieve win-win and shared development.

In 2021, in President Xi Jinping's remarks to the UN General Assembly,¹⁰ Mr. Xi described China's vision for a Socialist global order. Its principal components included overcoming the challenge of pandemic, pursuing greener and more balanced global development, embracing a revamped ordering of international relations, enhancing global solidarity around concepts of mutual respect and win-win cooperation, and on that of establishing a more refined practice of global governance and multilateralism. To that end President Xi put forward China's Global Development Initiative (GDSI). The key elements of GRI were to be centered (1) on development as the center around which the UN 2030 Agenda for Sustainable Development might be realized, (2) on bottom up focus on making available the fruits of development, (2) on more horizontal sharing of the benefits of development among all states, (4) on innovation driven development, (5) on emphasizing global environmental governance, and (6) on emphasizing results-oriented action that might be assessable and measurable.¹¹

This approach was elaborated in the same year in a State Council White Paper of 10 January 2021 entitled "China's International Development Cooperation in the New Era."¹² The important principles of prosperity and stability features tellingly in this White Paper.¹³ The term "economic and social development" appears as well, and "economic and social order" also appears.¹⁴ The document is rich with a vocabulary of building a world of collective development, one in which individual welfare is the measure against which the state's task of building prosperity and stability is assessed. A key framework for the elaboration of this Marxist-Leninist development internationalism is its alignment with the core principles and operating patterns of China's Belt and Road Initiative. One speaks here of programs built on policy coordination, and trade integration as well as integrated connectivity through infrastructure projects that build the spokes of a system of mutual inter-connection, improving trade capacity, deepening financial integration, and fostering closer ties among the populations of participating states. Here is the crux of the human rights project: "China has launched a series of people-oriented projects in Belt and Road countries to address such issues as housing, water supply, health care, education, rural roads, and assistance to vulnerable groups, helping to fill gaps in infrastructure and basic public services."¹⁵

Over 100 countries and international organizations have supported the initiative, and a large number of early harvest projects have been launched. China supports the successful operation of the Asian Infrastructure Investment Bank and other new multilateral financial institutions in order to provide more public goods to the international community.") Ibid.).

¹⁰ 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 (21 September 2021); available [http://www.news.cn/english/2021-09/22/c_1310201230.htm].

¹¹ Ibid.

¹² State Council Information Office of the People's Republic of China, China's International Development Cooperation in the New Era (10 January 2021) available [https://english.www.gov.cn/archive/whitepaper/202101/10/content_WS5ffa6bbbc6d0f72576943922.html].

¹³ Ibid. e.g., "Agriculture is the foundation of economic growth and social stability" *ibid.*, Chp IV.2; "Confronted by acute global challenges, no country can achieve lasting stability and development without solidarity, cooperation, and a partnership featuring peaceful and mutually beneficial cooperation, equality, openness, inclusiveness and shared growth" (*ibid.*, conclusion)

¹⁴ Ibid., (e.g., "We will increase the supply of global public goods, channel more resources to developing countries to support their sustainable economic and social development, and do more to help them remove development blockages"). Rights are mentioned in connection with women's rights and interests (*ibid.*, p. 26).

¹⁵ Ibid., p. 21.

Most recently, in a keynote address delivered 21 September 2022 by State Councilor and Foreign Minister Wang Yi at the Ministerial Meeting of the Group of Friends of the Global Development Initiative (GFI),¹⁶ Chinese officials broadened and deepened the visions for human rights and development. The object was to solidify a counter-approach to the dominant vision of human rights and development long developed under the leadership of liberal democratic states and embedded within the working style of international organs.¹⁷ This approach represents an advance from though with some affinity to the New International Economic Order of the 1970s.¹⁸ It draws from the NIEO its adherence to principles of sovereign equality, the right of states to develop their own economic model, and the centering of development as the core objective of that model, including local control of multinational enterprises. But it avoids the focus on self-determination, and emphasizes state to state cooperation to meet social, cultural, human rights, and environmental challenges, including climate change and pandemics. At the same time it emphasizes the need to subordinate market determinism to state managed public policy and governmental objectives.

The “One Earth Two Systems” idea is a basic manifestation of the contemporary world pattern established by nearly 200 sovereign states. The shared human values are based on the spatial fact that capitalist and socialist countries are developing synchronously. The theoretical intention and goal for the present stage is not to confront or eliminate capitalism. . . . Then how should we respond to current common predicaments and crises facing human society? Chinese Communists offer the answer: A peacefully developing world should carry civilizations of different forms, and countries should abandon ideological prejudices and go beyond the antagonism of ideologies to engage in mutually beneficial cooperation.¹⁹

Taken together these events provide a glimpse of the key elements of Chinese socialist internationalism . They also point to the way in which these elements align the doctrine of the community with shared values for mankind, with principles of socialist human rights. Combined, they are offered as an alternative global model in the form of the GFI, the Belt & Road Initiative, and more generally, of Chinese socialist internationalism. At an even deeper level, these movements evidence a more mature manifestation of New Era theory in its outward expression, and also as a template by which states with similar approaches to internal and global ordering might shape their own destinies.

¹⁶ ‘Press Statement of the Ministerial Meeting of the Group of Friends of the Global Development Initiative,’ Ministry of Foreign Affairs of the People’s Republic of China (21 September 2022) available [https://www.fmprc.gov.cn/mfa_eng/zxxx_662805/202209/t20220921_10769142.html].

¹⁷ ‘Jointly Advancing the Global Development Initiative and Writing a New Chapter for Common Development,’ Keynote Address by State Councilor and Foreign Minister Wang Yi at the Ministerial Meeting of the Group of Friends of the Global Development Initiative (21 September 2022); available [https://www.fmprc.gov.cn/eng/zxxx_662805/202209/t20220922_10769721.html].

¹⁸ See, Declaration on the Establishment of a New International Economic Order, UNGA Res. 3201 (S-VI), 29 UNGAOR Supp. (No. 1) at 3, UN Doc. A/9559 (1974); Programme of Action on the Establishment of a New International Economic Order, UNGA Res. 3202 (S-VI), 29 UNGAOR Supp. (No. 1) at 3, UN Doc. A/9559 (1974); Charter of Economic Rights and Duties of States, UNGA Res. 3281, 29 UNGAOR Supp. (No. 31) at 50, UN Doc. A/9631 (1974).

¹⁹ Sang Jiaquab and Dai Yuqi, ‘Shared human values to foster community of shared future,’ Chinese Social Sciences Today (12 September 2021); available [<http://www.csstoday.com/Item/9625.aspx>].

Jointly these emerging expressions of Chinese theory provide a basis to consider some of the more profound ramifications of this project of Socialist human rights, its foundations in theories of the human right to development, and grounded in the overall principles of a Community of Shared Future for Mankind. In particular, it may be worth considering some of the scope and implications of critical differences between the “standard” or orthodox human rights narrative overseen by the U.N. apparatus in Geneva and (sometimes) New York, and what may be emerging from South-South conversations under the leadership of China. These shifts will have important consequences for emerging specific conceptions of the integrity of human rights as a global concept, and on the movements toward its fracture, which mirror the fracture of global trade along regional lines. Ultimately, it suggests that multilateralism may again diverge between a socialist path, a development path and a liberal democratic path, each with a different lens for approaches human rights and sustainability challenges.

The object is to offer a path to a fundamental shift in the focus of human rights and human rights discourse. That shift would move the core of discussion from one framed in the discursive tropes of liberal democratic ideology to one framed in an emerging Marxist-Leninist discourse.²⁰ The shift is occurring even as those who think themselves the vanguard of traditional internationalist human rights ideology continue to advance and more deeply develop the dominant approach to human rights, development, and internationalism. Under the core leadership of liberal democratic states that project remains strongly embedded in the basic structures of the institutional international law and norms. It continues to function as the legitimating discourse of the international community.

But the challenge of a more mature Socialist path to international relations and to the framing of human rights within it now evidences a greater and more open divide between Socialist and Liberal Democratic approaches to shaping the world order. That divide may not affect many objectives or practices. It does, however, affect the approach to important fundamental principles and interpretations that serve to build structures and understandings of the role and importance of development, of the nature and content of human rights, and of the centrality of sustainability. The result is to return the international community to a time when it operated in the shadow of a clear cut choice. That choice is between systems that view economic, social, and cultural rights as a necessary predicate to the effective nurturing of civil and political rights, and those systems that are based on the ordering principle that civil and political rights are the predicate to effective and legitimate development and protection of economic, social, and cultural rights.

It is therefore important to understand the Chinese path and the way that it shifts the discourse from that of traditional liberal democratic markets-driven actors. Traditional human rights and human rights discourse takes as its starting point the key premises of the ideology on which liberal democratic social-political-economic orders are organized and through which they understand both themselves. That human rights discourse is centered on the individual. It speaks to the relationship between the individual and centers of power that affect the individual as an autonomous being and within collective organization. Individuals have rights—states and other organs of power have duties and responsibilities. Most of these are negative (limitations of authority) though increasingly some of these are positive (protect life, including life on the planet). The principal positive responsibility of organs of

²⁰ Larry Catá Backer, ‘China,’ in *Tipping Points in International Law: Critique and Commitment* 52-73 (Jean d’Aspremont, and John Haskell eds., Cambridge University Press, 2021)

power is to preserve to the individual effective spaces for the exercise of civil and political action, including the right to agitate for the transformation or abandonment of specific systems of governance or the authority of people to exercise authority (though even here political systems sometimes reach their limits as the tragic agitation of 6 January 2021 in the United States is now suggesting). Those rights also include protection of opportunity for and the preservation of dignity sufficient to permit individuals to enjoy a certain basic level of economic, social, and cultural rights. The extent of these protections is understood as a function of the popular exercise of civil and political rights.

Marxist-Leninist States are driving a quite distinct vision of human rights, first in a crude way in the 1960s-70s, and now in a much more sophisticated way. These take as their starting point the key ideological baselines of emerging (Chinese) Marxist-Leninism and the way in which they understand themselves and the world around them. That discourse is centered on the collective—of institutions, of mass organizations, and of the organs of political and administrative power. Better put, it is centered on a pyramidal systems of hubs of collectives all connected by the spokes of obligation to a leadership core. Individuals have expectations; collective authority has rights, duties, and responsibilities. The betterment of the welfare of the individual collectively is the primary duty of the state. The state itself is guided in that duty by the vanguard elements of society, organized as a collective to which all political authority is vested. The primary right of the individual is to receive the benefits of collective betterment through the development of productive forces in the economic, social and cultural spheres. The primary human right of society is development; the primary duty of the political leadership is the augmentation of economic, social, and cultural rights. It is the duty of the individual to ensure that they contribute to this collective effort. *And thus the core framework within which human rights can be understood and elaborated are through the principle that the state's primary duty is to ensure the prosperity and stability of the collective* (discussed, e.g., in the context of the situation in Hong Kong).²¹ Civil and political rights are understood as necessarily constrained by and proceeding from the overall imperative to ensure prosperity and stability.

This new language of human rights requires, in turn, a new vocabulary. It requires a vocabulary that shifts the emphasis of discourse (and thus the way that terms are understood and applied as policy and rules and norms) *from the language and vocabularies of human rights (of the individual) to that of development (of society and collective institutions)*. The language of development fits in quite nicely within a meaning universe grounded in core Marxist-Leninist principles. It is especially appealing to (and here a fortuitous mirroring of language) developing states, for which the elaborate notions of detachable individual rights within robust and fractious political engagement may conflict with the necessity of or desire to increase (or develop) collective welfare. It has the disadvantage of insulating leadership cores from the instability of popular dissatisfaction but carries with it the conclusion that the value of prosperity (assuming it can be delivered) and stability (assuming it can be maintained) exceed that of accountability and protection against the corruption and self-serving temptations to a leadership core (assuming such temptations are indulged).

China, as a vanguard Marxist-Leninist state, has accelerated efforts from 2012 (and the 18th Communist Party Congress) and especially since 2018, to develop a Marxist-Leninist approach to human rights and

²¹ Larry Catá Backer, *Hong Kong Between 'One Country' and 'Two Systems': Essays from the Year that Transformed the Hong Kong Special Administrative Region (June 2019 – June 2020)* (Little Sir Press, 2021); chp. 9.

to develop a Leninist vocabulary around which to frame its approach through a discourse grounded in the core concepts of prosperity and stability rather than of rights. This is an important project. It builds not just structures of rights and responsibilities but also narratives that rationalize and order the way that societies understand the world around them. Some control of the way that narratives are constructed and people (including influential collective leadership groups) is critical to the investing of great principles with ideologically aligned meaning. That is possible only when they are attached to a collectively embraced system of common understanding of meanings and markers of legitimacy. In that context China understands that it is important to both develop a new vocabulary and a new framing for those core matters traditionally monopolized by the discursive tropes of liberal democratic ideologies (the authority of which had been virtually undisputed since the fall of the Soviet Union and its dependencies in the late 1980s). Chinese leaders now appear to act on the understanding that it is impossible to acquire influence over meaning making unless one can exercise some control over the ideological perspectives from out of which objects, thoughts, and actions are invested with meaning. Here is the essence of the Chinese "win-win" strategy, and more generally of Chinese Socialists internationalism.

These trajectories of counter narrative are most acutely evident in the 2019 South-South Human Rights Forum. These points to an interesting emergence of a counter-narrative to orthodox the human rights discourse. Let me briefly outline them.

First, there is now in evidence a human rights discourse that effectively abandons the post 1945 Western model that was grounded in the centrality of the individual and the premise of *human dignity* as the unalterable foundation of all human rights structures. The whole edifice of human rights, which one might consider to have been built on the foundation of an internationalization of Article 1 of the German Basic Law does not serve as the ordering element of at least some variations of South-South human rights frameworks.

Second, in place of human dignity, some of the members South-South Forum offer development as a substitute. This can be understood an interesting advance of the development—from the time of the great human rights debates of the 1970s that saw the unified structure of the Universal Declaration of Human Rights (UDHR) fracture between civil and political rights, on the one hand, and economic, social and political rights on the other. The South-South Forum offers an updated version of the Soviet Bloc-Bandung Conference position modified by the thrust of developments in the 1980s that produced the UN Declaration on the Right to Development (1986).²² It offers a view of human rights measured in the long term (that is one that is based on aggregate long term improvement even at the cost of short term deficiencies deliberately tolerated for the greater good in the future). *That is, one might have to refashion the priorities of human rights now (assuming agreement on the nature and extent of that prioritization) as long as it is done for the likelihood of a brighter future for all—measured in terms of economic, social, cultural and environmental progress. This is a very different vision from that cultivated in Geneva.*

Third, this model is already being delivered within the UN apparatus, as well as in these stand-alone conferences. IN 2017, for example, Zhang Jun, China's permanent representative to the United Nations (UN), spoke to the UN General Assembly's Social, Humanitarian, and Cultural Affairs Committee of

²² UNGA Res. 41/128, 4 December 1986.

China's position and proposals on human rights. He said that promoting and protecting human rights is "the common ideal of humanity," adding "there is still a long way to go in the journey towards common development and human rights enjoyed by all."²³ Article 1 of the Joint Declaration of the South-South Human Rights Forum clearly described the relationship between the concept of building a community of shared future for mankind to the construction of human rights frameworks. It is worth considering in full:

In order to ensure universal acceptance and observance of human rights, the realization of human rights must take into account regional and national contexts, and political, economic, social, cultural, historical and religious backgrounds. The cause of human rights must and can only be advanced in accordance with the national conditions and the needs of the peoples. Each State should adhere to the principle of combining the universality and specificity of human rights and choose a human rights development path or guarantee model that suits its specific conditions. States and the international community have a responsibility to create the necessary conditions for the realization of human rights, including the maintenance of peace, security and stability, the promotion of economic and social development and the removal of obstacles to the realization of human rights.²⁴

This approach necessarily produces a structure that is inconsistent with that advanced for many decades by liberal democratic states through international organs. That framework embraces the idea of the universality of human rights, and understand national conditions as a temporary obstacle to the realization of universal application of rights that are indivisible and interlinked. It is centered on individual self-actualization rather than on principles of collective integrity such as stability and national security.

Fourth, the template for this approach to human rights is China itself. That is the fundamental point of the speech of Huang Kunming, member of the Political Bureau of the CPC Central Committee and Minister of the Propaganda Department of the CPC Central Committee, redacted (originally only in Chinese) below. The China model of human rights, then, can be understood as the path offered by Deng Xiaoping to China a generation ago: Emancipating the Mind, Reform and Opening Up. That is not enough—to make it work, Chinese human rights combines the theory of Reform and Opening Up with the fundamental premises of Socialist Modernization (the focus on the development of productive forces). Once that is undertaken (over the course of a generation or so), then the state and its apparatus will be ready to more precisely inculcate appropriate values—to engage in the political work that then refocuses from productivity and development of the economic resources of the nation, to a refocus on the development of the cultural and social position of the community within that productive culture. That is the baseline against which

²³ 'Countries must follow path of human rights development suited to national conditions: Chinese envoy,' South-South Human Rights Forum Portal (27 November 2017); available [http://p.china.org.cn/2019-11/27/content_75452706.htm]. Much of this can be found in the 2017 'Full Text of Beijing Declaration adopted by the First South-South Human Rights Forum,' Xinhua South-South Human Rights Forum Portal (10 December 2017); available [http://p.china.org.cn/2017-12/10/content_50095729.htm].

²⁴ 'Full Text of Beijing Declaration adopted by the First South-South Human Rights Forum,' Xinhua South-South Human Rights Forum Portal (10 December 2017); *supra*.

Socialist Human Rights will be developed. And that is precisely what is being offered as the South-South win-win variation on human rights.

Fifth, the approach makes perfect sense in the context of the political and constitutional theories under which these two systems have developed.²⁵

Western liberal democracy developed its liberties based baseline of individual human rights against the backdrop of producing a democratic governmental order designed to preserve the social and cultural expectations of its populations (that is to preserve and perfect the customs and traditions of the people. There was no other specific goal. And indeed until the 20th century there was a singular unwillingness to engage in social engineering (as opposed to class based animal husbandry as social policy); though that unwillingness did not produce opposition to more "organic" cultural evolution.²⁶ At its worst, this is the society that perpetuates discrimination; it is a society as comfortable with slavery as it is with a pluralistic and multicultural society. And it is one that tends to revolve around an abstraction, human dignity, with precious few baselines that do not move across space and time.²⁷

Marxist Leninist states start from a transformative basic premise for legitimacy—the core obligation to establish a communist society within the nation. It is against this that all of the work of vanguard parties are judged. That baseline then, doesn't look so much to perfection of the present as transformation for a more perfect future. At its worst and most corrupt, of course, it becomes a facade behind which all sorts of atrocities may be perpetuated—a *Darkness at Noon*²⁸ society. But it need not always be at its worst. That is the point that China has sought to make over the last generation. And in the process it offers itself as a model for preventing the sort of Soviet decadence (and less spoken the Cultural Revolution error) that can tumble this approach.

Sixth, this model, however, is not offered merely for China; the point of all of this is to suggest that the Chinese model is transposable—and indeed more transposable given the positions of developing states than the liberal democratic model that has not appeared to have had much traction outside of its states of origin. This is in part a new form of Communist internationalism. But it is more than that. As the speech by Deputy Foreign Minister Ma Zhaoxu suggested at the time,²⁹ it is also a model that might be harmonized with or contribute to the development of the human rights project which, to date, has not embedded many of these sensibilities of the Marxist Leninist or developing world within its conceptual universe or in its sensibilities. That is especially the case with respect to the judgments inherent in the current human rights discourse that might be understood as more penetrative than engaging in their

²⁵ More extensively discussed in Larry Catá Backer, 'Party, People, Government, and State: On Constitutional Values and the Legitimacy of the Chinese State-Party Rule of Law System,' (2012) 30(1) *Boston University International Law Journal* 331-408.

²⁶ More extensively discussed in Larry Catá Backer, 'Culturally Significant Speech: Law, Courts, Society, and Racial Equity,' (1999) 21(4) *U. Ark. Little Rock Law Review* 845-879.

²⁷ More extensively discussed in Larry Catá Backer, 'Reifying Law - Government, Law and the Rule of Law in Governance Systems,' (2008) 26(3) *Penn State Int'l Law Review* 521-563.

²⁸ Arthur Koestler, *Darkness at Noon* (Scribner, reprint edition 2019 (1940)).

²⁹ 外交部副部长马朝旭在“2019-南南人权论坛”主旨演讲活动上的致辞 South-South Human Rights Portal 13 December 2019); available [http://f.china.com.cn/2019-12/13/content_75510471.htm].

relations downstream. That is not to say that there are no problems or that the current regime has failed. It is only to say, as far as the Chinese are concerned, that there is room for further development.

Seventh, it follows that the two views will be fundamentally incompatible—almost to the same extent as the baselines for the ordering of their political and economic systems are fundamentally incompatible. Where that incompatibility takes global discourse remains to be seen. But what will become more prominent will be exercises like this South-South Human Rights Conference mechanism. In the process the cultural significance of word—human rights, development, environment—may continue to change substantially. In the West through a merger between sustainability, bio-diversity and human rights. In the South (including its Chinese Marxist variation, one which may drive the discussion), through a merger of development, environment, and the fundamental obligations of those in power to popular collectives.

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I close with a consideration of how all of these movements are reflected in Xi Jinping’s speech delivered at the Commemorative Meeting of the 50th Anniversary of the Restoration of the Legal Seat of the People’s Republic of China in the United Nations.³⁰ The remarks are worth careful study. There are two reasons, one obvious and the other far more interesting. The first part of the remarks continues to make the case for the worthiness of the People’s Republic as a good world citizen, evidenced by the nature of its relaxations with foreigners, its engagement with foreign states in international forums, and especially by its own development through the internal version of its external narratives of stability and peace grounded in the vertically ordered interplay between leadership cores and their collectives.

But the second, and perhaps more subtle, reason touches on the discursive projections embedded in the speech. These draw on a famous poem by Tang dynasty (唐朝) poet, statement, soldier—Wang Changling (王昌龄; 698–756) in his 《送柴侍御》 [Farewell to Assistant Inspector Chai S]. “流水通波接武冈，送君不觉有离伤。青山一道同云雨，明月何曾是两乡。 [The flowing water connects Wugang with waves, sending you off without realizing hurt. The green hills are together with the cloud and the rain, and when two townships were under the bright moon.]. Xi Jinping used only the second line to close his speech—and to summarize the complicated view from China of its entanglements with the international community.

“青山一道同云雨，明月何曾是两乡。”让我们携起手来，站在历史正确的一边，站在人类进步的一边，为实现世界永续和平发展，为推动构建人类命运共同体而不懈奋斗！ [“The green mountains are the same as the cloud and the rain, and the bright moon was once two towns.” Let us join hands, stand on the right side of history, stand on the side of human progress, and make unremitting efforts to achieve sustainable and peaceful development of the world and to promote the building of a community with a shared future for mankind. struggle!] (Xi Jinping’s speech)

³⁰ 习近平在中华人民共和国恢复联合国合法席位 50 周年纪念会议上的讲话 (25 October 2021); available [http://www.news.cn/politics/leaders/2021-10/25/c_1127992532.htm]

This is not a poem of coming together but of physical separation and emotive unity. based on friendship and community. It is a recognition of parting, but it is an amicable parting among friends who remain united under the heavens. It is a recollection of the warmth generated by the memory of a time together at the moment when it ends (this stage in the historical development of the relationship). What lingers is the amity cementing a connection through which each, from their own place, may continue to interact in a positive way. Here is the essence of the Chinese "win -win" strategy, and more generally of Chinese Socialists internationalism.

Thank you.