Do the Rights to Subsistence and Development Take Priority over Civil and Political Rights?

Version 1.1 · Revised 24 November 2026 (First published 15 November 2026)

Canonical URL: https://freechina.live/china-news-updates/democracy-civil-society/en-cce-011-subsistence-development-rights-vs-civil-political-rights/ (latest version at this URL)

© 1998-2026 Free China Movement

Contact: contact@freechina.live · https://freechina.live

Abstract: The word "priority" has at least three different meanings, and any discussion must separate them from the start. The first is budgetary ordering in a crisis: when resources cannot meet every need at once, spend first on keeping people alive and meeting basic needs. The second is the sequencing of a development strategy: at different stages, a country's fiscal and administrative capacity determines which projects come first and which come later. The third is a permanent legal hierarchy: whether a state may, in the name of economic development, permanently downgrade freedoms of expression and association, elections, and access to judicial remedy. The first two may, under specific conditions, be reasonable policy judgments; the third cannot be derived automatically from the first two.

The two 1966 international human rights covenants, the 1986 Declaration on the Right to Development, and the 1993 Vienna Declaration and Programme of Action all require us to distinguish the legal force of a norm from the practical outcome of a policy. This article presents, faithfully, both the Chinese government's argument as set out in two 2021 white papers and the critics' concerns about oversight, remedy, and the indivisibility of rights. Its conclusion is that giving priority in a crisis to protecting life and basic livelihood has strong policy legitimacy, but a policy sequence cannot automatically be converted into an absolute legal hierarchy of rights, nor can it authorize the long-term deprivation of expression, association, political participation, and judicial remedy.

1. The Three Levels of "Priority"

The phrase "subsistence first" is often used in everyday discussion as if it had a single meaning. In fact it contains at least three claims that can be tested separately. The first is budgetary ordering: where fiscal resources are limited, should a government spend first on food, drinking water, basic health care, and housing, rather than on other projects? This is a policy judgment under conditions of scarcity; the answer depends on the urgency, costs, and benefits at the time, and can in principle be revisited year by year and item by item.

The second is sequencing of implementation: at different stages of development, a state's administrative capacity and fiscal revenue differ, so the full realization of some rights has to proceed in stages. Building hospitals, laying water pipes, and establishing a social security system all take time — few would deny this. The question is whether proceeding in stages is the same as being entitled to postpone another category of rights indefinitely.

The third is legal hierarchy: whether a state may, in law, exclude or permanently downgrade freedom of

expression, freedom of association, the right to vote, and the right to judicial remedy in the name of economic development. This is a claim of an entirely different nature. It is no longer an arrangement of "what to do first and what to do later," but a claim of hierarchy: that one category of rights ranks below another in law. The three must each be proven separately: the reasonableness of budgetary priority does not directly prove the reasonableness of a legal hierarchy, and the necessity of phased implementation does not directly prove the legitimacy of permanently excluding a category of rights. Conflating the three meanings is the most common logical slide in this debate.

2. Terms

Before discussing "priority," several key concepts must be distinguished, or the debate will become people talking past each other.

Article 6 of the International Covenant on Civil and Political Rights (ICCPR) protects the inherent right to life: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."[1] This is a prohibition on the arbitrary deprivation of life, directed chiefly at state acts that take life through killing, enforced disappearance, or extrajudicial execution.

Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) concerns an adequate standard of living, including adequate food, clothing, and housing, and the fundamental right to be free from hunger; Article 12 concerns the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.[2] These two articles concern the material conditions and health protection necessary to sustain life, and are related to, but not identical with, the right to life in Article 6 of the ICCPR.

The term "right to subsistence" (生存权) in Chinese policy discourse is often much broader than the right to life in ICCPR Article 6: it commonly covers a whole set of material living conditions at once — freedom from hunger, shelter, basic medical care, and employment. To equate "the right to subsistence" directly with Article 6, or to read Article 6 directly as a set of social-security obligations, is a conceptual confusion. Likewise, "the right to development" (发展权) can refer in different contexts to a state's development policy, to an individual's opportunities for development, or to the specific rights claim set out in the 1986 Declaration on the Right to Development.[3] Whenever this article cites one of these concepts, it states which document it comes from and which specific right it points to.

3. The Common Starting Point of the Two Covenants

The preambles of the two 1966 covenants share a common starting point: freedom from fear and freedom from want can only be achieved if everyone enjoys both civil and political rights and economic, social and cultural rights. Both preambles recognize that the two categories of rights are interrelated and that neither may be neglected in favor of the other. This common starting point matters, because it means the drafters of the two covenants did not consider one category of rights substitutable for the other.

Article 2(1) of the ICESCR provides that a State Party undertakes "to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant."[2] The phrase "progressive realization" is often misunderstood. It means that the full realization of certain economic and social rights requires time and investment of resources; it is not an excuse for "never having to comply." From the date of ratification, a State Party is obliged to take concrete steps toward full realization, and may not regress or refuse to take any action on the grounds of "progressiveness."

Article 2 of the ICCPR, by contrast, requires States Parties to respect and to ensure the rights recognized in the Covenant, and to provide an effective remedy to any person whose rights have been violated.[1]

This obligation is immediate and carries no "progressive realization" qualification. The difference between the two Article 2s reflects the different ways in which the two categories of rights are realized, but it does not establish a legal hierarchy between them.

When studying any specific country, one must also check, case by case, that country's ratification status, reservations, and related obligations; signature must not be mistaken for ratification. Take China as an example: China signed the ICCPR on 5 October 1998 and has not yet ratified it; China signed the ICESCR on 27 October 1997 and ratified it on 27 March 2001. This means the ICESCR is binding on China as a treaty, while the ICCPR has not yet created treaty obligations for China — although China, as a signatory, remains obliged not to defeat the object and purpose of the Covenant. Any judgment about "which article China has violated" must first state this treaty status clearly.

4. Specific Economic and Social Rights

Articles 6 to 9 of the ICESCR concern the right to work, the right to just and favorable conditions of work, the right to form trade unions, and the right to social security; Articles 11 to 13 concern an adequate standard of living, the right to health, and the right to education.[2] What these provisions have in common is that they make the protection of basic livelihood a matter of the state's obligations regarding rights, not a benefit that may be withdrawn at will. Whether a person can obtain food, housing, medical care, and education is, within the framework of the Covenant, not a favor from the government but a right the rights-holder may claim.

Article 8(1)(a) guarantees the right of everyone to form trade unions and join the trade union of his choice. When China ratified the ICESCR in 2001, it made a declaration on Article 8(1)(a): the application of that subparagraph to China "shall be consistent with the relevant provisions of the Constitution of the People's Republic of China, the Trade Union Law of the People's Republic of China and the Labour Law of the People's Republic of China." China characterizes this statement as a declaration, while the Office of the United Nations High Commissioner for Human Rights and the Committee on Economic, Social and Cultural Rights treat it as a reservation to Article 8(1)(a). Whatever its characterization, two points should be stated accurately: first, the declaration concerns only Article 8(1)(a) — the right to form and join trade unions — and not the whole of Article 8; second, its very existence shows that the protection of economic and social rights also encounters disputes over reservations, interpretation, and implementation in practice. Economic and social rights are not uncontroversial "hard rights," and civil and political rights are not "soft rights" without a normative basis.

Article 4 further provides that limitations on the rights recognized in the ICESCR may only be determined by law and only "for the purpose of promoting the general welfare in a democratic society."[2] This provision sets the boundary for limiting economic and social rights: a limitation must have a legal basis, must be compatible with the nature of the right, and must serve the general welfare; it cannot become a pretext for arbitrary cuts.

5. Specific Civil and Political Rights

Corresponding to economic and social rights, the ICCPR recognizes a series of specific civil and political rights. Article 9 prohibits arbitrary arrest and detention and protects liberty and security of person; Article 14 guarantees equality before the courts and the right to a fair and public hearing by a competent, independent and impartial tribunal established by law; Article 19 guarantees the right to hold opinions without interference and freedom of expression, including freedom to seek, receive, and impart information and ideas of all kinds; Articles 21 and 22 guarantee freedom of peaceful assembly and freedom of association respectively; Article 25 guarantees the right to take part in the conduct of public affairs, to vote and to be elected at genuine periodic elections, and to have access, on general terms of equality, to public service.[1]

These rights are not abstract slogans; in daily life they correspond to very concrete protections. A miner who discovers a safety hazard in the mine needs to be able to report it to the relevant authorities without

fear of retaliation; a resident who believes land-expropriation compensation is unfair needs a channel to raise objections and obtain a fair ruling; a patient who suffers a medical accident needs to be able to bring a case before a court and obtain a remedy. The rights in these scenarios — expression, association, participation, and access to a fair trial — are precisely the substantive content of civil and political rights. To describe them as "luxuries unrelated to putting food on the table" is to misunderstand what these rights do.

At the same time, it must be acknowledged that the exercise of these rights is not without limits. Article 19(3) sets out the conditions for restricting freedom of expression: restrictions must be provided by law and must be necessary for respect of the rights or reputations of others, or for the protection of national security or of public order, or of public health or morals.[1] Article 21 sets out different conditions for freedom of peaceful assembly: restrictions must be imposed in conformity with the law and must be necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.[1] The question discussed in this article is not whether rights may be subject to any restriction at all, but whether "development first" constitutes a special reason capable of keeping an entire category of rights depressed over the long term.

6. Accurate Attribution of the Official Position

The Chinese government's clearest statement of the priority of the right to subsistence appears in Part VII of the white paper *The Communist Party of China and Human Rights Protection — A 100-Year Quest* (《中国共产党尊重和保障人权的伟大实践》), issued by the State Council Information Office in June 2021. The Chinese original reads:

"中国共产党坚持从国情出发，创造性地提出'生存权、发展权是首要的基本人权'的人权观，构建起了中国人权事业不断发展进步的'密码'。生存权是享有其他权利的前提和基础，是处于首要地位的权利。发展权与生存权是紧密相连的。"[6]

The corresponding official English reads: "The right to subsistence comes before any other right, and the right to development is closely connected to the right to subsistence."[6] The Chinese "前提和基础" ("prerequisite and foundation") and "处于首要地位" ("occupying the foremost position") differ in formulation from the English "comes before any other right," but they express the same claim: the right to subsistence occupies the foremost position in the ordering of rights. The preface of the white paper uses the same formulation: "坚持生存权、发展权是首要的基本人权" ("upholding that the rights to subsistence and development are the primary basic human rights").[6]

What must be attributed accurately is that this is a claim made in a white paper issued in the name of the State Council Information Office as an institution — not a verified oral remark by a particular leader. When citing it, one should note the document's title, the issuing institution, and the date, rather than treating it as an individual's words. It should also be noted that Part VII is the concluding part of the whole white paper, and its argument rests on the book's overall account of the Communist Party of China's century-long history and human rights practice; quoting a single sentence in isolation from that context weakens the completeness of the argument.

7. The Official Account Also Stresses Coordination

Quoting only the "priority" formulation in the June 2021 white paper would omit the other side of the Chinese official account. The white paper *Moderate Prosperity in All Respects: Another Milestone Achieved in China's Human Rights* (《全面建成小康社会：中国人权事业发展的光辉篇章》), issued by the State Council Information Office in August 2021, while stressing the priority of subsistence needs, also explicitly calls for the coordinated development of all categories of human rights. Part I states:

"全面建成小康社会首先要保障生存权。生存是享有一切人权的基础。"[7]

The same part also states: "全面建成小康社会必然要实现各类人权协调发展。……坚持人权相互依存、不可分割的基本原则，既保护经济社会文化权利，又保障公民人身权、人格权、财产权和民主政治权利，全方位增进各类人权和基本自由。"[7] The English text reads: "The right to subsistence comes first among all human rights." and "It upholds the basic principle of interdependence and indivisibility of human rights."[7]

It is worth noting that the English wording of the two white papers is not identical: the June 2021 white paper says the right to subsistence "comes before any other right," while the August 2021 white paper says it "comes first among all human rights." The former stresses being "before other rights," the latter stresses "occupying the first place among all human rights." Both place the right to subsistence first, but their tone and emphasis differ slightly, and they should not be conflated in citation.

More importantly, the August 2021 white paper places "priority" and "coordination" in the same passage. The end of Part VII of the June 2021 white paper contains a similar juxtaposition: "中国共产党既重视集体人权，又重视个人人权；既重视生存权、发展权首要地位，又重视公民权利、政治权利和经济社会文化各项权利的协调发展" ("The Communist Party of China attaches importance both to collective human rights and to individual human rights; it attaches importance both to the primary status of the rights to subsistence and development and to the coordinated development of civil rights, political rights, and economic, social and cultural rights").[6] A fair study should present both aspects together: the official position asserts both the primary status of the rights to subsistence and development and the coordinated development of all categories of human rights. To present only the former without the latter, or only the latter without the former, is to quote out of context.

As for the specific figures on poverty-alleviation achievements in the white papers, this article does not independently verify them. When citing official poverty-alleviation results, one should distinguish three different kinds of evidence — official self-reporting, independent investigation, and academic causal estimation — as discussed in Section 16.

8. The Strongest Case for Prioritizing Subsistence

The strongest case for "subsistence first" is not complicated; it rests on a fact that is hard to deny: hunger, infectious disease, and homelessness directly undermine a person's life, dignity, and capacity to exercise any right. A person who is starving will find it hard to exercise freedom of expression; a community without clean drinking water and basic medical care will find it hard to organize effective public discussion. In this sense, securing subsistence is the material precondition for exercising other rights.

In an emergency, this argument is especially forceful. When floods, earthquakes, or an infectious-disease outbreak strike, directing fiscal resources first to food, basic medical care, drinking water, and safety facilities has strong legitimacy. No one would seriously argue that, while disaster victims still lack food and clean water, the government should spend the money elsewhere first. Budgetary priority in such circumstances is not an ideological choice but common sense.

But the limits of this argument should equally be stated clearly. Budgetary priority can only prove that, in a moment of limited resources and emergency, certain spending should come before other spending. It cannot by itself prove that depriving people of political freedom is necessary for development. From "hospitals should be built first" it does not follow that "independent trade unions should be abolished"; from "food security should be guaranteed first" it does not follow that "journalists should be forbidden to report on a disaster." Fiscal ordering and the deprivation of rights are two different questions, and the legitimacy of the former does not automatically transfer to the latter. The case for prioritizing subsistence is strong so long as it stays at the level of budgets and emergencies; once it crosses that boundary and is used as a reason to keep an entire category of rights depressed over the long term, its force falls sharply.

9. The Strongest Case Against an Absolute Hierarchy

The strongest case against placing the right to subsistence in an absolute hierarchy above other rights likewise rests on a fact that is hard to deny: without journalists, independent trade unions, community organizations, and judicial remedy, economic growth can conceal forced land expropriation, workplace accidents, environmental pollution, and unfair distribution. Victims cannot effectively expose problems or obtain correction, and problems persist over the long term under the name of "development."

The core of this argument is information and correction. The formulation and implementation of economic policy need feedback: where land-compensation payments are inadequate, where factory safety standards are not met, where disaster-relief supplies have been diverted — this information can only reach decision-makers and the public in good time if people can express themselves freely, associate freely, obtain information freely, and turn to the courts. Suppressing these channels may make economic figures look more "stable" in the short term, but over the long term it accumulates greater risk — because errors go uncorrected, and small problems drag on until they become large ones.

Deferring political rights to an indefinite future also has a structural problem: who decides when "development is complete"? If the promise of "development first, freedom later" has no clear timetable or standard for delivery, it can never be tested. Any generation can say "the time has not yet come," while the delivery of rights is postponed indefinitely. A promise with no enforceable boundary is, in practice, scarcely different from no promise at all.

But this argument also has its own limits. It cannot substitute abstract procedural values for the food and medical care disaster victims urgently need. While floodwaters are submerging a village, debating the abstract principle of press freedom will not deliver drinking water to the victims. The case against an absolute hierarchy loses its persuasive force if it denies the reasonableness of budgetary priority in an emergency. Its reasonable form is: acknowledge fiscal priority in a crisis, while insisting that any depression of political rights must have a clear time limit, scope, and channel of remedy, and must not become a state without end.

10. Common Test Questions for Both Sides

Whether one supports or opposes "subsistence first," both sides should accept the same set of test questions. These questions assume no answer in advance, but either side's position loses persuasive force if it avoids them.

First, does the policy genuinely improve the lives of the most vulnerable? The figures for economic growth alone cannot answer this question. What matters is whether the incomes of the poorest people grow steadily, whether they can obtain medical care and education, and whether their standard of living genuinely improves rather than being hidden by averages.

Second, who defines "development complete"? If the promise of "development first, freedom later" is to stand, it must be stated in advance: what indicators count as "development complete," who judges it, and when the promised rights will be delivered after that judgment. Without these standards, the promise cannot be tested.

Third, who verifies the statistics? Who counts the numbers of people lifted out of poverty, income growth, and coverage rates, by what measure, and whether they are subject to independent verification — these questions determine the credibility of official achievements. Changes in statistical measures, methods of price adjustment, and the handling of regional differences can all significantly affect the conclusions.

Fourth, who can raise objections and obtain remedy? When the beneficiaries and the victims of a policy are not the same people — for example, when land expropriation benefits most people but leaves a minority homeless — whether the victims can raise objections and obtain a fair ruling and compensation is the key test of any development model. Development without channels for objection and remedy

cannot prove that it genuinely benefits everyone.

These four questions favor neither side. Supporters of "subsistence first" can use them to show that certain policies genuinely improved the lives of vulnerable people; opponents of an absolute hierarchy can use them to point out that certain policies lack verification and remedy. Their value lies in pulling the debate back from abstract slogans to facts that can be tested.

11. The 1986 Declaration on the Right to Development

On 4 December 1986, the United Nations General Assembly adopted the Declaration on the Right to Development by resolution 41/128.[3] The vote was 146 in favour, 1 against, and 8 abstentions; the sole vote against came from the United States, and the abstaining states were Denmark, Finland, the Federal Republic of Germany, Iceland, Israel, Japan, Sweden, and the United Kingdom.[4] The vote itself shows that the right to development was a contested concept from the outset.

Article 1 of the Declaration provides that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. Article 2 provides that the human person is the central subject of development and should be the active participant and beneficiary of the right to development; States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.[3]

Article 6 further provides that all human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights; and States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.[3] The importance of Article 6 lies in the fact that it writes "indivisible" and "interdependent" into the Declaration on the Right to Development itself — those who argue for the priority of the right to development cannot derive from this Declaration the conclusion that one category of rights may be kept depressed over the long term.

It needs to be stated clearly that the Declaration on the Right to Development is a declaration adopted by the United Nations General Assembly; it is not a treaty signed and ratified by states. Unlike the two 1966 covenants, it does not create treaty obligations for States Parties. This does not affect the Declaration's political and normative significance, but it determines its legal status: it is an authoritative statement, not a legal document that can be directly invoked as a treaty obligation.

12. The Debate over the Legal Status of the Right to Development

Nearly forty years after the adoption of the Declaration on the Right to Development, its legal status remains contested. The United Nations Audiovisual Library of International Law, in its legal-history note on the Declaration, acknowledges that the Declaration has political and normative significance, while also noting that the specific legal status, content of obligations, and enforceability of the right to development are contested among scholars and states.[4] This contest should neither be erased nor used as a pretext for denying the content of the Declaration.

The debate concentrates on three questions. First, who is the subject of the right to development? The Declaration speaks of both "every human person" and "all peoples," and the relationship between individual and collective rights is not entirely clear. Second, what is the content of the obligations of the right to development? The Declaration requires states to cooperate, formulate policies, and remove obstacles, but the specific boundaries and measures of these obligations are far less precise than the provisions of the two covenants. Third, can the right to development be claimed directly by an individual?

If a person believes his or her right to development has been violated, can he or she bring a complaint before a court or an international body, as one might for the right to life or freedom of expression? On these questions, the international community has so far reached no consensus.

But the existence of the debate does not mean the Declaration has no substantive content. The Declaration clearly stresses three points: development is a comprehensive economic, social, cultural, and political process, not a single gross domestic product indicator; the human person is the central subject of development, not an instrument of development; and development policy must reflect active, free and meaningful participation and the fair sharing of the benefits of development.[3] These three points form the core of the concept of the right to development and should not be overlooked, whatever one's view of its legal status.

It should likewise be noted that the concept of the right to development itself has a historical background. It arose from developing countries' criticism of the international economic order in the 1970s and 1980s, and from claims arising from the legacy of colonial history. Understanding this background helps explain why the right to development won broad support in the United Nations General Assembly, and also why some developed countries have reservations about its legal status.

13. The 1993 Vienna Consensus

Paragraph 5 of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, is the authoritative statement of the international community on the relationship between categories of human rights. The official Chinese text published by the Office of the United Nations High Commissioner for Human Rights reads:

"一切人权均为普遍、不可分割、相互依存、相互联系。国际社会必须站在同样地位上、用同样重视的眼光、以公平、平等的态度全面看待人权。固然，民族特性和地域特征的意义、以及不同的历史、文化和宗教背景都必须要考虑，但是各个国家，不论其政治、经济和文化体系如何，都有义务促进和保护一切人权和基本自由。"[5]

The official English text reads: "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms."[5]

This paragraph contains three points. First, all human rights are universal, indivisible, interdependent and interrelated. This is the basic characterization of the relationship between rights, and it rules out a simplified understanding in which one category of rights is treated as an appendage or precondition of another. Second, the international community must treat human rights in a fair and equal manner, comprehensively, and must not selectively stress one category of rights while neglecting another. Third, states should take national and regional particularities and different historical, cultural, and religious backgrounds into account when promoting and protecting human rights, but such consideration cannot become an excuse for failing to perform their obligations — regardless of political, economic, and cultural systems, all states have a duty to promote and protect all human rights and fundamental freedoms.

Paragraph 5 of the Vienna Declaration permits discussion of the urgency of a policy and the order of budgets. Saving lives first in a disaster, or addressing the most urgent needs first when resources are limited, does not conflict with paragraph 5. But paragraph 5 does not support permanently excluding any category of rights from legal protection. Its logic is: urgency may have an order, but legal status may not have a hierarchy. To read "save people first" as "freedom of expression may be dispensed with for the long term" is to misread this paragraph.

The Regional Office for South-East Asia of the Office of the United Nations High Commissioner for Human Rights has restated this principle in its own words: "These rights are all interrelated, interdependent and indivisible." "The improvement of one right facilitates advancement of the others."[5] This explanation further shows that the relationship between rights is one of mutual reinforcement, not mutual exclusion: improving living conditions helps people exercise political rights better, while protecting political rights helps identify and correct problems in the protection of subsistence.

14. Emergency Powers and General Limitations of Rights

Article 4 of the ICCPR provides for a system of derogation in a state of emergency. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, States Parties may take measures derogating from their obligations under the Covenant "to the extent strictly required by the exigencies of the situation."[1] But Article 4 also lists a set of non-derogable rights: Article 6 (the right to life), Article 7 (prohibition of torture), Article 8, paragraphs 1 and 2 (prohibition of slavery), Article 11 (prohibition of imprisonment for inability to fulfil a contractual obligation), Article 15 (prohibition of retroactive criminal law), Article 16 (recognition as a person before the law), and Article 18 (freedom of thought, conscience, and religion). These rights may not be derogated from even in a state of emergency.

The derogation system of Article 4 has three strict limits. First, a state of emergency must be officially proclaimed, and it must genuinely threaten the life of the nation. Second, derogating measures must be strictly limited to the extent required by the exigencies of the situation, and must not exceed what is necessary. Third, derogating measures must not be inconsistent with the State Party's other obligations under international law, and must not involve discrimination solely on the ground of race, colour, sex, language, religion, or social origin. These three limits together show that a state of emergency is not a blank cheque.

Articles 19 and 21 also set out general conditions for limiting freedom of expression and freedom of peaceful assembly: any restriction must be provided by law and must be necessary for respect of the rights or reputations of others, for the protection of national security or of public order, or of public health or morals.[1] The legitimacy of a restriction depends on whether it satisfies these conditions, not on whether it is proposed in the name of "development."

Economic hardship by itself does not authorize arbitrary detention, the suppression of peaceful criticism, or the use of torture. Financial strain may be a reason to adjust the order of budgetary priorities, but it cannot be a reason to abolish judicial remedy, prohibit independent trade unions, or close news channels. The core of this section is the distinction between "spending less for the time being because there is no money" and "being entitled to suppress rights over the long term because of development."

Finally, whether a treaty binds a specific state must be checked against that state's ratification status; signature alone is not a sufficient basis for a conclusion. As stated in Section 3, China has signed the ICCPR but has not yet ratified it, so the derogation system of Article 4 has not yet created treaty obligations for China. When discussing China's emergency measures, one should rely on treaties China has ratified and on Chinese domestic law, rather than directly applying provisions of a covenant China has not yet ratified.

15. Policy Ordering and Rights Exemption Are Two Different Things

The difference between policy ordering and rights exemption can be illustrated with a concrete example. Suppose a city faces both a flood and an infectious disease at the same time, and the government lawfully increases the budgets for hospitals, disaster relief, and drinking-water supply. Such an ordering may be reasonable. No one would demand that, while disaster victims lack water and medicine, the government spend the same money on other projects first.

But open public procurement, allowing professionals to report risks, providing compensation for expropriation, publishing budget audits, and providing access to the courts are a different set of institutional questions. They are not on the same level as the budgetary question of "whether to build a hospital first or a school first." Even if some administrative spending is cut in order to save lives, there is no need to abolish residents' channels for learning where the budget went, to forbid doctors from reporting epidemic risks, or to deprive residents whose homes have been expropriated of compensation and remedy.

Confusing these two levels is the most common error in the "subsistence first" argument. Its reasoning runs: because A (priority for disaster-relief budgets) is reasonable, B (abolishing oversight and remedy) is also reasonable. But there is no logical connection between A and B. Quite the contrary: in an emergency, oversight and remedy are often more, not less, important — disaster-relief funds are large and move fast, which is precisely when misappropriation and waste are most likely; expropriation and quarantine measures affect a wide area and many people, which is precisely when channels for complaint are most needed.

The right approach is to seek institutional designs that are both fast and accountable. For example, retain ex post auditing alongside emergency appropriations; retain disclosure of information while simplifying approval procedures; retain channels for complaints and remedy while concentrating the allocation of resources. Speed and accountability are not an either-or choice; the goal of institutional design should be to achieve both at once, not to abolish accountability in the name of speed.

16. The Verifiability of Poverty-Alleviation Achievements

Any government's claim about poverty alleviation should be subject to a test of verifiability. This is not a special requirement for one country, but a general standard for all public-policy claims. The test includes at least the following aspects.

First, the poverty line and its changes. The number of people in poverty depends on where the poverty line is drawn. If the poverty line is lowered, the number of people in poverty will "fall" statistically, even though actual living standards may not have improved. Any poverty-alleviation figure must be published together with the poverty-line standard used, and with a statement of whether that standard changed during the statistical period.

Second, price adjustment. Income figures must be adjusted for prices before they can be compared. If growth in nominal income is offset by rising prices, real purchasing power has not improved. When income growth is published, the price index and adjustment method used should be stated at the same time.

Third, regional differences and income stability. A national average may conceal huge differences between regions, and income growth in a given year may come from a one-off transfer payment or short-term migrant-labor income. What needs to be examined is the stability and sustainability of income: whether the incomes of people lifted out of poverty are stable, whether they depend on unsustainable subsidies, and how great the risk of falling back into poverty is.

Fourth, social-security coverage and access to medical care and education. Poverty alleviation is not only a matter of income; it also includes whether people can obtain social security, medical services, and educational opportunities. A household whose income is slightly above the poverty line but which cannot afford medical care or schooling remains in a vulnerable position.

Fifth, distinguish three different kinds of evidence: official self-reporting, independent investigation, and academic causal estimation. Official self-reporting consists of figures published by the government on the basis of its own statistical system; independent investigation is conducted by third-party bodies using independent methods; academic causal estimation seeks, through control groups, natural experiments, and other methods, to isolate the actual effect of a particular policy. The three kinds of evidence differ in reliability and must not be conflated. Even if a policy genuinely improved poverty, one cannot conclude

from the result alone that "restricting press freedom or the right to organize was a necessary cause" — the improvement in poverty may have come from fiscal investment, technological progress, or market opening, not from the restriction of rights. Conversely, criticizing restrictions on rights cannot erase material improvements that have been verified. Judgments of fact and judgments of value should be made separately.

17. The Complementary Mechanisms of Freedom and Development

The relationship between freedom and development is neither simple opposition nor simple causation. Open news reporting, independent trade unions, and active community organizations may promote disaster warnings, workplace safety, and the discovery of corruption. A journalist reporting a crack in a reservoir may prevent a dam failure; an independent trade union reporting excessive gas levels in a mine may save dozens of lives; a community organization tracking the distribution of disaster-relief supplies may reduce misappropriation and waste. In these scenarios, freedom is not an obstacle to development but a help to it.

But, on the other hand, the mechanisms of freedom can also bring costs. The short-termism of elections may lead governments to favor projects that show quick results, while neglecting infrastructure that requires long-term investment; obstruction by interest groups may slow the progress of public works; insufficient administrative capacity may turn open debate into endless wrangling while projects fail to start. These problems are real, and they cannot be denied simply because one stresses the value of freedom.

The correct research method, therefore, is not to argue abstractly about whether "freedom promotes development" or "freedom hinders development," but to compare actual results by policy category: how good the services are, how the benefits are distributed, how high the costs are, and how long correction takes. At the same time, confounding factors such as income level, education, and state capacity must be controlled for; otherwise the comparison loses its meaning — the experience of a high-income country may not apply to a low-income country, and the institutions of a state with strong administrative capacity may not be directly transferable.

This article does not recalculate cross-country data, nor does it claim that a democratic system or a centralized system necessarily produces a particular rate of economic growth. The academic literature on the relationship between regime type and economic growth does not reach consistent conclusions, and either side that claims to possess decisive evidence goes beyond what existing research supports. This article's position is that complementary mechanisms as well as tensions exist between freedom and development; the specific outcome depends on institutional design, policy category, and historical conditions, and is not determined in advance by abstract principles.

18. The Individual Situation

Abstract debates often make people forget that rights ultimately fall on specific individuals. The two categories of rights often interact within the same person, rather than belonging to two different groups of people.

A miner needs wages, medical care, and safety equipment, and also needs the rights to report dangers, associate and negotiate, and seek legal remedy. If he has wages but no channel to report danger, he may die in an accident that could have been avoided; if he has only the right to report but no basic safety equipment, his report cannot change the reality underground. Wages and safety equipment fall within the category of economic and social rights; reporting, association, and remedy fall within the category of civil and political rights. Neither can be dispensed with.

A rural resident needs schools, housing, and roads, and also needs to know the standards for land-

expropriation compensation, opportunities to take part in budget discussions, and channels to raise objections. It is a good thing that a road reaches the entrance to the village, but if expropriation compensation is withheld and he has nowhere to appeal, the benefit of the road is greatly diminished. Conversely, if he has only channels for appeal but no schools and no roads, his children still cannot obtain an education, and his life remains difficult to improve.

These examples show that the debate over whether "the right to subsistence takes priority over political rights" or "political rights take priority over the right to subsistence" is, at the level of individual circumstances, often a false dichotomy. The same person needs food and freedom at the same time, housing and remedy at the same time. Ordering the two categories of rights in a sequence ignores how intertwined they are in real life.

19. Against Two Extremes

In the debate over the right to subsistence and political rights, there are two extreme claims, both worth opposing.

The first extreme claim is: "When people have no food to eat, freedom of expression is worthless." This claim ignores the role of expression in exposing unfairness in relief. When disaster-relief supplies are diverted, poverty-alleviation funds are intercepted, or land-expropriation compensation is withheld, it is freedom of expression and news reporting that bring these problems to light. Hungry people need food, and they also need channels through which unjust distribution can be seen and corrected. To say that freedom of expression is worthless in the face of poverty is to misunderstand what freedom of expression does.

The second extreme claim is: "Once there are elections, poverty will disappear on its own." This claim ignores the role of administrative capacity and fiscal resources. Elections can change a government, but they cannot conjure hospitals, schools, and drinking-water facilities out of nothing; the right to vote can express public opinion, but it cannot substitute for budget preparation, project management, and the provision of public services. A country that holds elections but is fiscally bankrupt and administratively paralyzed will not see its poverty problem solved automatically.

Both extreme claims make the same error: reducing a complex relationship to a single chain of causation. Hungry people need actual food, and they also need rights that protect them from being stripped by abuse of power; voters need the right to vote, and they also need a government capable of turning the promises on the ballot into reality. Acknowledging the interdependence of the two categories of rights is closer to the facts than taking sides between them.

20. Falsifiable Research

For the proposition "development first, freedom later" to become a claim that can be discussed seriously, rather than merely a slogan, it must satisfy the requirement of falsifiability. That is to say, before research begins, it should be specified in advance what evidence would support the proposition and what evidence would refute it.

First, determine in advance a set of indicators: poverty rate, nutritional status, preventable mortality, educational attainment, the degree of budget disclosure, the degree of media independence, and the availability of labor remedy. These indicators should cover both improvement in livelihood and protection of rights, and must not select only one side.

Second, check pre-reform trends, fiscal transfers, demographic structure, and statistical measures. An improvement in indicators after a policy is implemented may come from the policy itself, or from a trend already present before the reform, from fiscal transfers from the central government, from changes in demographic structure, or from adjustments in statistical measures. Unless these alternative explanations are excluded, the credit cannot be assigned to a particular policy.

Third, give an operational definition of the proposition "development first, freedom later" itself: what counts as "development complete"? Which indicators must be met for it to count as complete? When will the promised rights be delivered? If, at the agreed time, the rights have still not been delivered, is the proposition falsified? Without these prior specifications, the proposition can never be falsified — at any time it can be said that "development is not yet complete," and any failure can be deferred to the future.

Finally, a single official achievement or a single political scandal must not be taken as proof of the inevitability of a system. A poverty-alleviation achievement may come from a particular combination of policies, not from the inevitable advantage of a particular regime type; a corruption scandal may come from particular individuals or particular institutional loopholes, not from the inevitable defect of a particular regime type. Comparison between systems requires systematic data and rigorous methods, not the selection of cases favorable to oneself.

21. Civic Education Exercise

Consider the following scenario and try to make your own judgment.

A province has had insufficient budgets for two consecutive years and cannot complete three projects at the same time: a primary-level hospital, drinking-water facilities, and a public hearing platform for the legislature. All three projects are important, but the funds are enough to complete only some of them. Propose your ordering on the basis of the following six criteria: emergency risk to life, long-term benefit, cost, the floor of rights, equality of participation, and auditability. At the same time, design a low-cost alternative hearing channel — for example, regular public briefings on the budget, written collection of opinions, or a monitoring group composed of community representatives.

After making your ordering, think further about the following questions: if the hospital is given priority, must budget disclosure be abolished? If drinking-water facilities are given priority, must the construction of the hearing platform be postponed? Is there an arrangement under which, while giving priority to building the hospital, a minimum level of budget disclosure and public participation can be retained? What new evidence would change your ordering — for example, if it were found that drinking-water pollution is more serious than expected, or that the hospital's construction cost is far below budget, would your ordering change?

The purpose of this exercise is not to arrive at a single correct answer, but to experience the complexity of the word "priority" in actual decision-making. An ordering needs reasons, reasons need evidence, and no ordering should become a pretext for abolishing another category of rights.

22. Conclusion

That subsistence and development are important human rights should not be in dispute. In a crisis, giving priority to protecting life and basic livelihood has strong policy legitimacy. When people face hunger, disease, and homelessness, directing resources first to food, medical care, and housing is common sense, and it is also a moral requirement.

But a sequence in policy cannot automatically be converted into an absolute legal hierarchy of rights. Budgetary priority is not a hierarchy of rights, and phased implementation is not permanent exclusion. The rights of expression, association, political participation, and judicial remedy cannot be deprived over the long term, even in the course of development. International human rights norms stress the interdependence, indivisibility, and interrelatedness of all categories of rights, and the Chinese official documents of 2021, while asserting the primary status of the rights to subsistence and development, also stressed the coordinated development of all categories of human rights. Both aspects of the statements should be presented faithfully.

In judging any claim of "subsistence first," five aspects should be tested at the same time: whether actual improvement in livelihood has occurred, whether the gains of the most vulnerable groups are real,

whether the policy is lawful, whether the statistics have been independently verified, and whether those affected have the opportunity to raise objections and obtain correction. If any one of these is missing, the judgment is incomplete.

In the end, the question "Do the rights to subsistence and development take priority over civil and political rights?" has no one-sentence answer. Its answer depends on whether "priority" means budgetary ordering, sequencing of implementation, or legal hierarchy; on the specific historical conditions, institutional design, and policy content; and on who tests it and by what standards. What this article can provide is the conceptual distinctions, normative basis, and testing methods needed to state the question clearly. As for how things should be ordered in a specific situation, that requires returning to facts and evidence and judging case by case.

References

- [1] International Covenant on Civil and Political Rights (1966), Articles 2, 4, 6, 9, 14, 19, 21, 22, 25. Office of the United Nations High Commissioner for Human Rights, full text: https://2covenants.ohchr.org/About-ICCPR.html

- [2] International Covenant on Economic, Social and Cultural Rights (1966), Articles 2, 4, 6–9, 11–13. Office of the United Nations High Commissioner for Human Rights, full text: https://2covenants.ohchr.org/About-ICESCR.html

- [3] United Nations General Assembly, Declaration on the Right to Development, resolution 41/128 (4 December 1986), Articles 1, 2, 6. United Nations, full text: https://www.un.org/en/events/righttodevelopment/declaration.shtml

- [4] United Nations Audiovisual Library of International Law, legal history of the Declaration on the Right to Development (4 December 1986, New York): https://legal.un.org/avl/ha/drd/drd.html

- [5] Vienna Declaration and Programme of Action (1993), paragraph 5. Office of the United Nations High Commissioner for Human Rights, Regional Office for South-East Asia, explanation: https://bangkok.ohchr.org/what-are-human-rights (For the official Chinese text of paragraph 5, see the Chinese page of the Office of the United Nations High Commissioner for Human Rights: http://www.ohchr.org/zh/instruments-mechanisms/instruments/vienna-declaration-and-programme-action)

- [6] State Council Information Office, *The Communist Party of China and Human Rights Protection — A 100-Year Quest* (《中国共产党尊重和保障人权的伟大实践》), white paper (June 2021), Part VII. English full text: https://english.scio.gov.cn/whitepapers/2021-06/24/content_77584416_9.htm

- [7] State Council Information Office, *Moderate Prosperity in All Respects: Another Milestone Achieved in China's Human Rights* (《全面建成小康社会：中国人权事业发展的光辉篇章》), white paper (August 2021), Part I. English full text: https://english.scio.gov.cn/whitepapers/2021-08/12/content_77689144_3.htm

Also available in: 繁體中文 · Français · Deutsch · Español