

Expert Mechanism on the Right to Development
Call for inputs for the Study:

**Mainstreaming the Right to Development in International Development
Cooperation**

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Introduction:

This thematic study seeks to focus on mainstreaming the right to development in international development cooperation. International development cooperation has emerged as one of the most important means for promoting human rights and sustainable development. As noted in the first thematic study of the Expert Mechanism,¹ international cooperation is a duty of States and is firmly anchored in the Charter of the United Nations, the core human rights legal instruments, the 1986 Declaration on the Right to Development, and other important resolutions of the General Assembly and the Human Rights Council.

The Declaration on the Right to Development stresses the importance of development cooperation. It stipulates that “the realization of the right to development requires full respect for the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations”,² and that “States have the duty to co-operate with each other in ensuring development and eliminating obstacles to development”.³ It further recognizes that “States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development”.⁴ In the context of developing countries, it also stipulates that “Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international co-operation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development”.⁵

Similarly, the 2030 Agenda for Sustainable Development identifies a variety of mechanisms through which development cooperation between States can help realize the Sustainable Development Goals everywhere. In fact, development cooperation is at the heart of the 62 means of implementation targets that are key to realizing all the SDGs.

Development cooperation takes various forms. While a significant corpus of it is associated with financial assistance and aid, other forms of cooperation such as technology-sharing, capacity-building, infrastructure assistance, trade cooperation, investment facilitation, among others, are also very prevalent. While traditional development cooperation focused on North-South cooperation, South-South and triangular cooperation, and possibly *sui generis* forms of development cooperation, have also emerged as potent supplements to the former.

¹ A/HRC/48/63

² Article 3(2); Also see: UN Declaration in Principles of International Law Friendly Relations and Co-Operation Among States in Accordance With the Charter of the United Nations.

³ Article 3(3)

⁴ Article 4(1)

⁵ Article 4(2)

These multidimensional practices have generated significant knowledge and experiences among partner countries on what works and what does not in terms of realizing the overall objectives of promoting sustainable development and human rights. There is no doubt that development cooperation in all forms, if done effectively, can and does contribute to the realization of the right to development. Indeed, effectiveness principles for cooperation, especially North-South cooperation, have been agreed upon under various frameworks, including the Paris Declaration on Aid Effectiveness, 2005; the International Health Partnership Plus, 2007; the Accra Agenda for Action, 2008; the Busan Partnership for Effective Cooperation, 2011; and the Global Partnership for Effective Development Cooperation, 2011. The Addis Ababa Action Agenda does not refer to specific principles for the effectiveness of development cooperation, but “welcomes continued efforts to improve the quality, impact and effectiveness of development cooperation and other international efforts in public finance, including adherence to agreed development cooperation effectiveness principles”.⁶ In the context of South-South cooperation, the operational principles have been incorporated in the Nairobi outcome document of the High-level United Nations Conference on South-South Cooperation of 2009 and the Buenos Aires outcome document of the second High-level United Nations Conference on South-South Cooperation (BAPA+40), adopted in 2019.

These operational principles for effectiveness have complete synergies with the normative principles of the right to development. However, the operational principles for effectiveness can be either seen as an option or as essential component of the duty to cooperate inherent in the normative principles of the right to development. In this context, development cooperation practices have not necessarily mainstreamed the normative principles of the right to development in a systematic or conscious manner across all their processes, especially that development itself is a human right of all individuals and peoples, and that this entails a duty on States to cooperate. This can lead to effectiveness principles themselves not being mainstreamed and, thus, effectiveness being compromised. There is also a lack of clarity on what exactly such mainstreaming means for the obligations of States engaged in development cooperation leading to lack of progress in its operationalization.

There is no doubt that there are successful illustrations of all forms of development cooperation. But there are also critiques of some of the development cooperation practices. It is plausible that the extent of success of these practices is directly related to whether or not they mainstreamed the operational principles on effectiveness of development cooperation, and whether they did so based on the normative framework of the right to development which recognizes that development cooperation is not to be seen through the lens of charity or generosity, and that the development priorities of individuals and peoples in the cooperation receiving countries and their national ownership is fundamental.

In this context, this study seeks to explore how the normative framework of the right to development can be mainstreamed and operationalized in the different forms of development cooperation practices to ensure their effectiveness. It will identify best practices across North-South, South-South and Triangular cooperation, and recommend measures to further enhance them by mainstreaming the right to development.

⁶ Para. 58

The Expert Mechanism welcomes comments and suggestions from States, UN entities, other IGOs, and other delegates on what they consider ought to be the priority areas for this study, and share illustrations of good practices, in accordance with the questionnaire below.

***** Kindly submit your responses to OHCHR-emrtd@un.org, preferably in English or accompanied by a translation into English, in MS Word or compatible format before 25 February 2024 *****

Questionnaire

1. Name (Member State/UN entity/IGO/CSO)

2. Has your State or organization been involved with North-South, South-South, triangular or other *sui generis* forms of international development cooperation? Please provide an overview of your role as a cooperation provider, recipient, or both, or as an implementation or facilitation agency/organization

3. If you are a cooperation provider, kindly share the following, where necessary, by indicating any differences based on whether the cooperation provided is part of North-South, South-South, triangular or other *sui generis* forms of cooperation:
 - a) How do you determine the sector or projects to which cooperation will be provided to the recipient?

- b) What are the principles on effectiveness of development cooperation that you mainstream or adhere to and what systems are incorporated to ensure their implementation?

- c) Do you incorporate any conditionalities applicable to the recipient? If so, what are the factors you take into account in designing those conditionalities and how do you ensure their transparency (kindly include contractual or financial conditionalities as well)? Please share examples.

- d) In general, do you conduct assessments of the impacts of your cooperation practices? Kindly elaborate on which tools or frameworks do you employ.

e) Specifically, do you conduct assessments of the impacts on individuals and peoples in the recipient country of any conditionalities you may apply? Kindly share illustrations.

f) What are the obstacles you face in discharging any commitments you may have undertaken related to international cooperation?

g) Kindly share what you consider are good practices in international development cooperation to ensure its effectiveness. If possible, provide illustrations.

4. If you are a cooperation recipient, kindly share the following, where necessary, by indicating any differences based on whether the cooperation received is part of North-South, South-South, triangular or other *sui generis* forms of cooperation:

a) How are the sectors or projects to which cooperation is received determined? What is the space available for your self-determined development priorities to be reflected in the cooperation you receive?

b) What are the principles on effectiveness of development cooperation that are mainstreamed or adhered to in the cooperation you receive and what systems are incorporated to ensure their implementation?

c) What are the conditionalities that are generally applied by cooperation providers? (kindly include contractual and financial conditionalities as well)

d) In general, do you conduct assessments of the impacts of the cooperation you receive? Kindly elaborate on which tools or frameworks do you employ.

e) Specifically, are there assessments conducted of the impacts on individuals and peoples under your jurisdiction of any conditionalities that may be applied to you as a recipient? Kindly share illustrations.

f) What are the obstacles you face in receiving international cooperation to promote your self-determined development priorities?

g) Kindly share what you consider are good practices in international development cooperation to ensure its effectiveness. If possible, provide illustrations.

5. If you are a development cooperation agency, entity, or organization (whether governmental, partly governmental, or entirely non-governmental), involved in implementation or facilitation of cooperation practices or projects, kindly share the following, where necessary, by indicating any differences based on whether the cooperation you are involved in is part of North-South, South-South, triangular or other *sui generis* forms of cooperation:

a) How are the sectors or projects in which cooperation is facilitated or implemented by you determined?

b) What are the principles on effectiveness of development cooperation that are mainstreamed or adhered to in the cooperation you facilitate and what systems are incorporated to ensure their implementation?

c) What are the conditionalities that are generally applied by cooperation providers and how is their transparency ensured? (kindly include contractual and financial conditionalities as well).

d) In general, are assessments conducted of the impacts of the cooperation you facilitate? Kindly elaborate on which tools or frameworks are employed.

e) Specifically, are there assessments conducted of the impacts on individuals and peoples of any conditionalities that may be applied to the recipient? Kindly share illustrations.

f) What are the main obstacles, according to you, in ensuring effective international development cooperation?

g) Kindly share what you consider are good practices in international development cooperation to ensure its effectiveness. If possible, provide illustrations.

6. If you are a civil society organization working closely with individuals and peoples who are beneficiaries of international development cooperation, kindly share what you

consider are the obstacles to their effectiveness and the best practices involved. Kindly indicate any differences based on whether the cooperation practices you are addressing are part of North-South, South-South, triangular or other *sui generis* forms of cooperation. If possible, please provide illustrations.

7. If you are a policy research and analysis organization, centre, or a think tank, kindly share what you consider are the obstacles to the effectiveness of international development cooperation and the best practices involved. Kindly indicate any differences based on whether the cooperation practices you are addressing are part of North-South, South-South, triangular or other *sui generis* forms of cooperation. If possible, please provide illustrations, as well as resources you may have published.
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