ОРГАНИЗАЦИЯ ОБЪЕДИНЕННЫХ НАЦИЙ **E**

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ЭКОНОМИЧЕСКИЕ, СОЦИАЛЬНЫЕ И КУЛЬТУРНЫЕ ПРАВА

Право на развитие: исследование о существующих двусторонних и многосторонних программах и политике в области партнерства в целях развития

Записка секретариата*

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2. В пункте 4 этой же резолюции Комиссия постановила просить Управление Верховного комиссара Организации Объединенных Наций по правам человека оказывать Подкомиссии помощь в ее работе по подготовке концептуального документа, предоставляя исследования по существующим двусторонним и многосторонним программам и политике, в целях определения извлеченных уроков, оптимальной практики и роли, которую могли бы играть соответствующие стороны, включая национальные учреждения, занимающиеся вопросами прав человека, в налаживании и осуществлении партнерства в области развития.

3. В соответствии с этой резолюцией Управление сделало заказ на проведение исследования по теме: "Право на развитие: исследование о существующих двусторонних и многосторонних программах и политике в области партнерства в целях развития". Это исследование, подготовленное Институтом по вопросам развития заморских территорий, содержится в приложении к настоящей записке**.

** Настоящая записка и резюме распространяются на всех официальных языках. Приложение распространяется в том виде, в каком оно было получено, только на языке оригинала.

Резюме

Это независимое исследование было проведено по просьбе Управления Верховного комиссара по правам человека во исполнение резолюции 2003/83 Комиссии по правам человека. В этой резолюции содержится просьба к Управлению оказать Подкомиссии по поощрению и защите прав человека помощь в подготовке концептуального документа с изложением вариантов осуществления права на развитие и возможностей их реализации, в частности принципов партнерства в целях развития. Исследование основано на обзоре существующих двусторонних и многосторонних мер политики и программ. В нем содержатся рекомендации в отношении принципов и критериев для определения надлежащей практики в деле налаживания и осуществления партнерских отношений в целях развития.

Во-первых, в нем рассматривается значимость концепции партнерства для осуществления права на развитие. Определены, в частности, следующие отличительные особенности партнерства: единство целей и общих ценностей при наличии взаимной, но дифференцированной ответственности, формализованная система взаимной отчетности, а также доверие. Помимо оценки эффективности официальных договорных структур для создания механизмов отчетности, партнерские отношения для осуществления права на развитие необходимо оценивать с точки зрения их главных составляющих, в частности с точки зрения оказания помощи и прав человека.

Во-вторых, в исследовании рассматриваются последние тенденции политики и практики в области развития, в частности процесс формирования нового консенсуса в отношении "глобальной договоренности" по вопросам сокращения масштабов нищеты, важное значение национальной принадлежности и сложные проблемы, связанные с управлением, обусловленностью оказания помощи и избирательностью. В нем также рассматриваются данные, касающиеся потоков помощи и качества помощи. В качестве ключевых вопросов, подлежащих изучению, определены благое управление и эффективная донорская помощь. Принимая во внимание отсутствие международного консенсуса в отношении определения благого управления, предпочтение, как представляется, следовало бы отдавать постановым оценкам, основанным на стандартах в области прав человека, а не только на принципах благого управления. Для сравнения следует отметить, что в настоящее время все большее признание завоевывает свод принципов эффективной донорской помощи, и его можно использовать для оценки положительных сдвигов в деятельности доноров как составной части обязательств, взятых в рамках партнерских отношений.

В-третьих, в исследовании рассматривается место прав человека в контексте формирующегося консенсуса в отношении помощи, начиная с вклада, внесенного Декларацией о праве на развитие. Права человека пока еще не стали одной из основных составляющих помощи в целях развития; подходы, основанные на правах человека, находятся в стадии разработки и принятия. Однако партнерские отношения для целей осуществления права на развитие должны опираться на международную концепцию прав человека. В этой связи важное значение имеют принципы в области прав человека, однако их следует применять в соответствии с международными нормами и стандартами.

Annex

THE RIGHT TO DEVELOPMENT: STUDY ON EXISTING BILATERAL AND MULTILATERAL PROGRAMMES AND POLICIES FOR DEVELOPMENT PARTNERSHIP

Table of Contents

Acronyms **6**

1. Introduction **7**

2. Why 'development partnership'? **8**

3. Review of recent aid trends **10**

3.1 A 'global compact' towards poverty reduction *10*
3.2 Governance commitments *11*
3.3 Conditionality and selectivity in development practice *13*
3.4 National ownership and the PRSP approach *15*
3.5 Aid flows *17*
3.6 Quality of aid *18*
3.7 'Good donorship' principles *19*

4. Human rights and partnership for development **21**

4.1 Contribution of the Declaration on the Right to Development *21*
4.2 Human rights and development agencies *22*
4.3 Human rights-based approaches *23*
4.4 Operational human rights principles *25*

5. Conclusion **28**

Annex 1: Human rights and good donorship principles **29**

Annex 2: Data on poverty and aid trends **35**

Acronyms

CDF	Comprehensive Development Framework
DAC	Development Assistance Committee (OECD)
DFID	UK Department for International Development
EU	European Union
GNI	Gross national income
HIPC	Highly Indebted Poor Countries initiative
IFIs	international financial institutions
IMF	International Monetary Fund
ILO	International Labour Organization
MDGs	Millennium Development Goals
MD	Millennium Declaration
NEPAD	New Partnership for Africa's Development
NORAD	Norwegian Agency for International Development
OHCHR	Office of the High Commissioner for Human Rights
ODA	Official Development Assistance
ODI	Overseas Development Institute
OECD	Organisation for Economic Co-operation and Development
PRSP	Poverty Reduction Strategy Paper
SDC	Swiss Agency for Development and Cooperation
Sida	Swedish Agency for International Development
SWAps	Sector-Wide Approaches
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund

1. Introduction

This independent study has been commissioned by the Office of the High Commissioner for Human Rights (OHCHR) in response to Commission on Human Rights Resolution 2003/83. The resolution requested the Office to assist the Sub-Commission on the Promotion and Protection of Human Rights in the preparation of a concept document establishing options for the implementation of the right to development and their feasibility, *inter alia*, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership.

This study is based on a survey of existing bilateral and multilateral policies and programmes, including the adoption of human rights-based approaches to development. It suggests three sets of principles and criteria for identifying development partnerships that contribute to the realisation of the right to development.[1] The focus is principally on Official Development Assistance (ODA) – the financial or technical assistance provided by bilateral and multilateral development agencies to developing countries.[2]

This study attempts to bridge the considerable gap that exists between the human rights community and the development community. There is often a lack of knowledge, simple disinterest or reluctance to operate with human rights on the part of development officials; a similar range of attitudes can prevail on the part of human rights workers towards development.[3] This study aims to be accessible and relevant to both audiences; in the effort, it runs the risk of failing to do this for either. Nevertheless, it strives to identify areas of complementarity around the concept of development partnership, and to help ground UN discussions on the right to development in the current development assistance discourse and available evidence concerning ODA.

Whereas there is a developing consensus among policy-makers on 'aid effectiveness', human rights considerations are not as prevalent in actual aid discourses and practices, and 'human rights-based approaches' do not yet form part of the ODA mainstream. However, for development partnerships to contribute to the realisation of the right to development, they cannot simply meet aid effectiveness criteria; they must be grounded in human rights – including both the international human rights framework and a recognition of the political and social processes associated with rights-based claims and obligations.

In order to facilitate discussion at the Sub-Commission, this study has identified three sets of issues that need to be brought to bear when reviewing development partnerships from a right to development perspective at a global, national or other level:

1. The nature of development partnerships.
2. Aid effectiveness, in particular with regards to good governance and good donorship.
3. The place of human rights in development partnerships.

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[1] Research assistance was provided by Zaza Curran and Tammie O'Neil and external peer review by Tony Killick, Francisco Sagasti, Margot E Salomon and Sam Wangwe as well as OHCHR.

[2] For reasons of space and focus, the study thus excludes humanitarian assistance, the role of international non-governmental organisations, the relevance of international trade, and other issues recognised as important.

[3] See for example, Peter Uvin, *Human Rights and Development* (Bloomfield, Kumarian Press, 2004) who notes at p. 47: 'As I wrote this book, I was surprised at the amount of skepticism, if not outright hostility, that still prevails in much of the development community toward human rights'.

2. Why 'development partnership'?

At the core of the Declaration on the Right to Development, and in ongoing debates, is a recognition that responsibilities for realising this right lie at both the domestic and international levels, and that international cooperation is required. A key question relates to *how* states can work together to realise the right to development and create favourable domestic and international environments.[4] The answer needs to recognise inherent asymmetrical power relations and divergent priorities,[5] in particular between 'donors' (bilateral or multilateral agencies providing concessional loans, grants or technical assistance) and aid-dependent low or middle-income 'recipient' countries.[6]

A partnership can be described as: 'A means to an end – a collaborative relationship towards mutually agreed objectives involving shared responsibility for outcomes, distinct accountabilities and reciprocal obligations'.[7] The notion of 'development partnership', already discussed in past decades,[8] has now become more prevalent in aid discourses and seems to offer a way out of polarised debates on the right to development. The 1996 Organisation for Economic Co-operation and Development (OECD) report *Shaping the 21st Century* provides one of the most explicit statements of this new vision for a 'stronger compact for effective partnerships'.[9]

Based on Development Assistance Committee (OECD-DAC) and other studies,[10] a partnership model can be seen to include:

- a common set of objectives and shared values;
- reciprocal but differentiated responsibilities to attain the objectives;
- a formalised framework of mutual accountability to manage relations; and

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[4] This study focuses on the practical aspects of development policies and programmes, and not on the legal nature of states' rights and responsibilities under the Declaration on the Right to Development.
[5] Charles Abugre, 'Partners, Collaborators, or Patrons-Clients: Defining Relationships in the Aid Industry: A Survey of the Issues' (Ghana, ISODC, 1999).
[6] The terms 'donor' and 'recipient' are used here because they reflect current development language, though they do not sit comfortably with the concept of 'partnership'.
[7] Robert Picciotto, *The Logic of Partnership: a Development Perspective* (Washington, DC, OED, World Bank, 1998), quoted in C. Abugre, 'Partners, Collaborators, or Patrons-Clients: Defining Relationships in the Aid Industry. A Survey of the Issues' (Ghana, ISODC, 1999).
[8] Lester Pearson *et al*., *Partners in Development: Report of the Commission on International Development* (New York, Prager, 1968) and Willy Brandt, *North-South: A Programme for Survival* (A report of the Independent Commission on International Development Issues, London, Pan Books, 1980).
[9] OECD Development Assistance Committee, *Shaping the 21st Century: The Contribution of Development Co-operation* (Paris, OECD, 1996), pp. 14-16, identifies three sets of responsibilities: joint responsibilities, developing countries responsibilities, and external partner responsibilities. The Swedish Agency for International Development (Sida) was one of the first bilateral agencies to take seriously the concept of partnership based on partner-country ownership. See Stefan Molund, *Ownership in Focus? Discussion Paper for a Planned Evaluation* (Sida Studies in Evaluation 00/5, Department for Evaluation and Internal Audit, Sida, 2000), pp.5-6.
[10] Studies reviewing the concept of partnership, on the basis of which these core elements are proposed, include: Jean Bossuyt and Guy Laporte, *Partnership in the 1990s: How to Make it Work Better* (Policy Management Brief No. 3, ECDPM, 1994); Simon Maxwell and Roger Ridley, 'Conditionality or Contract? Perspectives on partnerships for development' *Journal of International Development* 10:2, March-April (1998); Charles Abugre, *op. cit.*; Simon Maxwell and Tim Conway, *Perspectives on Partnerships* (OED Working Paper No. 6, Washington, DC, World Bank, 2000); Francis Watkins and Corinna Csáky, *Partnerships: Volume 1: Literature Review* (London, DFID Evaluation Department, 2003).

- trust and other qualitative dimensions.

Recent UN discussions on the right to development, in particular at the Working Group on the Right to Development,[11] have referred to development partnerships, including the proposal by the Independent Expert that 'development compacts' be established to leverage the resources required for national development programmes,[12] and the organisation of a High-Level Seminar on 'a global partnership for development'.[13]

Accountability is at the centre of the Independent Expert's proposal; instead of only focusing on the accountability of recipients towards donors, reciprocal commitments require that adequate mechanisms be put in place so that donors can also be held to account. These mechanisms should not displace but build upon and strengthen existing accountability structures, such as those provided by national institutions (e.g. parliaments, human rights commissions) as well as the international human rights framework (e.g. treaty monitoring bodies, monitoring by international non-governmental organisations).

Phrasing the discussion of the implementation of the right to development around development partnerships allows for a convergence between right to development discussions and the ongoing policies and programmes of bilateral and multilateral agencies. As is illustrated in the next section, over the last 10 years or so there has been a recognition that current approaches to development assistance are not satisfactory and that a change is required – with a move towards 'partnership-based approaches', based on a shared commitment to poverty reduction and 'national ownership' of development processes. Over the same period, 'human rights-based approaches to development' have also been developed, with the UN system as well as a few bilateral agencies and some non-governmental organisations taking the lead in conceptualising and implementing such approaches.

For development partnerships to be able to contribute to the realisation of the right to development, an understanding is required of what a genuine partnership entails. Contractual models provide one illustration, as in the regional EU-ACP (African, Caribbean and Pacific) Cotonou Agreement. There are also a number of innovative country examples, such as the Independent Monitoring Group in Tanzania and the bilateral Memorandum of Understanding between the UK and Rwandan governments, which illustrate how mutual accountability development frameworks can operate.

In addition to formal contractual structures establishing accountability mechanisms (and qualitative elements), partnerships to realise the right to development need to be assessed with reference to their substantive content. This leads to the identification of three sets of questions:

1. whether a genuine partnership is indeed in place, with mutual accountability structures and referring to both aid and human rights;
2. whether it promotes aid effectiveness principles, in particular with regards to both good governance and good donorship; and
3. whether it is grounded in human rights considerations, in particular the Declaration on the Right to Development, the human rights obligations of both recipient and donor governments, and the adoption of human rights-based approaches.

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[11] For example, see *Report of the Open-Ended Working Group on the Right to Development* on its third session, E/CN.4/2002/28/Rev.1, 2002.

[12] Arjun Sengupta, *Fourth Report of the Independent Expert on the Right to Development*, E/CN.4/2002/WG.18/2, 2001 and Arjun Sengupta, *Fifth Report of the Independent Expert on the Right to Development*, E/CN.4/2002/WG.18/6, 2002.

[13] 'Global Partnership for development: high-level seminar on the right to development', Geneva 9-10 February 2004, mandated by Commission on Human Rights Resolution 2003/83 and which preceded the 2004 Fifth Session of the UN Open-Ended Working Group on the right to development.

3. Review of recent aid trends

3.1 A 'global compact' towards poverty reduction

Following a focus on state-led growth and industrialisation in the 1960s, the rise of donor-driven and donor-managed projects and integrated rural development in the 1970s, and the implementation of structural adjustment programmes recommended by the international financial institutions (IFIs) in the 1980s, the 1990s saw a redefinition of development around poverty reduction, at both a political and technical level, with conceptual and operational implications for development assistance. For example, most aid agencies revised their overall policy frameworks to accommodate this redefinition.[14] The 1990s also restored a focus on the need for the state to play a role in development, with the rise of the concept of 'governance'.[15]

Critics of the excessive human and social impacts of structural adjustment programmes, advocates of equity and redistribution as well as growth, and a number of studies influencing international thinking, such as the UNDP's *Human Development Reports* or the World Bank's *World Development Reports*, also contributed to a redefinition of poverty as not limited simply to income or consumption, but also taking into account a number of other dimensions, such as human development (e.g. education, health), promoting opportunities for poor people, recognising their vulnerability to risks, and the need for empowerment, including gender equality.[16]

The Millennium Declaration reaffirmed this international commitment to combating poverty and to realising the right to development, and the Millennium Development Goals (MDGs) set a number of targets and indicators based on agreements reached at a number of international conferences during the 1990s.[17] Taken together, the 2000 Millennium Declaration and the MDGs, the Doha Ministerial Declaration issued at the 2001 meeting of the World Trade Organization,[18] the 2002 Monterrey Conference,[19] and the 2002 Johannesburg World Summit on Sustainable Development[20] are considered to represent a 'global compact' for poverty reduction, building on shared objectives and mutual responsibilities between poor and rich countries.[21]

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[14] Bilateral examples include Department for International Development (DFID), *Eliminating World Poverty: A Challenge for the 21st Century* (White Paper on International Development, London, Department for International Development, 1997); Sida, *Sida at work: Sida's Methods for Development Cooperation* (Stockholm, Sida, 1997); Swiss Agency for Development Cooperation (SDC) *The Challenges of Eliminating World Poverty* (Berne, SDC, 2000).

[15] For example, OECD DAC, 'Final Report of the Ad Hoc Working Group on Participatory Development and Good Governance' (Paris, OECD, 1997) and World Bank, *World Development Report – The State in A Changing World* (Washington, DC, World Bank, 1997).

[16] See OECD-DAC, *The DAC Guidelines: Poverty Reduction* (Paris, OECD, 2001) and World Bank, *World Development Report 2000/2001: Attacking Poverty* (Washington, DC, World Bank, 2001).

[17] United Nations, *United Nations Millennium Declaration*, Resolution adopted by the General Assembly, A/Res/55/2, 2000 and United Nations, *Road Map Towards the Implementation of the United Nations Millennium Declaration*, Report of the Secretary General, A/56/326, Annex: Millennium Development Goals, 6 September 2001.

[18] 4th WTO Ministerial Conference, *Doha WTO Ministerial Declaration*, Doha, 2001.

[19] United Nations, *Report of the International Conference on Financing for Development* Monterrey, Mexico, 2002.

[20] United Nations, *Report of the World Summit on Sustainable Development*, Johannesburg, South Africa, 2002.

[21] UNDP, *Human Development Report 2003: Millennium Development Goals – A Compact Among Nations to End Human Poverty* (New York, UNDP, 2003).

This international consensus on poverty reduction is not always reflected in development policies and practices. For example, some bilateral development agencies also prioritise a number of other objectives, including, explicitly, their national interest (e.g. USA, Japan).[22] Some low or middle-income countries also insist that poverty reduction does not constitute the overarching goal of development, and that global governance needs to be reformed.

However, this 'global compact' does set the tone of the current international discourse around aid and development and, for the purpose of this study, is used as part of an assessment of the way in which the right to development is being realised. Of particular relevance is the 8th MDG to 'develop a global partnership for development'. This goal addresses a number of concerns expressed by many developing countries in the context of right to development debates, such as the need for better 'aid policy coherence' (coherence and consistency between aid and other aspects of donor governments' policies, such as those on debt relief, trade or technology). It also recognises 'mutual responsibilities', by including a commitment to good governance, development and poverty reduction – both nationally and internationally.

More recently, the 2002 Monterrey Consensus set out this new compact, linking sovereign responsibility in developing countries for good governance and for the development of national priorities (underpinning the national ownership of development processes) with commitments on aid volumes and aid quality on the part of donors in support of these national choices (requiring aid alignment behind national strategies).[23] The Consensus also aimed to deliver some policy coherence improvements. The 2003 *Human Development Report* measured progress in living up to this compact, and drew attention to a number of countries that were being left behind.[24]

Beyond the shared objective of global poverty reduction, two sets of commitments can be identified: those of 'recipient' governments and those of 'donors'. We begin by looking at some issues relating to recipient country domestic commitments, before considering donors' commitments in more detail.

3.2 Governance commitments

Low or middle-income countries have committed themselves not only to taking steps towards poverty reduction and to developing national strategies to that effect (which international cooperation and a conducive international environment need to support) but also to respecting good governance, human rights and the rule of law. This is consistent with the Declaration on the Right to Development, which assigns primary responsibility to states to develop and implement appropriate national (as well as international) development policies, in a manner respectful of human rights. This aspect of the compact is noted in the 2003 *Human Development Report*, which highlights, on the part of recipients, the need for

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[22] Ministry of Foreign Affairs of Japan, *Revision of Japan's Official Development Assistance Charter* (Tokyo, 2003) and United States Agency for International Development (USAID) U.S. Foreign Aid, *Meeting the Challenges of the Twenty-first Century White Paper* (Washington, DC, USAID, 2004).

[23] This consensus is described in OECD-DAC, *Development Cooperation Report 2003* (Paris, OECD, 2004). Andrew Rogerson with Adrian Hewitt and David Waldenberg, *The International Aid System 2005–2010 Forces For and Against Change* (ODI Working Paper 235, London, ODI, 2004) notes at p. 10 that 'Not everybody subscribes equally to all these elements and … not all who do subscribe then act on them consistently. Few, however, reject any of them explicitly and categorically.'

[24] UNDP, *Human Development Report 2003: Millennium Development Goals – A Compact Among Nations to End Human Poverty* (New York, UNDP, 2003).

better domestic resource mobilisation, strengthening policies and institutions, combating corruption, and generally improving governance.[25]

Recipient country governance is already the subject of much attention. At present, however, there is no agreed international definition of 'governance', a concept which refers to how a country is governed, how national resources are managed, and relations among the state, citizens and the private sector.[26] It covers a range of issues, such as the performance of the public sector, the ability to manage the economy, and the operation of political and judicial institutions. There is a concern expressed by some governments and academics that there may be excessive donor expectations, in particular with regards to how quickly national systems can be reformed, with pressures for a uniform model. 'Good enough' governance may be a more appropriate objective.[27]

There is also, as yet, no internationally agreed way of evaluating national governance.[28] A joint OECD/UN/World Bank/IMF forum on development progress in 2000 failed to generate adequate indicators equivalent to those set in the MDGs. Ongoing work at the DAC Governance Network has distinguished between the need to monitor global progress in relation to the MDGs, cross-regional comparisons and support to in-country dialogues and reforms.[29] A distinction also needs to be drawn between donor assessments that influence the allocation of aid to countries and those that are part of national domestic processes. An example of an innovative approach is that of the New Partnership for Africa's Development (NEPAD) working with the UN Economic Commission for Africa to support mutual governance peer reviews between African states.[30] This mutual peer reviewing is also being extended to relations between NEPAD and the DAC.[31]

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[25] Ibid., p.5.

[26] Different governance statements and studies have 'unpacked' the concept of governance differently. Julius Court, Goren Hyden and Kenneth Mease, *Making Sense of Governance: Empirical Evidence from Sixteen Transitional Societies* (London, Lynne Rienner, 2004) identifies 'six arenas' of governance (civil society, political society, government, bureaucracy, economic society and judiciary). Daniel Kaufmann, Aart Kraay, and Pablo Zoido-Lobatón, *Governance Matters* (World Bank Policy Research Working Paper 2196, October 1999) uses 'six dimensions' of governance: (voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, and control of corruption). The UN Commission on Human Rights, *The Role of Good Governance in the Promotion of Human Rights*, Resolution 2000/64 identifies a set of five governance principles (transparency, responsibility, accountability, participation and responsiveness).

[27] Merilee Grindle, *Good Enough Governance: Poverty Reduction and Reform in Developing Countries* (Boston, Harvard University, Kennedy School of Government, 2002).

[28] For a recent review of various approaches, see University of Essex, Human Rights Centre and Rights and Humanity, *Map-Making and Analysis of the Main International Initiatives on Developing Indicators on Democracy and Good Governance* (Colchester, University of Essex, Human Rights Centre, 2003).

[29] Massimo Tommasoli, 'Governance Indicators for Forging Development Partnerships' *The Statistical Newsletter* (Paris, OECD, April 2003).

[30] African Union, *The New Partnership for Africa's Development*, (Abuja, African Union, 2001) and 'Communiqué Issued at the End of the Heads of State and Government Implementation Committee' (Abuja, March 2002).

[31] OECD DAC, Secretariat Note ECA/OECD DAC, 'Mutual Review of Development Effectiveness in the Context of NEPAD (3 December 2003).

The international human rights framework can make a significant contribution to domestic governance assessments, putting at the forefront the interests and rights of individuals and groups, and states' obligations.[32] It offers much more precise norms and standards, internationally agreed, setting minimum levels, embedded in a range of instruments including national constitutions, and monitored at international, regional and national levels. For example, NEPAD governance commitments are vaguer than standards set in the African Charter on Human and Peoples' Rights. The Charter also establishes accountability mechanisms which could be better coordinated with NEPAD.[33]

This is not to say that human rights norms and standards always provide answers to questions relating to governance: the latter covers a wider range of issues and, conversely, human rights require more than good governance to be effectively promoted and protected. For example, in order to guarantee the rule of law, which is essential in the realisation of human rights, a degree of state effectiveness is required. Governance reforms can help achieve this, including through better financial or human resources management. Human rights can also inform such reforms, by drawing attention to the need for non-discrimination or fair trial requirements, which a focus on effectiveness and efficiency alone will not address.

Given the lack of international consensus on governance criteria, principles and assessment tools, it would appear more appropriate to use country-specific analyses and debates to assess national governance as part of development partnerships. There exists an evolving set of 'good governance principles', which can form the basis of country-specific discussion.[34] However, these need to be used without presuming that there is only one institutional model that can meet these principles. For reasons noted above, human rights norms and standards should also be used as part of such assessments.

3.3 Conditionality and selectivity in development practice

In the context of aid, the term 'conditionality' is used to mean the exercise of financial leverage by linking the availability of aid to promises of policy reforms by recipient governments.[35] In the 1970s, the International Monetary Fund (IMF) was the main development partner applying policy conditionality to developing country governments. Its use of conditionality was initially concerned with a limited number of macroeconomic policy variables such as the exchange rate and domestic credit. This position on conditionality, however, started to expand to include areas such as trade liberalisation, budget deficits and revenue and expenditure measures. The 1980s saw a significant increase in the use of conditionality by the World Bank and bilateral donors. There was a move by all donors into 'structural' conditionality to:

- to increase the role of markets and private enterprises relative to the public sector, and to improve incentive structures;
- to improve the efficiency of the public sector; and
- to mobilise additional domestic resources.

In today's aid climate, it is generally accepted that it is legitimate for donors to require some reassurances when they provide financial or technical assistance; they are accountable to their domestic constituencies and parliaments, and need to make sure that the resources they provide are best used. In recent years,

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[32] See UN Commission on Human Rights, *The Role of Good Governance in the Promotion of Human Rights*, Resolution 2000/64.
[33] Bronwen Manby, 'NEPAD and the Human Rights Agenda' forthcoming in *Human Rights Quarterly*.
[34] Such as in the UN Commission on Human Rights, *The Role of Good Governance in the Promotion of Human Rights*, Resolution 2000/64.
[35] Tony Killick with Ramani Gunatilaka and Ana Marr *Aid and the Political Economy of Policy Change* (London, Routledge, 1998).

however, there has been a recognition that the past approaches to aid conditionality, particularly 'structural' conditionality, and selectivity have not been adequate. This has reinforced the move to partnership approaches.

Influential studies argued that externally imposed '*ex ante* policy conditionality' (actions to be taken prior to assistance being provided) did not really work: it could not 'buy' reforms and was only effective in 'conducive policy environments', where domestic commitment to reform already existed.[36] 'Process' conditionality, attached to the preparation of nationally owned development strategies, is now considered preferable and more compatible with partnerships. To date, however, there is limited evidence that donor policy conditionality is diminishing. For example, though the IMF has undertaken a streamlining process, a number of its 'dropped' conditionalities are picked up by the World Bank or bilateral donors.[37]

Aid policy and practice also includes political and human rights conditionality, which is not examined here. A genuine partnership approach can provide a useful starting point to address all forms of conditionality, in a manner more consistent with the Declaration on the Right to Development: starting with a common set of objectives and shared values, a contractual framework of mutual accountability can create opportunities for dialogue, recognising existing constraints and progress made, based on longer term commitments.

This stated preference for partnership over tight conditionality still implies a certain degree of 'selectivity' (the selection by aid agencies of countries receiving aid); genuine partnerships can only be built when there is a minimum basis for collaboration, such as shared objectives and values and genuine commitments on both sides. Not all developing countries can (or want to meet) such partnership criteria, and individual bilateral aid agencies in turn cannot (or do not want to) engage in in-depth partnerships with a large number of countries (i.e. providing large amount of resources, building trust over many years, and developing mutual understanding of priorities and values). Selectivity has thus been associated with the increased use of performance-based assessments to determine where aid is best allocated; some donor agencies have decided on a more limited number of 'priority countries', often on the basis of governance criteria.[38]

This increased selectivity poses a potential threat to global poverty reduction. 'Poor performers' represent a group of countries deemed to be making less effective progress on poverty reduction and where partnership approaches are not seen as applicable, owing to weak governance or low levels of trust

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[36] Craig Burnside and David Dollar, *Aid, Policies and Growth* (Washington, DC, World Bank, Macroeconomics and Growth Division, Policy Research Department, 1997); Shantayanan Devarajan, David Dollar and Torgny Holmgren (eds.), *Aid and Reform in Africa* (Washington, DC, World Bank, 2001); David Dollar and Art Kraay, *Growth is Good for the Poor*, World Bank Working Paper No. 2587 (Washington, DC, World Bank, 2001). Some studies have countered these findings, such as Henrik Hansen and Finn Tarp, *Aid Effectiveness Disputed*, CREDIT Research Paper 99/10 (Nottingham, CREDIT, 1999).

[37] Tony Killick, 'Politics, Evidence and the New Aid Agenda', *Development Policy Review* Vol. 22 No. 1, pp. 5-29 (London, ODI, 2004), pp. 14-15.

[38] OECD-DAC, *Development Cooperation Report 2003* (Paris, OECD, 2004) confirmed at pp. 17-19 the use of greater selectivity and performance-based allocation, and found a progressive trend during 1996-2001 for aid to be concentrated on recipient countries with 'sound policies'. The US Millennium Challenge Account has recently been set up to provide substantial resources to a limited number of countries, described as having very good governance and policy performance (United States Agency for International Development (USAID) U.S. Foreign Aid, *Meeting the Challenges of the Twenty-first Century White Paper* Washington, DC, USAID, 2004).

between donors and recipients.[39] Depending on definitions, between 500 million and one billion persons live in such countries, a serious challenge to the appropriateness of current aid modalities and policies. Selectivity is also not always based on assessments of development needs or even performance; political and other considerations matter.[40] In particular, new approaches linking security and aid in the post 11 September world may risk undermining development and humanitarian objectives,[41] for example allocating aid based on the strategic location of countries from a 'war on terror' perspective rather than based on levels of poverty or commitment to human rights.

3.4 National ownership and the PRSP approach

Partnership-based discourses are grounded in the principle of 'national ownership', which is highly consistent with the Declaration on the Right to Development and human rights more generally, as it puts responsibility for development in the hands of national governments. This principle is starting to influence the way in which country-level planning is undertaken and supported by donors, in particular the IFIs, which often lead the way for larger volumes of international assistance. Within the World Bank, the ideas of partnership and ownership emerged as underlying principles in development cooperation in the late 1990s.[42] They became core elements of the Comprehensive Development Framework (CDF) initiative launched by World Bank President James Wolfensohn in 1999, envisaging that governments and donors would use these principles as the basis for their cooperation.[43]

The core CDF principles were carried forward and expanded into the Poverty Reduction Strategy Paper (PRSP) approach. This approach can be seen as a 'tipping point' in the international development field, drawing together the concerns and thinking around poverty reduction, debt relief, IFI lending to low-income countries, and aid effectiveness.[44] Increasingly, bilateral donors and the European Commission are also supporting PRSPs, with some donors moving to use 'credible' PRSPs as the basis for their own country assistance plans. The UN system is also engaging, with a focus on ensuring linkages between the global MDGs and country-specific, medium-term PRSPs.[45] The full set of PRSP principles are that strategies should be:

- *country-driven*, involving broad-based participation by civil society and the private sector in all operational steps;
- *results-oriented*, focusing on outcomes that would benefit the poor;
- *comprehensive*, linking the multidimensional nature of poverty with macroeconomic considerations;
- *partnership-oriented*, involving coordinated participation of development partners (bilateral, multilateral and non-governmental); and
- based on a *long-term perspective* for poverty reduction.

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[39] Joanna Macrae *et al*., *Aid to 'Poorly Performing' Countries: a Critical Review of Debates and Issues* (London, ODI, 2004).
[40] Andrew Rogerson with Adrian Hewitt and David Waldenberg, *op. cit.*, p.17.
[41] Joanna Macrae *et al*., *Aid to 'Poorly Performing' Countries: a Critical Review of Debates and Issues*, London, ODI, 2004.
[42] World Bank, 'Partnership for Development: Proposed Action for the World Bank' (discussion paper presented at an informal meeting of the partnerships group, 20 May 1998).
[43] James Wolfensohn, *Proposal for a Comprehensive Development Framework* (Washington, DC, World Bank, 1999).
[44] Karin Christiansen with Ingie Hovland, *The PRSP Initiative: Multilateral Policy and the Role of Research*, ODI Working Paper 216, (London, ODI, 2003), p. ix.
[45] UN Development Group, *Guidance Note: UN Country Team Engagement in PRSPs* (December 2003).

Low-income countries need to produce a PRSP in order to access debt relief and concessional lending. These documents analyse poverty in a country and define the national strategy on the way in which the government is going to reduce it. The most significant aspect of PRSPs is that they are meant to unleash 'virtuous' circles for poverty reduction, by creating processes based on evidence and national consultations, and continuous learning through effective monitoring and evaluation. As of May 2004, 39 full PRSPs and 16 Interim PRSPs had been completed and presented to the Boards of the IMF and World Bank.[46]

The PRSP initiative is still relatively new and it is difficult to assess fully its success to date. Some argue that it is only 'old wine in a new bottle'.[47] PRSPs have to be effectively approved by the Boards of the IFIs, and donors play an extensive role in funding both technical advice and participatory processes, as well as engaging in detail policy dialogues. IFI policy prescriptions, especially macroeconomic policies, remain dominant. Evidence also suggests that though there is an opportunity for PRSPs to lead to a decrease in *ex ante* policy conditionality, a number of new conditionalities are arising, covering a larger range of issues.[48]

There is an inherent tension in the PRSP approach: it is a donor requirement and yet is meant to be 'nationally owned'. Though it aims to be grounded in broad-based participation, much of the design and financial support is still donor-dominated. Recipient governments may see PRSPs as another 'hoop' to go through in order to access concessional lending, without any genuine commitment to reform or poverty reduction. They have also been designed for indebted and low-income countries, and are now applied to most countries requiring international assistance. In many countries, political or public participation in the process has been tokenistic; this is a serious concern from a human rights perspective.[49] References to human rights, as reflected in constitutional or legislative standards, are not frequent or are mostly rhetorical, even though they constitute another dimension of national ownership beyond executive (often ministry of finance) dominated policy processes.

The recent World Bank and IMF review of progress in PRSP implementation found it to be an instrument charged with multiple objectives. Tensions manifest themselves in the lack of prioritisation in reports, concern over wider governmental ownership, and weak public expenditure management structure, as well as scope to improve donor alignment and harmonisation around national strategies.[50]

PRSPs can also be assessed differently, over the longer term and as an attempt to transform the aid relationship. They aim to put the recipient country at the centre of policy-making, and create a focus for country-led aid discussions which can only emerge after several iterations.[51] Of particular relevance is the

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[46] PRSP information according to the World Bank's Board Presentations of PRSPs, www.worldbank.org/poverty/strategies/boardlist.pdf

[47] Jeremy Gould and Julia Ojanen, *Merging in the Circle: The Politics of Tanzania's Poverty Reduction Strategy* (University of Helsinki, Institute of Development Studies, Policy Papers 2/2003) and Frances Stewart and Michael Wang, *Do PRSPs Empower Poor Countries and Disempower the World Bank, or is it the Other Way Round?*, Working Paper 108 (Oxford, Queen Elizabeth House, 2003).

[48] Tony Killick, 'Politics, Evidence and the New Aid Agenda' *Development Policy Review* Vol. 22 No. 1, pp 5-29 (London, ODI, 2004), p.15.

[49] Christian Aid, *Ignoring the Experts – Poor People's Exclusion from Poverty Reduction Strategies* (Policy Briefing, London, Christian Aid, 2001) and ActionAid (USA and Uganda), *Rethinking Participation: Questions for Civil Society about the Limits of Participation in PRSPs*, Discussion Paper (Washington, DC, 2004).

[50] World Bank/IMF, *Poverty Reduction Strategy Papers: Progress in Implementation* (Washington, DC, 2003).

[51] David Booth (ed.), *Fighting Poverty in Africa: Are PRSPs Making a Difference?* (London, ODI 2003).

fact that PRSPs should, in theory, foster greater political accountability of governments towards their own citizens, through the promotion of participation and national debates around poverty reduction, rather than technical accountability to donors. For example, Uganda's PRSP, the Poverty Eradication Action Plan, is fully embedded in national systems, including the budget; Vietnam's PRSP, the Comprehensive Poverty Reduction and Growth Strategy, is also closely related to national planning processes. In both countries, PRSPs are creating a framework through which international assistance is becoming more aligned with national systems and priorities.[52]

3.5 Aid flows

The current international development consensus also recognises that aid volumes need to increase. The level of aid remained steady throughout the 1980s but fell dramatically in the early 1990s. The end of the Cold War is seen as one cause for this decline.

There are two sets of criteria to assess progress in aid volumes. One is derived from preparatory work for the Monterrey Conference, along with other studies, which estimated that an additional $50 billion of ODA was needed to achieve the MDGs.[53] The other is the target of 0.7% of Gross National Income (GNI), endorsed in 1970 by the UN General Assembly. If that UN target were achieved, aid would be about $165 billion, three times the current level, and above what is required to meet the MDGs. Only five donor countries met the 0.7% target in 2002. (See Annex 2 for more details.)

At Monterrey, donors committed themselves to increases in aid amounting to approximately $20 billion per annum by 2006, with half of this to be spent in Africa. Current pledges will see the levels of ODA rise from around $55 billion over the past few years to around $75 billion by 2006. The current trend is positive in terms of GNI, with a rise from 0.22% (2001) to an estimated 0.29% (2006).[54] A number of new initiatives have also been proposed or developed to increase aid levels further, such as the International Financing Facility, the Millennium Challenge Account and the Global Fund to Fight AIDS, Tuberculosis and Malaria.[55]

Whilst efforts are needed on the donor side, attention should also be paid to the capacity of recipient countries to 'absorb aid'. This has a financial and economic dimension, as unpredictable fluctuations in large inflows of foreign currency can affect macroeconomic stability and can cause appreciation of recipient countries' currencies, making exports less competitive ('Dutch Disease'). There is also a capacity dimension, as higher volumes of aid require institutional capacity to plan and spend resources, and highly aid-dependent sub-Saharan African countries in particular may see their limited institutional capacity swamped. New initiatives, such as the Global Fund, may undermine the principle of national ownership, as they provide international flows of resources that might undermine domestic priority-setting mechanisms and local capacity.

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[52] Laure-Hélène Piron with Alison Evans, *Politics and the PRSP Approach: Synthesis Paper* (ODI Working Paper 237, London, ODI, 2004) drawing on case studies from Bolivia, Georgia, Uganda and Vietnam.

[53] United Nations, *Report of the High-Level Panel on Financing for Development*, A/55/1000 and World Bank, Development Committee, *Supporting Sound Policies with Adequate and Appropriate Financing: Implementing the Monterrey Consensus at the Country Level*, SecM2003-0370 (Washington, DC, World Bank, 2003).

[54] OECD-DAC, *Development Cooperation Report 2003* (Paris, OECD, 2004).

[55] Andrew Rogerson with Adrian Hewitt and David Waldenberg, *op. cit.*, pp.19-22.

ODA includes both grants and concessional loans (lending at favourable terms), and there is an ongoing discussion on their relative effectiveness. In recent years, there has been a rise in the proportion of grants, with the grant share of bilateral ODA going up from 76% in 1980/1 to 86% in 2000/1.[56] Those that favour grants argue that they prevent developing countries from going into further unsustainable debt which they may never be able to repay. Within the human rights community, the burden caused by debt repayments, and structural reforms associated with loans, have been linked to the denial of human rights through failures of countries to meet basic social expenditure needs (e.g. on health or education).

In 1999, partly in response to the international Jubilee 2000 campaign, the Enhanced Heavily Indebted Poor Countries Initiative (HIPC 2) was launched to speed up debt relief and release funds for poverty reduction.[57] This was associated with the PRSP approach and has resulted in actual increases in social sector spending. As of February 2004, 10 countries had reached their Completion Point, 17 were in the Interim Period, and 11 still had to be considered.[58]

Progress has been limited, though: debt relief may not have provided new resources (volumes have been less than expected and came from normal ODA flows rather than additional resources); resources have moved to eligible low-income countries, some with a track record of poor management, rather than those where most poor people live; increased social spending may have been at the expense of the 'productive sectors' (e.g. agriculture), also required for poverty reduction; and the initiative may not be able to ensure debt sustainability.[59] Further efforts are thus needed to provide more, and more appropriate, debt relief.

3.6 Quality of aid

In addition to volumes of aid, the way in which aid is provided matters and can be improved. Some dimensions of particular importance for the right to development, recognised in the Monterrey Consensus and in other statements, include that:

- global governance needs to be reformed;
- aid coherence requires better coordination within donor governments;
- there needs to be improved coordination among donor agencies, with reform of procedures so that they become simplified, harmonised and, eventually, fully aligned with recipient governments' systems; and
- aid needs to be disbursed on a more regular and predictable basis.

An important change in the use of 'aid instruments' (mechanisms to disburse aid) is the trend away from project financing towards 'programmatic aid', which resulted from an identification of some negative aspects of project aid, such as the fact that projects: require multiple reporting to different donors; create opportunities for rent-seeking and corruption; may not be in line with national policy priorities; and can undermine state systems through special staffing arrangements and parallel structures.[60]

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[56] OECD-DAC, *Harmonising Donor Practices for Effective Aid Delivery*, DAC Guidelines and Reference Series (Paris, 2003), p.17.
[57] Netherlands Ministry of Foreign Affairs, Policy and Operations Evaluation Department, *Results of International Debt Relief 1990-1999* (The Hague, 2003). This study evaluates approaches to debt relief prior to HIPC 2.
[58] World Bank/IMF *HIPC – Statistical Update* (Washington, DC, World Bank/IMF, 2004) (www.worldbank.org/hipc/Statistical_Update_March_2004.pdf)
[59] Tony Killick, 'Politics, Evidence and the New Aid Agenda' *Development Policy Review* Vol. 22 No. 1, pp 5-29 (London, ODI, 2004), pp. 6-12.
[60] Andrew Lawson and David Booth, *General Budget Support Evaluability Study*, Report for DFID (London, ODI & OPM, 2002).

Donors that have been the most supportive of this trend, in particular Sector-Wide Approaches (SWAps)[61] or direct budget support, include: Denmark, the Netherlands, Sweden and the UK, as well as the European Commission.[62] Partnership and country ownership have been key principles underpinning these new aid instruments, which foster greater reliance on country-owned development strategies, such as PRSPs, or on using governments' own public expenditure and implementation systems.[63] Donors feed their own development cooperation assistance into national development processes and financial cycles rather than creating additional, external processes. Such instruments are also seen as attempting to move away from strict *ex ante* conditionality towards processes of dialogue, better grounded in context-specific realities. PRSPs, SWAps and budget support are 'setting a clearer framework for aid support and cooperation among donors at national and sectoral level';[64] recent studies show that they are not yet the most common modes of aid delivery, though they do dominate aid discussions.[65]

Another recent trend in improving aid effectiveness is the commitment, made at the OECD DAC in 2001 (but only mandatory for the Least Developed Countries), that aid should no longer be 'tied'. (Tied aid needs to be spent on contractors or products from the donor country, thus promoting the commercial interest of donors.) The proportion of untied aid has increased from 60% to 80% over the past 20 years,[66] though it remains high for a number of countries, accounting for more than half of non-technical cooperation aid for Canada, Greece and Italy (while some donors do not provide data).[67]

3.7 'Good donorship' principles

As reviewed above, a shift towards partnership-based approaches to development has stimulated an agenda for reform in the policies and practices of aid agencies, to improve aid effectiveness and its contribution to poverty reduction. As a result, a set of new principles around how donors should act in their support to developing countries is emerging. These principles, referred to here as 'good donorship' principles, are based on a synthesis of recent international agreements and guidance.[68]

'Good donorship principles' can be summarised as:

- *Country leadership and ownership*: development needs to be led by the recipient country and donors need to subordinate their processes, procedures and, eventually, objectives and policies to those of the recipient country. This is the single most important principle, consistent with the

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[61] Mick Foster, *New Approaches to Development Co-operation: What Can We Learn from Experience with Implementing Sector Wide Approaches?* ODI Working Paper No. 140 (London, ODI, 2000).
[62] Andrew Lawson and David Booth, *op. cit.*
[63] Paolo De Renzio, *Why Budgets Matter: The New Agenda for Public Expenditure Management*, ODI Briefing Paper (London, ODI, May 2004).
[64] OECD-DAC, *Development Cooperation Report 2003* (Paris, OECD, 2004) p. 17.
[65] Andrew Lawson and David Booth, *op. cit.*, notes that only 15% of DFID bilateral assistance was in the form of budget support. See also Andrew Rogerson with Adrian Hewitt and David Waldenberg, *op. cit.*
[66] OECD-DAC, *Development Cooperation Report 2003* (Paris, OECD, 2004), p. 17.
[67] UNDP, *Human Development Report 2003* (New York, UNDP, 2003), p.148.
[68] The term 'good donorship' is derived from debates in the humanitarian field (see Joanna Macrae *et al.*, *Uncertain Power: The Changing Role of Official Donors in Humanitarian Action*, HPG Report 12, London, ODI, December 2002). This set of principles has been proposed by ODI and is based on: para 43 of the Monterrey Consensus (United Nations, *Report of the International Conference on Financing for Development Monterrey*, Mexico, 2002), endorsed by the Rome Declaration (OECD-DAC *Rome Declaration on Harmonisation*, Rome, February 2003); OECD-DAC *Harmonising Donor Practices for Effective Aid Delivery*, DAC Guidelines and Reference Series, Paris, 2003; and EU, *Guidelines for Strengthening Operational Coordination between the Community and the Member States in the Field of Development Cooperation*, 1998/2000.

objective of donor alignment with national priorities and systems, and the foundation for genuine and effective partnerships.

- *Sustainability of national capacity*: development requires sustainable capacity. Donors need to work in a way that sustainably builds the capacity of governments. When donors fill short-term technical gaps through assistance (e.g. salary top-ups to attract qualified local staff) or overuse the limited existing technical capacity in government and civil society to meet their own priorities, they may undermine local capacity and ownership.
- *Harmonisation and simplification*: disparate donor requirements for reporting, procurement and disbursement are an impediment to partner country ownership and leadership. Donors need to reduce the duplications, contradictions and complexities within and among donor agencies at the levels of procedure, process and policy. This includes better donor coordination as a starting-point, possibly moving to alignment and the encouragement of recipient-led coordination of aid. Tied aid constitutes an aspect of this problem; for example, it prevents pooled funding. Tied procurement may offer less value for money and can impair local ownership and capacity-building when technical assistance has to originate from the donor country.
- *Transparency and information sharing*: donors need to disclose fully their resource flows and practices to partner countries, in formats that are accessible and compatible with partner governments' own cycles and systems.
- *Predictability of resources and better approaches to conditionality*: unpredictable flows and excessive conditions impact negatively on development processes and governments may face severe difficulties in implementing policies and delivering services to their populations. Donors need to ensure that their assistance is provided in a predictable manner and conditions attached to assistance need to be simplified. This also includes identifying innovative ways to conduct partnership-based dialogue.
- *Subsidiarity:* decisions taken at the headquarters of development agencies/ministries may not be fully informed of local circumstances and negotiations. Decisions within and among donor organisations need to be delegated to the level that is best for aligning aid with country systems. In a number of cases, this may mean decentralising aid agencies or allowing field offices to take more decisions.

There is often a wide gulf between donor headquarters' statements and policy papers and the reality on the ground. The 'good donorship' principles suggested above can serve to assess the extent to which donor practices are changing, in line with their international commitments. They can be applied to assess progress in several relationships, all required in development partnerships:

- donors and partner governments (e.g. loan agreement);
- donor to donor (e.g. donor coordination); and
- internal to donor government (e.g. relations between ministries and aid agency, or different ministries with regards to aid coherence and consistency).

In addition to these 'good donorship principles', a number of other commitments examined in this section need to be taken into account when reviewing partnerships, including:

- sustainable increase in aid volumes (as well as the quality of aid and its predictability);
- more effective efforts to deal with debt;
- more effective efforts to promote aid coherence and consistency; and
- steps towards reforming global governance.

4. Human rights and partnership for development

The current mainstream international development discourse just reviewed often fails to address human rights directly. Human rights may be mentioned at times instrumentally, as a 'prerequisite for sustainable development'[69] or as a 'qualitative factor' in the development process and an aspect of 'good governance'.[70] However, for development partnerships to contribute to the realisation of the right to development, it is imperative that they put human rights at the centre of the relationship.

4.1 Contribution of the Declaration on the Right to Development

Poverty reduction and human rights constitute different, though mutually reinforcing, frameworks for development. The UN Committee on Economic, Social and Cultural Rights holds the view that 'poverty constitutes a denial of human rights' and regrets that the human rights dimensions of poverty eradication policies rarely receive the attention they deserve.[71] The current broad definition of poverty as the lack of basic capabilities to live in dignity is linked to several human rights.

The Declaration on the Right to Development and the current development consensus reviewed above share a number of characteristics that are mutually reinforcing. Specific aspects of the Declaration make a contribution to the way in which development is to be understood. It particular, it recommends using a people-centred and comprehensive definition of development, including social justice and gender equality; this is consistent with the current 'multi-dimensional' definition of poverty. The Declaration recognises the primary role of national governments in the development process and, in particular, the need for appropriate policies, legislation and other measures. An insistence on the 'right to active, free and meaningful participation' strengthens the view that national ownership needs to be broadened beyond the executive branch of recipient governments, and that individuals and groups (including marginalised ones), as well as existing accountability institutions, need to be fully part of this process.

The Declaration of course also recognises the role of other governments and the international community in creating a favourable international environment for development. In particular, it requires improved policy coherence by aid providers and reform of the global system. These demands are also recognised in the Millennium Declaration, the Monterrey Consensus, and related statements made in development fora.

The Declaration requires that human rights form part of the conception and practice of development. This is where it differs the most from the development mainstream. The Declaration recognises the interdependence and mutual reinforcement of all human rights and development; although this is officially recognised in international statements, it is not always at the heart of development policy and practice. The Declaration and debates surrounding it can thus be taken to encourage the adoption of 'human rights-based approaches to development' on the part of all countries, both in their own development processes and in the assistance they provide.

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[69] IMF/OECD/UN/World Bank Group *A Better World for All* (2000) , p.20.
[70] OECD Development Assistance Committee, *Shaping the 21st Century: The Contribution of Development Co-operation* (Paris, OECD, 1996) , p.2.
[71] UN Committee on Economic, Social and Cultural Rights, 'Poverty and the International Covenant on Economic, Social and Cultural Rights', E/C.12/2001/10, 2001.

The Independent Expert has also been reminding the international community of the need for such an approach, so that both donor and recipient countries commit to respecting human rights standards and principles, with human rights becoming more explicitly part of development plans and assistance.[72] The proposal for a 'development compact' supports a partnership approach to development based on human rights and mutual accountability. For practical and political reasons, the compact proposal should probably be taken as a theoretical construct (rather than requiring the establishment of new agreements) aiming to improve development partnerships and encourage all parties to adopt human rights-based approaches.

In summary, combining the notion of partnership with the key elements of the Declaration on the Right to Development, the following characteristics can be identified:

- an *explicit focus on human rights* by both donor and recipient countries, covering both standards and principles, with human rights becoming more explicitly part of development plans and assistance, and agencies and governments encouraged to adopt human rights-based approaches to development;
- a *people-centred and comprehensive definition of development*, including social justice and gender equality and the right to 'active, free and meaningful' participation in the development process;
- recognising the *primary role of national governments* in the development process, including the duty and right to formulate appropriate policies;
- recognising the role of other governments and the international community in creating a *favourable international environment* for development, in particular improved policy coherence of aid providers, global governance reforms as well as debt relief, and a commitment to increase aid flows; and
- a *contractual approach to development*, which can be monitored and which offers reciprocal channels of accountability.

4.2 Human rights and development agencies

During the Cold War, human rights and development were kept as separate domains; the 1993 Vienna World Conference finally recognised that 'Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing'.[73] As a result, the 1990s saw an increased debate on the integration of human rights into development practice, in particular by development agencies. Following the 1997 UN reform programme, human rights are now being 'mainstreamed' into all aspects of UN work, in particular through the Common Country Assessment and the United Nations Development Assistance Framework.[74] The 2002 UN reform process is intended to have a broader impact at the national level. UN officials are receiving training in human rights, and practical guidance and instructions have been issued to staff. For example, UNICEF has established a

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[72] Arjun Sengupta, *Fourth Report of the Independent Expert on the Right to Development* E/CN.4/2002/WG.18/2, 2001 and Arjun Sengupta, *Fifth Report of the Independent Expert on the Right to Development* E/CN.4/2002/WG.18/6, 2002.

[73] United Nations, *Vienna Declaration and Programme of Action*, A/CONF.157/23, 1993.

[74] United Nations, *Reforming the UN: A Programme for Reform* A/51/950, 14 July 1997 and United Nations *Strengthening of the United Nations: An Agenda for Further Change* A/57/387, 2002. William O'Neill, *The Current Status of Human Rights Mainstreaming: Review of Selected CA/UNDAF and RC Annual Reports* (Stamford, CT, 2003) showed progress to date with mainstreaming.

growing body of tools and documented experiences and UNDP has issued new guidance.[75] The ILO has been promoting respect for labour rights since its establishment.

During this period, a number of bilateral development agencies have also developed policy papers and guidance on human rights, including DFID, NORAD, Sida, and SDC.[76] Others, such as the Canadian or German agencies, are in the process of conducting internal debates, investigating specific topics, or developing more systematic guidance.[77] It is considered too early in this process for all aid agencies to have envisaged developing policies on human rights-based approaches. Some donor governments, however, are reticent: it may be that they do not recognise the equal status of economic and social rights or that they fear the legal consequences that may derive from a recognition of their human rights obligations. Some multilateral agencies have also resisted explicitly endorsing such approaches, arguing opposition from their Boards or mandate constraints, though a change can be noted in recent Word Bank statements.[78] The Inter-American Development Bank has also been actively engaged on social exclusion over recent years.[79]

However, these changes are often (though not always) peripheral to the main work of most aid agencies, and have not always transformed their operations. Whereas a consensus seems to exist around aid effectiveness, in particular what would constitute good donorship, the acceptance of a human rights-based approach is felt to be much more problematic.

4.3 Human rights-based approaches

Several terms are used in current policy discourses and programmes to describe the ways in which human rights are influencing aid policies and practices:

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[75] UNICEF, *Executive Directive: Guidelines for Human Rights-Based Programming Approach* (New York, UNICEF, 1998) and UNDP, *Poverty Reduction and Human Rights. A Practice Note* (New York, UNDP, 2003). Progress in operationalisation within UNICEF has been documented by Caroline Moser and Annalise Moser, *Moving Ahead with Human Rights: Assessment of the Operationalisation of the Human Rights Based Approach in UNICEF Programming in 2002* (New York, UNICEF, 2003).

[76] Examples of bilateral policy statements and tools include: DFID, *Realising Human Rights for Poor People* (London, DFID, 2000); NORAD, *Handbook in Human Rights Assessment. State Obligations, Awareness and Empowerment* (Oslo, NORAD, 2001); Sida, *Justice and Peace: Sida's Programme for Peace, Democracy and Human Rights* (Stockholm, Sida, 1997); Sida, *Country Strategy Development: Guide for Country Analysis from a Democratic Governance and Human Rights Perspective* (Stockholm, Sida, 2003); SDC, *Promoting Human Rights in Development Cooperation* (Geneva, SDC, 1997); SDC, *Creating the Prospect of Living a Life of Dignity. Principles Guiding the SDC in its Commitment to Fighting Poverty* (Geneva, SDC, 2004).

[77] The OECD-DAC Governance Network recently established a human rights task force, chaired by Canada.

[78] By comparison with *Development and Human Rights: the role of the World Bank*, (World Bank, Washington, DC, 1998), recent statements take the human rights framework more seriously (see Joseph Ingram, *World Bank Statement at the High Level Seminar on the Right to Development* Washington, DC, World Bank, February 2004 or James D. Wolfensohn 'Human Rights and Development: Towards Mutual Reinforcement', Remarks at a Dialogue on Human Rights and Development Organized by the Ethical Globalization Initiative and New York University Law School, New York City, 1 March, 2004).

[79] For example, Inter-American Development Bank, *Action Plan for Combating Social Exclusion Due to Race or Ethnic Background*, May 2001.

- *Adopting a human rights perspective* may be the least burdensome, as it suggests that, at times, it may be relevant to review policies and programmes from such a perspective, but does not necessarily recognise the human rights obligations of (donor and recipient) governments or the need for institutional reform.
- *Mainstreaming human rights* requires a more systematic institutional effort to ensure that all areas of activities are at least examined from a human rights angle. However, the expression is now often seen as pejorative by development practitioners, especially as it suggests an added burden, with 'too many issues' being mainstreamed.
- *Adopting a human rights-based approach* goes beyond institutional changes to a transformation in the way in which development is conceptualised, objectives set and monitored, and strategies developed. It is grounded in the international human rights framework and in a recognition of social and political processes of change needed to address structural inequalities and other impediments to human rights and poverty reduction.[80]

The challenge is how to operationalise such a 'human rights-based approach'. For the purpose of this study, the 2003 UN inter-agency common understanding is a useful starting-point, which represents the beginning of an agreement among UN actors that can be extended to others, and which is more comprehensive and specific than other definitions.[81] It includes:

- the requirement for development assistance to contribute to the realisation of human rights as laid down in the *international human rights framework*;
- the use of human rights *standards* and *principles* at all levels of programming; and
- provision of assistance to both those that claim rights (*rights-holders*) and those with human rights obligations (*duty-bearers*).

Explicit reference to the human rights framework is important as it sets the normative and analytical basis of the approach and has distinct operational implications.[82] However, this not only is a legal approach, but also has political and social dimensions. Beneficiaries of development processes are no longer seen as receiving 'charity', but as active citizens, making legitimate claims on governments and social arrangements, using various channels to claim their rights, such as participation in political or policy-making processes, advocacy and social mobilisation, as well as making use of legal and quasi-legal redress and accountability mechanisms.[83]

Focusing on building the capacity of both rights-holders and duty-bearers is also an important innovation. It recognises that the human rights language is not simply about condemning the 'violations' committed by governments or donors, but that capacity has to be built so that human rights obligations are known

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[80] A 'rights-based approach' is often used as a short-hand for a 'human rights-based approach' but may also indicate more distance from the human rights framework and greater focus on citizenship rights or participatory approaches (Laure-Hélène Piron and Francis Watkins, *DFID Human Rights Review: A Review of How DFID has Integrated Human Rights into its Work*, London, ODI, 2004).

[81] United Nations, *Report on the Second Interagency Workshop on Implementing a Human Rights-Based Approach in the Context of UN Reform*, 'Attachment 1: The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among the UN Agencies' (Stamford, CT, USA, 5-7 May 2003).

[82] For the distinction between the normative, analytical and operational levels see Caroline Moser and Andy Norton *To Claim Our Rights: Livelihood Security, Human Rights and Sustainable Development* (ODI, London, 2001).

[83] Caroline Moser and Andy Norton *op. cit.* refer to various 'channels of contestation'.

and can be respected. It also creates a strong link between both the social and governance dimensions of development, in particular the capability of citizens and others to make claims, and that of governments and others to fulfil their obligations. This approach also requires a focus on bilateral and multilateral agencies' own human rights obligations, behaviour and ways of working, and the impact of their assistance.

4.4 Operational human rights principles

A human rights-based approach to development is also seen as requiring respect for a number of 'human rights principles' in the development process, from both recipients and donors. A number of questions need to be asked regarding these principles, often used as 'operational' policy and programming principles by aid agencies, from the perspective of reviewing development partnerships to realise the right to development:

- Is there a need for an agreed consistent 'list' of such principles and, if so, from where should it be derived?
- Are the principles sufficiently operational to help assess development processes and outcomes – at the level of both policy and implementation?
- How do they relate to 'good governance' or 'social development' principles?

A review of policy statements from bilateral and multilateral aid agencies shows that there is by now a multiplicity of lists of operational human rights principles. Some principles, such as equality and non-discrimination, are clearly derived from the international human rights framework. Others, such as transparency and accountability, are regularly used in good governance discussions without necessarily bearing in mind that they are part of the human rights framework. For example, a governance perspective may argue for a transparent budget process because it will improve data quality and minimise opportunities for corruption, and not necessarily because citizens have a right to be informed and participate in governments' decisions regarding the use of public resources. By contrast, referring to civil and political rights rather than good governance results in a more exact understanding of expected minimum standards, on the basis of which actors can advocate or be held accountable.

Similarly, social development principles, such as broad-based participation or empowerment, are sometimes valued instrumentally because they contribute to, for example, more effective projects owned by beneficiaries rather than because the right to 'active, free and meaningful participation' is fully recognised. They are also not identical to human rights principles. For example, social inclusion is not equivalent to non-discrimination: the latter recognises specific legal protections and strategies whereas the former can have integrationist or assimilationist implications.[84]

The table overleaf illustrates the different 'lists' of principles (see Annex 1 for details and a comparison with good donorship principles). The principles can be roughly categorised into four clusters:

- Recognising the relevance of the human rights framework, human rights obligations, and the Vienna Consensus (universality, inalienability, indivisibility, inter-dependence and inter-relatedness).

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[84] Minority Group International, *An Examination of Approaches by International Development Agencies to Minority Issues in Development*, Sub-Commission on Human Rights, 56th session, Working Group on Minorities, March 2004 notes that a social exclusion and human rights-based approach are not identical; other rights beyond non-discrimination, such as participation, need to be taken into account in a human rights-based approach, p.10.

- Equality, non-discrimination, equity, and inclusion.
- Participation, empowerment and inclusion.[85]
- Accountability, transparency and the rule of law.

Table 1: Human rights and other operational principles

UN Inter-Agency[86]	**Independent Expert**[87]	**Sida**[88]	**DFID**[89]	**Social Development**[90]	**Good Governance**[91]
Universality and Inalienability Indivisibility Inter-dependence and inter-relatedness Equality and non-discrimination Participation and inclusion Accountability and the rule of law	Transparency Accountability Participation Non-discrimination Equity	Equality in dignity and rights and obligations of the state Accountability Transparency and openness Participation	Participation (includes access to information) Inclusion (includes equality and non-discrimination) Fulfilling obligation (includes accountability)	Inclusion (includes participation and empowerment) Cohesion Accountability (includes transparency, effectiveness, efficiency, fairness, and responsiveness)	Transparency Responsibility Accountability Participation Responsiveness

Operational principles are useful for aid programming, in particular given the complexity of human rights concepts for both governments and aid agencies officials. They can play a part in assessing development partnerships from a right to development perspective. Human rights experts may wish to debate the best possible list of such principles, though it has to be recognised that conceptual clarity needs to be balanced against operational effectiveness and suitability to specific partnership agreements. If one single list is to be put forward, it is recommended that this starts with the UN inter-agency agreement. What is essential, however, is that these principles be used to support the implementation of human rights norms and

[85] 'Inclusion' has been listed twice, as a review of policy statements found it used in relation to both inclusive and non-discriminatory societies and inclusive participation processes.
[86] UN, *Second Interagency Workshop on Implementing a Human Rights-based Approach in the Context of UN* Reform. Attachment 1: The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies (Stamford, CT, USA, 5-7 May 2003).
[87] Arjun Sengupta, *Fourth Report of the Independent Expert on the Right to Development* E/CN.4/2002/WG.18/2, 2001 and Arjun Sengupta, *Fifth Report of the Independent Expert on the Right to Development* E/CN.4/2002/WG.18/6, 2002.
[88] Sida, personal communication with author.
[89] DFID, *Realising Human Rights for Poor People* (London, DFID, 2000).
[90] World Bank, *Draft Social Development Strategy* (Washington, DC, World Bank, 2004).
[91] UN Commission on Human Rights, *The Role of Good Governance in the Promotion of Human Rights*, Resolution 2000/64.

standards, rather than being detached from them, as can be the case when only governance or social development principles are used.

In summary, development partnerships can make a contribution to the realisation of the right to development if they are grounded in human rights. Human rights principles may be useful for such processes, but the international human rights framework also needs to be kept in mind, as well as key aspects of the Declaration on the Right to Development. A key criterion is whether both recipient and donor governments are recognising and making efforts to respect, protect and fulfil human rights. The explicit adoption of 'human rights-based approaches' to development can strengthen such an orientation.

The adoption of human rights-based approaches by both developing and developed countries, and the agencies providing international assistance, is an issue that needs to be explored further at political, conceptual as well as operational levels. A number of challenges which are beyond the scope of this review study include: the institutional constraints faced by agencies attempting to move to human rights-based policy and programming,[92] the relationship between human rights and the MDGs,[93] as well as better communication between human rights and economic thinking. [94]

[92] Some of these constraints are identified in recent studies of bilateral donor practices. See Laure-Hélène Piron, *Learning from the UK Department for International Development's Rights-Based Approach to Development Assistance* (Bonn, German Development Institute, 2003) and Laure-Hélène Piron and Julius Court, *Independent Evaluation of the Swiss Agency for Development and Cooperation Human Rights Policy Guidelines and Rule of Law Concept Document* (London/Berne, ODI/SDC, 2003).

[93] See Centre for Human Rights and Global Justice, *Human Rights Perspectives on the Millennium Development Goals: Conference Report*, NYU and Millennium Project (New York, 2003).

[94] This is recognised by Peter Uvin, *Human Rights and Development* (Bloomfield, Kumarian Press, 2004) who writes at p.192: 'One of the most important challenges facing scholars and activities is to develop a language, a framework, a methodology for conversations between economic thinking and rights thinking'.

5. Conclusion

This study has examined recent trends in development policies and programmes, including both aid effectiveness and human rights-based approaches. It has showed how the concept of partnership has become more important in both right to development debates and the policy and practice of development agencies.

A key aspect of partnerships is that they offer contractual structures through which donors as well as recipients can be held to account. The starting point includes the recognition of a common set of objectives and shared values, such as human rights and poverty reduction, and reciprocal but differentiated responsibilities to attain these objectives.

The new 'global compact' on poverty reduction is phrased in the language of development partnership. PRSPs in particular, with their focus on nationally-owned processes and strategies, are indicative of an effort to change aid relationships, though more could be done. The MDGs have been a spur to commitments to increasing ODA. Though more ODA as well as debt relief will be important to reach the MGDs, domestic absorptive capacity constraints need to be taken into account. However, the issue is not only one of more resources, but also improving the quality of aid. A set of 'good donorship' principles is proposed to reflect the Monterrey Consensus, and can be used to hold donor governments and agencies to account. A commitment to good governance domestically also forms part of this consensus, as is improving global governance and aid coherence.

For development partnerships to contribute to the realisation of the right to development, they need to be grounded in human rights. One way in which this is taking place is in the rise of human rights-based approaches to development adopted by a number of aid agencies. However, human rights are not yet in the mainstream of development practice, and more efforts are required on the part of both developing and developed countries governments.

The main message of the study is that development partnerships are relevant for realising the right to development. To do so they need to be grounded in:

1. an understanding of the nature of development partnerships;
2. the context of the 'global compact' for poverty reduction and commitments related to aid effectiveness, including with regards to good governance and good donorship; and
3. human rights, including the international human rights framework, operational human rights principles and the adoption of human rights-based approaches.

Annex 1: Human rights and good donorship principles

Table 1: Human rights principles

Principles	Sources	Definitions	Comments and comparisons
Universality and Inalienability	Vienna Declaration UN inter-agency common understanding	Human rights are universal and inalienable. All people everywhere in the world are entitled to them. The human person in whom they inhere cannot voluntarily give them up. Nor can others take them away from him or her. Grounded in Article 1 of the UDHR.	Human dignity is the underlying concept. Good donorship principles do not explicitly discuss human rights standards or principles, but they are meant to be universal (apply to all aid situations, regardless of the instruments used/level of dependency).
Indivisibility	Vienna Declaration UN inter-agency common understanding	Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, *a priori*, in a hierarchical order.	The Cold War led to separation between civil/political and eco/soc/cultural rights. Vienna brought all rights back together. Development programming requires that choices and priorities be set, and can find the principle of indivisibility hard to apply in practice. Good donorship principles promote country-led prioritisation processes, which donors need to support and not subvert.
Inter-dependence and Inter-relatedness	Vienna Declaration UN inter-agency common understanding	The realisation of one right often depends, wholly or in part, upon the realisation of others. For instance, realisation of the right to health may depend, in certain circumstances, on realisation of the right to education or of the right to information.	This is fully consistent with the 'multi-dimensional' nature of poverty. As with the principle of indivisibility, they can pose challenges at the practical level in terms of prioritisation.
Equality	CESCR 2001 inter-agency common understanding MD	All individuals are equal as human beings by virtue of the inherent dignity of each human person. Equality before the law is a key principle of the ICCPR. Gender equality is central to CEDAW. 'No individual and no nation must be denied the opportunity to benefit from development. The equal rights and opportunities of women and men must be assured.' (MD)	Equality demands particular attention to vulnerable groups and persons. UDHR art. 1 also places freedom as a fundamental aspect of human rights, but it is not generally listed as an operational principle, whereas equality is. MD highlights equality between nations and also defines freedom as a fundamental value: 'Men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice. Democratic and participatory governance based on the will of the people best assures these rights.' Recognised as a basis for good donorship via Monterrey para 11 and gender equality mentioned in para 9.

Equity	RTD Independent Expert MD	The MD refers to equity at the global level. IE refers to 'equity in decision-making and sharing of the fruits or outcomes of the process', 'diminishing disparities', equity as 'the transformation of the structure of production which reduces interregional and interpersonal disparities and inequity', 'equity and empowerment in international economic transactions between developed and developing countries', 'rights-based economic growth with equity and justice', 'the RTD approach seeks to address the need for equality in the level or amount of benefits accruing from the exercise of the rights. As a result, policies and measures must be based on a development framework that reduces income disparities or does not allow these disparities to increase.'	Equity is less frequently used as an operational human rights principle – the related equality principle is used in a legal sense. It has been introduced by the IE as a human rights principle relating to economic equality/redistribution, but is less frequently used as a human rights principle in this way by aid agencies. It seems to be used mostly in relation to the global level: for example, MD refers to it under the principle of solidarity, which is less often used by aid agencies: 'Global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most.' Good donorship principles strengthen equity in the actual delivery of aid as they aim to raise standards in all countries. Selectivity and conditionality may challenge global equity in the allocation of aid.
Non-discrimination	CESCR 2001 UN inter-agency common understanding MD	All human beings are entitled to their human rights without discrimination of any kind, such as on the grounds of race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.	Discrimination can cause poverty, and poverty can cause discrimination. Non-discrimination demands particular attention to vulnerable groups and persons.
Participation and empowerment	CESCR RTD Declaration DFID UN inter-agency common understanding	Refers to 'active, free and meaningful participation' (DRTD) in decisions that affect the lives of those living in poverty This includes free and fair elections (ICCPR). Empowerment is also often described as the leading contribution of a human rights-based approach (e.g. DFID) but it is not always defined. It covers several dimensions – political, economic or social.	DFID includes access to information under participation, which can also be considered a core element of accountability and transparency. 'Democracy' is often seen as a concept underpinning participation and related to both good governance and the rule of law. Participation is required to broaden the national ownership and accountability promoted by good donorship principles. Participation is listed in Monterrey Consensus para 9 and also required to improve global governance. Democracy is mentioned in Monterrey para 9 and 11.
Inclusion	DFID UN inter-agency common understanding World Bank	'Building socially inclusive societies, based on the values of equality and non-discrimination' (DFID). 'Inclusive societies promote equal access to opportunities. To move toward this goal, societies must alter formal and informal rules that limit the capabilities of the disempowered and encourage the participation of diverse individuals and groups in development activities' (World Bank).	UN agreement does not explicitly define inclusion, but groups it with participation. The World Bank relates it to equal opportunities, empowerment and participation, whereas DFID for example places inclusion as the headline concept for equality and non-discrimination. The MD refers to 'tolerance' in a way that is consistent with both inclusion and non-discrimination: 'Human beings must respect one other, in all their diversity of belief, culture and language. Differences within and between societies should be neither feared nor repressed, but cherished as a precious asset of humanity. A culture of peace and dialogue among all civilizations should be actively promoted.' Listed in Monterrey Consensus para 9.

Accountability	CESCR 2001 UN inter-agency common understanding IE World Bank	Human rights create obligations and demand accountability in relation to human rights law and other accountability mechanisms for non-state duty-holders. Mechanisms need to be: accessible, transparent and effective (CESCR 2001). States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments (UN agreement)	Accountability is a central concept for human rights, good governance, social development as well as good donorship. World Bank definition includes under it: transparency, effectiveness, efficiency, as well as fairness and responsiveness. It is central to the functioning of development partnerships which require reciprocal mechanisms that can use good donorship principles as standards to monitor donor accountability (as well as other international commitments). Accountability systems include existing domestic legal, political or other institutions, as well as regional/international human rights accountability. Listed in Monterrey Consensus para 9.
Rule of Law	UN inter-agency common understanding	Where states fail to comply with the legal norms and standards enshrined in human rights instruments, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law (UN agreement).	The rule of law – beyond human rights – is also seen as an area of good governance. For example SDC notes that 'good governance and the rule of law are mutually dependent upon one another'. Good donorship principles would seem to require the rule of law – predictable, rules-based behavior on the part of donors, as well as to ensure that country leadership and ownership is meaningful. Listed in Monterrey para 9.
Transparency	Independent Expert Sida	'Transparency implies exposing openly all the interrelations and linkages between different actions and actors. It is an essential requirement for establishing accountability.' 'Accountability presupposes transparency in all the transactions and interconnections in the process of development, implemented as a human right, and both of them are necessary to ensure effective participation of all the actors in that process' (IE).	Transparency could be considered as an aspect of accountability, rather than a separate human rights principle. It is often listed as a good governance principle. DFID refers to the right to information under the participation principle, which may well be the core content of transparency as a human right principle. Transparency and information sharing are listed as good donorship principles. Listed in Monterrey Consensus para 9 and also required to improve global governance.
Obligation	DFID Sida CESCR	'Actions to directly increase the public accountability of governments, and other duty bearers, for their human rights obligations' (DFID).	Not so much a principle as a key human rights concept. The human rights framework ascribes obligations to states and other duty-bearers, on the basis of which rights-holders can make legitimate claims. There is a 'core obligation to ensure the satisfaction of, at the very least, minimum levels' of each of the rights in the ICESCR, with minimum essential levels of the rights to food, education and health as non-derogable rights. Good donorship principles, such as sustainable capacity or predictability of resources, protect the capacity of states to meet their obligations.

Human Dignity and other fundamental values	Sida MD SDC	'Dignity means being able to independently shape one's life and one's future, to draw on one's own experience and capabilities, and to live as a respected member of one's social group and of society as a whole. To live a life in dignity, people must be able to satisfy their basic needs and to exercise their political, civil, social, cultural, and economic rights' (SDC). The MD also recognises it as a fundamental principle.	Other SDC principles include: diversity and respect; justice, participation and ownership; solidarity and responsibility; peace, freedom and security. Good donorship principles do not discuss such fundamental values, but, to the extent that they build on the MD via the Monterrey Agreement, they recognise and support the principle of human dignity. Monterrey para 9 lists the principles of: justice, equity, democracy, participation, transparency, accountability and inclusion. Para 11 lists: Good governance, sound economic policies, responsive democratic institutions, freedom, peace and security, domestic stability, respect for human rights, including the right to development, and the rule of law, gender equality, market-oriented policies, and an overall commitment to just and democratic societies.

Table 2: Principles of good donorship

Principles	Definition	Aid effectiveness justification	Comparison with human rights principles
Country leadership and ownership	Donors need to subordinate their processes, procedures and, eventually objectives and policies, to those of the recipient country. This is the single most important principle, consistent with the objective of donor alignment with national priorities and systems, and the foundation for genuine and effective partnerships.	Development needs to be led by the recipient country. More government ownership will improve the level of implementation, and policies will be more appropriate, better adapted to national realities. Accountability should be to population rather than donors, which in turn implies improved implementation.	Fully consistent with the Declaration on the Right to Development (primary responsibility is at the national level). Improved domestic accountability systems can include human rights accountability frameworks, though these are not often explicitly referenced in current practices (e.g. PRSPs). Ownership can be further expanded by the human rights principles of participation, inclusion and non-discrimination. Current aid discourse includes a reference to good governance to underpin country leadership and make effective use of aid.
Sustainability of capacity	Donors need to work in a way that sustainably builds the capacity of government. When donors fill short-term technical gaps through assistance (e.g. salaries top-ups to attract qualified local staff) or over-use the limited existing technical capacity in government and civil society to meet their own priorities, they may undermine local capacity and ownership.	Development requires sustainable capacity. Most developing countries governments have serious capacity shortcomings that limit their aibility to undertake all their states responsibilities.. Thus donors need to behave in a way that does not undermine or overuse current capacity/skills and design their work in a way that builds capacity for the longer term	Fully consistent with the Declaration on the Right to Development, which assigns primary responsibility to national governments – who require appropriate capacity to respect their human rights obligations. Capacity of rights-holders and other duty-bearers, as well as of states, need to be included.
Harmonisation and simplification	Donors need to reduce the duplications, contradictions and complexities within and between donor agencies at the levels of procedure, process and policy. This includes better donor coordination as a starting-point, possibly moving to alignment, and the encouragement of recipient-led coordination of aid.	Disparate donor requirements for reporting, procurement and disbursement are an impediment to partner country ownership and leadership. The duplication and complexity of donor demands on recipients (in terms of time and capacity) imposes substantial transactions costs. This pressure undermines the ability of government officials to carry out their task and 'join up' government policies and practices. It also undermines the ability of accountability towards citizens. Tied aid, in particular, is a procedure that can impair local ownership and capacity-building.	Fully consistent with the Declaration on the Right to Development, in particular as it draws attention to donors' commitments to a key dimension of the international environment for development (greater consistency within aid agencies). This will also strengthen the accountability of donors towards recipients, as it facilitates country-coordination of aid, and is a key step towards transparency

Transparency and information sharing	Donors need to disclose fully their resource flows and practices to partner countries, in formats that are accessible and compatible with partner governments' own cycles and systems.	This will promote the coherence and efficiency of resources allocation and policy decisions, making it possible to see overlaps and duplication. It will also improve coordination among donors, making their activities comparable. Domestic ownership is more achievable when donor resources flows are disclosed in 'budget-compatible' terms, and over the budget cycle of that country.	Fully consistent with the Declaration on the Right to Development. Central to improving donor accountability to recipients. Also consistent with the human rights principles of transparency and access to information, required to strengthen accountability.
Predictability of resources and approaches to conditionality	Donors need to ensure that their assistance is provided in a predictable manner. Conditions attached to assistance, which can lead to unpredictable disbursements by donors, need to be simplified. This includes identifying innovative manners to conduct partnership-based dialogue.	Unpredictable flows and excessive conditions negatively impact on development processes. As a result, governments can face severe difficulties in implementing policies and delivering services to their populations	Predictability of donor resources needed to ensure state capacity to deliver on its human rights commitments. This is perhaps less explicitly related to the Declaration or human rights principles, but is important in clarifying the nature of donor obligations in relation to international cooperation. This good donorship principle does not explicitly say that conditions attached to assistance should be linked to human rights obligations as a source of legitimacy. Right to development perspective may disagree with explicitly accepting the need for conditionality, though certain definitions of partnerships can explain the need for conditionality based on the shared values/objectives, and as a form of mutual accountability.
Subsidiarity	Decisions within and between donor organisations need to be delegated to the level that is best for aligning aid with country systems.	Decisions taken at the headquarters of development agencies/ministries may not be fully informed of local circumstances and negotiations. In a number of cases, this may mean decentralising aid agencies or allowing field offices to take more decisions.	The Declaration does not discuss issues of subsdiarity or decentralisation. This principle, which is required to better promote national ownership, is fully consistent with the Declaration. It is also a important to make the principle of participation real.

Notes: The principles have been developed by the ODI and are drawn from the following key documents:
Monterrey 2002: Final report, paragraph 43, endorsed by the Rome Declaration on Harmonization, February 2003.
DAC 2003: Harmonising Donor Practices for Effective Aid Delivery.
EU 1998/2000: Guidelines for strengthening operational coordination between the community and the member states in the field of development cooperation.

Annex 2: Data on poverty and aid trends

Poverty and the MDGs

More than one billion people continue to live in extreme poverty. In 2000, UNDP estimated that 1.1 billion people lacked access to a safe water supply, 40% of births were not attended by skilled health personnel, and 49% of the world's population lacked access to improved sanitation. The majority of the people that these statistics represent live in low-income countries. In 2000, such countries spent on average just 1.1% of their GDP on public health (as opposed to 6% in high-income countries) and, as a result, women have a one in 48 chance of dying from pregnancy and childbirth-related causes (as opposed to 1:4000 in Western Europe) and four million African children under the age of five continue to die every year. 54 countries, mostly in sub-Saharan Africa, were poorer in 2000 than they had been a decade earlier and 21 countries experienced a decline in Human Development Index ranking over the same period.

This unequal distribution of wealth and services is reflected in the uneven progress that has been made towards meeting the MDGs. This is not only across the eight goals but also across regions and countries, and, within countries, between socio-economic groups. The 1990s has been called the 'decade of broken promises' owing to the failure to meet any of the targets agreed for 2000 at the global level. Furthermore, on current projections, we are only on track to meet one of the targets globally (halving the number of people without access to safe water). The target to halve income poverty would appear to be on track but most of the gains so far have been due to dramatic changes in Asia and the sustainability of current progress is in doubt. As for the other targets, many of them were faltering around the 20% mark in 2000, rather than the 40% that they should have reached if they are to be met. As a result, for example, it is estimated that the targets for gender equality in primary school enrolments and universal primary education will not be reached until 2025 and 2030 respectively. And these are just the global trends. Sub-Saharan Africa is unlikely to achieve universal primary education until 2120; it will not have halved extreme poverty until 2147; and child mortality will not be cut by two-thirds until 2165. And, even if the MDGs were to be achieved in 2015, it is estimated that 900 million people would continue to live in abject poverty.

Some, including low-income, countries have met every target, which indicates that achieving the MDGs is both technically feasible and financially affordable; 'committed leadership, stronger partnership, extra money and deeper participation by the poor can bring the world back on track towards the MDGs'.

2. Aid volumes[95]

From a peak of $58,453 million in 1992, the 1990s witnessed a decline in the volume of aid, reaching a low of $53,233 million in 1999, mainly owing to reduced incentives following the end of the Cold War, but also to reduced delivery in rapidly advancing countries in Asia and Latin America and conflict-ridden areas of Central and Western Africa. There has been a reversal of this trend since 2001–02, however, and the 2003 DAC figures show that there has been a recovery in total volumes of aid, reaching 1992 levels once again in 2002 ($58,274 million.) and surpassing them in 2003 ($68,483 million). DAC contend that this upturn in aid levels can be accounted for by two events:

- the 11 September attack on the World Trade Centre, which led to an increase in US commitments; and
- the 2002 Financing for Development Conference in Monterrey, which led to a general increase in DAC members' initiatives to improve the quantity and quality of aid.

[95] Data is based on OECD-DAC, *Development Cooperation Report 2003* (Paris, 2004) and OECD-DAC 'Modest Increase in Development Aid in 2003', Press Release, Paris, 16 April 2004.

A substantial part of the recorded increase is the result of a commitment of $2 billion for the reconstruction of Iraq from the US. Debt write-offs also account for a large proportion of the increase in other donors' commitments, for instance France and Belgium. Both of these sources of increase should be regarded as one-off increases, unlikely to be sustained into later years.

However, this recovery is only in absolute terms; when one looks at aid volume as a percentage of GNI, it is clear that at 0.25%, the 2003 volume of aid falls well short of 1992 (0.33%). Of the top 12 donors, only the UK has seen an increase on its 1991–92 level of ODA as a share of its GNI (32% in 1991–92 and 34% in 2003).

Based on official OECD net ODA data from DAC countries to developing countries and multilateral organisations, the following can be noted for 2003:

- *Total volume of ODA*: $68,483 million in 2003, greater than the 1991–92 average of $58,453 million in absolute terms, but representing an average of only 0.25% of GNI, as opposed to 0.33% of GNI for 1991–92. However, there is an upward trend between 1999 and 2003 with % of GNI at 0.22% in the period 1999 to 2001 and 0.23% in 2003.
- *Largest absolute donor:* USA ($15,791 million, representing only 0.14% of its GNI but 23.1% of total ODA).
- *Smallest absolute DAC donor*: New Zealand ($169 million, representing 0.25% of its GNI).
- *Most generous donors:* Norway ($2,043 million, representing 0.92% of GNI in 2003, up from. $1,696 million, representing 0.89% of GNI in 2002 but down from an average of 1.15% in the 1991–92 period). Denmark reached an average of 1.06% of GNI in 2000 and is still at 0.84% of GNI for 2003. Other donors that have exceeded the UN 0.7% target in 2003 are: Netherlands (0.81%), Luxemburg (0.8%), and Sweden (0.7%). Finland also had a 0.72% average for 1991–92 (now at 0.35%) and France reached 0.62% in the same period (now at 0.38%).
- *Least generous donors*: Though the largest donor in absolute terms in 2003, the US is the least generous giving only 0.14% of its GNI as ODA. This is an increase over the 1998–2000 period of 0.10%, but still below the 0.21% and 0.2% average for the periods 1986–97 and 1991–92 respectively.
- *Top 12 bilateral donors* (in decreasing order) in 2002 were: USA, Japan, France, Germany, UK, Netherlands, Italy, Canada, Sweden, Spain, Norway, and Denmark. For 2003, the rankings remain similar, but Denmark has slipped from being the most generous donor and has been driven out of the top 12 by Belgium. Norway is now the most generous donor and has overtaken Spain in absolute terms.

(see Table overleaf)

Table 3: Aid trends of top 13 donors for 2003

ODA as % of GNI of top 13 donors (2003)

	1998	1999	2000	2001	2002	2003
Belgium	0.35	0.30	0.36	0.37	0.43	0.61
Canada	0.30	0.28	0.25	0.22	0.28	0.26
Denmark	0.99	1.01	1.06	1.03	0.96	0.84
France	0.40	0.39	0.32	0.32	0.38	0.41
Germany	0.26	0.26	0.27	0.27	0.27	0.28
Italy	0.20	0.15	0.13	0.15	0.20	0.16
Japan	0.27	0.27	0.28	0.23	0.23	0.20
Netherlands	0.80	0.79	0.84	0.82	0.81	0.81
Norway	0.89	0.88	0.76	0.80	0.89	0.92
Spain	0.24	0.23	0.22	0.60	0.26	0.25
Sweden	0.72	0.70	0.80	0.77	0.83	0.70
UK	0.27	0.24	0.32	0.32	0.31	0.34
US	0.10	0.10	0.10	0.11	0.13	0.14

3. PRSP and debt relief[96]

World Bank PRSP information (status as of 30 April 2004):

- 37 full PRSPs have been completed and presented to the Boards.
- A further 16 countries have completed Interim PRSPs and presented these to the Boards.
- As of late May 2004 a further two PRSPs had been presented to the Boards (Bosnia and Herzegovina and Djibouti).

IMF/World Bank HIPC information (status as of February 2004):

- 10 Countries have reached their Completion Point (Benin, Bolivia, Burkina Faso, Guyana, Mali, Mauritania, Mozambique, Nicaragua, Tanzania, Uganda).
- 17 Countries are in the Interim Period (Cameroon, Chad, DRC, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Honduras, Madagascar, Malawi, Niger, Rwanda, São Tomé and Principe, Senegal, Sierra Leone, Zambia).
- 11 countries still to be considered (Côte d'Ivoire, Burundi, Central African Republic, Comoros, Congo Rep. of, Lao PDR, Liberia, Myanmar, Somalia, Sudan, Togo)

(See Table overleaf)

[96] Data based on www.worldbank.org/poverty/strategies/boardlist.pdf and www.worldbank.org/hipc/Statistical_Update_March_2004.pdf

Table 4: Net Official Development Assistance in 2003 (Preliminary data[a])

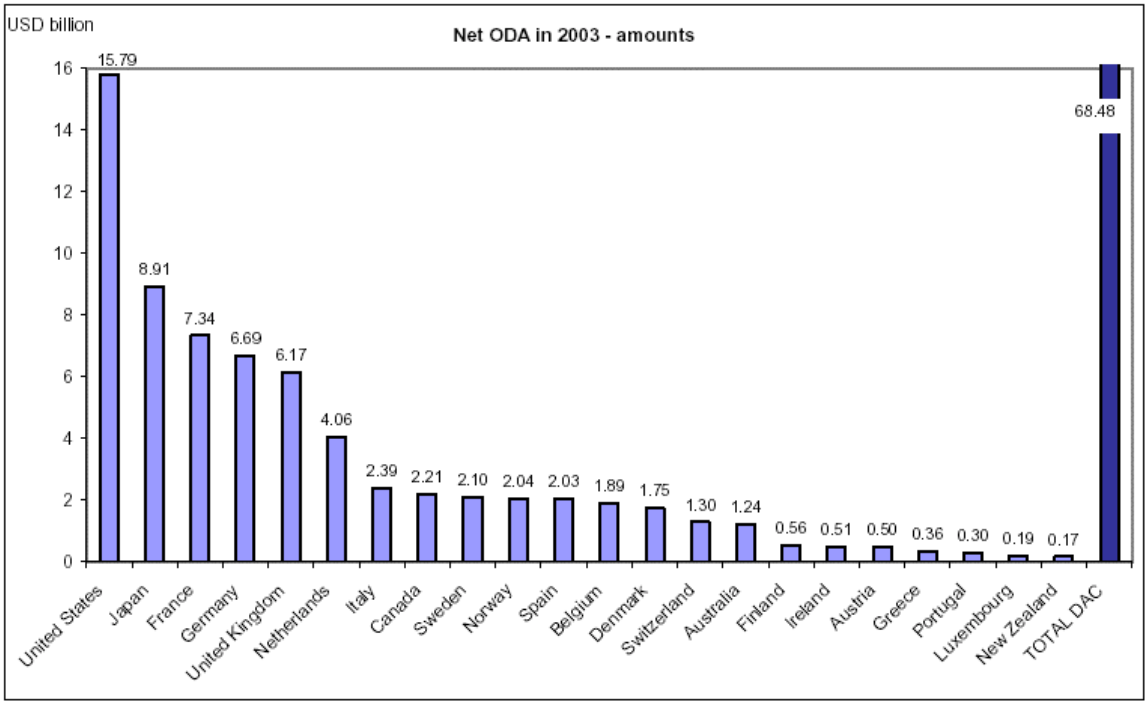
	2003		2002		2003	
	ODA US$m. current	ODA/GNI %	ODA US$m. current	ODA/GNI%	ODA US$m.[b]	% change 2002 to 2003[b]
					At 2002 prices and exchange rates	
Australia	**1 237**	**0.25**	989	0.26	1 008	1.9
Austria	**503**	**0.20**	520	0.26	412	-20.7
Belgium	**1 887**	**0.61**	1 072	0.43	1 535	43.2
Canada	**2 209**	**0.26**	2 006	0.28	1 904	-5.1
Denmark	**1 747**	**0.84**	1 643	0.96	1 433	-12.8
Finland	**556**	**0.34**	462	0.35	461	-0.2
France	**7 337**	**0.41**	5 486	0.38	6 030	9.9
Germany	**6 694**	**0.28**	5 324	0.27	5 530	3.9
Greece	**356**	**0.21**	276	0.21	287	4.0
Ireland	**510**	**0.41**	398	0.40	418	5.1
Italy	**2 393**	**0.16**	2 332	0.20	1 943	-16.7
Japan	**8 911**	**0.20**	9 283	0.23	8 459	-8.9
Luxembourg	**189**	**0.80**	147	0.77	155	5.6
Netherlands	**4 059**	**0.81**	3 338	0.81	3 296	-1.3
New Zealand	**169**	**0.23**	122	0.22	133	9.3
Norway	**2 043**	**0.92**	1 696	0.89	1 776	4.7
Portugal	**298**	**0.21**	323	0.27	243	-24.8
Spain	**2 030**	**0.25**	1 712	0.26	1 633	-4.6
Sweden	**2 100**	**0.70**	1 991	0.83	1 710	-14.1
Switzerland	**1 297**	**0.38**	939	0.32	1 122	19.5
United Kingdom	**6 166**	**0.34**	4 924	0.31	5 512	11.9
United States	**15 791**	**0.14**	13 290	0.13	15 541	16.9
TOTAL DAC	**68 483**	**0.25**	58 274	0.23	60 540	3.9
Average Country Effort		**0.41**		0.41		
Memo Items						
EC	8 147		6 561		6 666	
EU countries combined	36 825	0.35	29 949	0.35	30 599	2.2
G7 countries	49 501	0.21	42 646	0.20	44 919	5.3
Non-G7 countries	18 982	0.46	15 627	0.47	15 622	-0.0
Non-DAC countries:						
Czech Republic	87	0.10	45	0.07	73	61.8
Korea	334	0.06	279	0.06	314	12.5
Slovak Republic	15	0.05	7	0.02	12	74.1

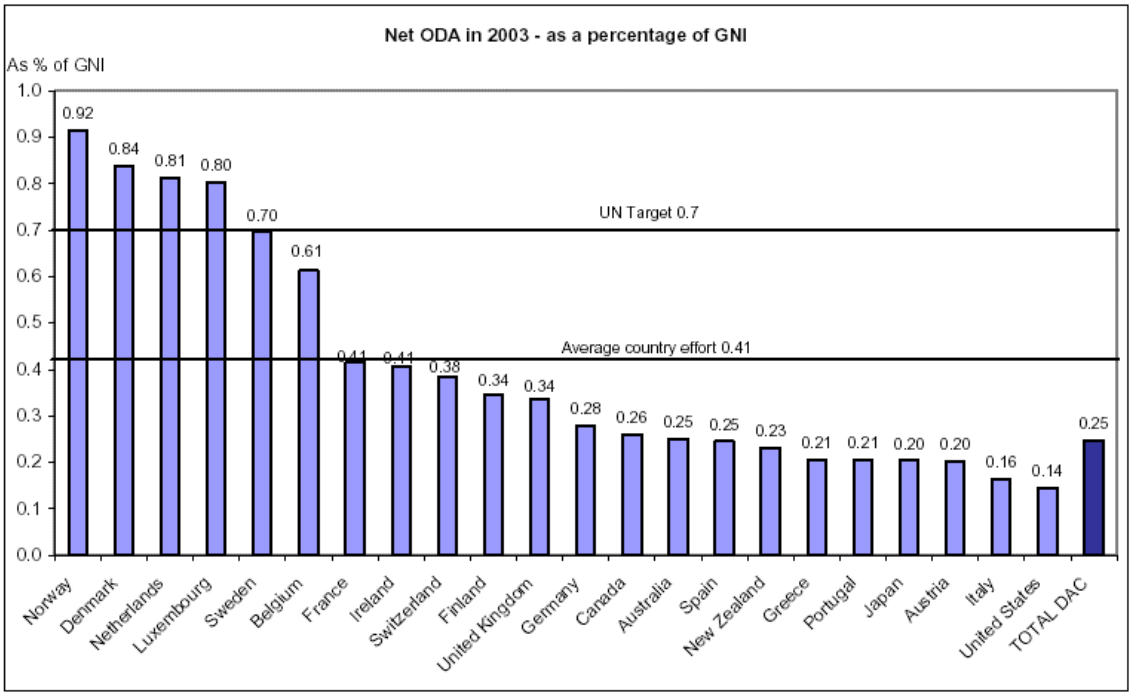
Notes: a) The data for 2003 are preliminary, pending detailed final data to be published in December 2004. The data are standardised on a calendar year basis for all donors, and so may differ from fiscal year data available in countries' budget documents;

b) taking account of both inflation and exchange rate movements.

Source: OECD-DAC, *Development Cooperation Report 2003* (Paris, OECD, 2004, p.73).

Charts: Net Official Development Assistance in 2003



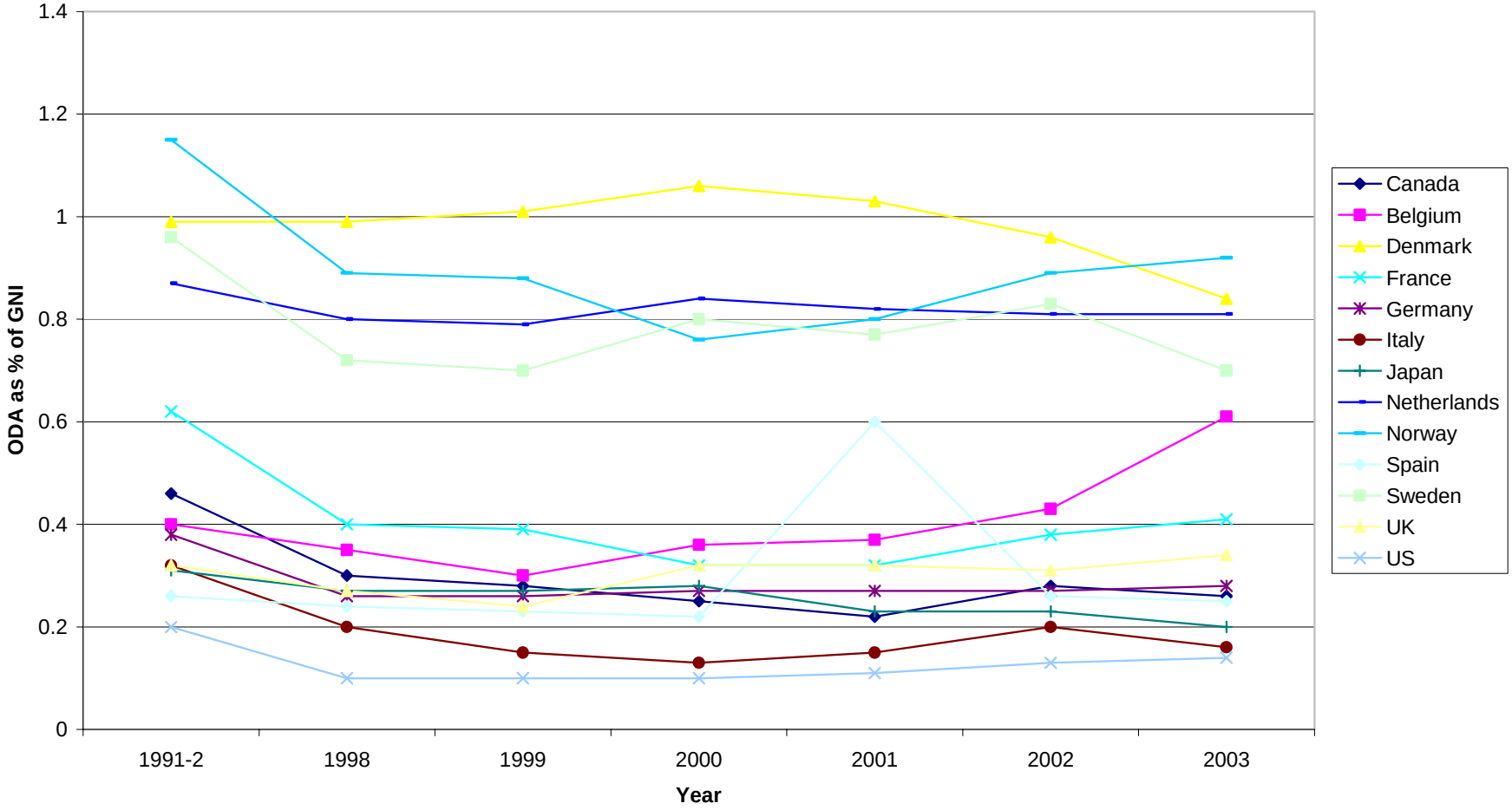


Source: OECD-DAC *Net Official Development Assistance in 2003 – Tables and Graphs* (Paris: OECD DAC, 2004).

Table 5: Net Official Development Assistance trends 1986–2002

	$ million							Percent of GNI						
	1986–87 average	1991–1992 average [a]	1998	1999	2000	2001	2002	1986-87 average	1991-1992 average [a]	1998	1999	2000	2001	2002
Australia	690	1 032	960	982	987	873	989	0.40	0.37	0.27	0.26	0.27	0.25	0.26
Austria	199	249	459	492	440	533	520	0.19	0.14	0.22	0.24	0.23	0.29	0.26
Belgium	617	851	883	760	820	867	1 072	0.48	0.40	0.35	0.30	0.36	0.37	0.43
Canada	1 790	2 560	1 707	1 706	1 744	1 533	2 006	0.48	0.46	0.30	0.28	0.25	0.22	0.28
Denmark	777	1 296	1 704	1 733	1 664	1 634	1 643	0.88	0.99	0.99	1.01	1.06	1.03	0.96
Finland	373	787	396	416	371	389	462	0.48	0.72	0.31	0.33	0.31	0.32	0.35
France	4 646	7 828	5 742	5 639	4 105	4 198	5 486	0.58	0.62	0.40	0.39	0.32	0.32	0.38
Germany	4 111	7 236	5 581	5 515	5 030	4 990	5 324	0.41	0.38	0.26	0.26	0.27	0.27	0.27
Greece	..	..	179	194	226	202	276	..	..	0.15	0.15	0.20	0.17	0.21
Ireland	57	71	199	245	234	287	398	0.23	0.18	0.30	0.31	0.29	0.33	0.40
Italy	2 509	3 735	2 278	1 806	1 376	1 627	2 332	0.37	0.32	0.20	0.15	0.13	0.15	0.20
Japan	6 488	11 052	10 640	12 163	13 508	9 847	9 283	0.30	0.31	0.27	0.27	0.28	0.23	0.23
Luxembourg	13	40	112	119	123	139	147	0.17	0.29	0.65	0.66	0.71	0.76	0.77
Netherlands	1 917	2 635	3 042	3 134	3 135	3 172	3 338	0.99	0.87	0.80	0.79	0.84	0.82	0.81
New Zealand	81	99	130	134	113	112	122	0.28	0.25	0.27	0.27	0.25	0.25	0.22
Norway	844	1 225	1 321	1 370	1 264	1 346	1 696	1.13	1.15	0.89	0.88	0.76	0.80	0.89
Portugal	31	249	259	276	271	268	323	0.10	0.32	0.24	0.26	0.26	0.25	0.27
Spain	217	1 390	1 376	1 363	1 195	1 737	1 712	0.08	0.26	0.24	0.23	0.22	0.30	0.26
Sweden	1 232	2 288	1 573	1 630	1 799	1 666	1 991	0.87	0.96	0.72	0.70	0.80	0.77	0.83
Switzerland	484	1 001	898	984	890	908	939	0.30	0.41	0.32	0.35	0.34	0.34	0.32
United Kingdom	1 804	3 222	3 864	3 426	4 501	4 579	4 924	0.29	0.32	0.27	0.24	0.32	0.32	0.31
United States	9 340	11 486	8 786	9 145	9 955	11 429	13 290	0.21	0.20	0.10	0.10	0.10	0.11	0.13
TOTAL DAC	**38 221**	**58 453**	**52 087**	**53 233**	**53 749**	**52 335**	**58 274**	**0.33**	**0.33**	**0.23**	**0.22**	**0.22**	**0.22**	**0.23**
of which:														
EU Members	18 504	31 876	27 645	26 750	25 289	26 288	29 949	0.44	0.44	0.33	0.32	0.32	0.33	0.35
								0.44	0.47	0.39	0.38	0.39	0.39	0.41

Notes: a) Including debt forgiveness of non-ODA claims in 1991 and 1992, except for total DAC.

Source: OECD-DAC, *Development Cooperation Report 2003* (Paris, OECD, 2004).

Graph 1: Top 13 bilateral aid trends 1998-2003