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**Implementation of the mandate and programme of work**

## **Operationalizing the Right to Development in International Development Cooperation**

### *Summary*

This thematic study explores how the normative framework of the right to development can be operationalized in the different forms of development cooperation practices to ensure their effectiveness. It identifies challenges and best practices across North-South, South-South and Triangular cooperation, and elaborates principles to enhance their effectiveness by mainstreaming the right to development.

## I. Introduction

1. This thematic study examines how the normative framework of the right to development can be operationalized in North-South, South-South, and Triangular cooperation, to ensure their effectiveness. International development cooperation is crucial for realizing human rights and sustainable development. International law, including instruments on human rights, recognize international cooperation as an obligation on States. Similarly, the 2030 Agenda for Sustainable Development identifies numerous ways in which development cooperation between States can help realize the Sustainable Development Goals (SDGs). These are captured in the sixty-two “means of implementation” targets incorporated under SDG 17 and the alphabetical targets under the preceding 16 Goals. Since 2015, global development cooperation has gravitated around the 2030 Agenda.

2. The Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda, recognizes that its full implementation is critical for the realization of the SDGs. Financing for development is a multidimensional imperative for achieving sustainable development and includes international cooperation to strengthen domestic resource mobilization in developing countries, full implementation of Official Development Assistance (ODA) commitments by developed countries, assistance to developing countries to attain long-term debt sustainability, and the adoption and implementation of investment promotion regimes for least-developed countries.<sup>1</sup> It also includes cooperation to mobilize financial resources for developing countries that are additional to ODA, such as climate-change financing,<sup>2</sup> or Aid for Trade.<sup>3</sup>

3. Financing for development is not the only form of cooperation recognized as a means of implementation. Others such as cooperation for access to science, technology and innovation, knowledge sharing, capacity-building to support national plans to implement the Goals, cooperation in trade to enhance exports from developing and least-developed countries and to correct and eliminate trade distortions, support for enhancing capacities for data gathering and monitoring, and encouraging and promoting effective public, public-private and civil society partnerships are also recognized.<sup>4</sup> In addition, the Agenda emphasizes cooperation to enhance policy and institutional coherence for ensuring macroeconomic stability and sustainable development, and respect for each country’s policy space and leadership to establish and implement policies for poverty eradication and sustainable development.<sup>5</sup> Many alphabetical targets under the first sixteen Goals articulate specific forms of development cooperation for realizing each Goal. For instance, Target 3.b contemplates development cooperation through supporting the research and development of vaccines and medicines for the communicable and non-communicable diseases that primarily affect developing countries and providing them access to affordable essential medicines and vaccines as per international instruments. Target 10.c requires cooperation to reduce the transaction costs of migrant remittances to less than 3 per cent and eliminate remittance corridors with costs higher than 5 per cent.

4. Development cooperation is not limited to assisting countries to foster an enabling national environment to achieve sustainable development but also ensuring an enabling international environment. At a minimum, this requires eliminating obstacles to development emanating from international law, policy or practice, or from problematic practices within bilateral development cooperation.

5. As, however, noted in the first thematic study of this Mechanism, even prior to the COVID-19 pandemic, almost all the means of implementation targets related to development cooperation had been grossly underrealized. This consequently meant that progress on many SDGs had, in fact, decelerated.<sup>6</sup> The pandemic, accelerated climate change, and ongoing

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<sup>1</sup> A/RES/70/1, SDG 17.1 to 17.5.

<sup>2</sup> A Ibid, SDG 13.a.

<sup>3</sup> A Ibid., SDG 8.a.

<sup>4</sup> A Ibid., SDG 17.6 to 17.12 and 17.16 to 17.19.

<sup>5</sup> A Ibid, SDG 17.13 to 17.15.

<sup>6</sup> A A/HRC/48/63, para.7.

conflicts have further fast-tracked this downward spiral. As of 2024, around half of the 140 SDG targets deviate from the required path.<sup>7</sup> Alarming, 18 per cent indicate stagnation and 17 per cent regression below the 2015 baseline levels.<sup>8</sup> Decades of progress on poverty and hunger have stalled, and in some cases, reversed. Of the 62 means of implementation targets, 49 are off-track, with progress on 10 regressing and 3 stagnating.<sup>9</sup> The current financing gaps for achieving the SDGs for developing countries stands at US\$ 4 trillion every year.<sup>10</sup> Global foreign direct investment flows in 2023 amounted to \$1.33 trillion, a decrease of 2 per cent from 2022.<sup>11</sup> Such flows to developing countries fell by 7 per cent to \$867 billion and declined or stagnated in most regions.<sup>12</sup> About 60 per cent of low-income countries are already experiencing debt distress or are at high risk.<sup>13</sup> As the Sustainable Development Goals Report 2024 notes, “in a landscape of declining international cooperation and rising geopolitical tensions, strengthened global partnerships and enhanced cooperation are urgently needed to address widening financing gaps, reinforce post-pandemic recovery and promote sustainable development, particularly in the LDCs and other vulnerable countries”.<sup>14</sup>

6. The importance of effective international development cooperation cannot be underscored enough. As the Secretary-General and the High Commissioner for Human Rights have emphasized, “in an interconnected world, no community or country could resolve its challenges alone, with actors in a global community sharing responsibilities”.<sup>15</sup> The Human Rights Council, has stressed the importance of international cooperation in realizing sustainable development and human rights, including the right to development.<sup>16</sup> It, therefore, becomes important to examine not only the adequacy of development cooperation but also its quality. Not only is existing development cooperation inadequate, scholars have for long contended that in some cases, it can also be ineffective, or even counterproductive.<sup>17</sup> This can happen, inter alia, when bilateral cooperation is tied to secure the interests of the cooperation provider rather than the recipient, conditionalities of international financial institutions are averse to the national development priorities of the borrower, or trade and investment agreements limit the governance space of States.

7. Effective development cooperation can enhance all human rights, including the right to development. However, the contribution of the normative framework of the right to development to the effectiveness of development cooperation is underexamined and underutilized. Mainstreaming the right to development can help eliminate and mitigate some of the adverse impacts of cooperation practices and secure their effectiveness. This study focuses on that aspect of the relationship and contends that development cooperation can be effective only when development is systematically operationalized as a human right and States engage in international cooperation as an obligation towards realizing that right. This requires a paradigm shift from the business-as-usual approach to development cooperation as charity to one of duty.

8. In developing this study, the Mechanism acknowledged that multiple forms of development cooperation are undertaken by States, including through North-South, South-South and Triangular Cooperation. In addition to bilateral or triangular cooperation, States also engage through regional and multilateral alliances such as development banks, financial institutions, or trade organizations. This study focuses on the cross-cutting normative principles of the right to development that can be mainstreamed specifically across

<sup>7</sup> A Financing for Sustainable Development Report 2024, p.2.

<sup>8</sup> A Sustainable Development Goals Report 2024, p.4.

<sup>9</sup> A Ibid., pp.44-45.

<sup>10</sup> A Financing for Sustainable Development Report 2024, p.22.

<sup>11</sup> A Sustainable Development Goals Report 2024, p.42.

<sup>12</sup> A Ibid.

<sup>13</sup> A Ibid.

<sup>14</sup> A Ibid.

<sup>15</sup> A A/75/982; A/HRC/56/40

<sup>16</sup> A A/HRC/RES/53/28; A/HRC/RES/54/18

<sup>17</sup> A Dambisa Moyo (2010), *Dead Aid: Why Aid Is Not Working and How There Is a Better Way for Africa*, Farrar, Straus and Giroux, New York; William Easterly (2007), *The White Man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good*, Penguin Books, New York.

cooperation practices of a bilateral or triangular nature, although lessons may equally apply to all other practices. The Mechanism has benefitted from responses to questionnaires, direct consultations with numerous stakeholders, including development cooperation agencies, the Secretariats of the United Nations Conference on Trade and Development, the Organization for Economic Cooperation and Development, the United Nations Office for South-South Cooperation, the Global Partnership for Effective Development Cooperation, the Total Official Support for Sustainable Development, and the South Centre, and discussions during two panels held at its sessions.

## II. The Normative Status of International Cooperation

9. In its first thematic study, this Mechanism has elaborated upon the well-settled norm that international cooperation for development is an obligation on States.<sup>18</sup> The Advisory Committee,<sup>19</sup> and the former Special Rapporteur on the Right to Development,<sup>20</sup> have also discussed in-depth the normative status of the duty to cooperate. As such, this study does not reiterate the same analysis.

10. The principal legal instruments that recognize this obligation include the Charter of the United Nations,<sup>21</sup> the Universal Declaration on Human Rights,<sup>22</sup> the Vienna Declaration and Programme of Action,<sup>23</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>24</sup> the Convention on the Rights of the Child,<sup>25</sup> the Convention on the Rights of Persons with Disabilities,<sup>26</sup> and the Declaration on the Right to Development.<sup>27</sup> The Committee on Economic, Social and Cultural Rights,<sup>28</sup> and the Committee on the Rights of the Child,<sup>29</sup> have also reinforced that international cooperation for development is an obligation on all States. The “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations” of 1970, consensually adopted by the General Assembly, elaborates on the various dimensions of the duty of States to cooperate, and especially on matters related to development. This Declaration reflects customary international law.<sup>30</sup>

11. As manifested in the Draft International Covenant on the Right to Development, the duty to cooperate is an indispensable element of the normative framework of the right to development.<sup>31</sup>

## III. Breach of the Duty to Cooperate

12. During consultations, the Mechanism noted that there was lack of clarity among some stakeholders on the nature, content, and scope of the duty to cooperate, including within the context of the right to development. Once it is clear that international cooperation is a legal obligation on States, it follows that failure to abide by it constitutes an internationally wrongful act. Given that the duty to cooperate is integral to the normative framework of the right to development, a breach of the former will generally result in a violation of the latter. Similarly, when the right to development of individuals and peoples in a State are violated

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<sup>18</sup> A A/HRC/48/63

<sup>19</sup> A A/HRC/19/74; A/HRC/26/41

<sup>20</sup> A A/73/271; A/75/167

<sup>21</sup> A Articles 1(3), 55 and 56, in conjunction with articles 2 and 103.

<sup>22</sup> A Articles 22 and 28.

<sup>23</sup> A Paras.4 and 74.

<sup>24</sup> A Articles 2(1), 11(1) and (2), and 15(4)

<sup>25</sup> A Preamble, and articles 4, 17(b), 22(2), 23(4), 24(4), 28(3) and 45.

<sup>26</sup> A Preamble and article 32.

<sup>27</sup> A Articles 3(1), 3(3), 4(1), 4(2), 6, and 10.

<sup>28</sup> A E/1991/23, para.14.

<sup>29</sup> A CRC/GC/2003/527, paras.7 and 60.

<sup>30</sup> A *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, I.C.J. Reports 2010, p. 403, para.80

<sup>31</sup> A A/HRC/54/50, especially article 13.

by the conduct (act or omission) of another State/s, it may be inferred that there has been a breach of the duty to cooperate.

13. The duty to cooperate must be understood in the context of the three levels of obligations on States entailed by the right to development:<sup>32</sup>

(i) States acting individually as they formulate national development policies and programmes affecting persons within their jurisdiction;

(ii) States acting individually as they adopt and implement policies that affect persons not strictly within their jurisdiction; and

(iii) States acting collectively in global and regional partnerships.

14. This Mechanism acknowledges that precisely determining a breach of the obligation to cooperate, and therefore, a violation of the right to development, requires a case-by-case analysis. Nevertheless, it is possible to spell out the normative principles of the right to development in the context of development cooperation that are necessary for enabling such an analysis.

## **A. Development as a human right**

15. Development is an inalienable right of all individuals and peoples and not merely a privilege. Rights-holders are guaranteed three entitlements – to participate in, contribute to, and enjoy – economic, social, cultural and political development.<sup>33</sup> A violation of any of these entitlements from development cooperation practices can result in a violation of the right to development. Their right to participate in their own development can be violated if development cooperation projects/programmes do not ensure their active, free, and meaningful participation through free, prior, and informed consultation (and consent in case of indigenous peoples) from the very outset. The right to contribute to their own development can be violated when infrastructure projects undertaken through development cooperation deny local employment, or when local companies, even where available and capable, are excluded. The right to enjoy development can be violated if there are negative impacts on human rights or the environment, or specific individuals and peoples are denied the benefits due to discrimination. This element is punctuated by the focus in the Declaration on “fair distribution of benefits” resulting from the development process.<sup>34</sup> Human beings, individually and collectively (as peoples), are central to developmental objectives, including cooperation.

## **B. Rights-holders determine the development priorities**

16. Since human beings and peoples are the rights-holders, it is they who self-determine their development priorities.<sup>35</sup> The role of the recipient States in development cooperation is to guarantee that their national development plans and requests for cooperation are based on the development priorities of the rights-holders. In doing so, States must prioritize the realization of the rights of marginalized and vulnerable persons and groups, including women, persons with disabilities, children, indigenous peoples, peasants and others working in rural areas. Cooperation practices that do not ensure alignment with national development priorities based on participation and contribution of the rights-holders will violate the right to development. This will inevitably be the case when cooperation providers, and not the recipients, determine the sectors to which cooperation is provided.

<sup>32</sup> A A/HRC/15/WG.2/TF/2/Add.2 and Corr.1.

<sup>33</sup> A Declaration on the Right to Development, article 1(1).

<sup>34</sup> A Ibid, preamble.

<sup>35</sup> A Ibid, article 1(2)

### **C. Attention to both the processes and outcomes of development**

17. The realization of the right to development requires focusing not only on the outcomes which are sought to be achieved through development cooperation, but also on the processes by which those outcomes are achieved. As development is a human right that is indivisible from and interrelated and interdependent with all other human rights, development cooperation must be normatively anchored in a system of rights and corresponding obligations established by international law. Accordingly, the promotion of, respect for and enjoyment of certain human rights cannot justify the denial of other human rights. This is a valuable framework for development cooperation since it helps ensure compliance with all human rights from planning to monitoring and evaluation.<sup>36</sup> While cooperation should aim at enhancing human rights such as the rights to health, education, food, movement etc., such endeavours cannot undermine the right to development either. Ensuring this is imperative for both cooperation providers and recipients. As noted below, cooperation practices can undermine this principle when the focus is only on compliance by recipients but not also by providers.

### **D. The Duty of Cooperation Receiving States**

18. Receiving States have a duty to respect, protect and fulfil the right to development within their jurisdictions. This requires formulating national development policies that enable the realization of the right, eliminate existing obstacles to development, and ensure that no new obstacles are created.<sup>37</sup> This normative framework is especially important in development cooperation and requires that:

(i) Receiving States must identify development priorities and set national targets for sustainable development based on the participation and contribution of rights-holders. Development cooperation must be aligned with such priorities and a means for realizing national targets.

(ii) Receiving States must identify obstacles they face in meeting the identified development priorities and national targets for realizing sustainable development. Development cooperation practices must be informed by the need to eliminate such obstacles.

(iii) When receiving States find themselves unable to realize their targets on their own due to technological, financial, or capacity deficits, or where obstacles emanate from international conditions, they must discharge their duty to seek international development cooperation. This must be based on a clearly articulated national policy framework for development cooperation. This duty is not affected by the right of the receiving State to reject any cooperation that undermines its development priorities. However, the burden to justify the rejection lies on the receiving State.<sup>38</sup> Additionally, that State has an obligation to ensure that assistance provided is used towards the realization of the right to development.

### **E. The Negative Dimensions of the Duty to Cooperate**

19. The negative dimension of the duty to cooperate reflects the obligation of States to refrain from adopting national measures that create obstacles to the realization of the right to development of others. This includes the obligation to refrain from adopting practices designed to be uncooperative vis-à-vis other States. Unilateral coercive measures not in accordance with international law have detrimental impacts on the right to development and constitute a direct violation of the duty to cooperate. Such measures immediately obliterate the possibility of human beings and peoples in the targeted countries to self-determine their development priorities, actively, freely and meaningfully participate in their own development, contribute to the process, and to enjoy the fruits thereof, precisely because they

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<sup>36</sup> A Operationalization of the M&E framework of the UN-wide SSTC strategy and action plan. Review of existing UN reporting mechanisms and recommendations, June 2021, page 11.

<sup>37</sup> A A/HRC/48/63, 6 July 2021, para 12.

<sup>38</sup> A Ibid. para 34.

are coercive. Such measures can exacerbate inequalities and further marginalize the most vulnerable sections of societies. Adoption of other national measures that nullify or impair the realization of the right to development in other countries also constitutes a violation of the duty to cooperate. This Mechanism has elaborated on vaccine nationalism practiced by many developed countries during the COVID-19 pandemic that had devastating impacts on the right to development in other countries.<sup>39</sup> Other examples include the extraterritorial impacts of internationally recognized illegal subsidies to domestic producers, especially export subsidies, and transboundary environmental damage. When a State receives a request from another State for elimination of obstacles emanating from the former's actions, it must be considered in good faith and responded to in a manner consistent with the obligation to respect the right to development extraterritorially.

## **F. The Positive Dimensions of the Duty to Cooperate**

20. The positive dimension of the duty requires that States who are able to do so, and upon receipt of a request to assist or cooperate, must consider it in good faith and respond in a manner consistent with their extraterritorial obligations to realize the right to development. International law does not impose a particular means through which States may comply with their duty to cooperate. However, when a State has chosen a particular means of cooperation as a policy, consistent failure can amount to a violation of the duty to cooperate. For instance, the commitment by many developed countries to contribute 0.7% of their GNI as ODA is not per se legally binding. A failure to discharge these commitments in one or two instances will not independently constitute an internationally wrongful act. Nevertheless, since such assistance is the principal modality of international cooperation committed to by developed countries, a repeated failure can cumulatively indicate a breach of the individual and collective duty to cooperate.

## **G. The Duty of Cooperation Providing States**

21. When States do engage in cooperation, it requires that cooperation providing States do not adopt and implement policies that undermine the right to development of persons outside their jurisdictions, including in the receiving States. It also requires that international cooperation is viewed from the normative lens of the duty to cooperate and not from the traditional lens of donor-recipient charity. This entails the following:

(i) Cooperation providing States must not impose their own development priorities on receiving States or determine the sectors for aid allocation. These practices inevitably misalign funding with recipient country priorities or undermine their ownership over development programmes.

(ii) Cooperation providers are obliged to refrain from conduct that impairs the ability of the receiving State to comply with that State's obligations regarding the right to development. As such, it is imperative that cooperation providers do not misalign funding with recipient country priorities, undermine recipient country ownership over development projects/programmes, adopt debt enhancing or predatory conditionalities, or tie aid to award of contracts to donor companies.<sup>40</sup>

(iii) Cooperation providers are obliged to refrain from conduct that aids, assists, directs, controls or coerces the receiving State, with knowledge of the circumstances of the act, to breach that State's obligations regarding the right to development. This can happen when cooperation providers may condition the provision of specific assistance to unrelated investment, trade, or military demands that may not be in the interests of the recipient country or the right to development of its people.

<sup>39</sup> A A/HRC/48/63

<sup>40</sup> A Ibid, para.41.

## **H. The Duty to Conduct Human Rights Impact Assessments**

22. The only way to ensure that the rights to actively, freely and meaningfully participate in, contribute to, and enjoy development on a non-discriminatory basis are not denied through development cooperation is through impact assessments. Additionally, since development as a right must be consistent with all other human rights, assessment of the actual and potential impacts on all human rights is indispensable.<sup>41</sup> It is imperative that partnering States, individually and jointly, conduct prior and ongoing assessments of the actual and potential risks and impacts of their cooperation activities on the right to development and other human rights. This includes impact assessment of the conditionalities attached to development cooperation, especially to prevent and mitigate adverse impacts on the rights-holders in cooperation receiving countries. Where relevant, this includes requiring contractors to conduct human rights impact assessments and due diligence. This not only assists partnering States in realizing a better and more sustainable project/programme delivery but also helps them in course-correction.

## **I. Data Gathering, Monitoring and Evaluation**

23. The right to development requires that data gathering, monitoring and evaluation of development cooperation is conducted as part of the discharge by States of their corresponding obligations, including the duty to cooperate. This normative framework, which requires appropriately disaggregated data, helps channel and focus the objectives of such exercises towards an analysis of compliance with national development targets, and elimination of obstacles to development, as well as to verify a fair distribution of benefits of development through cooperation.

## **J. Transparency and Accountability**

24. Since development is a human right, the duty to cooperate requires mutual accountability of cooperation partners to the rights-holders. This not only entails a joint responsibility for ensuring transparency and public availability of information but also a guarantee of remedies in case of violations of the right to development.

## **IV. Principles of Effectiveness of Development Cooperation: Comparing North-South, South-South, and Triangular**

25. North-South cooperation is not limited to development finance but constitutes its dominant form. Traditionally, it has been practiced through ODA to developing and least-developed countries by the members of the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD). An essential element of the definition of ODA adopted by the DAC is that it must be “administered with the promotion of the economic development and welfare of developing countries as its main objective”.<sup>42</sup>

26. DAC members have for long committed themselves to the target of 0.7 per cent of ODA/GNI to developing countries and 0.15 to 0.20 per cent of ODA/GNI to least developed countries. This commitment is reaffirmed in the Addis Ababa Action Agenda and reiterated in the 2030 Agenda and constitutes a key means of its implementation. The former, with respect to financing through ODA specifically notes that “international public finance plays an important role in complementing the efforts of countries to mobilize public resources domestically, especially in the poorest and most vulnerable countries with limited domestic resources”.<sup>43</sup> It also expressed concern that many of the donor countries were falling short of

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<sup>41</sup> A Ibid. paras 43-46.

<sup>42</sup> A <https://www.oecd.org/en/topics/sub-issues/oda-eligibility-and-conditions/official-development-assistance--definition-and-coverage.html#note-4>

<sup>43</sup> A Para 50.



their ODA commitments and reiterated that “the fulfillment of all ODA commitments remains crucial”.<sup>44</sup>

27. In addition to the inadequacy of ODA volumes, concerns regarding its effectiveness have been persistently raised for years. ODA has been critiqued for perpetuating aid-dependency, not ensuring country ownership, misaligning funding with country priorities, tying aid with conditionalities, and lacking in transparency and accountability. Many consulted stakeholders contended that priorities of ODA donors have historically determined the sectors to which aid is allocated rather than those of the recipients undermining its objective viz. economic development and welfare of the recipient.

28. Several efforts for effectiveness of development cooperation have emerged since 2003. A principal instrument among these is the Paris Declaration on Aid Effectiveness, 2005, which was endorsed by over hundred countries and international organizations, and was considered a defining moment in international development cooperation.<sup>45</sup> The principles recognized thereunder are:

(iv) Ownership: Partner countries (meaning recipients) exercise effective leadership over their development policies, and strategies and co-ordinate development actions.

(v) Alignment: Donors base their overall support on partner countries’ national development strategies, institutions and procedures.

(vi) Harmonisation: Donors’ actions are more harmonised, transparent and collectively effective.

(vii) Managing for Results: Managing resources and improving decision-making for results.

(viii) Mutual Accountability: Donors and partners are accountable for development results.

29. Despite this, critiques contended that there was a gap between these principles and their operationalization on the ground.<sup>46</sup> In response, the Busan Principles for Effective Development Cooperation were endorsed during the Fourth High-Level Forum on Aid Effectiveness in 2011. These principles were further crystalized through the setting up of the Global Partnership for Effective Development Cooperation (GPEDC) in Nairobi in 2016, and have been reaffirmed at the Effective Development Cooperation Summit in Geneva in 2022.<sup>47</sup> The GPEDC represents the agreement among more than 161 countries, including all OECD/DAC members, and 56 organizations on four key effectiveness principles as follows:

(i) Country ownership: Countries set their own national development priorities, and development partners align their support accordingly while using country systems.

(ii) Focus on results: Development cooperation seeks to achieve measurable results by using country-led results frameworks and monitoring and evaluation systems.

(iii) Inclusive partnerships: Development partnerships are inclusive, recognizing the different and complementary roles of all actors, and

(iv) Transparency and mutual accountability: Countries and their development partners are accountable to each other and to their respective constituents. They are jointly responsible for ensuring development cooperation information is publicly available.

<sup>44</sup> A Para 51.

<sup>45</sup> A [https://www.oecd-ilibrary.org/development/paris-declaration-on-aid-effectiveness\\_9789264098084-en](https://www.oecd-ilibrary.org/development/paris-declaration-on-aid-effectiveness_9789264098084-en)

<sup>46</sup> A Roberto Bissio (2013), “The Paris Principles on Aid Effectiveness”, in *Realizing the Right to Development: Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development*, Chapter 17, Geneva, United Nations.

<sup>47</sup> A <https://www.effectivecooperation.org/>

30. The 2030 Agenda forms the basis for monitoring development cooperation under the GPEDC. Headquartered at the OECD, the GPEDC is supported by a joint team of OECD and the United Nations Development Programme.<sup>48</sup>

31. The relation between the Paris Principles and the Busan Principles is unclear.<sup>49</sup> In 2012, the then existing OECD Working Party on Aid Effectiveness working primarily with the Paris Principles handed over monitoring of effectiveness to the GPEDC directorate. However, during consultations for this study, it emerged that, although non-binding, the Paris Principles constitute the principal legal instrument on development effectiveness within the OECD and are part of the assessment criteria for countries under accession. The Paris and Busan Principles have parallels such as country ownership, alignment, results, and mutual accountability. There are, however, notable differences too. The Busan Principles do not refer to harmonization of donor actions explicitly and its current indicators framework does not specifically require monitoring this aspect. Importantly, the Paris Principles do not require untying aid. In fact, they permit conditionalities, only requiring that each donor's conditions be derived from a common streamlined framework aimed at achieving lasting results, although this does not mean that all donors adopt identical conditions.<sup>50</sup> By contrast, the GPEDC includes untying aid as an important indicator of effectiveness derived from the Busan Principles.<sup>51</sup> While "untying aid" within the OECD is mostly focused on removing the legal and regulatory conditions requiring procurement by recipients in ODA funded projects only from companies of donors or those selected by them,<sup>52</sup> the "conditions" envisaged under the Paris Principles are broader and can and have included conditionalities requiring policy changes by the recipient.<sup>53</sup> This varying treatment of conditionality as a determinant of aid effectiveness has led to some policy incoherence within DAC members.

32. In contrast with the inherently vertical nature of North-South Cooperation, South-South Cooperation is horizontal and is described as a "manifestation of solidarity among peoples and countries of the South that contributes to their national well-being, their national and collective self-reliance and the attainment of internationally agreed development goals, including the Sustainable Development Goals, according to national priorities and plans".<sup>54</sup> It is a key mechanism for cooperation among developing countries to realize common objectives of accelerating sustainable development across the countries of the global South.<sup>55</sup> South-South Cooperation is not predominantly about a transference of financial resources between Southern partners. It goes beyond and includes, inter alia, exchange of experiences, good practices, pooling and sharing of technical resources, transfer of technology and skills, capacity-building, and cultural exchanges. This solidarity-driven cooperation comes from a position of similar lived experiences, development journeys, and social and cultural circumstances.<sup>56</sup>

33. Its operational principles have been incorporated in the Nairobi outcome document of the High-level United Nations Conference on South-South Cooperation of 2009 and reaffirmed in the 2019 Buenos Aires outcome document of the second High-level United Nations Conference on South-South Cooperation (BAPA+40). These are:

- (i) respect for national sovereignty, national ownership and independence;

<sup>48</sup> A Ibid.

<sup>49</sup> A Erik Lundsgaarde & Lars Engberg-Pedersen, *Has the Paris Declaration Disappeared?*, DIIS Policy Brief, 22 July 2019, available at <https://www.diis.dk/en/research/has-the-paris-declaration-disappeared>

<sup>50</sup> A Para 16.

<sup>51</sup> A [https://www.effectivecooperation.org/system/files/2021-02/Global%20Partnership%20Monitoring\\_Indicator%20Framework.pdf](https://www.effectivecooperation.org/system/files/2021-02/Global%20Partnership%20Monitoring_Indicator%20Framework.pdf)

<sup>52</sup> A OECD, 2022 Report on the Implementation of the DAC Recommendation on Untying Official Development Assistance, DCD/DAC(2022)34/FINAL.

<sup>53</sup> A Roberto Bissio (2013), "The Paris Principles on Aid Effectiveness", in *Realizing the Right to Development: Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development*, Chapter 17, Geneva, United Nations.

<sup>54</sup> A United Nations Office for South-South Cooperation, *United Nations System-Wide Strategy on South-South and Triangular Cooperation for Sustainable Development*, page 11.

<sup>55</sup> A United Nations South-South Cooperation for Development, High Level Committee on South-South Cooperation, SSC/20/02, 17 May 2021, para 1.

<sup>56</sup> A A/73/383, paras. 19-20.

- (ii) partnership among equals;
- (iii) non-conditionality;
- (iv) non-interference in domestic affairs; and,
- (v) mutual benefit.<sup>57</sup>

34. These principles define what Southern partners consider as important for the effectiveness of South-South cooperation. Many stakeholders from the Global South consulted for this study insisted that the measurement of the effectiveness of South-South Cooperation should be based on compliance with its operational principles since it is fundamentally distinct in nature from North-South Cooperation, and so must not be subsumed within the Paris and Busan principles. Indeed, the contrast with the Paris Principles is evident, especially regarding principles on non-conditionality and non-interference in domestic affairs. South-South Cooperation is always demand-driven and at the request of the recipient partner, while this has not always been true of North-South Cooperation. States have also stressed that South-South Cooperation, as an important element of development cooperation, is not a substitute for, but rather a complement to, traditional North-South Cooperation.<sup>58</sup> There is consistent agreement that South-South Cooperation should not be seen as ODA.<sup>59</sup> It must be noted, however, that many countries of the Global South do participate in the GPECD and have committed to adhere to the Busan Principles.

35. Triangular cooperation involves Southern-driven partnerships between two or more developing countries supported by a developed country(ies)/or multilateral organization(s) to implement development cooperation programmes and projects. It offers a tool that allows traditional donors and other partners to join South-South initiatives and helps transcend traditional divides between different types of cooperation.<sup>60</sup> Triangular cooperation is still in its nascent stages although it is growing. Most partners use it as an experience and knowledge-sharing instrument, particularly regarding how to support the government and civil society. Importantly, triangular cooperation is also based on the principles of South-South Cooperation. In the outcome document of the Third South Summit held in Kampala from 21 to 22 January 2024, States reaffirmed “the importance of triangular cooperation, and acknowledge that triangular cooperation is aimed at facilitating, supporting and enhancing South-South initiatives, through the provision of, inter-alia, funding, capacity-building, technology transfer, resource mobilization, policy dialogue and exchange of best practices as well as other forms of support, at the request of developing countries, in line with the principles of South-South cooperation, and must be led by the countries of the South”.<sup>61</sup>

36. Despite the identification of effectiveness principles, all forms of development cooperation have met with challenges in ensuring or measuring their effectiveness. The normative framework of the right to development can help in addressing these challenges.

## V. The Effectiveness of Development Cooperation: Challenges and Good Practices

### A. Country Ownership:

37. National ownership is an effectiveness principle common to all forms of cooperation. The Financing for Sustainable Development Report 2024, however, paints a bleak picture of the effectiveness agenda. This is more pronounced in ODA. A primary reason recognized is that aid flows are not, at the aggregate level, well-matched with recipient

<sup>57</sup> A *Nairobi outcome document of the High-level United Nations Conference on South-South Cooperation*, A/RES/64/222, 15 December 2009, para 11; *Buenos Aires outcome document of the second High-level United Nations Conference on South-South Cooperation*, A/RES/73/291, 30 April 2019, para 8.

<sup>58</sup> A A/76/39, para 2.

<sup>59</sup> A A/CONF.219/7, para 133; A/RES/73/291, para 9.

<sup>60</sup> A A/73/383, para 30-31.

<sup>61</sup> A [https://www.g77.org/doc/3southsummit\\_outcome.htm](https://www.g77.org/doc/3southsummit_outcome.htm), para.84.

country priorities. The right to development provides the normative imperative for respecting and strengthening country ownership in development cooperation, which is also the key to enhancing effectiveness. The starting point is that all countries, especially cooperation receiving countries, must adopt a national development strategy/plan that defines national priorities and obstacles thereto, based on the development priorities identified by rights-holders. The national plan should also be linked with sectoral and subnational strategies. Progress on the national plan should be periodically reviewed, accompanied with engagement of rights-holders to gather feedback for course-correction. Without such an exercise, it is not possible to make informed choices about the priority areas for cooperation.

38. To ensure country ownership, it is also essential that receiving countries establish a policy framework for development cooperation that is based on the national development plan and that identifies country-level targets for effective development cooperation along with a system for progress assessment. Most countries report having adopted such policies.<sup>62</sup> The misalignment then occurs either because the cooperation receiving country does not insist, or does not have systems in place to ensure, that cooperation offered to it is aligned with national priorities, or because the priorities of providing countries prevail. The latter can happen for reasons such as domestic push to provide cooperation to particular areas or in a particular way, public and political perceptions of loss of independence in determining cooperation priorities, geo-political considerations, or economic interests of the providers in particular sectors.<sup>63</sup> It is sometimes suggested that donors may dictate priorities where there is less trust in the ability of partner country governments to adequately plan and allocate resources. However, empirical evidence does not support this correlation while pointing to political interests as the main determinant.<sup>64</sup> Studies show that there is decreasing level of commitment of traditional providers to maintain effectiveness commitments and limited buy-in of the effectiveness principles among emerging providers and new development actors.<sup>65</sup>

39. There have also been concerns that sectoral allocations of ODA are mostly determined by the providers resulting in misalignment with recipient priorities. Since 2009, Landlocked Least Developed Countries have seen a continuous reduction in aid directed towards the transport and storage sector, despite facing significant logistical and infrastructure challenges, and corresponding declines in other sectors has raised concerns for nationally owned integrated strategies to address both poverty and inequalities.<sup>66</sup> On aggregate, aid to social sectors remains the largest category of ODA to developing countries.<sup>67</sup> While this is positive, a deeper analysis reveals issues. For instance, ODA to basic education and to water supply and sanitation declined by 27.9% and 4.7%, respectively, in 2019-2022, while ODA grants were concentrated in the health services growing by 169% in that same period. While investments in health were vital to respond to the COVID-19 pandemic, the OECD has acknowledged that such a concentration in this sector risks fostering aid dependency and undermining the resilience of health systems.<sup>68</sup> Additionally, the trade-off between increased ODA to health sector and decrease in education is “self-defeating” given the links between investments in human capital formation and reductions in intergenerational poverty and inequalities.<sup>69</sup>

40. In South-South and triangular cooperation, country ownership has proved to be quite successful. Between 2020 and 2022, Colombia, a member of the Steering Committee of the GPEDC, with support from Switzerland and the UNDP, led the development of a Self-Assessment Framework on the Effectiveness of its South-South Cooperation.<sup>70</sup> The tool has been piloted in seven countries, namely Bangladesh, Cabo Verde, Colombia, El Salvador,

<sup>62</sup> A Financing for Sustainable Development Report, 2024, p.115.

<sup>63</sup> A GPEDC, Enhancing Effectiveness to Accelerate Sustainable Development: A Compendium of Good Practices, <https://www.effectivecooperation.org/system/files/2020-05/Global-Compendium-of-Good-Practices-Documents.pdf>, p.5.

<sup>64</sup> A Ibid.

<sup>65</sup> A Ibid, p.33.

<sup>66</sup> A Financing for Sustainable Development Report 2024, p.101.

<sup>67</sup> A Ibid.

<sup>68</sup> A OECD, Development Cooperation Report, 2024, p.192

<sup>69</sup> A Ibid.

<sup>70</sup> A Financing for Sustainable Development Report 2024, p.111.

Indonesia, Kenya and Mexico. Country ownership was found to be “the most well-applied principle” among respondents.<sup>71</sup> A recent research commissioned by the OHCHR on two South-South Cooperation projects involving India and Antigua and Barbuda, and South Africa and Comoros, and a triangular cooperation project involving Brazil, Angola and the UNICEF, concluded similarly.<sup>72</sup> This is unsurprising because South-South Cooperation (as also triangular) is highly demand-driven and is largely initiated at the request of the receiving country, thereby ensuring alignment with country priorities. Unlike ODA, Southern Countries do not necessarily develop country-level strategies for particular recipients.

41. However, several stakeholders consulted for this study raised concern that some practices labelled as South-South cooperation, especially involving financially supported large-scale infrastructure projects, are also being pushed forth by some cooperation providers based on their own development priorities. Such trends challenge the key South-South cooperation principles of respect for national sovereignty, national ownership and independence, and partnership among equals.

### Good practices

42. The Mechanism notes with appreciation that the GPEDC has launched a detailed monitoring questionnaire for the 2023-2026 period for both providers and recipient governments.<sup>73</sup> It seeks to address almost all aspects addressed above that are essential for ensuring country ownership. This Mechanism considers that the tool will be useful in this regard and provide feedback to address gaps that impede country ownership and alignment. In particular, it can help incorporate a system to ensure that ODA providers purposefully align their country-level strategies or partnership frameworks with priorities of recipients. A number of good practices have already been identified from previous periods. Several stakeholders consulted for this study highlighted that Ethiopia and Rwanda stand out in setting their own development cooperation agendas based on their national strategies and engage development partners only when aligned with those priorities. The 2019 GPEDC Monitoring exercise showed that Malawi has ensured that its development partners align with its National Development Strategy through sectoral working groups and use results information to engage in policy dialogue.<sup>74</sup> Uganda has established a Northern Uganda Social Action Fund to support the Northern Uganda Reconstruction Programme, which is fully funded by development partners but implemented by the Office of the Prime Minister.<sup>75</sup> El Salvador has developed a “National Plan for Effectiveness of Cooperation” and has established a Global Dialogue Table to implement it and strengthen coordination with its development partners on strategic priorities.<sup>76</sup>

43. Regular consultation with a broad range of local stakeholders has also helped some ODA providers in preparing country-level strategies. New Zealand’s International Climate Finance Strategy was elaborated pursuant to consultation with Pacific partner governments, members of the Council of Regional Organizations in the Pacific and other key bilateral actors in the Pacific region.<sup>77</sup> It also draws on indigenous models and traditional knowledge to create integrated climate change responses. The United States has employed a co-creation process in Kenya to harness local expertise and broaden perspectives in delivering development programmes that foster ownership and empower local agency in programme design.<sup>78</sup> Portugal’s Strategic Cooperation Programmes, negotiated jointly with partner

<sup>71</sup> A Ibid.

<sup>72</sup> A OHCHR (2024), Good Practices in Operationalizing the Right to Development in South-South Cooperation, <https://www.ohchr.org/sites/default/files/documents/issues/development/study-good-practices-operationalizing-rtd-ssc.pdf>

<sup>73</sup> A <https://www.effectivecooperation.org/Published-Create%20book%20page>

<sup>74</sup> A OECD, Country Ownership Over National Development Processes, <https://www.oecd.org/en/topics/sub-issues/development-co-operation-in-practice/development-co-operation-tools-insights-practices.html>

<sup>75</sup> A Ibid.

<sup>76</sup> A Ibid.

<sup>77</sup> A Ibid.

<sup>78</sup> A Ibid.

governments every five years, commit Portugal to aligning its development cooperation with national policies and to supporting country ownership.<sup>79</sup>

44. It is important that when national development cooperation policies are developed by recipients, “Integrated National Financing Frameworks” are also incorporated therein. Such frameworks spell out how the national development strategy will be financed and implemented,<sup>80</sup> and can guide allocation of ODA and other forms of international development cooperation to better support country priorities and strategies.

45. The Mechanism notes that, in general, open call for applications by cooperation providers can help ensure that recipients submit proposals based on their national priorities. A number of countries in the Global South involved in South-South and triangular cooperation follow this practice.<sup>81</sup> DAC members are invited to consider mainstreaming such methods in their country-level strategies or partnership frameworks.

## **B. Focusing on results**

46. To ensure effectiveness, it is important that development cooperation achieves measurable results by using country-led results frameworks and monitoring and evaluation systems. However, in ODA, alignment with country-owned results frameworks and public financial management systems had already been declining prior to the COVID-19 pandemic.<sup>82</sup> Given the operational principles of South-South and Triangular cooperation, stakeholders pointed that there is almost always alignment with country-owned results frameworks, although more focus needs to be given to actually measuring results.

### **Good practices:**

47. New Zealand has simplified its results approach and works with the Pacific Community to integrate partner-generated data into the new system, strengthening ownership, relevance and regional capacity.<sup>83</sup> The United Kingdom’s Office for National Statistics has developed medium-term partnerships with National Statistics offices in partner countries to modernize their statistical systems and support vital data used to underpin their SDG reporting.<sup>84</sup> Development partners, including the European Union and the Netherlands helped Mozambique in creating ODAmoz, an online platform to collect ODA data from cooperation providers to strengthen ODA coordination. The platform is managed by Mozambique’s Directorate of Investment and Cooperation.<sup>85</sup> Portugal conducts joint monitoring, and in some cases, joint evaluations of its development cooperation, with partner country authorities.<sup>86</sup>

48. In South-South and Triangular cooperation, a key challenge identified for measuring results is the lack of Data Governance Frameworks, which can help standardize the use of data for informing South-South cooperation-related policy as well as measuring results.<sup>87</sup> This Mechanism believes that it is important to know and show results and Southern partners can help improve effectiveness by instituting such frameworks.

<sup>79</sup> A Ibid.

<sup>80</sup> A <https://inff.org/>

<sup>81</sup> A OHCHR (2024), Good Practices in Operationalizing the Right to Development in South-South Cooperation, <https://www.ohchr.org/sites/default/files/documents/issues/development/study-good-practices-operationalizing-rtd-ssc.pdf>

<sup>82</sup> A Financing for Sustainable Development Report 2024, p.115.

<sup>83</sup> A OECD, Country Ownership Over National Development Processes, <https://www.oecd.org/en/topics/sub-issues/development-co-operation-in-practice/development-co-operation-tools-insights-practices.html>

<sup>84</sup> A Ibid.

<sup>85</sup> A Ibid.

<sup>86</sup> A Ibid.

<sup>87</sup> A Financing for Sustainable Development Report 2024, p.111.

## C. Inclusive partnerships

49. The Busan Principles recognize that to ensure effectiveness, development partnerships should be inclusive, recognizing the different and complementary roles of all actors. How the inclusive partnerships principle is interpreted and deployed can, however, lead to tensions if partner governments are bypassed. The right to development framework requires that development cooperation is based on the development priorities of human beings and peoples, who are also its principal beneficiaries. This does not, however, mean that cooperation providing countries are entitled to ignore partner governments and national systems. Doing so can result in providers making their own determination of local priorities, resulting in misalignment with country strategies and even infringing sovereignty. Empirically, less than half of ODA is channeled through the public sector of recipient developing countries, and only one third in least-developed countries.<sup>88</sup> Three out of every four official financial flow transactions are implemented by other entities such as NGOs, donor government entities and multilateral institutions, and half of these funds bypass recipient country budgets, undermining effectiveness by enabling misalignment and enhancing coordination challenges.<sup>89</sup> Such counterproductive situations can be corrected by mainstreaming the right to development in cooperation practices since the framework recognizes the rights of individuals and peoples but also the right of recipient countries in steering their national development. This does not exclude partnerships with local or sub-national governments; to the contrary, such cooperation may serve as a good practice, given the proximity to the local priorities of the rights-holders. Consulted stakeholders noted that such situations are never an issue in South-South and triangular cooperation, even in financially supported projects, since they are always based on requests by governments.

### Good Practices

50. Iceland has prioritized its programme-based approach at local government level through long-term partnerships with district authorities in partner countries, leading to improvement in performance and enhanced service provision for the population.<sup>90</sup>

51. The GPEDC Monitoring Questionnaire comprises a section seeking information on the involvement of civil society in development cooperation. This section is to be responded to by the recipient government together with the cooperation providing government and civil society organizations.

52. In general, the nature of South-South Cooperation is such that it predominantly operates at the government-to-government level with the understanding that governments represent the voices of their people. However, even considering the principle of non-interference, there is room for local communities and civil society organizations to also make requests with endorsement from the government of the receiving State. Although not strictly bilateral, the India-United Nations Fund and the India-Brazil-South Africa Fund accepts project proposals brought forward by civil society organizations if they are put forward by the government of the receiving State.<sup>91</sup> The government of Liberia has done so on behalf of civil society organizations to avail the India-United Nations Fund.<sup>92</sup>

<sup>88</sup> A Ibid, p.115

<sup>89</sup> A Ibid.

<sup>90</sup> A OECD, Country Ownership Over National Development Processes, <https://www.oecd.org/en/topics/sub-issues/development-co-operation-in-practice/development-co-operation-tools-insights-practices.html>

<sup>91</sup> A OHCHR (2024), Good Practices in Operationalizing the Right to Development in South-South Cooperation, <https://www.ohchr.org/sites/default/files/documents/issues/development/study-good-practices-operationalizing-rtd-ssc.pdf>

<sup>92</sup> A Ibid.

## D. Inadequacy

53. Chronic inadequate disbursements of committed ODA are a principal reason for their ineffectiveness. A severe lack of financing lies at the core of the current “sustainable development crisis”.<sup>93</sup> International development cooperation has been unable to meet rising demands. Bilateral ODA from DAC members rose by 17 per cent in real terms and peaked at \$211 billion in 2022.<sup>94</sup> However, this sharp increase was largely attributed to a surge in donor countries’ spending on processing and hosting refugees, as well as aid for Ukraine.<sup>95</sup> Even with this, DAC donors, on average, have consistently failed to provide the committed 0.7% of their GNI as ODA and 0.15–0.20% of GNI to Least-Developed Countries. In 2022, ODA was only 0.37% of the aggregate GNI of DAC members.<sup>96</sup> Bilateral aid by DAC members to Least-Developed Countries and sub-Saharan Africa fell by 5.2% and 8.6%, respectively.<sup>97</sup> As previously noted, ODA being the principal modality of international cooperation committed to by DAC members, a repeated failure can cumulatively indicate a breach of the individual and collective duty to cooperate.

54. Amidst humanitarian and refugee crises, ODA has shifted towards these areas, further straining financing for sustainable development. Country Programmable Aid (CPA), which excludes donor refugee costs, humanitarian aid, debt relief and administrative costs, and is a more accurate measure of the actual aid that individual countries receive for supporting national development priorities, has declined compared to its peak in 2009.<sup>98</sup> Between 2011 and 2019, total CPA to Landlocked Least Developed Countries and Small Island Developing Countries contracted at an annual average rate of 1.2 per cent and 3.0 per cent, respectively, and current ODA priorities could further decrease CPA to vulnerable countries.<sup>99</sup>

55. A challenge for South-South cooperation is measuring flows since there are various approaches, modalities and instruments of cooperation across countries. However, this is a well-known issue, and efforts are underway for addressing it. Data for triangular cooperation is inadequate. There is an acknowledgement that to better assess the evolution of triangular cooperation and its effectiveness, there is a need for all partners to improve the monitoring and reporting of its use at the national level, and to encourage better monitoring at the regional and global levels.<sup>100</sup>

## Good Practices

56. Individually, in 2022, only four donor countries met or exceeded the 0.7% target in ODA and only two – Luxembourg and Sweden – met or exceeded both targets.<sup>101</sup> This Mechanism calls upon other DAC members to fulfill their commitments and discharge their duty to cooperate, given that ODA is the principal means chosen by them for international cooperation.

57. Much progress is being made towards measuring South-South Cooperation with tools such as the recently developed the United Nations Voluntary Conceptual Framework to Measure South-South Cooperation, allowing for the quantification of both financial and non-financial dimensions.<sup>102</sup> This will directly inform the newly adopted SDG indicator 17.3.1 on “additional financial resources mobilized for developing countries from multiple sources”, the co-custodian of which is UNCTAD.<sup>103</sup> In 2023, UNCTAD, in collaboration with other

<sup>93</sup> A Financing for Sustainable Development Report 2024, p.xiv.

<sup>94</sup> A Ibid, p.99.

<sup>95</sup> A Ibid, noting that ODA to Ukraine surged from less than \$1 billion in 2021 to \$17.8 billion in 2022.

<sup>96</sup> A Ibid.

<sup>97</sup> A Ibid.

<sup>98</sup> A Ibid, p.8.

<sup>99</sup> A Ibid.p.100.

<sup>100</sup> A <https://www.oecd.org/dac/global-perspectives-on-triangular-co-operation-29e2cbc0-en.htm>

<sup>101</sup> A Financing for Sustainable Development Report 2024, p.99.

<sup>102</sup> A <https://unctad.org/project/quantifying-south-south-cooperation-mobilize-funds-sustainable-development-goals>

<sup>103</sup> A A/78/290, para.54.



United Nations entities, launched a capacity development project to test the Framework in eight pilot countries in Africa, Asia and Latin America.<sup>104</sup> Other efforts such as the “South-South Galaxy” platform coordinated by the United Nations Office for South-South Cooperation,<sup>105</sup> and the South-South Cooperation Index launched by the Islamic Development Bank in 2023,<sup>106</sup> are steps in the direction of understanding the South-South cooperation ecosystem better. The Mechanism notes that these frameworks can also be usefully adapted to measure triangular cooperation.

## E. Additionality

58. Stakeholders consulted for this study highlighted that financing commitments by developed countries that were supposed to be new and additional to ODA, such as the goal of raising USD 100 billion for climate financing annually,<sup>107</sup> or Aid for Trade,<sup>108</sup> are being subsumed under the ODA envelope. Concerns were also raised that given the nature of some projects that may be relevant for development, climate change mitigation and adaptation, as well as trade, the same committed or disbursed amounts were being repurposed and reported under each of these different titles, leading to inflated figures. This is even more concerning when situated within the context that the average ODA disbursements from DAC members have consistently been almost half of 0.7% of GNI.

### Good practices

59. In 2017, the OECD, with support from an international task force of experts, launched the Total Official Support for Sustainable Development (TOSSD) initiative to capture both cross-border resource flows to developing countries and support to international public goods and global challenges.<sup>109</sup> It includes concessional and non-concessional support from traditional and emerging bilateral and multilateral finance providers, including South-South and triangular cooperation providers, and private finance mobilized by official interventions. TOSSD is one of the data sources for indicator 17.3.1. From 2024 onwards, the TOSSD standard is governed by an International Forum on TOSSD with a balanced representation of provider and recipient countries (including dual provider/recipients) and international organizations, with civil society organizations having a permanent observer seat in all bodies thereof. This Mechanism considers that TOSSD is a potential step in the right direction in capturing accurate data, although it is still a work in progress, especially on measuring global and regional expenditures, including for international public goods. Although the current methodology permits reporting of same amounts as ODA, climate financing, and Aid for Trade, raising the possibility of inflated figures, the Mechanism notes with appreciation that the TOSSD Secretariat is aware of the issue and the framework is undergoing improvements, including on other methodological issues, potentially leading to more buy-in from developing countries to this new framework.

## F. Conditionality

60. Conditionality in ODA has been a significant long-standing challenge. It is acknowledged within the DAC that tied aid, understood within OECD parlance as ODA offered on the condition that it be used to procure goods or services from the provider country, or countries identified by it, is problematic since it can lower the quality of projects and

<sup>104</sup> A <https://unctad.org/news/unctad-helps-countries-measure-south-south-cooperation>

<sup>105</sup> A <https://southsouth-galaxy.org/>

<sup>106</sup> A [https://www.isdb.org/sites/default/files/media/documents/2023-12/SSC\\_Index\\_\\_Web\\_HR.pdf](https://www.isdb.org/sites/default/files/media/documents/2023-12/SSC_Index__Web_HR.pdf)

<sup>107</sup> A <https://unfccc.int/resource/docs/2009/cop15/eng/11a01.pdf#page=4>, para 8.

<sup>108</sup> A WTO (2006). *Recommendations of the Task Force on Aid for Trade*. 27 July 2006. WT/AFT/1, as endorsed by the General Council in October 2006; See: [https://www.wto.org/english/tratop\\_e/devel\\_e/a4t\\_e/a4t\\_factsheet\\_e.htm](https://www.wto.org/english/tratop_e/devel_e/a4t_e/a4t_factsheet_e.htm)

<sup>109</sup> A <https://www.tossd.org/>

increase costs by 15-30%.<sup>110</sup> Untying aid, where recipients have the freedom to access goods and services from local providers or through international competitive bidding, can increase country ownership and strengthen country systems.<sup>111</sup> The DAC Recommendation on Untying Aid, adopted in 2001 and amended in 2018, covers least-developed countries, heavily indebted poor countries, other low-income countries, and IDA-only countries and territories.<sup>112</sup> However, this Recommendation does not cover key ODA sectors such as technical cooperation and food aid, nor does it cover conditionalities that are linked to policy changes in a given country that are sometimes also connected with policy prescriptions of international financial institutions.<sup>113</sup> Much information about these latter types of conditionalities remains opaque.

61. Significant progress in de jure untying aid has been reported over the years and stands at 91.5% in 2020.<sup>114</sup> De facto untying, however, remains an issue. While developing countries were awarded 44 per cent of the total number of contracts, these contracts represented only 13 per cent of the total value of the contracts.<sup>115</sup> About 54% of the value of contracts awarded in countries covered by the DAC Recommendation continue to go to suppliers in DAC provider countries.<sup>116</sup> The high share of contracts awarded by some donors to their domestic suppliers raises questions on the extent to which formally untied aid is also de facto untied.<sup>117</sup> DAC providers have, therefore, been called upon to take urgent action to identify and remove barriers that hinder local producers, including in Least-Developed Countries, so that they can reap a “double dividend” in addressing poverty and inequalities while building up local economies.<sup>118</sup>

62. South-South and triangular cooperation is overwhelmingly based on non-conditionality. However, stakeholders consulted for this study raised concerns that similar trends as ODA are also being seen in some South-South Cooperation practices, especially in large-scale financially supported infrastructure projects. Tying cooperation to contracts for companies of only the cooperation providing country, or to employment in such projects to its own citizens rather than the local population, or to non-concessional loans with short grace periods and maturity lengths, can infringe the duty to cooperate and the right of local communities to participate in and contribute to their own development. The principle of mutual benefit in South-South Cooperation must be deployed in sync with the principle of non-conditionality. Some stakeholders raised the concern that if non-DAC members employ such conditionalities, it has a spillover effect on DAC practices and leads to an overall competition to tie aid even further.

## Good Practices

63. Tied aid undermines the duty to cooperate and the right of stakeholders in recipient countries to participate in and contribute to their own development. As per latest statistics, Australia, Belgium, Canada, Finland, France, Germany, Ireland, Japan, Luxembourg, Netherlands, New Zealand, Norway, Switzerland and the United Kingdom reported all or almost all of their Recommendation ODA as untied (more than 97%). Those above 90% included Denmark, the EU, Iceland and Sweden, whereas Italy and Spain reported 89% as untied share.<sup>119</sup> To address de facto untying, the DAC Recommendation also includes transparency provisions that call for ex ante notification of untied aid offers (tenders) to be

<sup>110</sup> A OECD, Untying ODA, <https://www.oecd.org/en/topics/sub-issues/development-co-operation-in-practice/development-co-operation-tools-insights-practices.html>

<sup>111</sup> A Ibid.

<sup>112</sup> A OECD, 2022 Report on the Implementation of the DAC Recommendation on Untying Official Development Assistance, DCD/DAC(2002)34/FINAL

<sup>113</sup> A Ibid.

<sup>114</sup> A Ibid.

<sup>115</sup> A Ibid.

<sup>116</sup> A Ibid.

<sup>117</sup> A Ibid.

<sup>118</sup> A Financing for Sustainable Development Report 2024, p.116.

<sup>119</sup> A OECD, 2022 Report on the Implementation of the DAC Recommendation on Untying Official Development Assistance, DCD/DAC(2002)34/FINAL

posted on the Untied Aid Public Bulletin Board as well as ex post statements about contracts awarded. Belgium, Canada, France, Italy, Japan, Switzerland, the United States, the Netherlands, Iceland, Luxembourg, Poland, Portugal and Slovenia have demonstrated high transparency.<sup>120</sup>

64. Conditionality is, however, much broader than the limited context in which tied aid is understood within the DAC. In this respect, the Mechanism notes that the GPEDC Monitoring Questionnaire can be useful. Currently, it does not seek information from cooperation providing countries regarding conditionalities or even tied aid. The Mechanism encourages the GPEDC Secretariat to include questions on conditionalities, since an accurate analysis of effectiveness is only possible with such information.

65. Countries in the global South must ensure that South-South cooperation practices, especially involving large-scale infrastructure projects, remain true to the principle of non-conditionality. Projects that are tied should not be captured within South-South cooperation flows but must be understood and labelled separately.

## **G. Impact Assessments**

66. ODA projects/programmes, in general, require human rights impact assessments to be conducted by recipient countries, especially to ensure that large-scale projects they support do not undermine human rights in project areas. However, assessments are not usually conducted of the impacts of ODA and their conditionalities on rights-holders in the recipient country, prior to provision of such aid or during the project. For instance, systematic assessment of the impacts on rights-holders due to prioritization of specific sectors by cooperation providers, or the impacts of tied aid on local employment, are not mainstreamed. To ensure that development priorities of rights-holders reflected in national development plans of recipient countries are respected, and their right to participate in, contribute to, and enjoy development is guaranteed, it is important that cooperation providers also conduct impact assessment on their side of the equation, prior to providing support. This Mechanism notes that post-facto monitoring tools such as the GPEDC Questionnaire, while quite useful, are not adequate in this respect since they are not necessarily useful in preventing or mitigating harmful impacts on rights-holders.

67. In South-South and Triangular cooperation, human rights impact assessments are generally not mainstreamed. BAPA+40 outcome document records the commitment that human rights will be integral to SSC practices. However, unless impact assessments are conducted prior to, during, and after South-South cooperation projects, especially large-scale, it is difficult to guarantee that the right to development and other human rights have been respected, protected or fulfilled.

### **Good practices**

68. Operationalizing the right to development requires that such assessments are conducted across all cooperation practices by providers so as to respect the rights-holders' entitlement to participate in, contribute to, and enjoy development without discrimination in such a manner that no human rights are undermined. This Mechanism has not witnessed good practices in this regard and invites all cooperation providers to conduct impact assessments of their planned cooperation prior to, during, and pursuant to any project, using the normative framework of the right to development.

## **H. Transparency and Accountability**

69. The right to development framework requires that cooperation partners are transparent and accountable to each other and to their own constituencies, especially the beneficiaries who are the holders of the right to development. Stakeholders consulted for this study noted

<sup>120</sup> A Ibid.

that there is much need for greater transparency and accountability in development cooperation from all partners.

## Good Practices

70. This Mechanism considers that the GPEDC Monitoring Questionnaire represents a good tool for enhancing transparency and accountability.<sup>121</sup> On the recipient side, it seeks information whether a national policy framework for development cooperation which includes country-level targets for effective cooperation has been adopted. Countries are also asked whether they have conducted a mutual assessment of progress on these targets inclusively involving a range of stakeholders such as civil society organizations, private sector, trade unions, subnational governments, amongst others, and whether the results have been made publicly available. The tool further seeks information on forward-looking spending plans, the recording of development cooperation in national budgets, gender budget, budget allocations for vulnerable groups, existence and functioning of information management systems for development cooperation, and its transparency.

71. On the provider side, it asks a series of questions on country-level strategies that have been adopted for a given recipient, details of six largest projects or programmes supported in the reporting cycle, the development cooperation flows scheduled and disbursed at country levels, and whether the objectives of the intervention were drawn from recipient's national development plan, and if not, why. It also asks questions linked to the effectiveness principles, inter alia, whether results frameworks were drawn from existing recipient government's results frameworks, plans and strategies, and whether the disbursed funding used recipient government budget execution procedures, financial reporting procedures, auditing procedures, and procurement systems. Finally, it also contains a section on participation of civil society to be responded to by the recipient together with provider and civil society organizations.

72. The questionnaire can be helpful also for enhancing transparency and accountability in South-South and Triangular cooperation with suitable modifications, especially in large-scale projects or programmes. The Mechanism, however, also notes that the Questionnaire has room for improvement, especially with respect to information about conditionalities and untying aid, and impact assessments by the providing countries.

73. Beyond GPEDC, DAC members also conduct peer reviews which culminate in a set of recommendations to improve their respective cooperation systems followed by mid-term reviews to boost behaviour change and accountability.<sup>122</sup> Given the significantly different nature of South-South and triangular cooperation, Southern partners have demonstrably been keen to share information with each other. Through the United Nations Office for South-South Cooperation, a digital interactive platform, the "South-South Galaxy", has been established to help developing countries to connect, learn, and collaborate with potential partners.<sup>123</sup> This office also has a flagship publication "Good Practices in South-South and Triangular Cooperation for Sustainable Development". Other initiatives such as the African Peer Review Mechanism's recent focus on enhancing monitoring and reporting of South-South Cooperation are also contributors to greater information and transparency.<sup>124</sup>

<sup>121</sup> A <https://www.effectivecooperation.org/Published-Create%20book%20page>

<sup>122</sup> A <https://www.oecd.org/en/topics/sub-issues/development-co-operation-peer-reviews-and-learning.html>

<sup>123</sup> A <https://unsouthsouth.org/our-work/knowledge-co-creation-and-management/>

<sup>124</sup> A United Nations Office for South-South Cooperation, Enhanced Monitoring and Reporting of South-South Cooperation Discussed by African Peer Review Mechanism, 11 April 2024, available at <https://unsouthsouth.org/2024/04/11/enhanced-monitoring-and-reporting-of-south-south-cooperation-discussed-by-african-peer-review-mechanism/>

## VI. Conclusion

74. There are clear differences between the principles of effectiveness in North-South Cooperation, and South-South and Triangular Cooperation (for instance, conditionality). The operational principles of the latter two and the normative principles of the right to development are fully complementary and mutually reinforcing. However, this synergy has more to do with the commonality in principles rather than resulting from a conscious act of mainstreaming the normative framework of the right to development in South-South and triangular cooperation activities. The Paris Principles, and more so the Busan Principles, are also broadly in sync with the normative principles of the right to development, with the caveat that conditionality, depending on its nature, can result in undermining the right to development.

75. Despite these principles and the availability of tools, the effectiveness of development cooperation is under challenge, especially in ODA-based North-South Cooperation and a minority of large-scale projects in South-South Cooperation. The fact that the effectiveness principles are not mainstreamed across all stages of cooperation practices can be explained by the lack of operationalizing the right to development in a systematic and conscious manner. Development cooperation, especially North-South, is still donor-centric and not based on development understood as a human right and international cooperation as a duty of States. Operationalizing the right to development at all stages of development cooperation practices, based on the principles outlined in this study in Section D, can help ensure effectiveness by purposefully providing them with a human person and people-centered approach. Operationalizing the right to development enables a conscious effort at “humanizing” cooperation by framing its objective, that is, development, as a right of all human beings and peoples, and as an enabler of all other human rights, and by framing development cooperation as a duty of States towards realizing the right to development.

76. Moving forward, development cooperation requires a fundamental shift in mindset from the current business-as-usual approach where cooperation is provided either as charity or good conduct based on solidarity. Countries need to internalize the duty aspect of cooperation in all their practices and this means instituting systems at all stages of the cooperation process to ensure that the principles outlined in this study are followed.

77. This study has outlined a number of challenges to the effectiveness of development cooperation but has also highlighted some good practices for addressing issues around country ownership, focusing on results, inclusive partnerships, inadequacy of funding, additionality, conditionality, impact assessments, and transparency and accountability. These practices provide illustrations of “how” development cooperation can be effective. The right to development answers the “why” question. It provides the normative basis for why these practices for effectiveness are not merely “good practices” but are necessary to discharge the duty to cooperate, and in turn, further enhance the right to development.