

The 9th session of the Expert Mechanism on the Right to Development
Item 4 of the Provisional Agenda
Implementation of the mandate and programme of work - Focused thematic discussion
Conference Room 5, UNHQ, New York

**Realizing the RTD through North-South, South-South, Triangular, and other
sui generis forms of international cooperation: Exploring complementarities and
good practices**

Thursday 2 May 2024, 10:00 AM to 11:30 PM

Concept Note

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Introduction

The Expert Mechanism is in the process of elaborating a thematic study to explore how the normative framework of the right to development (RTD) can be mainstreamed and operationalized in the different forms of development cooperation practices to ensure their effectiveness. It also seeks to identify best practices across North-South, South-South and Triangular cooperation, and recommend measures to further enhance them by mainstreaming the RTD. This panel discussion will play an important role in the development of the study by engaging with diplomats, practitioners, and experts involved in development cooperation.

International cooperation for development is at the heart of the *Declaration on the Right to Development* and is an international obligation on all States.¹ The *2030 Agenda* identifies 62 targets based on international cooperation as the means of implementation of the *2030 Agenda* and sets up mechanisms through which development cooperation between States can help realize the SDGs everywhere.

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

There are some similarities between the principles of effectiveness between these forms of cooperation, but there are also some key differences, especially on conditionalities. The effectiveness principles for traditional forms of North-South Cooperation are agreed upon through the Global Partnership for Effective Development Cooperation, 2011, as country ownership, focus on results, inclusive partnerships, and transparency and mutual accountability.² On the other hand, the operational principles for South-South cooperation have been incorporated in the Nairobi outcome document of the High-level United Nations Conference on South-South Cooperation of 2009 and the Buenos Aires outcome document of the second High-level United Nations Conference on South-South Cooperation (BAPA+40), adopted in 2019. These are respect for national sovereignty, national ownership and independence; partnership among equals; non-conditionality; non-interference in

¹ See articles 3(1), 3(3), 4(1), 6, and 10. See also EMRTD Study A/HRC/48/63

² <https://www.effectivecooperation.org/landing-page/effectiveness-principles>. See also the Paris Declaration on Aid Effectiveness, 2005; the International Health Partnership Plus, 2007; the Accra Agenda for Action, 2008; the Busan Partnership for Effective Cooperation, 2011

domestic affairs; and mutual benefit.³ 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. The outcome document of the Third South Summit held in Kampala from 21 to 22 January 2024 reaffirms “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” [emphasis added].

The RTD provides the normative principles for development cooperation. These, *inter alia*, include the following:

1. Development is an inalienable human right of all individuals and peoples.
2. Rights-holders are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development.
3. Rights-holders determine their development priorities, which must be reflected in the country priorities.
4. Both the outcome of development cooperation and its process must be consistent with the right to development and all other human rights.
5. States have the right and the duty to identify their own development priorities and set national targets based on participation and contribution of the rights-holders, the duty to identify obstacles in meeting those targets, and the duty to seek international cooperation when they are individually unable to overcome the obstacles.
6. Cooperation providing States are under an obligation to not impose their own development priorities on receiving States or determine the sectors for aid allocation.
7. Cooperation providers are under an obligation to refrain from conduct that impairs the ability of the receiving State to comply with that State’s obligations with regard to the RTD, including through harsh conditionalities.
8. Cooperation providers are under an obligation 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 with regard to the RTD.

Purpose

It may be argued that the RTD cannot be realized through development cooperation unless the effectiveness principles are operationalized by mainstreaming the normative principles of the RTD. In the aforesaid context, this Panel will explore, through practical illustrations, how these normative principles of the RTD can be systematically mainstreamed in various forms of development cooperation practices to make them effective. It will also explore how North-South, South-South, Triangular, and other *sui generis* forms of international cooperation can complement each other in better realization of the RTD.

³ *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.

Guiding questions

The following questions will guide the dialogue, but other dimensions may also be addressed.

1. What practical systems can be instituted in international development cooperation practices to ensure that they are operationalized based on the relevant effectiveness principles?
2. How can mainstreaming the RTD in international cooperation practices make the latter more effective?
3. What challenges exist in mainstreaming the normative principles of the RTD in international development cooperation to ensure their effectiveness?
4. What are some of the good practices across different forms of development cooperation that are consistent with the normative principles of the RTD and the effectiveness/operational principles of cooperation?
5. How can effective development cooperation contribute to the realization of the RTD and what are the main lessons learned from practice?

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