

South-South Cooperation and Aid

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South-South Cooperation: A Rights-based Approach to Aid Effectiveness?

Currently, interest is being sparked around a group of aid donors referred to variously as “non-Development Assistance Committee (DAC) donors”, “emerging donors”, “new donors”, “South-South Cooperation”, and “new development partners”. This inconsistency in labeling often reflects an unresolved debate as to whether these donors are really “new” arrivals on the scene since many of them, particularly OPEC countries, historically played significant roles in foreign aid[1] (Manning, 2006). Nevertheless, since aid flows from this group have recently surged, with non-DAC flows now estimated at 10% of the global total and growing (Chandy & Kharas, 2011), scholars are considering to what degree the presence of these donors represents change or continuity with current global aid practices, architecture, and norms.

This paper proposes to address what changes South-South Cooperation (SSC)[2] has brought, if any, in the context of a rights-based approach to development. Namely, to what extent do the actions of SSC donors promote a rights-based approach to development through their application of the Paris Principles of ownership and alignment? A conception of development as a human right means both that development is realized with the attainment of civil, political, economic, social and cultural rights, and that the processes to encourage development are rights-based (with questions of equity and justice central [Sengupta, 2002]). I argue that through their efforts classifiable under “ownership” and “alignment”, Brazil and South Africa appear closest to realizing a rights-based conception of aid, India is much more ambiguous, and China, mainly due to its disrespect for governance standards, compromises fundamental rights principles.

As is the case for traditional donors, emerging donors are a heterogeneous group (see Zimmermann & Smith, 2011; Manning, 2006; and Kragelund, 2008 for different categorizations of emerging donors). However, for the purposes of this paper, I have focused on key members of the (still disparate) group Zimmermann and Smith (2011) refer to as “South-South Development Cooperation”[3]: Brazil, China, India, and South Africa. These four donors represent some of the largest contributors overall in terms of emerging donors and are likely the highest contributors to the specific category of SSC[4]. For instance, in 2009 (all estimates and in US \$): Brazil doubled its Official Development Assistance (ODA) level from 2005, providing \$362 million; China provided between \$2 and \$3 billion; India provided \$488 million; and South Africa provided \$108 million[5] (Zimmerman & Smith, 2011). Data for these donors is also more widely available than for other emerging donors, perhaps “not simply because of the large sums of financing involved but also owing to the differentiated nature of their relationship with recipients” (Kim & Lightfoot, 2011, p. 73).

In this paper, I also explore the ways in which SSC countries may uphold a rights-based conception of development through the lens of the Paris Principles of ownership and alignment. Holding SSC donors accountable to these principles is potentially problematic as though they have signed on to these principles as recipients, they have only now, following the 4th High Level Forum on Aid Effectiveness, signed on as donors – and only voluntarily. As well, evaluating SSC according to these norms risks constructing them “‘illiberal’ and ‘incomplete’ – therefore, ineffective and underdeveloped” (Kim & Lightfoot, 2011, p. 713-4). Nevertheless, while I acknowledge these limitations, I will explore below the ways in which SSC can be characterized as deferring to and aligning with the needs of recipients

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despite their reluctance to adopt DAC norms[6], and, particularly in the cases of Brazil and South Africa, respecting the intent of the principles more so than has often been the case with traditional donors[7]. In this vein, the resistance of SSC to the Paris Principles is interpreted here as a criticism of the ways in which traditional donors have operationalized the principles and not one of the principles themselves[8]. As the Busan Partnership for Development Effectiveness Declaration explains:

“The nature, modalities and responsibilities that apply to South-South co-operation differ from those that apply to North-South co-operation. At the same time, we recognize that we are all part of a development agenda in which we participate on the basis of common goals and shared principles” (Working Party on Aid Effectiveness, 2011).

For the sake of brevity, I have only discussed in detail the principles of ownership and alignment. Given that in many ways the Paris Principles reflect a continuum – where, for instance, harmonization follows most effectively if recipients have had the opportunity to define their own priorities (ownership) and donors have committed to basing their support on said priorities (alignment) – then initial attention to the foundational stages is necessary. Furthermore, I consider these two concepts to form what could be called “extended” ownership, where ownership and alignment together allow recipient countries the space and capacity to design and implement individual development policies.

In this paper, I will first develop what is meant here by a rights-based approach to development, emphasizing the nature of obligations a right to development implies for the broader international community of states. Second, the paper will present a brief overview of a highly polarized debate on the ways in which aid systems have been transformed by the (re) emergence of these players. Here, I focus on the ways in which negative portrayals of SSC do not adequately take into account the lack of progress of traditional donors in upholding the Paris Principles, while more glowing reviews risk pointing only to this hypocrisy without detailing the quality of alternatives SSC presents. In the final section, I will explore how China, Brazil, India and South Africa fare in their progress toward the realization of the right to development. These examples show the particular ways in which Brazil and South Africa’s aid practices adhere to the Paris Principles of ownership and alignment while advancing such rights-based qualities as equity and justice. India presents a much more equivocal case, often disregarding ownership in favour of its own self-interests, but subsequently expressing its concerns to respect recipient interests. China, in contrast, has typically invoked a problematic conception of “ownership” given its disrespect for governance standards, eschewing a rights-based approach.

A Rights-based Approach to Development

The roots of a rights-based approach to development can be traced back to the 1940s. First promoted at the Philadelphia Declaration of the International Labor Conference in 1944, the right was subsequently embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, and in the preamble to each of the International Covenants on Human Rights (Sengupta; 2000). Eventually, the right to development was invoked as countries from the Global South collectively called for an increased role in the determination of their own development. Throughout the 1950s, 60s and 70s, events like the Bandung Conference of 1955, the creation of the United Nations Committee on Trade and Development (UNCTAD), the Non-Aligned Movement, and the articulation of a New International Economic Order (NIEO), signaled the increasing refusal of Southern states to accept Northern-led conceptions of development (ibid; Bobiash, 1992; Mason Meier & Fox, 2008). Anchored in dependency theory, Southern states argued that a right to development, through its emphasis on solidarity and collective rights, was the key to addressing imperialist global economic policies that had limited their development progress to date or, more radically, actually caused their underdevelopment[9] (Mason Meier & Fox, 2008). In this sense, the right involved recognition of states themselves (as collectives) as privy to certain moral and legal rights (ibid).

The right to development was thus “the right of each people to freely choose its own economic and social system without interference or constraint of any kind, and to determine, with equal freedom, its own model of development” (Udombana, 2000, p. 762). A role for the Global North was not entirely dismissed however, as the South also collectively called for reparations – transfers of capital, technology, or goods and services – to be given as entitlements, and not as acts of welfare or charity (Udombana, 2000). The idea for increased SSC through aid,

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investment, and trade was also envisioned as Southern states were largely optimistic that they could exert greater power over their own destinies if they could work together (Bobiash, 1992). As a result of the prominent role of the Global South in historically supporting a right to development, it is particularly interesting to explore how their eventual rise as donors would approach basic rights-based principles. We will see how Brazil, China, India and South Africa have fared in meeting this commitment below.

From these initial beginnings, the right to development was further refined and adopted by the United Nations General Assembly in 1986 and reaffirmed by the Vienna Declaration in 1993 (Mason Meier & Fox, 2008). In the 1986 Declaration on the Right to Development, development was defined as a comprehensive process and an inalienable right which is to be upheld by individual and collective actions (Udombana, 2000). As a third generation or solidarity right, the right to development is meant to reinforce all existing individual human rights, including political, civil, economic, social and cultural rights – and to avoid the hierarchies sometimes present among them (ibid). As a result, this overarching right can be conceived of as a “vector” of rights (Mason Meier & Fox, 2008, p. 322) or a “meta-right” (Sengupta, 2002, p. 876) which consists of both individual and collective rights. The right to development was also intended to be comprehensive and holistic in the sense that the focus is as much on processes toward right fulfillment as it is on eventual outcomes or the realization of rights (Sengupta, 2002). A rights-based manner would include such qualities as participatory, non-discriminatory, accountable, transparent, and equitable development processes[10] (ibid). The right to development also sets out obligations for a variety of actors, including the international community of states; as Article 3 of the UN Declaration affirms, “states have the duty to cooperate with each other in ensuring development and eliminating obstacles to development” (Udombana, 2000, p. 767-8).

A variety of criticisms and concerns can be leveled at a rights-based approach to development, particularly with respect to its implementation. In terms of foreign aid, consensus around the role of the international community as duty-bearers of the right has not been firmly established in law. However, “rather than *whether* [there is a legal basis for state action], the question should consequently be *what type* and *scope* of obligations extend beyond the territorial jurisdiction of states that the...rights can give rise to” (Mustaniemi-Laakso, 2007). As Sengupta (2002) describes, the diffusion of responsibility to uphold the right among different actors leads to a situation of “imperfect” obligations where actors are unsure of their specific obligations, only that they have them (p. 844). Indeed, the scope of responsibilities of the international community is debatable, but seems largely confined to respecting and protecting rights where states would, for instance, need to consider how policies, like trade agreements, will affect the attainment of rights before they are entered into (Mustaniemi-Laakso, 2007). In contrast, the responsibility of the international community of states to promote or fulfill the right is much less clearly defined legally, and states are only required to take steps toward ensuring rights are realized; in other words, external states must guarantee best efforts but not certain outcomes (ibid).

Scholars have offered different opinions as to the seriousness of this limitation. For Sengupta (2002), although specific responsibilities of the international community may not be justiciable, the creation of norms can instead be a powerful way of invoking the fulfillment of rights, even the responsibility to promote development. In principle, the feasibility of defining obligations would rest on actors operating in a coordinated manner according to a program of action defined by an existing or reformed global institution (Sengupta, 2002). This tactic essentially relies on the creation of an epistemic community among duty-bearers (like the DAC) that can adopt consensual policies and solutions (Sano, 2007). Salomon, Tostensen and Vandenhole (2007) are also concerned that the obligations of domestic states have been overemphasized legally, potentially creating a resource hierarchy among states whereby domestic states are obliged to provide the bulk of funding. However, in a likely allusion to the power of norm creation, they also suggest that external states, given their role in creating and maintaining international economic structures that have undermined states’ abilities, can be called to action; this public shaming would “automatically trigger a *complementary* obligation among external states rather than a mere secondary obligation” (ibid, p. 15). Mustaniemi-Laakso (2007) is more skeptical, arguing that it is only in the case of an inability of a domestic state to recognize a right where international action would be triggered.

The legal limitations in defining the obligations of external duty-bearers would suggest that the degree to which foreign aid may be able to realize a rights-based approach is highly variable as “best efforts” can be considered discretionary[11]. In particular, fulfilling the obligation would appear most problematic when the objective is to define

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states' responsibilities according to the amounts of aid they must contribute; a "best effort" from the perspective of the current Canadian Conservative government would certainly differ substantially from that of a Canadian NGO. There is thus considerable resistance to the attempt to implement legally binding aid obligations when aid has typically been seen as discretionary (Mason Meier & Fox, 2008). Still, obligations can be established normatively, and given the longevity of the view that aid is a worthwhile tool for development – despite its many fluctuations and inconsistencies in terms of overall levels and other priorities – it would appear that a degree of consensus already exists that *some* aid should be given^[12]. This consensus effectively "allow[s] states to enter development debates with a legal right to cooperation from other states..., not simply a plea for charity" (ibid, p. 348-9).

As well, while best efforts in aid provision may not guarantee certain amounts of aid legally, the guarantee of best efforts once any amount of aid is dispersed is, theoretically, much clearer. In other words, the right to development does clearly establish (legally and normatively) what kinds of characteristics would render aid compatible with rights-based principles. For example, the highly politicized aid typically delivered from donors to recipients is often antithetical to rights-based processes: "considering that development cooperation, in particular where linked to conditionality, tends, by definition, to be a relationship between two unequal partners, the donor and the dependent recipient, of which the latter has a limited room for manoeuvre in the negotiation of the terms and standards", then the necessity of reforming aid according to a rights-based framework is clear (Mustaniemi-Laakso, 2007 p. 351). However, the progress of many traditional donors in aid reform has often been slow. Does the advent of SSC provide a hallmark of needed changes? Though I will argue that Brazil, India, South Africa and China's commitments to advancing ownership and alignment in their aid projects are differentially compatible with rights-based processes, Brazil and South Africa's positive fulfillment of rights-based criteria is noteworthy. The progress of Brazil and South Africa, though certainly inconclusive given the lack of empirical study to date, suggests a rights-based approach to development can be more than a theoretical exercise, even when the scope of obligations of its many duty-holders are still imprecise. Nevertheless, the emergence of these donors has prompted a highly polarized debate which tends to present their actions as either entirely negative or positive on the whole. It is this debate the paper will turn to next, with an emphasis on the ways in which both positions have missed important nuances.

The Advent of SSC in Global Aid Relations: Transforming Global Aid Relations?

The growing importance of emerging donors has led to both despair and excitement at the potential for these donors to transform global aid relations. In the case of China, Deborah Brautigam (2009, p. 3) describes some of the common negative reactions she has encountered:

"The Chinese were targeting aid only to countries with rich nature resources and questionable governance, and giving Africa three times as much aid as all the West combined! China was a 'rogue donor' operating completely outside the rules and making governance worse...The Chinese 'stifle real progress while hurting ordinary citizens'".

Similar to such pronouncements is a reactionary piece from Mosés Naím, who targets the motivations of aid for these emerging donors, arguing there are three short explanations: money, access to raw materials and international politics (2007, p. 95). In sum, "rogue aid providers couldn't care less about the long-term well-being of the countries they 'aid'" (ibid).

One downfall of the ways in which the potential costs of emerging donors are presented, particularly in the most venomous critiques, is that there is either an implicit or explicit contrast with traditional aid that suggests traditional donors have achieved only successes. For instance, through a comparison of the OECD's DAC and non-DAC donors in humanitarian aid, Manning (2006) concludes that non-DAC donors bring significant costs to global aid practices as they tend to use multilateral channels less, and a higher proportion of their aid is tied. These weaknesses of emerging donors' aid, particularly the prevalence of aid tying, may indeed be significant in terms of their costs for recipients, but the implicit assumption that DAC donors fare better in upholding certain standards is misleading. Kragelund (2008) notes a similar mistake when he writes that non-DAC donors have been interpreted as having vastly different aims from DAC donors, including that they only superficially support the MDGs. The underlying implication here is that DAC donors have never used aid as a political tool.

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However, without suggesting the opposite, that aid from traditional donors has been wholly negative, it is worth underlying the hypocrisy of the comparison. Too often, traditional donors have progressed slowly, inconsistently, or not at all (promising aid amounts representative of 0.7% of GNP for example) toward meeting known effectiveness principles. In essence, foreign aid has often been treated as a gift to be given according to the changing whims of donors. The resulting unpredictable nature of aid is witnessed time and again through changes in aid levels, prioritized sectors, prioritized countries, and amounts (see Brown, 2011 for an overview of recent shifts in Canadian aid policy that prioritize donor interests). Beyond material costs, such as those that would result from a sudden departure from a sector, aid as a gift can also create a social hierarchy: “ethical discourses and forms of public scrutiny and praise effectively fill the normative gap that is created when a gift is not reciprocated by confirming the virtue of the giver in his own society” (Hattori, 2003, p. 237). In sum, ahistorical accounts of DAC behavior can skew a proper comparison between trends in traditional and emerging donor behavior.

On the other side of this polarized debate are accounts of emerging donors which celebrate them as providing real alternatives to recipients. In an interview with *The Globe and Mail*, one of aid’s most ardent critics, Dambisa Moyo, responds to a question around her position that China has done more for African development than all Western agencies:

“Let’s get real. Their [China’s] attitude toward Africans is completely different. It’s not couched in sympathy and pity. They want to make money and create jobs. The Pew survey recently went to get evidence that Africans are upset with the Chinese. But they’re [Africans are] not. The Chinese are providing jobs and helping to create a sustainable long-term society. We’re [Africans are] not idiots. We’re adults. We can run our own society. But Western pity is a terrible burden. It’s hard to raise a teenager to be a teacher or engineer when the whole world’s telling him he can’t do it” (Wente, 2009).

Similarly, a more positive theoretical account posits that the presence of emerging donors places competitive pressures into the aid system, meaning more “traditional” donors are forced to improve the quality of their own aid as recipients have more say in who they accept aid from (Woods, 2008; Kragelund, 2011).

However, there is also a potential misstep here in that supporters of emerging donors tend to say little about the actual and potential benefits of this new aid – only that it may be better relative to traditional aid. Woods (2008) maintains that the presence of emerging donors leads to an enlarged policy-making space for recipients, but she does not necessarily comment on the quality of these alternatives. While the hypocrisy of overly criticizing emerging donors when traditional donors have made their share of mistakes in aid delivery is important, this risks judging donors by “*what they are not* – other than *what they actually are*” (Kim & Lightfoot, 2011, p. 715). Moreover, given the vast differences among emerging donors as with traditional donors, it is important to outline overall trends while also disentangling such differences. What these vastly different sides do share, then, is often a lack of grounding in empirical data and a reliance on assumptions. While in-depth empirical studies are not yet widely available, many analyses do not sufficiently provide a caveat that their findings are tentative[13].

Of course, within these extremes, there is evidence of a much more nuanced debate surrounding the implications of emerging donors. Some themes that have emerged regarding the presence of emerging donors include their emphasis on partnership – where donors defer to the needs and priorities of recipients, aid that is of mutual benefit, the importance of self-interests (including aid that is primarily tied), a lack of coordination with other development agencies (avoiding multilateral channels), and the decentralization of aid (Rowlands, 2008; Bobiash, 1992; Manning, 2006; Kragelund, 2008; Browne, 2006). Importantly, many of these themes can be broken down into arguments both in favour of, and a caution against, emerging donors; for example, the decentralization of many emerging donors’ aid programs may mean costs of delivery are higher, but can also mean increased flexibility on the ground (Rowlands, 2008). The example of decentralization also speaks to the diversity of practices among donors. While China tends to be highly centralized in its aid efforts, case studies of countries like Brazil and South Africa provide evidence of aid officials working at multiple levels (ibid). Again, like traditional donors, emerging donors should not be viewed as a homogenous entity. In the next section, I will begin to separate the differentiated ways in which Brazil, India, South Africa and China have approached the issues of ownership and alignment, arguing that Brazil and South Africa come closest to actualizing a rights-based approach to development.

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Progress towards the Paris Principles of Ownership and Alignment

Through the Paris Principles, traditional donors committed to a number of standards that would improve aid effectiveness based, as they were, “on the lessons of experience” (OECD, 2005; 2008, p. 3). The first was defined as “ownership”, where “partner countries exercise effective leadership over their development policies, and strategies and co-ordinate development actions” (ibid). Alignment, subsequently, would involve donors basing “their overall support on partner countries’ national development strategies, institutions and procedures” (ibid). Alignment can be read as an extension of ownership since recipient countries theoretically have the ability to both define their priorities and, once they are defined, have them respected by aid donors.

Nevertheless, the degree to which these principles have been consistently respected by the donor community is debatable. At the risk of conflating all traditional donors, it is worth noting some common criticisms of Poverty Reduction and Strategy Papers (PRSPs) which are the main policy documents upon which aid is to be based. For one, PRSPs have been critiqued as resulting in increased legitimacy for traditional donors without devolving much power to recipients (Weber, 2004; Glenn, 2008). In essence, this new form of governance is seen as precluding the development of alternative political and social priorities as PRSPs must still be approved by the World Bank and IMF in order to qualify for funds (Weber, 2004). As a result, the policy content of the strategies must still comply with the general ideological prescriptions of the International Financial Institutions (ibid). The promotion of such conditionalities, whether explicit or implicit, is antithetical to the concept of ownership.

How do emerging donors compare? A table from Park (2011) – despite the fact that many of the characteristics of implementation defined here can be problematized – provides an initial basis for understanding the overall approaches of traditional donors and what he calls “new development partners”:

Table 1: Implementation of Paris Declaration (source: Park, 2011)

<i>Paris principles</i>	<i>DAC/traditional donor implementation</i>	<i>New development partner implementation</i>
Ownership	Use national development strategy (or PRSP) to outline priority areas for donors, based on technical discussions[1]. Minister/senior officials articulate specific projects for cooperation through high-level political dialogue.	Use and strengthen recipient institutions and procedures where feasible; discourage tying of aid. Deliver turnkey projects in short run; make capacity-building the long-term strategy; tying is permissible and widely used.
Alignment	Harmonization	Use common arrangements to minimize burden on recipients; encourage multilateralization of aid. Minimize burden by avoiding cumbersome bureaucratic processes; use multilateral system where judged to be in own interest.
Managing for results	Use recipient-led performance assessment; support performance-based budgeting; promote international best practice. Focus on delivering aid quickly and at low cost; use own development experiences and how-to knowledge.	Mutual accountability
Make aid transparent and hold each other accountable for Paris principles via targets and indicators. Ensure that aid is mutually beneficial; agree to respect each other's sovereignty and eschew policy conditionality.		

[1] PRSP = Poverty Reduction Strategy Paper

I will address the themes of prioritizing ownership through high-level dialogue, delivering quick-impact projects while also emphasizing long-term capacity building, and the widespread use of tied aid through the country case studies below.

China as an Aid Donor: Whose Ownership? Whose Rights?

Like most other SSC countries, China places a great deal of emphasis on its policy of ownership. *A White Paper on China's African Policy* stresses that many of the principles behind China-African relations, such as sincerity and equality, are designed to support African countries in choosing their own development paths (Ministry of the Foreign Affairs of the People's Republic of China, 2007). China's principles are also a way to “distance itself from its

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experience with external partners as well as to maintain its independence” (Kragelund, 2008, p. 571). Moreover, like many other donors identifiable as SSC, there is considerable resistance to the very notion of a donor-recipient relationship. China seeks to avoid the kind of paternalistic relationships it views as common to traditional aid where “the recipient’s hand is always below the donor’s” (Brautigam, 2009, p. 132). For this reason, China approaches aid as something that “can be offered in a frank exchange, as part of a relationship of mutual benefit”^[14] (Brautigam, 2009, p. 21).

As a result, China’s aid has consistently been motivated by trade and investment concerns, and these concerns have taken on more prominence recently (Rowlands, 2008; Nordveit, 2011). Indeed, much of China’s aid has concentrated on infrastructure^[15] which is almost always tied to the purchasing of Chinese goods and services (Zimmermann & Smith, 2011). Tying aid, as well as the dominance of self-interests more generally, are largely considered negative aid practices, and for good reason. For instance, tied aid is widely recognized as market-distorting since cheaper goods may be available elsewhere, leading to considerable waste of development resources. Still, this cost may not be as dire in the case of China or other SSC donors as their tied goods are often highly competitive (ibid; Park, 2011). As well, tied aid from SSC appears to circumvent the common problem that it will be biased in favour of inappropriate technology since SSC donors often provide technologies that acknowledge common characteristics of developing countries (including scarce capital and unemployed labour) by supporting employment at low cost (Manning, 2006; Bobiash, 1992). While tied aid can be reflective of self-interests, it can also, more positively, be considered a result of “an increasing recognition of the need for investment and trading opportunities in the development profess” (Rowlands, 2008, p. 10). Indeed, it is hard not to perceive such commitments as zero-tariff treatment for certain products from 39 least-developed countries as profoundly encouraging, even if the decision will also benefit China in meeting its resource demands (Manning, 2006).

Nevertheless, the potential costs of China’s mutual interest approach are dependent on how successfully it actualizes ownership. China approaches ownership by deferring to the needs articulated by recipients through high-level policy discussions; as a result, aid is theoretically demand-driven (Nordtveit, 2011). Therefore, despite mixing development with commercial relations, SSC donors would argue that “the partner country government’s demand for the project [is] sufficient proof that their activities are well-aligned (Zimmermann & Smith, 2011, p. 722). Similarly, particularly given the competitive pressures introduced by SSC into the aid system (Woods, 2008; Kragelund, 2011), recipients theoretically have a chance to accept or decline the benefits that will also accrue to donors. As Park explains:

“A more openly foreign policy-driven approach to aid does not necessarily imply that aid will be managed and delivered in a way that is contrary to recipients’ interests. Rather, this approach allows new development partners to convincingly present aid as being of mutual benefit to both parties. Recipients then have the sense of being treated as equal partners and can assess the value of aid based on a simple cost-benefit approach” (2011, p. 47).

In contrast, traditional aid has often been motivated by political and economic reasons that are “masked by a layer of poverty reduction and social development” (Kragelund, 2011, p. 603). China also promotes ownership by refusing to meddle in internal affairs – including the imposition of political conditionalities – with the exception of the One China policy (Brautigam, 2009). Through a case study of a Chinese education project in Cameroon, Nordtveit (2011) finds that few find Chinese aid exploitative, and many are often appreciative of the lack of conditionalities. Unsurprisingly, many African governments have been effusive in their praise for China’s approach, including Rwanda’s Paul Kagame (see BBC News, 2009).

However, the underlying concept of ownership employed is highly problematic^[16], and strongly suggests China does not meet a rights-based approach to development. China’s refusal to interfere with domestic affairs means it will engage with governments regardless of their democratic credentials (including Zimbabwe and Sudan), which many argue provides no incentive for recipients to take on governance reforms (Zimmermann & Smith, 2011; Manning, 2006; Woods, 200). A number of authors attempt to mediate the seriousness of this offence, in particular by pointing to the hypocrisy of traditional donors in supporting good governance (Zimmerman & Smith, 2011; Brautigam, 2009). For example, Brautigam (2009) notes a 2008 study where donors were giving, on average, 68% of aid to countries ranked at the bottom of a corruption scale. “With examples like this from the West”, she argues, “it is difficult to point

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to China as the odd man out” (Brautigam, 2009, p. 297). Political conditionalities meant to encourage governance to date may also have not had much success, but this should not eliminate the search for what Woods (2008) calls “more inclusive processes for setting standards...[in order to] generat[e] standards that countries and communities are in a position to implement (p. 1212; Zimmermann & Smith, 2011). Regardless of whether China’s performance mirrors that of traditional donors in this area, the conception of ownership being actualized is still incompatible with rights-based standards. Essentially, China has created an idea of ownership that extends only to recipient governments – governments who in some cases may not represent their citizens[17]. From a rights-based perspective, this practice may mean that the collective right of the state may be met, but it is otherwise detrimental to the potential attainment of individual and collective rights (of society more generally), and precludes desirable procedural features like equitable participation[18].

China does fare better in terms of adhering to alignment through its promotion of capacity-building efforts[19]. China supports capacity-building through its training efforts; in 2005, the government committed to providing training to at least 30,000 personnel in order to spur human resources development (Manning, 2006). Similarly, China has stimulated research for development, either through supporting research efforts in-country or by offering training, in order to improve the technical capacities of recipients (Rowlands, 2008). For Kenya’s Ambassador to China (released as a Wikileaks), “Africans were frustrated by Western insistence on capacity building, which translated, in his eyes, into conferences and seminars. They instead preferred China’s focus on infrastructure and tangible projects” (as cited in Chandy & Kharas, 2011, p. 748). Nevertheless, despite observable trends in promoting capacity-building, several points of caution stand out that are relevant to all SSC donors.

First, technical deficiencies in performing monitoring and evaluation activities are a common critique raised of SSC (Task-Team on South-South Cooperation, 2010); thus, while capacity-building efforts may adhere to rights-based principles (in other words, processes are rights-based), the outcomes are still uncertain. As well, the compatibility between “turnkey” projects (Park, 2011) and more sustainable initiatives is assumed, but all donors face a potential trade-off between sustainability and impact (Barder, 2009). Thus, the outcomes of China’s projects must be subjected to in-depth evaluation in order to determine whether the impacts from capacity-building (where the effects are sustained) balance the costs of high-impact projects – where projects may not provide any long-term benefits and are even likely to erode local capacities (ibid). Though overall its efforts in capacity-building are promising, China’s definition of ownership as government-owned prevents it from consistently acting in a rights-based manner. How have other SSC donors, namely Brazil, South Africa and India, fared?

Lessons from Brazil, South Africa and India: Approaching a Rights-based Conception of Development

Like China, in principle Brazil, India and South Africa all make a point of deferring to needs as articulated by recipients before determining their aid projects. Such cooperative efforts may result from “their resentment of past donor interference in their own countries, or perhaps because they are simply less dogmatic about trying to engineer particular domestic political, social and economic structures” (Rowlands, 2008, p. 8). Again, SSC problematizes the very idea of donor interests and recipient interests as separate concepts, and instead prefers to view relationships as win-win opportunities (Rowlands, 2008). While the donor-recipient relationship cannot escape power imbalances, there is evidence that these three donors, particularly Brazil and South Africa, successfully actualize ownership through negotiations with political leaders and officials to identify priorities and potential collaborations (Chandy & Kharas, 2011; Task-Team, 2010). As the Task-Team on South-South Cooperation (2010) acknowledges, occasionally the prevalence of political dialogue can come at the expense of perspectives from development practitioners on the ground, but Brazil and South Africa are relatively more decentralized than most SSC and are flexible in adapting high-level decisions to the implementation context[20] (Rowlands, 2008). Interestingly, rights-based qualities like equity are a result of placing such a high value on ownership, but they may also be central to the concern for ownership in the first place. For SSC, “the perception of sharing the same contextual opportunities and caveats seems to build a strong fundament for building effective partnership, in some cases resulting in a short cut to development” (Task-Team, 2010, p. 22).

South Africa and Brazil are considered best practices of instilling ownership. South Africa has been described as “demand driven” (Rowlands, 2008, p. 11). With its notion of “African Renaissance”, South Africa stresses peace-

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building, democratization, and championing Africa's interests (Kragelund, 2011). South Africa acts upon requests for assistance from recipient nations (Braude, Thandrayan, Sidiropoulos & South African Institute of International Affairs, 2008). Either through the creation of memoranda of understanding (MOU) or bilateral treaties, South Africa will then establish development partnerships with other African nations (ibid). The implementation of most projects is conducted through partnerships between local institutions and South African technical experts – occasionally South African NGOs or private sector organizations are also involved (ibid).

Brazil, similar to South Africa, sets clear priority countries, but has no formal policy for priority areas (Costa Vas & Inoue, 2008). Instead, potential recipients will ask for Brazil's cooperation, and Brazil will negotiate with the requesting country based on its consideration of the potential benefits and its own capacities to deliver (ibid). For instance, projects in health are based on joint strategic health cooperation plans that have seven priority areas – which can include diseases or themes – which vary according to a country's needs (Almeida, de Campos, Buss, Ferreira & Fonesca, 2010). The Task-Team for South-South Cooperation (2010) stresses that the focus of SSC donors like Brazil and South Africa on ownership has not only boosted national capacities, but has also improved the quality of ownership as subtle peer pressure leads to more democratic governance. While the perception of South Africa and Brazil from its partners has not always been positive, both appear sensitive to these criticisms and the "tension causes more discomfort for Brazil and South Africa than it does for traditional donors, or even for India and China" (Rowlands, 2008, p. 7). In practice, "South Africa and Brazil have put more real emphasis on development assistance as a partnership, and seem to identify more closely with the state to which they provide assistance" (Rowlands, 2008, p. 17).

India is a much more ambiguous case in terms of a rights-based approach to ownership. In some ways, India's blatant use of assistance as a way to assert itself as a rising power has shown some disregard for the mutual aspects of "partnership" (Rowlands, 2008). For instance, it is "somewhat ironic that India, which now refuses to accept tied bilateral aid from others, appears to be setting itself such a high proportion of tying in its new loan programme" (Manning, 2006, p. 378). While there may be some evidence that the Indian government "has clear concerns that aid conditionality and interference degrade recipients, and that assistance should be offered in the context of cooperation and partnership", it is not yet clear that the government has sufficiently attempted to address these concerns (Rowlands, 2008, p. 7, referring to Price, 2005). Among Brazil, South Africa and China, India appears to assume a more-middle ground in adopting a potentially rights-based approach.

As was the case with China, the prevalence of tied aid in Brazil, South Africa and India's practices is potentially costly, particularly where recipients do not accept the terms of the relationship. Unlike China, however, these three have more closely broached ownership in the spirit of which it was meant, providing some assurance that the aid is indeed of mutual benefit. Of course, the lack of evaluation of SSC projects again stresses that while these donors, mainly Brazil and South Africa, may adhere to rights-based processes, how eventual outcomes will fit with development as a right is still uncertain. Moreover, the fulfillment of ownership overall should not mean that power is considered abstracted from these relationships; meeting diverse expectations and goals is not always possible, and more in-depth studies of SSC can elaborate upon how power figures during the negotiation and implementation of projects.

In terms of ensuring ownership is actualized by aligning with recipient strategies and institutions, a strong feature of all three donors has been their emphasis on capacity-building. The Task-Team on South-South Co-operation (2010) finds that SSC donors are adept at building capacities for effective leadership in development, including through their support for country-led aid information management systems. SSC assistance has large components of technical assistance which are described as achieving "potentially more efficient, context-responsive support to capacity development, able to create strong incentives for policy and institutional change" (Task-Team, 2010, p. 21). Brazil's aid, for one, revolves almost entirely around technical cooperation, and mainly in agricultural, health, education and bio-fuels sectors[21] (Rowlands, 2008; Cabral & Weinstock, 2010). Brazil's technical cooperation in health has focused on breaking what its supporters call "the traditional model of passive unidirectional transfer of knowledge and technology" to instead mobilize and strengthen the existing capacities of recipients (Buss, 2011, p. 1723; Almeida et al., 2010); so-called traditional models are also criticized for their vertical approaches which focus on providing health services to individuals rather than addressing structural constraints – preventing the attainment of

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development as a collective right. Cabral and Weinstock suggest that “Brazilian policies in these fields have been particularly successful, providing attractive models for developing countries” (2010, p. 2).

India and South Africa are also engaged in capacity-building, largely through technical cooperation. For instance, in 2009-10, India committed to provided US \$488 million for training in multiple areas, including Information Technology and education (Zimmermann & Smith, 2011). Through its Indian Technical and Economic Cooperation (ITEC) programme, India has spent on average US \$10.3 million per year towards training personnel in India, technical assistance, and study trips – though usually only countries considered economically important to India can benefit (Kragelund, 2011). On average, some 3,000 candidates are trained in India every year in a variety of fields, and the program has around 40,000 alumni worldwide (Agrawal & India Focus, 2008). South Africa’s efforts in capacity-building typically include agricultural projects which are implemented collaboratively with recipient nations (Braude et al., 2008). More recently, South Africa launched a Science and Technology Consolidated Plan of Action which aims to strengthen African scientific and technological capacities, including through the creation of networked centers for research and development (ibid).

In sum, SSC donors exhibit a range of tendencies in adhering to a rights-based approach to development, with Brazil and South Africa making the most gains through their support of an extended, democratic conception of ownership. How might the increasing reliance of SSC donors on Triangular Cooperation – aid projects that feature collaboration among a traditional donor, SSC donor, and the recipient country – impact these positive changes? In the Busan Declaration, the Working Party on Aid Effectiveness (2011) notes that “South-South and triangular co-operation have the potential to transform developing countries’ policies and approaches to service delivery by bringing effective, locally owned solutions that are appropriate to country contexts” (p. 9). However, a number of issues arise. First, the portrayal of SSC donors as bringing locally-owned solutions in some ways parallels the optimism of many development supporters (at least historically) to the rise of NGOs; in essence, there is a tendency here to present diverse groups as uniform which can obscure the ways in which different members of SSC are representative of community needs. As well, however, for SSC donors like Brazil and South Africa who are progressing toward rights-based outcomes, their alignment with the global donor community may prevent further progress. For example, South Africa has used triangular co-operation to defuse any concerns about its role as a development partner (Braude et al., 2008) – concerns that, to date, it had taken seriously (Rowlands, 2008). Alignment with traditional donors may also compromise the potential for SSC innovation if SSC donors are involved only to legitimate typical interventions. Nevertheless, because of the disparities among traditional donors as with emerging donors, the quality of triangular initiatives will be highly dependent on the specific participants involved. Moreover, because of a lack of prominence of triangular cooperation efforts, and particularly a lack of data to date, the overall impacts of triangular cooperation are yet unknown.

SSC Donors: Fulfilling Imperfect Obligations?

Through a comparison of China, Brazil, India and South Africa’s efforts in development promotion, I have argued that SSC donors show a range of concerns for the actualization of a right to development. Unfortunately, given the lack of evaluation to date of many SSC projects, the commentary is largely restricted to the abilities of these donors to follow rights-based processes, and not their generation of outcomes. Thus, for Brazil and South Africa, practices which can be classified according to the Paris Principles of ownership and alignment are most consistent with rights-based processes, based as they are on equalizing donor-recipient relations. India, in contrast, presents a much more ambiguous case as its concerns for economic power are often inconsistent with prioritizing recipient needs. However, it is China who provides the most obvious case of incompatibility with a rights-based approach. China’s refusal to meddle in internal affairs of states can and has compromised governance standards as it will work with any willing recipient nation – regardless of their democratic credentials. This notion of “ownership” is incompatible with the meta-right of development which incorporates all other rights beyond the collective right of the state, including individual civil and political rights. Thus, despite the central role of the Global South in supporting the concept of a right to development, there is disparate evidence that countries like Brazil, China, South Africa and India, once reaching a level of development high enough to warrant their own actions as donors, have taken up the challenge of fulfilling imperfect obligations.

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[1] For example, in 1978 OPEC accounted for 30% of global aid flows (Manning, 2006).

[2] This paper will use SSC rather than other labels in order to refer to the aid efforts of a group often categorized as SSC that includes China, Brazil, India, and South Africa (Zimmermann & Smith, 2011) – versus Arab donors or non-DAC but still OECD, etc. In contrast, when I am referring to these newer donors as a whole, I will use the term “emerging donors”.

[3] Other donors included in the group are Chile, Colombia, Egypt, Malaysia, Mexico, Thailand, and Venezuela (Zimmerman & Smith, 2011).

[4] Saudi Arabia, at \$3.245 billion in 2009, is the largest donor overall, exceeding the *gross* ODA of 12 of 23 DAC members (Zimmerman & Smith, 2011). However, it is usually classified as an Arab donor (*ibid*).

[5] All figures are estimates given SSC data is not regularly reported, and it is notoriously difficult to disentangle the provision of what is typically classified as ODA from other types of assistance that these donors consider aid. This is particularly the case for China who regularly offers a hybrid of business investments, debt relief, concessional loans and non-concessional loans as aid (Brautigam, 2009). Brautigam (2009) as a result suggests China’s ODA figure is closer to \$600 million when other initiatives are removed. Brazil’s assistance, in contrast, may be skewed downward as it tends to provide much of its aid in-kind. If in-kind amounts were accounted for, Brazil’s aid amounts would be closer to that of China’s and India’s (Cabral & Weinstock, 2010).

[6] As Chandy and Kharas (2011) argue, traditional and emerging donors often simply have different approaches to common goals. For them, the largest obstacle to defining common principles around aid effectiveness is the absence of incentives for either group to accommodate the other (*ibid*). Traditional donors, for example, might view the inclusion of emerging donors as weakening hard-won targets for reform, while emerging donors see the DAC as biased in favour of Western donors (*ibid*; Park, 2011).

[7] As Rowlands (2008) writes, most observers of aid cannot help but “acknowledge the immense gap between

rhetoric and reality in the assistance programs of most traditional donors” (p. 5). For instance, despite having agreed to the principle of ownership, revised processes for setting national policies led by traditional donors have been criticized for not actually devolving much power to recipients (detailed in more depth below) (Glenn, 2008; Weber, 2004).

[8] This resistance appears to be one aspect of a more general desire of SSC donors to disassociate themselves from what may be perceived as aid failures in order to legitimate their actions with recipient countries.

[9] There were, of course, important nuances and variations as to the problems and solutions identified by Southern states.

[10] For example, a common conception that development can be equated with economic growth would not necessarily fulfill a rights-based conception since rising inequality may have occurred alongside growth (Sengupta, 2002).

[11] While scholars (Sengupta, 2002; Salomon, Tostensen & Vandenhole, 2007; Udombana, 2007) are keen to emphasize that the role of the international community should not be confined to the provision of aid, this paper is mainly concerned with the implications of a rights-based approach for aid and development.

[12] Kim and Lightfoot (2011) note how strong reactions to the advent of emerging donors are particularly interesting given DAC standards are only “soft law”; this speaks to the power of norms in establishing commitments, but does not necessarily guarantee that norms will be met.

[13] In contrast, this paper seeks to focus on the ways in which SSC practices may be informed by a rights-based

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approach to development, while emphasizing that the findings are not conclusive but merely point to an emerging trend.

[14] However, “to varying degrees, these public statements of solidarity with the recipients of their assistance mask the same sort of hierarchical roles and mixed motivations that characterize traditional donor-recipient relationships” (Rowlands, 2008, p. 6-7).

[15] China is estimated to have spent US \$700 million on infrastructure developments in 2004, and up to \$2-3 billion in 2006-2007 (Naim, 2007). However, given the contested nature of China’s aid amounts, these figures are likely inflated.

[16] As Brautigam (2009) has noted, in some cases China’s aid money is not given directly to recipients, but rather is delivered by Chinese banks and agencies. For her, this allows China to avoid some governance concerns, particularly corruption. However, regardless of the fact that China may sidestep the government with certain projects, this does not excuse the multiple cases where it does directly engage with governments regardless of whether or not they are democratic. Moreover, even when China attempts to avoid the government by maintaining control over the project finances, they still may confer a certain type of legitimacy and power to the government for the simple reason that they are engaging with officials. There is thus a fine balance between enforcing strict political conditionalities that unfairly bias recipient priorities in donor-driven directions, and of having donors avoid implementing any accountability mechanisms to assure good governance, which donors must grapple with.

[17] In recognition of the potential ambiguities surrounding ownership, donors at Busan have committed to “deepen, extend and operationalize the *democratic* ownership of development policies and processes” (Working Party on Aid Effectiveness, 2011, p. 3).

[18] China’s practices draw attention to an unanticipated limitation of the right to development. Strangely, this obstacle is somewhat the reverse of critiques leveled at the promotion of individual rights – where they lead to the provision of services to individuals without affecting necessary changes to underlying or structural determinants (see Meier & Fox, 2008 for an explanation of the limits of the right to health). The right to development, in contrast, is expected to more adequately address structural constraints to realizing rights, but when the right becomes focused on the needs determined by smaller groups of “collectives” (such as a non-democratic recipient), then the rights of some individuals are effectively ignored. Of course, the right to development for the collective is meant to subsume the entire society of a state, but this still does not adequately anticipate the potential conflicts between individual and collective rights within imperfect democracies or even between states.

[19] Still, because the Paris Principles reflect a continuum, progress at subsequent stages largely depends on successful implementation of the principles found at previous stages.

[20] The nature of organization may be highly dependent on the types of projects SSC donors are promoting. For example, since China typically delivers infrastructure, there may be less of a need to adapt plans made between high-level officials to the context on the ground.

[21] The focus in these sectors is mainly due to the assumption that given Brazil’s many successes nationally, its experiences will transfer well (Kragelund, 2011). Brazil’s Bolsa Família Program, a one-of-a-kind large conditional cash transfer program, is one example of a national program that recipients have requested to study for potential implementation (Task-Team, 2010).

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