

Development Cooperation and the Right to Development

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Asbjorn Eide has been a pioneer in the field of research and analysis of international human rights laws and economic, social, and cultural rights. His contributions have had a lasting impact on the human rights discourse in most international forums and in the conduct and monitoring of human rights practice of the different states and treaty bodies. As a newcomer in this field, I have benefited immensely from his writings and from the many discussions I have had with him. It is a privilege to be associated with a publication in his honor, and I dedicate this paper as a mark of my respect for his wisdom, his understanding of the details of the legal and practical issues, and his commitment to the cause of human rights.

This paper presents a brief overview of the nature and content of the right to development as elaborated in my reports to the UN Human Rights Commission as the Independent Expert on the Right to Development. The acceptance of the right to development (RTD) as a human right involves the recognition of international cooperation as an obligation of the international community consisting of bilateral authorities and international agencies. In the reports of the independent expert, a model of such international cooperation built on the principle of reciprocal obligation was developed in the name of "Development Compact." This paper describes that model in some detail and then compares that with some of the existing frameworks of development cooperation such as the Comprehensive Development Frameworks (CDF) and the Poverty Reduction Strategy (PRSP) of the World Bank and the International Monetary Fund (IMF), the Common Country Assessments (CCA), and the United Nations Development Assistance Framework (UNDAF) of the UNDP. It then discusses the proposed new initiative of the African countries, known as NEPAD or New Partnership for Africa's Development, and how that can be made to conform to the right to development–development compact model (RTD–DC). It elaborates on an illustrative burden sharing framework for development assistance based on a "callable contribution" contingent on the full implementation of a right to development program by a developing country. This is not the only possible method

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of burden sharing. But it does serve the purpose of demonstrating that the implementation of a development compact model is eminently feasible if the world intends to encourage the fulfillment of the right to development.

The Operational Model of the Right to Development–Development Compact (RTD–DC)

Acting as independent expert, my reports to the Human Rights Commission on the right to development examined the content of the right to development in great detail.¹ The right to development has been defined as the right to a particular process of development in which “all human rights and fundamental freedoms can be fully realized.” It is a process in time, not a finite event, where all the elements whose improvement constitutes development are interdependent, both at a point of time and over time. There may be many different processes of development and many different ways through which a country can develop. But it is the particular process in which all freedoms and human rights can be realized that is regarded as the human right to development.

This definition is derived from the text of the Declaration on the Right to Development, which was adopted by the United Nations in 1986. The preamble of that Declaration defines development as a “comprehensive, economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting there from.” It is a “comprehensive process,” not just economic but also social, cultural, and political and is aimed at the constant improvement of well-being. It is also participatory with “active free and meaningful participation” and equitable with fair distribution of benefits.

Article–1 of the Declaration states that “the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized.” Accordingly, a development process will be regarded as a human right when it enables the full realization of “all human rights and fundamental freedoms.” In effect, this defines the notion of “well-being,” the improvement of which is the aim of a development process in the perspective of human rights norms and standards. Well-being means the level of realization of human rights and freedoms.

There is sometimes a misunderstanding about a process being considered as a right although, in principle, a process can be regarded as a right just as much as the outcomes of the process can be regarded as objects of claim or entitlement. This is possible when the corresponding obligations for realizing those rights can be clearly specified, when the improvement in the realization of the rights can be properly identified, and when the process is carried out in a manner that is rights based, in other words, consistent with human rights standards. Rights, in principle, can be both substantive and instrumental. A human right to development can be both

¹ First Report: E/CN.4/1999/WG.18/2, 27 July 1999. Second Report: A/55/306, 17 August 2000. Third Report: E/CN.4/2001/WG.18/2, 2 January 2001. Fourth Report: E/CN.4/2002/WG. 18/2, 20 December 2001. These reports are available at <http://www.unhchr.ch/html/menu2/7/b/mdev.htm>.

instrumental in realizing the outcome-rights and substantive in that it is a goal in itself being realized respecting the human rights norms. In other words, the outcomes of development realized step-by-step overtime, as well as the way in which the outcomes are realized, constitute the process of development and are regarded as a human right. The outcomes are the improved realization of the different rights and the process is the phasing, over time, of their "progressive realization," which has been recognized as the way to realize them, as they cannot be realized immediately and in full because of the constraints on available resources. A sustained process of development would therefore require a steady relaxation of resource constraints on their realization. That can happen only through economic growth, provided it takes place in a manner consistent with human rights norms and does not conflict with the realization of all the different rights.

The description of development as a comprehensive, economic, social, cultural, and political process is also consistent with the approach of the human rights movement, which led to the recognition of the international law of human rights. The preambles of the two international covenants on economic, social and cultural rights, and civil and political rights affirm that "the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights as well as his economic social and cultural rights." So the particular process of development that is claimed to be a human right is the one in which all rights and freedoms can be fully realized in their totality, as an integrated whole, as all these rights are regarded as interrelated and interdependent.

Right to development, however, cannot just be an "umbrella right" or the sum of a set of rights but rather a composite right when all these rights are realized together in an integrated manner. The integrity of these rights implies that if any one of these rights is violated, the whole composite right to development is also violated. It is convenient to describe this in terms of an improvement of a "vector" of human rights, which is composed of various elements that represent the different economic, social, and cultural rights as well as the civil and political rights.² The improvement of this vector, or in the realization of the right to development, would be defined as the improvement of some—or at least one—of those rights without the violation of any other rights. All these rights, in turn, are dependent on each other and on the availability of as well as the access to the goods and services that correspond to the fulfillment of any of these rights. Both the availability of and the access to those goods and services are constrained by the country's resources usually represented by its gross domestic product (GDP). The availability of one such good or service cannot be increased indefinitely without decreasing the availability of another if these resources do not increase.

Similarly, the access to those goods and services would depend upon public policies including public expenditure that cannot be expanded indefinitely without an increase in public revenue, which, in turn, would be related to an increase in the country's GDP. A process of development where all these rights are to be realized together would, therefore, include growth of GDP as an element that eases the country's resource constraints. The right to development as a process represented by a

² Second Report: A/55/306, 17 August 2000.

vector of human rights would, therefore, be composed of elements representing the improvement of different rights as well as the growth of gross domestic product carried out in a rights-based manner.³

The Importance of Economic Growth in the Right to Development

The significance of including rights-based economic growth with equity and justice (or g^* as described in the footnote 4) as a constituent element of the right to development is not always fully appreciated. All other rights as the constituent elements of the vector, whose improvement is regarded as the right to development, have been recognized as human rights in different international treaties, such as the Covenants on economic, social and cultural rights, and civil and political rights. Claiming a rights-based economic growth as a human right appears to be new and is unrecognized in the international human rights discourse. But as a constituent element of the process of development, recognized as the human right to development, it is a logical and natural extension of all the other rights to be realized over time as a process in which no rights can be violated.

It is, of course, possible to improve the realization of some of the rights separately and individually for a limited period and to a limited extent without economic growth by reallocating and redistributing the existing resources through appropriate policies. Indeed, the lack of economic growth cannot be used as an excuse for not implementing the policies to realize these rights by making the maximum use of the available resources. However, it must be recognized that all rights, including the civil and political rights, involve using resources to expand the supply of the corresponding goods and services and, possibly, public expenditure. So, if all or most of these rights have to be realized, fully and together and in a sustainable manner, steps have to be taken to relax the resource constraint by ensuring economic growth. In the absence of such economic growth a redistributive policy cannot succeed for long in improving the realization of even a few rights without reducing the availability, and therefore the realization, of some other rights. In the process, the composite right to development will be violated. Without economic growth being explicitly brought into the picture, the right to development would have to be confined to the possible realization of only some of the rights individually and separately. It may be possible to have some, but

³ The logic of this process as discussed above can be described in simple terms. The state of well being of a country or the level of the rights-based development (RD) can be defined as: $RD = (R_1, R_2, \dots, R_n)$ or a vector of the level of realization of the 'n' different rights, recognized as human rights in the international instruments. Each R_i is an index of the realization of the i th right, which depends upon the availability or supply of the i th good or service, corresponding to that right and the access or the manner in which individuals can enjoy that good or service. Both the availability and the access of these goods depend on resources or GDP, determining their supply and public policy, using these resources. R_i 's, which are interdependent, can be described as $R_i = f(R_j, GDP, \text{policy})$, $j = 1, 2, \dots, n$; $i = j$.

The right to development is the right to an improvement of this level of well-being over a span of time and can be described as a vector $dRD = (dR_1, dR_2, \dots, dR_n, g^*)$, where g^* denotes a rights-based growth of GDP or a growth with equity, participation, and other norms of human rights. The policies that determine the access and availability of the goods and services corresponding to these rights and the expansion of GDP in a rights-based manner are the obligations that the duty holders must carry out to fulfill these rights.

The condition for the improvement of this right to development $dRD > 0$ is specified in terms of the improvement of the vector, such that there is at least one i for which $dR_i > 0$ and no other right is negative, or $dR_j > 0$, meaning that some or at least one right must have improved realization and no right—civil, political, economic, social, or cultural—is violated.

not all, of the civil and political rights that may require relatively smaller amounts of resources. It may also be possible to realize only a few of the economic and social rights. But it will not be possible to have development.

However, for economic growth to be included as one of the elements of the claim of the right to development, it must satisfy the basic condition of facilitating the realization of all the other rights. Not only must all the social development indicators improve with the increasing availability of the corresponding goods and services, but policies adopted to increase economic growth must be consistent with human rights standards so as not to negate the policies to realize all the other rights. It must be equitable, nondiscriminatory, and participatory, which are generally the features of equity. If it is pursued with accountability and transparency, it would be in conformity with the principles of both equity and justice.

This characterization of economic growth in the context of the realization of all the rights follows from its instrumental role in the right to development. However, a rights-based economic growth, with equity and justice, also has a substantive role as a constituent element of the right to development, similar to all other rights, which are desirable in themselves as standards of achievement of a society. It is precisely in this sense that the developing countries have always championed the cause of the right to development. From the very beginning, they clamored for an international order and social arrangement that would allow them to rise above the quagmire of underdevelopment, the vicious circle of poverty and all-round deprivation, and move to a higher level of income and living standards so that their people can live with dignity and other nations would treat them as equal partners and with fairness. Economic growth with equity and justice has always been central to their economic and social transformation and the basis of their claims for the right to development.

The understandable and legitimate urge of the developing countries for economic growth has sometimes been misconstrued as being supportive of only the economic, social, and cultural rights at the expense of civil and political rights. Similarly, the pressure put by some countries for recognizing only the civil and political rights as objects of human rights claims has been resented by most developing countries. They see this as the rejection of their demand for economic growth in an equitable international order, considered necessary for realizing their economic, social, and cultural rights. The formulation of the right to development, presented in my reports as the Independent Expert, can fully reconcile all these tensions. The civil and political rights and the economic, social, and cultural rights can be seen as fully integrated with the demand for the rights-based economic growth when they are all perceived as constituent elements of the right to development. None of these elements can be allowed to deteriorate, and the policies of the national and international duty-holders would aim at maximizing the realization of at least some, if not all, of these elements as rights, depending upon the context and the prevailing condition of a country as well as the preferences of the people determined through public choice.⁴

4 In my Fourth Report (p. 7) to the Human Rights Commission, as Independent Expert I had compared the right to development as the right to a process of development to what Amartya Sen described as a “meta-right.” (See Amartya Sen: “The Right Not to be Hungry,” in Philip Alston and Katarina Tomasevski, eds., *The Right to Food*, SIM, Netherlands, 1984.) A meta-right to something x can be defined as the right to have policies p (x) that genuinely pursue the objective of making the right to x realizable. Even if the right to x remains unfulfilled or immediately unrealizable, the meta-right to x, p (x) can be a fully valid right if all the

Operational Elements

The most important feature of the RTD approach is its emphasis on an operational program with specific policies of national actions and international cooperation within an operational model of realizing the rights.

The RTD is guided by principles drawn from both the normative framework of human rights and the human development approach. As the Human Development Report, 2000, put it, "The human rights approach focuses on claims that individuals have on the conduct of the State parties, duty holders and other agents to secure their capabilities and freedoms while human development thinking focuses on the outcomes of various kinds of social arrangements. Many of the tools of [this human development] approach measure the outcomes of social arrangements in a way that is not sensitive to how these outcomes were brought about." In the human rights approach both the outcomes and the way those outcomes are realized are important. So the first step in operationalizing the process is to build up indicators for the different rights, which should combine the indicators of availability of the corresponding goods and services with the indicators of access to them according to the human rights norms. Such indicators, in other words, should extend the conventional human development indices to incorporate the characteristics of rights. When they are treated as rights, they would imply specified obligations on the parties that are identified as duty-holders with accountability and subjected to appropriate monitoring. Those duty-holders are primarily the national states of the right holders and the international community consisting of other states and international agencies.

obligations associated with $p(x)$ can be clearly specified. The outcomes of the process of development are human rights while the process of development that leads to these outcomes are also human rights. But the process of development entails a program of policies and phased realization of the target-rights executed over time, maintaining consistency and sustainability with a high-probability to lead to the realization of the final outcomes. Therefore, the right to the process of development can be regarded as a "meta- right."

It has, however, been pointed out to me that in the context of the human rights laws, policies are related to "obligations" and since "rights" and "obligations" are two sides of the same coin, having a "right" would imply that the duty holders would have the "obligation" to adopt policies that lead to the realization of those rights. So if people can claim a right, they can also demand that the State and other duty holders carry out their obligations of adopting appropriate policies. There may still be, however, an advantage in claiming the discharge of those obligations of policies as meta-rights if those policies can be precisely specified in terms of responsibilities and therefore become realizable, while the corresponding rights may remain abstract or background rights that may not be realized in the immediate future.

It is probably much better to describe the right to development as the right to a process of development— a "basic right" in the sense in which Henry Shue used this term. (See, Henry Shue, *Basic Rights*, Princeton, 1980.) A basic right is one in which the enjoyment of the basic right is essential to the enjoyment of all other rights. A basic right is not necessarily superior or preferable to other rights, but if the point is that people should be able to "enjoy" or "exercise" other rights, "the basic rights need to be established securely before other rights can be secured." Further, "when a right is genuinely basic, any attempt to enjoy any other right by sacrificing the basic right would be quite literally self-defeating cutting the ground from beneath itself." (Henry Shue, pp.19–20). The right to a process of development can in that sense effectively be described as basic relatively to all the other rights—civil, political, economic, social, and cultural. Without the realization of the basic right, none of the other rights can be enjoyed effectively in a sustained manner or secured for a long period. This is brought out effectively in the extreme case when no right is improving but none is violated (i.e., $dR_i = 0, i = 1, \dots, n$), and the process of development claimed as a human right becomes essentially the rights-based process of economic growth, i.e., $dRD = (g^*)$. At least such a process of economic growth with equity and justice or the rights-based growth mentioned above would be basic or essential for the eventual realization of the different rights in a sustainable manner over time. Adopting a development policy or program to realize such economic growth would be the minimal obligation of both the national state and the international agencies who are the main duty bearers.

The national states would have to adopt policies and implement those rights. The international community would have the obligation to cooperate with each other and with the concerned national states to enable those policies to be implemented.

There are four basic operational elements of the RTD-DC:

- (1) *Rights-based Development Program*—A development approach and policy prescription that is rights-based implies a process that is equitable, nondiscriminatory, participatory, accountable, and transparent.
 - a. **Equitable:** Equity (or diminishing disparities) is an over-arching theme in the right to development, and equity with respect to growth of resources (including GDP, technology, and institutions) is central to the RTD-DC approach. As mentioned in my Fourth Report as the independent expert, “this would imply a change in the structure of production and distribution in the economy to ensure growth and equity. It would also imply providing for equality of opportunity or capabilities, which could translate to equitable distribution of income or amount of benefits accruing from the exercise of the rights.”
 - b. **Nondiscriminatory:** Nondiscrimination and equality are twin principles. There should be no discrimination on the grounds of sex, race, language, political affiliation, or socio-economic status in the design and implementation of policies and practices, nor should there be discrimination between agents, stakeholders, and the beneficiaries.
 - c. **Participatory:** All decisions should fully involve the beneficiaries who must have full access to the decision-making process and ownership over the development program. This means that the beneficiaries, especially the poor, should be active and informed participants in the formulation, implementation, and monitoring of the development policies. They must be free to organize, meet, and speak out publicly in order to fully enjoy the right to participate in accordance with democratic principles.
 - d. **Accountable:** Rights and obligations have to be supported by a system of accountability that requires duty-holders such as states and intergovernmental organizations to be held responsible for respecting, protecting, and fulfilling human rights. This would imply specifying obligations for different duty holders who are responsible for carrying out the program. It involves establishing appropriate adjudicating and monitoring mechanisms through a formal, legal process or through an alternative (and legitimate) independent process.
 - e. **Transparent:** Transparency implies bringing out openly all the interrelations and linkages between different actions and actors. It is an essential requirement for establishing accountability.
- (2) *Poverty Reduction and Social Indicator Targets*—As elaborated earlier, a rights-based design and implementation of a development program requires identifying appropriate indicators and benchmarks to monitor the status of realization of each of the rights, as well as a mechanism for evaluating the interaction among the indicators. A simple operational model may begin with a poverty reduction program with targets of reducing income-poverty and associated targets regarding food, nutrition, health, education, and possibly

housing and employment that affect capability poverty that are formulated both in terms of the availability of and access to the corresponding goods and services.

- (3) *Development Compacts*—A development compact is a mechanism for ensuring the recognition among all stakeholders of the “mutuality of the obligations” so that the obligations of developing countries to carry out these rights-based programs are matched with reciprocal obligations of the international community to cooperate in order to enable the implementation of those programs.

The process of instituting a development compact involves several steps :

- a. focusing on realizing a few rights such as poverty reduction or the Millennium Development Goals consistent with human rights norms;
- b. designing a development program by the country concerned, followed by a request for a development compact; developing the program in consultation with civil society; adopting legislation to incorporate domestic law; appointing a national human rights commission;
- c. specifying the obligations of both the national authorities and the international community;
- d. establishing a focal organization for members of the international community to meet the implementing country;
- e. organizing a support group for the concerned developing country comprised of a range of stakeholders who, among other things, would scrutinize and review development programs and examine the obligations specified and decide on burden sharing among the agents of the international community to meet their obligations to cooperate;
- f. assessing and implementing appropriate measures at both the bilateral and multilateral levels (e.g., debt relief, trade, investment);
- g. setting up a financial facility called the Fund for Financing Development Compacts, with contributions in the form of Callable Commitments from all the members of Development Assistance Committee (DAC) of Organisation for Economic Cooperation and Development (OECD). The Official Development Assistance (ODA) of most countries of the OECD fall far short of the target of 0.7% of GDP. As all of them have recognized the right to development, especially after the Vienna Declaration of 1993, they are expected to make at least some provisional Callable Commitment of additional ODA for this fund, which may be invoked only in the event of the need to bridge the resource gaps of countries implementing an RTD program fully in accordance with the obligations agreed upon;
- h. determining the financing requirement of a particular development compact as a residual after implementing all other measures of development cooperation and after taking into account the possible contribution of the IMF, the World Bank and other regional agencies, and the contribution of the donors especially interested in the country;
- i. establishing a mechanism with the help of the support group to invoke the Callable Commitments of the different DAC members from the Fund for

Financing Development Compact according to some agreed principles of burden sharing.

The whole purpose of development compacts would be to assure the developing countries that if they fulfill their part of the obligations, the program for realizing the right to development will not be disrupted due to lack of financing.

- (4) *Monitoring Mechanisms*—A mechanism for monitoring the right to development would have to assess the implementation of various rights both individually and in a composite manner (as a vector). The development compact is one proposed international instrument (separate from the treaty bodies) to facilitate the implementation of the right to development as well as the financing of certain measures.

CDF/PRSP/CCA-UNDAF Frameworks

In this section, we shall provide a brief overview of some of the major existing frameworks of international development cooperation, such as the Comprehensive Development Framework (CDF), Poverty Reduction Strategy Papers (PRSP), and the Common Country Assessment (CCA) and United Nations Development Assistance Frameworks (UNDAF).

Comprehensive Development Framework (CDF)

In 1999, the World Bank president proposed the CDF as a step to address the need to balance sound macroeconomic policy and growth with an equal concern for effective poverty reduction and increased institutional development, consistent with satisfying human and physical development needs. According to the World Bank, CDF principles have been widely accepted by the international community as a framework for poverty reduction and sustainable development, encouraging a transition from donor-led development assistance strategies to country-led strategies of development. To date, more than fifty countries have adopted CDF principles in their national development plans. The CDF also involves a commitment to expanded partnership, transparency, and accountability with the active involvement and leadership of government.

Poverty Reduction Strategy Papers (PRSP)

In 1999, the World Bank and IMF adopted nationally owned participatory poverty reduction strategies as a basis for their concessional lending. Sharing and building upon the principles of the CDF, the poverty reduction strategy approach led to the development of the PRSPs. Previously, the IMF promoted structural adjustment programs (SAPs) without an explicit link to poverty reduction goals. The PRSP is a tripartite agreement among the IMF, the World Bank, and the participating government and is envisaged as the primary forum for policy dialogue in all countries receiving concessional lending from these international financial institutions (IFIs). A PRSP (or Interim PRSP) is now a condition for World Bank and IMF poverty reduction programs including debt relief measures such as the Heavily Indebted Poor Country Initiative (HIPC), the IMF Poverty Reduction Growth Facility (PRGF), Poverty Reduction Support Credits (PRSCs) and IDA of World Bank. The PRGF was formally

the IMF's Enhanced Structural Adjustment Facility—the primary lending facility for poor countries. For countries not fully capable of completing a PRSP, an Interim PRSP (I-PRSP) can be developed that outlines the country's existing poverty reduction strategy and serves as a blueprint for completion of the full PRSP. The PRSP process is the main instrument for implementing the CDF principles.

In 2002, it was reported that more than 60 low-income countries have undertaken poverty reduction strategies. Since 1999, ten countries have completed their first full PRS, three countries have completed their annual PRSP implementation reports, and forty-two countries have completed I-PRSPs, of which seven have submitted their PRSP preparation status reports for consideration.

Common Country Assessment and United Nations Development Assistance Framework (CCA/UNDAF)

The CCA and UNDAF were launched in 1997 in 18 pilot countries as key elements of the reform of UN operational activities. The overall aim is to increase the impact of UN development efforts by fostering greater integration of UN agencies working at the country level and linking them to the development efforts of the host country. Though the two processes are referenced together, there is a distinction between their functions. The CCA is primarily a tool for information gathering from various sources such as civil society consultations. Government approval is not needed for the CCA and, therefore, it has the latitude to comment on a range of issues including human rights and governance. The UNDAF is a narrowly UN-focused process and is intended to define appropriate responses to the development priorities identified in the CCA. The CCA is an essential first step for the formulation of the UNDAF to assess and analyze the national development problems leading to the preparation of a common planning framework for the programming of the UN's development operations at the country level.

According to a UN assessment, in 2001, the UNDAF had been completed in 28 countries and work was in progress in 31 other countries. As of April 15, 2001, CCAs had been completed in 76 countries, 38 countries were in the process of preparing CCAs, and CCAs were being planned in eight countries.

Principles and Policy Objectives of PRSP/CDF

The PRSPs, which are built upon CDFs, are guided by five core principles: (a) country driven: broad-based participation by civil society and the private sector; (b) results oriented: focused on outcomes that benefit the poor; (c) comprehensive: takes into account the many dimensions of poverty; (d) partnership oriented: coordinated participation of bilateral, multilateral, and non-governmental partners; and (e) long-term perspective: utilized for poverty reduction.

The 2001 CDF Progress Report, the first report covering the implementation of CDF as well as PRSP principles beyond the first 12 pilots, provides a somewhat detailed explanation of these.

Long-Term Vision and Strategy

A long-term vision and strategy is meant to incorporate macro, social, structural, and institutional issues focused on sustainable development. For instance, Ghana's

Vision 2020 (prepared in 1995 as a constitutional requirement) reflects CDF principles. It seeks to balance economic growth with agricultural reform and modernization while also pursuing expanded manufacturing and service sectors, investment in human resources, closer integration with the international economy, and strengthening economic infrastructure. Several countries developing PRSPs had pre-existing long-term national plans. Nigeria developed a Vision 2015 and Gambia and Uganda both developed a Vision 2020. Vietnam's PRSP process is linked to its medium term (2001–2005) and long-term (2001–2010) socio-economic plans. Burkino Faso, Ghana, Guyana, Kenya, Mauritania, Senegal, Tanzania, and Uganda have been successful in developing long-term strategies that are closely linked to the long-term vision of the country.

Country Ownership

To achieve genuine country ownership, a government must develop broad-based participatory approaches, building the institutional capacity and a policy framework around which an agenda for development can be shared by all the major stakeholders. The 2001 CDF Progress report noted that there was good progress in building ownership within governments in Bolivia, Burkino Faso, Eritrea, Ghana, Guinea, Mauritania, and Uganda. In Uganda, a few key players initially drove the PRSP process, but it was later extended to the wider public through a process of national debates and consultations.⁵

Country ownership also requires sufficient administrative support (e.g., skilled employees), decentralized decision making, and enforcement of regulations. In addition, countries must engage in social impact assessments, effective coordination of external partners, and holding consultative group meetings.

Strategic Partnership

Strategic partnership calls for the engagement of government at all levels, civil society, the private sector, donors, international agencies, and other development actors. For example, in Vietnam, the Private Sector Forum puts forth regulatory proposals for government consideration and operates working groups on legal, banking, and manufacturing and distribution sectors, and it seeks to establish a regular dialogue with the government. Apart from engaging the private sector, partnership should bring about alignment of donor actions to the national strategy and harmonization of common procedures and practices among all development partners

A better donor coordination would improve donors' collective impact on reducing poverty. Countries that have made progress in this area have found that regular in-country meetings under government leadership, at both the national and sectoral level, improve information flows and allow donors to better adapt their future programs.

⁵ However, it should be noted here that CSOs have criticized the extent of this process. One critique by the World Development Movement (2001) asserts that while Uganda is often considered a model for consultative processes, the consultations were limited to the social sectors, and civil society was largely excluded from the macroeconomic planning.

Focus on Results

It is necessary to draw links between a country's national goals and measuring the progress towards those goals. Within the CDF framework, the International and Millennium Development Goals serve as a point of reference and comparison. It may take several years to identify the discernible impact of adopting CDF principles on development. Therefore, it is useful to focus on elements that need to be in place to assess impact. These include the systems to collect and analyze key information, transparency of such information, and arrangements for monitoring progress.

Overall Achievements

Measuring progress for these development frameworks poses a challenge for both the participating country and the sponsoring agency. Nonetheless, the World Bank and the IMF have noted areas of progress for such frameworks.

In March 2002, the staffs of the World Bank and IMF conducted a review of the PRSP and cited four key achievements of this approach to date:

- (1) a growing ownership among most governments of their poverty reduction strategies and increased commitment to the PRSP by an array of civil society organizations;
- (2) more open dialogue within governments and with parts of civil society and increased participation and monitoring by civil society organizations;
- (3) a more prominent place for poverty reduction in policy debates that extend beyond social sector interventions;
- (4) an acceptance by the donor community (including UN organizations and bilateral donors) of the principles of the PRSP approach, which can lead to stronger partnerships with countries and better donor coordination.

After conducting two reviews of the CDF since its inception, the World Bank identified progress in the following areas:

- The CDF principles, widely accepted by the international community as a basis for achieving greater poverty reduction and sustainable development, have become the basis for the way World Bank staff work.
- The introduction of PRSPs has significantly increased the number of countries adopting the CDF approach.
- All major bilateral donors, the UN, and the Development Agencies contribute to learning about and sharing the implementation of CDF principles.
- Many more governments are beginning to lead the setting of the policy agenda in the IPRSP, and this will be reinforced further as full PRSPs are put in place.
- In some countries, this process is complemented by more active roles for Parliament, civil society, and the private sector in policy discussions and calls for a better flow of information.
- Governments are engaged in aid coordination at all levels. Discussions are held in-country, allowing for much broader participation by domestic stakeholders, including sectoral consultations.

- Some key development partners are taking steps to achieve better alignment of their assistance policies with national strategies.

Shared Principles and Basic Difference with RTD-DC Model

The PRSP and CDF models share with the RTD model similar theoretical concerns about effective poverty reduction strategies with country ownership and civil society participation. They would all accept the notion that development measures should be “participatory, accountable, transparent, equitable and nondiscriminatory”—the principles behind the rights-based approach to development. Each of the development frameworks is geared toward achieving a holistic approach to development: meeting basic needs, expanding capabilities, and reforming institutions. While the degrees to which each addresses growth and sound macroeconomic policies vary, each seeks a better balance between economic growth, governance, and social development. Both the PRSPs and RTD models explicitly articulate an interest in growth of resources (GDP, technology, and institutions) as a means of achieving poverty reduction for the PRSP and realization of basic rights for the RTD-DC. Both would endorse the adoption of policies for macroeconomic stability to achieve sustainable growth, although in the RTD approach, that growth has to be consistent with human rights norms, with equity and social justice, and not just any kind of GDP growth.

Cooperation of stakeholders (both at the domestic and international level) is also a principle all these development frameworks share. The RTD-DC relies on a model of international cooperation facilitated through a development compact. The PRSPs are also supposed to be “partnership oriented,” involving participation of bilateral, multilateral, and non-governmental actors in both the development and implementation of the PRSP.

Each framework also views country ownership as critical to sustainable and effective practices. While the RTD-DC encourages development plans that are “fully drawn up by a developing country seeking a development compact,” the PRSP is intended to be “homegrown” and tailored to the specific needs, circumstances, and goals of the participating country. Each framework expresses a commitment to building the capacity of countries to develop, implement, and manage their poverty reduction strategies and national plans through technical assistance and institution building.

Lastly, each framework is concerned with identifying indicators and measures of progress and sets specific target periods and goals while taking into account the reality of progressive realization of their objectives as well as the difficulty of meeting all the objectives simultaneously.

The basic difference between the RTD and the other development frameworks, however, is the centrality of human rights in the former approach where all the objectives of policy, different indices of social development, or economic growth have to be seen as human rights and have to be achieved in a manner satisfying the human rights norms. The principles of participation, accountability, and transparency would go far beyond the operational principles of governance and fully incorporate equity and nondiscrimination to make them into effective human rights norms. The development process to which everybody is entitled as a human right would entail

obligations on national states and the international community that have to be fulfilled with accountable monitoring with enforceable remedies.

Analysis of the Rights-Based Norms in the Different Frameworks

The PRSPs and CDF have encountered many challenges to their implementation. Some challenges stem from the particular circumstances of a country (e.g., conflict-affected countries). Other challenges or constraints are inherent in the structure and process enjoined by the development framework, their design and policy formulations, restrictive time lines, and bureaucratic practices. Most of these challenges can be effectively addressed in the RTD approach in general and in the Development Compact proposal with explicit rights-based measures and reciprocal obligations for all duty holders.

The PRSPs have been subjected to wide public scrutiny, criticism, and civil society debate about both the process and the outcomes. The most common concerns related to the PRSPs—some of which are also shared by other frameworks like the CCA/UNDAF—may be examined in light of the principles that will contrast them with the RTD-DC, namely, how far they conform to the human rights norms of being “participatory, accountable, transparent, equitable and nondiscriminatory.”

Participatory

The participation process of the PRSP has been the most problematic. Critics have questioned the extent to which the process is inclusive of all stakeholders or accessible, informative, and transparent about policies and practices of the government. The 2002 reports by the staffs of the World Bank and IMF noted that donor’s had expressed concerns about the lack of involvement of specific groups in the participatory process.⁶ Among those not fully involved in the PRSP process are civil society organizations (especially those out of favor with the government), local government officials, private sector representatives, trade unions, women’s groups, and direct representatives of the poor.

In a 2001 World Vision report, case studies demonstrated an inherent tension between the pressure to produce PRSPs that are repackaged versions of existing plans and the emphasis on a participatory process. A frequent complaint of civil society organizations is that governments call them for meetings intended to provide endorsement of an already formulated plan. Bank-Fund staff have referred to criticisms that discussions are limited to a narrow set of issues about poverty reduction programs and exclude debate about structural reforms and macroeconomic policies. They have noted the concerns of donors that include lack of clarity about their role as donors, frustration with lack of engagement in the participation of I-PRSPs, and lack of involvement in dialogue between the government and the Bank and Fund during missions. Some donors stated that the prominent role of the Bank-Fund Joint Staff Assessments (JSA) has overshadowed the assessment of others and that the PRSP process has been dominated by the Bank and the Fund.

A report by Christian AID (2001) found that poor people were typically excluded from dialogues that are planned around broad macroeconomic reforms. Non-

⁶ World Bank and IMF, “Review of the PRSP Approach: Main Findings— March 15, 2002.” Prepared by staffs of the World Bank and IMF.

government organizations (NGOs) consistently reported that there were two parallel processes—one in which “social issues” were discussed with respect to the PRSP and another process in which “macro issues” were discussed. A EURODAD assessment of the PRSPs (cited by Christian AID) found that civil society organizations were given little space in which to discuss the package of adjustment policies that still dominate national PRSP. In some cases, such as in Bolivia, IMF representatives stated that recommendations drawn from dialogues with civil society organizations would only apply to the allocation of HIPC debt funds and not macroeconomic targets and policies. This serves as a barrier to genuine national ownership of development plans. The report also found that involvement in the PRSP has often excluded grassroots community groups such as rural organizations and local civil society groups. Also, specific measures to involve poor women have not been implemented, and PRSP documents have been largely silent on specific efforts to address gender equity.

Accountable

The centrality of accountability in poverty reduction and development strategies is indeed acknowledged in the frameworks of the PRSP, CDF, and also CCA/UNDAF. For example, one of the interdependent principles of the CDF is “accountability for development results,” where a country is expected to link its overall aims to concrete development results in order to assess the progress of tangible development. Similarly, the PRSPs are designed to be “result oriented,” which includes building the capacity of countries to develop poverty diagnostics, targets and indicators, and monitoring and evaluation. However, the key issue regarding accountability in these frameworks is the accessibility of transparent and effective mechanisms of accountability to the poor people of the country and their organizations on the part of different duty holders allowing for appropriate adjudication of their complaints and enforceable remedies.

The 2001 Report of the CDF in 46 countries found very slow progress on the accountability front. Less than half the countries had adequate information systems for development coordination, and only a quarter had established systems to track development results. Bolivia has developed a results-based budget, which links the initial country strategy objectives and resource allocations with actual outlays and results. However, the process of the approval of indicators by donors and government agencies took more than a year. Uganda has also used innovative approaches to track public expenditures in water management and in education, but the study found that many more countries need to develop and strengthen their monitoring mechanisms.

Reviews of the progress of PRSPs in 2002 raised concern about “the potential tension between the principle of country ownership and the need for donors to be accountable for the effective use of their resources.” An issue paper warns of “divergence in views about the right policies and about capacities for implementation” because the donor must negotiate its desire to respect country ownership while supporting policies and programs that contribute to results consistent with the donor’s mandate. Governments have often complained about the tendency of donors to seek the inclusion of their agendas or priority areas as well as a range of disparate issues (e.g., AIDS, governance, rural development, corruption).

These frameworks, however, have not always successfully matched conditionalities with specific obligations for the country or for actors in the donor community. Most countries that have undertaken PRSPs are seriously short of

resources. They also lack the capacity to carry out broad-based participation processes, which are critical to the success of the PRSPs. Many countries have not received the appropriate levels of financial and technical support from IFIs and the OECD countries either for carrying out an effective participatory process or for fully implementing the programs. Insufficient funding of HIPC, to which the PRSPs are linked, have also greatly increased the problem. There is a case for further and deeper debt relief and greater levels of budget support—including expanding the proportion of bilateral aid devoted to budget support rather than project-based assistance. But without a firm commitment from the donor community (and appropriate enforcement mechanisms to which they are held accountable), there is no guarantee that any of these programs can actually be carried out.

Indeed, appropriate mechanisms of accountability and enforcement are lacking among duty holders at both the country level and in relation to the obligations of the international community. Accountability at the country level is hampered also by weak capacity and a lack of country ownership and a lack of monitoring practice. At the international level, even if the IFIs have not provided countries with the appropriate levels of financial and technical support needed to implement the programs, there is hardly any formal forum to remedy that situation.

Transparent

Transparency and accountability are closely linked. A certain level of transparency in all transactions is assumed in accountability and is necessary for an effective participation process based on country ownership and engagement of civil society stakeholders. Transparency in the design and implementation of programs is essential for carrying out a development program, and an appropriate adjudicating and monitoring mechanism is needed to ensure accountability based on transparency.

The 2001 report on the progress of CDF implementation in low- and middle-income countries stated that very few countries had published or had plans to publish information about the progress of the programs. Countries with Internet access, such as the Kyrgyz Republic and Romania, have used the Web to disseminate and publicize information. Other countries with little Internet access (such as Guinea, Guinea Bissau, and FYR Macedonia) were more focused on the use of traditional media. Uganda, as an exception, publishes its education budget at the local or national levels. However overall, both governments and external partners remain cautious about a free exchange of information. Also, while consultations raised the level of demands for transparency, only a few countries made development information accessible in a transparent manner to all stakeholders.

There is also criticism of the level of transparency of donors, in particular IFIs such as the World Bank and IMF. In examining the PRSP, the Christian Aid report states that “despite their concern with ‘good governance’ at a national level, and their international influence more than billions of people’s lives, the IFI’s own institutional structures and cultures are scandalously undemocratic.” This is reflected in their voting structure (G7 countries hold 57% of votes) and their lack of transparency (their most important documents remain confidential and closed to public scrutiny).

Equitable

Equity and nondiscrimination are commonly linked and are considered the most fundamental elements of international human rights law. Inequality and discrimination take on many forms such as legal inequalities in status and entitlements as well as policies that ignore a particular people. There has been much debate about the content of equality. While human rights instruments tend to discuss equality in law and equality in rights, the RTD approach seeks to address the need for equality the level or amount of benefits accruing from the exercise of the rights. From the capabilities perspective, equality in rights implies equality of opportunity or capabilities (with income as a major determinant). As a result, policies and measures must be based on a development framework that reduces income disparities or does not allow these disparities to increase.

Concerns about equity and social justice must inform the development policies, especially the macroeconomic policies and programs for structural adjustment. The macroeconomic policies of the PRSPs persist with their old pattern of policy prescriptions (such as cost recovery, privatizations, and trade liberalization). They may be helpful in promoting efficiency and preparing the ground for increased private sector involvement for higher growth, but such policies must not compromise the ability of a country to meet the basic needs and rights of its people. In many cases, the basic ingredients of PRSP macroeconomic packages appear to be traditional adjustment policies with little substantive innovation. The Bank-Fund reviews noted that certain countries (especially in Latin America) stressed that more attention needs to be spent on finding ways to encourage private investment and private sector growth other than removing barriers and restrictions and promoting privatization.

The independent expert on structural adjustment contends, "What the architects of the HIPC initiative failed to realize is that it was the failure of two decades of SAPs to help countries export their way out of the crisis, and their inability to service their debts and the social erosion that followed that gave the impetus for the establishment of the HIPC initiative. Increasing malnutrition, falling school enrollments and rising unemployment have been attributed to the policies of structural adjustment. Yet these same institutions continue to prescribe the same medicine as a condition for debt relief, dismissing the overwhelming evidence that SAPs have increased poverty."⁷

Uganda is often presented as the success story in the HIPC initiative. The IMF and World Bank have lauded it for sustaining high rates of economic growth and adoption of prudent fiscal and monetary policies and efforts at trade liberalization and public enterprise reform. Uganda was the first country in the HIPC initiative to receive substantial debt relief (\$650 million of its multilateral debt stock) and establish a successful Poverty Action Fund—a mechanism to direct debt relief resources for poverty reducing expenditures. But Uganda's success has been marred by a decline in living standards for certain segments of the population and a dramatic increase in income inequality. In fact, Uganda received its debt relief a year later than was anticipated, in spite of its strict adherence to structural adjustment. The Ugandan

7 United Nations, "The Highly Indebted Poor Countries (HIPC) Initiative: A Human Rights Assessment of the Poverty Reduction Strategy Papers (PRSP)," a report submitted by Mr. Fantu Cheru, independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social, and cultural rights, 18 January 2001.

government projected that the cost of the one year delay amounted to \$193 million in lost relief—more than double the projected spending on education or six times the total government spending on health in that year. Less than one year after receiving relief, Uganda's debt burden returned to an unsustainable level based on HIPC criteria.⁸ (While poverty has declined, inequality in Uganda's increased growth slowed down in Uganda between 1997 and 2000). Poverty continues to be concentrated in the rural areas (96 percent of the poor lived in rural areas in the 2000). In the education and health sectors, there was an acute shortage of qualified staff. In 2000, only 40% of health units had trained staff.

The Tanzania 2001 PRSP report cites some rise in growth of GDP and a decrease in inflation. The government has abolished school fees at the primary level and has increased the budget allocation for education. In addition, public spending on health marginally increased, and progress was made in expanding the coverage of primary health services and immunization. However, there has been little change in the mortality rates of infants and for children under five years. Government surveys indicated a decrease in formal employment and overall, there was limited change in poverty and welfare indicators from the baseline in 1991.⁹

The government of Mauritania stated in its 2001 progress report that it pursued policies to maintain macroeconomic stability, spur growth, and reinforce competitiveness and attractiveness of the economy to foreign investors. Poverty reduction expenditures were substantially increased (in education, health, and programs targeting the poor). Integrated rural and urban development programs, microcredit, and job training schemes targeted the poorest areas and strata of the population. Inequality increased between 1996 and 2000. Though statistically the number of people below the poverty line has decreased, the perception of poverty, however, remains very high. In a 2001 survey, more than 80% of people rated themselves as poor and nearly 82.2% of those interviewed considered that all or most of the people in their district or village were poor. In education, while enrollments rates increased, there are significant disparities between urban and rural areas and between the rich and the poor. Inequalities in health care still persist. For example, the number of children less than one year of age who have not received any vaccination is four times greater in poor households than in those that are not poor. Children in rural areas are more likely to be undernourished than those in urban areas. Also, the healthcare coverage ratio remains low in rural areas—where almost half the population still has to travel more than 5 km to receive care. Access to potable water is still rare—with less than 15% of households hooked up.

These country experiences highlight the challenges of balancing economic growth with equity. While each country experienced some levels of growth or gains in the social sectors, the level of disparities persisted or worsened. What followed was a “mixed bag” of results rather than progress resembling the RTD notion of development. For that, the objectives of realizing certain rights are interlinked and

8 According to the World Bank's projections, Uganda's debt to export ratio was 210% in 2000–2001 and is projected at 250% for 2002–2003. This means that Uganda's debt will remain above the world sustainability levels by as much as 100%.

9 Tanzania, “Poverty Reduction Strategy Paper: Progress Report 2000/01” and “Joint Staff Assessment of the Poverty Reduction Strategy Paper,” 1 November 2001.

development measures should seek to reduce disparities or, at the very least, prevent them from increasing.

Nondiscriminatory

The PRSPs have not given serious consideration to the issue of nondiscrimination as they have to the concerns about human rights in general. The Bank-Fund staff assessments, official reviews, and CSO reports all found that many PRSPs failed to concretely address the status of women (e.g., gender equity, freedom from gender discrimination) and other marginalized vulnerable groups or indigenous people. PRSPs also failed to sufficiently stress the need for national level action for child safety such as safety nets to protect children during times of economic growth and/or rising income inequality.

The most obvious gap thus far is the failure to draw concrete links between the development frameworks and human rights standards. In particular, the notion that the objectives of development are to be treated as entitlements or rights that are legitimately claimed by individuals holds limited currency among donors such as the IMF and World Bank. While rights-based language is cautiously referenced in some official documents, the human rights approach to development is not treated as a core principle. A 2001 UN report on “a human rights assessment of the PRSP” found that none of the I-PRSPs attempted to integrate major international human rights principles such as the International Covenant on Economic, Social and Cultural Rights, and a number of International Labor Organization (ILO) conventions. There is also an absence of the language and intent of human rights in the discussion of governance, judicial, and legal reform, which points to the reality that states are not expected to fulfill their obligations to address matters of human rights in their domestic legal systems.

NEPAD—The New Partnership for Africa’s Development

This section discusses New Africa’s initiatives of Development Cooperation called the New Partnership for Africa’s Development (NEPAD) in comparison with the RTD–DC model.

NEPAD was launched in July 2001 at the Organization of African Unity (OAU) Summit in Lusaka, and it is described by its architects as “a vision and programme of action for the redevelopment of the African continent” as well as a “comprehensive integrated development plan that addresses key social, economic and political priorities in a coherent and balanced manner.” This is a remarkable development in the evolution of the international process of realizing the right to development. A group of African countries have come together to formulate a program for development that explicitly integrates economic growth (at 7% a year) with the promotion of democracy, human rights, and poverty eradication with social development. It also sets up mechanisms to monitor their own performance and subjects them to the discipline of peer review and the scrutiny of the IFIs. It gives the international community an opportunity to help in full measure to implement a program very close to the approach of the right to development. We discuss in brief the details of this framework and how they can be seen and implemented as a right to development program.

Goals

The broad aims (or long-term objectives) of NEPAD include:

- (1) Promoting accelerated growth and sustainable development;
- (2) Eradicating widespread and severe poverty in Africa;
- (3) Achieving the agreed International Development Goals by 2015, such as improving school enrolment of children, eliminating gender disparities in education, reducing infant child and maternal mortality, improving access to reproductive health, and protecting the environment;
- (4) Halting the marginalization of Africa in the globalization process.

The institutional arrangement requires NEPAD to serve as a catalyst in facilitating the program of action by designated institutions. These entities are expected to “internalize the NEPAD spirit and programs in their development strategies and investment plans.” At the national level, governments will be primarily responsible for engaging and mobilizing civil society around the ideas and programs of NEPAD. At the sub-regional level, regional economic committees (RECs) will organize sub-regional stakeholders in the planning, development, and implementation. The AU works at the continental level—designating special committees to drive the NEPAD process along. Additionally, a Heads of State Implementation Committee (composed of 15 heads of state) will be responsible for identifying strategic issues at the continental level and establishing mechanisms for reviewing progress of targets and standards as well as reviewing the progress of the implementation of past decisions.

The NEPAD main policy documents pledge working with the World Bank, the IMF, the Asian Development Bank (ADB), and the United Nations agencies, to “accelerate implementation and adoption of the Comprehensive Development Framework, the Poverty Reduction Strategy, and related approaches.” The full implementation and expansion of the HIPC initiative is considered essential to achieve macroeconomic goals such as improving the investment environment. They call for an expanded HIPC initiative that includes provisions for middle-income countries engaged in the Paris Club debt relief process and a movement towards 100% debt cancellation. They assert that HIPC still leaves many of its participating countries with unsustainable debt levels and that countries not included in HIPC should also receive debt relief to free resources for poverty reduction. Thus, NEPAD does not seek to replace or compete with existing development initiatives.

NEPAD and RTD-DC Model

The NEPAD model is perfectly consistent with the RTD-DC model. Its development policy framework is very similar to the approach outlined in the development compact. It is a country-driven, comprehensive partnership and is result-oriented and, as such, it should gain acceptance and endorsement from western donors. However, in the designing and the implementation of the programs, mechanisms have to be established to ensure that they follow the rights-based approach with equity, nondiscrimination, participation, accountability, and transparency and to monitor the programs effectively. They must also allow the civil society organizations to review and scrutinize the program and take appropriate actions. Two main concerns of the civil society organizations are:

(a) *Participation*: The NEPAD progress report recognizes that “popularization of NEPAD” is an area of concern and that the private sector and civil society have not, to date, been sufficiently mobilized in support of the process through deeper engagement. The civil society organizations have complained that NEPAD was drawn up and debated without the input and consultation from the groups that will be most affected by its policies. The concept of participation in the RTD-DC model goes beyond just consultations. Beneficiaries have to be involved in the designing, implementation, and the monitoring of the programs. NEPAD must be prepared to work out the methods for ensuring that participation.

(b) *Market-oriented approach to be adjusted with human rights concerns, equity, and justice*: The NEPAD authorities should be able to adjust market-oriented approach to development policy. That would improve the overall efficiency of their economies with the rights-based approach, especially with equity and justice. It must be able to, and must be seen by its peoples and the civil society as being able to, modify and monitor the programs suitably to avoid the mistakes of the earlier standard adjustment policies.

The RTD-DC model is not against the market-oriented approach. It firmly believes that it is possible to build upon a market-oriented approach to development (based upon liberalization and deregulation and private initiatives) a right to development policy that will promote a high rate of economic growth with equity and justice realizing social development as human rights. Indeed the NEPAD programs carried out in this manner may become test cases for realizing the right to development from which even international agencies such as the World Bank and the IMF can learn.

Peer Review: The most important operational similarity is the development of the African Peer Review Mechanism (APRM), which is designed to encourage adoption of policies and practices that lead to political stability and sustainable development.¹⁰ The Peer Review process that entails periodic reviews of the policies and practices of participating states to assess progress can be likened to the Development Compact model’s mechanism for ensuring the assessment of the “mutuality of the obligations” between the developing countries and the international community. The major difference is that the APRM does not apply to external actors such as donors and IFIs who wield influence on the development process, whereas the Development Compact is primarily concerned with holding both donor countries and developing countries accountable to each other. To rectify this, a method has to be worked out to extend the APRM to incorporate the accountability of the international partners.

Financing: Similar to the RTD-DC’s proposed trust fund, which calls for an increase in ODA from OECD nations, NEPAD also calls for an expansion of ODA. Yearly investments of US \$64 billion from developed countries are expected for the establishment of two separate trust funds to carry out the goals of the initiative. One trust fund would finance peacekeeping and conflict prevention activities and another would focus on supporting capacity building in policy formation and implementation, service provision, trade facilitation, and financial and policy negotiations in international trade. In creating such funding facilities, the RTD-DC model for

¹⁰ “The New Partnership for Africa’s Development (NEPAD)—The African Peer Review Mechanism (APRM), 10 June 2002.”

financing the implementation of development compacts through “callable contributions” of international partners may be helpful, especially in determining the burden-sharing among the international community.

Democracy and Good Governance: Unlike previous regional and continent-wide plans for African development, NEPAD places a strong emphasis on democracy and good governance, which is in keeping with the RTD-DC approach. The “Declaration on Democracy, Political, Economic and Corporate Governance” is a statement by NEPAD member states of their commitment to democracy and good political governance and the promotion and protection of human rights. It calls for the development of vibrant civil society organizations, including strengthening human rights institutions at the national, subregional, and regional levels. It also pledges support for the African Charter, African Commission, and the Court on Human and People’s Rights as important instruments for ensuring the promotion, protection, and observance of Human Rights. It also commits to strengthening the cooperation with the UN High Commission for Human Rights and ensures responsible free expression inclusive of the freedom of the press. Each of these measures is explicitly articulated in the RTD-DC approach.

In sum, the RTD-DC and NEPAD share the same basic premise: poverty eradication and sustainable development. It may, however, be possible to suggest that unlike the RTD-DC approach, NEPAD does not yet explicitly state the centrality (or primacy) of human rights. Rather, human rights concerns (namely within the context of peace, security, democracy, and political governance) are addressed as broadly defined actions and not quite as a clear rights-based approach. The principles and objectives of human rights—as they relate to the NEPAD plan—are mostly contained within the “Declaration on Democracy, Political, Economic and Corporate Governance” and are not sufficiently woven or integrated in the overall strategic plan of action, fully recognizing the interdependence of rights. In the RTD approach, all the civil, political, economic, social, and cultural rights are integrated with the rights-based economic growth as a vector of interdependent elements. Development is seen as expanding the capabilities and freedoms of individuals and realizing fundamental rights when the vector of composite rights increases with at least some rights improving but no rights violated.

In a May 2002 review of NEPAD, the organization Rights and Democracy expressed the concerns of many civil society organizations and sympathizers with NEPAD when it stated that “a human-rights approach to development in Africa depends not only on prudent fiscal management, foreign investment and expanded market access, but also on the re-orientation of development objectives towards meeting the human rights obligations of States within a transparent, accountable and non-discriminatory process.”¹¹ It further stated that NEPAD does not concretely address the means by which a rights-based approach to development can be implemented and how governments will be monitored and held accountable to their obligations under the international treaties.

11 “Human Rights and Democratic Development in Africa—Policy Considerations for Africa’s Development in the New Millennium,” in preparation for the G8 Summit, 21 May 2002, prepared by Rights and Democracy.

Such a monitoring mechanism must also be able to recommend and implement “enforceable remedies” when the programs cannot be completed or one party or another among the duty-bearers fails to meet their obligations. The development compacts provide such a mechanism (in the form of a support group conducting the peer review and making appropriate recommendations and of the Fund for Financing the RTD to bridge the gap in the financing requirements for a program) after taking into account the use of all other measures of cooperation. PRSPs have now become the basis of most of the concessional finance from the IMF and the World Bank.

But even if all the modifications that have been suggested to make the PRSP (and CDF) frameworks conform to the standards of the rights-based approach to development as built up in the RTD-DC model, the funds available to them will not be sufficient to meet the requirements for implementing the right to development on a global scale or even to meet the financial needs for just NEPAD.

Intensive additional efforts have to be made to mobilize resources from the donor community and supplemented by other trade, market access, and financial restructuring measures to attract commercial flows and private investment so that countries trying to implement programs for the right to development are not left without the required finance. For that purpose, the Development Compact Framework may serve as a very useful model. When a Fund for Financing Development Compacts is created on the basis of callable contribution— meaning commitments made by the donors on a national basis whose disbursements can be decided case-by-case with the support group assessing the performance and the fulfillment of the rights in a RTD program—that will be a systematic way to supplement the Bank-Fund financing of PRSPs as well as HIPC initiatives. Indeed, a modified and rights-based PRSP in principle should not conflict with the Bank-Fund approach or the intent of the Executive Boards of these organizations, if that is seen as catalyzing additional finance from the donor community. NEPAD, for example, clearly believes that their programs can be built on the PRSPs and so can other programs of the right to development.

In my fourth report on the right to development as Independent Expert, I had provided an illustrative model of burden sharing of ODA. A modified version of that exercise, based on the data of OECD 2000, is provided in the following table.

ODA from the DAC Member Countries in 2000

<i>DAC Countries</i>	<i>ODA % GNI (GNP)</i>	<i>ODA (\$US Million)</i>	<i>ODA if 0.7% of GNI (GNP)</i>	<i>Peak of ODA Contribution in the Last 3 Years</i>	<i>If ODA Contribution in 2000 was at the Peak Level (\$US Million)</i>	<i>Difference Between 0.7% and the Peak (\$US Million)</i>
Australia	0.27	987	2558.89	0.27	987.00	1571.89
Austria	0.23	423	1287.39	0.26	478.17	809.22
Belgium	0.36	820	1594.44	0.36	820.00	774.44
Canada	0.25	1744	4883.20	0.30	2092.80	2790.40
Denmark	1.06	1664	1664.00	1.06	1664.00	0.00
Finland	0.31	371	837.74	0.33	394.94	442.81

France	0.32	4105	8979.69	0.40	5131.25	3848.44
Germany	0.27	5030	13040.74	0.27	5030.00	8010.74
Greece	0.20	226	791.00	0.20	226.00	565.00
Ireland	0.30	235	548.33	0.31	242.83	305.50
Italy	0.13	1376	7409.23	0.20	2116.92	5292.31
Japan	0.28	13508	33770.00	0.34	16402.57	17367.43
Luxembourg	0.71	127	127.00	0.71	127.00	0.00
Netherlands	0.84	3135	3135.00	0.84	3135.00	0.00
New Zealand	0.25	113	316.40	0.27	122.04	194.36
Norway	0.80	1264	1264.00	0.91	1437.80	-173.80
Portugal	0.26	271	729.62	0.26	271.00	458.62
Spain	0.22	1195	3802.27	0.24	1303.64	2498.64
Sweden	0.80	1799	1799.00	0.80	1799.00	0.00
Switzerland	0.34	890	1832.35	0.35	916.18	916.18
United Kingdom	0.32	4501	9845.94	0.32	4501.00	5344.94
United States	0.10	9955	69685.00	0.10	9955.00	59730.00
Total	0.22	53739	169901.24	9.10	59154.14	110747.10

Source: OECD (2002), *Development Cooperation Report 2001* at <http://www.oecd.org> and Sengupta, Arjun (2001), *Fourth Report of the Independent Expert on the Right to Development*, Commission on Human Rights, United Nations, Geneva.

Note: The countries given in bold italics represent countries whose ODA contribution exceeds 0.7 % of GNI (GNP). While calculating what would have been the ODA amount if it were 0.7 % of GNI (GNP) for these countries, the peak ratio is applied.

This exercise is based on three assumptions: (1) DAC member countries are genuinely interested in helping countries to implement a rights-based development program; (2) even if the ODA/GNP ratio for a country is far below the 0.7% target, they may at least try to maintain their best performance of the last three years as their disbursement in the coming years; and (3) they will be prepared to make additional commitments in the form of callable contribution to a Fund for Financing the Right to Development maintained by the DAC or any other agency. These funds can be used only by countries who are implementing the rights-based programs of development such as NEPAD or other country plans. Support groups that would be established for such countries would monitor their performance and recommend the use of this Fund. The callable contribution of the members would then be invoked according to some agreed principle of burden sharing.

The exercise shows that while the total ODA from DAC in 2000 was only about \$54 billion, if each country followed its peak contribution to GNP of the last three years also in 2000, the total ODA would have been roughly \$59 billion. But if they followed the 0.7% target, the total would have been more than \$169 billion. There would, therefore have been the possibility of raising \$110 billion for this proposed fund, if the 0.7% target were universally accepted. The size would be reduced if the proposed target was lowered. But still there would be immense scope for raising funds, especially when the actual disbursement based on invoking the callable capital would be much less, depending on the successful implementation of the rights-based program. This can easily meet the NEPAD requirements. It could also meet the

requirements of several other countries, supplementing the PRSP and other international programs.

Conclusion: Overview of Development Cooperation

It can thus be seen that the RTD-DC model can fully accommodate all the major existing mechanisms and frameworks for development cooperation that aim at poverty reduction and social development. The basic PRSP/CDF models address the goals of poverty reduction in the context of economic growth. The RTD model integrates economic growth with social development and the sustainable elements of both income and capability poverty. There are, however, two fundamental and indispensable requirements for integrating all such efforts. First, the realization of human rights and fundamental freedoms, as outlined in the RTD-DC model, must be the central aim of all these efforts. Second, there must be an independent rights-based mechanism to monitor the performances of all the countries, the obligations of the developing countries to implement the programs for the right to development, and the obligations of the international community to cooperate with these countries effectively and in full measure.