



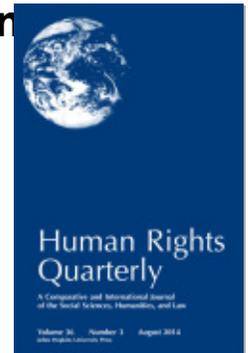
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Human Rights and South-South Development Cooperation: Reflections on the “Rising Powers” as International Development Actors

Emma Mawdsley*

ABSTRACT

The era of Western-dominated international foreign aid, development norms, and institutions is far from dead, but it is starting to rupture. Key to this is the growing visibility, assertiveness, and impact of a wide range of (re) emerging donors and development partners. Foreign aid and development assistance have long been prime sites in the negotiation and projection of human rights internationally, but this has overwhelmingly centered on the Western-dominated development community as the driver of dominant ideologies, practices, and funding. This article concerns the potential roles and impacts of Southern states on human rights in their roles as donors and development partners.

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I. INTRODUCTION

Like many other elements of the global polity, international development norms, actors, and institutions are currently in a period of seismic shift. One of the principal drivers of change is the increasing visibility, activity, and influence of a wide range of (so-called) non-traditional or (re)emerging donors and development partners.¹ States that have in some cases been development actors for decades, but which have been largely ignored by mainstream and critical analysts alike, have in the last five to ten years become game-changers in international development.² In addition to the large “rising powers”—notably Brazil, China and India—a “second tier” of development partners includes Turkey, Indonesia, Malaysia, Chile, and others. Beyond these are many smaller and more sporadic donors, some of which are themselves ranked as low-income, but which are recorded as humanitarian donors in particular.³ Adding to the diversity and proliferation of the development community are a number of Gulf States, which initiated development cooperation in the late 1960s and early 1970s, and the ten Central and East European states whose accession to the European Union in 2004 and 2007 entailed, for most, a return to donor activities.⁴

Individually and in the aggregate, the increasing visibility and activities of these (re)emerging donors and development partners present considerable opportunities and profound challenges for poverty reduction, economic development, social wellbeing, and environmental sustainability, as well

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1. The terminology here is a minefield. It is inaccurate to refer to many of these countries as “new,” “non-traditional,” or “emerging” donors, and indeed, some reject the term “donor” (hence the use of “development partner”). By the same token, the terms traditional or mainstream donors also obscure a more complex history, while implicitly centering the OECD-DAC donors and multilaterals. The article tries to chart its way through this terminological morass as best as possible. For a longer discussion see EMMA MAWDSLEY, *FROM RECIPIENTS TO DONORS: EMERGING POWERS AND THE CHANGING DEVELOPMENT LANDSCAPE* (2012).
 2. Marco Vieira, *Rising States and Distributive Justice: Reforming International Order in the 21st Century*, 26 *GLOBAL SOC'Y* 311 (2012); Giles Mohan & Marcus Power, *New African Choices? The Politics of Chinese Engagement in Africa and the Changing Architecture of International Development*, 35 *REV. AFR. POL. ECON.* 23 (2008); Soyeun Kim & Simon Lightfoot, *Does “DAC-Ability” Really Matter? The Emergence of Non-DAC Donors: Introduction to Policy Arena*, 23 *J. INT'L DEV.* 711 (2011); DEVELOPMENT COOPERATION AND EMERGING POWERS: NEW PARTNERS OR OLD PATTERNS (Sachin Chaturvedi, Thomas Fues & Elizabeth Sidiropoulos eds., 2012).
 3. Matthias von Hau, James Scott & David Hulme, *Beyond the BRICs: Alternative Strategies of Influence in the Global Politics of Development*, 24 *EUR. J. DEV. RES.* 187, 190 (2012); Nils-Sjard Schulz, *The Third Wave of Development Players*, FRIDE Policy Brief No. 60, at 2 (2010); Emma Mawdsley, *Non-DAC Development Partners and Humanitarian Assistance*, in *HANDBOOK ON HUMANITARIAN ACTION* (R. MacGinty & J. Peterson eds., forthcoming).
 4. Simon Lightfoot, *Enlargement and the Challenge of EU Development*, 9 *PERSP. EUR. POLITICS & SOC'Y* 128 (2008); Debra Shushan & Christopher Marcoux, *The Rise (and Decline?) of Arab Aid: Generosity and Allocation in the Oil Era, 1969, 1970–1971* (2011).

as the formulation and achievement of human rights in development policies and practices. The era of Western-dominated international aid norms and institutions is far from dead, but it is certainly starting to rupture. Homi Kharas *et al.* express the view of many commentators in observing that:

While the OECD Development Assistance Committee (DAC) [Organization for Economic Co-operation and Development – DAC] remains the core of the global aid system, its monopoly of world ODA [Official Development Assistance] is eroding with the rise of the so-called new development partners. . . . Traditional donors that form the OECD/DAC can no longer claim to speak for the world's donor community.⁵

In the international system more broadly, including within the UN and Bretton Woods Institutions, states that were (or were erroneously considered to be) recipients of aid alone, are now a more assertive presence in negotiating development norms and practices. The recent establishment of the Development Cooperation Forum (DCF) under the auspices of ECOSOC is indicative of the changing balance of political gravity within the UN and beyond.⁶

This article seeks to provide a platform from which to examine the place of human rights within the international development cooperation agendas, policies, and practices of the Southern “rising powers” (broadly conceived). It does not detail the human rights commitments and records of individual Southern states in relation to their development cooperation agendas, policies, and programs; nor does it dwell on the classic and important debates concerning human rights in the South. Rather, the article seeks to provide a foundation that enables more knowledgeable and rigorous analyses of human rights approaches within the rapidly growing realm of South-South Development Cooperation (SSDC), and thus within what is a rapidly changing global development landscape.

This article starts with a very brief note on human rights and foreign aid within mainstream development and then turns to SSDC partners. It sets out four “interventions” that are key to understanding and assessing how SSDC partners engage with human rights in their “donor” roles. These are: 1) the definition of the South-South Development Cooperation; 2) how virtue is framed within the SSDC; 3) the barriers to translating domestic human rights achievements to international development cooperation policies and programs; and 4) the implications of a stronger (but not exclusive) focus on economic growth and productivity. This article concludes by reflecting

5. CATALYZING DEVELOPMENT: A NEW VISION FOR AID 38–39 (Homi Kharas, Koji Makino, & Woojin Jung eds., 2011).

6. DEVELOPMENT COOPERATION IN A CHANGING GLOBAL ORDER (Hany Besada & Shannon Kindornay eds., 2013); T. Fues, *Competing Aid Regimes: Will the UN be Able to Challenge the Dominant Role of the OECD-DAC in International Development Cooperation* (2010) (unpublished manuscript, German Development Institute) (on file with author).

on the implications for the human rights agenda in official development cooperation relations, and touches on the trends and directions in global development norms and governance.

Before starting, it should be emphasized that Brazil, China, India, Turkey, South Africa, South Korea, and others have different historical trajectories, economic and demographic profiles, regional and international agendas, identities, and relations. Moreover, they are not, of course, singular agents, but comprise multiple and sometimes competing individuals and sub-national institutions, and are also subject to contingent and dynamic contexts.⁷ Clearly, this article is pitched at a synoptic level, and while these four points are accurate in broadly capturing aspects of the (re)emerging Southern development partners, beyond this, each requires further detailed and specific analysis.

II. “MAINSTREAM” DEVELOPMENT AND HUMAN RIGHTS

Debates over the relationship between human rights, international development, and foreign aid are long-standing, although to date they have focused almost exclusively on the mainstream bilateral and multilateral donors.⁸ The relationship between human rights and development has been debated since the inception of the Universal Declaration in 1948, but it was in the 1990s that an explicit rights-based approach (RBA) to development started to coalesce in its present form.⁹ According to Simon Maxwell, this uses the international apparatus of human rights norms, codes, and laws to construct the “scaffolding” of development principles and practices.¹⁰ However, few mainstream development actors fully commit to a rights-based development approach, even if most articulate the centrality of human rights as an essential element of development.¹¹ One area of contention concerns the nature and sequencing of civil and political rights on the one hand, and economic, social, and cultural rights on the other, as well as the relationships between them. Another particularly acute debate centers on whether human rights discourse represents Western rather than universal principles, and whether they have been mobilized in ways that discipline non-Western societies and states.¹² The Responsibility to Protect has proven to be a particularly

7. Similarly, DAC bilaterals are in fact a very diverse group of donors. See CAROL LANCASTER, *FOREIGN AID: DIPLOMACY, DEVELOPMENT, DOMESTIC POLITICS* (2007).

8. ERIC NEUMAYER, *THE PATTERN OF AID GIVING: THE IMPACT OF GOOD GOVERNANCE ON DEVELOPMENT ASSISTANCE* 56 (2003).

9. Shannon Kindornay, James Ron, & Charli Carpenter, *Rights-Based Approaches to Development: Implications for NGOs*, 34 *HUM. RTS. Q.* 472, 483–85 (2012).

10. Simon Maxwell, *What can we do With a Rights-Based Approach to Development?*, Overseas Development Institute (ODI) Briefing Paper 99 (1999).

11. Kindornay, Ron, & Carpenter, *supra* note 9, at 483–85.

12. Makau W. Matua, *Savages, Saviors and Victims: The Metaphor of Human Rights*, 42 *HARV. INT'L L. J.* 201, 227–234 (2001).

polarizing issue in recent years.¹³ Other analysts have examined how human rights discourses have been mobilized from the ground up in progressive political struggles in non-Western settings.¹⁴

The relationship specifically concerning foreign aid allocation and human rights has been studied extensively in relation to the OECD-DAC donors and, to a lesser extent, regional organizations and multilateral development organizations.¹⁵ The literature is rich and varied, but also largely inconclusive; the complexity of actors, definitions, and analytical techniques has ensured ongoing debate and contested views of the relationships between human rights, aid allocation, and aid management and outcomes amongst the (so-called) traditional donors. Most of these studies focus on first generation political and civil rights, more generally expressed as democratic governance, which are usually codified and measured according to the index provided by Freedom House. A number of authors, however, suggest that personal integrity rights—freedom from political violence and violations, such as false imprisonment, disappearances, torture, and political murder—constitute a better measure of what lies at the very core of the notion of human rights.¹⁶ Eric Neumayer uses the Purdue Political Terror Scales (one derived from Amnesty International and the other from the US Department of State's Country Reports on Human Rights Practices) to make the case that this offers a more meaningful basis for the analysis of foreign aid allocation and human rights in most recipient states.¹⁷ Amongst other things, the rejection of political terror and violence is harder to frame as contingent on a particular form of western culture, as is often the case with relativist critiques of the dominant construction of political and civil rights.

Neumayer notes that second generation economic and social rights are rarely the subjects of analysis within the literature examining foreign aid allocation. As he observes, governments can be reasonably held accountable for civil, political, or personal integrity rights, whereas economic performance and social behaviors are harder to attribute entirely to government

13. Alex J. Bellamy, *Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq*, 19 *ETHICS & INT'L AFF.* 31 (2005); Alex J. Bellamy, *The Responsibility to Protect—Five Years On*, 24 *ETHICS & INT'L AFF.* 143 (2010).

14. *STONES OF HOPE: HOW AFRICAN ACTIVISTS RECLAIM HUMAN RIGHTS TO CHALLENGE GLOBAL POVERTY* (Lucie E. White & Jeremy Perelman eds., 2011).

15. See, e.g., Daniel Braaten, *Human Rights and U.S. Foreign Policy in the Multilateral Development Banks* (2012) (Dissertation, University of Nebraska), available at <http://ssrn.com/abstract=1580447>; Steven C. Poe & Rangima Sirirangsi, *Human Rights and U.S. Economic aid to Africa*, 18 *INT'L INTERACTIONS: EMPIRICAL & THEORETICAL RES. INT'L RELATIONS* 309 (1993); Shannon L. Blanton, *Impact of Human Rights on US Foreign Policy Assistance to Latin America*, 19 *INT'L INTERACTIONS: EMPIRICAL & THEORETICAL RES. INT'L RELATIONS* 339 (1994).

16. See, e.g., David Carleton & Michael Stohl, *The Role of Human Rights in U.S. Foreign Assistance Policy: A Critique and Reappraisal*, 31 *AM. J. POL. SCI.* 1002 (1987); Poe & Sirirangsi, *supra* note 15.

17. NEUMAYER, *AID GIVING*, *supra* note 8, at 53.

actions. Weak economic performance can be the result of many external and internal factors, and the relationship with foreign aid can be difficult or impossible to delineate and extract. This article will return to the question of economic rights later.

The literature on the mainstream aid community reveals variations in donor engagement with human rights agendas in their development policies and programs. Notwithstanding important nuances and complexity, Neumayer's analysis summarizes the dominant view that the end of the Cold War had little aggregate impact on the relationship between human rights and the allocation of OECD-DAC bilateral foreign aid (although there is a stronger relationship with improved aid allocation and improvements in personal integrity rights for both bilateral and multilateral aid). He concludes that the results are "somewhat disappointing to the extent that one believes that respect for human rights should play a more prominent role in the allocation of aid."¹⁸

III. THE (RE-)EMERGING DEVELOPMENT PARTNERS WITHIN THE INTERNATIONAL DEVELOPMENT COMMUNITY

Recent years have witnessed a surge of analysis and commentary in response to the growing visibility, role, and influence of the rising powers as international development actors.¹⁹ The rise of China did much to initiate this growing interest within the international development community, and this interest has spilled over into a wider appreciation of the rapidly growing number and activities of other (re)emerging development partners. At one extreme, some commentators take a hostile view of what they consider to be the sinister agendas and impacts of rogue donors, such as China, Iran, Saudi Arabia, and Venezuela. These countries are accused of using toxic aid to promote their national self-interest at the expense of poor people and countries, while undermining liberal global governance and the human rights of ordinary people.²⁰ The democratic rising powers—including

18. Eric Neumayer, *Is Respect for Human Rights Rewarded? An Analysis of Total Bilateral and Multilateral Aid Flows*, 25 *HUM. RTS. Q.* 510, 527 (2003).

19. See, e.g., Jin Sato, Hiroaki Shiga, Takaaki Kobayashi & Hisahiro Kondoh, *How Do "Emerging" Donors Differ from "Traditional" Donors? An Institutional Analysis of Foreign Aid in Cambodia*, JICA Research Institute Working Paper 2 (2010); South Centre, *Developing Country Perspectives on the Role of the Development Cooperation Forum: Building Strategic Approaches to Enhancing Multilateral Development Cooperation*, Analytical Note SC/GGDP/AN/GEG/10 (2008); MAWDSLEY, *FROM RECIPIENTS TO DONORS*, *supra* note 1.

20. Moisés Naím, *Rogue Aid: What's Wrong with the Foreign aid Programs of China, Venezuela, and Saudi Arabia? They are Enormously Generous. And They are Toxic*, *FOREIGNPOLICY.COM* (2007), available at http://www.foreignpolicy.com/articles/2007/02/14/rogue_aid.

Brazil, India, and South Africa—tend not to be subject to the same levels of virulent condemnation, and within the mainstream aid community many now—somewhat belatedly—welcome the specific expertise and additional resources that these (re)emerging development partners provide. However, they also express concerns that the fragile gains made by the traditional donor community towards good governance, aid effectiveness, and poverty reduction will be undermined, partly by the sheer proliferation of new actors, but also by their lower levels of transparency and their different approaches to development, including with regard to human rights.²¹ For others, the fracturing of the Western-dominated aid cartel is viewed in a more positive light; here, the (re)emerging donors and development partners are expected to be instrumental in re-balancing global power, offering recipient nations greater choices in their sources of financing and assistance, and demonstrating alternative models and approaches to economic growth that may well prove more effective in increasing productivity, security, and poverty reduction.²² Some development partners are recognized innovators and global contributors to social welfare initiatives (notably Brazil) and peacekeeping (India, Brazil, South Africa, Turkey, and others),²³ while their economic engines are driving investment and trade across much of the global South. Most of these analysts acknowledge that questions remain about how the full spectrum of South-South Development Cooperation activities might impact poverty reduction, social justice, gender equality, environmental sustainability, and human rights in particular contexts and relationships.

The Western-dominated international development community has matured rapidly in its views of the (re)emerging development partners. In the last five years or so the terminology and phrasing has shifted, albeit not completely, away from patronizing notions of socializing the rising powers as development actors towards an atmosphere of outreach, partnership,

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21. Penny Davies, *Aid Effectiveness and non-DAC Providers of Development Assistance*; Background Document to Round Table 9 for HLF-3 (2008), available at <http://www.ipc-undp.org/publications/southlearning/penny.pdf>; Penny Davies, *South-South Cooperation: Moving Towards a new aid Dynamic*, 20 *POVERTY IN FOCUS* 11, 12 (2010); Sven Grimm, John Humphrey, Erik Lundsgaarde & Sarah-Lea John de Sousa, *European Development Cooperation to 2020: Challenges by New Actors in International Development* (2009) (EDC Working Paper. No. 4, German Development Institute), available at http://www.edc2020.eu/fileadmin/Textdateien/EDC2020_WP4_Webversion.pdf; Richard Manning, *Will "Emerging Donors" Change the Face of International Cooperation?*, 24 *DEV. POLICY REV.* 371, 377–78 (2006); Felix Zimmermann & Kimberly Smith, *More Actors, More Money, More Ideas for International Development Co-operation*, 23 *J. INT'L DEV.* 722, 731 (2011).
 22. Hisahiro Kondoh, Takaaki Kobayashi, Hiroaki Shiga & Jin Sato, *Diversity and Transformation of Aid Patterns in Asia's "Emerging Donors"* (2010) (Working Paper, JICA Research Institute).
 23. Grimm et al, *supra* note 21, at 22–24.

and mutual learning. While China in particular still attracts more negative comments,²⁴ these 'non-DAC' actors are increasingly courted rather than ignored, marginalized, or denigrated. However, even within this more positive environment, there is a widespread view that whatever other challenges and opportunities they bring, human rights are not a strong framework for action or intended outcome for the (re)emerging development partners, and may indeed be positively undermined.

The next section sets out four key interventions, which are proposed as essential to approaching how SSDC activities impact human rights and how they might influence the way in which human rights are embodied within wider international development norms and institutions.

IV. THE (RE-)EMERGING DONORS/DEVELOPMENT PARTNERS AND HUMAN RIGHTS

Based on an analysis of their UN voting records, Ted Piccone observes that: "Brazil, India, Indonesia, South Africa, South Korea, and Turkey are inconsistent advocates for democracy and human rights on the international stage."²⁵ There is no question that, for the most part, this observation is more than true in the specific realm of South-South development cooperation policies and practices. Just like their OECD-DAC counterparts, neither the humanitarian nor developmental realms are sequestered from the competing demands of other strategic interests, some of which may be at odds with a human rights agenda. More particularly, while most of the Southern states note human rights from time to time in statements and speeches about development cooperation policies and programs, they are not prominently discussed in this context and are not held up as key objectives or principles. Human rights considerations do not seem to have any bearing on the allocation of development cooperation financing or other flows and relationships. The limited evidence on allocation, for example, suggests that geo-economic interests, regional interests, and historical ties are the dominant factors shaping South-South Development Cooperation.²⁶

However, this article argues the need to finesse this view. Although some of the points below might initially seem rather tangential to human rights

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24. For example, at the 2011 High Level Forum on Aid Effectiveness at Busan, US Secretary of State Hillary Clinton made thinly concealed comments about China, warning recipient countries to be "wary of donors who are more interested in extracting your resources than building your capacity." See Andrew Quinn, *Clinton Tells Developing World to be Wary of Donors*, REUTERS.COM, 29 Nov. 2011, available at <http://www.reuters.com/article/2011/11/30/us-development-clinton-idUSTRE7AT08J20111130>.
 25. Ted Piccone, *Do New Democracies Support Democracy?: The Multilateral Dimension*, 22 J. DEMOC. 139, 151 (2011).
 26. Davies, *South-South Cooperation: Moving Towards a new aid Dynamic*, *supra* note 21.

agendas and debates, together they provide an essential basis for informed debate over potential challenges and opportunities that the Southern powers bring to international development and human rights in more specific contexts.

A. Defining South-South Development Cooperation

South-South Development Cooperation is not coterminous with foreign aid, or Overseas Development Assistance (ODA), as it is officially called. This apparently technical and even innocuous point is central to many of the errors that stalk media and even policy debates about the rising powers and international development. In some cases, even when this fact is initially acknowledged, the discussion, categories, and comparisons return to a tacit conflation of aid and development cooperation. Most of the Southern states refer to some elements of their development cooperation programs as aid, and this category is usually comprised of very similar, but not necessarily identical, flows and activities to those categorized as ODA by the OECD-DAC. These programs include grants, loans, technical assistance, debt relief, studentships, and humanitarian assistance.²⁷ Others, such as India, engage in these aid and aid-like activities but reject the term altogether, referring only to development cooperation (although individual Indian officials and commentators will refer to aid on occasions).²⁸ Whether or not the term is used, in all cases the concept and practices of SSDC extend beyond aid, and within this loose and ambiguous category, aid and aid-like activities are frequently purposefully blurred and blended with more commercial loans and financial instruments aimed at fostering trade and investment, building diplomatic relationships, and enhancing soft power.

These different definitions and the modalities they encompass tend to be poorly understood and are repeatedly compared directly with and measured against mainstream foreign aid, notably when trying to calculate levels and shares of South-South assistance, but also in making political and moral judgments about the nature and purpose of SSDC. Deborah Bräutigam has expertly deconstructed this tendency to conflate aid, trade, and investment in relation to China, but this category error is frequently made with regard to other Southern partners as well.²⁹

27. THE REALITY OF AID MANAGEMENT COMMITTEE, *SOUTH-SOUTH DEVELOPMENT COOPERATION: A CHALLENGE TO THE AID SYSTEM?* (2010), available at http://www.realityofaid.org/roa_report/south-south-development-cooperation-a-challenge-to-the-aid-system/.

28. *Id.* at 3.

29. DEBORAH BRÄUTIGAM, *THE DRAGON'S GIFT: THE REAL STORY OF CHINA IN AFRICA* (2009). See also Bräutigam's blog, which reveals ongoing examples of poor understanding, reporting and analysis of China's engagements in Africa, available at <http://www.chinaafricarealstory.com/>.

The implications are significant when it comes to evaluating development cooperation and human rights. Corporations—whether private sector or state-owned—occupy a different position in relation to human rights responsibilities compared to national development agencies and other state actors. While corporations should be scrutinized and rigorously held accountable by regulators, shareholders, workers, and customers, these negotiations tend to be governed and managed through the realm of corporate social responsibility, national and international legal frameworks, private sector confederations, consumer standards agencies, trades unions, and so on. States, on the other hand, including subsidiary bodies such as national development agencies and Ministries of Foreign Affairs, have sovereign primacy and are (theoretically) formally committed to the suite of human rights treaties to which they are signatories. Brazilian, Indian, South African, and South Korean firms, among others, can and should be held accountable by states and non-state actors in the countries where they have operations. Indeed, their active enrollment as partners and agents within the SSDC opens up potential avenues for promoting stronger consideration of human rights obligations in their activities. However, the fact remains that corporations are not quite in the same position as state bodies in relation to international treaty obligations.

Compared to most OECD-DAC donors, state-owned and private enterprises tend to make up a higher share of the channels and actors in the SSDC, while dedicated aid personnel working in national development agencies tend to make up a smaller share and have less direct managerial responsibility and influence (as do civil society actors). This disparity has implications for the rising powers in terms of how they will formally enroll and pursue human rights considerations in their policies and decisions regarding allocation and management. Among other things, the prevalence of enterprise suggests that an increasingly important arena for human rights issues that must and should be addressed is that of labor conditions, consumer rights, and the environmental and social responsibilities of firms.

B. Effective but not Ethical? Alternative Constructions of “Virtue” Within SSDC

Tacit assumptions about what constitutes virtuous foreign aid are rife within the mainstream international development community. While many Southern states are now increasingly recognized as effective and desirable development partners by the mainstream community, they are generally viewed as demonstrating somewhat inferior ethics of aid. They appear overwhelmingly motivated by mere self-interest rather than enlightened self-interest.³⁰ The

30. STEPHEN CHAN, *THE MORALITY OF CHINA IN AFRICA: THE MIDDLE KINGDOM AND THE DARK CONTINENT*, at ix (2013).

positive outcomes of Southern States' development cooperation activities for recipients can, under this reading, be understood as fundamentally secondary effects of their geo-economic strategic interests: they are primarily instrumental rather than ethical in nature. However, this is a culturally parochial misreading of the range of what might constitute different claims (if not necessarily realities) of virtue in development relationships.³¹ This misreading has implications for where human rights are located within the official development cooperation perspectives and strategies of the Southern partners.

The discourse of South-South Development Cooperation is critically anchored in a number of historical lineages, notably the Non-Aligned Movement, various socialist solidarities, and attempts to foster stronger Third World diplomatic alliances and platforms within the UN while promoting South-South economic integration. At official events and in speeches, publications, and communiqués, SSDC is repeatedly and consistently framed around the following claims:

- The assertion of a shared experience of colonial exploitation, post-colonial inequality, and present vulnerability to uneven neoliberal globalization, and thus a shared identity with poorer nations;
- Based on this shared experience, a specific expertise in appropriate development approaches and technologies;
- An explicit rejection of hierarchical relations and a strong articulation of the principles of respect, sovereignty, and non-interference; and
- An insistence on win-win outcomes of South-South foreign aid and mutual opportunity.

Even though political and economic realities of the globe and individual countries has shifted substantially from the 1950s to the new millennium, the language of SSDC reflects an earlier set of ideological claims and geopolitical positions. Susan Bayly, for example, has produced a detailed historical ethnography of Vietnam's development cooperation in the 1970s and 1980s. Notwithstanding the profoundly different situation within which capitalist Vietnam currently seeks to build its international relations, she writes:

I have been struck by the adoption of an idiom of socialist neo-tradition in official representations of Vietnam's present-day pursuit of overseas trade and investment opportunities. What has been said since the early 2000s in official media accounts of these initiatives is that Vietnam's quest for export markets in a host of "liberalising" African economies is not a pursuit of narrow economic gain or "interest." . . . On the contrary, say the ministries' media spokesmen, these efforts are wholly consistent with the country's heritage as a socialist

31. *Id.* at 84–85.

provider and maker of “traditional friendships” . . . through the imparting of aid and tutelage to the continent’s “needy” postcolonies.³²

This framing of past relations and current shared interests in this way differs markedly from the dominant construction of foreign aid in the West. Even though OECD-DAC politicians and policy-makers publicly state that national self-interest is a motivation for aid (for example, in terms of security), the wider public continues to overwhelmingly understand aid as charity to the less fortunate, whether or not it approves of such expenditure.³³ Indeed, Dane Rowlands observes that even among development professionals, “Despite the consistent evidence that [Western] aid allocation tends to be dominated by . . . political and strategic interests . . . there remains within the development community as a whole a sense that the true objective and motivation of development assistance is the moral one of assisting the less fortunate.”³⁴

The relationship between cultural constructions of giving and the realpolitik of foreign aid is complex. While investigations into underlying ethical frameworks of both western and Southern international aid and development cooperation do provide vital insights, they certainly do not reveal simple explanations of motivations or behaviors.³⁵ But it is nonetheless vital to recognize a strong sense of a particular form of virtue that animates SSDC, even while allowing for a more complex realpolitik.³⁶

Most Southern donors and development partners resist the donor-recipient terminology, and some even that of foreign aid, tarnished as these terms are by dominant Western and DAC associations. The Brazilian government talks in terms of horizontal cooperation, while South Africa articulates its role as “contributing to the African Renaissance,” describing itself as an organic part of the greater whole to which it gives, but from which in turn it can expect benefits.³⁷ Mutual opportunity and reciprocity are the themes

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32. SUSAN BAYLY, *ASIAN VOICES IN A POSTCOLONIAL AGE: VIETNAM, INDIA AND BEYOND* 226–27 (2007).
 33. MAWDSLEY, *FROM RECIPIENTS TO DONORS*, *supra* note 1.
 34. DANE ROWLANDS, *EMERGING DONORS IN INTERNATIONAL DEVELOPMENT ASSISTANCE: A SYNTHESIS REPORT* 5 (2008).
 35. Andrew Hurrell, *Hegemony, Liberalism and Global Order: What Space for Would-be Great Powers*, 82 *INT’L AFF.* 1, 5–6 (2006).
 36. For a sophisticated set of discussions on the continuities and changes in “moral” claims within the foreign policy of different large Southern states, and tensions with realist agendas and interests, see Charalampos Efstathopoulos, *Reinterpreting India’s Rise Through the Middle Power Prism*, 19 *ASIAN J. POL. SCI.* 74 (2011); Philip S. Golub, *From the New International Economic Order to the G20: How the “Global South” is Restructuring World Capitalism From Within*, 34 *THIRD WORLD Q.* 1000 (2013); Fabiano Mielniczuk, *BRICS in the Contemporary World: Changing Identities, Converging Interests*, 34 *THIRD WORLD Q.* 1075 (2013); Philip Nel & Ian Taylor, *Bugger Thy Neighbour? IBSA and South-South Solidarity*, 34 *THIRD WORLD Q.* 1091 (2013).
 37. Wolfe Braude, Pearl Thandrayan & Elizabeth Sidiropoulos, *The South Africa Case: Emerging Donors in International Development Assistance* (2008) (Report 3, South African Institute of International Affairs); Lídia Cabral & Julia Weinstock, *Brazil: An Emerging Aid Player* (2010) (Briefing Paper 64, Overseas Development Institute (ODI)).

that openly emerge in this language. India, for example, couches development cooperation in terms of the benefits it brings to itself as well as to its partners/recipients; it draws attention not just to what it gives, but to what it gets in return.³⁸ Senegal, Zambia, Ghana, and Mozambique, for example, are not just the objects of charity or humanitarian compassion, but places that can redeem their honor and status by providing resources, investment opportunities, and markets. The rhetoric of solidarity is given expression in the ritualized performances that surround events like the India-Africa Summit (launched in 2008), as well as bilateral high-level meetings and delegations. The red carpet is literally rolled out and every effort made to enact and convey respect while underlining the dignity and sovereign presence of the partner nations.

Perhaps the most celebrated—and criticized—expression of this stated commitment to sovereign respect in this particular arena, is that SSDC is characteristically not accompanied by policy conditionalities.³⁹ In other words, Southern partners apparently reject the practice of imposing changes with policy and governance structures, one of the most contentious aspects of mainstream international development over the last thirty years, given their role in driving and deepening neoliberal economic polities and economies across Eastern Europe and the “Third World.”⁴⁰ Many commentators reasonably express concerns that this unwillingness to insist on policy and governance conditionalities will undermine efforts to reduce corruption, achieve poverty reduction, and promote human rights. In some cases it is taken as evidence that the donors in question have little or no commitment to inclusive “development,” but to the pursuit of their own interests: securing investment opportunities, opening access to markets, capturing resource flows, and soaping diplomatic solidarities with political elites.⁴¹ China is often the key target of such criticisms. Its riposte, like that of other providers of SSDC, is located within its historic commitment to foreign policy principles that were enshrined in declarations at the Bandung Conference of 1955, notably respect for sovereignty. Western aid conditionalities repeatedly breach that sovereignty—insisting that states adjust currency rates, drop tariff barriers, privatize, deregulate, re-write tax codes, and so on. China and most other

38. South Centre, *supra* note 19, at 53.

39. Carina Kiala, *The Impact of China Africa Aid Relations: The Case of Angola* (2010) (Policy Brief No. 1, African Economic Research Consortium, Nairobi), available at <http://www.africaportal.org/dspace/articles/impact-china-africa-aid-relations-case-angola>.

40. THE NEW CONDITIONALITY: THE POLITICS OF POVERTY REDUCTION STRATEGIES (Jeremy Gould ed., 2005); GILES MOHAN, ED BROWN, & ALFRED B. MILWARD, STRUCTURAL ADJUSTMENT: PRACTICES, THEORY AND IMPACTS (2000); ANDREW MOLD, POLICY OWNERSHIP AND AID CONDITIONALITY IN THE LIGHT OF THE FINANCIAL CRISIS: A CRITICAL REVIEW (2009), available at http://www.oecd-ilibrary.org/fr/development/policy-ownership-and-aid-conditionality-in-the-light-of-the-financial-crisis_9789264075528-.en;jsessionid=pmgkttf6dsc.delta.

41. Naim, *supra* note 20.

Southern donors have been highly critical of this interference in the past, and the assertion that they respect the sovereignty of their partner countries is claimed to be a central principle of their development cooperation politics and conduct. Of course, while this provides an attractive implicit and explicit critique of the problematic dimensions of western interference in developing countries, it is also consistent with an unwillingness to respond to criticism of domestic and international human rights violations.

Are the Southern development partners right to assert respect for sovereignty, or are their protestations of conditionality reflective of their willingness to secure resources and markets with no concern for wider development impacts? There can be no singular response to this, but it should be noted that policy and media critiques are often levied at inappropriate targets. Soft commercial loans and export credits are often labeled aid and then disparaged for not conforming to international standards of ODA. This mis-targeting is a serious and widespread weakness within a surprisingly large number of commentaries. Just as Western firms would not be expected to demand policy conditionalities, neither should Indian or Brazilian commercial actors.

To return to alternative constructions of virtue, SSDC framings of solidarity, empathy, and mutual benefits should not be seen as simply a veneer for more strategic interests—notwithstanding the demonstrable pursuit of such strategic interests in many situations. The Southern states, amongst others, frame contemporary development assistance as a continuance of what Philippe Nel calls “the unfinished struggle against disrespect and humiliation.”⁴² Drawing on constructivist international relations theory, Nel argues that the rising powers are presently seeking not just *redistribution* of global wealth and power (e.g. at the UN Security Council), but also *recognition*. The hierarchical languages and assumptions embedded in mainstream development over most of the post-1945 era are emblematic of decades of such humiliation—indeed, it is remarkable to what extent patronizing and parochial languages and assumptions persist within both official and routine development discourse.⁴³ While there have been previous attempts to build Third World platforms and joint demands, such as the New International Economic Order (NIEO) in the 1970s, the economic and political muscle that the leading rising powers now command has changed. The reality of SSDC certainly departs from these principles at times, and there is no question that this discourse projects a sanitized and highly selective account of

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42. Philip Nel, *Redistribution and Recognition: What Emerging Regional Powers Want*, 36 *REV. INT’L STUD.* 951 (2010). See also CHRIS ALDEN, SALLY MORPHET & MARCO ANTONIO VIEIRA, *THE SOUTH IN WORLD POLITICS* (2010); Eduard Jordaan, *South Africa, Multilateralism and the Global Politics of Development*, 24 *EUR. J. DEV. RES.* 283 (2012).
 43. MARIA ERIKSSON BAAZ, *THE PATERNALISM OF PARTNERSHIP: A POSTCOLONIAL READING OF IDENTITY IN DEVELOPMENT AID* (2005).

interests, agendas, and impacts; it will not necessarily help the interests of poorer people or poorer countries.⁴⁴ But SSDC is construed through a moral lens: one that has a real and deep grasp for many proponents of SSDC, in spite of contradictions and tensions in practice.⁴⁵

What are the implications for the role of human rights within South-South Development Cooperation? This particular framing foregrounds a principle of justice among states. Sovereign respect, (supposed) non-interference, and the claim to be a part of and working for the developing country community are all expressions of this principle, something that is clearly appreciated by many within recipient countries.⁴⁶ It constitutes an entirely defensible challenge to a dispensation of global power that is manifestly unjust, reflecting colonial and post-war power relations. However, this SSDC focus on justice *among* states risks serious and problematic inattention to justice *within* states, notably in terms of individual human rights. Assertions of win–win outcomes are too often founded on a simplistic construction of the “national interest” of both partners, obscuring the contested and dislocating nature of development. Building roads, developing raw materials, and modernizing agriculture will bring benefits to many, but it also usually brings costs—particularly to indigenous peoples, small farmers, forest-reliant people, and the poor. The uneven social and economic consequences of such modernization and economic growth are often glossed over beneath a symbolic regime of striving nations seeking to contest inequalities and injustices within the international hierarchy of states. The contested sub-national politics of development are concealed in this account of win–win relations and Third World solidarity.⁴⁷ When India talks about “respect for sovereignty,” there is little acknowledgement that sovereign power may be contested from below, and that it by no means necessarily translates into an empowering relationship between a nation-state and its citizens.

The *politics* of economic growth, poverty reduction, and development—within and between Southern partners—are obscured within some of these ebullient South-South forums and confident statements of solidarity. SSDC has a very meaningful claim to virtue in principle, and it certainly has con-

44. Golub, *supra* note 36; VIJAY PRASHAD, *THE DARKER NATIONS: A PEOPLE'S HISTORY OF THE THIRD WORLD* (2008).

45. Western development professionals are often more than aware of the slippages between strategic interests and altruistic motivations, but it would similarly be a mistake to simply dismiss the dominant discourse of charity and/or enlightened self-interest as purely meaningless, or only hypocritical.

46. Paul Kagame, *Why Africa Welcomes the Chinese*, *THE GUARDIAN*, 2 Nov. 2009, available at <http://www.theguardian.com/commentisfree/2009/nov/02/aid-trade-rwanda-china-west>.

47. PRASHAD, *supra* note 44; RICK ROWDEN, *GRAIN & ECONOMICS RESEARCH FOUNDATION, INDIA'S ROLE IN THE NEW GLOBAL FARMLAND GRAB: AN EXAMINATION OF THE ROLE OF THE INDIAN GOVERNMENT AND INDIAN COMPANIES ENGAGED IN OVERSEAS AGRICULTURAL LAND ACQUISITIONS IN DEVELOPING COUNTRIES* (2011), available at http://re.indiaenvironmentportal.org.in/files/file/Rick_Rowden.pdf.

siderable positive impacts in many ways. However, not only does SSDC tend not to cohere with a rights-based development agenda or explicit concerns with human rights more generally, but in some regards the focus on state-state relations actively undermines attempts to promote human rights in and through development. It should be said that Brazil is a partial exception here, being notable for more strongly addressing social development issues and the distributional impacts of economic growth. Brazil's own experiences and policy decisions regarding poverty alleviation, including support for small family farms (and not just agri-business), have translated into its development cooperation policies and funding in a comparatively substantial way—although this in part may have been influenced by domestic factors.

C. Domestic and International Development Politics

The Southern development donors and partners have mixed domestic records with regard to human rights. To what extent may struggles to promote human rights within the national polity shape their international development cooperation policies and programs? Might foreign affairs and development cooperation administrations and leaders internalize human rights principles and ideals being negotiated within the domestic sphere? Are domestic civil society organizations and ordinary publics monitoring and demanding that their development cooperation be conducted in ways that recognize, value, and even enhance human rights? Piccone offers a cautiously optimistic view with regard to the place of the emerging democratic powers within the multilateral community more broadly:

[D]omestic advocacy groups are building international networks and learning how to pressure their governments to alter their behavior at the International level. Social media and the 24-hour news cycle are also contributing factors. As democracy deepens in these countries, and as regional and international organizations grow in importance, we are likely to see more public debate on these issues and, ultimately, greater country-level scrutiny and intervention in support of universal norms of human rights and democracy.⁴⁸

There is some evidence of these trends. The Brazilian organization Conectas, for example, has a human rights mission domestically but also abroad, as it seeks to strengthen regional and international protection of human rights by making Global South countries, particularly Brazil and other new emerging powers, accountable for their foreign policies' decisions that affect human rights. It also aims at promoting the use of the UN and regional human rights systems by NGOs from Africa, Asia and Latin America, in order to

48. Piccone, *supra* note 25, at 151.

contribute to the effectiveness of these mechanisms to achieve real impact of the ground.⁴⁹ There are also stirrings of action within the transnational development NGO sector. Some of the larger Indian NGOs, for example, are keen to more closely observe and take part in India's development cooperation role in Afghanistan.⁵⁰ Among sections of the public, awareness is growing of their countries' public roles as donors and development partners, not just as recipients.⁵¹ Stuenkel notes that:

Until recently, foreign policy has been a topic discussed only among Brazil's elites. Yet, due to Lula's more politicized foreign policy, international issues are increasingly visible in the domestic political debate, and there is a growing consciousness about Brazil's role in the world among Brazil's middle class.⁵²

Similarly, Engstrom observes that:

As Brazilian foreign policy has democratized—with increasing civil society input—and as Brazil has emerged as a pivotal player in global governance, the engagement with international human rights by Brazilian foreign policy has increased. This shift has created the necessary policy conditions for a more active Brazilian role in the international human rights regimes on the one hand, and a more prominent role for human rights in Brazilian foreign policy more generally, on the other.⁵³

The trend may then be positive. However, to date the picture of South-South Development Cooperation is not particularly encouraging. First, some governments are cautious about revealing figures and details of their development cooperation programs given the potential backlash against overseas spending when domestic levels of poverty are high. This appears to be the case in South Africa, for example.⁵⁴ This can inhibit wider public awareness and

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49. Conectas Human Rights, *Foreign Policy and Human Rights*, CONECTAS.ORG, available at <http://www.conectas.org/en/foreign-policy>.
 50. PRIA & RESEARCH AND INFORMATION SYSTEM FOR DEVELOPING COUNTRIES (RIS), INDIA'S GLOBAL DEVELOPMENT PRESENCE AND ENGAGEMENT OF INDIAN CIVIL SOCIETY 2 (2013), available at http://www.pria.org/index.php/projects/past-projects/item/download/1041_df82c4be7c5a-64da2597dcf4d2a6579e; see also Supriya Roychoudhury, *India's External Aid: Lessons and Opportunities*, 48 ECON. & POL. WKLY. 22 (2013).
 51. Emma Mawdsley, *The Changing Development Landscape of Foreign Aid and Development Cooperation: Public Perceptions in India: Introduction* (2011), available at <http://www.geog.cam.ac.uk/research/projects/foreignaidperceptions/>.
 52. Oliver Stuenkel, *Responding to Global Development: Views from Brazil and India* 8 (2010) (Discussion Paper 11/2010, German Development Institute).
 53. Par Engstrom, *Brazilian Foreign Policy and Human Rights: Change and Continuity under Dilma*, 38 CRITICAL SOCIOLOGY 835, 837 (2012).
 54. J. Kruger, *An African Donor: Towards Understanding South African Aid Allocation* (2010) (Unpublished Master's Thesis, Institute of Development Policy and Management, University of Antwerp) (on file with University of Antwerp); Helen Yanacopolos, *The Emerging Powers and the Changing Landscape of Foreign Aid and Development Cooperation: Public Perceptions of Development Cooperation in South Africa* (2011) (Summary Paper 5—South Africa, The Open University), available at <http://www.geog.cam.ac.uk/research/projects/foreignaidperceptions/>.

debate, while limited transparency can present difficulties for civil society organizations (CSOs) seeking to monitor development cooperation. Second, domestic audiences and actors may feel that national concerns are simply too large and pressing to justify making room for external engagements; transnational action may be novel, intimidating, or too resource-demanding. In India's case, there is also a notable reluctance to wash dirty linen in front of the global public; in other foreign policy contexts, India's otherwise vocal and lively CSO sector has shown itself to be reluctant to criticize the nation abroad,⁵⁵ although there are now signs of growing CSO awareness and engagement.⁵⁶ Third, the middle class is the most likely section of the public to concern itself with international development policy. This has different implications in different places. In the case of India, many elites and members of the middle class demonstrate forceful support for India's growing global status. The rhetoric of win-win economic growth appeals to both their commercial and patriotic interests, while poverty reduction at home and abroad is not always a key concern.⁵⁷

The domestic factors that support the greater realization of a human rights agenda within individual Southern states include electoral pressures, the media, the judiciary, and civil society organizations. Of course, these institutions are often flawed, and there continue to be major human rights shortcomings and even abuses in these states. However, each state also has successes to its name—the Right to Information and Right to Food Bills in India, sexuality rights in South Africa, and so on. However, thus far the domestic drivers of such achievements appear to be of limited value in promoting a stronger human rights agenda in international development policies.

D. Stronger Focus on Growth and Productivity

Throughout the 1990s and into the new millennium, many DAC donors and multilateral organizations started to place growing emphasis on social programs, decentralization, empowerment, and partnership in pursuit of democratic governance. In 2008, the World Bank reported that of sector-

55. MUKUND GOVIND RAJAN, *GLOBAL ENVIRONMENTAL POLITICS: INDIA AND THE NORTH-SOUTH POLITICS OF GLOBAL ENVIRONMENTAL ISSUES* (1997); Susie E. Fisher, *Networks for Climate Change: Non-State and Sub-National Actors in Indian Climate Politics and Governance* (2012) (Unpublished Ph.D. thesis, University of Cambridge) (on file with Cambridge University Library).

56. PRIA-RIS, *supra* note 50, at 11.

57. Emma Mawdsley & Supriya Roychoudhury, *Civil Society Organisations and Indian Development Assistance: Emerging Roles for Commentators, Collaborators and Critics?*, in *INDIA'S SOFT POWER: THE EMERGING DYNAMICS OF INDIAN DEVELOPMENT COOPERATION* (Sachin Chaturvedi & Anthea Mulakala eds., 2015 forthcoming); Daya Kishan Thussu, *A Million Media Now! The Rise of India on the Global Scene*, 101 *THE ROUND TABLE: THE COMMONWEALTH J. INT'L AFF.* 435–446 (2012).

allocable ODA to low-income countries, the share of social sectors rose from 27 percent in the early 1990s to an average of 41 percent between 2001 and 2014. At the same time, the combined share of ODA directed towards infrastructure and production dropped from 53 percent to 34 percent.⁵⁸ Japan continues to direct a larger share of its ODA towards physical infrastructure, including transport and storage, communications, and energy, but it is an outlier in DAC. Since the 1990s, Japan has come under pressure to focus more on poverty and soft aid.⁵⁹ In some respects, this trend can be seen as a progressive one, which responded to the criticism that growth did not always trickle down to improve the lives of the majority or reduce poverty.⁶⁰ However, more critical commentators observe a deepening penetration of neoliberal governmentalities,⁶¹ while a different critique emerges from those who argue that the mainstream development community has come to neglect the underlying foundations of productivity and economic growth.⁶²

In contrast, the (re)emerging donors/development partners have tended to focus more strongly (although by no means exclusively) on the directly productive sectors of the economy, often through specific project funding and technical cooperation, as well as through broader trade and investment activities.⁶³ This includes the building of connective infrastructure like road and rail networks; energy infrastructure including dams, power plants, refineries, and electricity transmission networks; and investment in manufacturing, mining, and agriculture. There are a number of reasons for this strong emphasis on economic productivity. Development partners and donors are able to benefit more directly and immediately from infrastructure and economic investment. Domestic firms in the donor country (private and state-owned) can be contracted to supply technical expertise, materials, and even labor. Hisahiro Kondoh et al., point out that for most South-South partners the construction sector has a particularly high comparative advantage in cost-performance and suggest that, "it is thus logical that these donors regard infrastructure construction as their priority."⁶⁴ Beyond these direct benefits, many (re)emerging development partners have a strong interest

58. WORLD BANK, *AID ARCHITECTURE: AN OVERVIEW OF THE MAIN TRENDS IN OFFICIAL DEVELOPMENT ASSISTANCE FLOWS 10* (2008), available at http://www.worldbank.org/ida/papers/IDA15_Replenishment/Aidarchitecture.pdf.

59. DAVID ARASE, *JAPAN'S FOREIGN AID: OLD CONTINUITIES AND NEW PERSPECTIVES* (2005).

60. John Brohman, *Economism and Critical Silences in Development Studies: A Theoretical Critique of Neoliberalism*, 16 *THIRD WORLD Q.* 297, 299 (2010).

61. THE NEW CONDITIONALITY, *supra* note 40, at 7.

62. Ha-Joon Chang, *Hamlet Without the Prince of Denmark: How Development has Disappeared From Today's "Development" Discourse*, in *TOWARDS NEW DEVELOPMENTALISM: MARKET AS MEANS RATHER THAN MASTER* (Shahrukh Rafi Khan & Jens Christiansen eds., 2011).

63. VIVIEN FOSTER, WILLIAM BUTTERFIELD & CHUAN CHEN, *BUILDING BRIDGES: CHINA'S GROWING ROLE AS INFRASTRUCTURE FINANCIER FOR SUB-SAHARAN AFRICA* (2008) available at <http://elibrary.worldbank.org/doi/pdf/10.1596/978-0-8213-7554-9>.

64. Kondoh et al, *supra* note 22, at 58.

in promoting regional integration and communication, partnerships, joint ventures, and economic dynamism. Some of this is oriented towards promoting trade, investment, resource extraction, and market penetration. In other cases, there are additional security and stability motivations. Thailand, for example, has evident interests in mitigating the marked poverty of its close neighbors, which include Burma, Cambodia, and Laos.⁶⁵ By encouraging stronger economic growth in these countries, Thailand hopes to lessen the risks of disease pandemics, political instability, and large-scale migration.

Interestingly, it appears that the international development community, while by no means completely discarding the previous aid effectiveness paradigm, may move in the direction of the (re)emerging donors and development partners. Francesco Rampa and Sanoussi Bilal suggest that increasing pressures of commercial and national interest are pointing towards a turn away from “aid effectiveness” and towards a “development effectiveness paradigm.”⁶⁶ There is no exact agreement on what this means, other than a renewed focus on economic growth, enhancing industrial productivity, wealth creation rather than poverty reduction per se, greater integration between foreign aid and other policy areas (such as trade, investment and migration), and a growing and more visible role for the private sector. Nils-Sjard Schulz talks about a “post-aid” world,⁶⁷ and many development agencies and organizations are scrambling to respond to what may well be the next paradigm shift within mainstream development theories and practices. As noted above, the (re)emerging donors and development partners tend to interweave trade and investment with concessional financing, technical assistance, and other forms of aid. This model seems to be attractive to many recipients/partners. In contrast to earlier criticisms, many OECD-DAC donors now appear to be evaluating this approach to development cooperation more positively. The key challenge of the next decade may be to harness the developmental benefits of this approach without inviting a race to the bottom by competing national interests, which could sacrifice wellbeing, environmental sustainability, and social and political justice.

How might this trend impact human rights? There is a case to be made that Southern development partners are helping drive significant economic growth across many poorer countries, enhancing economic rights for millions of people. However, the overall impacts on political and civil rights appear to be neutral at best and undermining at worst. Such concerns were evident at the 2011 High Level Forum on Aid Effectiveness in Busan. Leading up to and

65. *Id.* at 25.

66. Francesco Rampa & Sanoussi Bilal, *Emerging Economies in Africa and the Development Effectiveness Debate*, ECDPM Discussion Paper 8 (2011); Emma Mawdsley, Laura Savage, & Sung-Mi Kim, *A “Post-Aid World”? Paradigm Shift in Foreign aid and Development Cooperation at the 2011 Busan High Level Forum*, 27 *GEOGRAPHICAL J.* 27, 30 (2014).

67. Schulz, *supra* note 3, at 4.

during the meeting, many civil society organization representatives sought to project development effectiveness as a rights-based agenda. Better Aid, for example, argued that a new development cooperation system should be built upon a focus “on human rights, recognizing the centrality of poverty reduction, gender equality, social justice, decent work and environmental sustainability.”⁶⁸ Richard Ssewakiryanga, a Ugandan CSO activist, asserted that: “For civil society, [development effectiveness] is a concept that goes beyond efficient disbursement procedures (which is what aid effectiveness is) to focus on ensuring that human rights are at the core of the way in which aid is delivered.”⁶⁹

However, this rights-based interpretation did not reflect the dominant tone of the meeting, or how other, more powerful actors were construing development effectiveness. Tensions mounted between civil society actors and two other groups in particular: Southern donors and the private sector. Chinese delegates openly questioned the universal validity of the claim that democratic ownership, human rights, and citizen empowerment are necessary to achieve [economic] development. Civil society participants in turn expressed concerns that SSDC could be elitist and less accountable. Participants were also concerned that these factors might dilute democratic principles in the future aid architecture. Ssewakiryanga, for example, went on to say:

This call for adopting a rights-based approach to aid delivery will certainly be a touchy issue, especially because the new emerging donors have little to show in terms of linking up their rapid economic development with the protection of human rights. Indeed, as we go forward, the place of human rights in the aid discourse remains contested.⁷⁰

Ssewakiryanga correctly expects resistance; the rights-based projection of development effectiveness represented a minority view at Busan, and one that is likely to be overwhelmed by the more dominant growth-centered construction that appears to be emerging amongst many DAC and non-DAC states alike.

Even allowing for the turbulence of the global financial crisis, for many in the South the current period compares favorably to the IMF and World Bank-led decades of structural adjustment and the immiseration, austerity, and stagnation that followed. The Southern rising powers have some right to assert their role in improved economic rights for many.⁷¹ However, with some

68. BETTER AID, *CSOs ON THE ROAD TO BUSAN: KEY MESSAGES AND PROPOSALS* (2011), available at http://www.ituc-csi.org/IMG/pdf/FEBDraft_BetterAid_Key_Ask_Document.pdf.

69. Richard Ssewakiryanga, *From Aid Effectiveness to Development Effectiveness*, DEVEX.COM (2011), available at <https://www.devex.com/news/from-aid-effectiveness-to-development-effectiveness-76786>.

70. *Id.*

71. For a fascinating discussion of how and why this has been achieved in East Asia, see JONATHAN RIGG, *UNPLANNED DEVELOPMENT: TRACKING CHANGE IN SOUTH EAST ASIA* (2012).

exceptions, there appears to be very little acknowledgement or discussion of the distributional issues and implications of such growth. The winners and losers in the processes of industrialization and resource extraction are very rarely even noted. The human rights of poorer peoples, and notably marginalized communities like peasants, small farmers and fisher folk, pastoralists, and workers in the formal and informal sectors, are rarely actively supported within this growth-led strategy and construction of development. In some cases they are actively undermined.

V. CONCLUSIONS

This article has argued that human rights tend to be only weakly, indirectly, and residually incorporated into South-South Development Cooperation policies and programs. There are exceptions, but for the most part human rights are not explicitly pursued, notwithstanding claims in various speeches and declarations. Reasons for this include the nature and modalities of SSDC, its anchoring within the historical principles of non-interference and respect for sovereign decision-making associated with long-standing Third World politics, the limitations of domestic scrutiny of their development cooperation policies and programs, and the inclination towards supporting growth and productivity rather than good governance, democracy, and social programs.

Through their development cooperation efforts, the rising powers are helping promote the economic rights of millions of people in lower and middle income countries, which stimulates jobs, investment, and growth—although there are questions about whether or not they are driving a more structural change in global inequalities.⁷² Most are also engaged to some extent in social welfare programs,⁷³ and in some cases are providing innovative and successful approaches to poverty reduction, peacekeeping, and other development goals. However, for the most part these social welfare programs are residual to the wider growth agenda. Economic justice *within* states is not on the agenda, while civil and political rights are certainly not highlighted or prioritized as goals of SSDC.

Global development norms, governance, institutions, and financing are currently in a state of flux and tremendous uncertainty. The future of the human rights agenda within international development looks even more vulnerable than was previously the case. However, as this article has attempted to show, the reasons for this are rather more complicated than a

72. Nel & Taylor, *supra* note 36, at 1107.

73. Haroon Borat & Aalia Cassim, *South Africa's Welfare Success Story II: Poverty-Reducing Social Grants*, Brookings, BROOKINGS.EDU (2014), available at <http://www.brookings.edu/blogs/africa-in-focus/posts/2014/01/27-south-africa-welfare-poverty-bhorat>.

simple headline story about the self-interest of the [so-called] “new” donors and development partners and their lack of interest in human rights. A better understanding of SSDC is essential to negotiate and advance a more credible and legitimate human rights agenda within any new development paradigm that might emerge in the next few years and beyond.