

# **The right to development and states' moral duty of international solidarity**

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## Introduction

Everywhere in the world, billions of people are suffering from a lack of access to decent living conditions. This is ‘understood in terms of what is necessary for them to meet their needs, enjoy basic freedom, fair terms of cooperation in collective endeavours, and the social and political arrangements that can underwrite these important goods.’ (Brock, 2009a, p. 119) Figures show that there is no hope of the situation changing by itself, as inequality worldwide keeps increasing. In 2015, the renowned non-governmental organisation Oxfam was already calling on world leaders to take action, and wrote in its report:

‘In 2014, the richest 1% of people in the world owned 48% of global wealth, leaving just 52% to be shared between the other 99% of adults on the planet. Almost all of that 52% is owned by those included in the richest 20%, leaving just 5.5% for the remaining 80% of people in the world. If this trend continues of an increasing wealth share to the richest, the top 1% will have more wealth than the remaining 99% of people in just two years’ (Hardoon, 2015, p. 2).

Then, in 2018, Oxfam raised the alarm once more, stating in its report that the richest 1% of the global population gained 82% of the wealth generated in 2017, which illustrates a worsening of the situation (Vazquez Pimentel, Macias Aymar, & Lawson, 2018). Ambitious actions must be undertaken.

Development cooperation aims to enhance development in areas of the world where people lack access to proper standards of living. These areas are said to be ‘underdeveloped’ or ‘developing’ which means they are considered disadvantaged compared to ‘industrialised states’<sup>1</sup>. The causes for their disadvantage are often considered to lie in problems of resource

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<sup>1</sup> Usually, this conceptual division of the world between the ‘developed nations’ and the ‘underdeveloped nations’ is based on the per capita GDP: ‘while the countries in the first group have a per capita GDP higher than one, calculated by dividing the per capita GDP of the country by the global per capita GDP, the countries in the second group will have a per capita GDP lower than one.’ (Chen, 2009, p. 293) Other dichotomies also appear in the literature: ‘donor-recipient’, ‘developed/ industrialised-developing’, ‘the West-the Rest’ and ‘the North-the South’ – with the donor, the developed, the industrialised, the West and the North referring to the affluent countries, whereas the recipient, the developing, the Rest and the South mean the poorer countries. All these terms always refer to the same ideas of inequality and disadvantage between nations that is at the basis of development cooperation. In this paper, I generally refer to the targeted groups as ‘deprived people’ because their disadvantage is reflected in their deprivation of the right and capacity to enjoy decent living conditions.

constraints or bad governance. Development cooperation attempts to overcome these problems by offering ‘developing states’ technical and financial assistance; supporting their democratic institutions; and helping them to strengthen their economies by successfully mobilising their available resources and taking better advantage of market opportunities.<sup>2</sup> Since every person deserves to be as able as other human beings to improve her wellbeing, the fair access to the development process and its benefits became the object of the human right to development (RTD) proclaimed by the United Nations (UN) in 1986. It is about enabling a person to improve her wellbeing by freely and meaningfully participating to and benefiting from human development. In 1993, the Vienna Declaration and Programme of Action recognised the RTD as a universal human right. Unfortunately, billions of people remain unable to enjoy this right by lack of access to basic goods and freedoms, while some others have the capacity to assist them. Most notably, ‘affluent states’ could achieve much more through development cooperation. But it faces problems preventing it to meet its purpose of fostering global development. The main objective of this paper is to argue that the RTD implies a duty of international solidarity<sup>3</sup> that should generally fall on ‘affluent states’. It is an important topic because a duty of international solidarity based on the RTD could help development cooperation to better serve its purpose. The billions of deprived people would finally be able to enjoy their RTD and improve their wellbeing.

My inquiry proceeds as follows. It is shown in the first chapter that the duty of solidarity is a collective duty for which particular agents around the world must do their fair share because the deprivation of billions of people is a global issue that must be tackled through cooperation at domestic and global levels. States – especially affluent ones – are such agents who can form

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<sup>2</sup> In the non-profit sector, people usually prefer to refer to international solidarity rather than development cooperation, because the word development may be linked to notions of domination, imperialism and exploitation. This is notably because development cooperation can be sourced to the Covenant of the League of Nations after World War I that first introduced the idea of ‘development stages’, ‘thereby justifying a classification system according to which there were ‘developed’ nations at the top of the ladder’ while other nations were ‘underdeveloped’, i.e. ‘economically backward’ areas (Rist, 1997, pp. 61, 72). For more on this, confer post-development theories. Since development has remained the most dominant word within international relations and international law, it is convenient to continue using it and related terms throughout this paper.

<sup>3</sup> I chose to borrow Scheyven’s expression because it reflects well the essence of the duty corresponding to the RTD, and because I wanted to distinct the duty of solidarity from other duties like the duty to protect (for instance defended by D. Miller (2009) in regard to basic human rights) or the duty to aid (presented by V. Ignieski (2017) concerning the right to subsistence). In other words, I wanted an expression that could almost only be attributed to the context of the RTD.

a collective agent very capable of bearing the duty. To perform their duty, they should use a common international institution such as the OECD (Organisation for Economic Cooperation and Development). In theory, states cooperate to foster development and the OECD coordinates indeed a large part of development cooperation. In practice however, current development cooperation faces issues preventing it to be the kind of cooperation necessary to perform the duty of international solidarity.

This concern is the object of the second chapter. The development process appears to often be instrumentalised to serve other purposes than improving the lot of humankind. This plays a role in the financing gap of development. There are also misuses and inappropriate solutions due to the lack of transparency and accountability, and to the patronising attitude of ‘affluent states’. These problems have aroused a large range of criticisms against aid in the literature because they have led to ineffectiveness and have even done harm. Aid is therefore not perceived as a suitable means to improve the situation of the destitute. The second chapter largely draws on the work of William Easterly (Easterly, 2006) who, in his famous book *The White Man’s Burden*, claims that evidence over the past sixty years provides very little support for the general belief that development aid is needed for poor countries to escape poverty. It shows on the contrary that ‘poorest countries *can* grow and develop on their own’, that economic stagnation is rather due to awful governments, and that, according to statistics, ‘countries with high aid are no more likely to take off than are those with low aid’ (Easterly, 2006, pp. 40, 43, 51). According to him, aid faces too many intrinsic problems and does more harm than good. In the face of so much problems, it is time to reshape development cooperation and reconnect it with its moral purpose.

The third chapter explores the human rights-based approach (HRBA) to development – i.e. methods focused on the realisation of human rights throughout the development process – as a solution to problems of development cooperation and a means to realise the duty of solidarity. Based on human rights principles, the HRBA provides guidance on the way human development should be pursued. In fact, such approach is called for in the RTD Declaration since it demands the respect of human rights principles and aims at the full realisation of human rights throughout all phases of the development process. This paper finishes on a simple proposal for inclusive public participation to empower deprived people to take an active role in the development process.

## **Chapter 1. States' duty of international solidarity**

In 1986 the UN proclaimed the human right to development (RTD) as '*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 realised.*' (United Nations, 1986, art. 1) The declaration presses UN members to increase their efforts and cooperation to remove the obstacles to development. Since the 1993 Vienna Declaration and Programme of Action, the RTD is legally recognised as a universal human right. Considering that the notion of development is broad and complex, the RTD 'does not respond to and cannot be attributed a harmonised or universally-acceptable definition.' (Ngang, Kamga, & Gumede, 2018, p. 2) Nevertheless, the Declaration on the RTD provides basic elements enabling us to understand what the recognition of such human right should entail. Like any other human right, the RTD implies a duty to respect it for all humankind. No one can pretend to have the right to deprive someone of her human rights. Then, the RTD is also linked to a duty to aid one's fellow man deprived of his RTD. The more an agent is capable to help people to enjoy their RTD, the more responsible she is to contribute to its realisation. In many cases, it will turn out that a collective agent will be more capable than an individual. To avoid confusion, I choose to call 'the duty to aid' a 'duty of solidarity' when it is borne by a collective agent instead of an individual. This chapter takes an interest in states as collective agents and argues that they bear a duty of international solidarity towards any person deprived of her RTD because they are powerful agents whose contributions are necessary for the RTD to become a reality, firstly within their own borders, then at the global level. This chapter also explains that additional considerations to the capacity principle should come to use when assigning the duty.

### **I. The human right to development**

'Human rights are defined as values of human dignity that aim to protect and advance the liberty, equality and wellbeing of individuals and/or groups of people.' (FAO, 2017, p. 6) It is their purpose to secure minimum basic life conditions so that a person can make herself respected and have a decent life that she values. This is 'understood in terms of what is necessary for [a person] to meet [her] needs, enjoy basic freedom, fair terms of cooperation in collective endeavours, and the social and political arrangements that can underwrite these

important goods.’ (Brock, 2009a, p. 119) Access to development is crucial for human wellbeing. It is a process enabling a person to continually improve her living standards (economic, social, cultural and political) actively, freely and meaningfully, so she can at the very least live in conditions where her human dignity is not jeopardised, i.e. where her inherent value as a human being is respected. Such conditions require the respect of all human rights. Aware of this necessity, the UN proclaimed in 1986 the Right to Development (RTD). In the Declaration, development is described 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 therefrom*’ (United Nations, 1986). The development process should entail measures aiming to ‘ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income.’ (art. 8, 1986) The idea behind the RTD is that all human beings are entitled to benefit from this comprehensive development process so they can rightfully live with dignity in a social and international order in which all human rights and fundamental freedoms set forth in human rights official instruments can be fully realised (such as in the Universal Declaration of Human Rights and the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights).<sup>4</sup> Consequently, the RTD expresses a comprehensive and holistic vision of development according to which the improvement of human wellbeing requires the respect of human dignity, which necessitates the realisation of all human rights (civil, political, economic, social and cultural) into an indivisible and interdependent set to be enjoyed by all human beings (Sengupta, 1999, para. 11). And inversely, the realisation of all human rights demands free and equal access to the development process, because if they are not given the right and means to improve their wellbeing, people cannot secure respect for their dignity. The RTD is the expression of this interdependence between the idea of development and human dignity. Both are necessary for the realisation of one another, thus for the constant improvement of human wellbeing and for the universal realisation of all human rights. In this sense, Bernard Raymond Guimbo considers

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<sup>4</sup> Note that the RTD differs from the right to subsistence which merely gives right to the most basic human needs, whereas the RTD defends the idea that every human being is entitled to be able to constantly improve his wellbeing through the enjoyment of all human rights.



that the RTD is consubstantial to human dignity; its denial would condemn the claim that all humans are equal. Claiming that all human beings have equal worth only has meaning if we acknowledge that they should have equal opportunities and means to continually improve their life conditions, i.e. a right to development (Guimbo, 1997, p. 79). To be sure, the RTD only looks at human rights holistically, never separately. Therefore, if any human right is violated, the set is incomplete and the RTD is not achieved. In other words, the level of realisation of this right is contingent on the level of realisation of other human rights. When a person enjoys life conditions in which all her rights are realised and dignity respected, she keeps her right to constantly improve her wellbeing if she is not satisfied with her situation. To respect her dignity requires to respect her right to fulfil herself within the respect of other persons' rights and freedoms. The development process should not be instrumentalised and serve another purpose than improving the lot of humankind, and it should never jeopardise a person's dignity, rights and freedoms.

## **II. The general duty to aid**

Like any right, the RTD is composed of both entitlements and duties; it involves right holders who are entitled to enjoy development and duty bearers who are obligated to realise the RTD. As explained above, realising the RTD requires proper living conditions. So, duty bearers have the duty to respect these conditions (meaning not worsening them) and the duty to aid the people deprived of them. Since the RTD is a human right, the right holders are every living human being. Duty bearers, on the other hand, are more difficult to identify. Both duties are general moral duties, i.e. a 'duties we have toward all humanity universally' (Parrish, 2009, p. 123). They indicate broad moral goals that require positive steps (Buchanan, 1996, p. 29). Unlike special moral duties that can easily be assigned to specific persons due to special connection to right holders, general duties can be claimed against anyone. In the case of the duty not to harm (or the duty not to worsen others' living conditions), this does not cause a problem because it is a perfect duty; it is clear what can be claimed by right holders (everyone has the right not to be harmed), and what is owed by duty bearers (everyone has the duty not to harm others) (Igneski, 2017, p. 35). Or in Allen Buchanan's words: '*Perfect duties are determinate, both with regard to the content of what is required (what one is obligated to do) and with regard to the identity of the object of the duty (the individual or individuals to whom or for whom one is to do something).*' (1996, p. 28) It is different in the case of the duty to aid,

for it is an imperfect duty; it faces an important ‘degree of indeterminacy’, meaning it does not impose a specific request on duty bearers, only that they commit to certain ends (Igneski, 2017, p. 36). It demands of everyone a commitment to aiding people deprived of conditions enabling them to improve their wellbeing, but duty bearers are free to decide how and when to fulfil their commitment, and free to decide who to help. ‘What is important is that we do something, sometime (...). We need not do this particular thing, for this particular individual, today.’ (1996, pp. 30–31) Everyone has the responsibility to do something: ‘it would be morally wrong – a denial of equal human worth – simply to stand by and do nothing.’ (Miller, 2009, p. 233, footnote)

Due to its inherent flexibility, an imperfect duty faces problems of lack of coordination, moral laxity and allocation. The first is due to the fact that moral agents tend to act independently and weigh their efforts ‘according to their own judgement and preferences’ as to how to perform their duty (1996, p. 32). This generally leads to a problem of moral laxity, meaning that agents contribute less or not at all to their imperfect moral duty. Finally, right holders can hardly identify particular duty bearers against which they can claim their RTD, that is the duty allocation problem. As David Miller has pointed regarding the duty to protect basic human rights, ‘*It is one thing to say that when large-scale violations of human rights are taking place, there is a diffused responsibility on the part of humanity as a whole to protect the victims; it is another to say more precisely where this responsibility falls and how it can be made effective.*’ (Miller, 2009, p. 235) So, against whom should a person in need claim assistance if we are all responsible? How should the duty to aid be assigned? While the first two problems can be solved through schemes of cooperation, the lack of straightforward answer to the identification gap may lead some people to question the meaningfulness of the RTD. Rather than giving up on the RTD, we should figure out a scheme enabling us to identify specific moral agents in each case who bear more responsibility than others.

### **III. Principles to assign the duty**

There are various criteria based on which the general duty to aid can be assigned to certain agents due to their particular connection to right holders. Like Violetta Ignieski (Igneski, 2017), we can find inspiration in David Miller’s principles to allocate remedial responsibility. ‘*To be remedially responsible for a bad situation means to have a special obligation to put the bad situation right, in other words to be picked out, either individually or along with others, as*

*having a responsibility towards the deprived or suffering party that is not shared equally among all agents.*' (Miller, 2001, p. 454) In the case of the duty to aid, we can say that the bad situation is the lack of proper living conditions to enjoy the RTD. Even if everyone is responsible to improve the situation, there are duty bearers who are especially remedially responsible towards particular right holders due to their special responsibilities. The assignment of such special responsibilities operates under a set of principles.

#### **i. Backward-looking principles**

Miller discusses such principles who could imply special responsibilities between right holders and moral agents. There are two kinds: the backward-looking and the forward-looking principles. Backward-looking principles care about the past, whereas forward-looking principles use considerations about the future. It is not enough to search in the past for the causally responsible agent, because we are unlikely to hold her remedially responsible in cases where her actions were justified and inevitable, or unintentional (Miller, 2001, p. 459). With this in mind, Miller explains that principles to assign remedial responsibility must examine agents' conduct and 'how far their behaviour was justified.' (2001, p. 457) Thus, backward-looking principles assign responsibility to agents who can be blamed for having caused or permitted a wrong state of affairs to exist or continue due to 'negligence, strict liability, or some similar criterion.' (Parrish, 2009, p. 122) Miller distinguishes two principles: **moral responsibility** and **outcome responsibility**. An agent is morally responsible to remedy the deprivation of some people if she has failed her moral duty to provide for them. The agent is thus 'liable to moral blame.' (2001, p. 456) She is outcome responsible if she did something – although morally justified – that caused the deprivation of these people and for which it is reasonable to demand reparation from her (unlike a causally responsible agent). In this case, the agent has 'done nothing that attracts moral praise or blame' but still owes reparation (ibidem). Sometimes, there is no moral responsible nor outcome responsible. Therefore, Miller evokes that remedial responsibility can also be assigned to agents who have benefited from the harmful situation. This is **the benefit principle**.

#### **ii. Forward-looking principles**

These three backward-looking principles are often useful to assign remedial responsibility, and they reflect most people's moral intuitions that it is the agent(s) who played a role in the

harmful situation who must remedy it. However, because they look exclusively in the past, these principles cannot always serve the duty to aid, for instance when the agent ‘proves to be incapable of discharging her remedial responsibilities’ (Miller, 2001, p. 460). For this reason, considerations about the future also matter when assigning responsibility. In Miller’s work, this is assured by **the capacity principle**. It appoints responsible agents by assessing who will best achieve the goal of carrying a certain state of affairs. The idea is that ‘If we want bad situations put right, we should give the responsibility to those who are best placed to do the remedying.’ (2001, pp. 460–461) In the case of the duty to aid, the expected state of affairs is the amelioration of people’s living conditions so they can enjoy their RTD. To identify the most capable agent(s), both factors of effectiveness and cost must be considered (2001, p. 461). The weakness of this principle is that it assigns ‘no intrinsic weight to the value we attach to moral responsibility’ and historical considerations (2001, pp. 461, 466).

Additionally, another principle proposed by Miller is **the communitarian principle**. It states that: an agent may be held remedial responsible if she has a special relationship with the deprived people due to communal ties (‘such as those that exist within families, collegial groups of various kinds, nations, (...) common activities and commitments, common identities, common histories, or other such sources’) (2001, p. 462). One might ask whether it is relevant to use the idea of special responsibilities to assign a general duty. As demonstrated by Simon Caney, it is possible for a humanity-centred approach that assigns the duty to every individual ‘independently of person’s membership of a common association, [to] capture the ways in which associations have moral relevance for distributive justice.’ (Caney, 2011, pp. 526, 529) According to his ‘variability thesis’, it is not the humanity-centred distributive principle (i.e. the assignment of the duty to every human being) that varies, but what he calls the ‘substantive implications’ of the principle. The latter are affected by the extent of integration of the duty bearer in associations. In other words, it is coherent to claim that all individuals are duty bearers regardless of their relations to right holders, but also claim that what the duty requires of them will vary according to these relations. Caney exposes this idea in the ‘special responsibility thesis’: ‘a persons’ moral responsibilities may be a function of their membership of associations’ because, in addition to having general responsibilities to all, ‘some have special responsibilities to ensure that some specific others to whom they are related enjoy their legitimate entitlements’ (2011, p. 529). While everyone must care that every person be able to enjoy her RTD (entitling her to good prospects in life), some may owe them more than others

by virtue of their special responsibilities towards them. Anyway, the communitarian principle cannot be used alone since it needs considerations from another principle to say how the burden must be shared ‘*within* the community’, for instance by means of the capacity principle (2001, p. 463).

### **iii. Applying the principles**

Determining relevant principles is the first step to assign special responsibilities. Elaborating a strategy to apply the principles is the second. Instead of arbitrarily choose one superior principle over the others, or use the principles in strict sequence, Miller explains that the strategy ‘should be more openly pluralist’ and flexible according to each situation (Miller, 2001, p. 467). In his connection theory, he explains that the principles specify various forms of connection between agents and victims (2001, p. 469). Each of the principles identified above may have a role to play depending on each case. The moral responsibility principle may be more conclusive than another principle to appoint a duty bearer, while the communitarian principle may do better in another case. Miller adds that when several principles may apply and point at different remedially responsible agents, ‘we should weigh their respective strengths.’ (2001, p. 467) The responsibility should fall on the agent(s) whose connection to the victim is the strongest. And if the responsibility is heavy, it should be divided up ‘according to relative strength of connection.’ (2001, p. 469) Miller acknowledges that weighing multiple criteria this way may be complex and can only be assessed through shared moral intuitions (2001, p. 471). Yet, he argues that real-world cases are complex, and that this strategy at least ensures that there is always some agent to appoint as remedially responsible. Besides, it makes room for ‘the deeply held belief’ that where we can blame a particular agent as being morally or causally responsible for the deprivation of a person, it is the former who should bear the burden of helping the latter, wherever possible (Hjorthen, 2017, p. 399; 2001, p. 471).

### **iv. The primacy of the capacity principle**

While agreeing with Miller that various factors must enter in consideration, I believe like Frederik Hjorthen that, when using the principles to assign a duty, the capacity principle should never be overlooked because it would not serve right holders to assign the duty to an agent who is not able to face it (Hjorthen, 2017, p. 400). Consequently, other principles should rather play the role of ‘tie-breakers’, meaning they should help determining the most responsible duty

bearer among all equally capable agents<sup>5</sup>. In line with Miller's strategy, Hjorthen says that the relative weights of the other factors 'should be determined case-by-case.' (Hjorthen, 2017, pp. 402, 403) In most cases, it can be expected that effectiveness would not outweigh the importance of causal and moral responsibilities, due to the (already mentioned) belief that these imply stronger connections for remedial responsibility. So, even if an agent (who is neither causally nor morally responsible) has the ability to offer assistance more effectively to some deprived people (than the causally or morally responsible agents), the duty to aid would surely fall upon the causally or morally responsible agents if they are known and capable. If they are unable to meet the duty to aid, the causally or morally responsible agents should not be appointed duty bearers, but this does not mean that they should not be held accountable for the wrong situation caused by their actions and that they do not owe something to their victims.

#### **IV. The collective duty of solidarity**

Violetta Ionescu advances that Miller's strategy to assign the duty is useful but requires additional considerations in order to always avoid the duty allocation problem. There remain cases where relying on the principles does not suffice. For example, when a natural disaster occurs, the capacity principle says that all agents capable to help the victims should do their best, but none of the millions of potential duty bearers with the capacity to help them is more responsible than the others. The other principles might not enable the victims to assign the duty to aid them to particular agents. They will unlikely find an agent to blame for having failed them, nor someone who benefits from their plight. When they cannot seek help in their community, to whom should they turn for aid? Even if we take additional factors into consideration such as the effectiveness or sustainability of the assistance that capable agents can provide, there remains several potential duty bearers with the same level of remedial responsibility. One of them would do good by helping the victims, but he would not be wrong not to help these particular persons, since, as we saw, the duty to aid is an imperfect duty. He would only be wrong were he helping no one because he would then be denying his duty to aid while being capable to fulfil it. Individuals on their own are not duty bearers towards all

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<sup>5</sup> Agents are equally able if they are all capable of meeting the duty, even if one of them has more capacity (for instance in terms of means or knowledge). Hjorthen calls this a *functional tie* (Hjorthen, 2017, p. 403).

deprived people, because they are not capable of helping them alone. An individual might be able to provide aid to a person in need so she can reach a decent level of wellbeing, but this would not discharge him from his duty to aid since there would remain billions of others to help (Igneski, 2017, p. 38). This leaves our needy person without ways to know against whom claim assistance. Billions of people are in need of assistance because they cannot enjoy their RTD, against which capable agents should they demand it?

In order to fix this problem of duty allocation, Igneski makes an interesting proposal. She argues that the duty to aid should be borne by a collective and should thus be regarded as a collective perfect duty in response to a collective problem. For her, we must look at the fact that billions of people lack the means and conditions to live with dignity as a collective global issue, because remedying their deprivation will require cooperation between individuals, institutions and other non-state actors at domestic and global levels. Consequently, the duty to aid can be seen as a collective duty. She writes: *'Rather than viewing the duty to aid as an individual imperfect duty to aid that can be aggregated with everyone else's individual duties to aid – so that the collective duty is simply an aggregation of individual duties – we have good reason to conceive of the duty, in the first instance, as a collective duty arising in response to a collective problem.'* (Igneski, 2017, p. 44) Based on Miller's principle of capacity, Igneski says that, if agents are capable together, then they can constitute together a collective duty bearer, i.e. the group of agents who form together one moral agent responsible for the realisation of the duty to aid. Since an individual could never accomplish such task alone, the duty cannot be assigned to an individual alone. However, if he is capable of contributing to a collective action that could realise the task, then he has the duty to do it and thus be part of the collective agent. To avoid confusion, we should call the collective duty 'the duty of solidarity' and understand the duty to aid has individual agents' duty to contribute to the collective duty. This solves the issue of it being an imperfect duty without 'counterpart rights', for it can now be seen as a duty of justice from which people have the individual duty to do their part.

Now there remains to find how to constitute such collective agents to which every capable agent contributes. Inspired by Robert Goodin's institutional approach to creating collective

institutions to perfect individual imperfect duties<sup>6</sup>, Ignieski suggests that the collective agent should create or use a collective institution that could realise its collective duty. Because it is the purpose of such institution, it is its perfect duty to honour the collective duty. To realise its perfect duty, an institution of this kind enjoins its members to do a particular act. To do this act is their perfect institutional duty. And it is their moral duty to respect their institutional duty (ibid. p. 40). It is only once the collective agent has decided how to fulfil its duty of solidarity that its members will be able to determine what their individual contributions should be. Then, each one of them is responsible for his contribution and shares responsibility with the others for the collective duty. Taxes are a good example of Goodin's approach. When used to assist the needy, the system of taxation contributes to fulfil its contributors' moral duty to aid. And by paying their taxes, contributors do what they can to aid others through a legitimate institution discharging their duty to aid adequately. If no appropriate institution exists, people should create it or find another way to discharge their duty. Instead of creating a collective agent out of a group of agents who do not have an intentional structure to coordinate their collective duty – for instance as suggested by Ignieski, a group constituted of all affluent individuals, we can attempt to find a group that already associates all capable agents. Based on the arguments developed earlier in this chapter, I explain in the following sections why states are such agents bearing the duty of solidarity towards people who cannot exercise their RTD.

## **V. The state as a duty bearer**

So long as they have the capacity to bear the duty to aid, all kinds of agents can be identified as duty bearers. However, this section and the one following aim to show that we can expect the duty to fall upon states. A lot can be done by aid agencies and volunteer groups, but we cannot restrict international rights protection to such agents for they would face obvious limitations. For instance, 'no voluntary body is likely to have the capacity to stand up to the delinquent state' (Miller, 2009, p. 237). Also, a voluntary body is not democratically accountable, at least not to the same extent as a state may be 'to their own citizens and to

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<sup>6</sup> The idea of perfecting an imperfect duty was theorised earlier by Allen Buchanan. It means creating a situation in which moral laxity is less likely to occur by assigning 'specific obligations to the cooperating parties so as to achieve a moral division of labour that will reach the targets, and provide adequate incentives for compliance with the specified obligations.' (Buchanan, 1996, p. 40)



international bodies.’ (ibidem) Considering the kind of cooperation required to realise the RTD, actions will always require the implication of states. Besides, states have the power to make other kinds of actors contribute as well. For instance, a government can decide to increase taxation on wealthy individuals and companies and use the gained amount to fund its solidarity programmes. So, imputing the duty of solidarity on states does not free other capable agents from their duty to aid by supporting states’ duty.

Given the important means at its disposal, we can assume that a state is capable of fostering the RTD of its members. Surely, the citizens who do not enjoy their RTD could turn to various kinds of agents (wealthy individuals, collective organisations, businesses, non-profit-making organisations, foreign states, etc.) to demand aid, but if we apply the strategy detailed in section III above, their own state should be one of the first capable agents against which citizens should claim assistance. To be sure, if it is capable of helping them, a state should be among duty bearers towards foreign citizens as well – as discussed in the following section, but it owes more to its citizens who cannot enjoy their RTD. This claim can be supported by at least two reasons. First, if we combine Miller’s communitarian principle and Ignieski’s idea of a collective duty, a state can be seen as the collective agent that realises its citizens’ duty to aid. Second, it is a state’s moral responsibility towards its own citizens to ensure their enjoyment of the RTD.

#### **i. The state as a collective agent**

As we saw, the communitarian principle states that communal ties may lead to special responsibilities. We may adopt a human-centred approach that assigns the duty to aid to every individual towards the entirety of humankind, and at the same time acknowledge the relevance of special relationships. The common membership to a state is arguably such special relationship, for citizens of a state are associated to one another through special rights and duties. This line of thoughts relates to the social contract tradition in political philosophy about the relationship between citizens and their states. According to this thinking, the state is the result of individuals associating to protect and realise their rights through the provision of ‘such goods as protection from harm, rule enforcement, and (...) key public goods’ (Parrish, 2009, p. 131). For this purpose, it is authorised to use its powers and act on the behalf of its citizens, and the latter give it the means to do so, for example through taxation (2009, p. 129). If fellow-citizens all have the duty to aid each other, they should decide to collectivise the duty, so they

can prevent the problem of duty allocation, as argued by Ignieski. Like we saw earlier, the duty to aid is imperfect and collectivising it would solve its problem of allocation due to its indeterminacy. Considering that ‘The state is a peculiar form of social connection’ that ‘represents its citizens’ interests and purposes’ (2009, pp. 133, 134), citizens should be able to discharge their duty to aid towards each other via the agency of their state. In other words, states can ‘be seen as proxies for the duty-bearing individuals from whom they are made up’ (Hjorthen, 2017, p. 392). Besides, the state also has a particular authoritative status over its members that enables it to ensure and coordinate their fair contributions and thus better prevent problems of coordination and moral laxity when it comes to performing the duty to aid. Consequently, the state appears to be one of the most capable agents to bear the duty to ensure the enjoyment of the RTD for all its members, and the latter must do their fair share to contribute to the realisation of the duty of solidarity according to their capacity.

## **ii. The state’s moral responsibility**

Since the state is the result of individuals associating to protect and realise their rights, protecting the human rights of its own citizens is one of the pillars of its claim to sovereignty; it is ‘one of its primary functions and (arguably) a condition of its legitimacy.’ (Miller, 2009, p. 232) Therefore, it is its moral duty to secure their RTD. If some of its citizens do not enjoy their RTD, the state is failing them and is thus morally responsible to remedy their deprivation. If the state is incapable or refuses to meet its duty, then the duty should be assigned to other agents.

The other principles may also appoint the duty to aid to a state. Sometimes, citizens’ deprivation is the result of bad domestic policies, and in such cases their state is also causally or even outcome responsible, in addition to being morally responsible. If the principles point at various kinds of agents (besides the state), decision must be made as to which principle must be given more weight. In any case, the state keeps its share of responsibility. For instance, a multinational firm or a guerrilla unit could be outcome responsible agents, while the deprivation of the citizens could benefit another agent. Then, moral judgment is required to fairly share the responsibility between these agents. The state may be asked a smaller contribution, even if it can offer more.

## **VI. International solidarity**

When they cannot receive the aid that they need from their fellow-citizens and their state, deprived citizens may find other agents against which they can claim assistance. Among other possible responsible agents, there are capable foreign states. First, because as collective agents, states must perform their citizens' duty to aid foreign citizens – not just their fellow-citizens – when they have the capacity to aid outside their borders. Second, because enhancing development worldwide is the kind of goal that requires coordinated international collective action. Otherwise, each state will likely be quick to neglect its duty of solidarity for reasons such as 'too burdensome', lack of capacity, lack of 'relevant connection to the plight of the victims', 'legitimate claim to its own resources', distributive unfairness, etc. (Hjorthen, 2017, p. 326) Besides, when joining their forces, states constitute a collective agent that can become the most capable agent to bear the duty of solidarity.

### **i. Aiding foreigners**

Since the duty to aid is universal, it also concerns individuals with whom the duty bearers have no communal ties. Just like citizens should use their state to discharge their collective duty of solidarity that they owe to their compatriots, they should rely on their state to perform their duty towards foreign human beings. A state has thus the duty of solidarity primarily towards its members, then – when it is capable – towards deprived foreigners. If a state can help its members, but lacks the means to aid abroad, then it only bears the duty of solidarity towards its own citizens.

### **ii. An international collective agent**

Here again, there may be problems of duty allocation and of moral laxity, a lack of fair burden sharing and of cooperation between capable duty bearers. It remains difficult for deprived populations to know against which foreign state they should claim assistance, and for capable states to know who they ought to help and to what extent. This identification gap provides ground for states to undermine their duty of solidarity, especially if they see the costs they are asked to bear as being too great, either absolutely or in comparison to those being borne by others (Miller, 2009, p. 247). Just like Buchanan has pointed out about individual businesses, states 'may be quite willing to contribute to a worthy social goal, but only on condition that

others (again, especially their competitors) will make a fair contribution as well.’ (Buchanan, 1996, p. 33) And because the duty is imperfect, determining the fair share requires coordination and a common agreement among duty bearers. Also, having states working alone may be counterproductive if they do not coordinate their efforts. Therefore, such common agreement should specify the content, object, and timing of each state’s contributions. Following Ignieski’s line of thoughts, it seems that to honour its duty to aid the billions of deprived people, a state’s best option is to contribute to collective actions designed to reach all deprived people worldwide. Consequently, capable states should form a collective agent together and use a common international institution to realise the duty of solidarity. The OECD (Organisation for Economic Cooperation and Development) appears to be such institution gathering capable states. It should ‘work out a system of burden-sharing’ so that the costs of assistance can be evenly spread (Miller, 2009, p. 249). For this, the principles discussed throughout this chapter come again to use, for the burden should not merely be shouldered by the most capable state. For each situation, the system should enable the OECD to identify the most responsible states among its members, according to the principles. ‘Having more states share in the burden of [assistance] will lower the costs each state faces’ and will enable to distribute the burden more fairly (Hjorthen, 2017, p. 404). Of course, as stressed by Hjorthen, effectiveness will require to limit the number of duty bearers in each case up to a certain extent (2017, p. 405). Effectiveness may also take other factors in consideration, such as geographical proximity, cultural similarity, expertise or resources. Also, previous altercations between a state and a foreign population may have created resentment which may hinder the capacity of a state to collaborate with local people (2017, p. 400). On the other hand, a state’s history or special connections with deprived citizens can be a reason to ask a larger contribution from it to the system, even when it can bear the costs less easily than another state.

Here is an example of how the scheme could work in the case of coordinated assistance offered to Angolan citizens: first, we must assess with the citizens the extent of assistance needed through inclusive public participation (as discussed in the last section of this paper). Then, we must assign responsibility scores to states to determine which ones should be part of the coalition that will cooperate with Angola. The higher responsibility score a state has, the more reasons it has to be part of the coalition. Each responsible state will have to communicate on its highest amount of burden it is capable to bear (while acknowledging its other responsibilities towards other populations). The amounts will be added together from the one

of the most responsible state to the less, until the total amount reaches the extent of assistance needed that was determined earlier. This way of proceeding enables to identify the fairest and smallest burden-sharing coalition possible capable of helping Angolan citizens.

#### **a. Outcome responsibility**

In order to divide the burden among OECD members and determine the smallest burden-sharing coalition case by case, we should assess states' outcome responsibility. As pointed by Hjorthen: *'While establishing with the sufficient clarity whether and to what extent outside states are relevantly linked to the occurrence of violence may sometimes be difficult, there are presumably cases where we can say, with sufficient certainty, that some states are more responsible than others.'* (Hjorthen, 2017, p. 399) A capable state who adopted imperialist attitudes in the past over a foreign state owe the latter assistance if it now lacks the means to enable its population to enjoy the RTD. Had the former state not unfairly accumulated wealth at the expense of the latter, the deprived population would be better off. Another argument can be elaborated on the ground of 'the polluter pays principle'. Global warming and pollution (in the air, the soil and water) have disastrous environmental consequences inflicting a great burden on populations having to deal with biodiversity losses, droughts, water scarcity, the depletion of natural resources, floods, typhoons, etc. Such environmental consequences result notably from large polluting industrial activities. States taking part in such activities (directly or not) have the remedial responsibility to help the victims to bear this unfair burden that prevents them to enjoy decent living conditions.

States may also bear an outcome responsibility for ongoing externalities of economic or political decisions that are not in themselves unjust (for instance suddenly stopping trading with that nation) but that have unjust consequences because they severely jeopardise people's ability to enjoy the RTD. States mutually rely on common markets (in goods, services, or capital), populations thus sometimes end up in unwanted situations resulting from the choices of others. If another country makes economic or political decisions that threaten foreigners' RTD, the latter is entitled to assistance from the country to protect its RTD (D. Miller, 2004, p. 138).

Because a state acts as its citizens' representative and the latter give it the means for it, the state's actions are bound to their collective responsibility. This implies, as argued earlier, that citizens can use their state to perform their collective duty. It also means that citizens must bear a collective responsibility for their state's actions, since they contribute to these by empowering

their state. If such actions cause harm to others (even indirectly), it is part of their collective responsibility to contribute to actions (from their state or another agent) that will remedy the harm and answer the deprived citizens' plight. Parrish explains that citizens especially bear such collective responsibility in a democratic state where they can 'witness and judge their state's actions through a public process that is reasonably *fair* and *open*' (2009, p. 130). Citizen's collective responsibility is diminished – yet always exists – if they have a limited voice within their community or are manipulated (2009, pp. 143, 145).

### **b. The benefit principle**

If it can be established that a state has benefited from the deprivation of a population, the state should aid the latter as a matter of compensation. Some authors like Thomas Pogge argue that 'affluent states' benefit from an unfair global order dependent on the deprivation of others. The international economic system consisting of treaties, conventions, investments, loans, patents, copyrights, taxation, etc., has seriously affected the capacity of disadvantaged states to emerge from poverty. The rules of the global economic order result from negotiations led by the 'affluent states' where they take advantage of the low bargaining power of the disadvantaged states. In its 2016 Human Development Report, the United Nations Development Programme (UNDP) denounces the decisive advantages of some groups 'in defining both the rules of the game and the payoffs', which compromise the fairness of the system (UNDP, 2016, p. 137). Governments are expected to represent the interests of their populations in international negotiations, but they should not be able to 'impose global rules under which [they] have unfair advantages that add millions of poverty deaths in the developing world.' (ibid. 2004, p. 276) Yet that is what seems to happen in the global order. To quote Mohan Rao: 'Political negotiation in the present set-up is fragmented across various international agencies and forums with highly uneven representation.' (Mohan Rao, 1999, p. 589) Consequently, international rules of the game of international cooperation are obviously decided by the powerful players. One might even argue that in the global context the poor are powerless (ibid. 1999, pp. 586, 589). Desperately in need of economic development, disadvantaged states agree to trade on terms that are not always in their best interest. Consequently, 'affluent states' get what they need while still being able to maintain heavy protection of their markets ('through tariffs, quotas, anti-dumping duties and subsidies to domestic producers'), which leads the disadvantaged countries to miss out on export revenues, among other things. Additionally, Gillian Brock

underlines that schemes such as the policy of ‘transfer pricing’ or regimes of financial secrecy lead ‘developing countries [to] lose revenue far greater than the annual flow of aid. [...] In many cases, the revenue that would be derived simply from resource sales, if received and properly spent, would be more than enough to finance the necessary provisions for helping people to meet their needs.’ (Brock, 2009, pp. 125, 127) Were the rules fair, the disadvantaged states would benefit much more from their participation in the global market and equitably share the potential burden with other states.

Thomas Pogge also advances that certain states benefit from the deprivation of disadvantaged populations since they take advantage of corruption and oppression maintaining such deprivation. And for Pogge, the prevalence of these problems is in itself a cause of the unfairness world order (Pogge, 2004, p. 268). Many of those corrupt self-interested governments came to power and stay in power only thanks to the West supporting them, recognising them officially and trading with them. Poor but resource-rich countries are not poor because their populations have elected bad governments, but because the global order is such that ‘any group controlling a preponderance of the means of coercion’ within a ‘poor country’ can easily and freely trade the country’s natural resources on the international market, and freely borrow money in the country’s name. Also, they have the privilege of effecting transfers of ownership rights over national resources, goods and services that are internationally legally valid (ibid. 2004, pp. 269–270). Pogge stresses:

‘Whoever can take power in such a country by whatever means can maintain his rule, even against widespread popular opposition, by buying the arms and soldiers he needs with revenues from the export of natural resources and with funds borrowed against future resource sales. The resource privilege thus gives insiders strong incentives towards the violent acquisition and exercise of political power, thereby causing coup attempts and civil wars.’ (Pogge, 2004, p. 270)

Even a freshly elected government full of good intentions could not prevent the destructive effects of the global order, for it could not refuse to honour the debts of its predecessor(s) or it would be, at the very least, excluded from international financial markets. The government has therefore no other choice than to attempt to repay these odious debts, which prevents it spending money and resources on necessary reforms and programmes to improve the state of its country (ibid. 2004, pp. 271–272).

Another consideration as to the unfairness of the global world order regards the fact that ‘affluent states’ have benefited from large industrial activities that have harmed the environment and disadvantaged further deprived population. It is widely recognised that

members of disadvantaged states are the first victims of climate change and industrial pollution (mainly caused by foreign companies), which increases their burden. The more a state has benefited from such harmful activities, the more it owes to those suffering from them.

Any country taking advantage of this unfair global system has the duty to rebalance power and global wealth through international solidarity so every human being can enjoy his RTD. It is important to note that for Pogge benefiting from the unfair global order implies more than a duty of solidarity; it is more importantly a failure of the negative duty not to harm others (Pogge, 2004, pp. 275, 276). Consequently, ‘affluent states’ have two responsibilities: the positive moral duty to assist other states by systematically redistributing part of their unjust share of global wealth to the destitute through international solidarity; and the negative duty to stop harming the others and cease to take advantage of the unjust world order. A negative duty being stronger than a positive one, Pogge argues that ‘affluent states’ primarily have to take effective actions to stop the harm by fixing the rules of the world order. As a first step, Heads of states recognised in Addis Ababa in 2015 that disadvantaged countries need a more enabling international economic environment, which includes more ‘coherent and mutually supporting world trade, monetary and financial systems and strengthened and enhanced global economic governance.’ (United Nations, 2015, para. 9) But this discussion falls beyond the scope of this paper which focuses on the positive duty of international solidarity.

### **c. The historical taint principle**

Hjorthen comes up with another principle that enables us to let history play a role in the duty allocation even when outcome responsibility or the benefit principle do not apply, like when there is a lack of causal connection between a state and deprived people<sup>7</sup>. He names it: the historical taint principle. It establishes a link between a state’s past activities and its duty of solidarity (2017, p. 400). The idea is: a state should not be able to claim ownership of resources that it obtained in the past from rights-violations, so these resources can be rightly reclaimed by people who need them more. In other words, among all capable agents, a state with such resources should contribute to a larger extent than the others to the duty of solidarity. Similarly,

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<sup>7</sup> For example if one argues that a state should not be held responsible for actions committed by citizens who no longer exist because ‘one adopts an individualist perspective, according to which the duties of states derive from the duties of its individual citizens’ (2017, p. 399).



Thomas Pogge likes to recall that the social, economic and cultural development of Western societies over the centuries has been linked to enslavement, colonialism, environmental disasters, and even genocides. He regrets a tendency among ‘affluent states’ to see poverty only as a lack of means, techniques or knowledge. To him, persisting poverty is incontestably linked to history. He writes: *‘By seeing the problem of poverty merely in terms of assistance, we overlook that our enormous economic advantage is deeply tainted by how it accumulated over the course of one historical process that has devastated the societies and cultures of four continents.’* (Pogge, 2004, p. 262) Affluent states therefore owe it to disadvantaged population to tackle global wealth disparities by redistributing parts of their wealth. This principle can also concern states who obtained resources from activities harmful to the environment which therefore threaten the surrounding population’s RTD. Unlike the benefit principle, the historical taint principle does not need a causal link between such harmful activities and the deprivation of a population; a state with such resources must aid even when it is incapable of knowing which deprived population it harmed the most or from which situation it benefited the most. In other words, by not focusing on the historical wrongdoers but rather on the redistribution of resources resulting from wrongdoings, this principle enables to assign the duty of solidarity without having to appeal to a causal connection between the lack of enjoyment of the RTD and the capable duty bearers.

### **iii. The lack of enforcement**

Using the OECD as the institution to enable capable states to perform their duty of international solidarity seems necessary. However, the OECD does not enjoy the same authoritative status towards its member as a state, for members of the OECD are not bound to contribute to the system of burden-sharing designed by the international institution the same way as citizens must contribute to their state’s. It does not constitute a powerful enforcing body, so its members are likely to remain subject to moral laxity. In such case, they may be blamed for not honouring their duty of solidarity, but there is no way to force them to contribute. Nevertheless, it remains important that there be such international institution able to determine states’ responsibilities and call for their contributions. This may result in a capable state’s citizens sanctioning their government for its moral laxity and demanding considerable actions. Surely, this rarely happens, and when it does, the blame rather concerns moral laxity for a negative duty, like it was the case when USA citizens protested the war in Iraq. But the rarity

of such events in support of the duty of solidarity may simply be the result of individuals ignoring the existence of such duty towards foreigners or what it requires. A task of the OECD would therefore be to foster 'global education' for citizens worldwide to better grasp their connections with foreigners and related duties.

This chapter aimed to show that all states capable to aid individuals deprived of their RTD have a duty of international solidarity towards them, and that they should therefore engage in internationally coordinated collective actions. Most accounts of a duty to act upon rights violations usually found in the literature are limited to cases where basic rights are threatened. Miller writes for instance: 'It is only when the scale of rights violations crosses a certain threshold that the idea of an international responsibility to protect human rights comes into play.' That threshold is 'basic rights – rights to life, bodily integrity, basic nutrition and health, and so forth.' (2009, pp. 232, 233) Given the RTD, I attempted to demonstrate that the duty has a larger scope, because merely securing basic human rights is not enough; people have the right to decent live conditions where they are able to enjoy all human rights. Unfortunately, as we have seen, claiming the duty is one thing, identifying duty bearers is another. Because it is a general imperfect duty, the duty to aid faces problems of lack of coordination, moral laxity and allocation. I have explored solutions to fix these problems mostly based on Miller and Ignieski's respective works. As pointed by Ignieski, a global problem such as the lack of enjoyment of the RTD should be met by a collective agent, and the costs of bearing the duty should be fairly distributed among its members by weighing backward and forward looking on a case by case basis. Convinced that it would not do the duty's justice to assign it to an incapable agent, I pleaded in favour of the primacy of the capacity principle. Due to their particular relationship with their citizens, each state should bear the duty to aid primarily towards its own citizens. Then, given their stronger capacity to act when working together and given the universal scope of the duty to aid, all capable states should join forces using an international institution like the OECD to realise their duty of international solidarity. We shall now investigate in the next chapter if the current scheme of development cooperation supervised by the OECD enables states to realise their duty of solidarity and foster the RTD worldwide.

## **Chapter 2. Development cooperation**

As shown in the previous chapter, states have a duty of international solidarity that they should choose to meet by cooperating internationally. The 1986 Declaration stresses indeed that ‘States have the duty to co-operate with each other in ensuring development and eliminating obstacles to development.’ (1986, para. 3) In practice, states have engaged in development cooperation for several decades, but this does not ensure that they meet their duty of solidarity. In fact, development cooperation has faced large criticisms over the years. Despite all the means at the disposal of capable states, development cooperation fails to end extreme poverty and to secure decent standards of living for all. Moreover, worldwide inequalities keep increasing (UNDP, 2016, pp. 30–31). The kind of development cooperation put in place over the past seventy years is not quite the kind of international solidarity necessary for the RTD. There seems to be two main reasons: the lack of proper motivation among capable states to contribute fairly; and the inadequacy of their strategies. Before going through these issues, we shall first understand how development cooperation works.

### **I. The genesis of development cooperation**

At first, the notion of development was linked to the idea of ‘development stages’ that was introduced in the Covenant of the League of Nations after World War I, ‘thereby justifying a classification system according to which there were ‘developed’ nations at the top of the ladder’ while other nations were ‘underdeveloped’, i.e. ‘economically backward’ areas (Rist, 1997, pp. 61, 72). With this in mind, the UN inaugurated in 1948 the ‘development age’ with the launch of the first technical assistance programme for economic development in ‘underdeveloped’ areas of the world (United Nations, 1948a, 1948b). Henceforth, such programme would become the means of states and international organisations to promote the conditions of development for better standards of life for all. In 1957, the United Nations decided to expand its programme for technical assistance and to set up a Special Development Fund. Despite international efforts, the gap in standards of living between the ‘economically advanced’ and the ‘less developed’ countries kept widening and the rate of economic and social progress in the latter stayed low (United Nations, 1961). To show the determination of member states to intensify their efforts to accelerate economic and social progress in ‘developing countries’, the 1960s were designated the United Nations Development Decade and a Capital Development Fund was established

(United Nations, 1960a). Later in the 1960s were created the big development organisations of our time, such as the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD), the Conference on Trade and Development (UNCTAD), regional development banks for Africa and Asia, and finally, the merging of the Expanded Programme for Technical Assistance and the Special Fund came to form the UN Development Programme (UNDP). All these agencies were designed to better support ‘developing states’ in making societal changes necessary to secure man’s basic material needs and offer space to fulfil its aspirations. This was over fifty years ago, yet these agencies remain pillars of contemporary development cooperation.

Supported by these international institutions, states engaging in development cooperation attempt to help people who lack access to basic needs by offering to their states technical and financial assistance; supporting their democratic institutions; and helping them to strengthen their economies by successfully mobilising their available resources and taking better advantage of market opportunities. They have thus engaged in economic reforms and measures of trade liberalisation to provide greater access to markets for all. They have as well continued to deliver technical and capital flows, which are now called official development assistance (ODA), or aid.

#### **i. Official Development Assistance, a.k.a. aid**

ODA is considered ‘the most important instrument of international cooperation, because it can be used at the discretion of the authorities in pursuit of policies’ (Sengupta, 1999, paras. 61, 63). Besides, it helps countries to face financial crises and other emergencies, and it stimulates private investments in countries who struggle to attract them. ODA is delivered by official and executive agencies of states (for bilateral aid) and international organisations (for multilateral aid). Donors of aid are mainly DAC members (the 30 countries of the Development Assistance Committee of the OECD), but not exclusively. Data about ODA also comprises donations from some countries beyond the DAC (also often referred to as ‘emerging donors’), such as Qatar, Turkey, Kuwait or Saudi Arabia.<sup>8</sup> About 40% of the ODA from DAC countries

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<sup>8</sup> In 2016, DAC members accounted for 86.9% of total ODA flows (OECD, 2017c). The advantage of the DAC is that its members pledge to fulfil certain obligations such as following DAC recommendations, reporting

is channelled through the multilateral aid system, i.e., through international institutions (OECD, 2017b, p. 149). Aid serves to support development programmes mostly related to the building or renovation of infrastructures, the expansion or optimisation of agriculture, the strengthening of education or health commodities in another country (i.e. the recipient). It also entails humanitarian assistance provided directly after conflicts, shocks, and natural disasters to urgently answer the basic needs of the burdened populations<sup>9</sup>. The private sector (banks, businesses, associations, non-governmental organisations, and individuals) also provides external resources for development through international trade, foreign direct investments (FDI), loans, private export credits, other grants, donations and remittances. However, since these resources of development finance are not managed by governments, they are not part of the assistance provided via development cooperation. Nowadays, private flows are larger in volume than ODA, but most ‘developing countries’ struggle to attract the former and are therefore dependent on the latter.

## **ii. States’ motives**

In order to grasp the concept of development cooperation, it is important to understand states’ motives for participating. As we saw in the first chapter, capable states have the moral duty resulting from the promotion of human rights. When pleading for states’ contribution to the UN Special Development Fund, Raymond Scheyven also exposes the idea of such moral imperative. However, Scheyven rather focuses on political and economic imperatives as reasons for development cooperation. Nowadays, the environmental imperative could as well be added to this list. These latter motives result from the fact that world nations are in ‘a state of interdependence and mutual vulnerability’; diseases, economic and environmental crises, and violent conflicts usually know no borders (Brock, 2009b, p. 175). Beyond the moral imperative, capable states engage in development cooperation because they cannot afford to let foreigners suffer from rights deprivation; assisting them is also in states’ interest.

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statistics and engaging in peer reviews, in order to improve aid quality and efficiency. This enhances their international credibility.

<sup>9</sup> More information is available in the online glossary of the DAC (<http://www.oecd.org/dac/dac-glossary.htm>).

### **a. The moral imperative**

The moral imperative comes from the strong belief that access to development is a prerequisite for human dignity and that it is therefore a human right that must be respected and promoted. Scheyven writes that principles of solidarity and equality – on which human civilisation essentially rests – demand action from ‘affluent states’. He explains that knowing the possibility of remedial action and the extent and urgency of the problem of poverty, ‘wealthy states’ would be expected to acknowledge the moral imperative to ‘not remain indifferent in the face of so much suffering.’ (Scheyven, 1954, p. 4) Scheyven even claims that the alarming situation faced by two-thirds of mankind imposes a solemn duty of international solidarity upon ‘affluent states’. A couple of years before, in January 1949, President Truman of the United States had already expressed in the famous ‘point four’ of his Inaugural Address that: ‘Only by helping the least fortunate of its members to help themselves can the human family achieve the decent, satisfying life that is the right of all people.’ (quoted in Rist, 1997, p. 71) Gilbert Rist presents ‘point four’ as ‘a minor masterpiece’ which put forward ‘a new way of conceiving international relations’ for it was one of the first time that a text with such international readership was calling for development cooperation and stressing its necessity (1997, 72). This is the same idea of a right to a decent life that later led to the UN Declaration on the RTD. Besides this moral reason, there are as well political and economic motives for the creation of development cooperation. In fact, both Truman and Scheyven mention only briefly the moral imperative of international solidarity and rather focus on the political and economic imperatives.

### **b. The political imperative**

For Scheyven, international solidarity is a political imperative, for improving worldwide life conditions contributes to worldwide peace. When the UN inaugurated the ‘development age’ in 1948 with the launch of the first technical assistance programme for economic development in ‘underdeveloped areas’ of the world, the idea was to create conditions of sufficient wellbeing and stability for peaceful relations among nations (United Nations, 1948a, 1948b). Promoting peace is thus part of the political motivations behind the strive for better life conditions worldwide. Human suffering and dangerous life conditions can present a considerable risk to every nation, and thus also concern ‘affluent states’. World nations are in

‘a state of interdependence and mutual vulnerability’; diseases, economic and environmental crises, and violent conflicts usually know no borders (Brock, 2009, 175). Combating world poverty and great wealth disparities between nations greatly contributes to a diminution of international tensions. Struggling populations aspire towards better life conditions and they know that modern technique of industrialised nations can relieve them from difficult life conditions. Failing to respond to these legitimate aspirations means failing to give them reasons to ‘support a civilisation which cannot provide for their bare subsistence’ (Scheyven, 1954, p. 4). As stated in the UN Charter, nations must aim at world peace and it can only be achieved if all nations enjoy economic and social advancement (United Nations, 1945).

### **c. The economic imperative**

Then, states also have many economic motivations to engage in international cooperation, as it was already pointed by President Truman in his speech. He stated that the benefits of scientific knowledge and industrial progress should be made available to ‘underdeveloped areas’ of the world through technical assistance (at the image of the assistance already granted by the United States to parts of Latin America) for their economic improvement. Industrialised states had to assist ‘underdeveloped states’ because their poverty ‘is a handicap and a threat both to them and to more prosperous areas’, and that Western economies would also greatly benefit from development cooperation (quoted in Rist, 1997, pp. 71, 72). In line with Truman, Scheven also reiterated in his report that assisting the industrialisation of states struggling economically is necessary to expand markets and foreign trades and consequently global economic growth. Economic growth is not presented as the ultimate end of the Special Development Fund, but it is the dominant view within the UN that growth is an important means to raise standards of living. Scheyven briefly exposes several arguments. Firstly, the greater the support for the industrialisation of the underdeveloped countries, the greater the access to new supplies of primary products. Secondly, increasing the purchasing power of ‘developing countries’ opens up new opportunities for consumption of goods from the ‘industrialised countries’. Thirdly, international development contributes to diminishing tensions threatening the economy and security of prosperous states and to create new market opportunities for them, both by stimulating consumption thanks to an increased purchasing power among poorer populations and by making economies fitter for foreign trade and investments. Fourthly, strengthening economies and access to human needs in ‘developing states’ is as well important

to create prospects for young generations and therefore decrease unwanted immigration flows in ‘affluent states’. Fifthly, ODA can be strategic for an important donor hoping to become the privileged trading partner and/or allied of a ‘developing state’ in the future. And last but not least, Scheyven explains that ‘industrialised countries’ should reinvest their new financial resources (relieved by the fall in the expenditure on armaments resulting from more peaceful relations between nations).

International assistance has thus always been a matter of beneficence and duty, but also a matter of self-interest on the part of ‘industrialised countries’ who see their prosperity dependent on that of the others. Nowadays, other kinds of imperatives may come to mind, like the need to support development to enable greater gender equality and women empowerment worldwide. And given the current environmental crisis occurring nowadays, Scheyven would now probably add the environmental imperative to its list.

#### **d. The environmental imperative**

The scope of environmental disasters and threats is such that it is crucial for states to cooperate and help each other in order to repair and contain ecological problems and threats. The environmental urgency is a global problem that needs international solidarity to enable all populations to possess the means to fix the damage and built resilience towards inevitable changes that result from the deterioration of nature. Like the global problem of the lack of enjoyment of RTD worldwide, this problem should be solved by international cooperation, and principles discussed earlier can be of use to allocate the burden among capable states. Since development cooperation is about improving people’s life conditions, it should be expected to serve sustainable projects safeguarding their environment. States should therefore feel urged to participate in development cooperation to an extent worthy of their capacity so they can contribute to the objective of securing a safe environment for all. Affluent states should aid more as they have more financial and material means.<sup>10</sup> It is unfair to expect as much from other

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<sup>10</sup> This refers to the ‘common but differentiated responsibility’ stated in Principle 7 of *The Rio Declaration on Environment and Development*: ‘States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, states have common but differentiated responsibilities. The developed countries



countries while they do not have the same capacity to deal with the problem. Through international solidarity, capable states help other states to carry this burden more easily.

Despite other possible reasons behind states engagement in development cooperation, Scheyven's report suggests that mainly the moral, political and economic imperatives are originally at the source of their motivation. Yet, development cooperation should primarily serve the moral duty rather than be used for such various objectives; the moral imperative ought to have the upper hand over any other motivation. Scheyven stressed that: 'The poverty of the underdeveloped countries is such as to give moral considerations a clear precedence over economic considerations. The rich countries cannot base their attitude solely on their own interests but must take their stand on a sense and a duty of international solidarity.' (1954, pp. 5–6) In practice, however, moral motivations for development cooperation have always seemed to be put in the background for the benefit of development policies 'preoccupied with the growth of output of material products and marketable services' rather than with human needs (Sengupta, 1999, para. 48). This has major consequences on choices made by states regarding their way to cooperate, which plays a role in problems of development cooperation discussed here after.

## **II. Problems of development cooperation**

Development cooperation is vastly reported and measured by agencies of the United Nations. Based on these analyses, states can show that it has led to good results. Since the first Human Development Report in 1990, extreme poverty<sup>11</sup> is estimated to have dropped by more than two-thirds and to have been below 11 percent globally in 2013 (while it was at 35 percent in 1990). This means that more than a billion people came out of extreme poverty (UNDP, 2016, p. 26). Furthermore, undernourishment has almost decreased by half, and increased vaccination and actions worldwide to tackle malaria, tuberculosis, polio, measles, and HIV and

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acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.' (United Nations, 1992)

<sup>11</sup> Defined by the United Nations during the 1995 World Summit for Social Development as: 'a condition characterised by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information.' (United Nations, 1995, §19)

AIDS have saved millions of lives (ibid. 2016, p. 27). Also, basic social services are much more accessible, especially regarding access to toilets, safe drinking water and schools. Finally, the protection of the environment has also improved, which is a major step forward for human health and the life quality of young and future generations (ibid. 2016, p. 28).

Yet, despite all international efforts to support the development of poorer and fragile states, substantial human deprivation persists even though there are means to secure access to basic needs for everyone. In 2013, 766 million people were still living on less than \$1.90 a day<sup>12</sup>, over 700 million adults were still lacking basic literacy skills and millions were suffering from easily preventable diseases and hunger. According to the UNDP, ‘one-third of the world’s food is wasted every year’, and only one-fourth of the food wasted would suffice to feed all people living in extreme poverty (ibid. 2016, p. 29)! At the same time, worldwide inequalities keep increasing. Despite the aid offered to ‘developing states’, the global poor stay poor while the global rich get richer. Clearly, development cooperation faces problems preventing it to realise its purpose. Based on the literature and other materials, I have pointed two main kinds of issues: the financing gap, notably due to moral laxity; and the misuses and inappropriate solutions deployed with development cooperation, mostly due to lack of transparency and accountability throughout the development process and also to donors’ patronising attitude.

#### **i. The financing gap**

Enhancing development worldwide to secure the RTD requires important financial means. It is difficult to evaluate how much is needed, but when it established the capital development fund in the 60s, the UN urged for a substantial increase of flows ‘so as to reach as soon as possible approximately 1 per cent of the combined national incomes of the economically advanced countries’ (United Nations, 1960b). This 1 per cent target was estimated to correspond to the amount necessary to reach a growth rate of 5 per cent or more in the national incomes of ‘developing countries’. However, this calculation was very approximative as it heavily depended on the international economic context and demography (United Nations, 1962, p. 84). The target changed with the Strategy for the Second United Nations Development Decade in which the UN called on economically advanced countries to exert their best efforts

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<sup>12</sup> Which is the international poverty line drawn by the World Bank in 2015 (The World Bank Group, 2016).

to reach a minimum net amount of 0.7 per cent of their gross national income<sup>13</sup> at market price by 1975 (United Nations, 1970, para. 43). The aimed growth rate was as well reconsidered and set to reach an average annual rate of about 3.5 per cent of gross product per head in ‘developing countries’ combined (United Nations, 1970, para. 14). Unfortunately, the target has never been met. The grant-equivalent ODA figure for 2018 is equivalent to 0.31% of the DAC donors’ combined gross national income, well below the target ratio of 0.7% ODA to GNI. Five DAC members – Denmark, Luxembourg, Norway, Sweden and the United Kingdom – met or exceeded the 0.7% target. Non-DAC donors Turkey and the United Arab Emirates, whose ODA is not counted in the DAC total, provided 1.10% and 0.95% respectively of their GNI in development aid (Organisation for Economic Co-operation and Development, 2019). Contributions of donor states to international development remain almost insignificant compared to what they could offer. It is true that the incomes of the South and North countries have been converging, which led to a significant drop of relative global inequality. However, absolute inequality has increased dramatically since the mid-1970s, meaning that the richest part of the world population got even richer while the poorest stayed poor. After the beginning of the second millennium, inequalities grew even further, since over the years ‘50 percent of the increase in global wealth benefited only the wealthiest 1 percent of the world’s population [whereas the poorest 50 percent] received only 1 percent of the increase.’ (UNDP, 2016, pp. 30–31) In other words, people did not equitably benefit from economic development, and many were left behind. A country’s development is above all its own responsibility, so it is up to governments to better distribute the benefits of development amongst their populations. Nevertheless, even with stronger redistributive schemes, ‘developing countries’ need more resources to maximise the wellbeing of their populations. The duty of solidarity requires much more support from the international community towards the most destitute. As pointed out by Raymond Scheyven: ‘The campaign against poverty is a vast operation which requires the mobilisation of great financial resources. While it is true that the wealthier countries themselves have a growing need of capital to ensure their own development, experience has shown that they are capable of enormous efforts when circumstances require.’ (Scheyven, 1954, pp. 1–3)

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<sup>13</sup> At that time, the 0.7% target ratio was based on the growth national product (GNP), but nowadays it is calculated according to the GNI.

Besides, aid has lost quality and consistency. Its amount tends to be inflated by entailing kinds of expenditures that should not be part of aid because they do not bring new capital to ‘developing countries’, such as migration costs, debt reliefs, administration costs, or even costs related to foreign students. For example, these expenditures – also called shadow aid – counted for 21% of Belgian ODA in 2017 (Van Haute, 2019). They are necessary but should be additional to ODA, not part of it. Additionally, the financing gap is worsened by the vast amount of financial flows given by the South to the North which diminish the impact of aid. For instance, there are payments from ‘developing countries’ for large debt repayments, profit remittances, and investments in capital markets in the North (Ortiz, 2007, p. 3). In fact, these payments are so important that it is often claimed that the South finances the North rather than the opposite. The debt burdens mostly result from certain development programmes – such as the ‘Structural Adjustment Programmes’ (SAPs) launched in the eighties – which entailed loans from the World Bank or the IMF that were contracted under variable rates. Such conditions led to major flows of debt services that eventually exceeded the inflows of new capital given to ‘developing countries’ (Tomann, 1988, p. 204). Poorer countries with no foreign exchange reserves ended up in a conflicting situation with their development needs and economic position in the world market since they had ‘to achieve trade surpluses in order to finance interest payments and debt redemption’ (ibidem). This complicated situation led to recipients suffering from debt burdens they could not pay back, and to the debt crisis of the 80s. Consequently, the international community started to recognise that external debts are causing structural problems. States have thus committed multiple times to relieve poorest countries from debt burdens, but all proposed solutions turned out to be unsuited and insufficient (Millet, 2003), as it is discussed in the next section. In 1996, the IMF and the World BANK launched the HIPC (heavily indebted poor countries) Initiative to lower the amounts of their debt services to a sustainable level (IMF, 2019). However, it only concerns 36 countries and its aim is merely to make their debt sustainable so that the HIPC stop asking for debt restructuring and delaying repayments. The initiative is a two-step process monitored by the two institutions and conditioned by strategically chosen criteria enabling the latter to enhance SAPs and provide further loans. The debt burdens also come from the choice of ‘industrialised countries’ to privilege concessional loans over grants when delivering assistance. Rather than affecting their budgets, such kind of assistance even enables them to gain some money. These loans entailed a grant element of at least 25% and enable the recipient governments to finance development

programmes, but the latter must face interest repayments often leading to debt distress. In 2014, professionals warned that ‘If the OECD DAC review does not bring an end to lax reporting criteria, aid could be artificially inflated by more than 50 billion euros in coming years.’ (Colin & Kwakkenbos, 2014) So in 2018, the OECD finally adapted its way of measuring net ODA. From now on, only the grant elements of concessional loans are counted as ODA and interest repayments are no longer deducted from ODA. These measures should encourage for more ‘concessionalism’. Nevertheless, they will not tackle the lack of ODA due to the reticence of ‘affluent states’ to meet their duty of solidarity. Besides, the financing gap is not the only problem with development cooperation; ODA is also widely misused and misallocated.

## **ii. Misuses and inappropriate solutions**

The lack of results of development cooperation is not only due to a lack of funding; it is also due to misuses of aid and inappropriate solutions. Fixing the financing gap will thus not suffice; if states intend to fulfil their duty of solidarity, they must care about their assistance bringing results. So far, ODA was used in ways that did not effectively improve the situation of poorer populations. Instead, it has sometimes worsened their disadvantage or has failed its purpose to assist due to the patronising attitude of the donor states.

### **a. Lack of transparency and accountability**

The most problematic aspect of ODA is the fact that it sometimes worsens the situation of the recipient population and therefore harms them. Then, not only does ODA fail as a means to assist, it also appears as a moral issue, for one should do no harm. It happens when ODA faces a lack of transparency in the decisions and the processes for allocating it, which leaves the door wide open to all kinds of additional issues (such as misallocations or misappropriations) and leads to cases of corruption. For instance, local authorities could be persuaded to let multinationals exploit local resources or be tempted to accept bad trade deals (which may, for example, jeopardise local activities due to a lack of competitiveness compared with international businesses) in exchange for a part of ODA. Foreign firms from Western countries have often bribed officials in poor countries to obtain public contracts or to sell non-competitive and low-quality goods and services. Such common practices obviously attract thugs and crooks in power who have no incentive to help their people ‘as their continuing in power depends more on the local elite, foreign governments, and corporations.’ (Brock, 2009a, p. 123) The best hope

to eradicate these practices and change the ‘pervasive culture of corruption that is now deeply entrenched in many developing countries’ (ibid. 2004, pp. 268–269) is to have full transparency and hold all stakeholders of development cooperation accountable for their actions. Currently, donors are usually not held accountable for the disappointing results of the bad foreign development strategies they undertook. Besides, recipients also do not feel responsible for bad outcomes of those strategies because they are not the ones who developed them. These strategies are mostly based on international goals like the Millennium Development Goals (MDGs), which were mainly drafted by ‘affluent countries’. Such goals have the advantage of providing a common vision for international development and a framework for policy-making and common action, but the strategic approaches for achieving them are too simplistic and often insensitive to diverse contexts, leading to a lack of ownership of the MDGs in recipient countries (Ramalingam, 2013, pp. 55, 56). The fact that no one is held accountable for bad results gives aid agencies the possibility of discarding the ‘precautionary principle’, i.e. the establishment of a strategy to cope with possible bad consequences before acting. Consequently, aid agencies have carte blanche to engage in any practice they want according to their own interests, and to take credit for positive outcomes while neglecting the problems they might cause, notably in terms of human rights and human wellbeing. In official reports, actors make the world believe that aid only contributes to the greater good, but they omit to mention all the bad to which it has also contributed. Official reports are supposed to provide some external accountability, but sceptical people criticise the fact that most official reports do not reflect the reality, and that their lack of objectivity puts the results they are depicting into question (Ramalingam, 2013, p. 110). Ramalingam for instance mentions the problems with the Millennium Development Goals. When one reads that some targets of MDGs have been met, one usually thinks that development assistance has been doing a good job. Yet, when looking at the numbers, it seems that development assistance has little to do with such accomplishments. For instance, regarding the fact that the proportion of abjectly poor people globally fell, numbers show that around half of the reduction was attributable to China, whereas for the rest of the world, the proportion hardly moved. In *Globalisation and its Discontents*, Joseph Stiglitz even argues that ‘China had succeeded despite aid agency advice, not because of it.’ Then, Dani Rodrik also claimed: ‘China implemented the policies [for] history’s greatest poverty eradication programme prior to, and independently from, the millennium declaration and the MDGs.’ (Ramalingam, 2013, p. 101) Besides, official reports are good at manipulating

numbers thanks to ‘bunching-up tactics’ (i.e. the setting of low goals easy to achieve) and accounting trickery. Coming back to the example on the reduction of poverty, there have been claims based on data provided by the World Bank that the MDG on poverty has been met. But given the fact that the data only consider one of the nine indicators (the indicator on income poverty) and fail to mention any progress on the other eight indicators of this MDG, those claims were far from the truth. Undeniably, ‘income poverty is only one aspect of deprivation; it is important to acknowledge other [human development] factors, such as under-nutrition, access to services, and minimum basic needs.’ (Ramalingam, 2013, p. 102) This is just one of many other examples offered by Ramalingam. As argued in the next chapter, if states wish to meet their duty of solidarity by means of ODA, they will have to find a way that: is fully transparent; compels donors to act according to the precautionary principle and to answer for their actions; lies in a strategy developed by the donor and recipient together; can objectively and honestly show the good and the bad it has done; makes all stakeholders accountable for their actions. Otherwise, ODA might end up worsening their situation, which is morally unacceptable, even when unintended. As goes the saying: hell is paved with good intentions.

#### **b. The patronising attitude**

When ODA does not worsen the situation of ‘developing states’, it still faces many issues preventing it from appearing as an adequate means of fulfilling the duty of solidarity. Since Truman’s Inaugural Address in 1949, the mission of the North is no longer to spread civilisation, but to enhance development among economically backward nations – using the example of their own model. In the second chapter, we discussed how, besides the moral imperative, ‘affluent states’ also have selfish reasons to assist the others. When such reasons take over the duty of solidarity, donors tend to adopt a patronising attitude that consolidates the control of the North over the South. This has engendered much criticism, because it jeopardises development efforts due to inappropriate solutions with a high degree of inefficiency and numerous bad results. Almost as if Truman had already predicted such criticism, he also stated that: ‘The old imperialism – exploitation for foreign profit – has no place in our plans. What we envisage is a program of development based on the concepts of democratic fair-dealing.’ (quoted in Rist, 1997, p. 71) The plan was to fill in the gap between the ‘underdeveloped’ and the ‘affluent states’ using the scientific knowledge of the latter and industrial progress. Easterly explains that this programme resulted from the false assumption that, because ‘affluent states’

‘somehow wound up with prosperity and peace, [they] know enough to plan for other societies to have prosperity and peace.’ (Easterly, 2006, p. 26) As opposed to what Truman claimed, this assumption led to an attitude that is reminiscent of the old imperialism. According to Easterly, this is the same patronising mind-set one can hear in colonisers’ narratives, as there were already similar ‘humanitarian instincts at work during colonialism’ (Easterly, 2006, p. 278). Starting from the 1870s, colonial policies implemented in the name of ‘civilisation’ included education programmes, primary health care systems, and village credit banks (Rist, 1997, pp. 57, 58). Such colonial policies were at the basis of many development programmes (Easterly, 2006, p. 279). Despite the shift from racism towards respect for equality, the paternalist and coercive strain inherited from that time has not disappeared. For instance, bilateral aid used to be heavily tied, meaning it could only be used by a recipient country for the procurement of foreign goods and services provided by the donor country. Tied aid has led to many controversies, for it has been proven to slow down the development of recipients and to mainly support the interests of those already advantaged on global markets. Fortunately, in 2014, the untying of aid from DAC countries reached a peak value of 78.6% (OECD, 2017a, p. 8), showing the way towards a full untying of aid. Ramalingam also criticises the condescending attitude of the donors. He claims that they have a certain understanding of how the world works, and development assistance is a reflection of it – just like colonialism used to be a reflection of the former European perception of the world. Nowadays, ‘affluent states’ assume that development challenges can all be resolved with their expertise because they are the example to follow. With the help of institutions that they have themselves designed, such as the World Bank or the IMF, ‘affluent states’ export solutions and methods to relieve countries from poverty that are fully prescriptive and designed with a limited understanding of the local problems (Ramalingam, 2013, p. 62). The best example is probably the failure of the Structural Adjustment Programmes (SAPs) that were undertaken in the eighties as a new strategy in response to the lack of results of aid programmes of the sixties and seventies. The donors blamed this lack of results on the bad governance of the recipients and thereafter introduced SAPs ‘to induce governments to change’ (Easterly, 2006, p. 272). These ‘shock therapies’ entailed loans that were given by the World Bank or the IMF on condition that recipients would undertake specific reforms to radically and rapidly change their political and economic cultures, so they could benefit from free markets. This made development aid more donor-driven than ever. Such a patronising attitude prevents the recipients having a say in their own development



policies. This is also inefficient, for it brings about injustices and inappropriate solutions. SAPs have been counterproductive because they recommend austerity measures to ensure debt repayment and economic restructuring, which reduced spending for social infrastructures crucial for the population's wellbeing. Under the SAPs reforms, many public sectors were privatised, leaving basic services such as water or electricity distribution dependent upon the interests of foreign investors. Besides, many donor-made solutions expressly include the use of Western-made goods for which the recipients must pay intellectual propriety costs. Additionally, the 'developing countries' were encouraged to focus on the massive exportation of their raw materials, which made their economies completely reliant on the commodities market. It did not take long before it could be seen that these exported methods were failing too. Such 'shock therapy' hardly ever works and SAPs have met with lots of criticism over the years, especially because the loans entailed important debt services, as explained at the beginning of this chapter. Yet today, 'affluent states' are still making the mistake of exporting solutions by involvement in foreign countries' development policies. The IMF and World Bank have said to have learned from their mistake by replacing the SAPs with 'Poverty Reduction Strategy Papers' (PRSP) which are drafted by the recipient country, but they still closely follow the recommendations of the two Western institutions. When placing emphasis on the rapid introduction of free markets in 'developing countries', donors have forgotten the time it took to create a favourable environment and appropriate institutions for their own markets to develop. They have also forgotten that their wealth and power are largely linked to rights-violations, environmental degradations and other abuses that should never have been part of the development process. Additionally, they have not considered that free markets must be adapted 'to local traditions and circumstances, and not [developed] through reforms designed by outsiders.' (ibid., 2006, pp. 60, 61) 'As a result, strategies are clumsily undertaken, supply-oriented, and riddled with naïve assumptions about people, political processes, and the nature of change.' (Ramalingam, 2013, p. 72) By perpetuating a system doomed to failure, the 'affluent states' are neglecting the interests of the recipients and reinforcing their dependence. Even if donors are not purposely doing this, this patronising attitude is unacceptable. It is time to stop trying to design comprehensive reforms for 'poor countries' supposed to create benevolent laws and good institutions to foster economic development. It is not up to the donors to impose their solutions like 'shock therapists' have done (Easterly, 2006, pp. 100, 116).

Ramalingam adds that current aid agencies tend to adopt a prescriptive approach when it comes to developing their strategies: ‘puzzle solving; blueprinted, designed, and specified at the top; and implemented by rote at the bottom.’ (Ramalingam, 2013, p. 48) Therefore, local implementers of such strategies must overcome their unsuitability for the country’s context and culture. Aid agencies do not learn enough about the local complexities; they focus on clear-cut directive policy prescriptions. They are entrenched and conservative, which often makes things worse for the recipients (Ramalingam, 2013, p. 39). They must stop imposing their views and start cooperating more with the recipient populations who have better knowledge of their life conditions, culture, environment and needs. The lack of knowledge of donors about the social reality within a community can indeed be very problematic. Several examples are presented in the film-documentary *Poverty, Inc.* (Matheson Miller, 2014). One example relating to foreign assistance to Haiti after the earthquake of 2010 particularly caught my attention: when analysing the crisis, aid agencies thought that it would be very useful to send as many solar panels as possible to provide free electricity to the population. Although the idea seemed perfect, it had no consideration for the small local solar panel industry. Who is going to buy something they can get for nothing? No one. So, when the aid agencies stopped sending free solar panels, the country no longer had a local solar panel industry and had to import panels from foreign countries. The problem with foreign assistance is that the donor always comes with a predetermined and general solution to a part of the problem. This is not cooperation; it is imposition. Had the agencies supported the local industry so it could provide cheap panels to the population, Haiti would now be able to rely on its own solar panels. Such stories keep repeating themselves. Another example is that of Toms shoes. For each pair of *Toms shoes* bought, one pair is donated to ‘poor countries’. This sounds great, everyone is happy; the customers feel they are doing a good deed, the company benefits from good publicity, and the poor receive free shoes! Is everyone happy? No, not the local shoemakers who have to close their businesses due to such free supplies. The same applies to local clothes industries and farms. How is a country supposed to develop economically if it relies on imports and donations for everything? The development industry is full of such examples. On 17<sup>th</sup> December 2017, Jean-Paul Augereau, the creator of the ‘Safe Water Cube’, was interviewed on the French channel *LCI* in the emission ‘*Tous Acteurs du Changement*’ (Amicone, 2017). He explained how the cube is the ‘innovation that ends the world crisis of access to drinkable water’, and how it is particularly practical since it needs no electricity, no maintenance, no chemical

products, and emits zero CO<sub>2</sub>, simply providing access to a source of water. The solution to the big problem of lack of clean water is simply for the West to donate one SWC per village. Is it that simple though? One can only hope that this association learns from the failures of others and takes the time to reflect with the population on the needs of their village and the best way this potential solution could help them. There are probably many places where it would be welcomed, but there are also many places where it might be useless or even have drawbacks. I can already think of two examples: first, if the reason why a village does not have water is because all the sources are empty, or because the first source available is at four kilometres away and the population cannot reach it due to the armed militia threatening their lives on the way, then the SWC will absolutely not resolve their lack of access to drinkable water, and it might even bring more harm than good if it leads the donors to think that the problem is solved and other solutions do not have to be subsidised anymore. Second, if the association gives a SWC to a village and appoints a random person to take care of it without discussing the matter with other villagers, the SWC might bring tensions within the community. For instance, an anthropologist once told me that a group of Western engineers once went to an African village to install a big water dam that would give the local population access to water. Once they had finished, they went back to their country, very proud of their achievement that would revolutionise the lives of thousands. What they did not know is that, once they left, a group of people came and destroyed the whole dam. Why? Because the engineers had chosen people at random to help them build it without consideration for social hierarchies. Therefore, the chiefs felt insulted and refused to allow a construction in which they had had no say to remain in their village. This example clearly shows how taking local culture into account is crucial in problem-solving. The development industry tends to forget this, and think that only money, infrastructure, institutions, and programmes matter. But ‘those plans at the top are not connected to reality at the bottom’ and what works at home might be a total failure abroad (Easterly, 2006, p. 17). Easterly stresses, for example, that markets are a great way to improve economic development, but there must be checks and balances to prevent market participants cheating and jeopardising the whole system (Easterly, 2006, p. 77). In ‘affluent countries’, this can be done for instance through courts and institutions preventing corruption or guaranteeing goods’ quality. Each disadvantaged country should decide what the solutions are that would work best in regard to the local culture and environment. They must help themselves, and the ‘affluent states’ must help them with ideas, technology, funds, fair cooperation and trade only when the

disadvantaged country judges it useful. To be sure, borrowing solutions from other settings can be a good idea, but, as Ramalingam notes, it must be done with ‘consideration of the context in which they are being used’ (Ramalingam, 2013, p. 124), and only insiders can do that. There is, however, something that Easterly thinks indispensable for markets to work anywhere: property rights. But would this not be the imposition of a Western idea again? He does not think so, because he says that – as in the case of other market complexities – it should not be imposed from the top, but should rather gradually emerge from the bottom up, in a way that does not neglect complex social customs and beliefs (ibid. 2006, pp. 90, 96). This is an important detail, because some ‘developing countries’ have encountered many problems when introducing property rights from the top. In particular, this enables the government to sell huge pieces of land to big multinational corporations, leading to the squatters on those lands being expelled, for instance in Ethiopia (Demmer, 2017). Paradoxically, this means that with property rights the problem of ‘land expropriation’ can arise. Again, instead of focusing on the needs and desires of the population, the government follows the Western idea that it must do whatever it can to enter the global market and attract foreign investments. But many of those investments have brought industrialised agriculture at the expense of small local farmers, polluted the environment, destroyed the soil, deforested hectares of land, and created new flows of refugees who now depend on humanitarian assistance (whereas they used to depend only on a natural environment they had studied for centuries). They do not even help to feed the population, since most produce goes for export (Demmer, 2017). In the end, such financial investments more often help to keep self-interested and unaccountable governments in place, rather than serve the interests of the population. If it is aimed to assist the people, it is crucial that ODA be allocated to projects developed with them, for they best know what they need and how to implement it.

To summarise, development cooperation does not fulfil its purpose because flows of ODA are too little and delivered in ways that are inefficient. The trillions of dollars allocated via development programmes over the past seventy years have done little good and even some bad. There is a lack of transparency enabling too many actors to make many unfulfilled promises and mistakes for which they are not held accountable. The patronising attitude of the donor community leads to a lack of home-grown solutions and communication with the local populations. This is not to say that there is no success story and that aid agencies are useless. They can help considerably to improve the life quality of many, but the good they bring does

not forgive the bad they do. Aid is currently not an appropriate means to honour the duty of solidarity.

### **Chapter 3. The human rights-based approach**

Political and economic motivations for international solidarity are important because they can convince many states to engage in development cooperation. However, they are quite self-oriented and might generate a kind of solidarity that does not really care for the interests of disadvantaged people. This can lead to problematic situations where development cooperation may cause more harm than do good, which fails the duty of solidarity and goes against the duty to do no harm. When states began to engage in development cooperation, they had a vision of development that first led to a ‘charity approach’ then to a ‘needs-based approach’. The first encouraged states to assist ‘developing communities’ for reasons of pure beneficence, whereas the second limited aid to short-vision programmes to fulfil the recipients’ basic needs. These approaches led to problems notably because they were focussed on immediate results rather than lasting changes and they used methods inconsistent with their end, where human rights concerns were often left aside. The rights-based approach (HRBA) ‘grew out of a conceptual paradigm shift in the understanding of development as a multidimensional improvement in people’s capability to lead lives that they value’, contrary to the previous visions of development (FAO, 2017, p. 6). Consequently, it has ‘developed as an approach that could remedy the deficiencies in the charity and needs-based approaches that preceded it, by working towards systemic changes and addressing the root causes of poverty, including discrimination, marginalisation, exploitation and abuse.’ (2017, p. 6) The HRBA provides guidance on the way human development should be pursued. It is defined by the UN Food and Agriculture Organisation (FAO) as ‘a conceptual framework of human development that is normatively based on international human rights standards and operationally directed at promoting and protecting human rights.’ (FAO, 2017, p. 6) Applying the HRBA to development requires to respect human rights principles, which would help preventing many problems of development cooperation. Besides, the HRBA would make concerns for human rights always come first in decision-making and when assessing methods and objectives in order to promote human dignity and the rights of affected populations. The RTD calls for the HRBA to development because it specifically demands the respect of human rights principles (such as participation, non-discrimination and human dignity) and aims at the full realisation of human rights throughout all phases of the development process, thus at the decision-making level about policy priorities, when formulating, implementing and monitoring development programmes, and when

evaluating their outcomes and elaborating corrective actions (Sengupta, 2008, para. 75). Under the HRBA, states' assistance would no longer be encouraged by a charity mindset but would henceforth be about enabling right holders to claim and enjoy their human rights and duty bearers to carry out their duties. Having the realisation of human rights and thus of the RTD as essential goal of international solidarity would enable states to fulfil both their duty of solidarity and duty to do no harm.

## **I. Human rights principles**

Following the HRBA implies the respect of certain principles. In the context of the HRBA to the right to food supported by the FAO, human rights principles are referred to under the English acronym PANTHER for participation, accountability, non-discrimination and equality, transparency, human dignity, empowerment, and the rule of law. The PANTHER framework should be applied to the HRBA to development. Respecting PANTHER principles would improve the efficiency and effectiveness of aid. More importantly, it would prevent states to harm aid recipients, by leading to 'the non-discriminatory and informed participation' of concerned communities in inclusive, equitable, 'transparent and rules-based decision-making processes, that are based on the recognition of their dignity and on the accountability of all actors involved.' (FAO, 2017, p. 6) A needs-based approach can possibly lead to similar successful methods of development when human rights principles are respected. The problem is that such approach does not demand that it always be the case, hence the methods often disregard human rights considerations. The HRBA has the advantage of always care for human rights standards. The PANTHER principles relate to the human rights to participation, equality, effective remedy and due process of law, and access to information.

### **i. The participation principle**

Respecting the principle of participation requires that inclusive, free and meaningful participation (individual or collective) be always accessible and encouraged (in the formulation, implementation, monitoring and evaluation of policies, programmes or projects). It is the right of all persons to be consulted and take part actively in the development process that concern them because they have freedoms of expression and information, and they deserve to have a say in the conduct of public affairs affecting them. Since development is about their dignity and wellbeing, human beings must be the beneficiary of development, and as beneficiary, they must

be able to take part to it (United Nations, 1986, art. 2). Besides, the process needs the collaboration of affected people to be successful. People will be more likely to support it when they were consulted and even more when they are involved in it. Furthermore, solutions must be home-grown to be working and overcome structural inequalities. Contextual knowledge is necessary for development projects and policies to be relevant, sustainable, adapted to the culture and means of the community and supportive of its resilience. Poverty must not be conceived of as a general problem that one agenda can remedy; it is ‘a complicated tangle of political, social, historical, institutional, and technological factors’ that demands a local approach (Easterly, 2006, p. 6). So, the people must be consulted to determine which development policies and projects they want to realise their human rights. The development process must be owned by the people themselves and aid must be demand-driven, not donor-driven. This means that donors should adapt to the demands, goals and agendas of recipient countries, not the other way around. Respecting the principle of participation would hopefully enable to leave top-down agendas aside and focus on long-term effects with consideration for the diversity of needs and views within targeted populations.

## **ii. The accountability principle**

The accountability principle is about assuring access to effective mechanisms through which one can hold stakeholders (i.e. any authority, non-state actor or individual taking part to the development process) responsible for their actions (or lack of action), so people can keep control over decisions affecting their lives. The mechanisms must entail the monitoring of the effective realisation of human rights and provide remedies in cases of violation or impairment by virtue of the right to effective remedy and due process (FAO, 2017, p. 83). This is crucial in order to make stakeholders comply to their obligations and fulfil their engagements, as well as to transcend power asymmetries between right holders and duty bearers.

## **iii. The non-discrimination and equality principle**

The non-discrimination and equality principle implies that there be no form of exclusion or limitations based on sex, race, age, disability, language, religion, political affiliation, culture, origins, sexual orientation or other status in the realisation of human rights. All persons have the right to be treated equally: they have equal rights and they deserve equal opportunities and equal protection of the law. Nobody should be victim of any discrimination preventing him



from having the same ability as other persons to enjoy a decent life. ‘Distinctions based on reasonable and objective criteria are not discriminatory’ (FAO, 2017, p. 83 box 2) and are necessary to prioritise the needs of those who lag the most behind in enjoying their rights. This reminds ‘the Rawlsian Difference Principles that require maximizing the advantage of the worst-off, no matter how that affects the advantages of all others.’ (Sengupta, 1999, para. 31) Consequently, the development process should be equitable, thus it should aim at the constant improvement in human wellbeing starting from the persons most in need. Resources for and benefits of development must be equitably allocated according to persons’ ability to enjoy their rights in order to leave no one behind. This non-discrimination principle gives particular attention to the poorer and most marginalised people in decision-making to foster a development that is sustainable for all and where all nations and individuals enjoy an equal opportunity for development. (Ngang et al., 2018)

#### **iv. The transparency principle**

The whole process must be fully transparent for affected populations by virtue of their freedom of information and to be informed participants and empowered claimants. They must have free and easy access to procedures, discussions and decisions that concern their rights, freedoms and wellbeing in order to hold donors accountable for the failure in the fulfilment of their duties. Programmes and objectives must be clearly and openly defined and accessible in relevant languages and formats. Besides, mistakes will be less likely to be repeated and there will be more sharing of best practices if all information about failures and successes are publicised. It might even result in increased collaborations, with people joining forces on common projects rather than get involved in isolated projects despite their common objectives. The international community has made some progress over the years in the direction of more transparency. In 2011, donors agreed in Busan to launch three new initiatives: the International Aid Transparency Initiative (IATI); the Open Aid Partnership (OAP); and the Open Government Partnership (OGP). The first proposes common standards for an information database designed to incorporate ‘all development finance’, the second consists in a web-based mapping tool enabling citizens to check where financing is being directed and report on it, and the third encourages governments to ensure greater transparency and improved governance (Mawdsley et al., 2013, paras 6, 8). However, these efforts for more transparency can only show real effect if they are accompanied by equal efforts to foster the other human rights principles.

**v. The human dignity principle**

As explained at length in the first chapter, the idea of human dignity is at the foundation of human rights philosophy. Therefore, the human dignity principle should inevitably be part of the HRBA to development. It means that because of their inherent worth as human beings – regardless of their social status or special attributes, all persons have a right to always be treated with respect, i.e. with consideration and esteem for their person, their integrity (physical and mental), their values and opinions, etc.

**vi. The empowerment principle**

The empowerment principle is about strengthening the capacity of right holders to claim and enjoy their rights ‘and building the capacity of duty bearers to respond to related demands’(FAO, 2017, p. 84). Empowering the people is about giving them the ways and means to become active and responsible actors throughout the entire development process affecting their lives and feel accountable for its success as well as failure. As Michael Matheson Miller (the director of the film-documentary *Poverty, Inc.*) nicely put it: poor people must not be treated as objects of our charity, objects of our pity, or objects of our compassion; poor people are subjects, they must be recognised as the protagonists of their own story of development (Matheson Miller, Weber, & Easterly, 2016). While the participation principle focuses on consulting the people and giving them a say in the development process, this empowerment principle rather stresses the need of certain infrastructures and social environment for them to be able to take their problems into their own hands. It relates to the right to education because people must learn about their rights and duties and how to claim and honour them. To be empowered, the respect of the other human rights principles is important because people need access to information, equality of opportunity, protection against discriminations, etc. This principle also calls for more cooperation between local agents and other stakeholders. The latter should aim to strengthen the capacities of the former to solve their development issues.

**vii. The rule of law principle**

Another important human rights principle is the rule of law. Fair rules and laws, and the enforcement of justice are important for the respect of the other human rights principles and the realisation of human rights. Authorities and other stakeholders must legitimately exercise their

rights and duties in accordance with rules and procedures. The development process must be based on fair decision-making and independent ruling.

#### **viii. The precaution principle**

In addition to PANTHER principles, the HRBA to development should entail the respect of the principle of precaution. There must be an assessment of development methods before acting and then strategies must be elaborated to cope with potential bad consequences (no method is risk-free). This principle should enable to prioritise methods with the best prospect of success and prevent those that could worsen the recipients' situation. This means that there must not be a big risk of it being misappropriated or misallocated, and no one should be harmed by its consequences. When countries cannot trust governments to use the assistance received to benefit their people, they must try to directly offer assistance to the people who need it and want it without passing by their governments.

Let us take stock. States have a duty of solidarity that they could fulfil through development cooperation if its problems are fixed. For this, the HRBA to development is promising. This means that the whole development process – not merely its objectives – would respect, promote and protect human rights and be guided by the PANTHER principles. Satisfying all these principles would make donors feel compelled to be honest about their intentions and to respect the precautionary principle. A country could not harm the recipients by using ODA for immoral reasons (for instance when used to expand the dominance of 'affluent states' over disadvantaged ones, or when used in the interests of multinationals or corrupt people). Donors could not have hidden agenda nor be using ODA for purposes ultimately harming the recipients because the latter would not support them. Having the right intentions is not enough to successfully assist and thus honour one's duty of solidarity, but it is certainly one of the prerequisites to do no harm. Then, respect of the precautionary principle would lead ODA to only be delivered if it has a reasonable prospect of success. Respecting the HRBA would therefore cause no harm and show more efficacy in bringing the best positive and lasting conditions possible for human dignity worldwide.

## **II. Criticisms**

It is worth noting that some people do not support the human rights approach because it is supposedly based on a Western understanding of justice, and it is intolerant to judge other societies on whether they share such a particular conception of rights. For instance, David Miller asks whether human rights are not a mere reflection of the Western conception of ‘the good polity’ rather than a reflection of universal beliefs (Miller, 2004, p. 128). John Rawls grants that some human rights are rather instrumentally important, in the sense that they are needed in Western democracies (for instance the right to political participation) but can be neglected elsewhere. However, other human rights are fundamental for access to any conception of a good life worldwide. For this reason, John Rawls in the *Law of Peoples* accepts that some societies discard non-fundamental human rights, but he maintains that all societies must present minimum conditions of respect for human rights because fundamental rights are not negotiable (Rawls, 1993, pp. 57, 59, 61). Rawls stresses that states have the duty to assist peoples who lack the means to organise themselves as a liberal or well-ordered society<sup>14</sup> (Rawls, 1993, p. 63). Likewise, Erin Kelly puts emphasis on the duty to protect fundamental human rights, which, for her, is a matter of morality, not of culture. Such rights protect the fundamental interests and dignity of any person regardless of her country or culture, and it would be immoral not to respect them. In other words, the promotion of human rights results from mutual respect and concern for the fundamental interests of others worldwide. Recognising this cross-culturally shared concern for fundamental human rights enables effective joint deliberation and action between societies, and a shared commitment to the protection of human rights globally (Kelly, 2004, pp. 178-180). For this reason, states can at least all agree that *fundamental* human rights offer a strong moral reason for states to participate in a scheme of cooperation that will strengthen those rights.

Nevertheless, the duty of solidarity can only be met when all people enjoy their RTD, which requires that all human rights – even the ‘instrumental’ ones – be secured for all. It would be a mistake to dismiss the duty of solidarity on the basis that it demands the promotion of human rights that cannot be imposed upon non-Western cultures. Martha Nussbaum points out that, considering the historical record of people worldwide fighting and dying for ideas of political

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<sup>14</sup> A society whose ‘political institutions specify a just consultation hierarchy while [its] basic social institutions satisfy a conception of justice expressing an appropriate conception of the common good.’ It is ‘peaceful and not expansionist; its legal system satisfies certain requisite conditions of legitimacy in the eyes of its own people; and, as a consequence of this, it honours basic human rights’ (Rawls, 1993, pp. 37, 44)

equality, democracy, human dignity, and toleration, it is very plausible that so-called Western notions are principles of global justice, despite the differences of history, tradition and beliefs between each person (Nussbaum, 2004, pp. 153–155). Besides, as argued before, the RTD is not about imposing a single conception of the good life. On the contrary, it is the means by which all people can protect their dignity and pursue their own purposes – so long as they do not infringe upon other people’s rights. Also, adopting a HRBA imposes the acknowledgment of the recipient communities’ culture – i.e. their beliefs, practices and forms of organisation. So, such approach should in fact lead methods of development cooperation to respect other cultures better than ever. Lastly, as admitted by the FAO, according to the contextualisation, the approach can show some flexibility ‘as human rights could be sensitive issues and require repackaging in some contexts.’ (FAO, 2017, p. 85 box 2)

In the following section, I suggest a scheme of participation that would enable states to fulfil the RTD. However, before such scheme can be set up, mechanisms for transparency and accountability must be created. First and foremost because they are necessary to prevent aid to do harm, which must be the priority of development cooperation. Secondly, because the proposed scheme of participation requires proper accountability mechanisms and effective universal access to detailed information for participation to be genuine and effective (Alfarargi, 2018, para. 68).

### **III. A proposal for inclusive public participation**

Empowering the recipients to take an active role in the development process through inclusive public participation is the key to improve aid and fix its problems. Ensuring inclusive and participatory processes is where one should start to honour the duty of solidarity. Donors and local authorities need precise, relevant and sustainable objectives for their development policies and such objectives can only be determined with the target population. As stipulated by the participation principle, inclusive individual and collective participation should be accessible and encouraged among all relevant stakeholders throughout the whole development process. Firstly, populations should have a say in the formulating of development policies concerning them. There should be public consultations to gather people’s opinions and hear about their difficulties to make sure that development policies reflect development needs. The consultations must be democratic, because the voice of everyone concerned by the projects

must be taken seriously, including those usually silenced about the inequalities they suffer in their culture (Lakhonin, 2016, pp. 68, 75).

Then, a way to involve the people further would be by means of open calls for projects to which ODA and other grants would be distributed. Allocating ODA only by means of grants supporting specific projects rather than with continual flows would ensure that it is specifically directed to promising solutions and specific purposes. The open calls should be open to anyone; individuals, collectives, NGOs, private organisations, public administrations, etc. In any case, the money from the grants should only be spent for the projects and not on other costs. This way, donors can be certain that their assistance will be efficiently used in a limited period of time for particular needs and it is less likely to face cases of misappropriation and misallocation. Besides, as advocated by Abhijit Banerjee and Esther Duflo, donors should trust more the potential impacts of small projects because incremental progress can sometimes lead to a quiet revolution to improve accountability and reduce corruption (Banerjee & Duflo, 2011, pp. 212, 217). For instance, when political institutions are not there to put constraints on rulers to prevent them from deviating too much from the public interest, aid can support local projects that will eventually enable such institutions to ‘emanate from the bottom up’ (ibidem, 2011, p. 216). However, such project system with open calls must be designed in a way that it does not ‘reward those who are well connected and master the project language rather than those who are engaged in grassroots-supported social change’, as Peter Uvin might fear (Uvin, 2004, p. 174). Besides, it is important that the projects chosen through the open calls be widely supported by the local populations. For these reasons, there should be small-scale public consultations (where full information about the projects is provided for people to make informed decisions), so the extent of public support for the projects can be a selection criterion. Public disapproval must also come into consideration when donors choose the different projects in order to prevent that the needs and opinions of minorities be left aside. Other criteria should be taken into account per area, such as the purposes of the projects, their target population, their sustainability, their local-based solutions, etc.

Afterwards, there should be continual public participation to help monitor the implementations of policies and projects and to evaluate their outcomes in order to be certain that they are fulfilling their objectives. Finally, there could be additional public consultations to invite people to elaborate corrective actions when problems have occurred.

This would ensure that aid exclusively goes to projects likely to help targeted communities and would prevent selfish (or even corrupt) local governments dedicating aid flows according to the particular interests of certain people (for example the local elite, foreign governments, and corporations) who assure their continuing in power in return. Through such consultations, donors will know what works and is needed, accept responsibility for their financial supports, ask for consistent feedbacks, care about local conditions and learn about local reality directly from the people, rather than apply global blueprints. They will no longer ask themselves what ending global poverty requires of them, but will find out what a particular community needs (Easterly, 2006, pp. 6–11). Also, involving more people in the development process will relieve government officials who spend more than half their time responding to foreign donor requirements, writing reports, or meeting donors, instead of contributing to good governance and being at the disposal of their population (Ramalingam, 2013, p. 4).

Such scheme of participation would naturally lead the way towards the respect of the equity and non-discrimination principles of the rights-based approach. Aid would be distributed in an equitable way since donors will have been informed about the needs of the people, including the most marginalised parts of the populations, and solutions will have been deployed accordingly to ensure the fair sharing of benefits and burdens. Since the participation and decision-making process would be inclusive and democratic, aid would never fail the principle of non-discrimination.

The difficulty with public participation is not only to organise and finance consultations, it is also to reach and motivate a high number of people to take part to them. People in desperate search for basic goods and services to answer their elementary needs cannot afford to spend time on public consultations. A solution would be to attract people by providing them with food and water, and access to sanitation and healthcare at the consultation places. And the consultations should occur in many villages, so people do not have to cover too large distances to attend them and every person can be reached even in remote places.

This scheme is quite idealistic for it requires from the donors to let go off their control over the projects on which ODA is spent. Current practices show they are not yet ready to choose that way of assisting. We could change again the way we measure ODA so that it only includes grants that were delivered in a way respecting the RTD. Then, states would have to make the necessary efforts to improve aid. However, this would require that the international community

agrees to follow the HRBA, which is currently not the case. Furthermore, states may not be motivated enough and may decide to give up on delivering ODA despite their commitments. As we saw with the problem of the financing gap, there is a critical lack of engagement from their part. The HRBA is promising, but it is clearly still facing many challenges.



## Conclusion

All human beings have the fundamental right to live with dignity in a world where they can fully enjoy all their rights. This makes them entitled to participate and benefit from the development process in order to be able to constantly improve their wellbeing. In other words, people have a human right to development. Everyone has the duty to respect others' RTD. There are also moral agents who have the duty to aid people deprived of living conditions to enjoy their RTD. Several principles may come to use to appoint the duty to particular agents according to their level of responsibility. Since it matters particularly that duty bearers be capable of realising the duty, I have argued that the capacity principle should have the primacy over the other principles. Considering the important means necessary to realise the RTD globally, and 'affluent states'' powerful status in the world order, the latter seem to be the most capable agents to assist deprived populations. This is states' duty of international solidarity. We should expect all capable states to perform their duty to aid together by forming a collective agent whose development assistance is coordinated by a common international institution. Based on principles such as outcome responsibility, the benefit principle, or the historical taint principle, the international institution (for instance the OECD) must identify the fairest and smallest possible burden-sharing coalition made of its members to assist a given population.

Over the past decades, states have engaged in development cooperation, but this does not ensure that they meet their duty of solidarity. Nowadays, the way development cooperation works is controversial. States offer too little aid compared to their capacity, and they use questionable methods, notably because development cooperation can be a matter of self-interest on the part of certain states who see their prosperity dependent on that of the others. Their self-oriented political and economic reasons have often led states to put moral considerations in the background for the benefit of development policies 'preoccupied with the growth of output of material products and marketable services' rather than with human needs (Sengupta, 1999, para. 48). As a result, methods of cooperation do not always serve the interests of the assisted populations and might even worsen their situation, which fails the duty of solidarity and goes against the duty to do no harm. This paper aimed to show that this could be solved if states were to acknowledge that they have a duty of international solidarity demanding more of them, and that for development cooperation to serve this duty, it should primarily be dedicated to fulfilling

the RTD for all human beings rather than serve other purposes. The moral imperative must be at the core of development methods.

In the last chapter, I have suggested that the human rights-based approach (HRBA) to development offers such a guidance for development cooperation, for it prescribes to orientate all development methods according to human rights and their corresponding principles. Finally, I attempted to draft an ideal scheme of inclusive public participation, which I believe is crucial for all people to be empowered to take part to the development process.

## Literature and other references

- Alfarargi, S. (2018). *Report of the Special Rapporteur on the right to development*.
- Amicone, S. (2017). *Tous Acteurs du Changement*. (4,38 min) Paris: LCI.
- Banerjee, A. V., & Duflo, E. (2011). *Poor economics : a radical rethinking of the way to fight global poverty*. New-York: Public Affairs.
- Brock, G. (2009a). Global Poverty, Taxation, and Global Justice. In *Global Justice* (pp. 119–150). Oxford University Press.
- Brock, G. (2009b). Humanitarian Intervention. In *Global Justice* (pp. 172–189). Oxford University Press.
- Buchanan, A. (1996). Perfecting Imperfect Duties: Collective Action to Create Moral Obligations. *Business Ethics Quarterly*, 6(1), 27–42.
- Caney, S. (2011). Humanity, Associations, and Global Justice. *Monist*, 94(4), 506–534.
- Chen, J. (2009). Fair distribution of welfare gain. *Progress in Development Studies*, 9(4), 285–295. Retrieved from <http://journals.sagepub.com/doi/10.1177/1464993409000900403>
- Colin, S., & Kwakkenbos, J. (2014). Time to put the poorest first: Why the OECD DAC must reform rules on concessional lending. Retrieved May 22, 2019, from <https://eurodad.org/Entries/view/1546133>
- Demmer, J. (2017). *Dead Donkeys fear no Hyenas*. (83 min) USA: WG Films.
- Easterly, W. (2006). *The white man's burden : why the West's efforts to aid the rest have done so much ill and so little good*. Penguin Press.
- FAO. (2017). Exploring the human rights-based approach in the context of the implementation and monitoring of the SSF Guidelines. In N. Franz, L. Westlund, & S. Yeshanew (Eds.) (p. 116). Rome. Retrieved from <http://www.fao.org/3/a-i6933e.pdf>
- Guimbo, B. R. (1997). Droit au développement et dignité humaine. In *Les Droits fondamentaux : universalité et diversité, droit au développement, démocratie et Etat de droit, commerces illicites : actes des 1 ères Journées scientifiques du Réseau Droits fondamentaux de l'AUPELF-UREF tenues à Tunis du 9 au 12 octobr* (pp. 75–89). Bruxelles: Bruylant.
- Hardoon, D. (2015). *Wealth: Having It All and Wanting More*. Oxford. Retrieved from <https://www.oxfam.org/en/research/wealth-having-it-all-and-wanting-more>
- Hjorthen, F. D. (2017). Who Should Intervene? *Res Publica*, 23(4), 391–407.

- Igneski, V. (2017). The Human Right to Subsistence and the Collective Duty to Aid. *The Journal of Value Inquiry*, 51(1), 33–50. Retrieved from <http://link.springer.com/10.1007/s10790-016-9552-y>
- IMF. (2019). Factsheet - Debt Relief Under the Heavily Indebted Poor Countries (HIPC) Initiative. Retrieved June 23, 2019, from <https://www.imf.org/en/About/Factsheets/Sheets/2016/08/01/16/11/Debt-Relief-Under-the-Heavily-Indebted-Poor-Countries-Initiative>
- Kelly, E. (2004). Human rights as foreign policy imperatives. In *In D. K. Chatterjee (Ed.), The Ethics of Assistance: Morality and the Distant Needy* (pp. 177–192). Cambridge University Press.
- Lakhonin, V. (2016). Listening to aid recipients in ‘aid-development’ debate: Findings from ‘the listening project’ and jerge-tal village in Kyrgyzstan. *The Journal of Developing Areas*, 50(4), 67–80. Retrieved from <https://muse.jhu.edu/article/639387>
- Matheson Miller, M. (2014). *Poverty, Inc.* (91 min) USA: Poverty Cure Action Media & Coldwater Media.
- Matheson Miller, M., Weber, M. R., & Easterly, W. (2016). Poverty, Inc. Q&A Session - William Easterly. Retrieved May 25, 2018, from <https://www.povertyinc.org/videos/william-easterly>
- Mawdsley, E., Savage, L., & Kim, S. M. (2013). A “post-aid world”? Paradigm shift in foreign aid and development cooperation at the 2011 Busan High Level Forum. *The Geographical Journal*, 180(1), 27–38. Retrieved from <http://doi.wiley.com/10.1111/j.1475-4959.2012.00490.x>
- Miller, D. (2001). Distributing Responsibilities. *Journal of Political Philosophy*, 9(4), 453–471.
- Miller, D. (2004). National responsibility and international justice. In *In D. K. Chatterjee (Ed.), The Ethics of Assistance: Morality and the Distant Needy* (pp. 123–143). Cambridge University Press.
- Miller, D. (2009). The responsibility to protect human rights. In L. H. Meyer (Ed.), *Legitimacy, Justice and Public International Law* (pp. 232–251). Cambridge University Press.
- Millet, D. (2003). L’initiative PPTE : entre illusion et arnaque. Retrieved May 20, 2019, from <http://www.cadtm.org/L-initiative-PPTE-entre-illusion>
- Mohan Rao, J. (1999). The Social Basis of International Cooperation. *International Social Science Journal*, 51(162), 585–592. Retrieved from <http://doi.wiley.com/10.1111/1468->

2451.00230

- Ngang, C. C., Kamga, S. D., & Gumede, V. (2018). Chapter 1 Introduction: the right to development in broad perspective. In C. C. Ngang, S. D. Kamga, & V. Gumede (Eds.), *Perspectives on the right to development* (pp. 1–11). Pretoria: Pretoria University Law Press.
- Nussbaum, M. (2004). Women and theories of global justice: our need for new paradigms. In D. K. Chatterjee (Ed.), *The Ethics of Assistance: Morality and the Distant Needy* (pp. 147–176). Cambridge University Press.
- OECD. (2017a). *2017 Report on the DAC untying recommendation*. Retrieved from <http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/2017-Report-DAC-Untying.pdf>
- OECD. (2017b). *Development Co-operation Report 2017: data for development*. Paris: OECD Publishing. Retrieved from [http://www.oecd-ilibrary.org/development/development-co-operation-report-2017\\_dcr-2017-en](http://www.oecd-ilibrary.org/development/development-co-operation-report-2017_dcr-2017-en)
- OECD. (2017c). Development finance of countries beyond the DAC - OECD. Retrieved May 31, 2019, from <https://www.oecd.org/dac/dac-global-relations/non-dac-reporting.htm>
- Organisation for Economic Co-operation and Development. (2019). Development aid drops in 2018, especially to neediest countries. Retrieved May 5, 2019, from <https://www.oecd.org/newsroom/development-aid-drops-in-2018-especially-to-neediest-countries.htm>
- Ortiz, I. (2007). Putting Financing for Development in Perspective : The South Finances the North World Distribution Asymmetries : The Need for International Redistribution North-South Transfers : Official Development Aid (ODA). Retrieved May 14, 2018, from <https://ssrn.com/abstract=1032189>
- Parrish, J. M. (2009). Collective responsibility and the state. *International Theory*, 1(1), 119–154.
- Pogge, T. W. (2004). “Assisting” the global poor. In D. K. Chatterjee (Ed.), *The Ethics of Assistance: Morality and the Distant Needy* (pp. 260–288). Cambridge University Press.
- Ramalingam, B. (2013). *Aid on the edge of chaos: Rethinking international development in a complex world*. Oxford University Press.
- Rawls, J. (1993). The Law of Peoples. *Critical Inquiry*, 20(1), 36–68. Retrieved from <https://www.journals.uchicago.edu/doi/10.1086/448700>

- Rist, G. (1997). *The History of Development : from western origins to global faith*. Zed Books.
- Scheyven, R. (1954). *Special United Nations Fund for Economic Development Final Report*. New-York.
- Sengupta, A. (1999). *Study on the current state of progress in the implementation of the right to development*.
- Sengupta, A. (2008). *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. Report of the independent expert on the question of human rights and extreme poverty*.
- The World Bank Group. (2016). *Taking on Inequality. Poverty and Shared Prosperity*. Washington. Retrieved from <https://openknowledge.worldbank.org/bitstream/handle/10986/25078/9781464809583.pdf>
- Tomann, H. (1988). The debt crisis and structural adjustment in developing countries. *Intereconomics*, 23(5), 203–207. Retrieved from <http://link.springer.com/10.1007/BF02925113>
- UNDP. (2016). *Human Development Report*.
- United Nations. Charter of the United Nations Chapter IX, Pub. L. No. 1 UNTS XVI (1945). Retrieved from <https://www.un.org/en/sections/un-charter/chapter-ix/index.html>
- United Nations. Resolution 198-III of the General Assembly, Pub. L. No. 198– III (1948).
- United Nations. Resolution 200-III of the General Assembly, Pub. L. No. 200– III (1948).
- United Nations. Resolution 1521 (XV) of the General Assembly on the Establishment of a UN capital development fund, Pub. L. No. 1521 (XV) (1960).
- United Nations. Resolution 1522 (XV) of the General Assembly on Accelerated flow of capital and technical assistance to the developing countries, Pub. L. No. 1522 (XV) (1960).
- United Nations. Resolution 1710 (XIV) of the General Assembly on the United Nations Development Decade. A programme for international economic co-operation, Pub. L. No. 1710 (XIV) (1961). Resolution of the General Assembly.
- United Nations. (1962). *Proposals for action for the United Nations Development Decade*.
- United Nations. Resolution 2626 (XXV) of the General Assembly on the International Development Strategy for the Second United Nations Development Decade., Pub. L. No. 2626 (XXV) (1970).
- United Nations. Declaration on the Right to Development, Pub. L. No. A/RES/41/128 (1986).

- Retrieved from <http://www.un.org/documents/ga/res/41/a41r128.htm>
- United Nations. The Rio Declaration on Environment and Development (1992).
- United Nations. (1995). *World Summit for Social Development Programme of Action*. Copenhagen. Retrieved from <http://www.un.org/esa/socdev/wssd/text-version/agreements/poach2.htm>
- Uvin, P. (2004). Final synthesis and questions. In *Human Rights and Development* (pp. 167–201). Kumarian Press.
- Van Haute, A. (2019, April). Aide au développement. Une aide au service de... la Belgique ? *La Revue Nouvelle*, 46–51. Retrieved from <http://www.revuenouvelle.be/Aide-au-developpement-Une-aide-au-service-de-la>
- Vazquez Pimentel, D. A., Macias Aymar, I., & Lawson, M. (2018). *Reward Work, Not Wealth: To end the inequality crisis, we must build an economy for ordinary working people, not the rich and powerful*. Oxford. Retrieved from [https://www-cdn.oxfam.org/s3fs-public/file\\_attachments/bp-reward-work-not-wealth-220118-en.pdf](https://www-cdn.oxfam.org/s3fs-public/file_attachments/bp-reward-work-not-wealth-220118-en.pdf)