

Chapter 1

The Legal and Political Foundations for Development Co-operation

What gives donors the political and legal legitimacy to develop aid policies and deliver aid in line with international best practices? How do donors secure this legitimacy and operational authority? The three essential ingredients are: i) an appropriate legal and/or policy basis; ii) political support for translating commitments into action; and iii) public support for development. DAC members establish the legal and political foundations for development co-operation in many ways: through legislation, high-level policy statements and strategies, political champions such as cabinet ministers with responsibilities for development co-operation, active engagement of parliamentarians in development co-operation, and effective communication and education strategies to win public support. Newer donors need to verify that they address these fundamental issues of legitimacy as they shape their approaches to development co-operation.

Legal and political issues

Legislation

“Have a clear, top-level statement of the purpose of development co-operation, whether in legislation or another form, that has wide ownership and can remain relevant for a sufficient period.” (Lesson 1)

Good legislation is transparent, clearly establishes the responsibilities of government entities involved in development co-operation, and makes them accountable. Legislation is an effective framework for establishing priorities and objectives for assistance, and can also protect the aid programme from competing interests that work against development objectives. At the same time, exhaustive legislation on development assistance can hinder efficiency, especially if laws are not updated regularly. Moreover, legal safeguards can unintentionally pose problems and constrain moves towards the harmonisation, alignment and accountability called for in the Paris Declaration and the Accra Agenda for Action (Chapter 8).

Legislation for development co-operation programmes in DAC member countries largely reflects their legal traditions. Just over half the DAC member countries have passed legislation that establishes the priorities and main objectives of their aid. For example, Canada’s Official Development Assistance Accountability Act, which came into force on 28 June, 2008, lays out a series of conditions that must be satisfied for international assistance to be considered official development assistance. In countries where there is no legislation governing development assistance, aid may be vulnerable to changing political priorities. But, countries without legislation, for example Australia, Ireland, Norway, and Sweden, may have more flexibility in adapting to rapidly evolving development co-operation issues.

The United Kingdom’s International Development Act

The UK’s International Development Act 2002 provides a clear legislative mandate around poverty reduction and gives national development co-operation its current strategic orientation on issues of development, not only aid. For the first time in the UK, it reflects in law the centrality of poverty elimination and forbids the use of development assistance for other purposes, including the tying of bilateral aid to procurement contracts for British companies. As it has been designated the lead ministry for carrying out this legal mandate, the Department for International Development (DFID) enjoys an unambiguous relationship with other ministries, which allows it to influence cross government thinking on development policy. This clarity of purpose also permits DFID’s downstream operations to be more efficiently managed and evaluated. The Act has been a cornerstone in the substantial improvement of the UK’s approach to international development since 1997.

Political context

“Avoid letting short-term pressures jeopardise the long-term common interest in effective development.” (Lesson 2)

Ultimately, striking an appropriate balance between development and other policy objectives pursued through foreign assistance programmes is a political choice made by each DAC member country. The DAC advises that although pursuing national interests is legitimate, if it results in ineffective aid, it will prove self-defeating. Of course, to justify this position, it is necessary to demonstrate that coherent policies and well-considered development co-operation can, and do, contribute to overarching long-term national interests. In 2001 DAC members agreed to untie most categories of ODA to least-developed countries. This reduces the pressure to promote member country commercial interests in development assistance programmes.¹

Over half DAC members recognise that development co-operation is a fundamental part of foreign relations. For example, Finland, France, the Netherlands and Portugal clearly state that development is an integral part of foreign policy and the country’s interest in global stability. The United States has traditionally justified development co-operation in terms of both recipient country needs and its own foreign policy objectives. In recent years, development has been elevated to one of three pillars of US foreign policy, along with diplomacy and defence.

Policy statements

Irrespective of legislation, an overarching policy statement that outlines the main purpose and objectives of foreign assistance is invaluable. These statements not only signify a government-wide commitment to development but also help manage competing national interests and secure a shared long-term interest in effective development. Such statements can be the basis for monitoring progress towards commitments to specific targets that do not lend themselves to being set in legislation (e.g. ambitions for future ODA levels as a share of gross national income), development objectives (e.g. the MDGs), and reforms (e.g. implementing the Paris Declaration and the Accra Agenda for Action). They are especially useful in setting out a common purpose in countries that have several agencies implementing foreign assistance, as is the case in Germany, Spain and the United States.² In addition, when development assistance policies are openly debated in civil society, the consultative process can be as important as the statement itself, as it helps to build public awareness and support.

Germany’s Programme of Action 2015 for Poverty Reduction

In 2001, Germany defined the profile and vision for its development co-operation in a Programme of Action 2015 for Poverty Reduction. This Programme sets out concrete steps that German ministries and agencies will take to achieve the MDGs. One of the overarching objectives, and an important dimension of German policy, is poverty reduction. The Programme calls for a coherent approach that integrates development assistance for the environment, agriculture, trade, economy, finance, science and technology for the benefit of the poor, at the global level, in partner countries, and in Germany itself. Since 2001 the Programme has served as the framework for German development assistance and is adapted as needed to reflect new global challenges (e.g. climate change, food crisis).³

Policy statements take different forms, for example, white papers, ministerial statements to parliament and multi-year master plans. In some cases, policy statements relate specifically to development assistance while, in other cases, development assistance is part of broader government statements on international development, foreign relations or national security. Slightly over two-thirds of DAC member countries have a high-level policy statement, which, in a number of cases, complements legislation. All DAC members but one (France) have legislation and/or a high-level policy statement. Poverty reduction and the MDGs feature significantly in the overall objective in 17 member countries. Most often the policy also presents a strategic vision for the geographic scope, sectoral areas and themes of a country's development co-operation programme. More and more donors are including the principles for effective aid in their policy statements. For example, the European Community's *Consensus on Development* (2005) sets out the common vision of the Commission and Member States on aid effectiveness.

Ministerial arrangements

“Task a sufficiently senior and publicly accountable figure with clear responsibility at the political level for the delivery of effective development co-operation.” (Lesson 5)

Assigning clear responsibility for the delivery of effective development co-operation to a senior political and publicly accountable figure strengthens an aid ministry or agency's operational authority. Such a champion within the government helps secure and advance political commitment to development co-operation. Countries that make international development a political priority tend to be led by a minister or deputy minister in a strong position in the government (OECD, 2008a).

In countries where several ministers influence the aid programme it is important that there is a mechanism, for example a committee, to co-ordinate their activities and promote synergies. The membership, agendas and mandates of such committees vary but the key factors that affect their impact are the degree of authority that they have, their mandate and membership, the frequency of formal and secretariat meetings, and the range of issues they address.

Inter-ministerial co-ordination in France

The French Inter-Ministerial Committee for International Co-operation and Development (CICID) was established in 1998 to promote co-ordination across ministries. The Prime Minister presides and members include the Minister for Foreign Affairs, the Minister for Economic Affairs and Finance, the Secretary of State for Co-operation, the Minister for Immigration, Integration, National Identity and Co-Development, as well as other ministers who have responsibilities related to the development co-operation programme – 12 ministers in all. The aims of CICID are to: i) specify the countries that can be considered as belonging to France's Priority Zone for Partnerships; ii) set guidelines for the objectives and instruments of international co-operation and development assistance policy; iii) ensure geographic and sectoral coherence among the different components and institutions of French co-operation; and iv) monitor and evaluate aid according to the targets that are set, including aid effectiveness targets. CICID meets at least once a year and may meet at official or senior official levels in between. The Ministry of Foreign Affairs and the Ministry of the Economy, Finance and Industry are the co-secretariat for the committee.

Parliamentary engagement and oversight

Parliamentarians vote on aid budgets as decision makers and the elected representatives of the taxpayers who fund development co-operation programmes. Parliament plays an important role in monitoring the management and implementation of foreign assistance programmes. The Accra Agenda for Action recommends that this role of parliamentarians should be reinforced. Parliament can hold the government to account on development commitments in special sessions and hearings on development co-operation, and through parliamentary questions. Furthermore, given their links to the electorate, parliamentarians can help build public awareness and support for development co-operation.

The role of parliaments in development co-operation in DAC member countries ranges from modest to very active. Specific parliamentary committees that deal with development issues and foreign assistance budgets are two important factors influencing the level of parliamentary involvement in development co-operation. The absence of parliamentary committees does not, however, preclude the engagement of parliamentarians in development issues. Denmark and Ireland, for example, engage parliamentarians in development issues by, among other things, arranging visits by parliamentary committees, especially the Foreign Affairs Committee and the Finance Committee, to programme countries. For their part, many parliamentarians from DAC member and other OECD countries belong to international parliamentary networks that monitor international development and build parliamentary capacity in developing countries.⁴ The United Kingdom has an International Development Committee which has the power to summon the Minister for Development Co-operation to respond to questions. Although Norway does not have a committee dedicated to international development, the Foreign Affairs Committee actively discusses development issues and parliament engages in the decision-making process for new policies.

Public support

Public backing for development co-operation is the best guarantee of political and legislative support for national development assistance programmes and for reforming these programmes. Citizens are key stakeholders: they contribute through their taxes and by electing politicians who decide on and monitor aid policies. Citizens also stand to benefit as greater economic growth in developing countries leads to more prosperity and security. But experience shows that aid agencies must invest in delivering, measuring and communicating the results of development co-operation to win public support. This is particularly important for emerging donors (Box 1.1). However, surveys show that public understanding of development issues is fairly superficial and that there is scepticism about the effectiveness of aid. Support for development assistance may be high but the public often assumes that it will mostly be spent on humanitarian crises.⁵

Many development agencies monitor public opinion: France, Japan, the Netherlands, Sweden and the UK carry out annual surveys. Opinion polls and regular surveys are useful for monitoring trends in public opinion. They also help target campaigns to raise public awareness and help link public opinion and changes in government policy. Since opinion polls and surveys can be costly they are usually done every few years rather than annually. Systematic evaluation of activities to raise public awareness – what works and why – is also helpful (OECD Development Centre, 2008b). The Informal Network of DAC Development

Box 1.1. **Winning public support for development assistance in non-DAC member countries**

Public support for aid in Korea* and Poland stems from humanitarian and moral motives, just as in DAC member countries. But non-DAC donors must generate public interest for development assistance in the context of low incomes and the continuing need to address poverty at home. Boosting public understanding and acceptance of the country's new status as an international donor is, therefore, important. Governments and aid managers may find it easier to explain why the country should give aid in the context of foreign policy, regional solidarity and how aid promotes development at home. When taxpayers understand that their own well-being often depends on reducing poverty and developing other parts of the world, they are more likely to support aid assistance programmes.

* See *Strategies on Rising Public Awareness in South Korea: How to build public and political support for development assistance* (Chang, 2007).

Communicators, facilitated by the OECD Development Centre, helps DAC members learn from each other's experiences in raising public awareness.⁶

Building public support and awareness

“Invest in delivering, measuring and communicating results of aid-financed activity.” (Lesson 4)

Most DAC member countries have policies on informing and educating the public about their aid programme and development issues generally. In Switzerland, for example, the *Federal Law on International Development Co-operation and Humanitarian Aid* obliges the government to educate the public on development issues. But there is also a strong demand for information about development, especially about the results achieved with aid (OECD Development Centre, 2005 unpublished). Because of this, more aid agencies are making systematic efforts to communicate development results.⁷ Canada, the Netherlands, Switzerland, the United Kingdom and the United States have made significant progress in responding to this demand for information on results.⁸

Poland's strategy on public awareness

Because resources were limited, the Polish Ministry of Foreign Affairs' strategy (2004) to raise awareness focused on two main areas: i) providing information and fostering public and media interest in Poland's official development co-operation; and ii) development education. The strategy targeted groups that disseminate information to Polish society (e.g. NGOs, schools, academia, the private sector and the media) and explicitly avoided sensational, emotional and simplistic mass communication. Surveys show that public support for development co-operation grew significantly between 2004 and 2008. For example, Polish parliamentarians show more interest in development, popular and NGO-driven initiatives on Africa are proliferating, the ministries of foreign affairs and of education co-operate to co-finance NGO development education projects (since 2008), and the number and the quality of development education project proposals is increasing.

Raising awareness

Activities to raise awareness include public relations, campaigns and development education. In addition to traditional communications, such as annual reports and publications, more innovative and participatory communications, and campaigns tailored to specific target groups, are being used to demonstrate aid effectiveness and convey development results. In Belgium and Sweden, public campaigns about the MDGs have motivated and inspired people to support development co-operation.⁹ In the United Kingdom and Ireland, citizens were consulted during the preparation of white papers, and reader-friendly summaries were disseminated to all households. Aid agency personnel in France, Luxembourg and New Zealand facilitate blogs on the agencies' official websites, and Ireland and Japan have opened public information centres which are becoming hubs for public debate and learning about development issues. The Netherlands has encouraged popular television series to integrate development issues into programmes.

Development education policy has also become more strategic in many DAC member countries. Several donors clearly distinguish between their communications and development education strategies and work with ministries of education to include global development issues in the school curriculum.¹⁰ More informally, they co-finance civil society organisations to educate young people on development issues and to post educational resources on the Internet.¹¹ Not least, the United Kingdom, for example, is sponsoring scientific research to find out how people learn about development and to assess the impact of development education. Nevertheless, most DAC member countries struggle to secure funds to implement strategies for building public support and raising awareness. With a few exceptions, they typically spend less than 0.5% of ODA on communications and development education. However, some EU Member States, in collaboration with NGOs, have endorsed a target of 3% ODA for development education.¹²

Japan's strategy on public awareness

During the 1990s, public opinion polls in Japan showed a fall in public support for increasing ODA that was closely associated with slow economic growth. In response, the Ministry of Foreign Affairs and Japan's International Co-operation Agency (JICA) developed and resourced a comprehensive and technologically savvy public relations and development education strategy focusing on human security. The JICA Global Plaza was opened in 2006 as a public education centre for development co-operation. The priority target audiences are youth and members of the public who are somewhat interested in international development. The Global Plaza puts on public exhibitions featuring JICA co-operation programmes and provides meeting rooms for civil society organisations. The complementary and strategic efforts of the Ministry of Foreign Affairs and JICA have brought positive changes in youth awareness and interest in development co-operation: more university students are travelling to developing countries; students are setting up NGOs; and, in 2005, the first aid-focused advocacy campaign in Japan got underway.¹³

Notes

1. Available at: www1.oecd.org/media/release/dac_recommendation.pdf.
2. Spain's Master Plan (2005) sets out reform objectives for the main organisations in the system to secure "greater quality, dynamism, and flexibility in the design and management of public policy on international co-operation for development". The US National Security Strategy (2002, updated 2006), and the Foreign Assistance Framework promotes more co-ordinated, high-level decision-making across all the government's development institutions.
3. For more information, see Federal Ministry for Economic Cooperation and Development (2008), Development Policy White Paper, Berlin, Germany.
4. E.g., Parliamentary Network on the World Bank: www.pnowb.org/; European Parliamentarians for Africa: www.awepa.org/.
5. *Mobilising Public Opinion Against Global Poverty* (OECD, 2004) and "A Literature review of public perceptions of aid effectiveness in OECD and Developing Countries" (OECD Development Centre, 2005, unpublished).
6. www.oecd.org/dev/devcom.
7. The Informal Network of DAC Development Communicators (www.oecd.org/dev/devcom), Summary Report from the Informal Expert Meeting on Managing for and Communicating about Results in May 2008.
8. Netherlands: reports on Results in Development; UK's Aid Works campaign; USAID and the Swiss Development Co-operation have constructed web-based reporting systems that focus on what is being achieved in partner countries. However, a recent evaluation shows that much more needs to be done in this respect.
9. For an overview of lessons from DAC member MDG Campaigns see: www.oecd.org/document/47/0,3343,en_2649_34101_39869615_1_1_1_1,00.html.
10. They include Austria, Belgium, Canada, Finland, France, Ireland, Japan, Luxembourg, Norway, Portugal, Spain and the United Kingdom.
11. See, for example, AusAID's Global Education website: www.ausaid.gov.au/globaled/default.cfm and the site of the New Zealand Global Education Centre: www.globaled.nz, an NGO which receives financial support from NZAID.
12. www.deeep.org/fileadmin/user_upload/downloads/Consensus_on_DE/Final_Euro_DEAR_statement_with_annexes_301007.pdf.
13. See the "Make Poverty History Campaign" which was led by Japanese NGOs: www.hottokenai.jp/pub.

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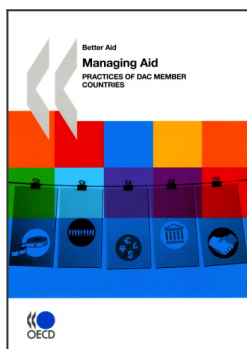
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Acronyms

AECI*	Spanish Agency for International Co-operation
ALNAP	Active Learning Network for Accountability and Practice in Humanitarian Action
AMC	Advanced Market Commitment
APEC	Asia Pacific Economic Co-operation
AusAID	Australian Agency for International Development
BMZ*	Ministry for Economic Co-operation and Development (Germany)
CERF	Central Emergency Response Fund
CICID*	Inter Ministerial Committee for International Co-operation and Development (France)
CIDA	Canadian International Development Agency
DAC	Development Assistance Committee
DEReC	DAC Evaluation Resource Centre
DFID	Department for International Development (United Kingdom)
DRR	Disaster risk reduction
EC	European Commission
ECHO	European Commission Humanitarian Office
EDF	European Development Fund
GHD	Good Humanitarian Donorship
GTZ*	(German) Agency for Technical Co-operation
JICA	Japan International Co-operation Agency
MAPS	Multi-annual programme schemes (Ireland)
MCA	Millennium Challenge Account (United States)
MCC	Millennium Challenge Corporation (United States)
MDG	Millennium Development Goal
NGOs	Non-government organisations
NZAID	New Zealand Agency for International Development
ODA	Official development assistance
ODE	Office of Development Effectiveness (Australia)
OECC	Overseas Economic Co-operation Council
PCU	Policy Coherence Unit
PRISM	Performance Reporting Information System for Management
RBM	Results-based management
SADEV	Swedish Agency for Development Evaluation

* Denotes acronym in original language.



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