Introduction

A Concept and context of development cooperation law

Development cooperation contains a promise. It is the promise of a global community, based on solidarity and built in fairness. But the reality of development cooperation often looks different. It poses seemingly insolvable problems of global governance in a postcolonial world. This book analyzes the normative structures and conceptual riddles of development cooperation. Yet, it is not a book about ethics or politics, but about law.

The book argues that development cooperation is increasingly structured by legal rules and hence no longer merely a matter of politics, economics or ethics. In focusing on the rules of development cooperation, it puts forward a specific and still rather unusual perspective. It is less concerned with good governance or the rule of law, which have become key words in development policy and legal approaches to the field. Instead, it focuses on the institutional law of development cooperation and hence on the rules dealing with the process, instruments and organization of this cooperation. The present study points out that development interventions are agreed upon by states and international organizations, which administer public development funds of huge proportions – with debatable success. But the rules applying to these organizations have hardly been a matter of interest. While good governance of recipients is discussed intensively, the good governance of donors is not. This book is intended to help close that gap.

Charting the law of development cooperation faces specific challenges. More than in almost any other field, it involves international actors (like the World Bank or the European Union) as much as national donors and recipients. The relevant laws organize an inherently inter- and trans national cooperation and are set simultaneously though separately on an international and national level. The law of development cooperation is therefore fundamentally an area of international or even global (administrative) law.

It requires vertical comparison of national, supranational and international legal regimes to understand it. To this end, this study will focus on the relevant laws of the World Bank, the EU and Germany. It contends that beyond the obvious differences in the nature of these actors, there is convergence in the general structures of their laws organizing and structuring development cooperation. To understand converging as well as divergent elements and to analyze them critically is the aim of this book.

How to approach this task? As mentioned, the law of development cooperation is still a rather unusual topic. Section A of this introductory chapter will therefore first provide the context. In fact, it will describe three layers of context: it will briefly describe the history of development cooperation to understand where theory and policy debate stand today (I.1), it will introduce alternative legal approaches to explain what lawyers have focused on so far (I.2) and it will end by recognizing an institutional turn in development studies that supports the thesis and approach of this study (I.3). In a second step, the chapter will sketch the central thesis of this book: the proposal to focus on the *transfer* of official development assistance (ODA) as the abstract link between actors, procedures and instruments in order to develop a more systematic and transparent understanding of the normative standards of development cooperation (II.1). It will explain in more detail the definition of ODA in order to sketch the scope of inquiry (II.2) and, equally fundamental, explain the focus on ODA through the basic and political understanding of the development process (II.3). Finally, remarks on the approach and structure of the study (III) and on the language of development (IV) will complete this first main section.[1] The second main section will then examine some of the challenges and chances of studying the law of development cooperation, seeking first to explain why this area has been somewhat neglected (B.I), and then to propose that the inquiry into the law of development cooperation could bring positive benefits (B.II).

I. Development cooperation and the law: three layers of context

1. A (very) brief history of development cooperation

It is not by coincidence that development cooperation as a policy field and as organizational structure emerged at the beginning of the Cold

[1] A terminological remark at the very outset: there is no set notion for development cooperation itself. Instead, *foreign aid*, *foreign assistance*, *development aid*, *development assistance* and *development cooperation* are often used interchangeably among English-speaking writers. See *infra* A.IV. This study prefers the notion of development cooperation but will also use the other terms.

War. The two central powers of the time, the USA and the USSR, were keen to bind potential allies to their ideological camps. The USA as an imperial power without a colonial past was especially eager to create a new system of cooperation between richer and poorer nations, not least to advertise its own approach (and business) to the world.[2] Soon, new institutional structures emerged. The International Bank of Reconstruction and Development, created in 1945 and quickly baptized as "World Bank," began to provide funds not just to the war-torn states of Europe, but also to newly independent developing countries; the European Economic Community, created in 1958, immediately established a development fund; and also states created new institutions to deal with the field (the USA in 1960, Germany in 1961), if they did not have existing colonial structures (such as the UK and France). Altogether the new policy field was greeted with great optimism. The process of decolonization produced a large number of states which were eager to shed their colonial structures and reform their economic and political systems. The UN, which soon had a majority of new states, declared the 1960s as the "development decade." Last but not least, the financial dimension of the new field grew dramatically. By the early 1970s, public donors invested almost US$10 billion per year.[3]

And yet, early on, development cooperation met with criticism. Soon the organizational structures were considered too complex and often prone to disguised pressures and illegitimate influence.[4] Doubts were also raised on the effects that aid flows would have. Against the eager optimism of the modernization theory, though often without larger empirical data, critics questioned the overall and the long-term effect of aid. Before long, development cooperation was perceived by some as the "aid business" that rather served advisors and industries in the North instead of people in the South.[5] After the political momentum of the independent

[2] On the continuities between development and previous colonial policies, see G. Rist, *The History of Development: From Western Origins to Global Faith*, 3rd edn (London: Zed Books, 2008).

[3] The history of development policy, development theory and their connection to the institutional structures of development cooperation will be analyzed in detail in Part I below. On the great optimism of the early phase, see *infra* Ch 1.A. The numbers are based on OECD data, see http://stats.oecd.org/ (last visited July 2013).

[4] L. Pearson, *Partners in Development: Report of the Commission on International Development* (New York: Praeger, 1969); H. Morgenthau, "A Political Theory of Foreign Aid," *The American Political Science Review*, 56 (1962), 301–9 at 301, 302.

[5] E.g. G. Hancock, *Lords of Poverty: The Power, Prestige, and Corruption of the International Aid Business* (London: Macmillan, 1989); W. Easterly, *The White Man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good* (New York: Penguin Press, 2006).

Third World movement broke in the mid to late 1970s, the dynamism of donors also waned. The 1980s are often considered a lost decade for development efforts. When the Cold War ended and the ideological confrontation disappeared, the development system plunged into a deep crisis. Its legitimacy and purpose were at stake.

With the late 1990s, however, a renaissance and a rethinking began. The increasingly perceived globalization created a new sense for the possibility of inter- and transnational interaction, soon epitomized in the notion of global governance. A re-energized political will to engage with the problem of poverty manifested itself in the Millennium Development Goals (MDG) of 2000; the 2005 G-8 Summit at Gleneagles made development the main topic at this forum for the first time ever. There was also a renewed interest in theories of justice which became a much more widely discussed topic of social theory, philosophy and international relations.[6]

Parts of this renewed theoretical interest were deeply critical. The notion of development was profoundly questioned, not least by authors from the Global South. Inspired by postcolonial studies, a new school of post-development thinkers emerged. They laid bare the terminological violence that the language of development (and underdevelopment) can contain and rejected fundamentally the concept of development and its idea that the Global South should copy Northern paths.[7] Politically, however, foreign aid proved to be a promising tool for rising powers. New donors like China and Brazil emerged, using aid to build new alliances and offering new forms of aid.[8] Moreover, a variety of new flexible

[6] J. Rawls, *A Theory of Justice* (Harvard University Press, 1971); J. Rawls, *Justice as Fairness: A Restatement*, edited by Erin Kelly (Harvard University Press, 2001); J. Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999); T. Franck, *Fairness in International Law and Institutions* (Oxford University Press, 1995); M. Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983); C. Beitz, *Political Theory and International Relations* (Princeton University Press, 1979); M. Walzer (ed.), *Toward a Global Civil Society* (New York, Oxford: Berghahn Books, 1995); A. Sen, *Development as Freedom* (New York: Knopf, 1999); C. Barry and T. Pogge (eds.), *Global Institutions and Responsibilities: Achieving Global Justice* (Malden: Blackwell, 2005).

[7] A. Escobar, *Encountering Development: The Making and Unmaking of the Third World* (Princeton University Press, 1995); W. Sachs (ed.), *The Development Dictionary: A Guide to Knowledge as Power* (London: Zed Books, 1992); S. Pahuja, *Decolonising International Law: Development, Economic Growth, and the Politics of Universality* (Cambridge, New York: Cambridge University Press, 2011). For more on this, see *infra* Ch 2.B.IV.

[8] L. Song and J. Golley (eds.), *Rising China: Global Challenges and Opportunities* (Acton: ANU E Press, 2011); S.-L. de John Sousa, *Brazil as an Emerging Actor in International Development Cooperation: a Good Partner for European Donors?*, German Development Institute – Briefing Paper 5/2010 (2010). Available at www.die-gdi.de (under Publications – Briefing papers) (last visited July 2013).

instruments and private channels for aid emerged, which provided alternatives to the aid by Northern states and international financial institutions that had dominated the development system. One result of these new dynamics was a sharpened sense of self-critique among the "traditional" donors, which increasingly recognized the necessity of reforming the system, indicated by an intense discussion on "aid effectiveness."

2. Alternative approaches to law and development

A central element of this renaissance and reform was the law. Since the 1990s, law has been (again) ascribed a central role in development processes. The discussion returned to approaches that had already shaped the early, optimistic phase of development in the 1950s and 1960s. At that time, two schools had emerged that understood the role of law in the development process in very different yet complementary and telling ways: the francophone (and rather visionary) school of *international development law* (or *droit international du développement*) and the *law and development* movement, led by anglophone (and rather pragmatic) scholars.[9]

The (francophone) international development law sought to rewrite the principles of public international law in a way that would strengthen the idea of substantive justice and benefit developing countries. This rather deductive and teleological approach originated with the French scholar Michel Virally, who, in the context of decolonization in 1965, criticized the inadequacy of the principle of sovereign equality in light of the immense economic and social inequalities between developing and industrialized nations.[10] Virally and soon others proposed a broad review of the principles, institutions and rules of interstate relations which affected developing nations in order to reinterpret them toward the overall goal of fostering development and a more just world order.[11] This goal and the final aim of international law should become the dominant maxim of interpretation.

[9] An unusual collection of essays of both approaches can be found in P. Slinn and F. Snyder (eds.), *International Development Law* (Abingdon: Professional Books, 1987).

[10] M. Virally, "Vers un droit international du développement," *Annuaires français de droit international*, 11 (1965), 3–12 at 3, 4.

[11] G. Abi-Saab, "The Third World and the Future of the International Legal Order," *Revue égyptienne de droit international*, 29 (1973), 27–66; M. Flory, *Droit international du développement* (Paris: Presses universitaires de France, 1977); K. Hossain, *Legal Aspects of the New International Economic Order* (London, New York: Frances Pinter, 1980); A. Pellet, *Le droit international du développement*, 2nd edn (Paris: Presses universitaires de France, 1987); G. Feuer and H. Cassan, *Droit international du développement*, 2nd edn (Paris: Dalloz, 1991); M. Bedjaoui (ed.), *International Law: Achievements and Prospects*

A principal instrument of this approach is the idea of a duality of norms, in which, depending on context, industrialized and developing countries are not treated identically, but rather according to specific rules which do justice to their respective positions.[12] Another important tool soon became the right to development that was first formulated in the 1970s.

The more anglophone school of law and development, by contrast, pursued a more pragmatic or perhaps bottom-up approach and concentrated primarily on the role of *municipal* law as an instrument of development. Scholars here asked how domestic law rather than international law could foster development. They concentrated on the analysis of the laws of developing countries, often using comparative law or legal-transfer approaches to reform indigenous legal orders.[13] The central question of this approach, that is, how (domestic) law influences development processes, is also studied in other areas of legal study, particularly legal anthropology and sociology. They are a central part of a broader approach to law and development.[14]

While both schools lost momentum in the late 1970s and 1980s, probably because the grand visions and high hopes proved somewhat naïve,[15]

(Paris, Dordrecht: Martinus Nijhoff Publishers, 1991) (presenting many of the relevant scholars); a precursor to this approach is W. Friedmann, "The Changing Dimensions of International Law," *Columbia Law Review*, 62 (1962), 1147–65 at 1147; M. Bulajic, *Principles of International Development Law*, 2nd edn (Dordrecht: Martinus Nijhoff, 1993).

[12] For overviews see M. Kaltenborn, "Entwicklungs- und Schwellenländer in der Völkerrechtsgemeinschaft: Zum Stand und zu den Perspektiven des Entwicklungsvölkerrechts," *Archiv des Völkerrechts*, 46 (2008), 205–32 at 228, 229; A. Mahiou, "International Law of Development," in R. Wolfrum (ed.), *Max Planck Encyclopedia of Public International Law* [online edition] (Oxford University Press, 2008–) at margin no. 1.

[13] D. Trubek, "Toward a Social Theory of Law: An Essay on the Study of Law and Development," *Yale Law Journal*, 82 (1972), 1–50 at 1; M. Galanter, "The Modernization of Law," in M. E. Weiner (ed.), *Modernization: The Dynamics of Growth* (New York: Basic Books, 1966), pp. 153–65 at p. 153; also A. Seidman (ed.), *Making Development Work: Legislative Reform for Institutional Transformation and Good Governance* (The Hague: Kluwer Law International, 1999). For a retrospective see D. Trubek, "The 'Rule of Law' in Development Assistance: Past, Present and Future," in D. Trubek and A. Santos (eds.), *The New Law and Economic Development: A Critical Appraisal* (Cambridge, New York: Cambridge University Press, 2006), pp. 74–94 at p. 74.

[14] F. von Benda-Beckmann, "'Recht und Entwicklung' im Wandel," *Verfassung und Recht in Übersee*, 41 (2008), 295–308; F. von Benda-Beckmann, K. von Benda-Beckmann and M. Wiber, *Changing Properties of Property* (New York: Berghahn Books, 2006); M. Hobart (ed.), *An Anthropological Critique of Development: The Growth of Ignorance* (London: Routledge, 1993).

[15] D. Trubek and M. Galanter, "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States," *Wisconsin Law Review*, 55

they both are enjoying a renaissance today. An offspring of the international development law school (though without the overall teleology and without the francophone dominance) can be seen in the variety of studies that address the position of developing countries in various fields of international law. They describe an established practice of dual norms, particularly in international economic,[16] environmental[17] and intellectual property law.[18] Law reform in developing countries, the hallmark of the law and development movement, was rediscovered by development agencies in the 1990s, first and especially by the World Bank as the largest and often agenda-setting donor organization. A political system based on the rule of law was now considered a necessary precondition for successful development. Broader still, responsive or good governance, human rights and the rule of law became key words in development policy. Though there is a sharp ideological divide between today's approach to law reform (by the World Bank and other donors) and the early activists in the 1960s,[19] these issues have become a prime area of legal research.[20]

One perspective, however, has hardly been analyzed – and that is the law governing the institutions and processes of development cooperation, and hence the object of the present study. There are only a few studies on

(1974), 1062–101 at 1062; J. Gardner, *Legal Imperialism: American Lawyers and Foreign Aid in Latin America* (Madison: University of Wisconsin Press, 1980); resumptive B.-O. Bryde and F. Kübler (eds.), *Die Rolle des Rechts im Entwicklungsprozess* (Frankfurt am Main: Metzner, 1986) (therein, cf. especially the correspondent article by Bryde, pp. 9–36).

16 J. Faundez and C. Tan (eds.), *International Economic Law, Globalization and Developing Countries* (Cheltenham: Edward Elgar, 2010); M. Krajewski, *Wirtschaftsvölkerrecht* (Heidelberg: C.F. Müller, 2009), p. 264; C. Thomas and J. P. Trachtman (eds.), *Developing Countries in the WTO Legal System* (Oxford University Press, 2009).

17 M. Bothe, "Environment, Development, Resources," *Recueil des Cours*, 318 (2005), 323–516 at 337; P. Cullet, *Differential Treatment in International Environmental Law* (Aldershot: Ashgate, 2003).

18 K. C. Shadlen, S. Guennif, A. Guzmán and N. Lalitha (eds.), *Intellectual Property, Pharmaceuticals, and Public Health: Access to Drugs in Developing Countries* (Cheltenham: Edward Elgar, 2011); H. Hestermeyer, *Human Rights and the WTO: The Case of Patents and Access to Medicines* (Oxford University Press, 2007); J. Watal, *Intellectual Property Rights in the WTO and Developing Countries* (London, The Hague, Boston: Kluwer Law International, 2001).

19 D. Trubek and A. Santos (eds.), *The New Law and Economic Development: A Critical Appraisal* (Cambridge University Press, 2006); especially D. Kennedy, "The 'Rule of Law,' Political Choices and Development Common Sense," pp. 95–173 at p. 95.

20 See the recently founded *The Hague Journal on the Rule of Law*; J. Gillespie and P. Nicholson, *Law and Development and the Global Discourses of Legal Transfers* (Cambridge University Press, 2012); M. Riegner and T. Wischmeyer, "'Rechtliche Zusammenarbeit' mit Transformations- und Entwicklungsländern als Gegenstand öffentlich-rechtlicher

the law of the World Bank – often by staff lawyers, only recently also by external observers.[21] The legal regime of the EU's development cooperation has been examined only from time to time.[22] Lately, the role of human rights has caught lawyers' attention.[23] The legal aspects of German development cooperation or that of other national donors, on the other side, have only rarely been addressed,[24] and there are almost no comparative studies of the field.[25]

Forschung," *Der Staat*, 50 (2011), 436–68 at 436; Y. Dezalay and B. Garth (eds.), *Lawyers and the Rule of Law in an Era of Globalization*, Law, Development and Globalization (Oxon, New York: Routledge, 2011); M. J. Trebilcock and R. J. Daniels, *Rule of Law Reform and Development: Charting the Fragile Path of Progress* (Cheltenham: Edward Elgar, 2008); K. Dam, *The Law-Growth-Nexus: The Rule of Law and Economic Development* (Washington, DC: Brookings Institution Press, 2006); T. Carothers (ed.), *Promoting the Rule of Law Abroad: In Search of Knowledge* (Washington, DC: Carnegie Endowment for International Peace, 2006).

[21] See especially the writings of *general counsels* such as Aron Broches, Ibrahim Shihata and Andres Rigo Sureda. Among the more regularly writing external observers of the Bank are Daniel Bradlow, John Head, David Hunter or Sabine Schlemmer-Schulte. For an up-to-date overview of the law of the World Bank, see D. Bradlow and D. B. Hunter (eds.), *International Financial Institutions and International Law* (Alphen aan den Rijn: Kluwer Law International, 2010); also H. Cissé, D. Bradlow and B. Kingsbury (eds.), *International Financial Institutions and Global Legal Governance*, The World Bank Legal Review (Washington, DC: World Bank Publications, 2012), vol. III.

[22] J. Becker, *Die Partnerschaft von Lomé: Eine neue zwischenstaatliche Kooperationsform des Entwicklungsvölkerrechts* (Baden-Baden: Nomos, 1979); K. R. Simmonds, "The Fourth Lomé Convention," *Common Market Law Review*, 28 (1991), 521–47 at 521; B. Martenczuk, "From Lomé to Cotonou: The ACP-EC Partnership Agreement in a Legal Perspective," *European Foreign Affairs Review*, 5 (2000), 461–87 at 461. For a recent overview see S. Bartelt and P. Dann (eds.), *Entwicklungszusammenarbeit im Recht der Europäischen Union – The Law of EU Development Cooperation: Europarecht-Beiheft Nr. 2* (Baden-Baden: Nomos, 2008).

[23] F. Hoffmeister, *Menschenrechts- und Demokratieklauseln in den vertraglichen Außenbeziehungen der Europäischen Gemeinschaft*, Beiträge zum ausländischen öffentlichen Recht und Völkerrecht (Berlin/ New York: Springer, 1998), vol. CXXXII; C. Pippan, *Die Förderung der Menschenrechte und der Demokratie als Aufgabe der Entwicklungszusammenarbeit der Europäischen Gemeinschaft*, Europäische Hochschulschriften (Frankfurt: Peter Lang Verlag, 2002), vol. MMMCDLX; L. Bartels, *Human Rights Conditionality in the EU's International Agreements* (Oxford University Press, 2005); S. Skogly, *The Human Rights Obligations of the World Bank and the International Monetary Fund* (London: Cavendish, 2001); M. Darrow, *Between Light and Shadow: The World Bank, the International Monetary Fund and International Human Rights Law* (Oxford: Hart Publishing, 2003).

[24] For more information see P. Dann, *Entwicklungsverwaltungsrecht* (Tübingen: Mohr Siebeck, 2011); S. Burall, J. M. White and A. Blick, *The Impact of U.S. and U.K. Legislatures on Aid Delivery*, Economic Policy Paper Series 09. Available at www.odi.org.uk/resources/docs/4652.pdf (last visited July 2013); and *infra* Ch 3.A.II.

[25] The few exceptions are S. Rubin (ed.), *Foreign Development Lending – Legal Aspects: The Papers and Proceedings of a Conference of Legal Advisors of National and International Development Lending and Assistance Agencies* (Leiden: Sijthoff, 1971); M. Pellens,

What is missing, then, is both a more general understanding of the legal field and a more detailed (and critical) analysis of the intricacies of their legal regimes. We know fairly little about how development interventions are legally agreed upon or whether and which legal criteria govern the distribution of funds. While there are studies on the human rights obligations of donors, there is precious little analysis on the accountability of development organizations (or recipients) or on the legal nature of conditionality. Development cooperation is fundamentally a political process of choice and contestation and yet we know little of the legal rules governing the participation in development processes or whether and how the autonomy and sovereignty of recipients and donors are brought into a balance. As put earlier: while the good governance of aid recipients is a major topic of legal research, the good governance of donors is not.

The present study will try to help close this gap by providing a comparative analysis of the institutional law of the World Bank, the EU and Germany and by proposing general principles for critically comparing and analyzing these laws. In this approach the study profits from the more general institutional turn in development studies – and the discussion on global governance.

3. The institutional turn in development studies

A third layer of context that is important for this study is what I would call "the institutional turn" in development studies. This turn has been taken first by economists as well as political scientists. In economics, development studies used to be a field for development economists studying the economic causes of poverty and ways to overcome them.[26] Since the 1990s, however, scholars of institutional economics have discovered the field too. Some of them pick up on the law reform idea, follow the World Bank's lead and study the economic effects of good governance and rule of law in developing countries.[27] Others, however, are more directly relevant to this study, focus their attention on the structures of the delivery of

Entwicklungshilfe Deutschlands und der Europäischen Union: Rechtsgrundlagen und Verfahren bei der finanziellen und technischen Zusammenarbeit, Berliner Europa-Studien (Berlin: Verlag Dr. Köster, 1996), vol. IV; A. Rigo Sureda, "The Law Applicable to the Activities of International Development Banks," *Recueil des Cours*, 308 (2004), 13–249 at 13; Skogly, Human Rights Obligations; early, and compiling rather than arranging: W. Friedmann, G. Kalmanoff and R. F. Meagher, *International Financial Aid* (New York: Columbia University Press, 1966).

[26] M. P. Todaro and S. C. Smith, *Economic Development*, 10th edn (Harlow: Addison Wesley, 2009); P. Collier, *The Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done About It* (Oxford University Press, 2007).

[27] S. Voigt, *Institutionenökonomik* (Munich: W. Fink Verlag, 2002).

aid – and hence on the development administrations themselves. A number of thoughtful studies now analyze the incentive structures within development organizations, examine the strategic interplay of donors and recipients in aid relationships, or present experimental approaches to a marketplace for the delivery of aid.[28]

The same new interest in the institutional structures of development cooperation can be observed in the political sciences. Scholars here too have discovered the role of institutions and procedures in the delivery of aid. These scholars are more inclined to produce qualitative studies that take into account more of the concrete political, social and ideological circumstances of individual actors as well as being shaped by history and culture.[29] Political scientists are often also more attentive to the power structures that underlie development policy and global governance structures in general.[30]

This institutional turn is not just a matter of academic discourse, but has also shaped the policy discussions. Since the 2000s, the idea of "aid effectiveness" has been predominant here. In particular, the Organisation for Economic Co-operation and Development (OECD), supported by the World Bank, has driven a process to establish common standards that would reform how donors deliver aid and cooperate with recipients – strengthening a focus on results, demanding alignment with recipient country systems of accounting and administration and calling for more mutual accountability.[31]

Lawyers are only slowly taking the institutional turn. They do so generally on the coat tails of the larger discussion on global governance.[32] A

[28] T. Killick, *Aid and the Political Economy of Policy Change* (London: Routledge, 1998); C. C. Gibson, A. Krister, E. Ostrom and S. Shivakumar, *The Samaritan's Dilemma: The Political Economy of Development Aid* (Oxford University Press, 2005); B. Martens, U. Mummert and P. Murrell (eds.), *The Institutional Economics of Foreign Aid* (Cambridge University Press, 2002); W. Easterly (ed.), *Reinventing Foreign Aid* (Cambridge: MIT Press, 2008); E. Duflo and A. Banerjee, *Poor Economics: A Radical Rethinking of the Way to Fight Global Poverty* (New York: PublicAffairs, 2011).

[29] C. Lancaster, *Foreign Aid: Diplomacy, Development, Domestic Politics* (University of Chicago Press, 2007); L. Whitfield (ed.), *The Politics of Aid: African Strategies for Dealing with Donors* (Oxford University Press, 2009); N. van de Walle, *African Economies and the Politics of Permanent Crisis* (Cambridge University Press, 2001).

[30] A. Leftwich, *States of Development: On the Primacy of Politics in Development* (Cambridge: Polity Press, 2000); C. J. Bickerton, P. Cunliffe and A. Gourevitch (eds.), *Politics Without Sovereignty: A Critique of Contemporary International Relations* (University College London Press, 2007); G. Hyden, "After the Paris Declaration: Taking on the Issue of Power," *Development Policy Review*, 26 (2008), 259–74.

[31] On this discussion and process, see *infra* Ch 2.C.III.1.

[32] The origins of the term global governance can be traced back to J. N. Rosenau, "Governance, Order, and Change in World Politics," in J. N. Rosenau and E.-O. Czempiel (eds.), *Governance Without Government: Order and Change in World Politics*