Philipp Dann


The massive transnational endeavour of international economic and social development is without a doubt among the most popular discussion topics of global governance these days. It may therefore sound excessively ambitious to hear a scholar proposing a new, fresh research agenda on this field. Yet such is the project underlying Philipp Dann's book The Law of Development Cooperation. In his work, Professor Dann sets himself apart from the general Law and Development interests tending to focus on the practices and aims of international development “in the field”, and instead turns his attention back to the bureaucratic core processes of the industry. He asks what kind of a legal framework might emerge from a comparative study of the basic activity of official development aid, understood as international transfers of public donor funds with an aim to facilitate poverty reduction in the recipient countries. The book sets out to chart the core principles of development administration in the domain of select institutional actors themselves, essentially grasping a less-explored topic which nonetheless plays an essential role in the reality of international development.

To analyse the essence of this immense topic, Professor Dann employs a mixture of rather traditional Continental methods of legal research, combining elements of doctrinal systematisation of authoritative documents with a comparative framework for functional and structural analysis. The focus is near-exclusively on legal and administrative texts, accepted mostly at face value, with distinctly little emphasis on case studies let alone judicial decisions. On the other hand, the domain of ‘law’ is understood broadly to incorporate much self-regulation of individual development regimes as well as a vast array of declarative ‘soft law’ emerging from the highest-level international and transnational interactions of development cooperation, such as key OECD and UN
programmes and frameworks. To illustrate the general principles of development co-operation, official development aid is studied through three distinct legal regimes—the World Bank, the EU and Germany—which despite their ‘vertical’ differences perform largely parallel functions in what Dann coins a “heterarchical multi-level system” of international development co-operation.

Despite the rather intimidating methodological pedigree, or perhaps just because of it, the overall result is a patiently systematic book which manages to bring a sense of coherence and order in a particularly fragmented field of transnational activity. The Law of Development Cooperation is an attempt to introduce to the reader not the fragmented rules of particular self-referential institutional regimes, but rather an administrative field defined by the task of programmed international fund transfers with the aim of poverty reduction. It is a relatively non-critical book aiming primarily to tell the story of international development co-operation as the field portrays itself via its legal frameworks and administrative guidelines. Yet the book does this openly and consciously, acknowledging the possibility of various doubts and critiques while restraining itself to its own systematic and comparative task at hand.

As if to underline this, Part I of the book provides a very vivid contextual introduction to the intellectual and institutional history of the industry, furnishing the reader with insightful references to the origins as well as the fundamental difficulties, debates, tensions and uncertainties of the field. Excluding the imperial and colonial precursors of modern development, the chapter begins with the founding of the World Bank and extends up to the present age, simultaneously charting the basic roles of the three bureaucracies on the law of which the book focuses. Part II introduces the macro-scale legal frameworks of development co-operation, essentially devising a ‘constitutional’ foundation for the field. While the book is not in itself written as a contribution to the theoretical debates on global constitutionalism and global administrative law, these theories are implicitly present here and lay out the foundations for the book’s subsequent chapters. Most importantly, Professor Dann introduces in this Part the analytical core tool of the book—four basic principles of development cooperation—which place a Continental study of administrative law at the methodological heart of the study. Finally, Part III, the thickest one of the book, provides a comparative examination of the administrative law of the three institutional regimes with respect to planning and programming, the transfer of development funds as well as the relevant mechanisms of accountability (both legal and otherwise) applicable.

The most essential theoretical proposal of the book is a set of four general principles of development co-operation. These are analytic devices which Dann employs to juxtapose individual parts of World Bank, EU and German