

HUMAN RIGHTS ACCOUNTABILITY

Prof. Philip Alston

SYLLABUS

Attendance and participation

All students are required to attend class regularly (there will be a sign-in sheet) and those who miss more than two sessions will not be able to satisfy the requirements. Students are expected to do the reading in advance of the session, and to participate actively. Two students will be asked to lead the discussion each week and this will require meeting with Prof Alston in advance in order to review the issues to be highlighted. Seminar participation will be taken into account in the final grade.

Assessment

Paper topics should be finalized by the who wishes to write a paper instead will need the permission of the instructor and explicit approval of the topic by February 15, 2006.

Outline of sessions

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| Jan. 10 | 1. Why 'accountability' and why the Bank and the Fund? |
| Jan. 17 | 2. Human rights and development: an overview of the issues |
| Jan. 24 | 3. The meanings of 'accountability' and 'transparency' in the debates over international governance |
| Jan. 31 | 4. The World Bank: introduction and critique |
| Feb. 7 | 5. The International Monetary Fund: introduction and critique |
| Feb. 14 | 6: IMF surveillance and global standards and codes: promoting the neo-liberal agenda or good governance? |
| Feb. 28 | 7: Reforming the IMF |
| Mar. 7 | 8. International law considerations: can and should the IFIs take full account of human rights? |
| Mar. 21 | 9. The World Bank and policies on indigenous peoples |
| Mar. 28 | 10: The Poverty Reduction Strategy Process: participatory governance or rubber-stamping? |
| April 4 | 11. The World Bank Inspection Panel in practice: The case of involuntary resettlement |
| April 11 | 12. Extending IFI inspection and accountability mechanisms |
| April 18 | 13: The World Bank & the Chad-Cameroon oil pipeline |
| April 25 | 14. Towards broad policy guidelines: the World Commission on Dams and the Extractive Industries Review |

Note: The 'issues' identified in this reading guide are intended to give some indication of the issues for discussion but, more importantly, to stimulate reflection on possible topics for seminar paper-writers.

1: Why 'accountability' and why the Bank and the Fund?

Primary materials:

Celia Dugger, 'World Bank Suspends Loans to Chad Over Use of Oil Money', *New York Times*, January 7, 2006

'World Bank Statement on Changes to Chad Petroleum Law', Dec. 29, 2005, *Bank Press Release* No:2006/227/AFR

'Chad angry at World Bank over oil', BBC News website at <http://news.bbc.co.uk/2/hi/business/4570672.stm>

'The Curse of Oil: The Paradox of Plenty', *The Economist*, Dec 20, 2005, p. 46

Shirin Ebadi & Amir Attaran, 'When Politics Corrupts Money', *New York Times*, June 16, 2004

Statement by Amnesty International on the occasion of the World Bank / IMF Annual Meetings Hong Kong, September 1997, AI Index:: IOR 30/04/97

'FAQs on Human Rights', A World Bank statement first posted in Dec. 2005, at <http://web.worldbank.org/WBSITE/EXTERNAL/EXTSITETOOLS/0,,contentMDK:20749693~pagePK:98400~piPK:98424~theSitePK:95474,00.html>

'The IMF and Argentina: Néstor unbound', *The Economist*, Dec 20, 2005, p. 14

Andrew Balls, 'IMF dilemma as new loans start to decline', *Financial Times*, Dec 27, 2005

'EU Commission Freezes Aid To Ethiopia Over Political Situation', *World Bank Press Review*, Dec 30, 2005

'World Bank Calls For Pro-Poor Actions', *World Bank Press Review*, Dec 30, 2005

Rahul Jacob, 'Whose power, whose glory?', *Financial Times*, January 9 2005 (Book Review of Sebastian Mallaby, *The World's Banker* (2004) and Arun Shourie, *Governance and the Sclerosis that has set in* (2004))

Jeffrey D. Sachs, 'Urgent: How to Run the International Monetary Fund', *Foreign Policy*, July-Aug 2004, pp 60-64.

Jed Rubinfeld, 'The Two World Orders', *27/4 Wilson Quarterly* (2003) pp. 22-36

International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World UNDP, Human Development Report 2005, excerpts from Overview.

Issues

- Jed Rubinfeld has also published a more elaborate and more scholarly version of his critique. Assess the validity of the critique in so far as it applies to the role of either the IMF or the World Bank.

2: Human rights and development: an overview

Primary materials:

'Human Rights and Human Development', in UNDP, *Human Development Report 2000*

DFID UK, Key Sheets for Sustainable Livelihoods No. 18 'Rights-based Approaches'

Ruth Gordon and Jon Sylvester, 'Deconstructing Development', 22 *Wis. Int'l L.J.* (2004) 1.

UN General Assembly, Declaration on the Right to Development, 1996.

Further reading:

Issues

- Human rights-based approaches to development have now generated an extensive literature. Undertake a critique of one or more of these approaches. Or examine the extent to which World Bank projects in a given sector or country might be able to take such approaches into account.
- Evaluate the deconstructionist approach developed by Gordon and Sylvester in relation to the approaches adopted by the Bank or the Fund as illustrated by specific issues examined in this seminar.

3. The meanings of 'accountability' and 'transparency' in the debates over international governance

Primary materials:

Benedict Kingsbury, Nico Krisch, & Richard B. Stewart, 'The Emergence of Global Administrative Law', 68 *Law & Contemp. Probs.* (2005) 15, full text available at http://www.iilj.org/papers/2004/documents/10120502_KingsburyKrischStewart.pdf

Jonathan Koppell, The Legitimacy-Accountability Connection and Transnational Global Governance, at <http://www.governance.qub.ac.uk/qub2005/KoppellPaperUpd.pdf>

Alasdair Roberts, 'A Partial Revolution: The Diplomatic Ethos and Transparency in Intergovernmental Organizations', 64 *Public Administration Review* (2004) 410, available at http://faculty.maxwell.syr.edu/asroberts/documents/journal/Roberts_PAR_Revolt_2004.pdf

Further reading:

Ruth W. Grant & Robert O. Keohane, 'Accountability and Abuses of Power in World Politics', 99 *American Pol Sci Rev.* (2005) 1.

Karel Wellens, 'Fragmentation of International Law and Establishing an Accountability Regime for International Organizations: The Role of the Judiciary in Closing the Gap', *25 Michigan J Intl L* (2004) 1159.

Michael Barnett and Martha Finnemore, 'The Power of Liberal International Organizations', in M. Barnett & R. Duvall (eds.), *Power in Global Governance* (2005) Chap. 7.

Issues

- What criteria could reasonably be used in order to judge whether the Bank or the Fund operates in an 'accountable' manner, and how do these institutions measure up to such criteria?
- How helpful is the emphasis of the current literature on accountability? Does it address the deeper questions that critics of the IFIs have posed or is it an academic debate with few real practical consequences?
- What is the actual and potential role of transparency in the IFIs? Are there legitimate limits to transparency dictated by the financial, inter-governmental, or other characteristics of some of the information?
- How relevant are domestic freedom of information analogies or international ones such as the approach adopted in the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (adopted by the UN Economic Commission for Europe in June 1998)?
- Should the IFIs adopt legally binding rules on access to information and establish appeals procedures in the event that access is denied?

4: The World Bank: introduction and critique

Primary materials:

World Bank Annual Report 2005, excerpts

The Board of Executive Directors and Voting Power

'The executive boards of the World Bank and International Monetary Fund', Comments by the UK executive director to the Bank and IMF, Tom Scholar, Bretton Woods Project, 13th June 2005.

World Bank, Articles of Agreement

Jonathan Pincus and Jeffrey Winters, 'Reinventing the World Bank', in Pincus and Winters (eds.), *Reinventing the World Bank* (2002), Chap. 1.

Devesh Kapur, 'The Changing Anatomy of Governance of the World Bank', in Pincus and Winters (eds.), *Reinventing the World Bank* (2002), Chap. 3.

Further reading:

John W. Head, 'For Richer or For Poorer: Assessing the Criticisms Directed at the Multilateral Development Banks', *52 Kan. L. Rev.* (2004) 241

Issues

- What alternative voting arrangements could be envisaged within the structure of the World Bank in order to meet the concerns of the different groups of country members while responding to the critique that the almost automatic western majority is essentially undemocratic?
- Is there a case to be made that the World Bank has outlived its usefulness?
- Why do so many civil society groups make such an effort to get the Bank to take on their agendas?
- How effective are the various civil society groups dedicated to monitoring and 'exposing' the work of the Bank such as the WB Information Center, the Bretton Woods Project, etc?

5: The International Monetary Fund: introduction and critique

Primary materials:

James M. Boughton, "The IMF at 60", 41 *Finance & Development* (2004) 8-13
IMF Articles of Agreement, excerpts

The IMF at a Glance

Examples of Attacks on the IMF: Note

Jeffrey D. Sachs, 'Urgent: How to Run the International Monetary Fund', *Foreign Policy*, July-Aug 2004, pp 60-64.

Alan Reynolds, Asia and the IMF: A Reassessment, *Asiamoney*, Vol 15, No 7, pp. 16-17

Anne Orford, 'Locating the International: Military and Monetary Interventions after the Cold War', 38 *Harv. Int'l L.J.* 443 (1997)

Common Criticisms of the IMF: Some Responses [by the IMF, 2005]

Do IMF-supported programs impose austerity on countries in financial crisis?

Do IMF-supported programs favor bankers and elites?

Is the IMF dominated by the G-7 (especially the U.S. Treasury)?

Is the IMF unaccountable?

Does the IMF care about human rights?

IMF Concludes 2004 Article IV Consultation with the Arab Republic of Egypt
IMF Press Release No. 05/12, Jan. 26 2005; Arab Republic of Egypt Accepts Article VIII Obligations

IMF Press Release No. 05/14, Jan. 31, 2005; The Arab Republic of Egypt Subscribes to the IMF's Special Data Dissemination Standard

IMF Uganda; Third Review Under the Three-Year Arrangement Under the Poverty Reduction and Growth Facility and Request for Waiver of Performance Criteria

IMF Press Release No. 04/164, July 30, 2004; IMF Completes Third Review Under Uganda's PRGF Arrangement and Reviews Noncomplying Disbursement
IMF, A Response to ActionAid International and Other Organizations
Note on the Fight Against HIV/AIDS and Role of the IMF
The IMF Stance on the fight against HIV/AIDS
Inflation Targets: What Do IMF-Supported Programs Really Advocate and Why?
IMF, United States of America; Staff Report for the 2005 Article IV Consultation
IMF, Argentina: Letter of Intent and Addendum to the Technical Memorandum of Understanding, March 10, 2004
IMF, Independent Evaluation Office, *Report on the Evaluation of the Role of the IMF in Argentina, 1991-2001* (July 2004)

Further reading:

Kenneth Rogoff, The IMF Strikes Back, 134 *Foreign Policy* (2003) 38-46
Leo Van Houtven, "Rethinking IMF Governance", 41 *Finance & Development* (2004) 18-20.
John W. Head, "Seven Deadly Sins: An Assessment of Criticisms Directed at the International Monetary Fund", 52 *Kan. L. Rev.*(2004) 521
Blustein, P., *The Chastening: Inside the Crisis that Rocked the Global Financial System and Humbled the IMF* (2001).
Boughton, J., *Silent Revolution: The International Monetary Fund 1979-1989* (2001).
UK Government, *A Stronger Global Economy: The UK and the IMF 2004-05* (2005) (an example of national level parliamentary reporting on policies and performance within the IMF)

Issues

- Review the criticisms made of existing modes of IMF governance and identify alternatives which would promote greater accountability.
- Head (Further reading, pp. 575-76) argues that the IMF should 'encouraging its member countries to accept and abide by the core obligations set forth in [a range of human rights and environmental] treaties and guidelines and in other standards designed to promote distributional and social justice.' He includes the ICCPR, the ICERD, CEDAW, CAT & CRC. What are the pros and cons of such an approach?

6: IMF surveillance and global standards and codes: promoting the neo-liberal agenda or good governance?

Primary materials:

The IMF's Multilateral Surveillance: Draft Issues Paper for an Evaluation by the Independent Evaluation Office, June 2005

IMF, List of Standards, Codes and Principles Useful for Bank and Fund Operational Work and for which Reports on the Observance of Standards and Codes Are Produced, Nov. 2002

Good Transparency Practices for Monetary Policy by Central Banks, at <http://www.imf.org/external/np/mae/mfi/code/index.htm>

The IMF and the Fight against Money Laundering and the Financing Of Terrorism, IMF Factsheet, Sept. 2005, at <http://www.imf.org/external/x10/changeccss/changestyle.aspx>

Edward Balls, Preventing Financial Crises: The Case for Independent IMF Surveillance, March 6, 2003, at <http://www.iie.com/publications/papers/paper.cfm?ResearchID=244>

Bretton Woods Project, Report condemns IMF ability to anticipate and prevent crises, 21st July 2003, at <http://www.brettonwoodsproject.org/article.shtml?cmd%5B126%5D=x-126-16520>

Do Global Standards and Codes Prevent Financial Crises? Some Proposals on Modifying the Standards-Based Approach, UNCTAD Discussion Paper No. 177, April 2005, at http://www.unctad.org/en/docs/osgdp20051_en.pdf

Michael S. Barr and Geoffrey P. Miller, 'Global Administrative Law: The View from Basel', forthcoming: *European Journal of International Law* (2006)

The Standards and Codes Initiative: Is it Effective? And How Can it be Improved, Staffs of the IMF and World Bank, July 1, 2005

Further reading:

Robert Delonis, 'International Financial Standards and Codes: Mandatory Regulation without Representation', 36 *NYU J Int'l L & Pol* (2004) 563
IMF, *Issues Paper on Standards and Codes* (2001)

Issues

- What does the IMF mean by surveillance and how does it compare to other forms of accountability exercised by international organizations in other fields such as the environment or human rights? What are the implications for conceptions of state sovereignty?
- Examine the implications of one or more of the standards or codes adopted and promoted by the IMF. What process is followed in drafting; how much flexibility is permitted; what is the legal status of the standard; what forms of sanctions are or might be used; what does the process tell us in terms of the law-making impact of the Fund.
- What is the significance of the relationship between the Fund and the Basel Committee?
- What is the role of sanctions or penalties in the work of the Fund?

7. Reforming the IMF

Primary materials:

'Expertise and Power at the IMF', in Michael Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Cornell UP, 2004) Chap. 3.

Ofer Eldar, 'Reform of IMF Conditionality: A Proposal for Self-Imposed Conditionality', 8 *Journal of International Economic Law* (2005) 509

Further reading:

Kim Lane Scheppele, 'A Realpolitik Defense of Social Rights', 82 *Texas L Rev* (2004) 1921.

Randall Stone, 'The Political Economy of IMF Lending in Africa', 98 *American Pol. Sci. Rev.*, Nov. 2004, 577.

Issues

- The IMF is often accused of pursuing a rigid neo-liberal economic approach. Examine its dealings with one or more countries and critically evaluate the extent to which this accusation can be sustained. Give careful consideration to the counter-arguments.
- Take a specific issue such as privatization or deregulation and examine the extent to which the Fund has promoted particular policy approaches and evaluate its impact.
- What are the implications of the analysis put forward by Barnett and Finnemore?
- Critique the proposal by Scheppele in the light of what you know about how the Fund works in a particular situation. To what extent would constitutionalization of social rights really fulfill the functions she suggests?

8: International law considerations: can and should the IFIs take full account of human rights?

Primary materials:

Michael Reisman, "Through or Despite Governments: Differentiated Responsibilities in Human Rights Programs", 72 *Iowa L. Rev.* 391 (1987)

International Court Of Justice, *Advisory Opinion on Legality of the Use by a State of Nuclear Weapons in Armed Conflict* (1996)

The right to food (interim report of the Special Rapporteur of the Commission on Human Rights on the right to food, Jean Ziegler), UN doc. A/60/350 12 September 2005

François Gianviti, "Economic, Social and Cultural Human Rights and the International Monetary Fund", in P. Alston (ed), *Human Rights and Non-State Actors* (OUP, 2005)

Roberto Dañino, 'The Legal Aspects of the World Bank's Work on Human Rights: Some Preliminary Thoughts', in P. Alston & M. Robinson (eds.), *Human Rights And Development: Towards Mutual Reinforcement* (OUP, 2005) Chap. 20.

Further reading:

Shihata I, Issues of 'Governance' in Borrowing Members, the Extent of their Relevance under the Bank's Articles of Agreement: Memorandum of the Vice-President and General Counsel (1990).

Shihata, I., 'The World Bank and Human Rights: An Analysis of the Legal Issues and the Record of Achievements', 17 *Denver Journal of International Law and Policy* (1988), 39-66.

Darrow, M., *Between Light and Shadow: The World Bank, the International Monetary Fund and International Human Rights Law* (2003)

Skogly., S., *The Human Rights Obligations of the World Bank and the International Monetary Fund* (2001).

James D. Wolfensohn, "Some Reflections on Human Rights and Development", in P. Alston & M. Robinson (eds.), *Human Rights And Development: Towards Mutual Reinforcement* (OUP, forthcoming, 2005).

Issues

- Evaluate Gianviti's arguments as to why the IMF cannot accord any legal effect to the provisions of the International Covenant on Economic, Social and Cultural Rights.
- How convincing is the distinction between economic and political issues in the context of this debate? How should or could the IFIs find a way forward?
- To what extent does the approach of Dañino transform the previous policy positions outlined by one of his predecessors Ibrahim Shihata?
- Take a particular human rights problem (e.g. torture, no elections, exclusion of women, press freedom, discrimination) and offer arguments for and against the Bank or the Fund explicitly addressing it. Suggest ways in which this might be done within the existing formal mandate.

9. The World Bank and policies on indigenous peoples

Primary materials:

Andrew Gray, 'Development Policy, Development Protest: The World Bank, Indigenous Peoples, and NGO's', in Fox & Brown (eds.), *The Struggle for Accountability: The World Bank, NGOs, and Grassroots Movements* (MIT Press, 1998) 267.

World Bank Issues Brief, The World Bank and Indigenous Peoples (2005)

World Bank, Indigenous Peoples: Operational Policy OP 4.10, July 2005.

World Bank, Indigenous Peoples: Bank Procedure BP 4.10, July 2005.

Staff Response to Public Comments on the Revised Draft Policy on Indigenous Peoples (OP 4.10) of Dec. 1, 2005 (April 6, 2005).

Further reading:

Galit Sarfaty, 'The World Bank and the Internalization of Indigenous Rights Norms', 114 *Yale L. J.* (2005) 1791.

Benedict Kingsbury, 'Operational Policies of International Institutions as Part of the Law-Making Process: The World Bank and Indigenous Peoples', in Guy Goodwin-Gill & Stefan Talmon (eds.), *The Reality of International Law: Essays in Honour of Ian Brownlie* (OUP, 1999) 323

Issues

- What justifications does the World Bank offer for according such different treatment to indigenous peoples and to what extent could the relevant principles be transposed to other groups or even more generally?
- Undertake a critique of the OP 4.10

10: The Poverty Reduction Strategy Process: participatory governance or rubber-stamping?

Primary materials:

World Bank, Questions and Answers on PRSPs, March 2004

Country Brief: The World Bank in Nepal, Sept. 2004

'Nepal', Human Rights Watch *World Report 2005*

Human Rights Watch, 'Nepal: State of Emergency deepens Human Rights Crisis', Feb. 2005

'Secretary-General Calls for Immediate Restoration of Democratic Institutions in Nepal', UN Press Release SG/SM/9701, Feb. 1, 2005

IDA & IMF, Joint Staff Assessment of the Nepal PRSP, Oct. 24, 2003

World Bank, Nepal: Country Assistance Strategy, Nov. 24, 2003, Executive Summary

Nepal Human Development Report 2004 (UNDP, 2004)

Frances Stewart and Michael Wang, "Poverty Reduction Strategy Papers within the Human Rights Perspective", in P. Alston & M. Robinson (eds.), *Human Rights And Development: Towards Mutual Reinforcement* (OUP, forthcoming, 2005)

Supplementary Reading:

'Summary of Major Findings, Lessons and Recommendations', Report on the Evaluation of Poverty Reduction Strategy Papers and the Poverty Reduction and Growth Facility, (IMF Independent Evaluation Office, 2004).

'Annex 5: Modalities of Participatory Processes', *ibid.*

Cambodia and Ethiopia, taken from Summaries of Country Case Studies, *ibid.*

World Bank, Nepal: Country Assistance Strategy, Nov. 24, 2003

Issues

- On the basis of a country study, evaluate from a human rights perspective the processes used, the targets set, the accountability mechanisms put in place, etc?
- What is the role of 'participation' in these processes and how does that concept relate to the body of international human rights norms?
- What role has been accorded to human rights considerations by the development agencies in Nepal, and how might this have been approached differently?
- Does the PRSP process succeed in responding to many of the criticisms that have been directed at the role played by the IFIs? In particular, could it provide the basis for some form of democratic legitimacy of the IFI-supported programs?

11. The World Bank Inspection Panel in practice: The case of involuntary resettlement

Primary materials:

Introduction and Operating Procedures, Budget, & Policies allegedly violated, from *The Inspection Panel, Annual Report 2003-04* (2005).

International Rivers Network, Risky Business for Laos: The Nam Theun 2 Hydropower Project, Sept. 2004

World Bank, Project Information Document, Nam Theun 2, Oct. 2004.

China Western Poverty Reduction Project, Summary Paper, June 1999, Inspection Panel's Report and Findings on the Qinghai Project, Executive Summary, May 2000

J. Wolfensohn to the Board, June 2000, Subject: China: Western Poverty Reduction Project Qinghai Component Management Report and Recommendation in Response to the Inspection Panel Investigation Report 'China to Implement Qinghai Component of the China Western Poverty Reduction

Project with its Own Resources', *The World Bank Group Press Release*, July 7, 2000

<http://wbln0018.worldbank.org/news/pressrelease.nsf>

Chinese Government's Statement on the Inspection Panel Investigation Report for the China: Western Poverty Reduction Project (Qinghai Component), July 6, 2000

Jonathan Fox, 'Transnational Civil Society Campaigns and the World Bank Inspection Panel', in Alison Brysk (ed.), *Globalization and Human Rights* (2002) 171.

Further reading:

World Bank, *Accountability at the World Bank: The Inspection Panel 10 Years On* (2004, available free on request from the WBIP).

Dana Clark, Jonathan Fox, and Kay Treakle (eds.), *Demanding Accountability: Civil-Society Claims and the World Bank Inspection Panel* (2003)

Shihata, I., *The World Bank Inspection Panel in Practice* (2000).

Issues

- What difference would it make to add the violation of human rights standards to the mandate of the IP?
- Does the Qinghai case show the IP process in a favorable light? What are the strengths and weaknesses of the procedure that emerge from this case study?

12. Extending IFI Inspection and Accountability Mechanisms

Primary materials:

Daniel Bradlow, 'Private Complainants and International Organizations: A Comparative Study of the Independent Inspection Mechanisms in International Financial Institutions', 36 *Geo. J. Int'l L.* 403 (2005)

Further reading:

Carol Welch, "IEO: Credible Start, Untested Impact", 41 *Finance and Development* (2004) 50.

Peter Woicke, 'Putting Human Rights Principles into Development Practice through Finance: The Experience of the International Finance Corporation', in P. Alston & M. Robinson (eds.), *Human Rights And Development: Towards Mutual Reinforcement* (OUP, forthcoming, 2005)

Civil Society Proposals for Embedding Human Rights Principles and Requirements into IFC's Policy on Social and Environmental Sustainability and Performance Standards, Dec. 2004

Issues

- To what extent do the new generations of accountability mechanisms reviewed by Bradlow respond to the major critiques of the unaccountability of the IFIs?

13: The World Bank & the Chad-Cameroon Oil Pipeline

Primary materials:

World Bank, 'The World Bank and Civil Society', at <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:20092185~menuPK:220422~pagePK:220503~piPK:220476~theSitePK:228717,00.html>

Sebastian Mallaby, 'NGOs: Fighting Poverty, Hurting the Poor', *Foreign Policy* September/October 2004

Alan Oxley, 'World Bank -- NGO Takeover?', at <http://www.techcentralstation.com/112904G.html>

Amnesty International, *Contracting Out of Human Rights: The Chad–Cameroon pipeline project* (2005).

Scott Pegg, 'Can Policy Intervention Beat the Resource Curse? Evidence from the Chad-Cameroon Pipeline Project', 105 *African Affairs* (2005) 1.

Further reading:

Kenneth Anderson, 'The Ottawa Convention Banning Landmines, The Role of International Non-Governmental Organizations and the Idea of International Civil Society', 11 *Eur. J Int. L* (2000) An Interview with NAPE by Terri Hathaway, International Rivers Network, at

<http://www.irn.org/programs/finance/index.asp?id=sebastianmallaby/041124nape.html>

Carmen Malena, with Reiner Forster, & Janmejay Singh, *Social Accountability: An Introduction to the Concept and Emerging Practice*, World Bank Social Development Papers, Participation and Civic Engagement, Paper No. 76 December 2004 at

[http://lnweb18.worldbank.org/ESSD/sdvext.nsf/60ByDocName/SocialAccountabilityAnIntroductiontotheConceptandEmergingPractice/\\$FILE/SAc+paper+FINAL.pdf](http://lnweb18.worldbank.org/ESSD/sdvext.nsf/60ByDocName/SocialAccountabilityAnIntroductiontotheConceptandEmergingPractice/$FILE/SAc+paper+FINAL.pdf)

Alnoor Ebrahim, 'Making Sense of Accountability: Conceptual Perspectives for Northern and Southern Nonprofits', 14 *Nonprofit Management and Leadership* (2003) 191.

Ruth Buchanan, 'Perpetual Peace or Perpetual Process: Global Civil Society and Cosmopolitan Legality at the World Trade Organization', 16 *Leiden J. Intl L.* (2003) 673.

John Keane, *Global Civil Society* (Cambridge UP, 2003) 175-209.

Issues

- How persuasive is the Amnesty analysis and to what extent should it be used as a model for further work by human rights groups in relation to such issues?
- What impact have civil society organizations had in relation to the policies of either the Bank or the Fund? Choose a selected policy or organization and analyze the impact in light of the conceptual tools provided in the relevant readings.
- Do Northern NGOs meet the accountability and transparency criteria that they would argue should be met by the IFIs? How could any such group respond meaningfully to the 'who elected the NGOs' critique?

14. Towards Broad Policy Guidelines: the World Commission on Dams and the Extractive Industries Review

Primary materials:

'Executive Summary', *Striking a Better Balance, The Final Report of the Extractive Industries Review* (Vol. 1, World Bank, Dec. 2003)

A Civil Society Analysis of the World Bank's Response to the Extractive Industries Review, July 2004

Striking a Better Balance – The World Bank Group and Extractive Industries: The Final Report of the Extractive Industries Review, *World Bank Management Response*, Sept. 17, 2004

World Commission on Dams, *Dams and Development: A New Framework for Decision-Making*, Executive Summary, Nov. 2000

Upendra Baxi, 'What Happens Next Is Up to You: Human Rights at Risk in Dams and Development', 16 *Am. U. Int'l L. Rev.* 1507 (2001)

International Monetary Fund, *Guide on Resource Revenue Transparency*, June 2005, available at <http://www.imf.org/external/pubs/ft/grrt/eng/060705.pdf>

Further reading:

Background Papers prepared for the World Commission on Dams, available at <http://www.dams.org/kbase/thematic/tr54.htm>

Daniel D. Bradlow, *The World Commission on Dams' Contribution to the Broader Debate on Development Decision-Making*, 16 *Am. U. Int'l L. Rev.* 1531 (2001).

Issues

Evaluate the proposals made, and the processes followed, by either the ERI or the WCD. Evaluate the IMF *Guide on Resource Revenue Transparency* in light of the controversy over transparency and the 'oil curse', or in terms of its legal foundations or relevance to human rights instruments.