European Master's Degree in Human Rights and Democratisation

Humanising the Global Player: A Human Rights-Based Approach for Bridging the Accountability-Gap of the International Monetary Fund

Satya Jennings

Supervisor: Ludovic Hennebel

Centre Perelman de Philosophie du Droit

Université Libre de Bruxelles

Academic Year 2008 / 2009

Brussels, July 2009

Thanks to:

Dr. Ludovic Hennebel for his competent supervision.

My parents - Alan and Kathrin - and my sister Manuela, for always believing in me.

My partner, David Herrera Rentería, for his support and love at a distance.

My friend Esther Keimer for her useful comments.

My fellow masterini, Christiane Schwausch, Encarni Barrionuevo Sánchez and Danilo Rossi, for the moments we shared during the second semester.

Abstract

Human rights accountability is indispensable for the legitimacy of powerful organisations such as the International Monetary Fund (IMF). By assessing the role of the world's primary monetary agency regarding human rights and development, the paper discusses why the global actor must be answerable to the broad public for its policies.

The objective of the present paper is to elaborate a practical accountability framework tailored to the IMF, consisting of the key elements transparency, stakeholder participation, evaluation and fair complaint mechanisms. These principles are commonly associated with good governance but in many ways, they are congruent with a human rights-based approach to development.

This paper claims that international human rights standards must be an integral part of accountability mechanisms and of the IMF's policies in general. For bridging the Fund's current legitimacy deficit, the application of a human rights-based approach to development is suggested: It provides a practical instrument for the achievement of human rights accountability, containing benefits for the organisation which go beyond human rights. The paper concludes that a principles and a human rights-based approach potentially provides the IMF with a framework for human rights accountability but its operationalisation remains challenging.

List of Acronyms and Abbreviations

- AA Articles of Agreement
- CSOs Civil Society Organisations
- ESC Economic, Social and Cultural (Rights)
- FN Footnote
- GA General Assembly
- GAP Global Accountability Project
- GAR Global Accountability Report
- G7 Canada, France, Germany, Italy, Japan, United Kingdom, United States
- G20 A grouping composed of major industrial countries and systemically important developing and emerging market countries
- HIPC Heavily Indebted Poor Countries
- HRBA Human Rights Based Approach
- HRIA Human Rights Impact Assessment
- HRW Human Rights Watch
- ICCPR International Covenant on Civil and Political Rights
- ICESCR International Covenant on Economic, Social and Cultural Rights
- IEO Internal Evaluation Office
- IFIs International Financial Institutions
- IGO Intergovernmental Organisation
- ILC International Law Commission
- IMF International Monetary Fund
- IBRD International Bank for Reconstruction and Development
- IDA Development Association

- IFC International Financial Corporation
- IMF-AP IMF-Accountability Profile
- IO International Organisation
- MD Managing Director
- MDGs -Millennium Development Goals
- MIGA -Multilateral Investment Guarantee Agency
- NGOs -Non-Governmental Organisations
- ODI Overseas Development Institute
- OHCHR Office of the High Commissioner for Human Rights
- OWT One World Trust
- PRGF Poverty Reduction and Growth Facility
- PRS Poverty Reduction Strategy
- PRSPs Poverty Reduction Strategy Papers
- SRSG Special Rapporteur of the Secretary-General
- SSA Sub-Saharan Africa
- **TNCs** Transnational Corporations
- UDHR Universal Declaration of Human Rights
- UN United Nations
- UNDG United Nations Development Group
- UNGA United Nations General Assembly
- WTO World Trade Organisation

Table of Contents

1.	Introduction	7	
1	.1 Methodology	. 11	
	1.1.1 A Human RightsBased Approach to Development: A Brief Introduction	. 13	
2. 0	2. Context on the IMF's Formation, Composition and Governance		
2	2.1 Historical Background and Main Functions of the Bretton Woods Institutions	. 18	
2	2.2. Governance of the IMF: Who takes Decisions and How	22	
3. 7	Гhe IMF and Human Rights	26	
3	3.1 The IMF as a Duty-Holder: General Applicability of International Human Rights Law	v 26	
3	3.2 The IMF and Human Rights Performance	33	
	3.2.1 The IMF and Economic, Social and Cultural Rights	35	
3	3.2 The IMF and (the Right to) Development	39	
	3.2.1 Poverty-Reduction Strategies (PRS) and the Heavily Indebted Poor Countries- Initiative (HIPC)	43	
4.	The Accountability of the IMF		
4	1.1 Defining the Term and the Approach		
	1.2 Main Gaps identified and Key Challenges		
4	1.3 Incentives for Change	55	
4	4.4 Accountability as Integral Element of a Human Rights-Based Approach (HRBA)	56	
	4.5 Putting it into Practice: A Framework towards Accountability		
	4.5.1 Transparency	59	
	4.5.2 Stakeholder Participation	62	
	4.5.2.1 Current Civil-Society Participation in the IMF	63	
	4.5.2.2 Ways to Effective CSO-Participation	65	
	4.5.3 Evaluation	72	
	4.5.4 Complaint and Response Mechanisms	77	
5.	Conclusions	82	
6.	Bibliography	87	
	Annex		