

Demanding Accountability

Civil-Society Claims and the World Bank Inspection Panel

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Acronyms

ADB	Asian Development Bank
BIC	Bank Information Center
BP	Bank Practice
CAO	Compliance Advisor/Ombudsman (International Finance Corporation)
CIEL	Center for International Environmental Law
EA	Environmental Assessment
EBY	Entidad Binacional Yacyretá
EDF	Environmental Defense Fund (now known as Environmental Defense)
ED	Executive Director
EIA	Environmental Impact Assessment
FOE	Friends of the Earth
GABB	Grupo de Acción por el Biobío
GP	Good Practice
IBRD	International Bank for Reconstruction and Development
IDA	International Development Association
IDB	Inter-American Development Bank
IUCN	International Union for the Conservation of Nature and Natural Resources
IFC	International Finance Corporation
IRN	International Rivers Network
masl	meters above sea level
MIGA	Multilateral Investment Guarantee Agency

NGO	Nongovernmental Organization
NTPC	National Thermal Power Corporation
OD	Operational Directive
OP	Operational Policy
OED	Operations Evaluation Department
TGIE	Tibetan Government-in-Exile
UNDP	United Nations Development Program

Introduction: Framing the Inspection Panel

Jonathan Fox

The global political debate over the future of international economic institutions brings together both protest and proposals for change. Widespread civil-society action has put social and environmental justice issues on the international agenda, leading both official and alternative policymakers to respond with a growing array of institutional innovations. Some of these reforms may be dead ends, while others are potentially significant because they build leverage for further change. This book analyzes one such reform, a citizen-driven public accountability process called the World Bank Inspection Panel.

The World Bank has been a lightning rod for transnational protest for at least two decades, foreshadowing today's debate over economic globalization. The World Bank's global influence made it a strategic target for public interest campaigners seeking to link local and global struggles against socially and environmentally costly development strategies. In the process, advocacy coalitions have come together across borders and causes, linking mass mobilizations and direct action to media-savvy campaigners and to alternative policy analysts in often mutually reinforcing synergy. In the context of the great diversity of civil-society actors involved in questioning the dominant development model, the World Bank plays a key role by influencing the global "political opportunity structure" for joint action.¹

For leaders of the dominant international institutions, the idea that they should be transparent and held publicly accountable was once unthinkable.² Sustained public pressure from human rights, environmental, and social justice campaigns is leading a wide range of international and national institutions to begin to accept these goals to some degree.

What difference does it make in practice when powerful global institutions become answerable—at least sometimes—for breaking their own rules? The Inspection Panel process allows local people who are affected by a World Bank–funded project to file a complaint and request an independent investigation into whether the bank complied with its own environmental and social policies. This book provides a comprehensive assessment of the process in practice, assessing the strengths and weaknesses of the panel process through case studies of key claims during its brief history. These original case studies offer insight into how local, national, and international civil-society actors mobilize to hold the World Bank accountable for noncompliance with its own commitment to fight poverty and pursue sustainable development. This case-based approach allows readers to come to their own conclusions about whether and how the Inspection Panel can serve as a political handhold in the hard climb toward increasing the voice and direct representation of people excluded from policy decisions.

This volume is the result of campaigners and analysts working together to learn from “*accountability politics*, or the effort to hold powerful actors to their previously stated policies or principles.”³ *Accountability* refers to the process of holding actors responsible for their actions. This involves *answerability*—usually formal processes in which actions are held up to standards of behavior or performance. For some, this definition is sufficient, while others prefer more rigorous criteria, which include sanctions for violations of standards. Accountability is inherently relational, and its meaning varies greatly depending on the actors involved (for example, contractual, corporate, and political accountability are all quite different). The standards themselves—what counts as compliance—as well as the scope and meaning of *public* accountability more generally, are all contested and shaped through political conflict.

The World Bank’s accountability reforms combined promises to meet higher social and environmental standards with “more of the same” institutional behavior. The lessons from the World Bank’s often contradictory responses to its critics can help to inform the broader, ongoing debate over the future of multilateral institutions.

The case studies of the Inspection Panel claims, primarily written by direct participants, are an especially rich source of lessons for understanding today’s emerging transnational civil society. These studies provide original insights into the dynamics of civil-society efforts to challenge powerful global institutions and to shed light on the ways in which “globalization from below” can influence the institutions that guide “globalization from above.”⁴

Because of the bridging nature of the Inspection Panel process, the questions examined here unfold at the crossroads of two distinct bodies of re-

search, one dealing with transnational civil society and the other dealing with global governance and international institutions.⁵ The lessons from this process are also critical for understanding new developments in international law.⁶ Before the contested construction of the World Bank’s minimum social and environmental standards and the creation of the Inspection Panel, the World Bank was a “lawless institution,” insofar as it was insulated from any legal responsibilities to people directly affected by its actions.⁷ The Inspection Panel’s most important innovation is that it is designed to respond directly to grievances from citizens of developing countries about the environmental and social impacts of World Bank–funded projects.

WAVES OF PROTEST AND POLICY RESPONSES

Back in the 1980s, caught in the hot reflective glare of burning rain forests and dam-displaced villages, the World Bank first conceded that it needed mandatory minimum social and environmental standards. Since then, campaigners have repeatedly focused on vivid cases of “development disasters” that revealed the bank’s persistent difficulty in meeting its own promises of reform.

Another wave of international protest shook the bank in the early 1990s. Local–global public interest networks were gaining increased leverage and credibility, bringing together broad-based protest movements and public interest groups in the South with environmental and human rights advocacy organizations in the North.⁸ One wing of the campaign turned the tables on the bank’s planned celebration of its fiftieth anniversary by organizing under the slogan “Fifty Years Is Enough.” Meanwhile, the United Nation’s 1992 widely hailed Earth Summit in Rio was encouraging international policymakers—including those at the World Bank—to at least pay lip service to the concept of “sustainable development.”

To push for greater accountability and transparency at the World Bank, campaigners targeted a key pressure point, threatening to push for cutting U.S. congressional aid appropriations unless the World Bank agreed to reforms that directly addressed not just its “problem projects” but also the flawed decision-making processes that caused them. This strong message coming from the World Bank’s external critics resonated with some donor-government policymakers as well as growing internal concerns about the need to improve the development effectiveness of its investments. In 1993, these pressures led North–South advocacy coalitions to win a pair of new procedural reforms: one greatly increased public access to information about bank projects and the other created the Inspection Panel.⁹

as many other environmental accords have also set promising precedents. However, most of these agreements have not led to the emergence of institutions with resources or enforcement powers. They therefore fall into the growing category of “soft law.”¹⁷ In contrast, the new International Criminal Court (ICC) is endowed with the authority to prosecute human rights violators from countries if their national judicial systems fail to act.¹⁸

These two competing sets of rights—one agenda for corporate investors versus another that puts people and the environment first—both assert universal mandates. For their respective advocates, each set of rights therefore trumps sovereignty (at least for countries that have agreed to cede some authority by treaty—or by contract, as in the case of World Bank loans). The World Bank’s environmental and social policy reforms operate at an intersection between these two very different conceptions of universal rights. Most of the bank’s money and power focuses on promoting policies and institutions that encourage conventional growth and economic globalization. At the same time, other parts of the bank, such as its social and environmental units, are charged with promoting sustainable development, poverty reduction, and more recently, “empowerment” of the poor.¹⁹ The institution’s various branches and factions pursue different goals and strategies, some with much more clout than others.

Public interest groups and policymakers continue to debate the significance of the bank’s “sustainable development” reforms, and the degree to which they have led to changes in the institution’s decision-making processes. In the process, the bank and advocacy groups have been involved in many other kinds of “stakeholder consultations” and “policy engagement” around the bank’s social, economic, and environmental policies, with mixed results so far.²⁰ In practice, the bulk of the bank’s lending, which involves macroeconomic and sectoral lending rather than antipoverty projects or infrastructure investments, has largely eluded the “sustainable development” policy reforms.²¹

The uneven degree to which the bank applies its own social and environmental policies in practice reflects the balance of power between pro-sustainable development forces between and within three different kinds of actors: civil societies, nation-states, and the bank itself.²² This balance of power is not fixed or predetermined, however, and that is where potential levers for change such as the Inspection Panel can play a role.

ARENAS OF CHANGE: WHERE TO LOOK FOR LEVERAGE?

The Inspection Panel experience is a test case of the “reformability” of multilateral institutions. This raises a more general dilemma faced by the diverse actors that challenge the dominant globalization process: where do they look

to gain leverage? Constituencies concerned about the environmental and social costs of corporate globalization differ over *where* the key alternative domain is located. In practice, advocacy strategies vary in terms of their relative emphasis on different *arenas* of change—the local, the national, or the international—depending on their own locations, resources, allies, and ideologies.²³ At the same time, these multilevel strategies are often mutually reinforcing. Specific campaigns often bring the actors together, most recently under the broad umbrella slogan “Another World Is Possible,” associated with the World Social Forum—a Brazilian-led process of local-global convergence that has since inspired other “social forums” around the world.

Within the broad movement for global justice, some see local arenas as the principal sites for resistance and alternatives. For example, the International Forum on Globalization, an influential South-North coalition of critical intellectuals, NGO (nongovernmental organization) activists, and movement leaders, consistently stresses that the most promising alternative to top-down globalization is to strengthen *local* social, civic, and economic actors and institutions—based on grassroots democratic energy and innovation. This approach includes calls for public regulation to create space for grassroots initiatives, but it tends to be ambivalent about whether and how to empower nation-states and multilateral institutions.²⁴ Many panel claims emerge from grassroots causes that focus primarily on the local arena, get blocked, and then turn to an international instrument in an effort to shift the balance of power.²⁵ By using the panel, they are “thinking locally and acting globally.”

Other campaigns focus primarily on the national arena and bolstering and democratizing nation-states. For example, the Hemispheric Social Alliance—a coalition of social organizations and NGOs that questions the proposed Free Trade Area of the Americas—consistently prioritizes the need to increase the leverage of nation-states. In this view, the key challenge is for nations to reshape the terms of integration with international markets by increasing their states’ institutional and legal capacity to regulate trade and investment.²⁶

A third campaign strategy focuses on the emerging alternative norms and institutions of global governance as a promising domain for defending social justice, the environment, and peace. Some advocates see new or reformed international institutions as a key pathway to offset the power of private capital and to challenge the impunity of human rights violators. For example, human rights defenders are pioneering a promising approach that seeks to enforce international human rights law in national courts.²⁷ The global governance approach includes within it diverse approaches, ranging from radical internationalists who want to contain or reverse corporate globalization, to moderates who promote global economic institutions that can redistribute from winners to compensate losers.²⁸ Both radical and moderate internationalists are skeptical that efforts limited to

local or national arenas will be sufficient to offset the power of unregulated global capital.²⁹ Internationalists often differ, however, over how to weigh the conflicts between universal norms and national sovereignty. At the same time, many campaigners focused on local and national arenas wonder how and when changes at the international level will produce tangible progress on the ground.

The Inspection Panel is a test case for one current within the global governance approach: the focus on reforming the multilateral institutions. Reforming official discourse is easy for policymakers, but how do they react when they actually have to submit to official oversight bodies that investigate whether they are putting their enlightened-sounding promises into practice? Because of its focus on compliance, many different actors—bank management, both donor and borrowing governments on its board, other international agencies, public interest campaigners, and the panel itself—have staked it out as a major political battlefield.³⁰ Because the panel is a policy innovation designed to influence the actual behavior of the World Bank, this study will contribute to the broader debate over the “reformability” of dominant multilateral institutions.³¹

This analysis of the civil-society claims to the Inspection Panel examines cases where local, national, and international campaigns were mutually reinforcing. Local, national, and international arenas each offer advocacy campaigns distinct sets of allies, resources, and obstacles. Change initiatives in one arena are often interlinked with efforts in others.³² The campaign case studies that follow will shed light on the different kinds of “vertical” linkages between arenas or “levels” of action, as well as the “horizontal” linkages between counterparts across sectors and borders. Both of these processes are key to strategies for empowering civil-society actors.

When analyzing patterns of unity and diversity among transnational social and civic actors, as well as when assessing their impact, where one stands depends on where one sits. The different case studies that follow assess the processes and outcomes in light of the interests and goals of the different actors involved. In some cases the goal was to prevent a project from happening, in other cases the goal was to get authorities to carry out a potentially positive project as promised, while in other cases the best that could be hoped for was some degree of mitigation or compensation for damages. In addition, several of the panel claims created opportunities for broader institutional reform that would affect future project decisions.

AN OVERVIEW OF THE BOOK

This book explores the Inspection Panel’s case history in order to draw broader lessons about the dynamics of reform at the multilateral institutions. What dif-

ference did the panel make? Did panel claims produce tangible results for the communities involved? Did they lead to broader policy reforms? Who were the key actors behind the panel claims and how did they come together?

Although the civil-society actors, goals, and strategies involved in efforts to use the Inspection Panel process have been extremely diverse, they have all attempted to enter the same small but potentially significant international “policy space”—to put “a foot in the door” of a powerful global institution. The actors involved range from broad-based national advocacy coalitions to North–South partnerships that pursue a “boomerang” strategy by local campaigns to bring international pressure to bear against unresponsive nation–states.³³ Some panel claims led to significant direct impacts, such as policy reforms, or the withdrawal of bank funding for a potentially devastating project, while others led to minimal mitigation measures or had no impact at all. Several claimants had to face a political backlash from their governments, including human rights violations in some cases.

Each case study tells a different part of the story of the Inspection Panel’s first eight years. The book is built around nine original case studies that together illustrate the strengths and limitations of civil-society efforts to use the panel process. The mix of cases is broadly representative of the many different kinds of campaigns and bank projects that have engaged the panel so far. The cases are all based on extensive, independent field research and reflect the views of direct participants in the claims.³⁴

Chapter 1 provides overall context by explaining the Inspection Panel in terms of international law and the reform of international institutions. This chapter provides an overview of the Inspection Panel’s history and dynamics, explaining its origins, procedures, and relationship to the World Bank’s broader environmental and social policies. The chapter also offers analysis of the panel’s changing relationship with the bank’s management and board, as well as the uneven ripple effect on other international financial institutions.

Chapter 2 reviews the very first claim brought to the Inspection Panel, a claim that questioned the Arun III Dam project in Nepal. The Arun claim was a key test case, showing that a claim could provoke the cancellation of a project. The claim obliged then-incoming President James Wolfensohn to take sides in a preexisting internal debate over the project’s viability, and revealed how transnational advocacy networks can sometimes tip the balance. The claim and the panel’s report provoked the bank to withdraw its support of the project, which was considered a victory for the claimants and their international supporters. This tangible impact quickly established the panel as a viable institution.

Chapter 3 analyzes the claim dealing with the Rondônia Natural Resources Management project in Brazil, also known as the Planaflo project. The state

of Rondônia was the site of one of the world's most visible and infamous "development disasters": the World Bank-financed Polonoroeste road and colonization project in the Amazon rain forest. With Planaflo, the World Bank and the Brazilian government tried to make amends by promoting sustainable development in the same province. This project was designed to promote participatory and sustainable natural resource management, but its problems in practice led a local/transnational coalition to submit an Inspection Panel claim. In contrast to many other campaigns, this one did not attempt to block a project; instead the goal was to promote compliance with its objectives. The claim led to a significant restructuring of the project, encouraging more power-sharing with local civil-society actors and the demarcation of protected areas.

Chapter 4 analyzes a claim involving the massive Yacyretá Dam, which is located on the Río Paraná on the Argentina-Paraguay border and was financed by both the World Bank and the Inter-American Development Bank. SOBREVIVENCIA/Friends of the Earth-Paraguay filed claims at both institutions on behalf of locally affected people. The chapter focuses on the World Bank process, including the responses of borrowing governments, bank management's attempt to distort the panel findings, the increased capacity of local communities to articulate and demand their rights, and the difficulty in translating the panel's findings into real change at the project level.

Chapter 5 documents a claim involving yet another large infrastructure project, the Jamuna Bridge in Bangladesh. The claim was brought by a local NGO, the Jamuna Char Integrated Development Project, on behalf of thousands of people who lived on seasonal islands—called *chars*—affected by changes in the Jamuna River due to the construction of the bridge. The claimants did not challenge the bridge project; rather, they objected to their exclusion from resettlement and compensation plans, given that their homes and livelihoods would be lost. Bank management and government responded quickly with an action plan that recognized the legitimacy of "char people" as affected people for the first time, but the resulting compensation plan was seriously undermined by the same systematic social discrimination that led to their exclusion in the first place.

Chapter 6 shows how a project campaign can lead to significant institutional reform yet offer little recourse for those displaced at the local level. The Panguel/Ralco hydroelectric dam complex on Chile's Biobío River raised questions about indigenous peoples' rights, the adequacy of environmental impact assessment, and how to extend accountability mechanisms to the growing private sector side of the World Bank's operations. Chile's Grupo de Acción por el Biobío filed a claim, which was rejected by the Inspection Panel on the grounds that it lacks jurisdiction over the International Finance

Corporation (IFC), the World Bank's private-sector lending arm. Nevertheless, the claim led President Wolfensohn to commission an environmental NGO leader to investigate the project. The chapter traces the history of the claim, the IFC scandal revealed by the independent review, and the resulting adoption of social/environmental policies and an accountability mechanism for both the IFC and MIGA (the Multilateral Investment Guarantee Agency, the World Bank's private-sector political risk insurance agency).

Chapter 7 provides a comparative analysis of the five Brazilian claims filed to the Inspection Panel. These claims involved three different projects: Planaflo, the failed Itaparica resettlement project, and the controversial Cédula da Terra "market-assisted" land reform program. All three projects were created in response to previous waves of social and environmental concern. In practice, however, all fell short, and the land reform project in particular provoked nationwide rejection. All three campaigns produced partial project changes, although in the Itaparica and land reform cases claimants saw the concessions as attempts to divide their social organizations. The analysis provides a national overview of the evolution of Brazilian public interest advocacy strategies, and their pioneering efforts to frame international campaigning in terms of their national campaigns to democratize the closed partnership between the World Bank and the Brazilian government.

Chapter 8 provides a vivid example of borrowing-government resistance to the Inspection Panel process. The industrialization of the Singrauli region in India, supported by the World Bank, has resulted in the involuntary displacement of hundreds of thousands of people and intense pollution. Local efforts to resist unjust resettlement and to utilize the Inspection Panel process were met with beatings and abuse. When the panel recommended an investigation, the government of India indicated it would not allow its entry into the country. As a result, the board confined the panel to a Washington-based "desk review." The Singrauli case underscores the devastating impacts of displacement, the board's inability to play an effective remedial role, the importance of national sovereignty concerns in the panel process, and management's failure to fully implement "action plans" developed in response to panel claims.

Chapter 9 tells the encouraging story of a case called Pro-Huerta (the Garden Program), where the panel process not only worked, but also set a precedent for applying social and environmental standards to macroeconomic adjustment loans. The social safety net conditions built into Argentina's structural adjustment program provided the leverage for the first Inspection Panel claim that focused on the impact of macroeconomic lending on anti-poverty programs. The Inspection Panel claim led to an unusually rapid and positive policy response when the government of Argentina agreed to restore funding to the Garden Program, which helped the urban poor to grow their

own food. This successful claim involving a macroeconomic structural adjustment project was quite different from most of the other cases, which focused on more “tangible” infrastructure projects.

Chapter 10 documents the China Western Poverty Reduction Project, one of the most important “turning point” cases in the history of the Inspection Panel—and in the World Bank’s history. In 1999, the bank sought to support the Chinese government’s plan to resettle approximately fifty-eight thousand poor farmers onto lands traditionally inhabited by nomadic Tibetan and Mongolian peoples. The project involved serious social and environmental risks, and local people sent letters seeking international support. Tibet solidarity groups worked with World Bank–watching organizations to generate widespread critical media coverage and skepticism in donor governments. The campaign against the project led to high-level diplomatic tensions between the bank, its largest borrower, and its largest donor; an unusually intense level of board engagement; a scathing report by the Inspection Panel; and, ultimately, the cancellation of the bank project. In addition to documenting the project’s systematic violation of many of the bank’s safeguard policies, the panel report went further to reveal dramatic weaknesses in the bank’s entire system for avoiding and mitigating social and environmental risks. In response, bank policymakers developed a new strategy to bolster internal checks and balances to encourage more consistent staff compliance with social and environmental “safeguard” policies. Once more, a project campaign managed to leverage bankwide policy reform—although it is too soon to assess its impact in practice.

Chapter 11 assembles these detailed pictures into a larger portrait, taking stock of the panel experience by assessing its impacts on various actors, including the affected people and the bank itself. This chapter evaluates the trends that emerge across the full set of claims, including those not covered by case studies profiled in this book. For claimants on the ground, the results have varied widely, ranging from significant impacts to partial damage control, to no change at all. The full set of claims shows that the majority of panel claims over the first eight years have come directly from affected people and their NGO allies in the South, without even Northern coalition partners. The concluding chapter draws analytical lessons for understanding the dynamics of promoting public accountability.

On balance, the panel itself has been remarkably autonomous, permitting people negatively affected by World Bank projects the opportunity to gain some degree of international standing, access to transnational public interest allies, potential global media coverage, and even the possibility of some tangible changes in bank projects. In many of the cases, the process changed whose voices count, and who listens. Just how far the Inspection Panel’s multiplier effects will travel within and across powerful institutions remains to be

seen, but this innovative experiment is taking its place as one of many fronts in the larger political contest over how to redefine accountability from below.

NOTES

1. The *political opportunity structure* is a central idea in political sociology that refers to the contextual factors that encourage or discourage specific kinds of collective action and protest from below. For example, shared threats, the array of possible allies, the degrees and likelihood of repression, as well as splits or competition among elites, are all very relevant. For an overview, see Sidney Tarrow, *Power in Movement*, 2d ed. (Cambridge: Cambridge University Press, 1998).

2. *Transparency* refers here to public access to information about institutions and their actions, while *accountability* is widely understood as referring to those institutions’ public *answerability* for their actions. Transparency is necessary but not sufficient for accountability.

3. Margaret Keck and Kathryn Sikkink, *Activists beyond Borders* (Ithaca: Cornell University Press, 1998), 16. The Inspection Panel is a subset of a growing category of checks-and-balances agencies, sometimes called institutions of *horizontal accountability* (Guillermo O’Donnell, “Horizontal Accountability in New Democracies,” in *The Self-Restraining State: Power and Accountability in New Democracies*, ed. Andreas Schedler, Larry Diamond, and Marc F. Plattner [Boulder, Colo.: Lynne Rienner, 1999], 29–51). For conceptual discussions of different dimensions of accountability, see Mark Bovens, *The Quest for Responsibility: Accountability and Citizenship in Complex Organizations* (Cambridge: Cambridge University Press, 1998); Adam Przeworski, Susan Stokes, and Bernard Manin, eds., *Democracy, Accountability and Representation* (Cambridge: Cambridge University Press, 1999). For an effort to operationalize and measure different degrees of accountability of international institutions, see Hetty Kovach, Caroline Neligan, and Simon Burall, *Global Accountability Report 1: Power without Accountability?* (London: One World Trust, 2002–2003), available online at www.oneworldtrust.org [accessed May 26, 2003].

4. On transnational civil society, see, among others, Joe Bandy and Jackie Smith, eds., *Coalitions across Borders: Transnational Protest and the Neo-Liberal Order* (forthcoming); Jeremy Brecher, Tim Costello, and Brendan Smith, *Globalization from Below* (Boston: South End Press, 2000); Alison Brysk, ed., *Globalization and Human Rights* (Berkeley: University of California Press, 2002); and *From Tribal Village to Global Village: Indian Rights and International Relations in Latin America* (Palo Alto, Calif.: Stanford University Press, 2000); Robin Cohen and Shirin M. Rai, eds., *Global Social Movements* (London: Athlone, 2000); Alejandro Colas, *International Civil Society* (London: Polity, 2001); Donatella Della Porta, Haspeter Kriesi, and Dieter Rucht, eds., *Social Movements in a Globalizing World* (London: Macmillan, 1999); Michael Edwards and John Gaventa, eds., *Global Citizen Action* (Boulder, Colo.: Lynne Rienner, 2001); Ann Florini, ed., *The Third Force: The Rise of Transnational Civil Society* (Washington, D.C.: Carnegie Endowment for International Peace; Tokyo: Japan Center for International Exchange, 2000); John Guidry, Michael

Kennedy, and Mayer Zald, eds., *Globalizations and Social Movements: Culture, Power and the Transnational Public Sphere* (Ann Arbor: University of Michigan Press, 2000); Keck and Sikkink, *Activists*; Sanjeev Khagram, James V. Riker, and Kathryn Sikkink, eds., *Restructuring World Politics: Transnational Social Movements, Networks, and Norms* (Minneapolis: University of Minnesota Press, 2002); Gordon Laxer and Sandra Halperin, eds., *Global Civil Society and Its Limits* (London: Palgrave, 2003); David Lewis, ed., *International Perspectives on Voluntary Action: Reshaping the Third Sector* (London: Earthscan, 1999); Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999); Jackie Smith, Charles Chatfield, and Ron Pagnucco, eds., *Transnational Social Movements and Global Politics* (Syracuse: Syracuse University Press, 1997); Jackie Smith and Hank Johnston, eds., *Globalization and Resistance: Transnational Dimensions of Social Movements* (Lanham, Md.: Rowman and Littlefield, 2002); Sidney Tarrow, *Power in Movement*, 2d ed. (Cambridge: Cambridge University Press, 1998); and idem, "Transnational Politics: Contention and Institutions in International Politics," *Annual Review of Political Science* 4 (2001): 1–20. For studies that specifically problematize North–South differences within civil society, see, for example, Clifford Bob, "Globalization and the Social Construction of Human Rights Campaigns," in Brysk, *Globalization and Human Rights*, 133–47; David Brooks and Jonathan Fox, eds., *Cross-Border Dialogues: US–Mexico Social Movement Networking* (La Jolla: University of California, San Diego, Center for U.S.–Mexican Studies, 2002); Michael Edwards and David Hulme, eds., *Beyond the Magic Bullet: NGO Performance and Accountability in the Post–Cold War World* (Bloomfield, Conn.: Kumarian, 1996); Jonathan Fox and L. David Brown, eds., *The Struggle for Accountability: The World Bank, NGOs and Grassroots Movements* (Cambridge: MIT Press, 1998); Lisa Jordan and Peter Van Tuijl, "Political Responsibility in Transnational NGO Advocacy," *World Development* 28, no. 12 (December 2000): 2051–66; and Paul Nelson, "Agendas, Accountability and Legitimacy among Transnational Networks Lobbying the World Bank," in Khagram, Riker, and Sikkink, *Restructuring World Politics*, 131–54.

5. Most of the research and advocacy literatures focus *either* on the civil-society actors *or* the institutions. Previous studies that focused on their *interaction* include Patricia Feeney, *Accountable Aid: Local Participation in Major Projects* (Oxford: Oxford GB, 1998), which compared project campaigns across international development agencies; Fox and Brown, *The Struggle for Accountability*; and Robert O'Brien, Anne Marie Goetz, Jan Aart Scholte, and Marc Williams, *Contesting Global Governance: Multilateral Economic Institutions and Global Social Movements* (Cambridge: Cambridge University Press, 1998), which compared the impact of civil-society campaigns on the World Bank, the IMF, and the WTO. For examples of studies that focus on the internal political dynamics within the World Bank as it grappled with how to respond to external pressures, see Natalie Bridgeman, "World Bank Reform in the 'Post-Policy' Era," *Georgetown International Environmental Law Review* 13, no. 2 (Summer 2001): 1013–46; Jonathan Fox "When Does Reform Policy Influence Practice? Lessons from the Bankwide Resettlement Review," in Fox and Brown, *The Struggle for Accountability*, 303–44; Eva Thorne, "The Politics of Policy Compli-

ance: The World Bank and the Social Dimensions of Development" (Ph.D. diss., Massachusetts Institute of Technology, 1998); and Robert Wade, "Greening the Bank: The Struggle over the Environment, 1970–1995," in *The World Bank: Its First Half-Century*, ed. Devesh Kapur, John P. Lewis, and Richard Webb (Washington, D.C.: Brookings, 1997), 2: 611–734.

6. For further discussion, see Dana Clark, chapter 1. Official World Bank publications on the Inspection Panel include Ibrahim F. I. Shihata, *The World Bank Inspection Panel* (New York: Oxford University Press/World Bank, 1994) and Ibrahim F. I. Shihata, *The World Bank Inspection Panel: In Practice* (New York: Oxford University Press/World Bank, 2000). Alvaro Umaña, a former member of the Inspection Panel, edited *The World Bank Inspection Panel: The First Four Years (1994–1998)* (Washington, D.C.: The World Bank, 1998). The Inspection Panel website has extensive information, including case findings and annual reports, available at www.inspectionpanel.org. Other studies of the Inspection Panel include Gudmunder Alfredsson and Rolf Ring, eds., *The Inspection Panel of the World Bank: A Different Complaints Procedure* (The Hague: Martinus Nijhoff, 2001); Flavia Barros, ed., *Banco Mundial, Participação, Transparência e Responsabilização* (Brasília: Rede Brasil sobre Instituições Financeiras Multilaterais, 2001); Richard Bissell, "Recent Practice of the Inspection Panel of the World Bank," *American Journal of International Law* 91 (October 1997): 741–44; Daniel Bradlow, "A Test Case for the World Bank," *American University Journal of International Law and Policy* 11, no. 2 (1994): 247–94; Daniel Bradlow and Sabine Schlemmer-Schulte, "The World Bank's New Inspection Panel: A Constructive Step in the Transformation of the International Legal Order," *Heidelberg Journal of International Law* 54 (1994): 392–415; Daniel Bradlow, "International Organizations and Private Complaints: The Case of the World Bank Inspection Panel," *Virginia Journal of International Law* 34 (1994): 553–613; idem, "The World Bank, the IMF and Human Rights," *Transnational Law and Contemporary Problems* 6, no. 1 (1996): 47–90; Sabine Schlemmer-Schulte, "The World Bank, Its Operations and Its Inspection Panel," *Recht der Internationalen Wirtschaft* 3 (1999): 175–81; Dana L. Clark, *A Citizen's Guide to the World Bank Inspection Panel*, 2d ed. (Washington, D.C.: Center for International Environmental Law, 1999), available online at www.ciel.org [accessed May 26, 2003]; Dana Clark, "The Rise and Fall of Accountability," *Watershed: People's Forum on Ecology* 6, no. 3 (March–June 2001): 52–55; idem, "The World Bank and Human Rights: The Need for Greater Accountability," *Harvard Human Rights Journal* 15 (Spring 2002): 205–26; Dana L. Clark and David Hunter, "The World Bank Inspection Panel: Amplifying Citizen Voices for Sustainable Development," in Alfredsson and Ring, *The Inspection Panel of the World Bank*, 167–89; Jonathan Fox, "The World Bank Inspection Panel: Lessons from the First Five Years," *Global Governance* 6, no. 3 (July–September 2000): 279–318; David Hunter and Lori Udall, "The World Bank's New Inspection Panel: Will It Increase the Bank's Accountability?" *CIEL Brief*, no. 1 (Washington, D.C.: Center for International Environmental Law, 1994); Lori Udall, *The World Bank Inspection Panel: A Three-Year Review* (Washington, D.C.: Bank Information Center, 1997); idem, "The World Bank and Public Accountability: Has Anything Changed?" in Fox and Brown, *The Struggle for Accountability*, 391–436.

7. David Hunter, former director of the Center for International Environmental Law, personal communication, January 29, 2003. This impunity resulted from the immunities afforded to multilateral institutions as well as the fact that international tribunals usually limit access: nation-states have access, but citizens are excluded. See also David Hunter, "Using the World Bank Inspection Panel to Defend the Interests of Project-Affected People," *Chicago International Law Review* 4, no. 1 (2003): 201–11.

8. For a more detailed analysis, see Fox and Brown, *The Struggle for Accountability*, which also includes a full bibliography of the vast critical literature on the World Bank. See also, among others, Catherine Caufield, *Masters of Illusion: The World Bank and the Poverty of Nations* (New York: Henry Holt, 1996); Susan George and Fabrizio Sabelli, *Faith and Credit: The World Bank's Secular Empire* (London: Penguin, 1994); Bruce Rich, *Mortgaging the Earth: The World Bank, Environmental Impoverishment and the Crisis of Development* (Boston: Beacon, 1994); and Bruce Rich, "The World Bank under James Wolfensohn," in *Reinventing the World Bank*, ed. Jonathon R. Pincus and Jeffrey A. Winters (Ithaca: Cornell University Press, 2002). On the "greening" of the bank, in addition to official publications, see Michael Goldman, "Constructing and Environmental State: Eco-Governmentality and Other Transnational Practices of a 'Green' World Bank," *Social Problems* 48, no. 4 (2001): 499–523, and Zoe Young, *A New Green Order? The World Bank and the Politics of the Global Environmental Facility* (London: Pluto, 2002). For links to key advocacy organizations that focus on the multilateral development banks around the world, see the Bank Information Center website, www.bicusa.org, and the Bretton Woods Project website, www.brettonwoodsproject.org [accessed May 26, 2003].

9. The panel is therefore one of the first international institutional reforms that was extracted by what has since come to be called a "fix it or nix it" bargaining strategy. The "fix it or nix it" slogan became prominent in the Seattle 1999 challenge to the WTO, but sums up a debate that goes back to the "Fifty Years Is Enough" campaign against the World Bank and the IMF in the early 1990s. This slogan can be read in two different ways: first, as a bargaining strategy, as in "either you fix it or we will try to nix it"; and second, as referring to the more reformist and radical wings of the movement against corporate globalization.

10. On the panel's procedures, see Dana Clark, chapter 1 and www.inspection-panel.org [accessed May 26, 2003]. The World Bank's social and environmental policies are now accessible at www.ifc.org/enviro/EnvSoc/Safeguard/safeguard.htm. The most recent internal bank policy assessment summarizes them as follows:

Safeguard policies provide a mechanism for integrating environmental and social concerns into decision-making. In general, they provide that (a) potentially adverse environmental impacts affecting the physical environment, ecosystem functions and human health, and physical cultural resources, as well as specific social impacts, should be identified and assessed early in the project cycle; (b) unavoidable adverse impacts should be minimized or mitigated to the extent feasible; and (c) timely information should be provided to stakeholders, who should have the opportunity to comment on both the nature and significance of impacts and the proposed mitigation measures. (World Bank, Environ-

mentally and Socially Sustainable Development and Operations Policy and Country Services, "Safeguard Politics: Framework for Improving Development Effectiveness: A Discussion Note," June 5, 2002, 3)

11. On the broader debate about World Bank governance, see, among others, Stephanie Griffith-Jones, "Governance of the World Bank," report prepared for DFID (Department for International Development), 2001, available online at www.gapresearch.org/finance/ Griffith-Jones, 2000 [accessed May 26, 2003]; UNDP (United Nations Development Program), *Human Development Report 2002* (New York: United Nations Development Program, 2002); Devesh Kapur, "The Changing Anatomy of Governance of the World Bank," in Pincus and Winters, *Reinventing the World Bank*; and Ngaire Woods, "The Challenge of Good Governance for the IMF and the World Bank Themselves," *World Development* 28, no. 5 (May 2000): 823–41. For analysis of an unusual board vote about panel investigations, see Fox, "Lessons from the First Five Years."

12. The G-8 governments have called for all the MDBs (multilateral development banks) to create accountability mechanisms (see www.bankwatch.org). On the policy debate at the Asian Development Bank about how to bolster its accountability mechanism, see www.bicusa.org/mdbs/adb/index.htm.

13. For example, the IMF's approach to promoting transparency is to oblige nation-states to provide better financial data to private investors (Susanne Soederberg, "Grafting Stability onto Globalisation? Deconstructing the IMF's Recent Bid for Transparency," *Third World Quarterly* 22, no. 5 [October 2001]: 849–64). Because of a combination of its dependence on public funds, high visibility, the very tangible impacts of its projects, its own internal debates, and its self-proclaimed mission to fight poverty, the World Bank has been more vulnerable to challengers than, for example, the IMF or the WTO.

14. On bilateral aid agencies, see the International NGO Campaign on Export Credit Agencies, www.eca-watch.org. The Japan Bank for International Cooperation launched a public information policy in 2001 and has had significant public consultations to develop a complaints process. For Japanese public interest group assessments, see www.foejapan.org/en/aid/index.html and www.mekongwatch.org/english/index.html.

15. For a critique, see Hemispheric Social Alliance, *NAFTA Investor Rights Plus: An Analysis of the Draft Investment Chapter of the FTAA*, www.art-us.org/Docs/Invest-eng.pdf, June 19, 2001 [accessed May 26, 2003]. On the environmental policy issues in the FTAA (Free Trade Area of the Americas), see Carolyn Deere and Daniel C. Esty, eds., *Greening the Americas: NAFTA's Lessons for Hemispheric Trade* (Cambridge: MIT Press, 2002).

16. On WTO issues, see the respective websites of the International Center on Trade and Sustainable Development (www.ictsd.org) and the Center for International Environmental Law (www.ciel.org). In addition, in "Government without Democracy" (*The American Prospect* 12, no. 12 [July 2–16, 2001]: 19–22), Richard Longworth describes an opaque web of pro-business rule-writing involving banking, antitrust, accounting, and industrial standards as global governance without global democracy.

17. See, for example, Edith Brown Weiss, ed., *International Compliance with Nonbinding Accords*, Studies in Transnational Legal Policy, no. 29 (Washington, D.C.: American Society of International Law, 1997) and Kenneth W. Abbott and Duncan Snidal, "Hard and Soft Law in International Governance," *International Organization* 54, no. 3 (Summer 2000): 421–56.

18. See William Schabas, *An Introduction to the International Criminal Court* (Cambridge: Cambridge University Press, 2001); UNDP, *Human Development Report*; and updates from Human Rights Watch available online at www.hrw.org [accessed May 26, 2003].

19. These insiders have their own array of strategies and goals—some focus on damage control, while others invest their limited political capital to carve out enclaves of change. It is difficult to assess the latter approach because there are few comprehensive and independent field-based assessments of the results of the World Bank's investments that ostensibly promote social and environmental "best practices" (beyond its damage control-oriented "safeguard policies"). These loans are for basic health and education, pollution control, biodiversity conservation, participatory community development, indigenous land demarcation, gender-sensitive policy reform, and accountable governance. Some of the bank's own independent internal evaluations are now public and are often quite balanced and revealing (see www.worldbank.org/od [accessed May 26, 2003]). See Andrés Liebenthal, *Promoting Environmental Sustainability in Development: An Evaluation of the World Bank's Performance* (Washington, D.C.: World Bank Operations Evaluation Department, 2002), on the very incomplete degree to which environmental priorities are incorporated across the institution, as well as Robert Picciotto, Warren Van Wicklin, and Edward Rice, *Involuntary Resettlement: Comparative Perspectives*, 2 vols. (New Brunswick: Transaction/World Bank Series on Evaluation and Development, 2001) and Gita Gopal, *The Gender Dimension of Bank Assistance: An Evaluation of Results* (Washington, D.C.: World Bank Operations Evaluation Department, 2002).

20. The most comprehensive multistakeholder experience so far is the World Commission on Dams (WCD), a joint civil society–business–government body that was convened by the World Bank and the International Union for the Conservation of Nature. The WCD addressed overlapping issues, including "involuntary resettlement," indigenous peoples' rights, and environmental assessment. See Sanjeev Khagram, "Toward Democratic Governance for Sustainable Development: Transnational Civil Society Organizing around Big Dams," in Florini, *The Third Force*, 83–114; Navroz Dubash, Mairi Dupar, Smitu Kothari, and Tundu Lissu, *A Watershed in Global Governance? An Independent Assessment of the World Commission on Dams* (Washington, D.C.: World Resources Institute/Lokayan/Lawyers Environmental Action Team, 2001); Patrick McCully, *Silenced Rivers: The Ecology and Politics of Large Dams*, 2d ed. (London: Zed, 2001); the regular reports in *World Rivers Review* (published by the International Rivers Network, available online at www.irn.org); and the extensive information resources of the WCD itself, available online at www.dams.org [accessed May 26, 2003]. The WCD reached an unprecedented degree of consensus on minimum social and environmental standards, although the World Bank and some governments later rejected them. In other issue areas that also directly affect powerful

vested interests, such as structural adjustment and extractive industries, various policy reviews and multistakeholder commissions have led some advocacy groups to question the benefits of "policy engagement." At the same time, the bank has also joined with more moderate NGOs to promote some less controversial international policy goals, such as basic education, biodiversity conservation, and the global partnership for the prevention of AIDS (acquired immunodeficiency syndrome), tuberculosis, and malaria.

21. The Inspection Panel has jurisdiction over sectoral and structural adjustment lending. See, for example, chapter 9 by Victor Abramovich.

22. For an analytical framework that spells out patterns of interaction between these three sets of actors, see Fox and Brown, *The Struggle for Accountability*, and Fox, "Lessons from the First Five Years."

23. This approach, framing different challengers in terms of their approaches to *scale* and *space*, complements the "fix it or nix it" distinction between those challengers to globalization who want to reform the dominant institutions versus those who wish to abolish them. Similarly, Robin Broad's synthetic overview of the "global backlash" distinguishes crisply between those efforts to "roll back" the corporate-led globalization process, and campaigns that are trying to "reshape" it (see Robin Broad, ed., *Global Backlash: Citizen Initiatives for a Just World Economy* (Lanham, Md.: Rowman and Littlefield, 2002). As Broad points out, these two approaches often coexist or overlap in practice, depending on the issue, the campaign, and the political moment—as in the case of the distinction between local/national/international focus noted here.

24. See International Forum on Globalization, "Report Summary: A Better World Is Possible! Alternatives to Economic Globalization," www.ifg.org, 2002 [accessed May 26, 2003]. See also Edward Goldsmith and Jerry Mander, eds., *The Case against the Global Economy: And for a Turn toward the Local*, rev. ed. (London: Earthscan, 2001), among others.

25. Such campaigns constitute what Keck and Sikkink call the "boomerang pattern," which refers to a classic strategy of international human rights and environmental campaigns of the 1970s and 1980s. As Keck and Sikkink put it: "When channels between the state and its domestic actors are blocked, the boomerang pattern of influence characteristic of transnational networks may occur: domestic NGOs bypass their state and directly search out international allies to try to bring pressure on their states from outside" (*Activists beyond Borders*, 12–13). The subsequent shift in focus to "bringing the national arena back in" was made possible by the wave of transitions to elected civilian regimes. The Brazilian experience is one of the leading examples of this "nationalization" of transnational campaigning (see Aurélio Vianna Jr., chapter 7). Recent studies of cross-border public interest coalitions suggest that the tangible impacts of the boomerang strategy depend heavily on national actors and institutions (see Fox, "Lessons from the First Five Years"; idem, "Assessing Binational Civil Society Coalitions: Lessons from the Mexico–US Experience," in Brooks and Fox, *Cross-Border Dialogues*, 341–418; and Kathryn Hochstetler, "After the Boomerang," *Global Environmental Politics*, vol. 4 [November 2002]).

26. See Hemispheric Social Alliance, *Competing Visions for the Hemisphere: The Official FTAA Draft vs. Alternatives for the Americas*, www.ips-dc.org/projects/

global_econ/, January 2002 [accessed May 26]. For diverse advocates of empowering the nation–state, see Aurélio Vianna Jr., chapter 7; Samir Amin, “Convergencia en la diversidad,” *La Jornada*, February 9, 2002; the cases in Laxer and Halperin, *Global Civil Society*; and Timothy Wise, Laura Carlsen, and Hilda Salazar, eds., *Confronting Globalization: Economic Integration and Popular Resistance in Mexico* (Bloomfield, Conn.: Kumarian, 2003).

27. Note, for example, the precedent-setting cases of Spanish and English court actions against Augusto Pinochet, Chile’s former dictator, and the Belgian prosecution of Rwandans living in Belgium accused of genocide. Human rights advocates have also brought lawsuits against individual and corporate human rights violators in U.S. courts, including precedent-setting cases against the U.S. oil company Unocal for its operations in Burma and against retired Salvadoran generals living in the United States. These suits are based on U.S. laws, such as the Alien Tort Claims Act and the Torture Victim Protection Act, together with international human rights law. For details, see the respective websites of Human Rights Watch (www.hrw.org), EarthRights International (www.earthrights.org), and the Center for Justice and Accountability (www.cja.org), among others [accessed May 26, 2003].

28. For example, George Soros’s global Keynesian proposals are explicitly designed to reform and empower existing international institutions to provide “global public goods” and save capitalism from its worst excesses (*On Globalization* [New York: Public Affairs, 2002]). See also Joseph Stiglitz, *Globalization and Its Discontents* (New York: Norton, 2002), who accuses the IMF of putting Wall Street’s interests ahead of poverty reduction.

29. As Indian activist-scholar Smitu Kothari put it, “most groups now recognize that strengthening the local is a necessary but insufficient condition for resisting the global” (“Globalization, Global Alliances and the Narmada Movement,” in Khagram, Riker, and Sikkink, *Restructuring World Politics*, 232–33).

30. While some World Bank policymakers saw the Inspection Panel and the prospect of improved compliance with its reform policies as being in the institution’s long-term interest, many insiders resented and resisted the prospect of oversight and accountability.

31. As historical and comparative context for this debate, it is important to keep in mind that some apparent accountability reforms designed in response to protest are window dressing, which serves primarily to divide critics and to legitimate the status quo. For example, in the late 1970s, when major U.S. corporations and universities were pressured by mobilized students and local governments to divest from South Africa, U.S. investors used the Sullivan Principles, a set of limited voluntary employment standards, to try to divert attention from U.S. investors’ structural support for apartheid. Similarly, when the then-proposed NAFTA agreement was hanging by a thread in the U.S. Congress, free trade advocates tipped the balance by creating weak side agreements in the name of environmental and labor standards.

32. In *Globalization from Below*, Brecher, Costello, and Smith make a strong argument for “multilevel strategies” (see p. 40). On the “vertical integration” strategy of simultaneously coordinated civil-society watchdog efforts at local, national, and international levels, see Jonathan Fox, “Vertically Integrated Policy Monitoring: A Tool

for Civil Society Policy Advocacy,” *Nonprofit and Voluntary Sector Quarterly* 30, no. 3 (September 2001): 616–27.

33. On the key role of “national problem coalitions” in transnational advocacy campaigns, see L. David Brown and Jonathan Fox, “Accountability within Transnational Coalitions,” in Fox and Brown, *The Struggle for Accountability*, 439–84.

34. The editors selected the cases based on two main criteria: (1) indications that the cases set broader precedents in some way, and (2) contacts with potential case analysts. At the time that this project’s research agenda was being developed, only two African claims had been submitted by civil-society actors (two others had been submitted by private-sector actors). Since then, the distribution of panel claims across regions has become much more balanced, leading to an underrepresentation of African experiences in this study.