

Leon Valentin Schettler

# SOCIALIZING DEVELOPMENT

Transnational Social Movement Advocacy  
and the Human Rights Accountability  
of Multilateral Development Banks

[transcript] Social Movement and Protest

Leon Valentin Schettler  
Socializing Development

**Social Movement and Protest**

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LEON VALENTIN SCHETTLER

# **Socializing Development**

**Transnational Social Movement Advocacy**

**and the Human Rights Accountability of Multilateral Development Banks**

**[transcript]**

Dissertation, 2019

<sup>1</sup> University of Potsdam

<sup>2</sup> Collaborative Research Center (SFB) 700 – Governance in Areas of Limited Statehood

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# Contents

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- Acknowledgements** ..... 9
- Abstract**..... 11
- List of Abbreviations** ..... 15
- Introduction** ..... 17
  - Theoretical Starting Point and Research Question ..... 18
  - Analytical Framework ..... 20
  - Research Design, Case Selection and Main Findings..... 20
  - Basic Assumptions and Normative Relevance.....22
  - My Contributions ..... 23
- 1 Human Rights Accountability as a minimum threshold of MDB Legitimacy** ..... 25
  - 1.1 Multilateral Development Banks – A Definition..... 26
  - 1.2 The Growing Responsibilities of Multilateral Development Banks..... 28
  - 1.3 Conceptions of Accountability ..... 32
  - 1.4 Human Rights as the relevant Standard of Accountability ..... 36
    - 1.4.1 Human Rights as the Protection of Basic Human Interests ..... 36
    - 1.4.2 Legal Arguments for the Human Rights Obligations of MDBs ..... 43
    - 1.4.3 MDB Obligations in light of larger Empirical Trends in Global Governance ..... 45
- 2 Transnational Social Movements as agents of change in World Politics** ..... 49
  - 2.1 Transnational Social Movements – A Definition..... 50
  - 2.2 The Transnationalization of Social Movement Activity..... 53
  - 2.3 Social Movement Tactics ..... 55
  - 2.4 Socialization and the Outcomes of Social Movements ..... 61
- 3 Analytical Framework** ..... 65
  - 3.1 MDB Socialization through Human Rights Accountability ..... 67
  - 3.2 Scope Conditions of Movement Influence ..... 72

3.2.1	Properties of the actor seeking change .....	75
3.2.2	Properties of the targeted organization .....	76
3.2.3	Properties of the issue .....	78
3.2.4	Properties of the discursive opportunity structure .....	79
3.3	Counter Mobilization as continuous MDB - TSM interaction .....	81
3.4	Two Logics of Action and Organizational Change .....	83
3.5	A Causal Mechanism of Movement influence .....	86
3.5.1	The Power of Disruptive Tactics (Part I).....	86
3.5.2	The Power of Conventional Tactics (Part II) .....	89
3.5.3	Member State Incentives, Sanctions and Coercion (Part III) .....	92
<b>4</b>	<b>Research Design .....</b>	<b>95</b>
4.1	Process-Tracing: Uncovering Causal Mechanisms.....	95
4.1.1	Underlying understandings of causality.....	96
4.1.2	Theory Testing Process Tracing .....	97
4.1.3	Methodological Limitations .....	98
4.1.4	Process Tracing in Comparative Case Study Designs .....	98
4.2	Case Selection .....	99
4.3	Operationalization .....	102
4.3.1	Socialization Outcome: Human Rights Accountability .....	102
4.3.2	The Cause: Joint Transnational Social Movement Activism .....	103
4.3.3	Disruptive Movement Tactics towards the MDB (Part 1).....	104
4.3.4	Conventional Tactics toward Member States (Part 2).....	106
4.3.5	Member State Incentives Toward the MDB (Part 3) .....	108
4.3.6	Rules of Aggregation .....	110
4.4	Data Collection and Analysis .....	111
4.4.1	Data Collection.....	111
4.4.2	Data Analysis.....	114
<b>5</b>	<b>Human Rights Accountability at the World Bank .....</b>	<b>117</b>
5.1	The World Bank – A short introduction.....	117
5.2	Human Rights and Transparency in World Bank “Safeguards” .....	119
5.3	Sanctions in cases of non-compliance: The World Bank Inspection Panel .....	120
5.4	Summary of Case Study Outcomes .....	121
<b>6</b>	<b>Case 1: A Revolution of World Bank Accountability (1988 – 1994) .....</b>	<b>123</b>
6.1	Cause: Joint Transnational Social Movement activity .....	124
6.2	Part 1: Disruptive TSM tactics causing MDB Crisis .....	128
6.3	Part 2: Conventional TSM tactics through the state channel .....	141
6.4	Part 3: Member states incentivize MDB reform .....	150
6.5	Socialization Outcome: Comprehensive Human Rights Accountability .....	154
<b>7</b>	<b>Case 2: The Dilution of World Bank .....</b>	<b>157</b>
7.1	Cause: Joint Transnational Social Movement activity.....	158
7.2	Part 1: Disruptive TSM tactics causing MDB crisis.....	162

7.3 Part 2: Conventional TSM tactics through the state channel ..... 180

7.4 Interruption and breakdown of the Mechanism ..... 187

7.5 Outcome: The Dilution of World Bank Safeguards..... 193

7.5.1 Obligation and Scope 1..... 193

7.5.2 Precision ..... 196

7.5.3 Delegation and Scope II ..... 197

**8 Analysis ..... 201**

8.1 Similar Movement Activities and Scope Conditions..... 202

8.2 Counter Mobilization by the World Bank Bureaucracy..... 206

8.3 Contested Multilateralism and the rise of China in Development Cooperation ..... 211

8.4 Wag the Dog – The Quiescence of Liberal Member States ..... 216

**Conclusion ..... 223**

Theoretical Implications ..... 223

Policy and Strategy Implications for Transnational Social Movements ..... 227

Liberal Democratic Mobilization and the End of U.S. Hegemony ..... 228

Engaging China ..... 229

Bolster Strong Regional Networks..... 230

Engaging MDB Bureaucracies ..... 232

Limitations and Future Research ..... 233

**References ..... 239**

**Appendix: List of Interviewees and Background Conversations ..... 271**





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## Abstract

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Some of the most pressing challenges of our times – climate change, biodiversity, poverty, international peace and security - are of an inherently transnational nature. To address these challenges, states have increasingly delegated competencies to international organizations (IOs) over the last decades. Today, IOs are central actors in global governance that shape policy discourses, design and implement projects, but also develop, monitor and interpret global rules. Multilateral development banks (MDBs) are a species of IOs that have assumed particularly far reaching governance tasks in the field of global development, as they provide loans and financial assistance to developing countries and play a crucial role in implementing the most important global governance initiatives such as the Sustainable Development Goals and the Paris Agreement on climate change. The increasing governance functions of MDBs thus correspond with the notion that the “Anarchy Problematique” in International Relations has given way to the “Problematique of Rule”. Consequently, scholars and civil society member worldwide wonder, which standards MDBs should meet to be considered legitimate, whereby *legitimacy* is understood as a normative concept referring to “the right to rule” of a given political order or institution. In parallel to the growing competencies of MDBs, social movements increasingly joined forces beyond national boundaries to demand that MDBs adhere to human rights, that they govern in a transparent way and that they can be effectively sanctioned in case they violate human rights. In short, transnational social movements (TSM) demanded human rights accountability from MDBs.

Instead of simply assuming which standards MDBs should adhere to, this work begins with a philosophical reflection on the legitimacy of multilateral development banks in light of their increasing governance competences over the last decades. My argument is that MDBs should adhere to human rights accountability in order to be normatively legitimate. In a first step, I conceptualize accountability as a triad of a) standards, b) transparency concerning MDB activities and c) sanctions in cases of non-compliance. Departing from common notions of MDB accountability, I argue that those individuals affected by MDB governance are ultimately the relevant accountability holders. Then, I argue for human rights as the right standard of accountability, since human rights express each person's equal moral status by guaranteeing the protection of basic human interests. In addition, the justification of human rights accountability as a standard for

MDB legitimacy is grounded in already existing legal obligations of MDBs, as well as in a consideration of larger empirical trends in global governance.

Against the background of this normative reflection, this work turns to transnational social movements as actors that have pushed MDBs to institutionalize human rights accountability, thereby socializing them into the community of legitimate governance actors. In doing so, TSM have used a variety of conventional and disruptive tactics towards MDBs under varying scope conditions and with differential success. To shed light on the effectiveness of movement engagement, this work asks how and under which conditions transnational social movements are successful in strengthening the human rights accountability of multilateral development banks? Drawing on the extensive body of studies on social movement tactics, I derive a causal mechanism of movement influence on MDBs which is already contained in the literature, but has not been theorized explicitly to date. Specifically, I argue that a sequence of disruptive tactics towards the MDB producing crisis (Part 1), followed by conventional tactics towards MDB member states aimed at persuading key decision makers (Part 2) then enables these member states to push for policy and institutional reform at the MDB Board of Directors (Part 3). At each step of the mechanism, the respective movement tactics are only effective under a set of distinct scope conditions relating to properties of the actor seeking change, the target organization, the issue and the discursive environment. To capture the dynamic interplay of movement action and MDB reaction, I theorize “counter mobilization” as a continuous scope condition along the process. Finally, I draw on rational choice and sociological institutionalism to explain the underlying dynamics of MDB socialization in terms of complementary, yet different ‘logics of action’ that dominate at different parts of the mechanism.

In a most-similar case study design involving two cases of transnational social movement activism toward the World Bank, I engage in process tracing to reconstruct the presence and vigor of my causal mechanism. The first case study (1988 – 1994) centers on the institutionalization of a quasi-judicial sanctioning body, the second case (2011 – 2016) centers on a comprehensive review of World Bank accountability standards. In both cases, TSM engagement followed the sequence of the theorized causal mechanism. However, while the TSM was successful to socialize the World Bank into *comprehensive* human rights accountability in the early 1990s, it failed to impede the adoption of only *limited* human rights accountability provisions in 2016. This outcome is puzzling at first glance, since several scope conditions remained constant (e.g. the organizational mandate, the distribution of shares among member states, the issue at stake) or even point to enhanced chances for movement success (e.g. the evolving norm that MDBs should adhere to human rights accountability, the increasing organizational resources and epistemic authority of the movement). My analysis reveals how subtle, yet effective forms of counter mobilization on behalf of the MDB bureaucracy interacted with indirect forms of counter mobilization by a Chinese-led group of emerging powers. By organizing an impressive multi-stakeholder consultation process, the World Bank was able to define the boundaries of critique, to divide moderate from more radical constituencies, and to engage the movement without integrating key demands. In parallel, counter mobilization by the Chinese-led coalition of member states primarily took the form of counter multilateralism: the indirect exercise of pressure by founding a new

development bank – the AIIB. Together, both forms of bureaucracy and member state counter mobilization led to a breakdown of the causal mechanism. Today, three decades after the movement-centered socialization in the early 1990s, we now witness a decrease in World Bank human rights accountability: less binding and less precise human rights policies, a decrease in the scope of policy application across the World Bank portfolio as well as a weakened role of the quasi-judicial oversight mechanism (the World Bank Inspection Panel). Worrisome from a normative point of view is that this decline of human rights accountability at the World Bank entails dynamics that point to larger trends in contemporary global governance: first, the decline of US hegemony and the simultaneous emergence of authoritarian states (especially China) as major donors in development, and secondly, a challenge to multilateralism and the human rights script by these authoritarian states, but also from within established liberal democracies. To overcome these challenges, my study suggests several advocacy and policy implications for an alliance of progressive social movements and liberal democratic forces within MDB bureaucracies and member states.



## List of Abbreviations

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- **ADB** Asian Development Bank
- **AfDB** African Development Bank
- **AIIB** Asian Infrastructure and Investment Bank
- **AU** African Union
- **BIC** Bank Information Center
- **BoD** Board of Directors
- **BMZ** German Federal Ministry of Economic Cooperation and Development
- **CAO** Compliance Advisor Ombudsman
- **CODE** Committee on Development Effectiveness
- **CM** Causal Mechanism
- **CSO** Civil Society Organization
- **CIEL** Center for International Environmental Law
- **DFID** Department for International Development
- **EBRD** European Bank for Reconstruction and Development
- **ECB** European Central Bank
- **ECJ** European Court of Justice
- **ECOSOC** UN Economic and Social Council
- **ED** Executive Director
- **EDF** Environmental Defense Fund
- **EIB** European Investment Bank
- **EPA** Environmental Protection Agency
- **EU** European Union
- **FAO** Food and Agriculture Organization of the United Nations
- **FoE** Friends of the Earth
- **FPIC** Free Prior and Informed Consent
- **GIZ** German Society for International Cooperation
- **HRW** Human Rights Watch
- **IADB** Inter-American Development Bank
- **IBRD** International Bank for Reconstruction and Development
- **ICIJ** International Consortium for Investigative Journalists
- **IDA** International Development Association



- **IFC** International Finance Corporation
- **IFI** International Financial Institution
- **ILO** International Labor Organization
- **IMF** International Monetary Fund
- **IO** International Organization
- **IR** International Relations
- **MDB** Multilateral Development Bank
- **MDG** Millennium Development Goals
- **MIGA** Multilateral Investment Guarantee Agency
- **NATO** North Atlantic Treaty Organization
- **NBA** Narmada Bachao Andolan
- **NGO** Nongovernmental Organization
- **NRDC** National Resource Defence Council
- **NWF** National Wildlife Fund
- **ODA** Official Development Assistance
- **OED** World Bank Operations Evaluation Department
- **OCPS** Operations Policy and Country Services
- **SAP** Structural Adjustment Programs
- **SDG** Sustainable Development Goals
- **SMO** Social Movement Organization
- **TAN** Transnational Advocacy Network
- **TI** Transparency International
- **TSM** Transnational Social Movement
- **UN** United Nations
- **UNDP** United Nations Development Program
- **UNGA** UN General Assembly
- **UNHRC** UN Human Rights Council
- **UNSC** UN Security Council
- **WWF** World Wildlife Fund

# Introduction

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Several of the most pressing challenges of our times – climate change, biodiversity, poverty, international peace and security – are of an inherently transnational nature. To address these challenges, states have increasingly delegated competencies to international organizations (IOs). Today, IOs are central actors in global governance that shape policy discourses, design and implement projects, but also develop, monitor and interpret global rules (Hooghe & Marks, 2018; Zürn, 2018). The increasing governance tasks IOs assumed over the last decades concurs with the observation that the anarchy paradigm no longer fits today's international relations (IR). Instead of anarchy, international relations can be characterized by manifold and partially overlapping relationships of order and subordination based on power asymmetries. Following Robert A. Dahl's (1957) canonical definition, "A has power over B to the extent that he can get B to do something that B would not otherwise do" (p. 80). Within the framework of this formula, Daase and Deitelhoff (2015) argued that the "Anarchy Problematique" in International Relations has given way to the "Problematique of Rule" (p. 299), while others have conceptualized these power relations in terms of governance (Rosenau, 1992), hegemony (Lake, 2010, 2014), or authority (Hooghe, 2016; Zürn, 2018). What all these scholars agree upon, is that international organizations exercise power and that such increasing levels of influence require justification beyond reference to a consensus among IO member states (Nullmeier et al., 2012; Steffek, 2018; Zürn, 2018).

Among IOs, multilateral development banks (MDBs) exercise particularly high degrees of power (Zürn, 2018). MDBs can be defined as organizations that coordinate relations and activities among three or more states on the basis of generalized principles of conduct with the aim to enhance development. Standing out from other major IOs in their field (e.g. UNDP), MDBs have the capacity to provide loans and financial assistance to developing countries. While it is generally assumed that development promotes human rights by definition, experience with MDB governance over the last decades suggests a more nuanced picture. There are at least three structural reasons for that: First, "development" is measured on a macro-level. As a result, MDB-funded projects or policy reforms may have positive effects on macro-level indicators, but violate the human rights of particular groups or individuals (e.g. an infrastructure project that involves forced resettlement and health damages through environmental pollution). Secondly,

MDBs work through the governments of benefitting countries, generally assuming that these governments rule in the best interest of the population. In several contexts, this assumption and a lack of adequate MDB risk assessments ignore that it is precisely the ruling elite posing the biggest threat to human rights and democracy. On several occasions, it could be shown that governments used the money of development cooperation to strengthen their position and to repress civil society (Human Rights Watch, 2010). Third, the predominant “technical” or “economic” view of development overlooks the inherently political nature of several governance initiatives. The implementation of MDB-funded projects without consulting those directly affected by them thus violates these people’s right to autonomy (Kämpf, 2015). As a result, it comes as no surprise that MDBs met strong contestation of their competencies by scholars, but also by the public (Zürn et al. 2012). At the core of this contestation is the question: Which standards and qualities should MDBs meet to be considered “legitimate?” if *legitimacy* is understood as a normative concept referring to “the right to rule” of a given political order or institution (Buchanan & Keohane, 2006; Estlund, 2007). Prominent proposals for such standards include inclusive procedures (Tallberg et al., 2013), deliberation (Dryzek, 2006; Steffek, 2018), transparency (Grigorescu, 2010), accountability (Scholte, 2011) and compliance with human rights norms (Buchanan & Keohane, 2006).

Even before the academic debate on the legitimacy of MDBs gained momentum, social movements from countries around the world joined forces to demand the adherence of very similar standards since the late 1980s. Such “transnational social movements” (TSM) can be defined as “collectivities with constituents in at least two states, composed of organized and non-organized actors that engage in sustained and intentional interactions with power-holders in at least one state other than their own, or against an international institution, to pursue shared social goals on the basis of shared values”. Since the 1990s, there is widespread academic recognition that such social movements (or Transnational Advocacy Networks) play a crucial role in shaping MDB governance (Keck & Sikkink, 1998; Risse et al. 2013). Hence, this work takes place in the midst of an ongoing academic and public debate on the legitimacy of MDB governance and the role that transnational social movements may have in making MDBs more accountable.

## Theoretical Starting Point and Research Question

In their advocacy for justice, human rights accountability and democracy, TSM have used a variety of tactics towards MDBs, engaging them directly through demonstrations, consultations and media campaigns, but also more indirectly through writing reports and lobbying their national governments (O’Brien et al., 2000; Heupel et al., 2015; Zürn, 2018). While MDBs face several internal and external pressures for reform, this work focusses on the particular role of transnational social movements as a key actor seeking to “socialize” MDBs into the community of human rights abiding organizations. Socialization can be broadly defined as “a process of learning to behave in a way that is acceptable to society” (Oxford Dictionary, 2018). The society of interest here is the community of human rights abiding public authorities, including states, IOs, but also non-state governance actors (e.g., traditional chiefs or courts). The empirical record

suggests a mixed picture of TSM engagement. While their advocacy was certainly successful in some cases (e.g. the codification of “safeguards policies” across MDBs), they failed to achieve desired socialization outcomes in other cases (Park, 2017). Why and how exactly are TSMs successful in socializing MDBs? What accounts for their failure? Which tactics are more successful, or does a combination of different tactics in an overarching strategy<sup>1</sup> lead to MDB socialization? In social movement literature, there is an old, but still ongoing debate whether conventional or disruptive tactics are more effective (Bosi, Guigni, & Uba, 2016; Button, 1978; Guigni, 2004; O’Brien, 2000). I adopt a “thin” definition of conventional and disruptive tactics as different means to pursue political goals, irrespective of the nature of these goals (e.g. reform or revolution). Specifically, *conventional* tactics refer to any kind of movement activity aimed at producing an effect on the target organization that proceeds through inside channels, involving direct interaction with decision-makers of that organization. Inside channels are those channels established by the target organization to interact with movement representatives, e.g., parliamentary hearings, meetings with decision-makers, joint conferences or workshops to share information on policy issues and constituency interests (Betts & Corell, 2008). In contrast, *disruptive* tactics refers to any movement activity aimed at producing an effect on the target organization that proceeds through channels outside those established by the target organization. The interaction with decision-makers of the target organization is only indirect (see Daphi & Anderl, 2016; Dellmuth & Tallberg, 2017, for similar conceptualizations). Whereas several works in social movement literature emphasize the need to produce crisis in target organizations through disruptive tactics (O’Brien, 2000; Piven & Cloward, 1993; Uba, 2005), others fear that disruption might alienate decision-makers and the wider public. Particularly, scholarship on transnational advocacy networks (TAN) highlights the value of access and persuasion through conventional tactics (Busby, 2010; Checkel, 2001; Keck & Sikkink, 1998). Between both poles, a number of scholars theorize that a mix of both disruptive and conventional tactics (e.g., shaming and persuasion) is most effective (McAdam & Su, 2002; Risse, Ropp, & Sikkink, 2013). Insights from social movement studies influenced several important contributions dealing with the effectiveness of movement tactics on the socialization of states—either through national channels (Guigni, 2004) or by detour via international organizations (Keck & Sikkink, 1998) or liberal democratic states (Risse, Ropp, & Sikkink, 1999). Yet, few works deal with the effectiveness of movement tactics toward MDBs specifically.<sup>2</sup> What is more, none of the existing accounts investigates the effectiveness of movement tactics and their relationship on MDB socialization by way of a systematic case comparison. Accordingly, we do not know when and under which conditions TSM tactics are actually successful. To fill this gap, I ask the following research question: ***How and under which conditions are transnational social movements successful in strengthening the human rights accountability of multilateral development banks?***

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- 1 In the following, I refer to “tactics” to designate the actual means that movements use to reach certain objectives, while the term “strategy” refers to the overarching and more long term campaign plan that may involve several tactics at different stages.
  - 2 Notable exceptions include the works by Bruce Rich (1994, 2013) and the edited volumes by O’Brien et al. (2000) and Fox et al. (2003).

In line with previous work on socialization, focusing on causal mechanisms, the *how* part of this question refers to the process between a cause and its effect. *Under which conditions* asks about the scope of conditions that enable the mechanism to work (Zürn & Checkel, 2005).

## Analytical Framework

Building on existing IR and social movement scholarship on movement tactics, I deduce a causal mechanism that combines different types of movement engagement. Specifically, I argue that a sequenced approach combining disruptive tactics vis-à-vis the MDB, with conventional tactics vis-à-vis decision-makers in MDB member states, leads to MDB socialization. First, TSMs need to engage in disruptive tactics toward the MDB to produce a certain degree of crisis. Such a crisis then causes important MDB member states to worry about the MDB's reputation. Specifically, decision-makers<sup>3</sup> in the relevant decision-making bodies of member states (e.g., ministries of finance, chairs of parliamentary committees and sub-committees) realize a need for MDB reform and perceive a simultaneous deficit on behalf of the MDB to deal with its problems alone as the MDB strives to mitigate critique without undertaking costly reforms. As a result, they open up toward movement representatives for reform ideas. At this point, the TSM needs to switch to conventional tactics via the state channel and persuade decision-makers of their demands. If persuasion efforts are successful and power-asymmetries on the Board of Directors sufficiently pronounced, influential member states are able to coerce the MDB into adopting reforms – typically by threatening to cut funds. Further, I postulate that this mechanism only works where a specific set of scope conditions, are present. The scope conditions include the resources of the actor demanding change, specifically its moral, epistemic and organizational resources. Second, properties of the target organization matter, including the degree of access, the capacity for counter-mobilization as well as the power (a)symmetries among decision-makers. Third, whether the issue at hand is specific and generalizable, as opposed to broad and only relevant to few matters for TSM success, as well as fourth, the quality of the discursive opportunity structure: does a sudden shock crisis open a window of opportunity for reform? How do MDBs in the organizational environment react to TSM activity? In sum, properties of the actor demanding change, properties of the target organization, the issue and the discursive environment are the four categories of relevant scope conditions theorized in this work.

## Research Design, Case Selection and Main Findings

Since I seek to reconstruct the presence and explanatory value of the causal mechanism sketched above, I engage in “theory testing process tracing” (Beach & Pedersen, 2013).

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3 Joshua Busby refers to such important decision-makers with the ability to slow down or even block reform proposals as “gatekeepers” (Busby, 2010, p. 60).

The aim of theory testing process tracing is to test and potentially refine a specific theorized causal process. To be able to control for relevant scope conditions, I compare two cases of TSM engagement in a most-similar case-study design (George & Bennett, 2005). In a most-similar case-study design<sup>4</sup>, researchers compare two cases which are largely similar, but differ in only few important respects as well as in their results. George already clarified in his earlier work that in practice, two cases are rarely that similar to draw firm conclusions regarding cause and effect. Moreover, the comparison in itself is ill-equipped to deal with equifinality - a constellation where the same outcome can arise through different pathways (George, 1982). To deal with these limitations, George and Bennett developed the method of “structured, focused comparison”, whereby researchers systematically specify the research question, the hypothesized causal relationship including all relevant variables and their operationalization and ask the same set of questions to each case under study (George & Bennett, 2005). In addition, a systematic reconstruction of the causal pathway increases the confidence in a specific causal relationship. Beach and Pedersen (2013) offer a hands-on approach to test the individual steps in a theorized causal chain in practice. While different factors may still lead to the same outcome (“equifinality”), the claim is not to test the only causal explanation possible, but instead to test the strength of a specific causal chain.

From my universe of cases, I trace my theorized causal mechanism among two cases involving the World Bank - the most relevant MDB in terms of lending volume and norm-setting qualities to date<sup>5</sup>. In my first case, taking place in the late 1980s and early 1990s, the TSM was successful to socialize the World Bank into establishing an independent and citizen-driven Inspection Panel (IP) with responsibilities to review breaches of World Bank policies regarding social, indigenous people, resettlement and environmental. This Inspection Panel thus greatly enhanced the human rights accountability of the organization. Against the odds of IR theories placing sovereignty as the primary concern of states, the World Bank's Inspection Panel provided project-affected communities with direct legal standing in front of an IO, without the involvement of the borrowing state. After two decades of sharpening the accountability regime, and particularly after the adoption of human rights accountability policies and organizational subunits became part of a global script for IOs (Heupel & Zürn, 2017), the World Bank's review of its human rights policies from 2011–2016 (Case 2) undermined its earlier achievements by replacing specific rules with vague principles, by introducing alternative dispute resolution bodies and by reducing the scope of application of the human rights standards. There also is an empirical puzzle here: Why was the movement's socialization strategy successful at a time when no other international organization (much less other MDBs) possessed a human rights accountability mechanism in the early 1990s, yet failed at a time when human rights accountability was an established organizational script among

4 This method is also referred to as “Mill's method of difference” (George & Bennett, 2005). Depending on the perspective the researcher takes, the emphasis is either on the similarity of the majority of variables (“most similar”), or the difference of those variables that ultimately matter (“method of difference”). From here onwards, I will adopt the more prominent designation from George and Bennett (2005), calling the method “most similar” case study design.

5 Cp. Annual Reports 2016 of all major MDBs. See Chapter 8 for an overview of the lending volume of all MDBs.

MDBs more than two decades later? I collected the relevant data by combining semi-structured interviews, official documents, minutes of executive board meetings and parliamentary debates as well as notes from participant observation. To analyze the data, I relied on qualitative content analysis, which I conducted with help of the computer software program MAXQDA.

My analysis reveals how subtle, yet effective forms of counter mobilization on behalf of the MDB bureaucracy interacted with indirect forms of counter mobilization by a Chinese-led group of emerging powers. By organizing an impressive multi-stakeholder consultation process, the World Bank was able to define the boundaries of critique, to divide moderate from more radical constituencies, and to engage the movement without integrating key demands. In parallel, counter mobilization by the Chinese-led coalition of member states primarily took the form of counter multilateralism: the indirect exercise of pressure by founding a new development bank – the AIIB. Together, both forms of bureaucracy and member state counter mobilization led to a breakdown of the causal mechanism. Today, three decades after the movement-centered socialization in the early 1990s, we now witness a decrease in World Bank human rights accountability: less binding and less precise human rights policies, a decrease in the scope of policy application across the World Bank portfolio as well as a weakened role of the quasi-judicial oversight mechanism (the World Bank Inspection Panel).

## Basic Assumptions and Normative Relevance

Though my work is first and foremost of an empirical nature, it also bears normative relevance. Convinced that empirical studies cannot be void of an inherent normativity due to the paradigm adopted, the type of research questions asked and the use and definitions of concepts, I seek to make my normative background assumptions explicit and situate my work in the wider debate regarding the legitimacy of international organizations. Specifically, I take sides in this debate about the legitimacy of MDBs. In the first chapter, I argue that we have strong moral and legal reasons to agree on human rights accountability as a necessary (albeit not the only) minimum standard of MDB legitimacy.

To make this point, I proceed in four steps. First, I show empirically that MDBs belong to the kind of IOs that exercise a considerable degree of power shaping the fate of states and their citizens. Then, I elaborate on my conception of accountability as direct accountability – an accountability vis-à-vis those affected by MDB actions. In agreement with Keohane (2011), I define accountability as: (a) a set of standards, (b) transparency, and (c) sanctions in cases of noncompliance. Departing from common notions of MDB accountability, I argue that those individuals affected by MDB governance are ultimately the relevant accountability holders. I further argue for human rights as the right standard of accountability, since human rights express each person's equal moral status. Against the background of a large debate on the right understanding of human rights, I agree with those arguing for a basic interest conception. To make the broader claim that MDBs should institutionalize and respect human rights accountability, I complement the moral arguments for human rights as a minimum standard of legitimate gov-



ernance with an analysis of already existing legal obligations that MDBs have in virtue of existing international law, the human rights obligations of their member states and – in the case of the World Bank – the status as a UN organization. Moreover, I draw on current empirical trends to substantiate the claim that accountability is a necessary, albeit not the only, ingredient of MDB legitimacy, as they cannot be fully controlled by their member states, while currently we also lack a realistic option for some transnational authority enforcing standards of moral decency. These empirical trends suggest that the only viable option in the midterm future is a model of cosmopolitan pluralism, whereby MDBs (and other IOs) adopt the necessary policy and institutional reforms to realize certain standards of legitimacy. In sum, then, I conclude that social movement engagement to socialize MDBs into human rights accountability concurs with what is normatively required from MDBs in the first place.

## My Contributions

This work makes five overarching contributions. To begin with, my first chapter goes beyond sketching the social relevance of my work. Though I do not claim to make an original contribution to the field of political theory (e.g. by developing arguments that have not been made before), I link existing philosophical and legal scholarship in a novel fashion to form a comprehensive and hopefully coherent argument for human rights accountability as a minimum standard for MDB legitimacy against the background of wider empirical trends.

Second, I draw on different strings of social movement and IR literature and combine central insights to deduce and explicate a comprehensive causal mechanism of movement-centered MDB socialization. The literature on transnational advocacy networks and social movements is at a point where we have detailed accounts of the effects of disruptive and conventional tactics respectively. In addition, several studies point to the value of mixed tactics involving both, disruptive and conventional movement tactics. However, it remains largely unclear how exactly these should be combined, whether in parallel or in sequence and if the latter, which sequence. My contribution is to systematize these studies, to deduce a logically coherent sequence of tactics and thus to explicate the causal process implicit in several existing works.

Third and most importantly, this work provides a rigorous test of the nature and relevance of the theorized causal mechanism involving a sequence of disruptive and conventional movement tactics towards MDBs. Specifically, my application of Beach and Perdersen's process tracing method allows me to test each step of the causal mechanism *within* both cases in a rigorous fashion. This process tracing is embedded in a most similar case study design, which allows me to compare movement tactics in relation to MDB counter mobilization *across* both cases, holding additional scope conditions (e.g., mandate, membership, voting shares) largely constant. My thorough analysis of World Bank bureaucracy and member state counter mobilization contributes novel insights into the dynamic interplay between movement “repertoires of action” and corresponding MDB “repertoires of reaction”. At the same time, my findings point to further



valuable research to comprehend these dynamics in light of changing power dynamics in contemporary international relations.

Fourth, I make an empirical contribution. While several studies exist on movement advocacy for human rights accountability at the World Bank in the 1980s, 1990s and early 2000s (Clark et al., 2003; Heupel, 2017; Kapur et al., 1997; Nelson, 1997; Rich, 1994; Udall, 1998), there are no studies yet on the reform of World Bank safeguards policies in autumn 2016. Due to my manifold interviews, participant observations and document analysis throughout this latter reform process, my work presents a compilation of new empirical material on a case of great relevance to scholars doing research on the World Bank.

Finally, the findings of this work have practical implications for social movement representatives, but also for policy makers and MDB bureaucracies. Worrisome from a normative point of view is that this decline of human rights accountability at the World Bank entails dynamics that point to larger trends in contemporary global governance: first, the decline of US hegemony and the simultaneous emergence of authoritarian states (especially China) as major donors in development, and secondly, a challenge to multilateralism and the human rights script by these authoritarian states, but also from within established liberal democracies. To overcome these challenges, my study suggests that movements should invest in the (re-) mobilization of liberal democratic MDB member states, strategically expand their networks to emerging powers and bolster strong regional networks to exchange information and unburden movement hubs in Western capitals. Crucially, though, movements should also engage management and staff in MDB secretariats. The twin challenge for social movements ahead then is to defend MDBs as manifestations of multilateralism while simultaneously continuing to advocate for their enhanced human rights accountability.

# 1 Human Rights Accountability as a minimum threshold of MDB Legitimacy

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Different disciplines study human rights from varying angles. For instance, lawyers engage in debates regarding the legal status and interpretation of human rights, scholars of cultural studies may debate what human rights mean within different cultural contexts and sociologists are concerned with the social conditions for their realization. In the following, I adopt the perspective of a political theorist and seek to ground the demand for human rights from a *normative* point of view. Yet, I do not aim to discuss human rights detached from our empirical surrounding. Instead, I situate the normativity of MDB human rights accountability obligations, within our empirical world.

This chapter begins by introducing and defining MDBs as a special type of an international organization (Section 1.1). Then, I sketch the transfer of responsibility (and power) from states to international organizations, focusing especially on the augmenting competencies of MDBs. An important takeaway of that section is the insight that MDB activities have autonomous and direct effects on the circumstances and fate of people (Section 1.2). As a result, MDBs need to justify their actions toward the people whose life they affect. As a rule of the thumb, the threshold for MDB legitimacy raises the more governance they exercise. Throughout this work, I understand legitimacy as the “right to rule” (Buchanan & Keohane 2006; Estlund 2007). Two perspectives on legitimacy are commonly differentiated – an empirical and a normative one. While the former – empirical legitimacy – captures the empirical belief among governance addressees that a governor possesses the right to rule (Weber’s famous “Legitimitäts-glaube,” Weber, 1978), the latter is concerned with the actual moral properties of a political order (Beetham 1991; Simmons 1999). It is well-established among political scientists that empirical legitimacy is of paramount importance to secure stable and effective governance (Levi, Sacks & Tyler, 2009). In my work, however, I am concerned with the *normative* legitimacy of MDBs, as only normative legitimacy is capable of grounding movement activism in morality<sup>1</sup>. I thus build on the following core assumption: Like

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1 In contrast to normative legitimacy grounded in impartial moral reasoning, empirical legitimacy may be problematic from a moral point of view. To illustrate this point, consider a fascist regime that is fiercely backed by the population under its command (Schmelzle, 2015).

all international organizations, MDBs are not valuable in themselves. Instead, they derive their ‘raison d’être’ from their instrumental value in serving human interests. This, in turn, is only possible if they adhere to human rights accountability. To substantiate this claim, I first elaborate on my conception of accountability as a set of standards, transparency and sanctions in section 1.3. Then, I argue for human rights as the relevant *standard* of accountability in Section 1.4, grounding this claim in moral (section 1.4.1) and legal (section 1.4.2) arguments. Yet, I do not stop here, but also situate the normative requirement in the context of larger empirical trends in global governance, adopting the perspective of non-ideal (vs. ideal) political theorist. Specifically, I discuss three proposals for a global order that place human rights protection at their center: (a) an intergovernmental model of well-ordered states, (b) a model of cosmopolitan democracy, and (c) constitutional pluralism (Section 1.4.3). Given the current empirical developments, I argue that only the third model is a realistic option, which implies that MDBs need to assure human rights accountability themselves<sup>2</sup>.

## 1.1 Multilateral Development Banks – A Definition

The term *multilateral development bank* (MDB) consists of three components, each of which requires specification. First, they are *multilateral* organizations comprised of the ‘many sides’. In contrast to *bilateralism* involving only two parties, multilateralism is “an institutional form which coordinates relations among *three or more states* (emphasis added) on the basis of ‘generalized’ principles of conduct” (Ruggie, 1992, 598). For decades, the World Bank was the only MDB of global membership and reach. Recently, the landscape of MDBs underwent some change. In particular, the New Development Bank (or “BRICS Bank”) led by Brazil, Russia, India, China, and South Africa was founded in 2014. Only two years later, in 2015, the Chinese-led Asian Infrastructure Investment Bank (AIIB) came into being. Both aspire to present alternatives to the World Bank (Lewis and Trevisani, 2014; Reuters, 2014). Most MDBs are, however, regional in character: the African Development Bank (AfDB), the Asian Development Bank (ADB), the European Bank for Reconstruction and Development (EBRD), the European Investment Bank (EIB), the Inter-American Development Bank (IADB), and the Islamic Development Bank (IsDB). Moreover, there are several subregional development banks, such as the Caribbean Development Bank (CDB) and the Andean Development Corporation (ADC). The International Monetary Fund (IMF), whose mandate is to ensure international financial stability (and not development), is not an MDB (for a more detailed account on the IMF, see Breen, 2013). Then, MDBs are multilateral organizations whose aim, in virtue of their mandates, is *development*. While MDBs belong to the group of international financial institutions (IFIs), they

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2 An important additional question is whether IOs should also have obligations to actively promote human rights to be legitimate. Given the particular functions of some IOs (e.g., assigning internet addresses) and given my interest in a general standard of legitimacy for IOs, I do not follow this line of thought. This however does not preclude that obligations to actively promote human rights should be conferred on some IOs.

are thus of a distinct kind and differ from other IFIs whose aim is macroeconomic stability (e.g., the International Monetary Fund [IMF]). For instance, Article 1.1 of the World Bank's Articles of Agreement states that the purposes of the Bank are "to assist in the reconstruction and development of territories of members" (World Bank, 1989). Similarly, the mandate of the ADB states in Article 1 entitled "Purpose", that "the purpose of the Bank shall be to foster economic growth and co-operation in the region of Asia and the Far East [...] and to contribute to the acceleration of the process of economic development of the developing member countries" (ADB, 1966). Third, MDBs differ from other multilateral development organizations (e.g. the UN Economic and Social Council (ECOSOC)) in that they are *banks*. In concrete terms, this means that MDBs provide financial assistance to developing countries, by funding projects and providing loans tied to reforms by the receiving government. Typical infrastructure projects involve the construction of roads, ports, or power plants; but also social projects, e.g., aimed at improved health services. Policy-based loans can also provide budgetary support conditional to the implementation of financial or economic policies. Another powerful tool at the disposal of MDBs is to provide concessional assistance (including grants and loans) to low-income countries at below-market interest rates. Multilateral development banks make money autonomously through buying and selling on international capital markets as well as through interest and loan repayments. This provides them with a certain degree of financial autonomy. Yet financially, MDBs ultimately depend on capital subscriptions (shares) from their member states (Park, 2017).

Looking at the broader organizational family, MBDs are a sub-type of the class of *international organizations (IOs)*. According to Archer's canonical definition, an international organization is "a formal, continuous structure established by agreement between members (governmental and/or non-governmental) from two or more sovereign states with the aim of pursuing the common interest of the membership" (Archer, 1988, pp. 34-35). As noted above, MDBs involve at least *three* states, their members are exclusively *governmental*, and their common interest is per definition *development*. In parallel to other IOs, MDBs consist of different parts that can be analytically separated. The most important analytical differentiation is that between the IO's executive body on the one hand and its bureaucracy (Barnett & Finnemore, 2004), administration Liese & Weinlich, 2006) or secretariat (Biermann, 2017) on the other<sup>3</sup> (for a good overview of this debate, see also: Bauer, da Conceição-Heldt & Ege, 2015). While country representatives with executive functions on IO governing bodies are controlled by their respective country governments, IO secretariats are made up of bureaucrats that are loyal to their superiors, but (largely) independent of country affiliations (Liese & Weinlich, 2006). As a consequence, IO and hence MDB secretariats possess autonomy which they can use to exercise influence, but also "pathologies" (Barnett & Finnemore, 2004). According to Barnett and Finnemore, international bureaucracies

3 In the following, I use these terms interchangeably as they all capture the same basic idea of an entity inside the IO that is partly autonomous from the IO's governing body.

“are often the actors empowered to decide if there is a problem at all, what kind of problem it is, and whose responsibility it is to solve it [and they] thus help determine the kind of world that is to be governed and set the agenda for global governance” (Barnett & Finnemore 2004, p. 7).

The degree of autonomy of a MDB secretariat is in turn contingent on the issue at stake and the degree of member state involvement. Where member states have a salient interest, the main task of secretariats is to assist the governing body technically, logistically, and administratively. Thus, while it would be mistaken to understand MDBs (or IOs at large) as only passive or neutral arenas of states, the influence of member states remains considerable given that they possess financial leverage and care enough (Park, 2017). Hence, while member states remain influential, IOs increasingly exercise power autonomously, too. Importantly both, governing body and MDB secretariats are an integral part of the MDB as a whole. Whether it makes sense to look at them separately, or on the level of the MDB as a collective actor, in turn depends on the research interest at hand.

To sum up, MDBs are organizations that coordinate relations and activities among three or more states on the basis of generalized principles of conduct with the aim to enhance development. MDBs may have either global or regional membership/reach. In contrast to other multilateral development organizations, MDBs provide loans and financial assistance to developing countries. Finally, MDBs consist of different parts, involving the MDB governing body as well as a partially autonomous secretariat with actor hood in its own right. With this definition in mind, I now describe the trend toward increasing responsibilities among IOs generally and of MDBs in particular.

## 1.2 The Growing Responsibilities of Multilateral Development Banks

Globalization describes the increasing political, social, economic and cultural interconnectedness of contemporary societies, due to the transnational movement of money, people, technology, information, goods, and services (James, 2005). As a result, people interact globally on an unprecedented scale. At the same time, global interdependencies increase. Today, it is a commonplace that trousers and telephones involve labor in several countries around the globe before they are sold in a specific location. Also, we become increasingly aware of global common pool resources—in short, “global commons” (UNEP, 2017). The earth’s natural resources including oceans or the atmosphere are well-known examples. Unlike global public goods whose consumption does not reduce the quantity available to other actors (e.g., knowledge), global common pool resources are limited (Ostrom, 1990). The degree of interconnectedness is perhaps most evident with regard to climate change. In addition, though, several policy challenges today—from organized crime, over financial stability to trade and development—have a significant global dimension. Where the scale of interactions and interdependencies increase, people become very aware of the dangers connected with uncoordinated, individually motivated behavior that risks producing a global “tragedy of the commons” (Ostrom, 1990). For instance, locally bound processes such as coal mining in Germany or deforestation in

Indonesia and Brazil have a direct impact on the global climate. To avoid such detrimental effects for our collective well-being worldwide and to respond to global challenges, there is widespread consensus among scholars and academics that we need institutionalized forms of global governance (Rosenau, 1992). In particular, academics, politicians and the general public assign IOs a critical role in solving global governance challenges, primarily due to their expertise (Liese et al., IPA Projekt) and because of their ability to enable cooperation among states (Keohane, 1984). Already a decade ago, a majority of the German population believed that the G8 / G20, but also IOs such as the United Nations (UN), the International Monetary Fund (IMF) or the World Bank possessed greater influence in world politics than the German government (Mau, 2007). Despite current trends to openly challenge the very idea of multilateral cooperation through international organizations even among established Western democracies (U.S. withdrawal of support for the UN, the World Trade Organization (WTO), or NATO), empirical trends indicate that IOs have steadily gained in importance—throughout the last decades and especially since the end of the Cold War (Heupel & Zürn, 2018). To recall, I conceptualize IOs generally, and MDBs in particular as *partially autonomous actors* (see Chapter 1.1). To sketch the level playing field, I briefly address the increase of IO power (with a special focus on MDB bureaucracies) along stages of the policy cycle, including: (a) knowledge-creation and agenda setting, (b) decision-making, (c) monitoring and rule interpretation, (d) rule enforcement, and (e) evaluation (Avant et al., 2010).<sup>4</sup>

First, international organizations play an increasingly important role in *creating knowledge* (e.g., shaping core concepts of the respective policy field) and *agenda setting*. Several IOs, including the Organization for Economic Cooperation and Development (OECD), the World Bank and the International Monetary Fund (IMF), have developed research capacities that surpass those of most states in the world. As a result of these growing research capacities, IOs develop transnational guidelines that provide guidance to a variety of public and private governance actors. Secondly, IOs are increasingly tasked with *decision-making* themselves, rather than only facilitating compromise among states. In a recent, comprehensive study, Hooghe and Marks collected data on 74 IOs over the period from 1950–2010, looking at the delegation of tasks from states to IO bodies. Specifically, they looked at the responsibilities of IO bodies to access or suspend members, to reform their own mandate, allocate budgets and to engage in autonomous policy making. Their standardized delegation index shows a steady increase in responsibilities of IO bodies, especially among larger and more complex organizations where increasing IO autonomy promises to reduce the transaction costs of cooperation (Hooghe & Marks, 2015). Moreover, majoritarian decision-making has replaced a strict consensus requirement and in consequence vastly increased the ability of international institutions to act. Today, roughly two thirds of all IOs with membership of at least one major power have the opportunity to take majority decisions and thus the ability to cancel vetoes (Blake & Payton, 2008). Third, IOs increasingly perform *monitoring* tasks and *rule interpretation*. As the number of international treaties

4 The stages are drawn from the public administration literature which has been adopted to the study of international institutions (Zürn et al., 2012).

is growing, there is a concomitant need for actors who process and publicize information on treaty compliance. Treaty regimes empower international organizations to conduct such oversight (e.g., the IMF for the financial system; Siebenhüner & Biermann, 2009). Relatedly, the task of rule-interpretation has increasingly shifted to quasi-judicial bodies. While there were only 27 such bodies in 1960, there were 97 in 2004 (Alter, 2012). *Rule enforcement* remains rare in international politics, but is increasing, too. A first example is the United Nations Security Council (UNSC), which exercises considerable power over the UN's member states and explicitly claims a right to rule. Both its actions and its claim to authority, however, are limited in scope to the prevention of war and, more recently, the protection of human rights (Hurd, 2008, p. 185). International transitional administrations may temporarily claim the right to assume the role of a state government (Jacob 2014) while the International Criminal Court constitutes an instance of centralized political authority with a right to issue commands that are binding for all states that have submitted themselves to the court by signing the Rome statute (Bogdandy & Venzke, 2012, p. 18). The few number of institutions tasked with rule enforcement contrasts with the extensive amount of international organizations that *evaluate* policies and institutions through rating and rankings. For instance, rating agencies such as the International Accounting Standards Board (Büthe & Mattli, 2011), the International Panel for Climate Change or the PISA studies of the OECD have gained in relevance (Zürn, 2018). In sum, the scope and depth of international organization's governance is on the rise among all dimensions of the policy cycle.

Among all international organizations, MDBs are of a special kind. In short, MDBs are member state organizations that seek to enhance development by engaging in knowledge-creation and agenda setting, decision-making, monitoring and evaluation. Specifically, their core activity consists in providing loans and financial assistance.<sup>5</sup> While MDBs lack coercive military capacities, some authors argue that their ability to attach conditionality to the disbursement of loans amounts to rule enforcement (Rich, 2013; Zürn et al., 2012). Among all MDBs, the World Bank stands out in terms of relevance and power resources (for an elaborate discussion of the World Bank; see Chapter 4). Consider the first dimension, knowledge creation and agenda setting: here, the World Bank regularly publishes reports and guidelines that are crucial for the development community at large. Examples include the World Development Report (WDR) 2011, or the "Guidelines for Public Debt Management" issued jointly by the World Bank and the IMF. In their "Flagship Reports" and guidelines, the World Bank has managed to introduce and shape concepts that are central for the development discourse (Möllers, 2008). Beyond that, the World Bank is regularly involved in shaping and formulating the agenda of international summits such as the G7/G8 and G20. For instance, the "G20 Hamburg Action Plan" (G20, 2017) was prepared and authored by the World Bank to a large extent (DIE ZEIT, 2017). Becoming the leading producer of development knowledge after the turn of the millennium, the World Bank spends some \$600 million per year on 'analytical and advisory activities' in 2006 alone, while its research department (which accounts for less than 5% of this figure) has a staff of over

5 For a more elaborate discussion of MDBs and their definition, see Chapter 3.1



120 people (Kapur, 2006). The role of MDBs as engineers of novel concepts and knowledge promoters is likely to increase in the future with the spread of the script called “knowledge bank” – a vision formulated by World Bank president James Wolfensohn already in 1996 (Kramarz & Momami, 2013). In essence, the term stands for strategies to generate, manage and spread knowledge more effectively, and to enhance the learning capacities of the MDB itself (Kapur, 2006; Wagstaff, 2012). In its Annual Report of 2009, the World Bank stated that “Knowledge is the key to development effectiveness, and the driver of a successful development institution. Without knowledge, the World Bank Group cannot lend, it cannot advice, and it cannot convene. Knowledge is the core of our DNA” (World Bank, 2009). Similarly, regional development banks adopted strategies to manage and sell knowledge more effectively. For instance, the African Development Bank states that it wants to become the “premiere knowledge Bank for Africa” (AfDB, 2008, p.iii). With regard to *decision-making*, MDBs have been able to take majority decisions for long. As a result, MDB decisions may go against the explicit will of member states, which are nevertheless bound by the decision.<sup>6</sup> Perhaps more importantly, MDB secretariats are relatively autonomous to develop their own criteria for the disbursement of loans. A prominent example is World Bank conditionality attached to its loan disbursement (Zürn et al., 2012). With respect to *monitoring* and *evaluation*, the World Bank regularly publishes the influential “Worldwide Governance Indicators” (WGI), which are published yearly since 2002 (Kaufmann et al., 2011). Development organizations (e.g., the U.S.-based “Millennium Challenge Corporation”) reference these WGI as a main source to allocate their resources (Müller, 2008). Next to Credit Rating Agencies (CRA), the OECD, Freedom House and Transparency International, MDBs are prime examples of a phenomenon called “global governance by indicators” (Davis et al., 2012; Merry et al., 2015).

In sum, international organizations generally, and MDBs in particular, exercise an increasing degree of power in today’s global governance. This exercise of power shapes the fate and circumstances of states, but also of individuals directly. For instance, where the state is either not capable or not willing to provide basic services, MDBs that step in to fill the gap (e.g., providing loans to finance electricity, basic infrastructure or housing) directly affect individuals. Who is and who is not selected as project beneficiary for instance directly shapes the chances for a better life of people. Conversely, the replacement of whole communities in the context of MDB financed infrastructure project negatively influences hundreds, if not thousands of people every year (International Consortium of Investigative Journalists [ICIJ], 2016). While states retain some control over infrastructure projects (albeit at times only formal), majoritarian decision making inside MDBs, international monitoring and evaluation, as well as the publication of ratings and rankings transcend the control of governments. However, all of these activities do not only have major impacts for financing decisions of public and private actors, they also affect the life of individuals directly. This begs the question, which standards of MDB governance should suffice to be evaluated as legitimate, meaning justifiable and desirable (see Heupel & Zürn, 2017)? I argue that human rights accountability is a normative minimum standard of MDB governance. In order to make that point, I first

6 However, MDBs seek to take decisions in consensus at the Boards of Directors in practice.



conceptualize accountability as a) standards, b) transparency and c) sanctions in cases of non-compliance (section 1.3), before I argue in favor of human rights as the crucial standard of MDB accountability (section 1.4).

### 1.3 Conceptions of Accountability

The English term “accountability” can be traced back to the Middle Ages. Interestingly, while the related term “accounting” from the realm of finance can be easily translated, the term “accountability” has no direct equivalent in other European languages (Dubnick, 2007). While existing translations then tend to emphasize aspects of the term, such as answerability (i.e., the German “Rechenschaftspflicht”) or responsibility (the Spanish “responsabilidad,” or “responsabilité” in French), several non-English authors use the term in its English version. Accountability as a concept has deep roots in different literatures which produced a wide set of definitions. A first important distinction is that between “managerial” and “public” accountability (Steffek, 2010). The management literature is rife with notions of accountability and therein emphasizes the responsibility of managers toward their shareholders (Soltani & Maupetit, 2015). The focus is hence on outputs, most crucially management performance. According to this reading, managers agreed to maximize the firm’s profit and shareholders have a legal right to hold them answerable to the firm’s output. On the other hand, the notion of public accountability implies that governance-actors exercise power over those governed on a wide range of issues. Unlike shareholders, citizens subject to the power of public institutions (i.e., the public administration of a state, or international organizations) cannot opt out. Given my research focus, I will concentrate on conceptions of public accountability. Scholars of public administration (Mulgan, 2003; Romzek & Dubnick, 1998), where the concept enjoys particular attention, adopt rather formal definitions, emphasizing public bodies such as governments as addressees of accountability. According to Roberts and Scapen’s (1985) influential work, “accountability” describes a social relationship that is characterized by “the giving and demanding of reasons for conduct” (p. 447). Political scientists (Mansbridge, 2014; Stokes, 2005) often approach accountability from the perspective of power, mostly in the context of government accountability toward their voters. Other publications investigated the specific problems of accountability for global regulatory institutions generally (Held & Koenig-Archiburgi, 2005; Keohane & Nye, 2003), as well as in relation to particular international institutions (O’Brien et al., 2000; Woods & Narlikar, 2001).

In all these works, accountability is a relational concept, linking those who perform tasks and those for whom they perform, or alternatively, those affected. As demands for justification come after the act, accountability is an *ex post* activity. Lastly, accountability is a consequential task, as it may bear sanctions for accountability holders (Bovens et al., 2014). Capturing the broad consensus on the essence of accountability in a general definition, Scholte noted that “if A takes an action that impacts upon B, then by the principle of accountability A must answer to B for that action and its consequences” (Scholte, 2011, p. 16). In line with Scholte’s definition, Keohane’s provides a more specific definition that suits my research interest particularly well. According to Keohane’s

definition, accountability involves three elements: “standards that those who are held accountable are expected to meet (1); information available to accountability-holders, who can then apply the standards in question to the performance of those who are held to account (2); and the ability of these accountability holders to impose sanctions: to attach costs to the failure to meet these standards (3)” (Keohane, 2011, p. 102). I will discuss the first component of this definition in more detail below. To meet the second requirement, substantial *transparency* concerning the application of standards on behalf of the institution in question is paramount, for without transparency a violation of standards remains covert. To ensure transparency, those affected by MDB interventions need accurate information about the work and internal functioning of the organization. In addition, transparency involves responding to requests that are directed to it by accountability holders and to share information in a timely and understandable manner. The existence of sanctions has important instrumental value, as sanctions provide strong incentives for compliance with the standards of accountability. Without the ability to punish and correct MDB misbehavior, an accountability regime could not effectively guarantee adherence to standards. To capture the essence of the three dimensions of accountability, I will refer to them in the following as “standards,” “transparency” and “costs for noncompliance.” Together, these three elements make it possible that the ruled have power over the rulers. In the following, I specify the accountability relationship I am interested in this work – namely that between MDBs and those *directly* affected by their projects. This clarification is necessary before I argue that human rights are the *standards* MDBs should care about.

### Accountability toward whom?

A crucial question when talking about the accountability of MDBs is, “Accountability toward *whom* exactly?” For most actors are accountable to someone, be it a professor, drug lord or God. In the context of international institutions, “accountability” commonly means that the agent (the MDB) is responsible in front of the principal (the member states). According to this interpretation of accountability, citizens who are affected by MDB governance have no direct standing. Instead, they may hold their national governments accountable, which in turn hold the MDB accountable. Scholte (2011) questioned that this interpretation of MDB accountability toward states only is satisfying. Scholte brings forward three main points which strongly suggest that it is not – the diffusion of responsibilities of the global level, the relative lack of influence of most states within MDBs and the poor democratic record of a significant number of states. According to Scholte, accountability was not a major concern in respect to global governance institutions 50 years ago – a time when international organizations were “few in number, small in size and limited in scope” (p. 18). At that time, national governments were the only reasonable accountability holders for public policy on the national and the international level. In contrast, global governance today is a process involving multiple actors and layers of decision-making, with international organizations exercising an increasing influence on their own (Barnett & Finnemore, 2004). Global public policy most often emanates from complex networks without a regulatory body at its center. From an accountability point of view, the problem of such polycen-

tric governance lies in a potential diffusion of responsibilities. To avoid that actors in these networks exploit the post-sovereign circumstances of global governance, Scholte argued for multifaceted accountability, applicable to all nodes of the network involved in a dispersed and gradual fashion. In particular, while we should not exaggerate the power of MDBs, we should also be aware of the fact that their independent influence and its corresponding responsibilities cannot plausibly be borne by states alone either. Scholte concluded that some responsibility “lie with the global governance mechanism itself” (Scholte, 2011, p. 20). Second, even where chains of command are clear and fall under the oversight responsibilities of member states, few states actually have a say in IO decision-making due to their relative lack of influence. As Viola and colleagues (2015) showed, inequalities between member states inside IOs tend to increase over time. Multilateral development banks tend to reproduce inequalities to a particular extent, since votes are allocated on the basis of economic shares. For instance, the United States used to command veto power in the World Bank in virtue of its shares, while China commands veto power in the Asia Infrastructure and Investment Bank (AIIB). In contrast, Bangladesh – a country with 160 million inhabitants – commands less than 1% of shares in both institutions<sup>7</sup>. Third, if states are not democratic in the first place, it is hard to see how they could render international institutions accountable toward those citizens affected by MDB projects. The assumption of a two-level legitimation of IOs more generally builds on the premise that citizens are represented in IOs in virtue of their governments. Autocrats do not, by definition, represent their citizens and thus simply lack any accountability they could transfer to the IO in question. To these three critiques, I add a fourth argument against the idea that state accountability implies IO accountability. Today (and in the past), the vast majority of states in the world are not consolidated, but include large areas of limited statehood where the state does not possess the monopoly on the use of violence and/or is limited in its capacity to design and implement rules (Krasner & Risse, 2014). Where the government only controls the capital, a diversity of nonstate governance actors (e.g., local chiefs, religious leaders, warlords, but also IOs) typically fill the vacuum to exercise *de facto* rule (Risse & Lehmkuhl, 2007). Where the governance actor stepping in exercises control in an autocratic way, the population living in areas of limited statehood is not democratically represented either, even if the central government may be democratically elected. Nevertheless, IOs may conduct projects in such areas which have an impact on those living in areas of limited statehood. To avoid major accountability gaps, IOs need to respond to governance addressees living in areas of limited statehood directly.

In sum, the multifaceted nature of global governance with MDBs exercising considerable influence on their own, inequalities among member states in MDBs, the fact that the world is populated by several nondemocratic states and the presence of areas of limited statehood make a model of MDB accountability that rests on state accountability only implausible. I thus agree with Buchanan and Keohane (2006) in that “accountability *per se* is not sufficient; it must be the right sort of accountability” (p. 19). I argue in the following section that IOs need to remain accountable to their member states.

7 Cp. AIIB, 2016: <https://www.aiib.org/en/about-aiib/governance/members-of-bank/>

In addition, however, MDBs need to respond to the four shortcomings accountability toward states only faces. As I argue, we need to supplement accountability toward states by MDB accountability toward those directly affected by its governance – *direct* accountability. This accountability should be immediate, effective and unmediated by governments.

### **Direct Accountability – the accountability toward those directly affected**

According to the general definition offered above, accountability establishes a relationship between a governance actor “A,” and those whom it affects “B.” The critical question therefore is: who counts as “affected” by IO governance? Who is the relevant public? The nature of this public may vary according to the organization in question. For instance, the Catholic Church addresses all Catholics. To complicate matters further, IOs may address different constituencies according to the task they engage in. The European Union (EU) addresses European states (e.g., EU Commission Directives), but also regions or citizens throughout the world (e.g., ECHO’s humanitarian work), depending on the issue and governance mode at hand. Identifying the relevant public can thus be a daunting task. Moreover, determining who has a right to claim accountability is a highly political task. Inside states, accountability regimes may reinforce established social hierarchies based on ethnic origin, class, gender and/or race. Similarly, accountability arrangements of IOs may entitle states with large shares and/or transnational corporations (TNCs) and thus serve constituents who are already powerful. As Scholte put it, “there is nothing inherently democratizing in accountability” (Scholte, 2011, p. 22). However, accountability does have the potential to empower marginalized groups affected by IO governance, if defined and operationalized accordingly.

In my work, I am concerned with the accountability of MDBs toward those directly affected by their projects – whether these are large infrastructure projects or services. I thus understand the “all affected principle” as one according to which all communities and individuals affected by MDB activities have moral standing as subjects of justice in relation to it<sup>8</sup>. This interpretation of the “all affected principle” is well established among political theorists concerned with legitimate forms of global governance. According to Fraser,

“What turns a collection of people into fellow subjects of justice is not geographical proximity, but their co-imbrication in a common structural or institutional framework, which sets the ground rules that govern their social interaction, thereby shaping their respective life possibilities, in patterns of advantage and disadvantage.” (Fraser, 2007, p. 25)

To distinguish this form of accountability that MDBs bear toward those individuals and communities they directly affect through their work from alternative forms of account-

8 Aspirational conceptions go one step further and include a time dimension, enabling to include *past* or *future* generations among those who may voice a justified claim. Current demands for reparations for harms caused during colonialism are prominent instances of accountability claims relying on a notion of the former, whereas conceptions of “sustainable development” rely on the latter. In this contribution, I focus myself to the accountability of MDBs toward current generations.

ability, I refer to it as “direct accountability.” Recalling the challenges from above (diffusion of responsibilities, power asymmetries among member states, nondemocratic member states and MDB engagement in areas of limited statehood), direct accountability is equipped to mitigate all four of them. Direct MDB accountability ensures that those affected by MDB governance have an opportunity to claim their rights. This is the case even where MDBs cooperate with multiple other actors with whom they share responsibilities. Second, direct accountability circumvents inequalities at the level of member states, since all those affected by MDB governance have a direct and equal right to file a claim. Similarly, a direct channel between MDBs and governance addressees cuts out national governments who are either not willing (e.g., nondemocratic member states) to guarantee certain basic rights to their citizens, or not capable (e.g., in areas of limited statehood). In sum, then, direct accountability is an effective way to establish a normative relationship between MDBs and their governance addressees that also fits the factual influence MDBs exercise over people’s fate. As a final piece of the accountability puzzle, I now specify which *standards* direct accountability should rest upon.

## 1.4 Human Rights as the relevant Standard of Accountability

In principle, relations of accountability may be built on any given standards. By way of example, managers of a private business are accountable toward its shareholders. The standard here typically is the maximization of profit. If managers fail to maximize profit, they have good reasons to fear for their job. In contrast to the realm of private business, there is no equivalent standard of success such as “profit” for public institutions. While managerial accountability is often technical, public accountability is more complex, involving the process of decision-making as well as multiple goals (Steffek, 2010). Depending on the context and the public institution in question, accountability standards may take different forms and may be more or less demanding. For example, in the context of a democratic state, public accountability is closely tied with elections, as elections provide a means to sanction politicians and hence to force them to explain their conduct to the electorate. In the following, I draw on normative and legal reasons to argue that human rights are the kind of standards that should govern any political order, nationally or internationally (Rawls, 1993). Implicit in this argument is the suggestion that human rights are the minimum standards of accountability that should guide the actions of MDBs generally and the World Bank in particular.

### 1.4.1 Human Rights as the Protection of Basic Human Interests

There is broad agreement among eminent political philosophers (Buchanan, 2007; Cohen, 2004; Forst, 2007; Griffin, 2008; Ignatieff, 2001; Rawls, 1999; Raz, 2010) that human rights express “standards of basic political legitimacy” (Forst, 2010, p. 711) and thus the moral minimum standard for a given political order.<sup>9</sup> In part, their normative force

9 In my understanding, MDBs are part of the political order on the international level.

relates to their historical genesis. While their precise roots are difficult to determine with certainty, they appeared prominently in 17th century England, when the “Levellers” claimed that a government could only be justified if authorized to rule by those affected, for otherwise, “naturally free persons” would be subjected to “cruel, pitiful, lamentable and intolerable bondage” (Lilburne 1645 in Haller, 1957, p. 303). The language of a “natural right” and “naturally free persons” was explicitly directed against the feudal organization of society whereby the absolutist monarchy claimed a “divine” right to rule. According to Forst (2010), already here the essential message of human rights became evident, namely, that every person was recognized as a social and political subject that was born naturally free. “Free” here primarily meant: free from arbitrary social or political domination. In Forst’s reconstruction of the historical genesis of human rights (2003; 2010), the original meaning of such rights followed an early republican (rather than a classical liberal) impulse. On a macro level, the message was that “there can be no legitimate social or political order that cannot be adequately justified to its subjects” (Forst, 2010, p. 717). The French “Declaration des droits de l’homme et du citoyen” (engl. “Declaration of the Rights of Man and of the Citizen”) from 1789 is perhaps the most cited founding document of human rights, declaring the “natural liberty and equality of all humans” (Article 1), guaranteeing the rights to “liberty, property, safety and resistance against oppression” (Article 2) and that any sovereignty resides essentially in the people<sup>10</sup> (Article 3). Article 6 then expresses the notion that “all citizens have the right to take part, personally or through their representatives” in the making of the “general will,” that is, the laws that govern human interaction (Declaration des Droits de l’homme, 1789). The basic idea that people should be treated as equal and free citizens with political autonomy and free from unjust and arbitrary rule is also prominent in the Universal Declaration of Human Rights two centuries later—even though it came about in a very different context (notably, the experiences of totalitarian tyranny in Nazi Germany during WWII). In sum, a reconstruction of the genesis of human rights suggests that human rights should be understood as *guarantees* and, simultaneously, *expressions* of each person’s equal moral status. To have “moral status” means to be part of an entity governed by norms of mutual justifiability. Norms are mutually justified if they are generally acceptable, meaning independent of particular subject positions. In other words, anyone should have good reasons to integrate the norm into one’s moral consciousness (Ladwig, 2011). Due to this special normative character of human rights, there is widespread consensus that human rights should be at the core of each political order that aims to exercise power over its subjects, independent of whether this order consists of states, international organizations or institutions of a yet different nature (Forst, 2011). Institutions have no value in themselves. Instead, they possess an instrumental value relative to the aims they seek to realize.

### Conceptions of human rights

In the previous section, I referred to the widespread agreement on human rights as a substantive basis for legitimate governance. In agreement with Ladwig and Gosepath,

10 In the original text referred to as “the nation.”

I further hold that universality, equality, moral grounding, and general epistemic accessibility are necessary *formal* requirements of human rights (Gosepath, 1998; Ladwig, 2011). Foremost, the Universal Declaration of Human Rights establishes the *universality* of human rights. This means that all living members of the human species possess these rights. Closely connected to its universal validity is the condition of *equality*. There is a difference between the notion that all humans enjoy a right to life, and the idea that all humans enjoy an equal right to life. Human rights are thus of a kind that focusses our attention to those features that all people share in virtue of being a human being. To view humans on such a level of abstraction obliges us to ignore potential differences in terms of gender, belief, color or origin (Ladwig, 2011). Thus, human rights entail the notion that all human beings have the same moral status, that is, they should enjoy the same human rights. In addition, human rights are *morally grounded* claims toward a given political order. They are thus normatively valid and relevant even though they might not be enshrined in the constitution of a state or an international organization. The *de facto* reluctance to translate human rights into positive laws by certain political executives does not prevent them from critique. Quite to the contrary, such a discrepancy constitutes a strong reason for us to voice protest and accusations. In addition, human rights are morally grounded in the sense that they impose moral duties upon others to respect and protect these rights. In this sense, human rights help to clarify what we all owe to each other (Jacob, 2014). Since human rights are binding upon all political orders, all people worldwide need to be able to see and apprehend their moral relevance. Human rights thus need to fulfill the condition of *general epistemic accessibility*: all reasoning people with good will and sufficient information need to reach the conclusion that we possess human rights. Note that this is different from a criterion that all people value human rights empirically. The question is not, whether people respond they value human rights if asked, but whether they have good moral reasons to do so (Jacob, 2014). Such epistemic accessibility is not viable on all levels of precision. Concrete laws are adaptations of human rights norms that necessarily reflect the historic experience and legal traditions of political communities. Still, the requirement of epistemic accessibility is relevant at the level of basic human rights norms and principles (Ladwig, 2011).

In sum, there is widespread agreement regarding the fact that a) human rights are the normative core and standard of legitimacy of a given political order (independent of the level of that order), and b) regarding the formal requirements of human rights, i.e., their character as universal, equal, morally grounded and accessible rights. Despite all this agreement, disagreement exists regarding the right conception of human rights in terms of their ultimate moral foundation. Diving into the details of related debates in political theory would go beyond the scope of this work, so I limit myself to contrast prominent understandings: a functionalist perspective (Beitz, 2004; Rawls, 1999), one placing reciprocal moral obligations among autonomous subjects in the center (Forst, 2007; Tugendhat, 1997; Forst, 2007) and a conception focusing on human dignity (Habermas, 2010; UN GA, 1946). My critique of these three accounts leads me to the most plausible conception of human rights as a means to protect basic human interests (Cohen, 2004; Griffin, 2008; Ignatieff, 2001; Ladwig, 2011). To recall, I discuss conceptions of human rights and delineate the conception to which I adhere to clarify



and ground my claim that human rights accountability is necessary for legitimate MDB governance.

In his famous book “The Law of the Peoples,” Rawls (1999) conveyed a *functionalist understanding of human rights*. In his book, Rawls’ aim is to develop a normative theory of international politics that takes empirical realities on the ground, particularly the “reasonable pluralism” of peoples in the international arena, seriously. Rawls draws a close link between international peace and security on the one hand, and internal standards for the “decency of domestic political and social institutions” (p. 80) on the other. Given normative pluralism, human rights only have instrumental value in providing “a suitable definition of, and limits on, a government’s international sovereignty” and to “restrict the justifying reasons for war and its conduct (Rawls, 1999, p. 79). Following Rawls, Beitz (2004) favored a “practical” understanding of human rights over an “orthodox” one (p. 196) and defined the function of human rights to provide “justifying grounds of interference by the international community in the internal affairs of states” (Beitz, 2004, pp. 202-203). Rebutting such a conception, I concur with Griffin’s (2008) and Forst’s (2010) critique that justifying human rights in terms of their function to provide reasons for legitimate interventions means “to put the cart before the horse” (p. 726). Instead, we first need to ground human rights normatively before we ask which legal structures are required to protect such rights internationally. The first question of human rights, then, is not “how to limit sovereignty from the outside; it is about the essential conditions of the possibility of establishing legitimate political authority” (p. 726) from the inside.

A second approach searches for a moral grounding of human rights in the *reciprocal moral obligations among autonomous subjects*. Authors in this camp depart from a contractual understanding of moral rights and duties, arguing that reciprocity is foundational for any moral norms, including human rights. In his work, Forst (2007, 2010) famously argues that all such rights have a common source in one basic moral right: the right to justification. According to Forst, his discursive approach is reflexive, as it embodies the idea that any moral justification of human rights must be able to stand scrutiny regarding reciprocity and generality in intersubjective discourse. Thus, the requirement that each right holds intersubjective justification presupposes a right to justification among all those whose rights are at stake. If a person whose right is at stake believes the right in question does not meet the threshold of reciprocity<sup>11</sup> and generality<sup>12</sup>, he/she has a qualified veto. The approach is “reflexive,” as it reconstructs the very idea of justification in discourse with regard to its practical implications.

Autonomy as a source of normativity also does most of the work among conceptions starting from a notion of *human dignity*. The Universal Declaration of Human Rights (UN GA, 1948) prominently refers to the human dignity of all people, as do several constitutions around the world. For instance, the German Basic Law states in Article 1(1) that “Human dignity shall be inviolable. To respect and protect it shall be the duty of

11 Reciprocity means that “no one may make a normative claim he or she denies to others and that no one projects one’s own perspective, values, interests, or needs onto others” (Forst, 2010, p. 719).

12 Generality is defined by Forst as the requirement that reasons “have to be shareable by all affected persons” (Forst, 2010, p. 720).



all state authority” and continues by connecting dignity to human rights in Article 1(2), stating that “the German people *therefore* acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world” (German Basic Law, 1949). While there is agreement among political philosophers that the term “human dignity” is a valuable concept to express the high moral status of every human being (see Macklin, 2003; for a diverging view), there is disagreement concerning the properties that convey dignity onto human beings (but not onto animals or other living creatures). While religious proposals (e.g., humans as creatures in God’s own likeness) have taken a back seat over the last two centuries, most philosophers view the human capacity to reason as central (Habermas, 2010). Thus, Forst’s discursive approach and those relying on a notion of “human dignity” focus on the value of autonomy as the moral source of human rights.

In agreement with several authors (Goodwin, 2008; Ladwig, 2010; Nussbaum, 2011; Goodwin, 2008; Ladwig, 2010), I hold that conceptions relying on autonomy as a source of normativity fall short of a satisfactory justification of human rights as a whole. The crux with approaches relying on a contractual notion of morality is that they only confer moral status upon people who are able to voice and understand justifications. As a consequence, they exclude small children or human beings with mental disabilities – a consequence that does not seem bearable for a conception of human rights. On a more general level, authors who argue that the capacity to formulate, understand and adhere to norms is a pre-condition to acquire moral status in a community fail to distinguish between *addressees* and *beneficiaries* of moral right. While only reasonable people can agree on and adhere to moral norms, many more (including children and mentally challenged) people might benefit from their existence (Regan, 2004; Ladwig, 2010). But even among human beings capable of reasoning, the capacity for autonomous reasoning and acting (as well as all other capacities) has an empirical base. Hence, it is plausible to assume that capacities are distributed unequally among people (Wolf, 1990; or Kohlberg’s early six “stages of moral development”, 1973). If capacities are the moral source of human rights, it is difficult to explain why they should be enjoyed *equally* (Ladwig, 2010). Finally, several authors pointed out that cognitive capacity to govern one’s own life, the ability to reason and moral reflection are truly critical to justify the existence of *some* human rights. For instance, rights to freedom of expression, freedom to choose one’s religion, or the right to vote are hardly comprehensible without reference to the human capacity for autonomy. However, rights protecting a person’s physical well-being such as the right to subsistence or the right to physical integrity cannot be fully explained by reference to autonomy. Suffering severe pain is bad in and of itself, irrespective of our capacity for autonomous reasoning (Ladwig, 2007). Due to these limitations, I follow the more plausible conception based on a notion of basic human interests.

### Basic Human Interests as a source of Human Rights

Basic interest-based conceptions of human rights require, first of all, a definition of “interests.” The way I understand the term, “having an interest in X” means to have a good reason to want X. Note that this differs from “*needing* X” or “*desiring* X.” The term “human needs” commonly refers to those goods that are necessary for our purely biological

survival (e.g., sleep, food or water). While we certainly have good reasons to want such goods, we might have good reasons to want something beyond that what is *necessary* for our survival. “Desires”, (or wishes) on the other hand, fail to qualify as sources for human rights, as they are mere expressions of individual *preferences* that cannot generate duties for others. In parallel to other interests that are not “basic,” desires fail to meet the “necessity requirement.” This hints at yet another important distinction: interest-based conceptions distinguish “*basic* human interests” from simply “human interests.” While the former are truly necessary for a minimally good life, the latter are not. Because of the inherent notion of a “minimally good life,” interest-based conceptions are not void of ethical content. In fact, this ethical content has been a primary source of critique toward such conceptions (Forst, 2010). In light of ethical pluralism around the world, how can we possibly define what constitutes a “minimally good life”? We should take this question very seriously. It is here that the basic interest conception parts from the (otherwise very similar) capabilities approach by Nussbaum (2006), who suggested a list of capabilities necessary to life “a life worthy of human dignity” ( p. 70). To be sure, Nussbaum did not argue that she had some privileged access to truth, enabling her to access the precise list of necessary capabilities. Rather, she saw her list<sup>13</sup> as a contribution to the debate, since “it is better to be vaguely right than precisely wrong” (Nussbaum, 1992, p. 215). Yet, Nussbaum also relied on a connection between individual capabilities and a notion of human dignity, without explaining the precise relationship between both (Beitz, 2013). Moreover, Nussbaum seems to contradict herself when she claimed that her list “already represents what it proposes: a type of overlapping consensus” (Nussbaum, 2000, p. 76) – a claim that may well be disputed (Jacob, 2014). I agree with Nussbaum and others (Goodwin, 2008; Ladwig, 2011) in that the fact of ethical pluralism does not imply that we should avoid the search for truly “basic” human interests. After all, the searches for moral foundations of human rights, as well as human rights themselves, are not ethically neutral. Yet, in contrast to Nussbaum, I hold that the foundation of human rights should remain compatible with a wide range of reasonable conceptions of the good and thus focus on those interests which are truly basic. At the same time, human rights are morally grounded in the sense that they should generate duties, which is to specify what we all owe to each other (see 1.5.1). Thus, some interests that pass the threshold of relevance for a minimally good life do not qualify due to their inherent nature. To cite a common example, someone’s interest to be loved and desired does not qualify as a source of moral obligation. While being loved is certainly highly relevant to most (if not all) people, love inherently relies on the voluntary act of others and thus cannot generate moral duties. Thus, basic human interests need to be truly basic to allow for a wide range of conceptions of the good and at the same time be able to specify moral duties. In agreement with Jacob (2014), I propose that the interest in physical integrity as well as an interest in autonomy fulfil both these criteria. The basic interest in *physical integrity* flows from the vulnerability

13 This list includes, among others, goods such as health, free movement and autonomy, as well as the (somewhat more controversial) abilities to have attachments to things and people, the social basis of self-respect, being able to laugh, play and enjoy re-creational activities as well as the ability to hold property (Nussbaum, 2001, pp. 40–50).

of human beings. Since violations of physical integrity impose suffering and pain, this interest is morally significant in itself (and not just instrumental to human agency or autonomy, as some have argued; e.g., Sen, 2004). According to Jacob (2014), the interest in physical integrity involves two dimensions: not to be physically hurt, and access to sufficient means of subsistence (e.g., water, food and medical care). Secondly, *autonomy* qualifies as a basic human interest. According to a broad and widely accepted definition, autonomy means “being one’s own person, directed by considerations, desires, conditions, and characteristics that are not simply imposed externally on one, but are part of what can somehow be considered one’s authentic self” (Anderson & Christman, 2005, p. 3). Autonomy is necessary for a minimally good life, since the very idea of a conception of the good implies that one is capable to think for himself and to reflect to some degree what one values in life. Consider the opposite of autonomy: “being guided by forces external to the self and which one cannot authentically embrace” (Christman, 2015) – a condition that resembles oppression and renders impossible any meaningful conception of the good from the perspective of the individual in question. To avoid misunderstandings, autonomy is not limited to liberal conceptions of a good life. In my understanding of autonomy, I am free to choose a life according to religious doctrine (however interpreted) or in line with the traditions of my village. What matters is that the decision to do so can be understood as a free decision based on a minimum degree of self-reflection, and not as a condition I am forced into. A valuable test for this threshold is the question whether I have the possibility to revise decisions that are central to my life (e.g., by leaving the village) without having to fear unreasonably high costs (e.g., a violation of my physical integrity). Of course, one might still doubt whether the interest in autonomy enjoys broad consensus among the world population. Importantly, though, the criterion of “general epistemic accessibility” (see 1.5.1) does not mean that all human beings *de facto* value these interests empirically. Instead, it means that all human beings have *good moral reasons* to value these interests if provided with sufficient information (Ladwig, 2011).

In the previous section, I argued that human rights express “standards of basic political legitimacy” (Forst, 2012, p. 711) and thus the moral minimum standard for governance actors. As partially autonomous international organizations exercising power on behalf of member states, but also in their own right, MDBs are part of the international political order and thus have a normative obligation to respect human rights. Specifically, since interests in physical integrity and autonomy are basic in the sense that they are necessary for a minimally good life, MDBs have a moral obligation to adopt adequate and effective policy and institutional provisions to guarantee the protection of these basic interests of all those affected by their governance.

To become effective, moral rights need to be translated into positive international law (Gosepath, 1998). In terms of legal substance, existing international human rights law build on the protection of basic human interests (Jacob, 2014). Specifically, the Universal Declaration of Human Rights, the ICCPR and the ICESCR as well as the set of specialized UN Human Rights Conventions on Genocide, Racial Discrimination, Women, Children and Disabilities (UN, 2017) are authoritative conventions protecting human rights in line with my definition. While defining specific rights, these conventions also leave considerable room for interpretation and organizational adaptation, provided that

spirit and purpose of the law are guarded and that the formal criteria of universality, equality, moral grounding, and general epistemic accessibility respected (Rüthers, 1999; Rüthers, Fischer, & Birk, 2013). As the next section (1.4.2) shows, moral reasoning concurs with legal scholarship and treaties in that MDBs have an obligation to respect human rights.

### 1.4.2 Legal Arguments for the Human Rights Obligations of MDBs

In line with eminent legal scholars (McDougal, Lasswell & Chen, 1980; Simma et al., 2002; Paust, 2010) and in line with the advisory opinions of the International Law Commission (UN GA, 2011 A/66/10, 2011), I argue that MDBs, and all other international organizations need to respect human rights law on legal grounds. In the following, I draw on international treaties, legal opinions and case law concerning the human rights obligations of MDBs. The analysis shows that compelling legal arguments exist establishing a legal obligation to respect and protect human rights among MDBs in their capacity as international organizations and in virtue of the human rights obligations of their member states on the respective Board of Directors. Moreover, the World Bank as an MDB possesses human rights obligations in virtue of its status as a “Specialized Agencies” of the United Nations.

First, as international organizations, MDBs possess legal personality. In parallel to other IOs, they thus derive human rights obligations from customary international law as well as from the general principles of law (McBeth, 2009; ILC, 2011). According to the International Law Association’s final report on accountability of international organizations (2004), “Human rights obligations, which are increasingly becoming an expression of the common constitutional traditions of States, can become binding upon IO-s in different ways: through the terms of their constituent instruments; as customary international law; or as general principles of law or if an IO is authorized to become a party to a human rights treaty. [...] Moreover, certain human rights obligations may have attained the status of peremptory norms” (ILA, 2004, p. 26). The here referenced “peremptory norms” have been specified by the International Law Commission as “norms that are clearly accepted and recognized,” including “the prohibitions of aggression, genocide, slavery, racial discrimination, crimes against humanity and torture, and the right to self-determination.” (ILC, 2001).

Secondly, executive directors (EDs) on MDB Boards of Directors are obliged to vote in line with the various specific human rights obligations of the countries they represent. According to the International Law Commission’s Report on the effects of foreign debt and other related international financial obligations of States (2011),

“All States, whether acting individually or collectively (including through international and regional organizations of which they are members), have the obligations to respect, protect and fulfill human rights. They should ensure that any and all of their activities concerning their lending and borrowing decisions, those of international or national public or private institutions to which they belong [...] do not derogate from these obligations.” (UN, 2011)

Similarly, the “Maastricht Principles on Extra-Territorial Obligations of States in the Area of Economic, Social, and Cultural Rights” states

“[a]s a member of an international organization, the State remains responsible for its own conduct in relation to its human rights obligations within its territory and extraterritorially. A State that transfers competences to, or participates in, an international organization must take all reasonable steps to ensure that the relevant organization acts consistently with the international human rights obligations of that State.” (EU, 2011)

Some MDBs have argued that EDs are formally their own staff, employed by the MDB and hence not representatives of member states. This argument not only runs counter to *de facto* member state control over their EDs (which management is well aware of). The interpretation is also untenable on legal grounds. In 2003 the UN Committee on Economic, Social and Cultural Rights (CESCR), clarified the obligations of member states in international organizations with regard to the right to water in a General Comment, stating that

“States parties should ensure that their actions as members of international organizations take due account of the right to water. Accordingly, States parties that are members of international financial institutions, notably the International Monetary Fund, the World Bank, and regional development banks, should take steps to ensure that the right to water is taken into account in their lending policies, credit agreements and other international measures.” (UN CESCR, 2003).

Three years before, in 2000, the Committee made the same observation with respect to the right to health (UN, 2000). Following the spirit of these judgements, MDBs are obliged all international, legal expressions of human rights, including the international “Bill of Human Rights” (including the UDHR, the ICCPR and the ICESCR) as well as the set of specialized UN Human Rights Conventions (on Genocide, Racial Discrimination, Women, Children, Disabilities).

Third, the World Bank in particular is also a specialized agency of the United Nations. This relationship exists in virtue of an agreement between the World Bank and the UN’s Economic and Social Council (ECOSOC; UN – IBRD, 1946). Having this status, the World Bank is obliged to promote member states compliance with the UN Charter. Where conflicting obligations exist, adherence to the UN Charter remains the foremost duty of UN member states. According to Art. 103 of the UN Charter, “in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.” (UN, 1945). The UDHR ICCPR and the ICESCR, have been recognized as the key documents to interpret the rights provisions in the UN Charter (De Schutter, 2010, p. 50). As a consequence, the World Bank’s own articles of agreement and/or operational policies cannot possibly supersede its human rights obligations (ILC, 2011)<sup>14</sup>. Notably, the World Bank repeatedly came to the

14 The argument that the World Bank’s Articles of Agreement (AoA) prescribe an “a-political” role for the World Bank that does not allow for human rights obligations has been repeatedly made by World Bank staff during the review and was confirmed in my interviews at the legal department.

conclusion that it was bound by human rights by virtue of being an IO and a UN agency itself. Already in 1998, the World Bank published a report entitled “Development and Human Rights: The Role of the World Bank,” which stated on page two that it had “always taken measures to ensure that human rights are fully respected in connection with the projects it supports.” In 2006, the World Bank’s Senior Vice-President and General Counsel Roberto Danino – a strong advocate of a human rights centered development approach – wrote in his “Legal Opinion on the World Bank and Human Rights,” that the institution should “recognize the human rights dimensions of its development policies and activities, since it is now evident that human rights are an intrinsic part of the Bank’s mission” (World Bank, 2006).

To sum up, international organizations play an increasingly important role in solving global policy challenges. Multilateral development banks are no exception to this. Despite current trends pointing in a different direction, long-term empirical trends indicate an enhanced (not less) exercise of MDB power across all dimensions of the policy cycle. While there is little debate that MDBs are important actors in the field of development, disagreement exists with regard to the standards to which MDBs should adhere to be considered legitimate. A comparison of models for global order with cosmopolitan intent against the background of empirical trends suggested that MDBs should be seen as actors within a framework of cosmopolitan pluralism. Accordingly, in the absence of meta-governance by some transnational authority, the specific responsibilities of MDBs involve the adoption of policy and institutional reforms that guarantee deliberation and accountability. This work focusses on MDB obligations to guarantee accountability, conceptualized as direct accountability toward those affected by MDB governance. Since accountability may rest on different standards, I further showed that MDBs have a moral duty as well as a legal obligation to protect human rights. While the former results from the unique quality of human rights to protect basic human interests, the latter relates to MDB’s status as international organizations and the obligations of their member states on the executive boards. The World Bank in particular has additional human rights obligations in virtue of its nature as a specialized UN agency.

### 1.4.3 MDB Obligations in light of larger Empirical Trends in Global Governance

So far, I have argued in favour of human rights as the standard of direct accountability in global governance on moral and legal grounds. In this section, I intend to argue that these normative reasons are particularly and additionally compelling in light of the larger *empirical* developments in global governance. If one agrees that we should care about the normative legitimacy of political orders on the international level (thus including MDBs) as well, it is a matter of intellectual honesty on behalf of the researcher to broaden the perspective and to ask, which model of a global order is likely to guarantee legitimacy against the background of existing empirical trends. Taking up this task, Michael Zürn differentiated ideal-typical proposals for “models of global order

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Yet, this argument does not hold, even if one accepts the premise that development could ever be “a-political” (while human rights are “political”) and, secondly, that the AoA should be interpreted in this way.



formulated with a cosmopolitan intent” (Zürn, 2016, p. 91), namely: (a) the intergovernmental model of democratic states, (b) cosmopolitan democracy, and (c) cosmopolitan pluralism.<sup>15</sup> All three share a cosmopolitan intent as they are built on notions of “individualism (human beings are the ultimate units of concern), generality (all human beings are of concern), and universality (all human beings are of equal concern)” (Zürn, 2016, p. 90; see also Pogge, 1994, p. 89). All models share a commitment to democracy and human rights protection among states and, critically, among international organizations. While scholars developed and discuss these three models for international organizations more broadly, the arguments apply to the human rights protection of MDBs more specifically as well. In agreement with Zürn, I hold that only the third model – cosmopolitan pluralism – is realistic in light of current empirical trends. The broader implication here is that we should understand MDBs (and IOs more generally) as part of an evolving order characterized by cosmopolitan pluralism. Such a contextualization matters, as we can only fully grasp the moral obligations of MDBs if we agree that neither MDB member states, nor any supra-national meta-authority is capable of enforcing rules and values in the foreseeable future internationally. In a framework of cosmopolitan pluralism, international organizations should guarantee deliberation and accountability to secure their legitimacy (Geis et al., 2012). As stated above, this work focusses on accountability.

First, proponents of an *intergovernmental model of well-ordered states*, such as Thomas Christiano, Robert Dahl, Andrew Moravcsik and John Rawls, argue that the value of equal respect toward all human beings can best be realized in an international system composed of sovereign states which interact on the basis of consent. As a result, only national representatives should make fundamental decisions in international institutions, always retaining the possibility to withdraw any power they have conferred upon them. Moreover, only national governments are allowed to implement decisions and only they should have the power to rule over individuals directly (Scharpf, 1996). The increase of IO responsibilities indicated above sharply contradicts the premise of the intergovernmental model of democratic states, maximum national sovereignty. Moreover, it faces the normative challenge that a majority of states in the international system are not democratic. While the model points us toward enhanced efforts of democratization, the empirical record indicates that global levels of democratization stagnate or even decline since 2005 (Plattner, 2015).

In the second camp, we find authors who argue for a transformation of the international order into a *cosmopolitan democracy* (Archibugi, 2008; Held, 1995). Proponents of this model envision a global parliamentary assembly to secure congruence between decision-makers and those affected, but also to regulate global problems from climate change to issues of peace and security. Moreover, Pogge (2002) placed a particular emphasis on the redistribution of resources. Pogge argued in favor of greater political centralization on the global level to achieve distributive economic justice (Pogge, 2002, p. 149). While we do observe a slight transfer of powers at the level of rule enforcement,

15 Michael Zürn distinguishes between *four* basic models, including the model of a Minimal World State (Zürn, 2016). Yet, because this model is a hybrid between the second and the fourth, I here only distinguish between three basic types. Among all of these, hybrids are possible.

states remain unwilling to give up their sovereignty along a range of sectors (Wolf, 2000). For instance, there are virtually no signs of centralized economic redistribution empirically (Zürn, 2015). In addition, it is not clear at all how the organization of global elections, or global representation could be organized (Müller, 2008). In part, this is due to the fact that we lack a sufficient common understanding of values and perceptions to bring about a global demos (Zürn, 2000). Proponents of *cosmopolitan pluralism* (John Dryzek, Lisbeth Hooghe & Gary Marks, Nico Krisch, Matthias Kumm, Terry Macdonald, Jürgen Neyer) share the view that the state has lost its central steering capacity. Instead, international institutions assume central stage in regulating global affairs. International Organizations are the most prominent representatives of such institutions. According with the increasing need for coordination they have over the last decades, acquired ever more responsibilities. Yet, cosmopolitan pluralists are skeptical of emerging forms of centralized steering on the global level. If one aspires to take empirical developments seriously in thinking about the future of global governance, they argue, we need to take multiple loci of power, and accordingly, multiple patterns of legitimation into account that are, at a minimum, built on deliberation (Dryzek, 2008) and accountability (Scholte, 2011). Current empirical trends provide strong reasons to consider the question of legitimate global governance in the framework of cosmopolitan pluralism, rather than the first two (Zürn, 2015). While IOs gain increasingly more responsibilities, they do not—corresponding to cosmopolitan pluralism—assume superiority in a static way either. Rather than constituting a comprehensive regime, rule on the international level takes place with regard to specific scope and domains (Baldwin, 2013). Hence, the degree to which an IO exercises power may vary considerably between issue areas, countries and the availability of alternatives. Due to the amount of actors in international relations with conflicting, co-existing or overlapping mandates and spheres of influence, the attribution of responsibility becomes increasingly difficult for civil society and academics as well as for IO staff (Daase & Deitelhoff, 2015). However, as the previous section demonstrated, the lack of a clear center of power does not imply the absence of IO rule. Provided that *ought* implies *can* at least to some degree, we should take these empirical developments seriously also from a normative point of view (Zürn, 2015) and conceptualize IO governance as an independent order with its own legitimacy requirements, independent from the other levels of government. In line with these preceding thoughts, I agree with those authors suggesting to define substantive legitimacy requirements rather than templates of institutional design (i.e., proponents of cosmopolitan pluralism). Several authors of this school of thought proposed deliberation and accountability as two substantive criteria around which a consensus emerges (Buchanan & Keohane, 2006; Deitelhoff, 2012). *Deliberation* demands that all perspectives and arguments enter the decision-making process, rather than pre-supposing a “Demos” as the sovereign of decision-making. The aggregation of preferences and strategic bargaining between competing interests is replaced by public reasoning (Deitelhoff, 2012). As deliberation can be organized in a decentralized manner, it thus promises to mitigate the representation problem. What is more, deliberation itself has been theorized to contribute to the very creation of a global Demos (Habermas, 2005). Similarly, Dryzek argued in favor of discursive democratization “as a process rather than a model, which can be applied to all levels in complex multi-level governance, from



the local to the global.” (Dryzek, 2008, p. 470). Building on the work by Forst (1994; 2007; 2010), Scholte (2011), Buchanan and Keohane (2006), though, I focus on *human rights accountability* as a minimum standard IOs (and by extension, all MDBs) need to secure to be considered legitimate from a normative standpoint. In particular, Forst’s (2007) work on a “basic right to justification” has provided a powerful philosophical standing for accountability regimes wherever governance takes place. For Forst, democratic decision-making ensures the fairest distribution of this right, as all those affected by political rule have an equal chance to demand justification. Following up on this research, for Bovens, Goodin, Schillemans, and Mansbridge (2014) the core of accountability is about providing answers toward those with a legitimate demand for justification (see section 1.3). While I agree that both deliberation and accountability are necessary to secure MDB legitimacy, a focus on both would go beyond the scope of this work (see Hack, 2017, for a valuable recent contribution focusing on the deliberative quality of the WTO).

Concluding this chapter, I have shown that my argument for human rights accountability as a minimum requirement of legitimate MDB governance (among other requirements) enjoys widespread support among political philosophers with a focus on moral theory, legal scholars and political theorists with a cosmopolitan impulse who take contemporary trends in global governance seriously. While human rights express the equal moral standing of human beings in virtue of an equal respect for their basic needs, accountability expresses “a belief that persons with public responsibilities should be answerable to ‘the people’ for the performance of their duties” (Dowdle, 2006, p. 3). With this in mind, I now turn to transnational social movements and their advocacy for precisely this human rights accountability of MDBs “on the ground”.

## 2 Transnational Social Movements as agents of change in World Politics

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Having established the normative ground of demands for human rights accountability among MDBs, I now turn to transnational social movements (for an elaboration, see Chapter 3) as the agents who can bring such change about. In fact, the question which movement tactics are capable of socializing MDBs into human rights accountability is at the core of the current work. As stated in the introduction, I understand socialization as a “process of learning to behave in a way that is acceptable to society” (Oxford Dictionary, 2018), whereby the society of interest is the community of public authorities abiding by human rights (e.g., states, IOs and nonstate actors). The agents of interest in my work are transnational social movements that engage with MDBs and thus kick off the socialization process. Before developing a causal mechanism of social movement influence on MDBs in Chapter 3, this chapter deals with the state of the art regarding the transnationalization of social movements and their tactics.

In social movement studies, there is an impressive body of literature on the nature of social movements and the effectiveness of their strategies to achieve social change, though the origins are notoriously difficult to determine with precision. According to Hellman (Hellmann & Koopmans, 1998), the first writings on social protest movements date back to the period of The Enlightenment. It was in the 20<sup>th</sup> century however that scholars began to analyze the origins and effects of social movements in a systematic manner. Up until the 1960s, the field was heavily influenced by the early work of Gustave Le Bon. In his most important work, “The Crowd – A Study of the Popular Mind” from 1896, Le Bon conceptualized protest movements as amorphous aggregations of uneducated people who are guided by their affects and deeply susceptible to manipulations from elites. In this tradition of thought, scholars in the 1950s conceptualized protest movements as irrational and inherently undesirable social phenomena (Kornhauser, 1965). Against the background of the recent experiences in Nazi Germany, where masses of people cheered the proclamation of “total warfare,” they saw movements as alternatives to, rather than expressions of, politics (Meyer, 2004). Toward the 1960s, when the civil rights movement in the United States and the student movements in Western Europe took off, the perspective changed dramatically. Not only did researchers find

out that movement activists were highly political animals involved in several political organizations at once (Parkin, 1968), and were well-educated and psychologically more fit than average (Keniston, 1968), but scholars also found that movement activism led to tangible concessions by governments (Button, 1978; Piven & Cloward, 1979). Increasingly, movement activism was re-defined as reasonable to achieve political goals<sup>1</sup>. Throughout the 1970s and 1980s, scholarship on social movements augmented considerably against the background of the so-called “new social movements.” Prominent examples of these movements were the civil rights, feminist and gay rights movements in the 1970s, and the environmental and peace movements in the 1980s. Scholars advocating a “new social movement theory” considered these movements “new” because the political issues identified could not be captured in terms of an economically defined class alone. According to Buechler (1995), new social movement theory emerged “in large part as a response to the inadequacies of classical Marxism to analyze collective action” (p. 441). While classical Marxism viewed everything outside economic contradictions as “secondary,” new social movements and accordingly new social movement theory put identity, politics and culture at the center. Two major theoretical paradigms which synthesize several insights into scope conditions of movement success are resource mobilization theory (RMT) and political opportunity structures (POS). While the former focuses more on the resources and internal organization of movements (e.g., McCarthy & Zald, 1977), their mobilization strategies (e.g., McAdam, 1986), or the determinants for choosing a certain course of action rather than another (e.g., Dellmuth & Tallberg, 2017), the latter is more concerned with political and discursive opportunity structures facilitating change. I discuss both these theoretical paradigms when addressing the scope conditions of movement influence in Chapter 3.

In this chapter, I laid the ground for the agents of change central to this work. Thus, I define transnational social movements (2.1), before I briefly elaborate on the transnationalization of social movements in Section 2.2. This transnationalization occurs against the background of an increasing exercise of power of international organizations (see Chapter 1). In Section 2.3, I categorize the means of movements into conventional and disruptive tactics, before I discuss the outcomes of social movements in Section 2.4. Tactics and movement (i.e., socialization) outcomes form building blocks for the causal mechanism I develop in Chapter 3.

## 2.1 Transnational Social Movements – A Definition

I begin with my conceptualization of transnational social movements (TSM). It shares with other definitions of concepts that it strives to be bounded enough to exclude related, but different social phenomena without excluding those phenomena of theoretical interest to my work. Different definitions of social movements have been proposed

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1 Social movement scholars in the United States often refer to Mancur Olson as the founder of research on collective action. In “The Logic of Collective Action: Public Goods and the Theory of Groups” (1965), Olson examines why political groups emerge and persist, even though there is no rational incentive to do so from the perspective of each individual member.

in the literature (e.g., Benford and Snow, 2000; Goodwin & Jasper, 2003; McAdam & Snow, 1997; Tarrow, 1994). While existent definitions of social movements differ in their scope as well as in the aspects they deem particularly important, the most prominent definitions share the common core features: collective action, a combination of organized and non-organized components, some degree of temporal continuity, intentionality, and a shared goal. *Transnational* social movements complicate the matter, as they add a geographical element.

My definition of transnational social movements (TSMs) overlaps to a large extent with that of transnational advocacy networks (TAN), as the literature also overlaps with regard to identifying advocacy/movement strategies. In this conceptualization chapter, I will make these overlaps explicit where suitable. There are two main reasons for choosing the term “transnational social movements” rather than “transnational advocacy networks.” First, to my reading, the term transnational advocacy network (TAN) is broader in scope, including a wider range of actors such as NGOs and academics, but also staff of international organizations (IOs) and like-minded states (Keck & Sikkink, 1998; Risse et al., 1999). My work focuses more narrowly on social movements. These include major NGOs and academics as well, but exclude IOs and like-minded states, or bodies of such states. The purpose of this work is precisely to identify how transnational social movements target (rather than cooperate with) MDBs and how they use the state channel (especially parliaments of MDB member states) to achieve reform. Secondly, there is a very long tradition of scholarly work regarding the choice of conventional vs. disruptive tactics in social movement literature. While I refer to important contributions from scholarship on advocacy networks, I mainly draw on this rich amount of work on movement tactics to make my argument. In the following, I will first define social movements and then move on to a full definition of transnational social movements.

First, social movements are *collectivities (or collective actors)* that engage in collective action. According to Snow and colleagues (2004), collective action “consists of any goal-directed activity engaged in jointly by two or more individuals” (p. 6). As collectivities, social movements face collective action problems such as free-riding (people benefit from the collective good movements provide without contributing to its provision).

Moreover, social movements are typically composed of *organized and non-organized actors*. While some scholars (e.g., Piven & Cloward, 1977) were skeptical of large organizations and instead emphasized the importance of dynamic, loosely coupled networks, a majority of scholars (Gamson, 1975; Lofland, 1996) highlighted the importance of organizations such as Oxfam, Amnesty International, Greenpeace or Human Rights Watch for the movement as a whole. For advocacy networks and movements alike, organizations are critical to deploy resources for campaigns and to coordinate activities (Gamson, 1990). Other authors stressed the importance of organizations to mobilize large numbers of people at once, a process referred to as “bloc recruitment” (Oberschall, 1993, p. 24). Several scholars following this line of thinking have mainly focused on organizations within movements to study the movement as a whole (Lofland, 1996; McCarthy & Zald, 1977). However, social movements are not organizations, not even of a peculiar kind, but rather “networks of interaction between different actors which may either include formal organizations or not, depending on shifting circumstances” (della Porta

& Diani, 1999, p. 16). In line with Tarrow, I hold that movements involve organized and non-organized actors. A famous example is the civil rights movement of the 1960s in the US, which cooperated heavily with the Southern Christian Leadership Conference as well as the Student Nonviolent Coordinating Committee. While organizations are central to movements, their partial reliance on loosely associated, non-organized actors (e.g., academics who are not member of a movement organization, volunteers, or protestors in a demonstration without organizational affiliation) distinguishes them from interest groups (Tarrow, 1998).

While the reasons for joining a social movement can be manifold involving individual psychological (e.g., a sense of injustice), sociological (e.g., the potential recruit already knows someone in the movement) and structural (the lack of spouse, children and a demanding job) factors (Snow, Zurcher, & Eklund-Olson, 1980), those eventually forming part of the movement pursue, analogous to those participating in advocacy networks, *shared goals on the basis of shared values* (Keck & Sikkink, 1998, p. 2). Thus, in contrast to scholars viewing advocacy networks (and by extension, social movements) as analogous to private firms (Prakash & Gugerty, 2010), I agree with those who emphasize the fundamental distinction between both types of collective actors: seeking profit is constitutive for private firms, while seeking to advance (their definition of) the public common good is constitutive for movements and advocacy groups. This has major implications for the way they operate. In contrast to private firms, movements immediately lose their influence when caught putting generation of resources over pursuing the public good, or when making false claims about the world. In fact, risking their moral standing and expert status is by far the greatest threat to movements and advocacy networks alike (Risse, 2010). Yet, in contrast to conceptualizations proposed by scholars with a tendency to presume only progressive movement values and causes, I follow Jasper (2004) who argued that movements might also pursue regressive goals. The formulations “shared goals” and “shared values” leave open whether movements seek to foster or retard social change, and whether their value base is normatively benign. Whether one or the other applies is an empirical, not a conceptual question.

The notion of shared goals also indicates that movements are strategic collective actors. In other words, movements (as well as advocacy networks) possess intentionality. Thus, despite their heterogeneity in terms of membership, they coordinate activities and calculate potential responses. This contrasts with other social phenomena driven by unconscious and impulsive group behavior (e.g., panics). It also contrasts with conceptions of movement actors as purely altruistic (e.g., Bob, 2010). Neither the notion of shared values, nor that of a shared visions of the common (public) good implies such other help preferences. Instead, key contributions in social movement (e.g., Jasper, 2008) and advocacy network (Keck & Sikkink, 1998) literature puts special emphasis on the rational, strategic acting of their objects of study. As Risse put it, “principled believers are no dummies” (Risse, 2010, p. 286).

An important feature that distinguishes movements from interest groups or political parties is their use of inside as well as outside tactics. While political parties may collaborate with movements and organizations that engage outside formalized channels of decision-making (e.g., the German Green Party supporting Green Peace, the Nature and Biodiversity Conservation Union, and other environmental organizations),

their focus as political parties is on conventional channels of influence (e.g., parliamentary activities). I will elaborate on conventional/inside and disruptive/outside means of engagement when discussing the causal mechanisms of change in Chapter 3.

In contrast to riots or spontaneous demonstrations organized in the immediate aftermath of an event, movements possess a degree of *temporal continuity* (Snow et al., 2004). Consider the women's movement, which had its roots in the early 19<sup>th</sup> century and persisted across generations. Other movements, however, are rather short lived, indicating that the time span may vary considerably. Typically, we can observe periods of heightened activism followed by a time of dormancy, which Tarrow (1998) captured with the term *cycles of protest*. However, temporal continuity is a central feature of movements. Bringing together these elements, I propose the following definition of social movements as *collectivities composed of organized and non-organized actors that engage in sustained and intentional interactions with power-holders to pursue shared social goals on the basis of shared values*.

Social movements turn into transnational social movements (TSM), if they possess “constituents in at least two states” and are “engaged in contentious interactions with power-holders in at least one state other than their own, or against a transnational institution or a multinational economic actor” (Tarrow, 2001, p. 11). Overall, I agree with Tarrow’s definition, but make a small refinement to the last part, as the distinction between a “transnational institution” and a “multinational economic actor” is not only misleading, but is also unnecessarily introduces complexity. It is misleading, as most activity of transnational social movements is directed against international organizations, rather than transnational institutions (Tallberg et al. 2018). The distinction unnecessarily introduces complexity, as it remains unclear what exactly the difference between “multinational economic actors” and “transnational institutions” is. In my understanding, MDBs (a term more common than multinational economic actors) are a specific subtype of international organizations.

In sum, I end up with the following definition: Transnational Social Movements (TSM) are *collectivities with constituents in at least two states, composed of organized and non-organized actors that engage in sustained and intentional interactions with power-holders in at least one state other than their own, or against an international institution, to pursue shared social goals on the basis of shared values*.

## 2.2 The Transnationalization of Social Movement Activity

Modern social movements of the early 20<sup>th</sup> century were tied to the emergence of the modern nation state. The role of the state as the primary target of social movements is hardly challenged even today. Yet, since the 1960s, the social, cultural, technical and political changes commonly discussed under the heading of “globalization” have transformed social movements as well. In their seminal contribution “Transnational protest and global activism” (2005), Della Porta and Tarrow identified diffusion, domestication and externalization as the three main forms of transnational contention. According to the authors, *diffusion* occurs when “challengers in one country or region adopt or adapt the organizational forms, collective action frames, or targets of those in other countries

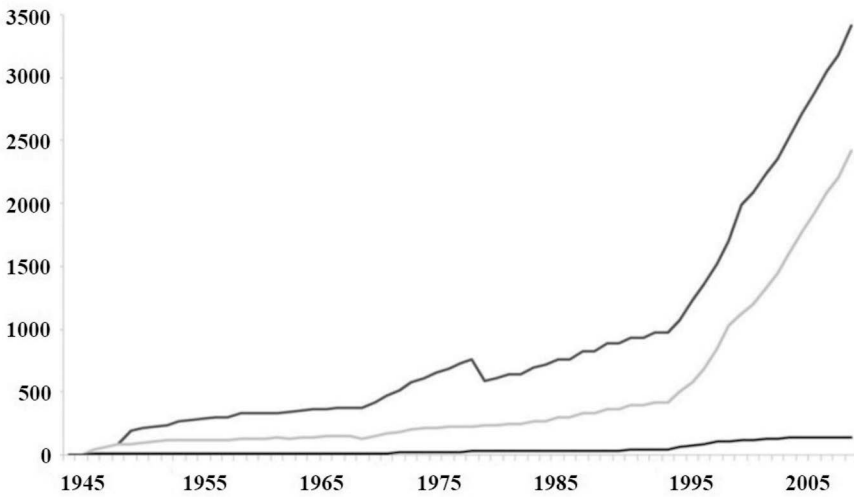
or regions" (Della Porta & Tarrow, 2005, p. 3). An example of diffusion is the Western European movement's adoption of "sit-ins," a tactic of contention first practiced by the American civil rights movement (Tarrow, 1989). In another variant of diffusion, themes and practices of the 1960s students' movement in the United States spread to Western Germany, primarily through students who had studied in the United States (McAdam & Rucht, 1993). According to Della Porta and Tarrow, the relationship between processes of diffusion, transnational networks and identities can be described as a virtuous cycle. Sustained diffusion requires, but also helps produce the latter (Della Porta & Tarrow, 2005). Next, *internalization* or *domestication* refers to "the playing out on domestic territory of conflicts that have their origin externally" (Della Porta & Tarrow, 2005, p. 4). Examples include the mobilization of farmers at the national level to protest against EU policies (Bush & Simi, 2001), or national protests against IMF-induced spending cuts in Argentina in 2001 (Auyero, 2003). Third, *externalization* describes the attempt by NGOs in one location to stimulate an international alliance with movements in another location that lack resources and/or opportunities. In a common variant of externalization, domestic and international actors jointly tackle IOs or liberal states to exercise pressure on their national government (Della Porta & Tarrow, 2005; Keck, 1998). At the European level, feminists, environmentalists, and unions have also managed to use the European Court of Justice to obtain favorable results (Della Porta & Tarrow, 2005). Della Porta and Tarrow concluded that diffusion, internalization, and externalization represent three processes through which we can observe a transnationalization of movement activity.

Scholars hinted at several driving forces enabling these developments. For Della Porta and Tarrow (2005), the end of the Cold War encouraged movement connections and solidarities that were formerly blocked by the Iron Curtain. Moreover, the revolution in communication technologies (primarily the Internet) and an increasing knowledge of common languages enabled enhanced communication on a regular basis, while cheap international travel was conducive to physical meetings at international summits (e.g., the World Social Forum; Della Porta & Tarrow, 2005). The availability of information from around the globe and regular physical interaction also lead to an enhanced ability to put oneself into the position of an unknown and distant other, to show empathy and solidarity. The increasingly widespread willingness among citizens to engage in the face of human rights violations are a clear indication of this (Finnemore, 2004; Furia, 2005). International Organizations, finally, play an important role in that. They serve as forums where movement actors come together to discuss issues of common concern. Examples include the increasing number of NGOs applying for a "consultation status" under the UN framework or the increasing activity of lobby groups and unions at the international level (Zürn & Ecker-Ehrhardt, 2013).

In 2015, more than 4,000 NGOs acquired consultative status within the United Nations (United Nations, 2015), while the EU's interest group register lists 7400 organizations (a large portion of which are NGOs; European Union, 2017). Moreover, hundreds of NGOs attend the annual meetings of the World Bank (World Bank Group, 2017) or the World Trade Organization (WTO, 2017). While IOs are potential movement allies to advance change internationally or within states (Liese, 2006; Uhre, 2014), they also in-



Graph 1: NGOs with consultative status at the UN Economic and Social Council (ECOSOC)



Source: Zürn, 2014, p.56

creasingly become targets of movement activism themselves (Zürn & Ecker-Ehrhardt, 2013).

## 2.3 Social Movement Tactics

Social movements are collective actors that seek to pursue public goods on the basis of shared values by strategically engaging in certain types of action (see Section 2.1). In doing so, movements face several tradeoffs, choice points, and dilemmas as they choose their “repertoire of contention”<sup>2</sup> (Taylor & Van Dyke, 2004; Tilly, 1995). A particularly relevant and recurring dilemma in the interaction between TSM and their opponents is the choice between “conventional” and “disruptive” tactics (e.g., Chenoweth & Stephan, 2011; Gamson, 1990; Giugni, 1998; Tilly, 1995). Similarly, the literature on non-governmental organization (NGO) advocacy in international relations literature discusses the effectiveness of “inside” vs. “outside” tactics (e.g., Carpenter, 2011; Keck & Sikkink, 1998; O’Brien, 2000; for an overview, see Risse, 2012). This basic classification of tactics into the conventional (inside) and disruptive (outside) also sits well with Daase and Deitelhoff’s (2014) recent differentiation between “opposition” and “dissidence”. Daase and Deitelhoff claim that conventional and disruptive *means* of contention tend to go along with different *objects* of contention: contention in political systems that allow for opposition through conventional channels tends to center on single policy decisions, while

2 The notion of “repertoire” borrowed from theater refers to the set of actions available to a TSM in a given period. Repertoires thus involve a bundle of tactics.



the repression of such opposition invokes disruptive tactics and a repudiation of the order as a whole (Daase & Deitelhoff, 2014, 2017). In between both extremes, political and institutional reforms tend to be accompanied with conventional and disruptive tactics. The following table summarizes their conceptualization of opposition and dissidence in relation to the objects and means of movement contention:

Table 1: Conventional and Disruptive Tactics as Means of Contention

	Opposition		Dissidence
Object	Single Decisions	Political and Institutional Reform	Order as a whole
Means	Conventional tactics (Inside formal channels)		Disruptive tactics (Outside formal channels)

Source: adaptation from Daase & Deitelhoff, 2014, p.12

This typology is useful to hint at a general pattern in the relationship between tactics, means, and objects of contention. In line with this general pattern, the social movements I analyze demanding political and institutional reform toward enhanced human rights accountability at the World Bank employed both, conventional and disruptive tactics. Yet in contrast to Daase and Deitelhoff (2017), I argue that conceptualizing opposition and dissidence according to tactics *and* goals is misleading, as the relationship between means and objects should remain an empirical, rather than a definitional question. By way of example, communist parties in Western Europe reject the order as a whole, but operate within the confines of parliamentary democracy (Daphi & Anderl, 2016). Similarly, dissidence does not necessarily involve a rejection of the existing order as such. Practices of civil disobedience are dissent because they take place outside established rules. Yet, it is also civil as long as rule-breaking is proportional to the aspired goals (i.e., preserving the physical and psychological integrity of its opponents), if these goals are a matter of conscience, and if it accepts the constitutional order as a legitimate structure for its actions (Dworkin, 1977; Rawls, 1971).<sup>3</sup> Thus, despite the use of disruptive, even violent tactics, activists might not question, but rather defend the democratic order. In my work, I therefore focus on the differentiation between conventional and disruptive *tactics*.

3 As Ladwig (2006) correctly argues, even violence might be primarily used as part of this symbolic critique: When Beate Klarsfeld slapped Kurt-Georg Kiesinger (a former German chancellor and member of Hitler’s NSDAP) in the face, the strength of the message arguably outweighed the pain inflicted. A drastic example of the symbolic use of violence is auto-destruction. Where activists go in hunger strike and expose themselves to great risks, it becomes very clear to outsiders that their concerns are urgent. Rather than being opposed to the constitutional order, civil disobedience within the confines of a democratic state may express concern that key values of the democratic order are not respected sufficiently.

An early and comprehensive review on the effects of different social movement tactics was provided by Gamson (1975). In his book, *The Strategy of Social Protest*, Gamson tracked the impact of 53 social movements that challenged the U.S. government in the United States between 1800 and 1945. Gamson argued that the use of disruptive tactics was conducive to both, the acceptance as challengers as legitimate representatives of contention, and secondly, the realization of tangible improvements - Gamson's two measures of success. Several authors (Frey et al., 1992; Goldstone, 1980) who used Gamson's data to test, reanalyze and refine his conclusions confirmed his main findings concerning the effectiveness of disruption, also resonating with studies by Mirowsky and Ross (1981) and Steedly and Foley (1979). There also was agreement, that disruptive tactics are generally more promising, the more resources a movement has at its disposal (see Kolb, 2007; for a review). What remained a topic of hot debate was the effectiveness of using violence.

In contrast to Gamson, Button (1978) found that massive and severe disruption is counterproductive, as it represents a societal threat that will likely be met with repression. Investigating riots in the United States during the 1960s, Button adopted a "political opportunity structure" approach and proposed a set of general conditions for political change: those targeted have the resources available to satisfy movement demands, a relevant share of the elite and a relevant share of the public is sympathetic to movement goals and movement goals should be limited, specific and clear (Button, 1978). In line with Snyder and Kelly (1976) who looked at major strikes in Italy toward the late-18th century, however, Button found a negative relationship between violence and success. In the aftermath of a series of urban riots in the United States, scholars engaged in a debate around the differences between riots and social movements. Whereas riots involve the use of physical force to voice opposition (Braha, 2012), Tarrow (1996) defined social movements as "sustained challenges to power holders in the name of a disadvantaged population living under the jurisdiction or influence of those power holders" (p. 874). Nevertheless, riots such as those in the 1960s in the United States provided important cases to analyze the effects of disruption on outcomes in social movement protests (Cloward & Piven, 1993; Gurr, 1980; Kelly & Snyder, 1980). For instance, Colby (1982) and Jennings (1979) argued that the number of riots increased political representation. A second strand of literature focuses on labor conflicts, particularly strikes (Guigni, 1998). Again, most data comes from the United States, where movement studies became very popular in the 1970s. While Taft and Ross (1969) found little evidence that violence helped Unions during U.S. labor conflicts in the 1960s and Welch (1975) even suggested a negative effect (finding that riots increased the urban expenditure for control and repression), Shorter and Tilly (1971) found that strikes involving violence were more successful than peaceful ones in the 1970s in France. No differential effect for disruptive tactics on socio-economic gains such as income or employment on the local level was found in studies by Kelly and Snyder (1980) as well as Levitan, Johnston, and Taggart (1975). This ambiguity largely holds for more recent studies as well. While Guigni did not find much evidence for any positive effect of disruption in the United States, Italy, or Switzerland (Guigni, 2004), Katrine Uba showed that anti-privatization protests in India greatly benefitted from disruptive tactics (Uba, 2005). In his study, King investigated the potential disruption carries to affect the behavior of corpora-

tions. To recap, works on disruptive tactics reveal that disruption only works under a set of circumstances, and rarely alone. Still, even where disruptive tactics failed to reach movement outcomes, there is explicit or implicit agreement that disruption has high potential in causing *crisis* at their respective target institutions. This is of paramount importance, as authors of different disciplines have reached the conclusion that institutions open up for change due to external shocks. In particular, sociological institutionalists point to shared organizational scripts and norms of appropriateness which discourage institutions to step out of established practices. Moreover, their bureaucratic culture (e.g., “standard operating procedures”) makes it difficult for organizations to engage in substantial reform (Barnett & Finnemore, 1999). If at all, target institutions often seek to merely adjust policies to external demands superficially. So-called “jolts” (i.e., social upheavals and political pressure) have the potential to destabilize established practices (Hinings, Greenwood, & Suddaby, 2004). The resulting uncertainty then opens the space for reform and even processes of “double-loop learning” (Agyris & Schön 1980) during which actors profoundly change their identities and interests (Checkel, 1999). Similarly, proponents of rational choice institutionalism seem to agree on the importance of exogenous shocks to trigger institutional change. Typically, institutions tend to settle around equilibria which are relatively stable. Shocks which have their source in events outside of the institution can disequilibrate the institution and thus enable change. Finally, historical institutionalists theorize that once created, institutions can be characterized by inertia, stickiness and path dependencies (Hay, 2011, p. 68). Exogenous shocks then present critical junctures, since the constraining forces inherent to institutions are lifted, even if only for a short period. At such junctures, multiple pathways are possible as institutional actors proactively seek to “reexamine their surroundings, reconsider their positions, and develop fresh new approaches” (Béland & Cox 2010, p. 11).

On the other hand, several authors have argued that conventional tactics proceeding through inside channels are more effective than disruptive ones, as political and institutional change depends on public and, in particular, elite support which disruptive engagement is unable to generate. A particularly elaborate version of this argument has been made by Chenoweth and Stephan (2011). While the authors studied the mobilization of rebellions within the context of nation states, the causal mechanisms they identified are largely applicable to the choice of conventional or disruptive tactics by social movements on the transnational level. Chenoweth and Stephan suggest two main reasons for the strategic advantage of nonviolent (conventional) over violent (disruptive) tactics. First, social movements depend on the sympathy of political and societal elites. If movements engage in disruptive tactics, oppression of the challengers is likely to be accepted by these elites. In contrast, repressing nonviolent campaigns (i.e., through violent means) may backfire, as third parties tend to condemn excessive responses. Externally, international bystanders are more likely to condemn an excessive response by government, potentially leading to withdraw funding, or direct funding toward the challengers. Internally, sections inside the regime (i.e., civil servants, judiciary or police) are also more likely to sympathize with the victims of excessive repression, leading to an erosion of regime support from within. From the perspective of the regime in power, repressing a nonviolent campaign is thus more costly than repress-

ing a violent one. Interestingly, a great deal of work exists on political allies, while not that many studies have focused their attention on the role of opponents within the system, so-called veto-players (notable exceptions in this regard are works by Burstein & Hollander, 1995; Busby, 2010; Jasper & Poulsen, 1993; as well as Risse-Kappen, 1995). Secondly, drawing on correspondence inference theory (Abrahms, 2006), Chenoweth and Stephan (2011) argued that people make judgments about appropriate behavior toward adversaries based on the latter's previous actions. The theory makes a strong case for conventional tactics, as movements using conventional tactics appear more amenable to negotiation than disruptive ones in the eyes of bystanders, particularly the public (DeNardo, 2014). While social movement scholars emphasize that conventional tactics proceed through inside channels, scholars of international relations emphasized the power of norm entrepreneurs to shame (Rittberger & Schimmelfennig, 2006; Tannenwald, 2007) or persuade (Checkel, 2001; Payne, 2001) decision-makers. In his influential essay "Let's Argue," Thomas Risse (2000) expanded this debate by introducing *arguing* as a logic of social action. According to Risse, arguing refers to a process whereby actors "challenge the validity claims inherent in any causal or normative statement," aiming for a "reasoned consensus" (Risse, 2000, p. 7). While these works on arguing opened up a normatively and theoretically promising research avenue, other authors focused on "persuasion" as the concept that lies at the heart of conventional tactics—for two main reasons: first, to say that arguing took place is an ambitious claim which, at the same time, is extremely difficult to verify empirically (Deitelhoff & Müller, 2005). In fact, Risse himself pointed to the work of Habermas to emphasize that arguing constitutes a "counterfactual presupposition" (or an ideal type) rather than a statement about the empirical world (Risse, 2000, p. 17). Still, to engage in a verification concerning the degree to which arguing took place would, if possible at all (for a well-reasoned argument against this possibility see Hanrieder, 2008) go beyond the scope of this work. Secondly, recent psychological research on the relationship between emotions and cognition raises doubts with regard to the theoretical possibility of arguing (Schaal & Heidenreich, 2013). Arguing assumes a purely rational exchange of arguments. Yet, there is consensus among cognitive psychologists that emotions, the tendency to employ mental heuristics and shortcuts play a role in all decision-making contexts. Damasio (1994) showed that political communication, as all communication, does not only transport arguments, but also values and emotions. Critically, we depend on emotional activity to think rationally. Without any emotional arousal, rational thinking is inhibited if not impossible. Importantly, though, the works cited here concur in that the use of conventional tactics may lead to promising outcomes. Conventional tactics maintain good rapport with the opponent and ensure future cooperation. Yet, the cited studies above suggest that disruptive tactics may be necessary to increase pressure and to open up the discourse where access is severely limited and targets remain unresponsive due to organizational inertia. Taken together, these findings suggest the usefulness of tactics is highly context-bound, involving a complex interplay between actors seeking change, their surrounding (discursive) structures, and individual-level, psychological factors on

behalf of frame recipients.<sup>4</sup> Furthermore, trade-offs between both tactics may emerge, where TSMs need to make a basic decision for the use of one or the other (Jasper, 2008).

In his study on urban protests, Schumaker (1978) emphasized that disruptive tactics are more likely to work where the scope of conflict is narrowly limited to the protest group and their immediate target. Yet, where protest groups are small, they are more likely to face repression when using disruptive tactics, suggesting a mix of tactics (O'Keefe & Schumaker, 1983). Similarly, Staggenborg contradicts Piven and Cloward's finding that the transformation of movements into more professional and bureaucratic social movement organizations does not prevent them from using innovative, disruptive tactics. According to her study on the "Pro-Choice Movement" in the United States during the 1980s, it was the combination of militant tactics (e.g., by the Reproductive Rights National Network) with conventional tactics of highly professional organizations that enabled the movement's success (Staggenborg, 1991). In his article "Outside Lobbying," Kollman (1998) explored the effectiveness of interest groups to influence the U.S. Congress via the mobilization of the public. In contrast to authors who argued that strategies involving the public are primarily aimed at recruiting new members, Kollman postulated that the public is an important vehicle to demonstrate widespread support among the electorate, thus increasing pressure on decision-makers. Particularly where leaders of interest groups calculate that the public supports their claims, appeals to the public are an essential component of the overall lobbying strategy that involves both conventional and disruptive tactics. Kollman substantiated this argument by reference to more than 90 interviews with interest group leaders and policy makers as well as a statistical analysis of public opinion data. Perhaps the most influential study suggesting mixed tactics is that by McAdam and Su (2002). Therein, the authors investigate the outcomes of conventional and disruptive anti-Vietnam War protests from 1965 to 1973 in the United States. Using time-series analysis of protest event data coded from *The New York Times*, they analyze the impact of movement activity on voting behavior in the U.S. Congress. The results are mixed with respect to conventional and disruptive tactics, indicating that different tactics had positive effects (mainly on agenda setting) as well as negative effects (in terms of policy outcomes) on congressional voting behavior at different points in time. Comparing the anti-Vietnam-War protest with the civil rights movement, McAdam

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4 On an anticipatory note, I am interested in movement tactics in relation to a specific set of scope conditions. In that, I follow Zürn and Checkel (2005) who have convincingly argued that the narrow focus on one side of the structure-agency relationship is shared by both, rational choice and constructivist scholars. Even if one agrees with the constructivist notion that ontologically, agency and structure co-determine each other (Ulbert, 2005), most constructivist studies take either structure or agency as their starting point, too. According to Zürn and Checkel, positivism – which, according to the authors is embraced epistemologically by rationalist as well as (most) constructivists in IR (including the present work) – lies at the heart of this imperative to define a starting point. For “the simultaneous study of the mutual constitution of structure and agency barely seems possible” within a positivist epistemology (Zürn & Checkel, 2005, p. 1051). I elaborate on the relation between rational choice and constructivist accounts and their respective logics of action in relation to IOs in Chapter 3.3.

and Su stressed the importance of a general commitment among movements to the principals of democracy, while maintaining an ability to disrupt. As they conclude:

“This observation motivates us to close by speculating on the paradoxical nature of politics in the United States and the peculiar strategic challenge it poses to movements. To be maximally effective, movements must be disruptive/threatening, while nonetheless appearing to conform to a democratic politics of persuasion. Democratic theory notwithstanding, threat and disruption (and even violence) have been effective means of mobilizing power in the United States, but typically not when practiced by groups perceived as antidemocratic.” (McAdam & Su, 2002, p. 718)

Rectifying McAdam and Su's findings, a qualitative study on corporative and public interest groups in Denmark (Binderkrantz, 2008), as well as large-n study drawing on surveys of interest groups in Austria, Germany, Ireland, Latvia and Spain (Dür & Mateo, 2013), confirm that a combination of direct contacts with decision-makers (inside strategies) and the mobilization of the public (outside strategies) are most effective. As Dür and Mateo emphasized in their recent study, inside and outside tactics are dependent on a different set of scope conditions. While access to decision-makers matters for inside tactics, the advocacy group's endowment with material resources and the issue area (especially distributive politics) are critical for the latter (Dür & Mateo, 2013).

In my work, I follow scholars in this third camp (i.e., scholars who seek to build bridges among those advocating conventional and those advocating disruptive tactics). I agree in that both tactics represent a distinct potential under a given set of conditions and should thus be considered as complementary in achieving movement outcomes (e.g., the socialization of MDBs into human rights accountability). I now turn to the debate regarding the outcomes of social movements.

## 2.4 Socialization and the Outcomes of Social Movements

The title of this work states: “Socializing Development Transnational Social Movement Advocacy and the Human Rights Accountability of Multilateral Development Banks.” Traditionally, socialization literature in international relations (IR) focused on states. In an early contribution, Waltz (1979) referred to socialization as a mechanism that ensured conformity among states. The groundbreaking work by Wendt (1999) provided avenues for novel, constructivist research on state socialization through structures of meaning and the construction of shared identities. Increasingly, the potential of TAN came to the fore as socializing agents. Since, several influential conceptions of the term socialization emerged. These studies hint to similar, but at times also slightly different socialization outcomes. For instance, some authors hold that socialization leads to sustained compliance with the promoted norms regardless of incentives (Goodman & Jinks, 2013; Risse & Sikkink, 1999; Schimmelfennig, 2005), while other emphasize the adoption of new roles in line with the favored norms (Beyers, 2005) or the adoption of novel interests and values (Gheciu, 2005). Capturing different elements of these works, Risse and Sikkink (1999) defined socialization as the process by which principled ideas translate into “collective understandings about appropriate behavior which then lead



to changes in identities, interests, and behavior” (p. 11). Given this broad definition (resembling closely the early, sociological understanding of socialization as found in the work of Emile Durkheim, 1922), there is a need to break the concept down to make it viable for empirical study (Zürn & Checkel, 2005). I hold that, once more, a dialogue between social movement research and IR research on socialization is fruitful at this point to refine the definitions and measurement of socialization outcomes. In the following, I distinguish between socialization effects internal and external to the movement. Discussing the range of external movement outcomes, I follow a common distinction (Bosi et al., 2016) regarding effects on people, policies and institutional reform. My work focuses on the latter two, effects on policies and institutional reform.

On a general level, scholars differentiate between effects *internal* or *external* to the movement (Bosi et al., 2016; Guigni, 1998). For instance, strengthening internal cohesion and solidarity is important for sustained movement activity. Tactics such as high-risk activism or criminal activities are particularly suitable to create in-group bonds, whereas they tend to have little effect in terms of policy change (della Porta, 1995). While concern for internal effects may at times override concerns for outreach empirically, I am concerned here only with outcomes external to the movement. A famous typology of (external) movement outcomes was provided by Gamson in 1990, when he defined (a) the acceptance of a contending group by its target as representatives of legitimate interests, and (b) the gain of material advantages as the two overriding categories. Gamson argued that movement success ranged from full response, over pre-emption, to cooptation and lastly collapse along these two dimensions. Building on this typology, Amenta, Carruthers, & Zyland (1992) defined three categories of success: recognition, institutionalization (“transformation of challengers into a member of the polity”) and policy gains. Within each category, different levels of success can be identified (Amenta et al., 1992). Rochon and Mazmanian (1993) emphasized that different outcomes may relate to each other and argued that a high degree of acceptance made substantial policy gains more likely. From the early 1990s onwards, a plethora of studies (Burstein & Hollander, 1995; Burstein & Linton, 2002; Giugni, 2008; Giugni & Passy, 2002; Kriesi, 1995; Uba, 2009) considerably contributed to our understanding of movement success. A consensus emerges that outcomes can be grouped into three broad categories according to the object of change: people, policies, and institutions (e.g., Bosi et al., 2016).

First, social movements have effects on *people*. Specifically, people’s personal biographies, political values and behavior are, among other things, shaped by social movements. Whereas scholars looking into resource-mobilization analyzed why and when individuals joined social movements and why they behave the way they do, works looking at movement outcomes addressed how participation in movements changed the lives of former activists on a personal level (see Giugni, 2009 for a review of such works). Rather recently, the focus has shifted to “institutional activists” (Grodsky, 2012; Pettinichio, 2012) or “activists in office” (Watts, 2006), analyzing how a personal history of social movement participation influences the behavior of policy-makers and bureaucrats (Kim, 2013). Moreover, scholars (e.g., Polletta & Jasper, 2001) looked at the impact former activists have on their peers, friends and family members, ultimately leading to changes beyond the individual.

Secondly, social movements have an impact on *policies* (see Amenta et al., 2010 for a review of such work). Most studies in this camp share the assumption that most movements target political authorities with the aim to achieve changes at the policy level (Giugni & Passy, 1998). A relatively new strand of literature broadened the empirical scope of targets, looking at policy changes among businesses, particularly transnational corporations (see King & Pearce, 2010 for a review of such work). This shift of attention led to an increasing interest in the nature and characteristics of the targets addressed by social movements. Whether decision-makers are elected politicians, bureaucrats, or managers matter to understand under what conditions they respond to movement demands. A further differentiation within this category of outcomes is that between single decisions (e.g., building a new road) and more structural political reforms (e.g., a new health care bill; Daase & Deitelhoff, 2014).

Third, movements may alter social *institutions*. In this camp, some authors looked into formal changes in the political system (e.g., Banaszak, 2010; Kitschelt, 1986; Suh, 2011) or political regimes (e.g., Breuer, Landman, & Farquhar, 2015; Meirowitz & Tucker, 2013). Also, the institutionalization of social movements themselves has attracted considerable attention. This may either proceed by developing into a more professional, hierarchical and bureaucratic organization (Banaszak, 2010; Suh, 2011), or via the transformation of a social movement into a political party. Examples of the latter include the emergence of Green Parties out of the anti-nuclear movement in the 1980s in Western Europe (Kitschelt, 1986), or the transformation of the women's movement in Northern Ireland (Cowell-Meyers, 2014). Others devoted their attention to rather informal institutions such as social norms and practices. In this vein, authors refer to “cultural” consequences of social movements. A prominent example is the cultural revolution of the 1968 movements in Western Europe and the United States (see Earl, 2004 for a good review of the relevant literature). Due to recent world history events including the Arab Spring in the Middle East and Northern Africa, the “Coloured Revolutions” in Eastern Europe as well as anti-government protests in Hong-Kong, Thailand, and South Africa, an increasing amount of attention has been devoted to the role of movements in bringing about radical regime change (Breuer et al., 2015; Meirowitz & Tucker, 2013).

Whether their focus is on personal, political or institutional outcomes, most works reviewed so far are confined to one type of consequence. This is surprising, as scholars called for a broader focus on success, looking at the interactions among the three outcome categories already in the late 1990s (Giugni, 1998; Tilly, 1998). In the words of Bosi, Giugni, and Uba, future research needs to determine “How do different types of effects of protest activities relate to each other? What are the processes and mechanisms underlying the interrelations between different types of effects or between the same types of effect over time? Under what conditions does each interrelation of effects work, fail to occur, or even reverse?” (Bosi et al., 2015, p.24). As elaborated upon in the previous chapter, I am interested in the human rights accountability regime of MDBs. Since this accountability regime consists of standards as well as institutionalized mechanisms for sanctioning misbehavior, I seek to look at both policy and institutional change. Both these dimensions matter most for the human rights accountability of MDBs (Heupel & Zürn, 2017). A standard conception of socialization that corresponds to this research interest was advocated by Checkel (2005) who defined socialization as the “process of



inducting actors into the norms and rules of a given community” (p. 804). Still, this conception remains broad. Checkel himself acknowledged that his definition was open for different socialization outcomes such as role-playing or internalization (Checkel, 2005, pp. 804-805). In the present work, I thus adopt a narrower conceptualization tailored to my outcome of interest and define the socialization of MDBs as *the process, through which these banks adopt political and institutional reforms that enhance their human rights accountability*. While this process can take several forms, I am particularly interested in the role of transnational social movements.

Summing up the literature on social movement strategies and outcomes, there is an emerging acknowledgement that we need to evaluate strategies against the background of the political opportunity structure under which they are applied by movement actors. The statement that conventional or disruptive tactics are good per se is thus misleading. Instead, they make much or little sense respectively depending on the given scope conditions. Moreover, the literature increasingly tends to emphasize the relevance of mixed tactics, combining conventional and disruptive engagements. However, it remains unclear which combination is most effective. Critically, it remains unclear whether conventional and disruptive tactics should occur simultaneously or in a sequenced fashion (conventional before disruptive tactics or vice versa). Finally, while there is a rich body of literature theorizing how the causal mechanisms proceed for conventional and disruptive tactics, we lack a better understanding of the mechanisms connecting mixed tactics to movement outcomes. In my work, I seek to fill these gaps. Therein, I move beyond the macro-to-macro perspective looking at the presence of movements and the nature of policy or institutional change. Instead, I enrich my analysis by including the individual level as well, enriching my analysis with in-depth interviews obtained with policy makers, IO staff and activists. Methodologically, I seek to follow Bosi’s example and to adopt process tracing as a tool to trace the interaction between transnational social movements and their targets. The process-tracing of TSM strategies allows me to enrich the narrow focus on conditions to mechanisms. By engaging a comparative (instead of single) case-study design, I contribute to systematically identify the environmental factors conditioning the effects of disruptive and conventional strategies.

### 3 Analytical Framework

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To recap, the research question of this work is: How and under which conditions are transnational social movements successful in strengthening the human rights accountability of multilateral development banks? This question is analogous to and builds on existing works on socialization with a focus on causal mechanisms (Schimmelfennig, 2005; Zürn & Checkel, 2005). According to Zürn and Checkel (2005), “A common motive for invoking ‘mechanisms’ is to clarify what happens between a cause and its effect, that is, to analyze in detail how (emphasis added by the author) the former relates to the latter” (p. 1048). Researchers that work with causal mechanisms also highlight the importance of scope conditions. This is the under which conditions part of the question, as “the goal here is to identify the conditions under which” actors<sup>1</sup> “trigger certain mechanisms that lead to socialization” (Zürn & Checkel, 2005, p. 1055). This chapter presents the analytical framework for the analysis of my two cases. Specifically, it presents the parts necessary to construct a sound and empirically testable causal mechanism of social movement influence on MDBs. The aim of this chapter is to conceptualize each part of the mechanism and to theorize how these parts are connected. The chapter is structured along five sections. First, I elaborate on the outcome (O) of interest. This outcome is socialization, conceptualized as organizational policy and institutional reform toward comprehensive human rights accountability. I draw on the concept of “legalization” (Abbott et al., 2000) to theorize the scope and depth of such reforms. In section 3.2, I elaborate on the scope conditions under which movements may effect political and institutional change. Bridging IR and social movement scholarship, I structure these scope conditions according to properties of the actor seeking change, properties of the target organization, the issue, and the discursive opportunity structure. Among the scope conditions, one stands out: counter mobilization. I elaborate upon and differentiate counter mobilization by the MDB bureaucracy and that by MDB member states (3.3). This scope condition shares with all others that the success of TSM tactics depends on its occurrence and strength. Different from the other scope

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1 In the quote from Zürn and Checkel, the *actors* are international institutions. However, my interest is in the influence of transnational social movements. Of course, different actors could turn into change agents, depending on the research interest and context.

conditions, though, counter mobilization represents the dynamic interplay between the TSM and the MDB. Thus, it is the only scope condition that is present along all parts of the mechanism. Next, I draw on rational choice (RCI) and sociological institutionalism (SI) with their corresponding logics of action to distill how exactly movement tactics translate into institutional change (3.4). While both, RCI and SI, are broad in nature and comprise a set of assumptions, I concentrate on those propositions relevant for my causal mechanism of social movement advocacy toward MDBs. The fifth section of this chapter then presents the synthesis of the preceding efforts, integrating socialization outcome and scope conditions with movement tactics (see Ch.2) to derive the full causal mechanism connecting social movement tactics to MDB socialization (3.5). To put an overview of this synthesis upfront, the following table summarizes the theorized causal mechanism connecting movement engagement and MDBs into comprehensive human rights accountability.

Graph 2: Overview – A Causal Mechanism of Social Movement Influence on MDBs

Socialization Process							Socialization Outcome
Cause	Causal Chain	Part 1		Part 2		Part 3	
		Part 1a →	Part 1b →	Part 2a →	Part 2b →	Part 3a →	Part 3b →
TSM Joint Activity	Actors and Activities	TSM	Decision-makers of Liberal MS	TSM	Decision-makers of Liberal MS	Decision-makers of Liberal MS	MDB BoD
		Disruptive tactics towards MDB	Worry about MDB legitimacy + open up	Convent. tactics towards liberal MS	Are persuaded by TSM demands	Threaten MDB to cut funding	Worries about funding cut and adopts Reforms
	Scope Conditions	- Org. Resources - Issue - Support from org. envt. - Counter Mobilization		- Access - Crisis - Moral/Epist. Authority - Counter Mobilization		- Power asymmetries - Counter Mobilization	
		Logic of Action	LoC		LoA		LoC
							Comprehensive Human Rights Accountability

Source: own illustration

The graph indicates that the final causal mechanism is composed of a cause (C), a socialization outcome (O), and a process involving three parts (Part 1-3) in between. In each part of the process, actors engage in certain activities that are in themselves causes (c) for the reactions of their targets, or intermediate outcomes (o). Each of the three parts of the mechanism thus involves an action (c), and a reaction (o). Whether the action (c) in fact causes the reaction (o) within each part of the mechanism depends on a specific set of scope conditions. Finally, reactions may involve different “logics of action” (i.e., a logic of consequences, or a logic of appropriateness).

### 3.1 MDB Socialization through Human Rights Accountability

I define human rights accountability as a set of human rights standards, transparency and sanctions in cases of noncompliance (see Chapter 1.1). To improve an MDB's human rights standards and transparency, policy reforms are necessary. The introduction of an effective, independent and permanent sanctioning mechanism, however, requires institutional reform. Heupel and colleagues (2015) pointed to the work by Grant and Keohane (2005) as well as Kingsbury and colleagues (2005) to argue that the literature on accountability in IR, as well as literature on global administrative law agree that binding and precise policies as well as effective, independent complaints mechanisms are cornerstones of comprehensive accountability (Zangl & Zürn, 2004). The concept of *legalization* (Abbott et al., 2000) captures these dimensions of *obligation*, *precision* and *delegation* and is hence of great analytical use in analyzing the accountability regime<sup>2</sup> of a given MDB. Building on the concept of legalization, I add the dimensions of *scope* to capture whether policies and complaint mechanisms enjoy wide or narrow application. In the following, I introduce the concept of legalization and show why it is useful for my analysis. Then, I present each of the listed dimensions—obligation, precision, scope of policies, delegation to a complaint mechanism, and scope of the mechanisms' jurisdiction—in more detail, with a specific focus on their importance for human rights accountability. Moreover, I group the dimensions according to a classical distinction in the literature of global administrative law between policies on the one hand, and institutional complaint mechanisms on the other (Grant & Keohane, 2005; Kingsbury et al., 2005). Regarding the former, obligation, precision and scope are relevant. With respect to the latter, delegation and scope matter. In principle, the failure to establish *any* accountability provisions is possible, too. Yet, I focus on two cases where the World Bank did establish accountability provisions. Throughout this section I hold that comprehensive human rights accountability is characterized by highly binding and precise (human rights and transparency) policies, a wide application of such policies across MDB operations, a high degree of delegation to an independent and effective complaints mechanism which also enjoys broad jurisdiction. In contrast, the ideal-typical limited human rights accountability regime consists of nonbinding, vaguely formulated policies that only apply to a fraction of MDB operations combined with an underfunded mechanism with few responsibilities and jurisdiction over only parts of the MDB portfolio.

#### The Concept of Legalization: Differentiating Hard and Soft Law

Abbott and Snidal differentiated between high levels of obligation, precision and delegation on the one hand, and low levels along these three dimensions on the other. Hard law and soft law are the two opposite poles, whereby the former represents high and the latter one low degrees of legalization along all three dimensions.<sup>3</sup> On the continuum in between, particular arrangements may show different configurations of legalization

2 In contrast to the far more elaborate regime theory in IR, I refer to the “accountability regime” of an MDB in a more colloquial sense to designate the policies and institutions in place to secure accountability.

3 For classical realists and neo-realists, all international law is “soft,” given the absence of an independent judiciary with supporting enforcement powers. Yet, I agree with Abbott and Snidal in that

among the dimensions. Abbott and Snidal underline that “international actors often deliberately choose softer forms of legalization” (Abbott & Snidal, 2000, p. 423) as soft law avoids some of the costs of hard law, while it also has independent advantages on its own (Abbott & Snidal, 2000). In particular, soft law comes at lower sovereignty costs for states, most notably in issue areas closely linked to state sovereignty (e.g., security), as it also lowers the “contracting costs”. This means it requires less resources and effort to create soft as opposed to hard law arrangements. Critically, soft law enables compromise where hard law requirements result in no common solution. This is highly relevant among actors with highly divergent interests, values and degrees of power and in areas where incentives for cooperation are low<sup>4</sup>. On the other hand, high degrees of obligation, precision and delegation have specific advantages, which are particularly suitable to guarantee minimum standards that are not negotiable. Thus, to avoid misunderstandings, I do not hold that “hard law” is better than “soft law” *per se*. As Abbott and Snidal correctly noted, the specific hard or softness of a legal arrangement may be more efficacious, depending on the issue, actor constellation and problems actors are trying to solve (Abbott & Snidal, 2000). However, I argued in Chapter 1 that human rights are the kind of nonnegotiable standards MDBs need to respect. Therefore when it comes to human rights protection, the specific advantages of hard law (a high sense of obligation, precise standards and a powerful sanctioning mechanism) outweigh those of soft law.<sup>5</sup> Simply put, it matters whether standards and transparency policies entail a high degree of obligation and precision, or not. Similarly, it matters whether the ability to sanction misconduct is delegated—through institutional reform—to an independent oversight body, or not (also see: “critical reflections on the concept of legalization” below).<sup>6</sup>

### Obligation, Precision and the Scope of Policies

First, comprehensive accountability provisions that seek to prevent wrongdoing are characterized by high levels of *obligation*, (i.e., a high degree of bindingness). In the case of human rights accountability, these prevention provisions are human rights and transparency policies. A first central advantage of a high degree of legal obligation of human rights standards is that it allows for credible commitments among all parties involved. Due to the heterarchic order of the international system comprised of overlapping spheres of authority that are not hierarchically ranked, the ability to make credible commitments is of paramount importance. Consider that it matters where one party to an agreement—the MDB in this instance—must carry out its side of a bargain (e.g., lend money on an understanding that human rights will be respected) before the other party—the borrowing state in this instance—has to perform (Williamson, 1989). In game-theoretical terms, credible commitments are of particular value in strategic

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legalization is a matter of degree and that we in fact find great variance in terms of legalization in the international realm as well (Abbott & Snidal, 2000, p. 422).

4 For an elaborate discussion on the costs and benefits of informal agreements, see Lipson, 1991.

5 Anticipating the empirical case studies here, this resonates with movement demands who, in both cases under investigation, sought comprehensive human rights accountability (i.e., a high degrees of legalization).

6 On the intimate connection between socialization into novel norms and the degree of legalization in global governance, see Zangl and Zürn, 2004.

interactions such as the “Prisoner’s Dilemma” or the “Chicken game,” where assurance of both parties is essential to reach optimal outcomes.<sup>7</sup> In addition, a high degree of legal obligation introduces a specific form of legal discourse to the issue at hand. Depending on the legal tradition, the resulting reasoning is either based on text and/or precedent and analogy. In both cases, a reliance on reproducible arguments and facts tends to counter arguments based on the pursuit of egocentric interests. Selfish rule-interpretation is considered even more illegitimate where also the process of dispute settlement itself is subject to high degrees of legalization. Because a central role of legal discourse also expands the need for legal experts (including NGOs doing legal work) among MDBs and borrowing countries alike, therefore the audience costs for noncompliance increases compared to arrangements where no such experts are involved. Next, high degrees of legal obligation facilitate rule-application, even where precision is not very high and delegation absent. This is because obligation sets boundaries for rule-interpretation, as proposals have to be integrated and be concordant to other existing rules within the arrangement. Yet, this effect enhances the more obligation meets precise rules. Analogous to regimes, legalization reduces the transaction costs of subsequent interactions. Compared to frequent renegotiation or coercion, legalization offers standardized institutional procedures for conflict resolution and thus incurs less material and reputational costs to enforce an agreement (Keohane, 1984). Thus, whereas legal commitments are seldom enforceable by third parties in a way that they are enforceable on a domestic level, a high degree of obligation is the principal method by which actors can credibly commit on the international level.

Moreover, high degrees of precision severely constrain self-serving interpretations of the entered commitments. The more precise human rights and transparency policies are, the more clearly detectable a violation. Violations of commitments in turn come at reputational costs, both internally and externally. Because reputational effects of a clear violation are generalizable to other commitments under the same regime (e.g., international law), an MDB that violates its own human rights commitment in a given project will likely also incur costs in the eyes of other potential borrowers and donors. Also, precise language in legal commitments enhances the capacity for enforcement, as clearly defined violations typically entail procedures for appropriate consequences for the violating actor<sup>8</sup>.

Third, and in extension of the concept of legalization, the scope of application of human rights and transparency policies matters. Notably, Abbott, Keohane, Moravcsik, Slaughter, & Snidal (2000) did not include this dimension in developing their concept of legalization. Yet, without paying attention to scope it is conceivable that major discrepancies emerge between the degree of legalization (e.g., of only some MDB policies) and the de facto human rights impact. In terms of policies, scope refers to the human rights

7 Or, in terms of game theory, “at the same coordination point.”

8 In his work, Hart (1995) also discusses the drawbacks of very precise regulations under conditions of incomplete information, risk and uncertainty. In particular under such conditions, writing complete contracts which forecast all possible circumstances is impossible. Also, attempts to account for even highly unlikely events will likely result in unnecessary rigid and thus counterproductive provisions.

provisions covered. Are all human rights covered, or only some? Similarly, a highly legalized sanctions mechanisms is only valuable to the extent that it has jurisdiction over all MDB activity (see below) <sup>9</sup>. The more comprehensive human rights and transparency policies, that is, the more areas of MDB activity they cover, the less likely it is that the MDB violates human rights. Scope can be reduced where policies do not apply to all MDB activity, where they exempt organizational units or where they do not apply to all MDB staff.

### **Delegation and its Scope: Sanctions in cases of noncompliance**

The principal mechanism to deal with complaints is delegation to independent third parties equipped with the authority to interpret the provisions. Precision of rules can thus be reduced if the powers of independent third parties are substantive and precisely defined. As a general rule, the more substantive and precise these third party responsibilities and the higher their degree of independence (here from management), the more we approach judicial institutions equivalent to courts in domestic settings. High degrees of delegation to third parties which monitor the application of legal arrangements further weaken the room for selfish, unilateral interpretations. Delegation thus increases fairness, as decision-making is removed from the realm of politics to the realm of law (Zangl & Zürn, 2004; Zangl & Zürn, 2011). On the other hand, less precise definitions of third party responsibilities are likely to result in non-judicial, informal conflict resolution mechanisms. Where borrowing countries incorporate legal provision of MDBs in their domestic legislation, the level of delegation is greatly enhanced, as those provisions are now enforceable by domestic courts. Abbott and Snidal (2000) conclude that actors should use hard forms of legalization “when the benefits for cooperation are great but the potential for opportunism and its costs are high,” to “increase the credibility of commitments when noncompliance is difficult to detect,” and where decision-makers seek to lock-in other organizational actors and/or subsequent executives (Abbott & Snidal, 2000). In addition to independent fact-finding and decision-making, the level of delegation increases with the teeth of these decisions. The more an independent complaints mechanism is able to issue “court like” decisions that are binding on the MDB as a whole, the more teeth the accountability mechanism possesses. Conversely, third parties who can only make nonbinding recommendations are characteristic of limited accountability. In parallel to preventive human rights and transparency policies, the scope of complaints provisions matters, too. In relation to third parties dealing with complaints, scope is relevant in two respects. First, the jurisdiction of the third party may be encompassing, covering violations of all human rights and transparency policies, or it may be limited, extending to only some human rights and transparency policies. Secondly, the scope of complaints provisions relates to its accessibility. This can be encompassing, accepting claims from affected individuals directly at both headquarter and country office. Alternatively, it may be limited, accepting complaints only by the state of nationality or residence of compliance constituencies and/or accepting complaints only at the level of headquarters (de Wet, 2010; Heupel & Hirschmann, 2017; Alter, 2013).

9 I thank my first supervisor for this remark.



### Critical Reflections on the Concept of Legalization

Since the concept of legalization plays an important role for the analysis of my outcome, I should be explicit about the fact that the concept also invited critique. Perhaps most vocally, Finnemore and Toope (2001) criticized Abbott and colleagues (2000) for adopting a narrow understanding of international law, restricting it to formalized constraints while ignoring broader notions of law as “a broad social phenomenon deeply embedded in the practices, beliefs, and traditions of societies, and shaped by interaction among societies” (p. 743). Moreover, Finnemore and Toope criticized Abbott and colleagues for ignoring the relationship between legalization on the one hand, and compliance on the other. Both points of critique also concern the conception of my socialization outcome as comprehensive accountability.

Regarding the former point of critique, I do not attempt to capture the width of international law in my work. Instead, I consciously narrow my focus on the establishment of comprehensive accountability in virtue of relevant policy and institutional reform. Concerning the latter point of critique, Finnemore and Toope (2001) may have been wrong to accuse Abbott and colleagues for not being interested in compliance<sup>10</sup>. Still, Finnemore and Toope hinted at something important. Reviewing evidence on the diffusion of human rights norms among states, the transition from a prescriptive status of human rights to rule-consistent behavior has been described as the “bottleneck” of the boomerang model<sup>11</sup> (Jetschke & Liese, 2013, p. 26). To date, several studies point to the discrepancy between human rights norms and behavior among states (Liese, 2006), even in the context of established democracies (Liese, 2009). I admit that the focus on *formal* policies and institutional reform (instead of measuring compliance systematically) is a limitation of the present work. There are three reasons for this choice. First, the literature on human rights compliance stresses the important role of sanctions and enforcement in cases of noncompliance with human rights norms (Risse & Sikkink, 2013). Since the outcome of my work is “direct human rights accountability,” and since I define accountability partly in virtue of a possibility to sanction the violation of existing standards, sanctions and enforcement are already built into a high legalization of accountability norms and thereby inherently increase the likelihood for compliance. In line with that argument and adding nuance to the empirical evidence on the compliance gap above, studies do suggest a systematic relationship between legalization and socialization into novel norms (Zangl & Zürn, 2004) and specifically, between comprehensive human rights accountability provisions and *de facto* human rights protection (Heupel & Zürn, 2017).

10 In their rebuttal to the critique voiced by Finnemore and Toope, Goldstein et al. (2001) state that the critique was misleading, as one of their major hypotheses was that “a key consequence of legalization for international cooperation lies in its effects on compliance with international obligations” (Goldstein et al., 2001, p. 760). Goldstein et al. concede that the relationship is complex and that legalization cannot be associated with “consistently higher levels of compliance” (Goldstein et al., 2001, p. 760).

11 The spiral model was introduced by Risse and Sikkink (1999) to describe the process of state socialization into human rights. Specifically, these five steps include: repression, denial, tactical concessions, prescriptive status, and rule-consistent behavior (Risse and Sikkink, 1999).



Secondly, a high degree of legalization of human rights provisions (including human rights accountability) has instrumental value, as it tends to empower and systematically strengthen actors advocating for human rights (Risse et al., 1999; Liese, 2006). Finally, my second case of investigation is of such a recent nature, that no data on compliance yet exists. As the implementation of the new accountability system at the World Bank will take several years, we can expect to see first systematic indications of its effect about a decade from now<sup>12</sup>. It is up to subsequent research to investigate more thoroughly which impact the legalization of human rights accountability among MDBs has in terms of compliance.

To summarize, high degrees of legalization plus an encompassing scope in the area of human rights accountability signifies comprehensive arrangements, whereas low levels of legalization and a restricted scope of application stand for limited arrangements. To reach high levels of legalization with regard to their human rights accountability, MDBs need to enact political and institutional reform. Specifically, they need to enact political reforms directed at binding, precise and encompassing human rights and transparency policies, while institutional reform is necessary to delegate oversight to an independent, encompassing, and effective sanctioning body in cases of noncompliance. The following table summarizes these dimensions, delineating the difference between comprehensive and limited accountability:

### 3.2 Scope Conditions of Movement Influence

In my work, I seek to evaluate whether the causal mechanism elaborated upon below was present, and whether it functioned as theorized. In the present section, I turn to the scope conditions of social movement influence. Given my theoretical interest and research question, I devote some space to thinking rigorously about the relevant scope conditions under which conventional and disruptive tactics work. My research question hints at two interrelated challenges: to establish *how* movements are successful and *under which conditions*. The “how” part in this question refers to TSM tactics and the causal mechanism triggered by them, the “under which conditions” part refers to the relevant scope conditions (Zürn & Checkel, 2005). The underlying assumption of this research question is that movement tactics applied under particular contextual circumstances trigger each part of a causal mechanism that ultimately causes MDB socialization. Thus, the theorizing of the causal mechanism and the scope conditions relating to each part of the causal mechanism are central to the analytical framework of this study. The goal of this section, then, is to identify those scope conditions under which movement tactics lead to organizational change. Following Falletti and Lynch (2009), I define scope conditions as the “relevant aspects of a setting (analytical, temporal, spatial, or institutional) in which a set of initial conditions leads [...] to an outcome of a defined scope and meaning via a specified causal mechanism or set of causal mechanisms” (p. 1152). By way of illustration, a causal mechanism that enhances the growing of cardamom

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12 Interview World Bank Legal Department, 2016

Table 2: Comprehensive vs. Limited Human Rights Accountability

	Comprehensive Accountability	Limited Accountability
Obligation	Binding Human Rights and Transparency policies	Nonbinding Human Rights and Transparency policies
Precision	Detailed and specific Human Rights and Transparency policies	Vague Human Rights and Transparency policies
Scope 1 (Policies)	Encompassing Human Rights coverage (substance)  Encompassing application (Policies apply to all MDB activities)	Restricted Human Rights coverage (substance)  Restricted application (Policies only apply to some MDB activities)
Delegation	Independent assessment of complaints  Body authorized to take binding decisions	Third party is dependent on MDB  Body makes nonbinding decisions/recommendations
Scope 2 (Complaints)	Encompassing Jurisdiction (third party investigations cover all MDB activity)  Wide Access	Restricted Jurisdiction (third party investigations cover only fractions of MDB activity)  Narrow Access

Source: own illustration

(e.g., an organic fertilizer) only works under certain climatic scope conditions (humidity, warm temperature but not direct exposure to the sun). If we try to grow cardamom in Sweden, the mechanism does not work, even though the fertilizer-mechanism is of supreme quality. Similarly, social movement strategies depend on a set of scope conditions which differ according to the movement’s goals and the nature of their targets. A local movement that seeks to influence the politics of recycling waste in Buenos Aires will encounter the most important constraints at the communal, and to a lesser degree on the federal level. In contrast, TSMs engaging with MDBs face a different set of scope conditions, some emerging internally, others from the factors outside the MDB. If scope conditions differ greatly between two cases, we cannot meaningfully compare the effectiveness of TSM strategies, as we cannot say whether the difference was a result of strategy, or the difference in scope conditions. Scope conditions thus limit and define to which extent causal mechanisms are generalizable. Due to this quality, scope

conditions also matter for case-selection (see section on case selection below). The list of scope conditions for movement effectiveness in the literature on social movements and the IR literature on transnational advocacy networks is impressive and no list of scope conditions can be fully comprehensive. Thus, I limit myself to identifying those scope conditions from existing literature (see Chapter 2 above) that are most relevant to the causal mechanism at hand. On a general level, we can distinguish the following four clusters of scope conditions (Zürn & Checkel, 2005):

- properties of the actor who seeks change and triggers (a part of) the causal mechanism,
- properties of the target organisation that the movement seeks to influence,
- properties of the issue at stake, and
- properties of the broader discursive opportunity structure

I structure the following part along these four clusters and their respective scope conditions

Table 3: Clusters of Scope Conditions

Properties of...	Scope Conditions
...the actor	Moral / Epistemic Authority
	Organizational Resources
...the target organization	Access
	Power (a)symmetries
...the issue	Specific + generalizable issue
...the discursive opportunity structure	Degree of Support from the MDB Environment
	External Shocks / Crisis

Source: own illustration

Among these scope conditions, some are relatively stable due to their very nature. Examples of such enduring conditions include the IO's basic governance structure (specifically majority voting on the Board of Directors and the allocation of voting power according to shares) as well as TSM access to important member states (specifically access to Congress in the presidential democratic system of the United States). Despite their less enduring nature, several other scope conditions remained (largely) stable in my two cases, including the moral/epistemic authority of the TSM, its organizational resources, the issue they mobilized upon, the degree of support from the IO environment and the presence of an external shock (see Chapters 6 and 7 for an elaboration). In contrast, the degree of counter-mobilization as well as – to my surprise

(see Chapter 8) – the configuration of power asymmetries at the Board of Directors differed between both cases. To avoid that the choice and conceptualization of my scope conditions floats around without theoretical grounding, I situate them in the theoretical IR and social movement literatures, drawing on the theoretical models of Resource Mobilization (RM) and, in particular, that of Political Opportunity Structures (POS).

### 3.2.1 Properties of the actor seeking change

The most comprehensive account theorizing the impact of movement properties on outcomes is resource mobilization theory (RMT). At its origin, RMT sought to explain the emergence of movements in the first place, as “grievances are everywhere, movements not” (Japp, 1984, p. 316). Since widespread discontent with existing circumstances could not explain the emergence of social movements alone, RMT suggested that mobilization crucially depends on the availability of financial, human and organizational resources (McCarthy & Zald, 1977). Subsequent works offered more fine-grained differentiation to include immaterial resources (Klandermans, 1998) or networks (Roose, 2013). More recently, the importance of collective identities has come to the fore in explaining movement activism (Daphi, 2011; Johnston, 2013; Polletta & Jasper, 2001; Rucht, 2011). The focus of the works presented here is that adopting a classical RMT approach lies on processes inside the movement and on explaining movement mobilization. Works that focus more on effects on the outside world (beyond movement mobilization) identify different types of resources, including organizational as well as symbolic (e.g., cultural and moral) resources (McCarthy & Edwards, 2008). An emphasis on organizational and moral resources sits well with IR scholarship on advocacy networks (Busby, 2010; Keck & Sikkink, 1998). In addition, IR scholars highlight the value of expertise or “epistemic authority,” in addition to moral resources (Haas, 1992; Börzel & Risse, 2003). As a general rule, movements are more likely to be successful the more of these resources they possess. At the same time, movements may compensate for a lack of resources in one dimension by performing very well on another dimension (Müller, 2017). Below, I discuss organizational resources and high degrees of epistemic and moral authority as actor-related scope conditions that influence the effectiveness of movement tactics.

#### Organizational Resources

Several studies agree on the significance of *organizational resources*, defined as the availability of supporting networks and major organizations. For instance, studies show that possessing large numbers of supporters (supporting networks and organizations) partly explains why landless workers in Brazil (original term: “sem terra”), slum residents (Pit-house, 2006) or homeless people (Cress & Snow, 1996) have been successful in sustaining powerful movements and achieving their goals despite the lack of material resources.

#### Moral / Epistemic Authority

*Moral* authority can be defined as a voluntary deference of one’s judgement on the basis of the moral standing of another actor (Edwards and McCarthy, 2008). *Epistemic* authority refers to the voluntary obedience to someone’s judgement in virtue of that actor’s

expertise on a given issue (Zürn, 2015; Busch & Liese, 2017). Both forms of authority largely overlap, as the moral standing of an actor typically depends on his/her ascribed expertise in questions of moral relevance. Due to the fluid boundaries and high degree of interdependence among both forms of authority empirically, I group them together throughout this work. Still, they can be differentiated analytically. First, movements and transnational advocacy networks that have recognized experts among their ranks can be expected to fare better. Following the early work of Adler and Haas (1992) on “epistemic communities,” Börzel and Risse (2003) argued that movement actors with an authoritative claim to knowledge in virtue of their scientific credentials enjoy good standing in relation to target institutions. Thus, these actors enjoy *epistemic authority*. In particular, by providing scientific knowledge about cause-and-effect relationships in policy areas characterized by high degrees of uncertainty, epistemic communities enjoy a privileged status vis-à-vis target institutions to spread novel norms. This effect is amplified the higher the consensus within the (epistemic) community. By way of example, consider the high degree of consensus on climate change in the International Panel of Climate Change (IPCC; Haas, 1992).

A second group of movement constituencies that can be expected to be relatively more influential are principled issue networks commanding *moral authority* (Keck and Sikkink, 1998). Here, the basis for authority (the voluntary deference of judgement) is based on the unique moral standing of the actor in authority. Moral authority is assigned to movement actors who are either directly affected by the very harm they rally against<sup>13</sup> as well as to those who have proven their credentials in virtue of sustained moral behavior. The latter group of actors is perceived by the wider public to represent progressive, or morally superior, political claims (Hall & Biersteker, 2002, p. 215). In line with previous research (Börzel and Risse, 2003; Edwards and McCarthy, 2008; Keck and Sikkink, 1998), I hold that moral and epistemic authority greatly increases a movement’s likelihood to engage in effective persuasion.

### 3.2.2 Properties of the targeted organization

A different avenue of research was pursued by scholars looking at the circumstances under which tactics mattered, often proposing a mixed approach combining conventional and disruptive tactics. Notably, Button (1978) investigated riots in U.S. cities during the 1960s. Button concluded that excessive disruption was counter-productive, since it risks alienating decision-making elites. Yet, Button saw value in disruption where the public was sympathetic to movement goals and where combined with conventional tactics (Button, 1978). In contrast to advocates of resource mobilization theory (RMT), Button and other scholars began working with the concept of *political opportunity structures* (POS), thus situating movement tactics and outcomes in a given political and institutional context. The first explicit use of this theoretical framework was Peter Eisinger’s (1973) study, “The Conditions of Protest Behavior in American Cities,” where he argued that the degree of openness of a political system determined movement tactics. Building

13 In the language of the movement under investigation, these movement constituencies are referred to as “affected communities”

on Eisinger, Tilly (1978) argued that a range of opportunities build the background conditions against which movements choose their tactics, introducing the notion of “repertoires of contention” to designate a spectrum of possibilities at the disposal of movement actors. In his later work, Tilly emphasized the important role of demographic and economic shifts as well as the openness of political institutions as the most important scope conditions for action (Tilly, 1995). Some of the opportunities (or scope conditions) discussed by Tilly (1995) and Button (1978) relate to properties of the target institution, while others refer to properties of the issue or properties of the discursive environment in which movement advocacy takes place (see properties of the discursive environment below). From this line of movement research, I distill three scope conditions with regard to the target institution which have not only been identified as particularly relevant in social movement studies, but also in scholarship on TAN: access (Busby, 2010; Risse-Kappen, 1995), power asymmetries (Cress & Snow, 2000) and the degree of counter mobilization (Kolb, 2007). Among them, the third scope condition stands out: Since the reaction of movement opponents matters along the whole socialization process, the degree of counter mobilization is an integral component of each part in the causal mechanism, capturing the dynamic interplay between movement actors and their target along the way.

### Access

*Access* has been well-established as a relevant scope condition for TSM activity (Busby, 2010; Jasper, 2014; Risse-Kappen, 1995). The amount and quality of access-points to a political order is principally shaped by the design of its most important institutions and their relationship (Piven & Cloward, 1979; Risse, Risse-Kappen, Ropp, & Sikkink, 2013; Risse-Kappen, 1995; Risse-Kappen, Ropp, & Sikkink, 1999). In the context of a state, the institutional order is typically spelled out in a constitution, defining the responsibilities of the executive, legislative and judicial branches and the basic rules guiding their actions. Specifically, cross-national comparisons seem to confirm the intuition that liberal democratic systems are more open to influence (e.g., Liese, 2006; Simmons, 2009). This institutional order shapes the degree to which social movements can access the decision-making process. For instance, the ability of legislatures to influence the behavior of member states toward IOs is heavily shaped by legal systems. Specifically, it matters for movement access whether a member state is a presidential, semi-presidential or a parliamentary democracy (Kitschelt, 1986). Also international organizations provide for different degrees of access, recently assessed in terms of “openness” (Tallberg et al., 2013). In general, it is hypothesized that more access points provide social movements with more potential “arenas of contention” in which they can challenge their targets, which in turn is associated with a higher likelihood for success (Amenta et al., 1992; Della Porta & Tarrow, 2005; Tallberg et al., 2013). Risse, Ropp and Sikkink (1999, 2013) have shown that the lack of access in one context (e.g., an authoritarian state) can be compensated for by reaching out to liberal democratic states taking up the issue and demanding human rights compliance. Yet, such a “boomerang effect” (Risse et al., 1999) is dependent on the power of the liberal democratic state to influence the more vulnerable target state (see scope condition on power (a)symmetries below).

### Power (a)symmetries

Yet, even where counter mobilization is high, particularly powerful member states might use their economic power to push their favored policies. This hints at the importance of power (a)symmetries among decision-makers within target organizations, whether the target is a state or an IO. Also, even though more access-points are generally preferable, broad access to decision-makers is not strictly necessary where like-minded decision-makers are ultimately able to coerce the rest. Hence, the degree of power (a)symmetries among member states is a crucial scope condition for movement success to effect organizational change (Börzel & Risse, 2009). If a single actor is in a position to induce compliance by providing incentives and/or threatening sanctions, TSM can—in principle—focus their efforts on that actor. Different from other international organizations based on the principle of one member, one vote, hegemony over specific MDBs is possible due to the allocation of voting power on the basis of shares. As MDBs depend on capital subscriptions from their member states, the higher the shares of a member state, the higher the MDB's degree of dependency. Consider the example of the World Bank. The United States has traditionally enjoyed such a high degree of donor leverage with the World Bank that a threat to withhold or even cancel funds has proven enough to “keep the banks in check” (Babb, 2009, p. 37). Next to financial shares *inside* the MDB, I include the economic power of member states outside the institution as a secondary criterion. Consider that the relative power of actors in a negotiation process is highly contingent on their respective “best alternatives to a negotiated agreement” (Ury, 1991, pp. 21-22). Thus, not capturing alternatives to the MDB in question risks losing out of sight an important dimension of power among MDB member states.<sup>14</sup>

### 3.2.3 Properties of the issue

In the literature on transnational advocacy networks (Keck & Sikkink, 1998; Risse et al., 2013), as well as in social movement studies (Benford & Snow, 2000), properties of the issue are well-established as a scope condition of movement influence.

#### Issue Characteristics

Issue characteristics may relate to form or substance. In terms of *form*, research has shown that a high degree of specificity is conducive to tangible movement successes. In the case of activism toward MDBs, movements could attack the whole regime of international financial institutions (IFIs) for not being democratic. Such general critique needs to be distinguished from a claim made against basic principles and policies upon which a particular institution operates (e.g., structural adjustment programs entailing privatization and market liberalization). On the next level climbing down the ladder toward issue specificity, a concrete project of a particular MDB may be in focus of the critique. In general, the more direct the link between the target's behavior and a clearly

14 The notion of economic power resources that lie outside the MDB, but influence MDB decision-making, was also recurrent among preliminary conversations with NGO and World Bank representatives.



defined movement demand, the greater the movement's influence. A short causal chain (between MDB actions and harm caused) is thus conducive to exercise pressure (Keck & Sikkink, 1998, p. 27). For instance, sexual abuse committed by UN Peacekeepers links IO conduct to very harmful outcomes in a more direct way than structural adjustment projects. In the former case, a campaign for increased accountability in peacekeeping operations was successful, while the comparatively long chain of actors between World Bank and IMF credit policies and their outcomes on an individual level impeded campaigning (Heupel & Zürn, 2017).

In terms of *substance*, different issues matter in relation different international organizations, which are more or less vulnerable to specific issues by virtue of their mandates. For instance, human rights are at the core of the identity of the United Nations, while it is less central for NATO (Heupel & Zürn, 2017). Overall, however, some more general trends regarding substance exist. While TSM have been relatively successful on issues centering on human rights, particularly women rights, and environmental protection, they have been significantly less successful advocating for issues involving sovereignty costs to states (Abbott & Snidal, 2000; Tallberg, 2013). In particular, previous studies have suggested that the influence of social movements is greatest on issues involving bodily harm to vulnerable individuals and on matters involving the legal equality of opportunity, since the salience of both these issues is particularly high across cultural contexts (Keck & Sikkink, 1998, p. 27).

### 3.2.4 Properties of the discursive opportunity structure

In line with Koopmans and Olzak (2004), discursive opportunities can be defined as aspects of the public discourse that determine a message's chances of diffusion (p. 202). According to this conception, public discourse is a bounded space characterized by a high level of competition. Similarly, it has been argued that the discursive environment (Krebs & Jackson, 2007) or the stock of cultural myths (Snow & Benford, 2000) shape not only which messages diffuse, but more specifically how likely is the advent of frame resonance. Scope conditions that emerge from properties of the discursive environment include the degree of support from the organizational environment and, critically, the presence of crisis or an external shock to the MDB.

#### Degree of Support from the Organizational Environment

Rather than existing in isolation, international organizations are embedded within a complex and dynamic environment composed of a variety of norms and actors (DiMaggio & Powell 1983; Seabrooke & Sending 2015). Sociological institutionalism highlights how norms, ideas, and institutional templates diffuse among organizations in the same environment, irrespective of their functional values (Meyer & Rowans, 1977). Goodman and Jinks (2013) pointed to acculturation as an important mechanism explaining the spread of human rights norms among actors in the same environment specifically. Some actors in this environment are very close to the movement's target in question, either due to its shared identity and/or in virtue of close working relationships. To illustrate this point for MDBs, the African Development Bank (AfDB) shares its development mandate, governance structure and regional membership with the Asian Development



Bank (ADB), the European (EBRD) and Inter-American Development Bank (IADB). The shared identity of a “regional development bank” accounts for mutual observation and exchange flanked by initiatives to work closely together (e.g., the recent “Trade Finance Program” between ADB and AfDB). But also other actors which are not IOs can, depending on the IO’s identity, be important member of the reference group. For instance, the IMF is arguably closer to large commercial banks than they are to the UN (despite being a member of the UN family), while the World Bank considers other multi- and bilateral donors in development, such as DFID in the UK or GIZ in Germany as part of their in-group. Underlying this scope condition is the notion that group pressures are exercised on MDBs in virtue of a shared in-group identity with those already conforming to the norm. Importantly for the mechanism developed here, movements may benefit from an organizations desire to belong and strategically refer to the practices of other organizations to increase the leverage of its tactics. In addition, member states of IOs use the behavior of other organizations in the same environment as anchors to evaluate the performance of the MDB in question (Dingwerth & Weise, 2012). This may in turn be useful for TSM, as they can refer to best-practices of other IOs vis-à-vis member states. The talk and action of organizations in the MDB’s immediate environment (i.e., those with a shared in-group identity) thus constitute a discursive opportunity.

### Crisis

Last, but certainly not least, the presence of *crisis* to initiate institutional change can hardly be overestimated. Among the scope conditions discussed so far, the presence of crisis is the most important result of disruptive tactics. Moschella (2015) put it succinctly in relation to the change of international financial institutions when she wrote:

“It is possible to say that [...] the basic dynamic driving ideational change is now reasonably well-identified. Specifically, a great deal of empirical evidence points to the prevalence of a pattern that can be summarized as follows: an exogenous shock, such as a financial or economic crisis, opens up a window of opportunity that allows elite or non-elite actors to recast the terms of previous debate by introducing new ideas that, in turn, create the conditions for bringing about policy change.” (p. 445)

In my conception of crisis, I follow Jones and colleagues (2009) who argued that “systems characterized by friction remain stable until the signals from outside exceed a threshold, and then they lurch forward” (Jones et al., 2009, p. 867). While external shocks may be sudden events (e.g., the terrorist attacks of 9/11),<sup>15</sup> they can also have a longer history. In both cases of gradual and sudden development, a critical threshold of external pressure is crossed at a given point in time, which constitutes the critical juncture. Importantly for the causal mechanism theorized in the present work, the origin of external shocks is not necessarily located at the level of structure (e.g., a financial crisis). As the example of the 9/11 terrorist attacks already points to, actors may purposefully provoke crisis at target institutions (in this case the U.S. government). It is this insight that actors may create a crisis that subsequently enables change, which is at the heart of

15 Arguably, the events of 9/11 lead to a paradigm shift in US foreign policy from isolationism to crusading liberalism (Widmaier 2007, p. 792).

disruptive movement tactics. In this sense, through disruptive tactics movements seek to (help) create the scope conditions that enable their very success.<sup>16</sup> In the context of nation states, crisis typically means that the general public doubts whether the state has the ability to govern effectively (e.g., protect its citizens from terrorist attacks).

In sum, shocks suddenly signify to members of the institution and the outside world that the institution's "business as usual" does fit any longer. Shocks magnify uncertainty, as actors cannot confidently predict future events any longer. Such uncertainty then requires institutional actors to open up for new ideas and interpretations to make sense of their surroundings. Thus, uncertainty following shocks is critical to the emergence and spread of novel ideas (Broome, 2010). Applied to the context of MDBs (and thus organizations that are highly dependent on their member states), crisis refers to skepticism concerning the MDB's legitimacy among decision-makers in important member states, or, more indirectly, among the general public in important member states, which then exercises pressure on their decision-makers. I will come back to this differentiation below.

### 3.3 Counter Mobilization as continuous MDB - TSM interaction

"One cannot not communicate", this is perhaps the most famous quote of psychoanalyst Paul Watzlawick (2007). This quote captures that TSM engagement towards their addressees, independent of the tactics used, provoke a reaction on behalf of the addressee - even if that reaction on behalf of the addressee is to remain silent. On the one hand, this dynamic interplay between TSM and their addressees is represented in the co-constitution of action and reaction within each part of the mechanism – the TSM actions (a) and the reactions by the respective addressees (b). To provide an example, the TSM engages in tactic X (a) and then the addressee reacts with Y (b) (see graph at the beginning of chapter 3 above). In addition to that, the dynamic interplay of TSM and the MDB is captured in the scope condition "counter mobilization". This scope condition is the only one that is present at all steps of the mechanism<sup>17</sup>. As the MDB is the ultimate target of TSM engagement, counter mobilization may either come from the MDB bureaucracy, or from MDB member states at the Board of Directors.

On behalf of the MDB *bureaucracy* including its president, management and administrative staff (see Chapter 1.1), counter mobilization may take direct, explicit forms such as an open rejection of TSM demands, but it may also come in more subtle ways, as the MDB bureaucracy is formally not allowed to take a strong, active political stance. Christine Oliver was among the first to develop a systematic typology of organizational reactions to demands from their environment, differentiating acquiescence, compromise, avoidance, defiance, and manipulation (Oliver, 1991). Among these strategies, avoidance,

16 I thank Angela Heucher for pointing this relationship out to me.

17 There are different ways to conceptualize a dynamic relationship. In my work, the focus is on causal mechanisms and TSM engagement for human rights accountability. Therefore, counter mobilization needs to be translated into the logic of the causal mechanism. From the perspective of the movement, it appears as a perpetual scope condition on its way to movement success.

defiance and manipulation are potential dimensions of counter mobilization, whereas acquiescence and compromise imply an acceptance of external demands and would result in (at least partial) TSM success. *Avoidance* is a passive form of counter mobilization, a strategy aimed at escaping or having to deal with the demands. Avoidance is likely to prevail as long as TSM engagement remains below the threshold of peril. In contrast, defiance and manipulation are more active forms of counter mobilization. In the context of a MDB bureaucracy's counter mobilization, *defiance* may involve explicit as well as more subtle counter mobilization or "repertoires of reaction" (Anderl & Daphi, 2016, p. 2), designed to mitigate, silence or delegitimize social movement critique (Deitelhoff, 2012; O'Brien, 2000). Among the more subtle tactics of counter mobilization, MDBs may seek to *coopt* movement critique by involving them in problem-solving activities for pre-defined problems and without actually yielding decision-making power (Coy & Hedeon, 2005). Already in the late 1970s, Piven and Cloward identified cooptation as a powerful elite strategy of using apparently cooperative practices to absorb those who seek change – to make them work with the elites without giving them new advantages (Piven and Cloward, 1979). MDB bureaucracies specifically have been found to organize façade deliberations that result in little to no substantial change, create parallel institutional structures and diffuse responsibilities (Anderl, 2018; Weaver, 2008). *Manipulation*, finally, refers to the strategic influence of the organization's environment to change external demands and to mitigate pressures (Oliver, 1991). While defiance is counter mobilization in the *direct interaction* between MDB and TSM, manipulation unfolds its effect on TSM via changes in the (e.g. normative or legal) environment structuring MBD-TSM interactions. Manipulation is thus an indirect means of exercising influence (on the conceptualization of direct vs. indirect power or influence, see Barnett & Duvall, 2005). MDB bureaucracies seeking to mitigate TSM critique may seek to influence rules and norms regulating MDB – TSM interaction or align with allies outside the MDB bureaucracy that support its goals (including governments of MDB member states).

On behalf of *MDB member states*, counter mobilization is typically voiced at the MDB Board of Directors. To begin with, member states only get involved when TSM have reached a certain threshold of relevance with their demands so the BoD has these demands on the agenda. Still, even then not all states are equally involved. At the Board of Directors, states with large shares maintain their own Executive Director's (ED) office, while states with fewer shares group together appointing one ED as a representative for all of them. Despite this mode of organization, the sheer workload at the Board of Directors means that generally only few EDs take special interest in a particular topic, while several other ED's may not invest their political capital on the issue (van Putten, 2008). Stoicism or very low levels of resistance among decision-makers opposing the norm make movement success more likely. In turn, ample evidence suggests that social movements cannot be successful if key decision-makers on executive boards jointly oppose their demands "en bloc" (Stearns & Almeida, 2004). Moreover, given that MDBs seek consensus in their decision-making, counter mobilization can be very harmful for TSM efforts, even if only voiced by member states with little voting power on the Board of Directors. In contrast to the MDB bureaucracy with its considerable knowledge creation and agenda-setting powers (see Chapter 1.2), member states on the BoD have

the ultimate decision-making power relating to MDB policy and institutional reform. Accordingly, member state counter mobilization typically involves behind closed door negotiations among EDs paired with the use of financial leverage (Park, 2010; van Putten, 2008; Shihata, 1994). Next to seeking direct influence on the vote at the Board of Directors, member states may also choose more indirect ways of counter mobilization by expressing their dissent in public through (e.g. through their EDs or their respective national governments).

### 3.4 Two Logics of Action and Organizational Change

The causal mechanism I seek to test below involves several parts (see above). In each part, actors engage in activities. These activities within each part are causes (c) that produce an outcome (o). The outcome of a part in the mechanism in turn paves the way for the next part, until the final socialization outcome (O) is reached. To produce these effects within each sequence, we need assumptions about the logics of action that translate activities into effects. I draw on rational choice (RCI) and sociological institutionalism (SI) and their corresponding ‘logics of action’ to render different parts of my causal mechanism plausible.

Originating from the discipline of sociology, rational choice and sociological institutionalisms have become established theories in international relations (IR) that offer distinct perspectives on institutional design and change. Both institutionalisms rest on distinct logics of action – a *logic of consequences* (LoC) in rational choice institutionalism and a *logic of appropriateness* (LoA) in sociological institutionalism. In their article “Conceptualizing the Domestic Impact of Europe,” Börzel and Risse (2003) discussed the likelihood of reforms on a national level due to Europeanization and connect RCI and SI to their corresponding logic of action when theorizing institutional change. According to Börzel and Risse (2003), one can conceptualize the adaptation processes in response to Europeanization in two ways, “which in turn lead to different emphasis concerning facilitating factors [...], rational choice institutionalism, on the one hand, and sociological (or constructivist) institutionalism, on the other” (p.59). I follow their approach to link RCI and SI to their respective logics of action and a different set of relevant facilitating factors (or scope conditions) for change. According to this understanding, RCI and SI make different assumptions about the way change comes about. Importantly, socialization is not inherently connected to sociological institutionalism alone (Börzel & Risse, 2003; Zürn & Checkel, 2005). According to Fearon and Wendt (2002), the divide between meta-theoretical camps can be framed in at least three different ways<sup>18</sup>. First, there is an ontological reading according to which both theories entail different assumptions about the nature of social life. Following this reading, both theories are incompatible. In a second reading, the disagreement refers to empirics. As the authors put it, this is “a disagreement about substantive issues in the world, like how often actors follow a logic of consequences or a logic of appropriateness” (Fearon &

18 Fearon and Wendt make this argument about the constructivism – rationalism divide. Yet, the same argument holds for that between SI and RCI as well (see preceding Footnote above).

Wendt, 2002, p. 52-53). According to the third reading, the dispute is merely one between analytical tools that are helpful to theorize about international affairs (Fearon & Wendt, 2002). I follow this third reading, which is well-grounded in Thomas Kuhn's (1962) philosophy of science. In his seminal work, Kuhn argued that theories represent different concepts and models, in short: perspectives, to look at the empirical world. Theories are thus incommensurable.<sup>19</sup> Similarly, Zürn and Checkel (2005) argued that it "adds more to our understanding when both constructivist and rationalist lenses are used" to explain real world phenomena (p. 1070). In principle, this combination of both theoretical paradigms (and their corresponding logics of action) can be done in two ways: the first is to adopt a *domain-of-application* approach according to which logics of action unfold under a distinct set of circumstances (Jupille et al., 2003, pp. 21-22). Alternatively, one might adopt a *temporal-sequencing* approach according to which different logics are dominant at different phases of a causal process explaining an overall outcome (Börzel & Risse, 2003; Gheciu, 2005; Risse et al., 1999). Corresponding to my focus on the strength of conventional and disruptive tactics respectively, I adopt a temporal-sequencing approach (see Section 3.6 on the causal mechanism for an elaboration). Specifically, I draw on rational choice theories of institutional change to explain Part 1 and 3 of my causal mechanism. In the first part of the causal mechanism, movements use their resources strategically to expose and question the legitimacy of the MDB in question by using disruptive tactics. In Part 3, the influence that powerful member states exercise on MDB behavior can only be explained with a *logic of consequences*. Analogous to neo-realists, rational choice institutionalists view states as "self-interested, goal-seeking actors whose behavior can be accounted for in terms of the maximization of individual utility" (Hasenclever, Mayer, & Rittberger, 1997, p. 23). They hence believe that states make instrumental use of IOs as long as it serves their preferences (Goldsmith & Posner, 2005; Krasner, 2001). While cooperation is possible, powerful member states remain in a position to influence the policies and institutional design of international organizations to a considerable degree. Rational choice institutionalism and neo-realism thus point to the role of compulsory power (Barnett & Duvall, 2005; Keohane, 1984) in the direct interaction between powerful member states and international organizations.<sup>20</sup> While power may be exercised through different means (Baldwin, 1993, 2013), the use of economic incentives and sanctions is particularly relevant in the relations between member states and MDBs (Park, 2017). Incentives and sanctions turn into member state coercion where MDBs are so vulnerable and dependent on the member state(s) in question that it does not effectively possess realistic action alternatives (Anderson, 2008). Arguably, the strength of rational choice institutionalism lies in the recognition that cooperation is possible while not losing sight of the immense influence powerful principals may exercise over their agents – the IO in question.

19 see Zürn and Checkel, 2005 on this interpretation of Kuhn and the resulting preference to build bridges between both theoretical camps.

20 In their seminal essay, Barnett and Duvall (2005) distinguish four types of power – compulsory, institutional, structural and productive power. Decisive for these types is whether power is exercised through interactions or through social relations of constitution, and whether it is exercised in a direct or diffuse manner (for an elaboration, see Barnett and Duvall, 2005).

Where rational choice institutionalism rests on a “logic of consequences,” sociological institutionalism (SI) rests on a “logic of appropriateness” (March & Olsen, 1998). According to this logic of action, which explains Part 2 of the causal mechanism, actors are guided by considerations of what constitutes socially accepted (appropriate) behavior. Appropriateness is relative to the formal and informal norms that are inter-subjectively shared in a given collective. These norms also influence which goals actors seek to pursue and even what they perceive as “rational.” Sociological institutionalism offers two potential explanations for change in institutions – be they states or international organizations. The first explanation is structuralist in nature. According to this version of SI, institutions in a similar “organizational environment” that frequently interact tend to compare and copy each other in terms of institutional design, resource allocation, and practices. Over time, this leads to “institutional isomorphism” (DiMaggio & Powell, 1983; Meyer & Rowan, 1977). The second explanation is more agency-centered and focusses on norm entrepreneurs (Börzel & Risse, 2003). Since I am interested in the change TSMs can bring about in MDBs, I focus on this latter.<sup>21</sup>

Specifically, TSMs engage in socialization efforts and persuade MDB member states to redefine their interests and identities in accordance with their frames (Checkel, 1999). Member states can thus be socialized into (human rights) norms that apply to MDBs and thereby become “members of (international) society in good standing” (Finnemore & Sikkink 1998, p. 908). While TSMs can also exercise pressure on member states and thereby strategically increase the cost of certain courses of action (which would fall under a logic of consequences), they typically lack the material means to sanction or coerce member states into a given behavior. Hence, norm entrepreneurs need to rely primarily on strategic framing and persuasion – communication that becomes effective in virtue of shared norms of appropriateness (Börzel & Risse, 2003; Risse, 2000). Thus, sociological institutionalism complements rational choice institutionalism by highlighting that actors’ behavior is often guided not by cost-benefit calculations, but by considerations of appropriateness. This helps explaining why powerful member states may adopt the frames of social movements, even though TSMs lack the material resources to enforce them.

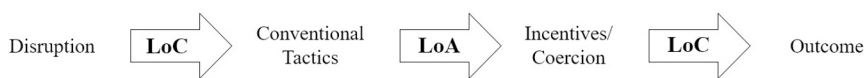
In sum, the focus of my work is on transnational social movement *actors* as change agents (or norm entrepreneurs). Rational choice and sociological institutionalism with their corresponding logics of action help to explain organizational change. They complement each other, as both theories of action highlight different and equally valuable aspects of the nature of institutions. Importantly, the two logics of action are not mutually exclusive. Rather, they may unfold sequentially, with one logic dominating at a given part of the mechanism.

21 While socialization research has predominantly focused on the socializing effects of institutional structures (e.g., formal and informal norms) on actors, the focus in this work is on actors as agents of socialization.

3.5 A Causal Mechanism of Movement influence

In the following, I present the causal mechanism that guides the analysis of my two cases. Building on the literature reviews above (see Chapters 1 and 2) and the analytical framework developed so far, I argue that a specific causal mechanism connects TSM activity and the policy and institutional reform at MDBs. In a simplified version, the mechanism involves three sequences: disruptive movement tactics toward the MDB (part 1), conventional movement tactics (i.e., persuasion) toward member states (part 2), and member state incentives/coercion toward MDB (part 3). Between each part, different logics of action are dominant. At the beginning of this mechanism, TSMs use disruptive tactics to produce crisis at the MDB in question. At a certain threshold of disruption, the movement creates a legitimacy crisis of the MDB in the eyes of MDB member states. This crisis in turn opens up access to member states. In part 2 of the mechanism, TSM use this access and turn to the state channel. They persuade representatives of MDB member states through inside channels and conventional tactics to push for a specific reform. Following a logic of appropriateness, especially liberal, democratic MDB member states realize the normative force of TSM demands for enhance human rights accountability. In Part III of the mechanism, member state representatives (the principals of MDBs) use their financial leverage to effect the policy making of their agents (the MDBs). Though I do not preclude that MDBs could be moved by a logic of appropriateness under certain circumstances, they are (pre-dominantly) moved by a logic of consequences in part III of the causal mechanism presented here. The following graph illustrates this sequence in brief.

Graph 3: Steps in the Causal Mechanism by Logics of Action



Source: own illustration.

3.5.1 The Power of Disruptive Tactics (Part I)

In the long-term, all governance actors depend on some degree of empirical legitimacy—the ascribed right to rule—to be effective (Schmelzle & Stollenwerk, *forthcoming*). MDBs are no exception to that. Different from states, MDBs do not command means of coercion to back up their governance and thus almost entirely depend on notions of empirical legitimacy by their member states, and the relevant publics in these member states). To justify what they do, MDBs need to provide reasons for their actions. It is critical to keep the governance structure of MDBs in mind, particularly their dependence on member state support. It is those member states which, in form of their executive



directors (EDs) on the board of directors,<sup>22</sup> call the shots regarding MDB funding and with regard to political and institutional MDB reform. There are two principal routes to produce crisis at the MDB: (a) through tackling decision-makers in member states directly, or (b) more indirectly, through mobilizing public opinion in important member states.

As the literature review on movement tactics revealed, there is consensus in that conventional tactics proceed within established channels of interaction, while disruptive tactics are applied outside these channels (Dellmuth & Tallberg, 2017). Prominent components of disruptive tactics include riots, acts of civil disobedience, acts of sacrifice (e.g., hunger strikes) and the mobilization of public opinion (i.e., through newspaper articles, social media, documentaries, and protest campaigns; Dellmuth & Tallberg, 2017; Dür & Mateo, 2013; Hadden, 2015). Such tactics are disruptive in that they distort the everyday routines of their targets. Due to this quality, disruptive tactics are instrumental in creating crisis. Creating crisis at MDBs typically means to seed skepticism among *decision-makers of important member states* (including their EDs), that the organization in question performs effectively. In particular, if movements achieve exposing a systematic discrepancy between the talk of an MDB (i.e., its self-proclaimed mission and goals) and its action (i.e., its actual performance), EDs as well as decision-makers in member states will develop some skepticism regarding the institution's effectiveness. Sustained skepticism regarding institutional integrity and performance bear high potential to cause crisis at the MDB. Consider that MDBs—like all other institutions—need to be perceived as legitimate to achieve certain goals. As Keohane (2007) argued, if an institution's "practices or procedures thwart the credible pursuit of the very goals in terms of which it justifies its existence [...] we have reason to believe that key institutional agents are either untrustworthy or grossly incompetent, that the institution lacks correctives for these deficiencies, and that therefore the institution is unlikely to be effective" (p. 7). Mobilizing the public in important MDB member states ultimately uses the same leverage, yet in an indirect fashion over public opinion that translates into skepticism and concern among decision-makers in member states. For the most part of their history, MDBs (like all IOs) operated under the radar of public opinion in most countries. Where people were aware of their existence, IOs could mostly rely on favorable or at least neutral member state publics. Yet since the 1990s, there has been a growing awareness that transcends the small elite circle of engaged activists, increasingly leading to a politicization of international organizations among the general publics around the world (Zürn et al., 2012). For social movements, this increasing awareness regarding the governance of MDBs means an asset, as the potential mobilization of public opinion provides them with additional routes of engagement (e.g., Amenta, 2006; Costain & Majstorovic, 1994; Olzak & Soule, 2009). To recall, disruptive

22 At times, MDBs make a separation between member states and EDs. Formally, EDs represent the MDB as an institution, not their member states. Yet in practice, it is well understood by MDB and movement representatives that EDs are first and foremost representatives of their respective member states, at least where they represent one state only (as it is the case for the most influential member state EDs). The degree of proximity to national interests further increases, the more an issue is politicized.



tactics vary according to context, but typically range from demonstrations, mobilizing public opinion (e.g., through campaigns, walk-outs or by leaking information to the media), civil disobedience, and riots. While disruptive movement tactics involve violent as well as nonviolent means, disruption is more effective if it achieves to expose legitimacy deficits of their target without using violence. According to signaling theory (Lohmann, 1993), all protest offers signals to decision-makers. Yet, large scale demonstrations provide signals to policymakers about sentiments of a wider public only if the protest is led by moderate citizens. In the same vein, coverage by mainstream media of the TSM demands signals' wide-spread acceptance and thus, relevance. Larger incidents of movement violence, on the other hand, not only threaten to alienate the wider public, but also "signal" to policy makers that the protest is led by "extremists," decreasing the likelihood of decision-makers to respond positively. Thus, decision-makers carefully evaluate whether protest reaches a certain threshold and whether it is led by moderates, or extremists (McAdam & Su, 2002). While movements address the MDB directly in part 1 of the causal mechanism, they indirectly communicate with decision-makers in MDB member states. If movements do not delegitimize themselves (e.g., through excessive violence), their mobilization of public opinion is likely to have disruptive effects on their targets, as decision-makers in liberal democratic states care deeply about public opinion.

An important scope condition for this part of the mechanism is the issue characteristics at stake. As previous works have shown, salience among the global public is particularly high on issues involving bodily harm to innocent individuals as well as on issues involving legal equality of opportunity, as both resonate with normative convictions in most countries around the world. Where issue salience is not as high originally, movements need to craft skillful frames connecting their demands to widely shared beliefs (e.g., linking free trade agreements to animal welfare, health and cultural heritage) to increase issue salience. An important catalyst of movement critique and demands for change is mass media coverage (Kolb, 2007). Hence, disruption via the mobilization of public opinion in important MDB member states typically proceeds from movement activity over mass media coverage to public opinion. Irrespective of the path to create crisis, it is at the level of important member states that an MDB crisis translates into enhanced movement access to decision-makers. If decision-makers in member states start to question the MDB's credibility, competence and/or effectiveness, decision-makers will open up for movement input to provide their (alternative) perspective. Access to the state channel is thus the result of crisis at the MDB and, simultaneously, an important scope condition for conventional movement tactics.

The next scope condition that determines the effectiveness of disruptive tactics is the degree of *counter mobilization* to movement demands. Faced with critique, the MDB may respond in different ways (see Oliver, 1991 regarding the five types of reaction discussed above). At first, when critique is still in its infancy, there is no evident need to respond, and MDBs may avoid both, with the actors voicing critique as well as its content. If critique is sustained, the MDB may engage in defiance and openly reject or oppose criticism. A more proactive, long term strategy is "manipulation," according to which the MDB seeks to influence and change external demands (Oliver, 1991). While manipulation refers to attempts at changing the resource base of an organization, Barnett

and Coleman (2005) introduced “strategic social construction” as an attempt to redefine the broader normative environment of the organization. “Manipulation” and “strategic social construction” are rarely viable in reaction to immediate, pressing movement demands. A final route consists in opting for acquiescence or compromise to mitigate critique (Oliver, 1991). Depending on the nature of acquiescence or compromise, movements may reach their goals directly, without a detour over member state persuasion and member state pressure vis-à-vis the MDB. Yet, acquiescence and compromise are very costly for the MDB, as both typically involve organizational reform. Theoretically, immediate acquiescence and compromise of movement demands should be extremely rare, given organizational preferences for sustained routines and standard operating procedures (Barnett & Finnemore, 1999). Thus, we have good reasons to expect some attempt at (partial) compromise that seeks to calm critique, but falls short of movement demands. In all of these reactions, the more and the more refined the means of counter mobilization the MDB possesses, the higher the likelihood that MDBs manage to disarm movement critique. For instance, deliberations with movement representatives may signal a willingness to compromise. Yet, sending a sign of good will also buys time, time until the movement’s window of opportunity to induce change is closed. Thus, the MDB may react in different ways to movement critique, with reactions ranging from full rejection over ignorance to full adoption of the reform demand. If any of these reactions are effective, movement critique has either been successful right away, or scattered and the mechanism interrupts. If, however, neither of these reactions proves fruitful, movements will sustain their critique and the threat of MDB de-legitimation remains. In fact, this threat is even higher the more MDB responses failed to mitigate critique, as it reveals the inability of the MDB to deal with the issue in an appropriate manner.

If, despite MDB reactions, the mobilization of public opinion is sustained and the threat of de-legitimation is high, MDB daily routines are disturbed. If movements are successful with their disruptive tactics, they force it onto the defensive and achieve nervous, hectic, and inappropriate reactions while maintaining the pressure. Such a combination of sustained pressure and mismanagement sheds a bad light on the MDB as a whole and causes member states to worry about the MDB’s reputation as well as their own, given that all IOs are ultimately funded with the tax money of member state citizens. Given this pressure and the perspective of an even greater legitimacy crisis, representatives of MDB member states perceive an urge to respond, typically by paying increased attention to the MDB and by increasing access to movement actors (see below). In sum, if the issue addressed scores high on salience and the public’s policy preferences are congruent with movement demands, movements can effectively mobilize public opinion to produce a legitimacy crisis at the MDB. This in turn worries decision-makers in MDB member states, thus paving the way for increased movement access.

### 3.5.2 The Power of Conventional Tactics (Part II)

Once disruption reaches a certain tipping point and the MDB sincerely recognizes that it faces crisis, I draw on social movement literature to argue that movements proceed to

use conventional tactics via the state channel. As elaborated upon above, conventional tactics involve direct interaction with decision-makers. In the context of social movement activism toward member states, examples of such tactics include private meetings with decision-makers, “offering policy expertise and informing decision-makers about the views and needs of the constituencies which lobbyists represent” (Dellmuth & Tallberg, 2016, p. 6), providing expert briefings in private and, crucially, in parliamentary hearings. Yet, why employ conventional tactics toward member states and not the MDB directly? The short answer is: because parliaments and governments of like-minded and powerful MDB member states are typically the better change agents for human rights oriented policy and institutional change than MDB management, given the latter’s imperatives to represent all member states (including those in favor and those against movement demands) as well as the incentive structure they face to be promoted (Park, 2017). Hence, social movements need to persuade decision-makers in MDB member states through communicating novel information and sound arguments. The disruption of MDB daily routines, if successful, creates uncertainty also among MDB member states. Once movements exposed the MDB’s incompetence or unwillingness to deal with existing problems in an appropriate manner, this has two interrelated effects: (a) MDB member states open up for alternative perspectives, and (b) they create enhanced access for movement representatives. The critical scope condition for this mechanism is hence access to member state channels. At the end of the day, all movement activity short of revolution eventually needs to go through institutional channels to translate into policy. Access, in turn is contingent on member state systems, such as whether they are constituted as presidential democracies with parliaments commanding budgetary power (Kolb, 2007), powerful states are parliamentary democracies, or states of a non-democratic nature. Once access to decision-makers in MDB member states is secured, whether or not these decision-makers are convinced by TSM persuasion depends on the issue salience, the degree of counter mobilization, support from the organizational environment for TSM demands, and the moral or epistemic authority of movement representatives. To begin with the latter scope condition, crisis at the MDB paired with moral and epistemic authority on behalf of the movement greatly increases the likelihood for persuasion. In times of uncertainty, decision-makers look out for credible advice (Haas, 1992).

Conventional tactics – which are always applied in direct interaction between the movement and their counterparts - build on the insight that not only material entities or actions (e.g., a physical demonstration) possess causal force; rather, communicative ‘actions’ can unfold causal leverage in explaining outcomes in the material world as well. I thus align with constructivist approaches assigning discourses a causal status (Checkel, 1998; Deitelhoff, 2009; Holzschleiter, 2010; Risse, 2000), emphasizing movement “power in discourse” (Draude, Schmelzle, & Risse, 2012, p. 10). Specifically, it is through language that we develop our conceptions of reality, of what is good and desirable. In fact, arguments alone may alter the behavior of actors without, or even despite opposing material factors. As reality is socially – that is, discursively - constructed (Berger & Luckmann, 1966; Engelkamp, Glaab & Renner, 2012), the strategic use of language thus constitutes an important source of power (Klein, 2013). As language can never be neutral, emotions play a decisive role (Koschut, 2017). Given that human beings are al-

ways emotional and thinking beings at the same time, the use of conventional tactics (persuasion) involves the strategic reference to the emotional component of concepts, arguments and demands (Kratochwil, 1989; Legro, 1997; Hawkins, 2004; also see Chapter 2).

Once access is guaranteed, framing literature from psychology and communication studies helps explaining when persuasion toward member state decision-makers is likely to work. Specifically, Kahnemann and Egan (2011) theorized that “*cognitive ease*” is a relevant factor in influencing our emotional reaction toward an idea. Where decision-makers are confronted with ideas that they already know underpinned with values they already believe in, they experience cognitive ease and find it easier to believe in the veracity of the frame. In several experiments, it could be shown how positive emotions associated with cognitive ease trump facts. For instance, frames that are too complex by building on too many arguments at once are more likely to be questioned than those relying on the central premise, argument, and conclusion. In a similar vein, internal contradictions or shades of grey within an argument cause suspicion. Even the worst dictator will make sure that the ideology his rule rests upon provides a coherent set of beliefs. Passing the hurdle of a minimum degree of consistency therefore belongs to the necessary requirements of a frame. In sum, an effective frame needs to possess cognitive ease. That is, it needs to be clear, simple, and internally congruent. If continuously repeated, frames sink into individuals’ cognitive apparatus by providing cognitive schemas that can be reactivated easily. Closely related, frames are more powerful if they are not too abstract, but rather establish congruence with the life-world of decision-makers – a quality referred to as “*experiential commensurability*” (Benford & Snow, 2000). The critical question here is whether frames are commensurable with the personal, everyday experiences of the target, or whether they are “too abstract and distant from the lives and experiences of the targets” (Benford & Snow, 2000, p. 621). According to several authors (Zuo & Benford 1995; Goodman & Jinks, 2013), the more experientially commensurate the frame, the greater the likelihood for frame adoption. To illustrate, Heitlinger (1996) argued that the lack of experiential commensurability explains why the frames of Western European feminism centering on equal work opportunities did not work in post-Communist Czech Republic, where women pursued paid labor for decades.

In addition, the salience or centrality (Goodman & Jinks, 2013) of the internalized value in question triggered by the issue matters. Research on values and beliefs indicates that they are typically arrayed in a hierarchy. The more salient a given value for an addressee, the more central it is for his/her identity, which in turn increases the salience of the frame (Benford & Snow, 2000). Hence, an effective approach is to connect demands to underlying, fundamental values that are widely accepted and shared by decision-makers (Wehling, 2014). Because states care about their sovereignty, they prefer to delegate tasks to IOs at the lowest sovereignty costs possible (Abbott & Snidal, 2000; Tallberg et al., 2013). Hence, the higher the sovereignty costs of the movement demand, the lower the chances for an effective use of the state channel.

Due to the relevance of discursive structures surrounding each semantic battle over interpretations, it is crucial for TSM relying on persuasion to be aware of the respective discourse environments including the talk and actions of other MDBs sharing an in-

group identity with the MDB in question. If organizations in the *MDB environment support* TSM demands, decision-makers of MDB member states may use them as anchors to evaluate practices of the MDB in question. If another organization already practices what the movement demands, decision-makers in member states may experience “narrative fidelity” (i.e., a correspondence between the demand and an already familiar and established practice; Benford & Snow, 2000). In contrast, if decision-makers are opposed to movement demands and engage in *counter-mobilization*, the likelihood for frame resonance is less likely. If persuasion is successful, however, member state representatives take up TSM demands and carry it to the MDB. This is where part III of the mechanism kicks in: whether TSM demands translate into MDB reform ultimately depends on the power of the member state representative carrying forward TSM demands.

### 3.5.3 Member State Incentives, Sanctions and Coercion (Part III)

In a final step, convinced member state parliamentarians and governments need to mobilize political support for reform at the MDB's board of directors—the highest decision-making body. In this part of the mechanism, power asymmetries among member states are of great importance, as not all member states are equally equipped to influence MDB policy making. To be explicit here, this part of the mechanism follows a principal-agent model prominent in rational choice approaches to institutional change (Hawkins et al. 2006; see also Chapter 3.4.1). According to the model, states (the principals) delegate certain tasks to international organizations (the agents). A central component of such a contract is the permanent oversight and control of agents by their principals (Moravcsik, 1998). Several authors have rightly questioned the assumption whether such a degree of control is possible and pointed to the autonomy of IOs (Barnett & Finnemore, 2004; Busch & Liese, 2017). Surely, the question to what extent IOs are autonomous agents, and to what extent they are instruments of member states remains a hot topic among scholars of international institutions (Martin & Simmons, 2013). With Sauer and Masala (2017), I acknowledge the value of theoretical pluralism that enables different perspectives on institutions. Against that background, I hold that the rationalist principal-agent model explains best the kind of member state involvement towards MDBs I have in mind at part III of the causal mechanism. In this third part of the mechanism, executives or legislatures with budgetary power exercise their influence toward the IO directly, by providing monetary incentives or threatening sanctions in cases of noncompliance. Incentives and threats may be communicated through mere rhetoric or by passing corresponding laws. In extreme cases, parliaments of states may even threaten to cut their funding altogether. In such incidents, the threat becomes existential to the IO and effectively coerces it into compliance. In another variant, parliamentarians shape the national discourse about the relationship between IO operations and human rights protection, thereby influencing their government's position, which then exercises its influence on the IO. The U.S. Congress is a prime example of a parliament with considerable leverage in foreign policy matters. Among its responsibilities is the draft of foreign policy legislation, to provide financial resources to IOs, to ratify international treaties (U.S. Senate) and even to appoint administrative personnel

to IO. Goodman and Jinks (2013) cited the “U.S. Foreign Assistance Act” which denies foreign aid to human rights-violating states, and thus provided considerable financial incentives to comply with human rights. In relation to IOs, the United States sought to use its influence to enhance IO accountability vis-à-vis member states through the introduction of auditing, monitoring and evaluation procedures (Grigorescu, 2010). As Kaya (2015) rightly holds, the power of U.S. Congress in relation to an IO is dependent on the IO’s issue area and governance structure. In relation to MDBs, the U.S. Congress has particularly high leverage. This is a result of the combination that the U.S. Congress enjoys budgetary power and the fact that member state influence in MDBs is allocated according to financial shares. Thus, across MDBs with U.S. participation, U.S. influence is traditionally high (Park, 2017). What is more, U.S. Congress also has a reputation for making use of this financial leverage to pursue its policy goals (Babb, 2009; Heupel & Hirschmann, 2017). Still, to be precise, it is the executive of an influential member state that needs to push for MDB reform. Even in the case of the United States, where Congress has budgetary powers, the path to change occurs through the Treasury, which in turn instructs the U.S. EDs to push for change. As stated before, EDs on the Board of Directors primarily represent their respective member states. Still, they also fulfil an important mediating role between member state executives and the MDB. As a collective, EDs and the MDB president (together making up the Board of Directors) may worry about the MDB’s legitimacy and funding. To put it directly, the same ED can threaten funding cuts in her function of a MS representative, and yet worry about these same funding cuts in her role as a MDB Board member. To reconcile both pressures, this ED will push the whole Board to adopt those reforms necessary to mitigate critique within one’s own member state. Thus, if the Board of Directors worries about MDB funding cuts it may, following a logic of consequences, collectively react to these incentives by adopting the required political and institutional reforms.

Importantly, this part of the mechanism refers to the relationship between powerful member states and the MDB in question. For the movement, the critical issue is to get decision-makers of liberal member states to exercise their leverage in favor of movement demands. Thus, social movements may also operate in nondemocratic states and seek to influence their executives who then, in this part of the mechanism, exercise power over the MDB.



## 4 Research Design

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This research design chapter is structured in four main sections. In the first, I discuss process-tracing as a method to trace causal mechanisms, and then I elaborate on my use of process-tracing in the context of a comparative case-study design. In circumstances where causal mechanisms are fairly well theorized in the literature, cross-case process-tracing helps to refine existing explanations while simultaneously contributing to their external validity (Section 4.1). Section 4.2 highlights the rationale for choosing my two cases and the implications that come along with this selection. I also reflect on the generalizability of my findings. In the section on operationalisation, I propose how the key concepts of my work can be measured with the help of specific indicators and other “traces of evidence” (Section 4.3). In the last section, I discuss issues of data collection and analysis. To provide an outlook, I rely on qualitative content-analysis in MAXQDA to analyze different types of data, including semi-structured interview transcripts, official documents, minutes of executive board meetings and parliamentary debates, as well as notes from participant observation.

### 4.1 Process-Tracing: Uncovering Causal Mechanisms

Process tracing has undergone a profound process of maturation throughout the last decades. In 1994, King, Keohane and Verba still claimed that process-tracing was little more than looking at intervening variables in an infinite regress toward ever shorter chains of causality (p. 86). In their edited volume, *Social Mechanisms: An Analytical Approach to Social Theory*, Hedström and Swedberg (1998) challenged this interpretation, clarifying that causal mechanisms could not be observed directly and hence differed from intervening variables. Rather, causal mechanisms were defined as social processes that link one event to another, the force that connects a cause to an effect (Hedström & Swedberg, 1998; Elster, 1998). Since George and Bennett published their important book “Case Studies and Theory Development in the Social Sciences” (2005), process tracing has enjoyed wider recognition as a method of rigorous qualitative social science research. More recently, important publications elaborated on the use of process-tracing in different research contexts (Beach & Pedersen, 2013) and issue areas (Bennett, 2013).



Today, shared standards evolved which moved process tracing from the realm of sophisticated narration into a recognized and rigorous method to tackle the complex problem of causality in social science research (Bennett & Checkel, 2015). Yet, the increase in studies using process tracing also led to different understandings of the term, leading to some confusion. To clarify my understanding of process tracing and to delineate it from alternatives, I briefly address the main underlying assumptions of my approach as well as its implications for data collection and analysis.

#### 4.1.1 Underlying understandings of causality

In its most general terms, process tracing seeks to trace causal mechanisms. Thus, it assumes a certain nature of causality. David Hume famously argued that we cannot observe causal mechanisms directly (Hume, 1975). Instead, we should think of causes as regular associations (correlations) between X and Y, moving from correlation to causation by controlling for alternative explanations (Chalmers, 2013). Specifically, Hume held that three criteria need to be fulfilled to establish causality: 1) X and Y must be contiguous in space and time; 2) X has to occur before Y; and 3) X and Y are regularly correlated (Holland, 1986). In accordance with these criteria, social scientists tend to adopt a probabilistic understanding of causality. This understanding suits large-n studies, where researchers are interested in mean causal effects across a population of interest. As the causal relationship between X and Y is conceptualized as probabilistic, hypotheses are formulated accordingly (i.e., an increase in X tends to increase Y). Such a probabilistic understanding of causality seems appropriate if one is interested in mean causal effects of a given variable across a large-n population. In statistical models, so-called “error terms” account for the inherent randomness, nonlinear associations and feedback loops – in short, the complexity of our social world. Also, a probabilistic understanding of causality underlies an understanding of causal mechanisms as chains of intervening variables between X and Y (Gerring, 2011; King et al., 1994). According to this conceptualization, each intervening variable exists as an analytical unit in its own right, independent of the other intervening variables. Researching intervening processes may provide additional useful information to explain why a given X has caused Y, also allowing to increase a researcher’s confidence that a given correlation is not spurious. Yet, such an approach begs the question, how a correlation between an intervening variable and a dependent variable came about. In short, a conceptualization of causal mechanisms as IVs neglects the causal linkages between these variables, thus grey-boxing the causal mechanism itself (Beach & Pedersen, 2013; Mahoney, 2001).

In contrast, the tracing of a causal process in a single case works with a deterministic notion of causality (Bennett, 2008). There has been a great deal of misunderstanding using the term “deterministic” in this context, so some clarification is due at this point. To put it up front, I agree with the notion that causality is never deterministic in the sense that a given cause will *always* lead to a particular outcome. Outside the laws of nature, which are by definition true (within their scope of validity), universal, and absolute (Davis, 1992), there appear to be no such laws in the social sciences. Consequently, all general statements about causality in a social scientific theory are probabilistic. What authors such as Collier (2010), Bennett (2008), Mahoney (2008), or Beach and Peder-

sen (2013) referred to when using the term “deterministic,” however, is this: Instead of examining the regular covariation between X and Y, process tracing studies seek to investigate whether X was a necessary and/or sufficient<sup>1</sup> cause of Y *in a particular case*” (Collier et al., 2010). Similarly, Mahoney (2008) argued that a probabilistic understanding of causality makes little sense if we are interested in a particular case. As he put it, “At the individual case level, the ex post (objective) probability of a specific outcome occurring is either 1 or 0,” which means that “single case probabilities are meaningless” (pp. 415–416). This is the meaning of a deterministic understanding of causality – that the causal forces, the theorized mechanism and the outcome were either present, or not in the case under investigation. Importantly, this does not imply that only one path could lead to Y. In fact, tracing the mechanism of a given theorized process does not indicate that other factors were less important, let alone irrelevant. Neither does this understanding of causality assume that a mechanism, once triggered, necessarily produces the outcome. If scope conditions are poorly theorized and/or alter in the course of events, the mechanism may be interrupted. However, if rightly theorized, we should expect causal conditions to unfold *some* effect on Y, given that the scope conditions for the mechanism are in place. Between these causal conditions and the outcome, each part of the mechanism transmits “dynamic causal energy” (Beach & Pedersen, 2013). In line with these considerations, I adopt Bennet (2008) definition of causal mechanisms as “processes through which agents with causal capacities operate in specific contexts to transfer energy, information or matter to other entities” (p. 207). On his reading, a causal mechanism is thus composed of several parts, whereas each part of is composed of entities (or actors such as individuals, groups, or states) that engage in activities. Adopting a machine analogy, each entity can be thought of as a wheel, while activities transmit the causal force to the next entity, resulting in the movement of the whole (e.g., a tractor). In contrast to a definition of a causal mechanism as a series of intervening variables, the parts of a causal mechanism according to Bennet have no independent existence in relation to Y. Instead, “each part should be seen as an individually insufficient but necessary part of the whole” (Beach & Pedersen, 2013, p. 50).

#### 4.1.2 Theory Testing Process Tracing

In their book *Process Tracing Methods* (2013), Beach and Pedersen distinguished between “explaining outcomes,” “theory building,” and “theory testing” approaches to process tracing (PT). In brief, *explaining outcome* PT is a very common method used to elucidate a particularly puzzling outcome. This approach to PT resembles historical scholarship most closely, as researchers seek to craft a minimally sufficient explanation of an event. In doing so, scholars proceed an iterative research strategy, typically combining different mechanisms in an eclectic fashion. As the aim is to explain an outcome, mechanisms are often case-specific and do not aspire to be generalizable beyond the case at hand. In contrast, *theory-building* PT is particularly suitable in situations where we know that a correlation between X and Y exists, but we are not sure about the causal mechanism

1 Without a necessary condition, the outcome would not be possible. A condition is sufficient, if it causes the outcome irrespective of other conditions.

between them. Following this research strategy, scholars start with looking at the facts and then inductively infer the causal mechanism linking X and Y. While theory building PT partly overlaps with “explaining outcome” process tracing, the former seeks to build a mid-range theory containing a causal mechanism that is generalizable. In my work, I engage in *theory testing* process tracing, where the researcher deduces a theory from existing literature and then observes the empirical evidence to test whether a hypothesized causal mechanism was actually present in the case (George & Bennett, 2005). This third kind of process tracing shares the interest in theory rather than a particular outcome with theory building PT. Yet, it starts with theorizing the mechanism before looking at the facts, not vice versa. According to this variant, “we know both X and Y and we either have existing conjectures about a plausible mechanism or are able to use logical reasoning to formulate a causal mechanism from existing theorization” (Beach & Pedersen, 2013, p. 14). The ambition of a theory testing PT study is to test and potentially refine a theorized causal relationship that is generalizable to other cases with similar key characteristics.

#### 4.1.3 Methodological Limitations

As all methods, theory-testing PT also comes with limitations. To begin with, the generalizability of the theorized mechanism to other cases is limited. The more complex the theorized causal mechanism and the more its unfolding is contingent on specific scope conditions, the less generalizable our results. Also, theory testing PT is “blind” for alternative processes happening at the same time. While process-tracing that seeks to explain outcomes scrutinizes different paths leading to an outcome, “theory testing PT” seeks to establish a maximum degree of confidence that a theorized mechanism was present (or not), while remaining agnostic about alternative mechanisms which were at work simultaneously. Theory testing PT thus cannot test the relative explanatory power among competing mechanisms and evaluate which one mattered the most. Instead, scholars are bound to limit themselves to report that a theorized mechanism was present, and that it mattered for the outcome. This limitation also holds for my work. However, once we have a good understanding of the causal mechanisms at work affecting certain outcomes, future research will be better equipped to test the relative strength of competing explanations through large-n studies with more confidence as they may know the underlying causal mechanisms of their variables.

#### 4.1.4 Process Tracing in Comparative Case Study Designs

My *main research aim* is to test and refine a causal mechanism. According to Gerring (2011), the choice between fewer and more cases comes with a number of trade-offs. Prominent among these trade-offs is the focus on causal mechanisms (small-n) versus causal effects (large-n). Given my main research aim, I engage in a comparative small-n study with two cases. While some authors argue that studying a causal mechanism works best in single case study (Beach & Pedersen, 2013), single case studies come at huge costs in terms of external validity. Moreover, while single case-studies have a place in *generating* novel hypotheses or causal mechanisms, they are not suitable to test them

(Gerring, 2011). In contrast, comparative case study designs allow me to enhance external validity (albeit only moderately), without comprising my ability to investigate both cases in depth. Given that process-tracing studies already enjoy very high degrees of internal validity, shifting the balance toward more external validity seems promising. A cross-case study design thus corresponds to my formulation of a generalizable causal mechanism which is theorized to work across cases of TSM engagement towards MDBs. This approach helps to avoid idiosyncratic, case-specific factors from the outset and to enhance theoretical parsimony. Most importantly, the most-similar case study design allows me *test* a causal mechanism across cases with very similar characteristics, yet different outcomes. This design thus enables me to refine the theoretical formulation of the causal mechanism and to specify the scope conditions under which it operates (Wunsch, 2016). Process tracing embedded in comparative designs thus contributes to the formulation of mid-range theories (George & Bennett, 2005; Bennett & Checkel, 2015). In sum, process-tracing is a resource-intensive enterprise and the inclusion of a second case multiplies the effort required. Yet, a most similar case study design fits my research aim best. In addition, it enhances the external validity of my findings and therefore promises considerable gains that outweigh the costs overall.

## 4.2 Case Selection

While *case selection* is a crucial part of any research design, it is especially important for qualitative studies where the limited number of cases does not allow for random sampling (Seawright & Gerring 2008). George and Bennet (2005) define a case as “an instance of a class of events,” (p.5) and a case study as “the detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events.” (p.17). Following this definition of a case study, the researchers’ interest does not lie with an historical episode as a whole (e.g. an MDB reform process), but with specific aspects of that episode. I am interested in a specific causal mechanism involving mixed TSM tactics. Given this research interest, my universe of cases consists of all instances where transnational social movements tried mixed tactics to demand political and institutional change at MDBs. In line with my most-similar case study design and my interest to refine the scope conditions of my causal mechanism, I looked for cases with the same sequence of TSM tactics, largely similar scope conditions and yet different outcomes: TSM engagement for human rights accountability toward the World Bank from 1988 - 1994 (Case 1), and from 2011 – 2016 (Case 2). The selection of these two cases fulfils the basic requirements of a most similar case study design.

In most similar case-study designs, the researcher knows the causes and outcomes of both cases. Since we do not yet have a good understanding of the precise connection between a sequence of movement tactics involving different arenas of contention (MDB and nation states) and their effect on the socialization of MDBs, I chose two cases with similar causes and scope conditions, yet different outcomes. My comparison thus allows me to test the theorized causal mechanism of movement influence on two cases where the mechanism predicts political and institutional change. At the same time, I have

variation across both cases with regard to their dependent variables. This circumstance allows me to compare both cases in a most-similar cross-case comparison (George & Bennet, 2005, pp. 81-83). According to this case selection strategy, both cases should ideally be similar in all respects except for the outcome and one independent variable – the variable explaining the difference. In real life, only approximations of this similarity exist. In the discussion, I elaborate on how this limits the confidence in my findings. Still, my most similar cross case study is promising to refine the theorized causal mechanism and to specify the scope conditions for its application (George & Bennet, 2005, pp. 119-120).

To select my two cases, I initially mapped my universe of cases broadly by reviewing secondary material on TSM engagement for human rights accountability at international financial institutions (IFIs) which have in common that member states have differential influence according to their shares. To begin with, several studies exist on TSM engagement towards the IMF (O'Brien et al., 2000), among which only few specifically studied TSM engagement towards accountability (Scholte, 2008, 2011). Few studies systematically study TSM engagement towards human rights accountability at Regional Development Banks – a notable exception is that by Pallas and Uhlin (2014) on the safeguards policy reform at the Asian Development Bank. According to several authors, however, most instances of TSM engagement for human rights accountability has been towards the World Bank (Nelson, 1995, 1996; Tallberg et al. 2013; Weaver, 2008). Arguably, this comes as no surprise: first of all, the World Bank is an MDB that scores particularly high on social relevance due to its reach and impact. In contrast to regional MDB such as the Asian Development Bank or the African Development Bank, the World Bank possesses global membership. Its impact can partly be measured in financial terms, that is, the lending volume at its disposal, which exceeds that of other MDBs (see Ch.8)<sup>2</sup>. Moreover, the World Bank is widely regarded as a norm-setting organization, defining the standards of appropriate behavior for other MDBs throughout the last decades (Kapur, 2006; Kapur et al., 2011). As a consequence, whenever new general policies and institutional designs develop at the World Bank, there is a rather high likelihood that they will be copied by other MDBs in its organizational environment (Borges & Waisbich, 2014).

Other reasons relate to the World Bank's organizational culture - a comparatively open, non-hierarchical culture that invites outside influences but also encourages norm entrepreneurs from within (Vetterlein, 2015; Weaver, 2008). Partly as a reaction to social movement demands, the World Bank bureaucracy developed sophisticated mechanisms of interaction with civil society organizations already in the early 1980s. In 1982, it created the World Bank NGO Committee as well as an NGO Unit specifically charged with NGO relations (Nelson, 1995, p. 56). The continuous opening up of the World Bank also took place on the project level: While 21% of the projects involved civil society in 1990, a vast majority of 82% had components of civil society involvement in 2010 (Tallberg et al., 2013, p.5). This high degree of openness at the institutional and project level enabled comparatively high degrees of TSM engagement with the World Bank on different levels a time when other MDBs still offered no or very little access to civil society. This openness is also relevant theoretically, as several authors pointed to the fact that

2 Estimates are based on Annual Reports 2016 of World Bank, AfDB, IADB, EBRD, AIIB

it enabled the World Bank bureaucracy to continuously learn and improve its counter mobilization (Anderl, 2018; Rich, 2013).

Among the instances of TSM engagement for World Bank policy and/or institutional reform, three cases stand out involving particularly high levels of TSM mobilization and high degrees of counter mobilization. They have also been particularly far-reaching in terms of their impact. These three cases are: TSM engagement for the creation of a World Bank Inspection Panel in the early 1990s (Rich, 1994; Fox & Treakle, 2003), TSM engagement towards enhanced transparency standards for projects in the extractive industry sector (Colchester & Caruso, 2005; Anderl, 2018) and that concerning the recent Safeguards policy reform (2012 – 2016). While the second case concerned a specific branch and type of projects, the first and the third cases concerned the policy and institutional infrastructure of World Bank human rights accountability. According to Christopher Pallas, the mobilization for increased human rights accountability at the World Bank involving NGOs and activists from around the world in these two cases arguably represented “the first truly global civil society reform effort” (Pallas, 2013, p. 14). Crucially, though, the World Bank Inspection Panel case and the World Bank Safeguards Reform offer what is theoretically required for my most-similar case study: not only the *cause* of the mechanism, but also the sequence of tactics employed by the TSM were largely identical across these two cases. Moreover, several scope conditions appeared very similar: (a) the actor demanding change stayed in place with only some changes to its internal make-up and hence the movement’s organizational as well as moral/epistemic resources, (b) the issue remained constant, (c) discursive opportunities were only slightly greater in the second place, and (d) access to decision-makers was good. Similarly, the degree of power asymmetries on the Board of Directors due to voting shares did not change substantially over the course of the years, with the United States and European member states holding the majority). Concerning *outcomes*, the political and institutional reforms toward increased human rights accountability marked a great success in the early 1990s. In fact, the establishment of an Inspection Panel that was able to accept citizen complaints and to review the World Bank’s compliance with social and environmental safeguards was revolutionary at the time, as it provided citizens with a standing in front of MDBs for the first time. In contrast, the comprehensive reform of the social and environmental safeguards from 2011-2016 led to a weakening of the policies, the increasing limitation of the Inspection Panel’s scope of authority. Also, the establishment of parallel institutions next to the Inspection Panel indicated that mixed social movement tactics did not unfold their power, resulting in social movement failure overall.

To what extent are my findings generalizable? I believe that they are to instances of TSM engagement towards MDBs, provided that TSM employ the same sequence of tactics under similar scope conditions. As briefly mentioned above, the World Bank largely shares its mission, scope of work, funding model and governance structure – and thus a set of relevant scope conditions of TSM-MDB interaction – with other multilateral development banks such as the Inter-America Bank for Development (IADB), the Asian Bank for Development (ADB), the European Bank for Reconstruction and Development (EBRD) and the African Development Bank (AfDB). Crucially, among all aforementioned institutions, voting power is dependent on deposits, leading to highly



asymmetrical powers of influence among member states. Moreover, all these MDBs share that liberal democracies are the largest member states: while the US holds the largest shares in the World Bank by far, Japan leads in the ADB and Nigeria in the AfDB. Outside the circle of MDBs with the aforementioned structural composition, my findings should be read with caution. Already the different mandate of the IMF (i.e. macro financial stability) or the fact that China is the most influential member state at the AIIB means that my findings cannot easily be transferred to these institutions. Beyond TSM engagement towards MDB, my findings only bear relevance if liberal democratic member states are in a position to dominate IO decision-making due to their *de facto* influence (and despite a formal focus on consensus). While most international organizations adopt a “one-country-one-vote principle”, recent empirical research shows that power inequalities among member states are currently increasing, rather than diminishing (cp. Viola et al., 2015), which suggests that my findings could be generalizable to an increasing number of IOs outside the realm of MDBs in the future.

### 4.3 Operationalization

Before evaluating the strength of the hypothesized causal mechanism to my case study, I develop indicators for all key features of the mechanism, starting with an operationalization of the socialization outcome (limited vs. comprehensive human rights accountability). I then move to the cause triggering the mechanism (joint TSM activism), and to an operationalization of parts I – III of the mechanism. Beneath each part, I operationalize the relevant scope conditions. Section 4.3 on operationalization concludes with an elaboration on my rules of aggregation, such as the way in which I add the values of single indicators of a tactic, scope condition, or outcome, into an aggregate value (low, medium or high).

#### 4.3.1 Socialization Outcome: Human Rights Accountability

In the conceptualization of accountability above, I related limited and comprehensive accountability to the respective degree of legalization of the norm. Specifically, *limited accountability* is characterized by a low degree of obligation and precision of human rights and transparency policies, as well as a low degree of delegation to institutional oversight bodies. *Comprehensive accountability*, in contrast, is characterized by high values on each of these dimensions. To determine low versus high values on the dimensions, I operationalize the degree of *obligation* by looking at the bindingness of human rights and transparency policies. Either, they are highly binding (comprehensive) or rather enjoy the status of guiding principles or voluntary guidelines (limited). I operationalize the degree of *precision* of human rights and transparency policies by assessing whether they define specific circumstances under which they apply, and which specific actions result given that the circumstances of their application exist (comprehensive), or whether they are formulated in vague terms, leaving a lot of room for discretion (limited). Regarding the *scope* of relevant policies (scope 1), human rights and transparency policies may cover all activities by the MDB (comprehensive), or only apply to some as-

pects of MDB activities, and contain major escape clauses, thus leaving large parts in the MDB’s portfolio unregulated (limited). Then, I operationalize the degree of *delegation* to independent oversight bodies by looking at three critical factors. I examine whether oversight institutions exist in the first place, whether they are independent by virtue of a sufficient and independent budget as well as sufficient and highly qualified staff and the quality of their competencies, like those to investigate the relevant issues and to yield effective sanctions. Finally, I assess the *scope* of complaint mechanisms (scope 2) by observing whether the jurisdiction of oversight mechanisms is encompassing and/or whether access to the mechanism easy (comprehensive) or whether jurisdiction is restricted (e.g., only relating to part of the portfolio) and/or access difficult (limited). The following table summarizes the operationalization of my outcome:

Table 4: Operationalization of Limited vs. Comprehensive Accountability

	Comprehensive Accountability	Limited Accountability	Operationalization
Obligation	Binding Human Rights and Transparency policies	Nonbinding Human Rights and Transparency policies	Are policies formulated in <u>binding</u> documents and language vs. <u>voluntary</u> guidelines/ aspirational principles?
Precision	Detailed and specific Human Rights and Transparency policies	Vague Human Rights and Transparency policies	Policies define circumstances of their application and consequences vs. vague terminology
Scope 1 (Policies)	Encompassing coverage of substance  Encompassing application (apply to all MDB activities and staff)	Restricted coverage of substance  Restricted application (apply to some MDB activities or staff)	Human Rights policies entail civic, political, socio, economic and cultural rights. Transparency policies cover a public right to information at all stages of the policy cycles. Policies cover all activities + staff.
Delegation	Independent assessment of complaints  Body authorized to take binding decisions	Third party is dependent on MDB  Body makes nonbinding decisions/recommendations	Sufficient and independent <i>budget</i> ? Sufficient and highly qualified <i>staff</i> ?  Authorized to take binding decisions vs. nonbinding recommendations?
Scope 2 (Complaints)	Encompassing Jurisdiction (third party investigations cover all MDB activity)  Wide Access	Restricted Jurisdiction (third party investigations cover only fractions of MDB activity)  Narrow Access	Oversight body has jurisdiction over all MDB activity.  Can affected individuals file a complaint, OR only states (on behalf of those affected)? Are formal requirements for complaints high or low?

Source: own illustration.

4.3.2 The Cause: Joint Transnational Social Movement Activism

The cause triggering my causal mechanism is joint transnational social movement activity, involving community-based and internationally oriented constituencies. Such concerted TSM activity presupposes a minimum degree of coordination. Without such coordination, individual movements across different locations act on their own behalf.



They may still fight for the same cause and use similar tactics. Yet, the sum of activities of individual constituencies alone would not be sufficient to justify the assumption of collective actor hood. Of course, movement subunits will never coordinate every single decision among one another. Similar to other collective actors, their subunits retain some degree of autonomy. To justify the transnational social movement operating as a collective actor, I expect to see coordination above a certain threshold. Given my research interest, I hold that communication about, and joint determination of the overriding strategic approach toward the target organization defines this threshold. In the empirical material, I thus expect to find traces of routinized communication between local and international movement actors.

### 4.3.3 Disruptive Movement Tactics towards the MDB (Part 1)

In part one of the mechanism, we should expect movements to employ disruptive tactics toward the MDB (Part 1a), which causes decision-makers of liberal member states to worry about the MDB's legitimacy and, following a logic of consequences, to open up for improved movement access (Part 1b).

#### **Part 1a: Movements employ disruptive tactics toward the MDB**

In line with my conceptualization of disruptive tactics, I operationalize the use of such tactics toward the MDB as all instances of movement activity outside established channels of engagement. The list of such activities includes but is not limited to *non-violent* forms of protest such as<sup>3</sup>:

- boycotts,
- demonstrations,
- breaches of obligations, agreements and/or the law,
- sit-ins,
- hunger strikes,
- scandalization (e.g. confrontational media campaigns),
- protest letters (a flood of letters or joint letters).

They may also include *violent* forms of protest, such as:

- riots,
- violence against the police or other representatives of the target institution,
- the destruction of property or symbols related to the target institution.

#### **Part 1b: Decision-makers of liberal member states worry about the MDB's legitimacy and open up for improved movement access**

I assess the worries of decision-makers among liberal member states by looking at traces that indicate such worries in press statements, protocols of board meetings, parliamentary debates and interviews, including my own. Such worries can thus be

3 This list builds on but also expands existing classifications (Gertheiss & Herr, 2017, p. 12).

expressed directly (e.g., if a decision-maker says, “I am worried”) or indirectly (e.g., they demand a fact finding mission and an action plan from the MDB on the highest level). The opening up of decision-makers to the movement is then assessed in terms of increasing access, which is also a scope conditions for movement influence for part II (see below).

### Scope Conditions (Part I)

The relevant scope conditions theorized for such successful disruption are the availability of organizational resources, an issue salient enough to justify disruptive tactics in the eyes of decision-makers and the wider public, as well as support from the organizational environment. While the degree of counter-mobilization also matter at this stage (in fact it is the one scope condition that matters throughout the whole process), it is most important in part 3 of the mechanism and will hence be discussed in that context (see below).

I operationalize *organizational movement resources* by looking at the connections movement protagonists have to supporting networks and, particularly, to large social movement organizations (SMOs).

Operationalizing the *nature of the issue* requires a look at several dimensions. I assess the degree of issue specificity in a qualitative manner. An issue counts as “specific,” if it refers to a particular MDB policy and/or a specific MDB project. In contrast, the issue counts as “general” if it comprises features of the MDB (or MDB environment) as a whole. In addition, a causal chain between MDB behavior and movement demands is “short” if movement demands addressing particular MDB behavior and establishing a direct connection between that behavior and the suffering incurred. The vulnerability of an MDB to an issue counts as “high,” if the issue addressed by the movement directly relates to the MDB’s mandate (i.e., development). The respective “sovereignty costs” of reform demands to member states will be assessed by analyzing whether the issue involves aspects that are traditionally located at the core of Westphalian sovereignty. According to Cogan et al. (2016), territorial matters as well as those involving the relation between the state and its citizens (e.g., security, immigration, citizenship and human rights) score highest.<sup>4</sup> Finally, the issue possesses a particularly “high resonance potential” if it involves bodily harm to vulnerable individuals and/or legal equality of opportunity.

I operationalize *support from the organizational environment* as referring to those organizations with which the MDB works closely and/or with which it shares a common identity and purpose. As to the former, I look at the main cooperating partners of the MDB in question as indicated in its Annual Reports and evaluations. As to the latter, I assess an organization’s identity in virtue of its mandate. Where in doubt, I also consult

4 In a different conceptualization, Tallberg et al. (2013) hypothesize that sovereignty costs differ according to stages of the policy cycle. Specifically, they are highest on issues that involve decision-making, i.e., processes where states agree to internationally valid policies that limit their autonomy (Tallberg et al., 2013). However, this focus on stages of the policy cycle is different from the sovereignty costs associated with the issue.

the lists of participants of joint workshops and conferences at the MDB's annual meetings with a common goal. The closer an organization is to the MDB in question, the more likely it is that the MDB will be compared to this organization. I assess the degree of *support for movement demands* from these organizations by looking at their "talk" (i.e., in organizational documents and press statements) as well as their "actions" in terms of policies and institutional reform.

#### 4.3.4 Conventional Tactics toward Member States (Part 2)

According to the second part of the causal mechanism, the movement engages in conventional tactics toward decision-makers of liberal member states (Part 2a). Following a logic of appropriateness, these decision-makers are persuaded by movement arguments and accept their demands (Part 2b) to become active vis-à-vis the MDB. The relevant scope conditions for this part of the socialization process to work are MDB *crisis*, *access* and *moral/epistemic authority*.

##### **Part 2a: Conventional tactics toward decision-makers of liberal member states**

When using conventional channels of engagement toward liberal member states, movement representatives either actively invite decision-makers (e.g., to conferences, workshops or debates), or they accept invitations (e.g., to participate in parliamentary hearings or expert briefings). In both cases, movement representatives use conventional channels to persuade decision-makers of their aims. More specifically, they communicate their frames. These frames typically consist of the following four elements: (a) a problem definition, (b) the causal attribution, (c) the evaluative nature of a statement, and (d) the action that is required to solve the problem (Entman, 1993). To observe each of these components, I engage a qualitative content analysis in MAXQDA to analyze movement statements made in conventional (inside) channels toward decision-makers of member states in view of these four dimensions. Instead of looking at all movement statements, I am only interested in those involving the demand for an accountability reform at the World Bank.

##### **Part 2b: Movements persuade decision-makers of liberal member states**

To increase the plausibility in my argument that movements were successful in persuading decision-makers, I first of all draw on the technique of *cognitive mapping*. Wolff (2009) introduced cognitive maps to political science research as a technique for actor-centric process-tracing. While cognitive maps—an instrument from the realm of psychology—have been part of political science research (Axelrod, 1976; Shapiro, Bonham, & Heradstveit, 1988), Wolff (2008) showed the potential of cognitive maps in rendering causal mechanisms plausible. In short, cognitive maps depict specific interpretations of the social world by linking central concepts and causal assumptions held by a given actor. Instead of providing a comprehensive worldview of an actor, cognitive maps are specific in that they are focus on the perception of specific problems. Their character as maps allows visualizing a simplified version of core assumptions, values, and relationships. Drawing on such cognitive maps helps to verify the plausibility that a movement frame relates to already held beliefs by decision-makers, thus increasing the cogni-

tive ease and experiential commensurability (for an elaboration of both terms, see ) of these proposals. Where we are confronted with ideas or concepts that we already know or believe in, we experience cognitive ease and find it easier to believe the idea. The material laying ground for the cognitive maps of critical decision-makers consists of biographies, newspaper and journal articles written by close observers, as well as interviews, press statements and speeches. Secondly, I hold that the nature of the response by decision-makers tells us something. Are challenges made by TSM welcomed, treated as reasonable but misguided, or rejected and treated as beyond the pale? For instance, do decision-makers suddenly employ the same language and metaphors of the TSM in describing the problem, attributing causality, in their evaluations and their actions?

### Scope Conditions (Part 2)

As elaborated upon in the previous section, I theorize that disruptive movement tactics produce a crisis at the MDB in virtue of the fact that important MDB member states begin to worry about the MDB's legitimacy. This crisis, which is the product of disruptive tactics, is an important scope condition for the effectiveness of conventional tactics, as it leads to enhanced *access* to decision-makers and produces the necessary degree of uncertainty—two conditions that are integral to the success of conventional tactics. To use the access effectively, the degree of epistemic/moral authority of the movement matters as a scope condition for movement success in Part 2 of the causal mechanism.

According to a classical definition provided by Seeger, Sellnow, and Ullner(1998), organizational *crisis* refers to “specific, unexpected, and non-routine events or series of events that [create] high levels of uncertainty and threat or perceived threat to an organization's high priority goals” (p. 231). Crisis at MDBs then typically threatens to undermine the MDB's legitimacy or funding, or both, as both. Crisis caused by TSM activity becomes evident if the MDB adopts measures that are directly connected to movement activity, but unusual in the sense that they exit the path of everyday routine. For instance, if the MDB switches from ignorance and avoidance of movement demands to fiercely rejecting them, while simultaneously engaging in internal investigations, these would be indications of crisis at the MDB. Alternatively, if MDB management gets caught by member state representatives and/or media at lying or covering-up misconduct, this would constitute crisis.

I operationalize *access* as the degree and quality of direct interaction between movement representatives and decision-makers. Indicators are the quantity and quality (time, setting, purpose, involvement of public) of direct meetings. To collect data on access, I take two routes. : The first is an institutional or *de jure* route, asking, “What are the formal channels of access guaranteed by the constitution of the actor in question?” This measure includes official channels of access to those sections of a member state that are responsible for policy-making in MDBs in virtue of their respective constitutions. I thus look at the political system of MDB member states and additional formal channels. The second criterion seeks to capture access (e.g., private encounters) through informal channels. For instance, I seek to include access that is based on personal relationships between activists and decision-makers. To collect

data on this second channel, I asked movement and government representatives in interviews about important contacts and/or encounters.

I assess the degree of *moral or epistemic authority* among movement constituents by looking at the availability and social status of movement members. Concretely, the share of academics among movement constituencies, as well as the presence of organizations with scientific credentials (e.g., professors and PhD holders among their ranks and people who publish in academic journals) will serve as a measure of epistemic authority. Meanwhile, the availability of public intellectuals and organizations with high moral reputation among the general public (i.e., in mainstream media) serves to indicate moral authority.

#### 4.3.5 Member State Incentives Toward the MDB (Part 3)

In Part 3 of the causal mechanism, decision-makers of liberal MDB member states use material incentives to induce reform at the MDB (Part 3a). As brokers between member state pressures (the primary locus of perceived responsibility) and MDB well-being, EDs on the Board of Directors will push the whole Board to adopt those reforms necessary to mitigate critique and to avoid funding cuts (following a logic of consequences[Part 3b]).

##### **Part 3a: MDB member states use material incentives to induce reform**

Material inducements or even coercion of the MDB on behalf of a member state becomes evident in press statements or legislation enacted by decision-makers of member states. In principle, there could be positive incentives in the form of increased financial contributions attached to the adoption of a reform. Yet, I predict material inducements will generally come in the form of threats to withdraw parts of the MDB's funding. Specifically, I will look at publicly voiced threats to withdraw funding, either in the form of legislation, through media, or, in the course of World Bank—member state discussions concerning the next round of funding. I triangulate this information with my interview material, as most World Bank member states' discussions in relation to future funding take place behind closed doors. Inducements turn into coercion where the MDB has no choice but to comply (Anderson, 2008; see elaboration in analytical framework section). Whether this threshold is met depends on the shares a member state holds and threatens to withdraw. Clear indicators for that threshold do not exist, which is why I rely on a careful assessment against the background of general circumstances to make this judgment call (i.e., that coercion rather than inducement took place).

##### **Part 3b: The MDB Board of Directors collective worries about a funding cut and adopts political and institutional reforms**

I assess worries of the MDB Board of Directors by observing their reactions to incentives from member states closely. Sudden changes in rhetoric, excuses, bold promises for reform and other unusual actions in direct response to the threat of incentives or sanctions of member states are indicative here. Ultimately, however, the adaption of a reform the Board of Directors did not want in the beginning and in light of clear in-

dication that it is not convinced of the reform (e.g., leaks to the press), is the clearest indication for the Board of Directors's fear. Assessing the adoption of reform itself is a straightforward task, as new policies and institutional reforms are publicly available in the respective MDB policy documents and resolutions.

### Scope Conditions (Part 3)

The necessary scope conditions for an effective use of material incentives toward the MDB are straightforward. Such incentives only work if the MDB is highly dependent on those member states using the incentive, for example, when there are power asymmetries on the Board of Directors. Closely related to this scope condition, the degree of counter-mobilization among those opposing the direction of change should not exceed a certain threshold. In short, if a move of a powerful coalition of member states provokes an effective balancing of power, the effect might not be produced. Balancing of power may also occur through the MDB itself by engaging in strategies to derail or co-opt the push for reform.

**Power asymmetries on the Board of Directors**, the highest decision-making organ of each MDB, exist by virtue of differential shares that member states hold. As these financial shares—what each member state contributes to the MDB's overall budget—translate into voting rights, more shares means more votes. The higher the discrepancy in terms of shares among member states, the higher the degree of power asymmetry. Since the degree of power asymmetries in virtue of shares is relative, no precise measure exists determining the threshold separating a low from a high degree of power asymmetry. I argue that power asymmetry is high if one member state has the ability to determine the fate and circumstances of the MDB as an institution. For instance, if the funding cut of one member state risks the survival of the MDB as it stands, or if one country possesses so many shares that they can exercise a veto with regard to any Board decision, the power asymmetry between that country and those who lack such ability is high.

### Scope Condition (perpetual): The degree of counter-mobilization

I argued in Chapter 3.3 that counter mobilization by the MBD bureaucracy and MDB member states formed a perpetual scope condition representing the dynamic interaction between the transnational social movement and movement addressees. Accordingly, counter mobilization is present along all three parts of the mechanism. Counter-mobilization on behalf of the *MDB bureaucracy* involves three dimensions: avoidance, defiance and manipulation (see chapter 3.3). Since counter mobilization assumes intentionality, I will only talk of *avoidance* as an act of counter mobilization if it is a deliberate reaction to TSM demands. To observe avoidance, I thus need to proof that a) TSM demands were perceived and known by the MDB in virtue of apparent indications (e.g. extensive media coverage or letters to the president), and that b) the MDB chose not to react to these demands as if they did not exist. Next, *defiance* involves explicit and subtle forms of counter mobilization. Instances of the former are open rejections of the demands (e.g. in press statements or during public events). Subtle defiance are attempts at cooptation, either by opening-up to TSM consultation without translating TSM de-

mands into tangible decision making outcomes (Cooptation 1), or through the inclusion of only moderate movement constituencies, which has the important side effect to divide the movement into moderate and “radical” constituencies (Cooptation 2). Evidence of defiance-cooptation 1 consists in a) the existence of MDB-TSM consultations in combination with b) the lack of integration of TSM demands into policy or institutional reforms. While it is admittedly difficult to collect data on this scope condition, I relate the extent of TSM engagement by the MDB to the degree of MDB responsiveness to TSM demands over time (i.e., for the period of four years in each of my cases). I supplement this measure with assessments by observers and those actively involved in the process of TSM-MDB exchange in interviews. Evidence for defiance-cooptation 2 is incentives to moderate movement parts and/or sanctions to more “radical” parts (Deitelhoff & Daase, 2017; O’Brien et al. 2000). Incentives in turn are invitations or funding to attend consultation rounds, the legitimization of movement parts through joint conferences, pictures or even the employment of selected movement representatives (Anderl, 2018). Manipulation, finally, are attempts to influence the MDB’s environment, specifically external demands, to mitigate pressures (Oliver, 1991; see chapter 3.3). On a structural level, MDB bureaucracies may use their knowledge creation powers and seek to influence the very rules and norms that regulate MDB – TSM interaction. Moreover, the MDB bureaucracy may either align with external allies that support its goals (including governments of MDB member states) to mitigate TSM critique.

Counter-mobilization by the *MDB member states* is arguably easier to capture and operationalize, as it is typically expressed more openly on the respective MDB executive boards, using either the “power of the purse” or “voice and vote” (Park, 2017). To operationalize member state counter mobilization expressed in terms of the “power of the purse”, I look for instances where member states threaten to withdraw (parts of) their funding. To operationalize counter mobilization in terms of “voice and vote”, I look for traces of member state dissent in minutes of board meetings, public statements, or input they provide to the MDB in the course of formal MDB-TSM consultations. Such open declarations of member state opposition will be subject to a qualitative content analysis in MAXQDA. To get at the more hidden opposition voiced by member states, I asked my interviewees about the opposition they experienced during negotiations. A drastic form of MS counter mobilization is the creation of novel institutions, or the threat thereof. Such opting-out has been described by Morse and Keohane (2014) as counter multilateralism.

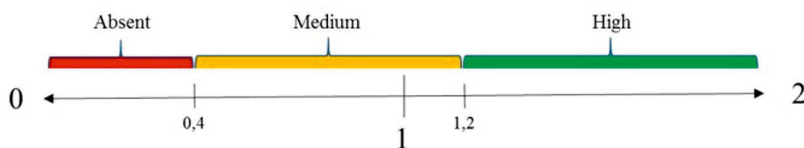
#### 4.3.6 Rules of Aggregation

To assess the final outcome in both cases, I assign an aggregate value between 0.0 and 2.0 to the resulting human rights accountability. Then, values from 0.0 to 0.4 count as an *absence* of accountability, 0.5 to 1.2 as *limited* and 1.3 to 2.0 as *comprehensive* human rights accountability.<sup>5</sup>

5 Naturally, the cut-off points are somewhat arbitrary, as the difference between 1.2 and 1.3 is by no means bigger than that between 1.1 and 1.2. If a final value is close to a cut-off point, I will make that transparent in the discussion of my outcomes.



Graph 4: Cutting points (rounding up or down)



Source: own illustration.

To get at this aggregate value, I equally assign a value between 0.0 and 2.0 to each dimension of my outcome. If several dimensions exist and the assigned values on these dimensions diverge, it is also possible that the aggregate value lies in between these numbers (e.g., adopting the aggregate value of 1.5 if the assigned values on two dimensions were 1 and 2). More demanding are calculations where one concept is operationalized across more than two dimensions (e.g., with the assigned values 2, 0, 1, 2, and 2). Again, I calculate the average value, adding all values and dividing the outcome by the number of dimensions (in the example:  $2 + 0 + 1 + 2 + 2 = 7$ ; then:  $7 / 5 = 1.4$ ), whereby all aspects of a single dimension count equal. All values obtained in each dimension are then rounded up where there is a 5 or higher behind the decimal point, while I rounded the value down where the number behind the decimal point was  $\leq 4$ . Each dimension is assigned one value, based on the questions and indicators listed in each table.

## 4.4 Data Collection and Analysis

Naturally, a great deal of the interaction between TSMs and critical actors for IO decision-making (at the World Bank or member states) occur behind closed doors, particularly when the social movement engages in conventional tactics. Similarly, interactions between member states and the World Bank often remain obscure. For example, there is a tacit understanding at the World Bank that initiatives opposed by powerful stakeholders typically do not make it on the agenda of the Board of directors. To avoid a negative vote, U.S. deputies, EDs and World Bank management negotiate a consensus behind the scenes (Babb, 2009).

### 4.4.1 Data Collection

I was fortunate to do several field research trips from 2015 to 2017. Among them were participations in TSM strategy meetings (notably a one week strategy meeting in Frankfurt in May 2016) and World Bank –TSM consultations on human rights policy reform in Berlin (either organized by the Berlin representation of the World Bank, or by the German Institute for Human Rights). Most importantly, though, were two field research trips to Washington, D.C. The first took place in June and July of 2015, the second one in March and April of 2017 (as a visiting scholar at American University's Washington Col-



lege of Law). The two research stays in Washington D.C. allowed me to interview critical people for both cases more than once, sometimes even three to four times. On the side of the World Bank, I interviewed staff working for the offices of several EDs on the Board of Directors, senior management in charge of the accountability reform process, the head of the World Bank's legal department responsible for operational policies, several former and current members of the World Bank Inspection Panel as well as senior members of the Independent Evaluation Group (IEG; see Appendix for a full list with the time, location, and positions of those interviewed). My second research stay also coincided with the World Bank's Annual Spring Meeting 2017. In the context of this Annual Spring Meeting, the Civil Society Policy Forum provided an excellent opportunity to meet leading TSM representatives, executive directors and World Bank staff working on safeguards policies, as it also provides a unique opportunity to observe TSM – Board of Directors interactions during CSO Roundtables first hand. Moreover, Annual Spring Meetings provide a unique opportunity to take a look behind the scenes. For instance, several networking events hosted by NGOs or subunits of the World Bank (e.g. a reception organized by the Inspection Panel) allow for extensive participant observation, but also for a range of background conversations. Similarly (why conceal it?), house parties that take place during Annual Spring Meetings allow good opportunities to have background conversations with TSM, member state and World Bank representatives. Finally, in Washington D.C., I was allowed to take part in “Tuesday Group” meetings. The Tuesday Group is a regular networking format that brings Washington, D.C.-based NGOs together with U.S. decision-makers—primarily from the Treasury, but also from State Department and Congress (see Chapter 6 for an elaboration). The flip side of such informal background conversations is that the acquired data cannot be cited, and these conversations do not appear in the Appendix).

A number of challenges are common to using interviews as a method to reconstruct causal mechanisms. I here restrict myself to discussing the most pressing ones, before outlining potential remedies. First, access is not complete. While I gained access to key people within the social movement and the World Bank, getting access to key parliamentarians in the most important member states (most notably, U.S. Congress) was difficult. While not all potential interviewees agree to do an interview, those who do may have an agenda on their own. In other words, why do interviewees agree to do the interview in the first place? As George and Bennet (2005) put it, “The analyst should always consider who is speaking to whom, for what purpose, and under what circumstances” (p. 99). To avoid systematic biases, researchers should thus be aware of the agenda interviewees might have. To assess whether the information gained through interviews accurately reflects reality, one needs to consider whether the selection of sources is systematically biased in one direction. In my work, I talked to slightly more activists than World Bank staff, and to considerably more activists and World Bank staff than decision-makers of member states. This is one of the reasons for rating evidence gained from relevant documents higher than my interview material overall (see below). In addition, different people tend to have different perceptions regarding the course of an event. For instance, while I interviewed several individuals who occupy key roles in the process I am interested in, their perspective on the same event may differ considerably (i.e., interviewees tend to systematically overstate their importance in bringing

about an outcome). To deal with these diverging perceptions which all represent a piece of the mosaic, I tried to get as many perspectives from people with different affiliations as possible. While the motives to misrepresent a given event, and the fact that perceptions diverge (even where people have the best intentions to tell “the truth”, the use of interview material as evidence for an objective reality is particularly challenging with regard to historical events. The more time elapses between the event and the interview, the more researchers need to calculate the imperfections of human memory, leading people to recall an event selectively. In some instances, interviewees change their interpretations, and thus even their own memory of an event over time through the exchange with other people. Due to these potential biases in interview accounts, the analysis of primary documents is at the core of my research. In particular, I draw on four types of documents:

- official position papers of the transnational social movement (typically in the form of “Joint Letters” or “Position Statements” that are submitted to World Bank management or the President),
- press Statements by the World Bank ,
- minutes of parliamentary hearings (particularly U.S. Congressional subcommittee hearings, but also hearings from other member states), and
- newspaper articles from major newspapers in powerful member states (e.g., *Financial Times*, the *Washington Post*, the *New York Times* , and *The Guardian*)

Information of several scope conditions required me to look at movement documents. For instance, collecting data on issue characteristics requires looking at the core demands the transnational social movement pushed for in their activism toward the MDB in joint movement letters as well as strategy papers. In addition, I consulted two further types of documents to collect data on the outcome of TSM activity:

- operational social and environmental policies,
- board resolutions laying ground for institutional reform (i.e., the resolution establishing the World Bank Inspection Panel)

Access channels to these six types of documents vary. I accessed joint letters of TSM engagement via the websites of those TSM constituencies coordinating the campaign. Press statements of the World Bank are available on the World Bank’s website. I accessed newspaper articles via the LexisNexis search engine. Finally, I accessed minutes of parliamentary hearings via parliamentary archives<sup>6</sup> or research services, such as the Congressional Research Service. Of course, these documents are not neutral. Notably, newspaper articles inevitably represent an extract of reality. Yet, the documents are rather close to my objects of interest in a given part of the causal mechanism. For instance, TSM joint statements are traces of the TSM frames and demands, while World Bank safeguard policies and the Board Resolution establishing the Inspection Panel are

6 For the U.S. Congressional archive, I combined an online search with several visits to the U.S. Library of Congress in Washington, DC.

a fairly direct accounts of the degree of legalization of World Bank human rights accountability (for a more detailed analysis, see chapter 5).

Summing up, my data corpus consists of a vast array of documents (specifically legal documents such as board resolutions and policies, press statements, minutes of parliamentary hearings, and the memoirs of decision-makers), newspaper articles, notes from participant observations and—last but not least—interviews. As a general rule, I preferred documents over interviews where these documents were available and a close representation of the phenomenon of interest. While interviews are an imperfect source to gain access to real-world phenomena (i.e., outside the perceptions of those interviewed which are real-world phenomena as well), they may provide the only available source filling blank spaces and are therefore unavoidable. To deal with the problems of biases in the data collected, the best solution is the combination of three strategies in the analysis of my results (see empirical Chapters 6 - 8):

- a critical reflection on the scope and direction of the bias,
- a triangulation of different sources of the same type (i.e., interviews with several stakeholders in the process), and
- a triangulation of observations across different types of sources (i.e., interviews, newspaper articles and minutes of congressional hearings).

#### 4.4.2 Data Analysis

I engaged in a qualitative content analysis in MAXQDA to deduct the most important information from my interview transcripts, legal and organizational documents, hearings and newspaper articles (Mayring, 2010; Schreier, 2012). Specifically, I derived the codes for my analysis deductively from my research question and the operationalization of my concepts. For example, I developed a code with the label “issue” that involved all indicators specified in the operationalization (e.g., nature and content, specificity, salience to MDB) as subcodes. Then, I scrutinized the empirical material and structured it according to the codes of interest to me (Schreier, 2012). To evaluate my evidence, I used tests common to process-tracing studies (Collier, 2011). In the section “Operationalizations” (4.3) I specified the empirical manifestations (or indicators) of the components of my causal mechanism. Yet, developing indicators is different from analyzing the information in light of these indicators. In process tracing, as in other scientific works, a common differentiation exists between “observations” and “evidence.” Whereas the former refers to raw data before it has been scrutinized with regard to its content and accuracy, “evidence” is a term reserved for data after it has been evaluated. Evidence thus enjoys a superior epistemic status compared to observations, as only the former entails inferential value with regard to the phenomenon under investigation. At a minimum, the evaluation of observational data involves a reflection concerning the accuracy of the observations (i.e., by using contextual knowledge to interpret whether a piece of information could be expected, or not) as well as a reflection on potential sources of error. Using Bayesian logic of inference helps to update the confidence in a new piece of information. “Bayes’ theorem” is a term borrowed from statistical analysis that describes the probability of an event based on prior knowledge of contextual factors related to that

event. The theorem helps to update subjective beliefs in a given statement in a rational way, considering new pieces of evidence in relation to already existing evidence. In process tracing, the Bayesian theorem helps to evaluate information concerning evidence for each part of the causal mechanism. Specifically, it provides guidance to update our belief that a particular part of the mechanism took place in light of the evidence. To do the updating, we need to know our prior confidence in the hypothesized part of the mechanism and which evidence we expect to find if the mechanism was present. The prior confidence in the causal mechanism I hypothesized stems from the logical plausibility of the mechanism (logic) and existing research. A reflection with regard to our expectations to find particular pieces of evidence helps us to determine the degree of *certainty*, as well as the *uniqueness* of the evidence at hand. Finding evidence means finding empirical fingerprints of the causal mechanism. With regard to some empirical fingerprints, I was certain to find them before looking at the data. For instance, I expected to find joint letters addressed to the World Bank as indications of coordinated TSM advocacy. While the presence of such evidence only confirms prior beliefs that were already strong, the lack of such evidence has strong disconfirming power: if I do not find it, there is a high likelihood that the theorized mechanism is not complete. Uniqueness, on the other hand, refers to empirical predictions that other theories do not make. If my theorized causal mechanism predicts to find a rare piece of evidence, and we actually find it, this has great confirmatory potential regarding the theory. We can determine the degrees of certainty and uniqueness of the evidence with the help of our contextual knowledge. Against this background, the following four “tests” then allow to scrutinize and evaluate the evidence (Collier, 2011):

- **Straw-in-the-wind test** (low uniqueness, low certainty). This is the weakest of the four tests, neither necessary nor sufficient to confirm a hypothesis.
- **Hoop test** (high certainty: necessary to confirm hypothesis). If the hypothesis fails the hoop test, this disconfirms the hypothesized mechanism.
- **Smoking gun test** (high uniqueness: sufficient to confirm hypothesis). If the causal mechanism does not leave traces of a smoking gun, this does not decrease our confidence in the causal mechanism due to the high uniqueness.
- **Doubly decisive test** (high certainty, high uniqueness). This is the most demanding test, both necessary and sufficient to confirm a hypothesis.

In practice, I then used these tests to evaluate the degree of confidence I could have in a given causal link. To give an example, there were competing accounts regarding the proposal for an inspection panel at the World Bank (see Chapter 6). While World Bank staff claimed that they had worked on plans for an inspection panel, movement representatives firmly asserted authorship for the idea. To test these competing “hypothesis” (which mattered a lot for the approval/disapproval of my causal mechanism), I evaluated the evidence for both based on the four tests.



## 5 Human Rights Accountability at the World Bank

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In the present chapter, I set the stage for the two following empirical case studies. Both case studies focus on transnational movement activism toward the World Bank. In Section 5.1, I introduce the World Bank as an international organization and, specifically, its activities as a multilateral development bank (MDB). Then, I lay ground for my case studies by translating the concept of human rights accountability into World Bank language. In concrete terms, I establish the intimate connection between human rights standards and transparency on the one hand, and World Bank safeguards and operational policies (OPs) on the other (5.2). I then relate the third pillar of accountability—“sanctions in case of noncompliance”—to the World Bank Inspection Panel in Section 5.3. To provide an overview upfront, I summarize the outcomes of both case studies in Section 5.4. Equipped with this background information, I turn to my two case studies in Chapter 6.

### 5.1 The World Bank – A short introduction

Among the MDBs, the World Bank is the oldest and largest. In 1944, the Bretton Woods Conference led to the establishment of the World Bank (then called the International Bank for Reconstruction and Development [IBRD]), the International Monetary Fund (IMF), and the General Agreement on Tariffs and Trade – the predecessor institution of the World Trade Organization (WTO). Since its creation, four additional organizations became part of the contemporary World Bank Group. Next to the IBRD, the World Bank Group is composed of the International Development Association (IDA), the International Finance Corporation (IFC)<sup>1</sup>, the Multilateral Investment Guarantee Agency (MIGA)<sup>2</sup> and the International Centre for Settlement of Investment Disputes (ICSID).<sup>3</sup>

- 1 The IFC was created in 1955 to extend loans and equity investments to private firms in developing countries. The role of the IFC has become more important throughout the last 20 years.
- 2 MIGA provides political risk insurance to foreign investors to promote foreign direct investment into developing countries.
- 3 ICSID provides facilities for conciliation and arbitration of disputes between governments and private foreign investors.

The term “World Bank” typically refers to the IBRD and IDA (Kapur, 2011). In my work, I stick to this tradition and focus on the World Bank, not the World Bank Group as a whole. In its early days when the IBRD began to operate in 1945 with the signatures of 28 member states, its main task was to address capital deficiencies and thereby stabilize the global economy after World War II (Phillips 2009). As the name of the newly founded institution indicates, the first loans were issued to support reconstruction efforts, initially mainly in Europe. Yet already in the 1950s and 1960s, the IBRD shifted its focus away from Europe toward investments in industry, infrastructure and poverty reduction in developing contexts. To provide interest-free loans and grants to poor countries, IDA was founded in 1960. This second organizational arm supplemented the IBRD, which provides long-term credits at market rates to middle-income and creditworthy low-income countries—an organizational structure that exists to this day. Especially under the leadership of Robert McNamara, poverty reduction became the dominant paradigm in the 1970s. In the course of these efforts, the World Bank had a strong focus on agriculture and rural development. The next major change in the World Bank’s strategy came during the 1980s, when the bank focused on macroeconomic policies and efforts to increase private capital flows. Throughout this period, the World Bank saw privatization of public services (including water, banking, education and health), trade liberalization, deregulation, fiscal and tax policy reforms as well as a “thin” state bureaucracy as the preferred means to spur economic growth globally. Strict conditionalities attached to its *structural adjustment programmes* (SAPs) were designed to enhance compliance among recipient countries. Since these policies were developed in close coordination with the IMF and the U.S. Treasury Department and have hence been referred to as the “Washington Consensus” (Setton, 2006). These policies attracted widespread opposition in many developing countries and to some extent in developed countries as well. By the 1990s, the World Bank faced mounting critique from academia and civil society that due to the adverse social impact of its SAPs. Studies showed the disastrous effects of SAPs on human rights and poverty alleviation (Abouharb & Cingranelli, 2006; Easterly, 2005). While the anticipated economic growth did not take place in most countries, the living-conditions of people of recipient countries worsened due to cuts in the social welfare system. Even where overall economic growth could be observed, there was no “trickle-down” effect to less affluent people and social indicators worsened at the same time overall (Chossudovsky, 1999). Shifting away from the SAPs, the World Bank increasingly identified the lack of institutional capacity as the main obstacle to development and adopted an institutional-economic perspective on their interventions (Burki & Perry, 1998). Moreover, poverty reduction took center stage in the form of Poverty Reduction Support Credits. However, the official end of SAPs did not mean the end of conditionalities (Vetterlein, 2012).

Since the early 1990s and especially since the turn of the millennium the World Bank strengthened its role as a “knowledge bank” offering technical expertise on a range of development issues. Governance, capacity development and institution building became gradually more important. Most recently, the bank expanded its portfolio to address global challenges such as climate change, while the overarching organizational vision remains to combat poverty. Moreover, the bank further strengthened its position as a research organization, knowledge-provider and governance manager. Arguably, the

World Bank's discursive power - its ability to formulate key concepts and approaches guiding other actors in the field of development as well as its ability to govern through ranking and rating countries - has become increasingly relevant in relation to the World Bank's ability to exercise economic power in virtue of its lending volume since the turn of the millennium (King, 2002; Metha, 2001). Today, the IBRD comes close to universal membership with 187 member states. Only Cuba and North Korea (as well as a few city-states such as the Vatican, Monaco, and Andorra) are not members of the World Bank.

## 5.2 Human Rights and Transparency in World Bank "Safeguards"

The World Bank codifies those standards that guide its action in so-called "operational policies." These policies are internal documents that contain prescriptions, rules, guidelines and procedures that are legally binding to all World Bank staff. Moreover, they are also part of the contracts that the World Bank concludes with its borrowers, thus also obliging the borrowing country (as well as any third party that might be involved) to their adherence. Operational policies are comparable to administrative rules in domestic law and thus part of an evolving global administrative law (Bradlow & Hunter, 2010; Kingsbury et al., 2005). They contain procedural provisions, specifying the procedures to be followed when assessing, designing and implementing projects, technical details as well as policies defining substantive rights and duties.<sup>4</sup> The latter cover certain human rights, as well as policies referring to the environment such as natural habitat protection and natural resource use). World Bank, scholars and movement representatives commonly refer to these as "safeguards." While safeguards contain human rights provisions, they do not themselves refer to human rights, which is a matter of ongoing dispute between the World Bank, some of its member states and human rights advocacy groups (for an elaboration of this dispute, see both case studies below). Yet, if one is to look for the degree of human rights standards of the World Bank, the safeguards are the place to look for them (Heupel & Hirschmann, 2017; Park, 2010; Rich, 2013). The other category of OPs that matter for human rights accountability are those dealing with transparency. In World Bank terminology, transparency policies are referred to as "public information disclosure policies." In a nutshell, transparency policies specify which project-related information should be made available to different stakeholders (notably, project affected people and/or the global public), and at what stage of the project cycle. The third category of OPs which refers to technical provisions (e.g., providing information to World Bank staff regarding the specific way in which funds are to be disbursed) does not matter for the research interest at hand and will be ignored in the following.

4 Since most operational policies also contain procedural provisions, some (Bradlow and Fourie, 2014) refer to them as "OP&Ps" (Operational Policies and Procedures). For the sake of brevity and clarity, I stick to the more widely used term "OPs."



### 5.3 Sanctions in cases of non-compliance: The World Bank Inspection Panel

The Inspection Panel is the institutionalized human rights complaints mechanism of the World Bank. While its establishment and specific institutional design is subject of the first case study, I here limit myself to sketching the central features and the evolution of its work in broad terms. Established through a resolution of the World Bank's Board of Directors in 1993 (see Case Study 1), the Inspection Panel became operative in 1994. Its establishment meant a small revolution in international law as it questioned the long-standing tradition that only sovereign states represented by their governments could engage in formal procedures with international organizations (that they had created in the first place). The Inspection Panel in turn provided citizens of sovereign states with legal standing vis-à-vis an international body to challenge that body's adherence to its own human rights obligations directly (Bradlow & Fourie, 2014). In fact, the Inspection Panel managed to empower affected communities and local NGOs. In 2015, roughly 43% of all cases were brought in front on the Inspection Panel by affected communities, while 33% of the cases were filed jointly by communities and local NGOs and 23% of the cases were filed by local NGOs. In contrast, only 1% of the cases were filed on behalf of transnational NGOs representing affected communities (Inspection Panel, 2015). To date, the self-ascribed hallmarks of the Inspection Panel are its independence from management, integrity and impartiality. In terms of personnel, the resolution establishing the Inspection Panel envisages three panel members (of different nationalities), a permanent Secretariat that advises the Inspection Panel, as well as expert consultants providing technical expertise on particular projects. Another constant over the years has been the Inspection Panel process, according to which two or more project-affected people ask for a Panel investigation. A prerequisite is that the World Bank (co-)finances the project in the context of which a safeguards violations allegedly took place. Once the Inspection Panel receives a request for an investigation, World Bank management has the opportunity to respond to the allegations. In a next step, the Inspection Panel screens the request in terms of eligibility. If all conditions are fulfilled and the case is eligible, the Inspection Panel seeks a formal authorization from the Board of Directors to conduct a full investigation. In practice, this authorization is a formality, as the Board of Directors has not yet rejected a Panel recommendation for full investigation. To conduct a full investigation means fieldwork, interviews with project affected people as well as World Bank staff on the ground, public meetings and a review of relevant project documents. After enough information has been acquired, the Inspection Panel writes and sends its final report to the Board of Directors as well as World Bank management. It is management that is then given the chance to respond—in dialogue with governments and project-affected people—by providing an action plan. The goal of such an action plan is to bring the project in compliance with existing safeguards policies. Safeguards that are well known to trigger Panel complaints center on Involuntary Resettlement, Indigenous Peoples rights or the protection of cultural property. Based on both, the Inspection Panel report and the action plan from management, the Board of Directors then decides over the future course of the project. Typically, this includes an adaptation of the project to existing social and environmental risks, improvements

in the design of resettlement plans, enhanced information disclosure, compensations to affected people, the preliminary withhold of further loans, or, in rare and extreme cases, the cancellation of the whole project. Next to the reactive function, the Inspection Panel hopes to create strong incentives for the World Bank and borrowing governments that World Bank policies are not violated in the first place (Bissel, 1997; Fox, 2000). In addition, Hale (2018) found that investigations by the Inspection Panel increased the transparency of World Bank operations considerably, which has in turn led to policy reform (Hale, 2018, p. 154).

## 5.4 Summary of Case Study Outcomes

I now turn to my case studies. Yet before diving into movement tactics and the causal mechanism through which they may or may not have affected the World Bank's human rights accountability, I report their outcomes upfront. Recall from previous sections that the degree of human rights accountability is a function of binding and precise human rights and transparency policies, delegation to an independent body sanctioning misconduct as well as the scope of such policies and supervisory functions (see Chapter 3.5). According to the operationalization of the outcome, human rights accountability may raise or decline with changes on each dimension. While the first case study centers on the introduction of a quasi-judicial sanctioning body in cases of noncompliance with existing standards (delegation, substance and scope), the second case has the comprehensive review of human rights policies (substance and scope) at heart. Changes in transparency are a relevant, but secondary issue in both cases. All dimensions of human rights accountability add up to an overall value, determining whether a MDB is not accountable at all, possesses limited or comprehensive accountability (see chapter 4.3). As the summary of outcomes in the following table reveals, the World Bank moved from "comprehensive" accountability in 1994 to a "limited" accountability regime in 2016. With this outcome in mind, I now turn to the discussion of my cases and my empirical analysis. Specifically, I test the causal mechanism in light of empirical events in both cases. I show that my first case study (Chapter 6) provides support for the presence of the causal mechanism as outlined in light of the relevant scope conditions. Through a sequenced combination of disruptive and conventional tactics, the movement was able to push the World Bank into the establishment of comprehensive accountability. This first case contrasts with the second case (the World Bank Safeguards Review process from 2011 – 2016), where I find the cause as well as the relevant scope conditions, but not the theorized outcome. As the causal mechanism breaks down between part 2 and part 3, the new safeguards framework accounts for only limited accountability at the World Bank.



## 6 Case 1: A Revolution of World Bank Accountability (1988 – 1994)

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The 1970s and 1980s constituted a period of organizational change at the World Bank due to new recruitment practices. Whereas the World Bank used to be a place for economists only until then<sup>1</sup>, sociologists, political scientists and even some anthropologists began to join the organization and introduced a “sociological lens” on poverty that paid attention to social and cultural dimensions (next to a purely economic understanding). Among them, Michael Cernea, a philosopher and social anthropologist who had survived the Holocaust as the child of a Jewish family, became particularly influential. Hired by World Bank President Robert McNamara, Cernea pushed for rigorous sociological research and the recruitment of further social policy specialists (Wade, 1997). Throughout the 1980s and under the lead of Michael Cernea, the World Bank was the first MDB to develop nonbinding guidance notes<sup>2</sup> on a range of human rights-related issues, particularly indigenous people’s rights and resettlement. From their introduction onwards, these first safeguards counted as the gold standard of development finance and other MDBs, bilateral development agencies as well as the private sector began to copy them. At the same time, however, the 1980s also witnessed the limited effect of these new guidelines, as there remained a growing implementation gap between aspiration and practice. In particular, World Bank staff saw the guidelines for what they were; recommendations, not binding imperatives. Even after social and environmental impact assessments became binding<sup>3</sup> in 1989, all adopted provisions merely sought to prevent human rights violations, while the World Bank remained unaccountable where violations happened. Particularly the large-scale Polonoreste Road Project in Brazil<sup>4</sup> and the Narmada Dam project in India throughout the 1980s and 1990s demonstrated the ineffectiveness of existing provisions in the absence of an institutionalized complaints mechanism. My first case study covers the movement mobilization in response to the

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1 as the IMF remains to date: Chwieroth, 2007

2 So-called Operational Manual Statements (OMSs)

3 With the adoption of Operational Directive 4.00 and its Annex A

4 A project that sought to build the “Transamazonica” – a road that ran across the Amazonas rain forest.

latter project and reconstructs the precise causal mechanism that translated differential movement tactics into the adoption of the Board Resolution establishing the World Bank Inspection Panel – the moment from which the World Bank became accountable for the failure to meet its own standards.

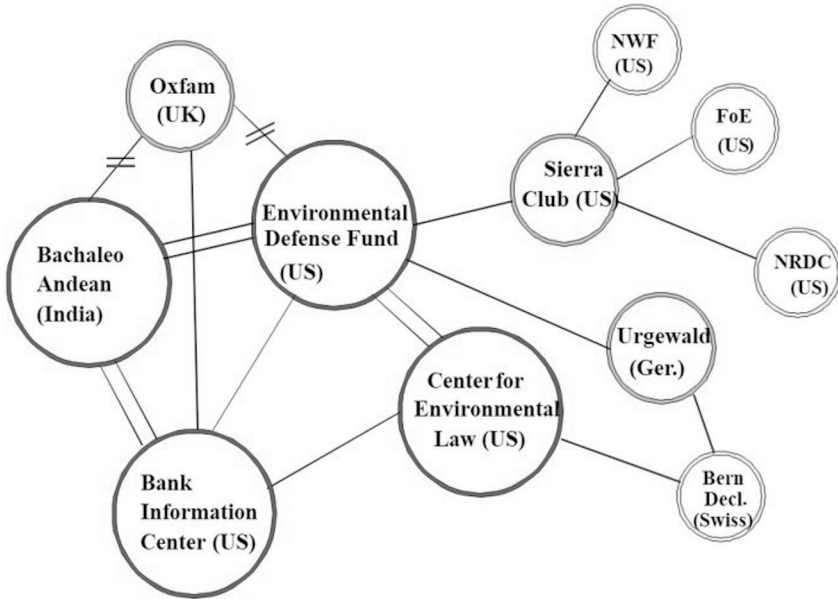
## 6.1 Cause: Joint Transnational Social Movement activity

To recall from previous sections (Chapter 4, operationalization), communication about and joint determination of the overriding strategic approach toward the target organization defines the threshold of joint transnational social movement activity. In practical terms, I expected to find traces of routinized communication between local and international movement actors as well as synthesized activities. Chapter 6.1 presents evidence that establishes the different actors in different countries as one transnational social movement acting in concert. Drawing on my empirical material, I am able to show that TSM constituencies were closely connected through regular communication, and that it acted in a coordinated fashion in my first case. In this sub-chapter, I first picture the relations among TSM actors at its peak in 1993. Then, I briefly trace the origins of the TSM and sketch its formation throughout the 1980s.

To provide an overview of TSM connections upfront, the following graph provides an overview of relevant actors in the movement network by the early 1990s, focusing on large social movement organizations (SMOs). The graph is based on Interviews, participant observation during important meetings (e.g., joint strategy meetings that take place once a year; in preparation of Annual Meetings), online initiatives (via Email) and secondary sources. I do not claim to represent a comprehensive list of actors, but rather the most important. The size of the circles indicate the relative importance to the movement as a whole. Moreover, *single* connecting lines represent a relationship; *double* lines a very strong relationship, while *crossed* lines indicate tensions among movement actors.

With this overview in mind, I now turn to a more detailed account of the movement's formation. During the late 1980s, the origins of the movement collaboration can be traced back to a campaign against the World Bank's Narmada Dam project in India. The Narmada River runs through three northwestern Indian states: Gujarat, Madhya Pradesh, and Maharashtra. The idea to build a complex of dams along the river dates back to the time before India's independence, but it was not until 1978 that the Indian government sought to build 30 large dams, 135 medium, and 3,000 smaller dams with the aim to generate irrigation as well as hydroelectric power for the whole region (World Bank, 1995). In 1985, the World Bank opted to support the project through credits and loans totaling \$450 million. In a second application to complete the canal, the World Bank disbursed another \$350 million- roughly 10% of the total cost (Berger & Morse, 1992). The involvement of the World Bank enabled a transnationalization of the protest, as activists working on human rights in the United States and Europe saw Narmada as an important test case for the World Bank's commitment to human rights accountability.

Already by the mid-1980s it became clear that building the dam caused severe and irreparable damage to the environment, as it flooded large amounts of fertile agricul-

*Graph 5: The TSM Network*

Source: own illustration.

tural land situated close to the river and destroyed the biodiversity of the area. An independent review commissioned by the World Bank found in 1992 that the project had a devastating impact on the environment and biodiversity close to the dam. Moreover, the project violated the social and cultural rights of those affected (Berger and Morse, 1992). Specifically, it came at the cost of displacing 200,000 people. The Narmada River had great symbolic value to the people living at its basin and its river banks are lined with a plentitude of temples and shrines. More importantly for the mobilization of protest, though, was the fact that the agreement between the Indian government and the World Bank implicitly accepted that only those Indians with a legal title to their property would be compensated after resettlement. Among those resettled, the majority were indigenous populations without a title to their land. Hence, in practice, the loan agreement with the World Bank meant that the indigenous communities living around the Narmada River were forced to resettle without compensation<sup>5</sup> (Clark, 2008).

The transnational social movement advocating for greater human rights accountability at MDBs had already formed in the early 1980s. Their common vision was one of decentralized, democratic development that was socially, environmentally, and economically sustainable (NGO campaign as cited in Udall, 1995, p.201). This vision goes beyond one of sustainable development in its democratic impetus. As advocates explain, a concern for personal autonomy has always been essential to this vision. Accordingly,

5 Only later it would become clear that even those with a legal title would not be compensated.

people should have control over their own lives and resources, be guarded from exploitation, and be able to make informed decisions about the development projects that directly affect their lives (L. Udall, personal communication, October 2015). In its latent status, the transnational social movement was as broad as these concerns. The Narmada Dam project mobilized large parts of this coalition, since it involved all of the themes. However, human rights accountability has been at the center, given the long history of human rights violations associated with the project including arbitrary arrests, illegal detentions, and violations of the freedom of assembly and freedom of speech. Hence, human rights advocates have featured most prominently in the movement. Moreover, the deprivation of indigenous populations of their traditional natural surroundings, a surrounding that played a central part to their economic and cultural way of life, meant causing physical and symbolic harm to a vulnerable group. According to previous research (Heupel & Zürn, 2018), this constellation is most likely to generate protest.

For my causal mechanism, it is important to establish that different actors advocating for human rights at the World Bank did not simply act on their own behalf, but that they acted in concert, connecting large organizations with grass-roots activism. In short, it matters that the different activities in fact add up to joint social movement engagement. This took place (albeit with very different technological means than movement activism today): in the early 1980s, the transnational advocacy was coordinated by Oxfam International. John Clark, then head of Oxfam's campaign programme, had visited the Narmada Dam project and from then on sought to bring NGOs from different countries together to form an international Narmada campaign<sup>6</sup>. In the beginning of the campaign, some exchange between Oxfam and local Indian activists, particularly ARCH (an Indian-based NGO funded by Oxfam), existed to share information (Pallas, 2013). They crossed the threshold of concerted, strategic actor hood based on regular communication about and the development of a joint strategy when Lori Udall and Medha Patkar—two highly committed and energetic activists—united forces and established regular channels of communication and coordination in early 1988.

On the ground in India, Medha Parkar was the principle activist. Born in 1954 in Mumbai, Medha Patkar (also referred to as Medha didi [big sister]) is widely recognized as one of India's best known living activists to date. Patkar earned an Master's Degree in Social Work after which she was engaged with several voluntary organizations working in the slums of Mumbai. In the early 1980s, Patkar got involved with the communities living alongside the Narmada Dam. To mobilize against the project, she founded the *Narmada Bachao Andolan* (NBA) as a social movement in 1985 with the support of tribal communities, farmers and fishermen as well as environmentalists and human rights activists. In the mid-1980s, all three Indian states affected by the project saw the formation of protest movements composed of students, smaller environmental NGOs and those facing involuntary resettlement. For instance, 19 villages in Gujarat formed the *Chhatra Yuva Sangharsh Vahini*, a group that focused its activities partly on

6 In 1985, the UN Environmental Programme (UNEP) organized a conference on environment and development. At the conference, John Clark led a workshop on Narmada resettlement, which, according to some observers (e.g., Wade, 2011), marked the birth of the international Narmada Campaign.

the World Bank, and partly on the government of Gujarat to offer better conditions for resettlement. Whereas the *Chhatra Yuva* association sought to reform the conditions of the project, movement constituencies in Madhya Pradesh and Maharashtra were opposed the project as a whole. This fundamental opposition was congruent with Patkar's approach, facilitating close cooperation. In 1989, the two main groups of Madhya Pradesh (the *Narmada Ghati Navnirman Samiti*) and Maharashtra (the *Narmada Ghati Dharangrastha Samiti*), merged with Patkar's *Narmada Bachao Andolan* (NBA). Moreover, Patkar was strongly supported by other activist women of the three states. Among them, the *Narmada Shakti Dal*, a separate women's organization founded by female villagers on March 8, 1988 (International Women's Day), played a particularly significant role. In addition, the NBA benefitted greatly by the support of Baba Amte, an eloquent and widely known social activist who achieved national prominence with the publication of a booklet entitled *Cry O Beloved Narmada* in 1989 (Staffner, 2000). As a result of this strong support base and the widespread popular approval for Patkar's disruptive approach, the NBA took over from ARCHE to lead the Narmada campaign on the ground in India and thus became an essential part of the movement right away (Wade, 2011).

Internationally, Udall became the principal activist and facilitated a coordination hub for the emerging transnational advocacy campaign (personal communication with Bruce Rich, Washington D.C. in June 2015; and L. Udall, November 2016). Udall was a young, highly motivated new recruit of the Washington, D.C.-based Environmental Defense Fund (EDF), working under the mentorship of Bruce Rich – head of the EDF, an environmental lawyer and World Bank expert. For Udall and Rich, this was about something bigger than Narmada and especially bigger than resettlement in the context of a particular project. For them, there were systemic flaws in the World Bank's human rights and environmental performance which needed redress. Case studies of World Bank-financed ecological disasters in Brazil, India, and Indonesia documented by different movement actors throughout the 1980s provided ample evidence of this. Yet, Narmada provided a good political and discursive opportunity to form a transnational coalition and to pressure the World Bank on its social and environmental policies. Udall successfully united local protestors and community leaders with local and international NGOs as well as academics from the most important donor countries to the World Bank under the umbrella of the Narmada Action Committee. Udall's first interlocutor was Meda Patkar, as her know-how of the project developments on the ground, as well as her potential to disrupt Narmada was critical for the overall campaign. In a second step, the Narmada Action Committee served as a platform to coordinate the activity of transnational social movement activism with other stakeholders (Fisher, 1995).

Importantly, the requirement of "joint TSM activity" in my causal mechanism does not exclude the possibility of tensions within the movement. As a matter of fact, there also were disputes within the TSM network in 1980s, as not all actors within the network agreed with Udall's and Patkar's leadership. Their initial disruptive approach led to protests from other movement constituencies. Particularly Udall faced some opposition, as Oxfam did not accept a back seat within the advocacy network in the mid-1980s. In the quarrel for leadership of the TSM strategy, Patkar played a decisive role. Agreeing with Udall's assessment that the World Bank needed fundamental reform, she pressured Oxfam to declare whether it was for or against the Narmada Dam project. Oxfam



refused to do so. In a statement, Oxfam expressed that first, the dam would most likely be built anyway, and that second, Oxfam was in no position to judge whether large dams had a place in Indian development. This response made the break from EDF and NBA very clear to other movement constituencies and Patkar categorized this response as “pro dam” (Wade, 2011). From that point onwards, Oxfam lacked the backing of movement constituencies in India, while it remained an important international NGO with very good contacts to governments at the World Bank’s executive board.

Still, the movement remained largely intact and was able to proceed jointly. It was due to the efforts of the Tuesday Group that Oxfam accepted the EDF leadership without further challenging its basic approach (Bank Information Center members, personal communication, March, 2016). The Tuesday Group was a monthly encounter of environmental and human rights NGOs with the U.S. government, notably Treasury, the State Department and the Environmental Protection Agency (EPA) (see elaboration below). The group, which was chaired by the Bank Information Centre, also included Oxfam and EDF. By 1989, the transnational social movement was formed around a few social movement organizations. At the core of this TSM were Bachalao Andolan in India and the EDF in Washington, D.C. as the two organizations driving the activism, particularly in the beginning. Also at the core was the Center for International Environmental Law (CIEL), since it provided valuable legal expertise that would become especially valuable later on to convince decision-makers inside powerful member states. BIC was the critical NGO holding everything together when EDF focused on the World Bank and conventional inside channels in U.S. Congress. Led by Chad Dobson, a very skilled organizer who had pulled together a peace march in New York with an estimated 800,000 people in 1982 (Keck & Sikkink, 1998, p. 148), BIC became a network service institution connecting U.S.-based NGOs with their European counterparts and, importantly, NGOs from the global south including NBA (C. Dobson, personal communication, June 2015). The BIC also maintained good rapport with Oxfam (London, UK), an organization that continued to be relevant. On a level of importance with Oxfam, Urgewald from Germany and the Sierra Club from the United States were important members of the TSM network. The former coordinated the European NGOs working on World Bank accountability. In particular, the Bern Declaration from Switzerland brought legal expertise to the network and accordingly had some connections to CIEL (D. Hunter, personal communication, June 2015), but also the European chapters of Greenpeace and the World Wildlife Fund (WWF) became occasionally involved in MDB matters in the late 1980s (Keck and Sikkink, 1998, p. 149). The Sierra Club, on the other hand had a large membership base. As an authority at the time on environmental issues, it was also able to mobilize a host of smaller environmental NGOs including the National Wildlife Fund (NWF), Friends of the Earth (FoE) and the National Resource Defence Council (NRDC) – all based in the United States.

## 6.2 Part 1: Disruptive TSM tactics causing MDB Crisis

When Udall and Patkar took over the lead of the Narmada campaign and enabled concerted action, they transformed isolated NGO advocacy into a transnational so-

cial movement and shifted gears from Oxfam's more moderate approach toward a disruptive overall strategy. The evidence indicating that the movement engaged in disruptive tactics stem from newspaper articles reporting disruptive events (primarily demonstrations and hunger strikes), newspaper articles indicating that movements sought to mobilize public opinion against the World Bank, interviews with activists as well as additional traces of movement activity (particularly letters from letter writing campaigns). In part, the shift toward disruptive tactics corresponded with the increasing frustration among those people suffering from the Narmada project on the ground, but also the World Bank bureaucracy's lack of response played a decisive role to opt for a "loud" approach (L. Udall, personal communication, October 2015). Patkar and Udall established an even closer connection throughout these first years of disruptive campaigning. Together, they shifted the issue thematically, from the failure of World Bank project toward the lack of social and environmental accountability at the World Bank more broadly. For Medha Patkar, there was no question that the flaws of the World Bank's engagement in the Narmada dam project were of a systemic nature. As she noted,

"They [the World Bank] should be held responsible, making it necessary for donor country organizations to also question the World Bank through their respective executive directors so that the real issues would be raised" (Patkar, 1995).

Disruptive tactics took two principal expressions, one tackling the World Bank in India in the context of the Narmada project, and one tackling the World Bank's Washington, D.C. headquarters. In India, Patkar was prepared to engage in outside tactics to increase the NBA leverage, even to put her own health and safety at risk. In November, Patkar organized a demonstration over several days with activists, scholars, and journalists through the villages along the Narmada River, holding workshops and public meetings along the way. This march was followed by a series of local rallies, decentralized letter writing campaigns, and press reports, aimed to increase awareness for the fundamental opposition of NBA to the project throughout India (Khagram, 2004). The year 1989 was characterized by a series of movement successes, primarily due to ongoing disruption on behalf of the transnational movement coalition. To repress the mounting protest, the state government of Gujarat invoked the *Official Secrets Act* in 12 villages for almost five months. Shortly after, the movement demonstrated against the act, which was a legacy of British colonial rule and allowed the government to take protestors into custody without further explanation. The Indian government took 500 of the demonstrators into custody, among them Medha Patkar. The immediate response was outrage by fellow demonstrators, EDF, Indian and international media, leading to Patkar being released the subsequent day (Crawford, 2007). Referring to the Gandhian tradition of nonviolence and noncooperation with unjust power structures, Patkar followed up on the protest and organized a series of demonstrations on land as well as inside the Narmada River declaring that "we will drown but we will not move." (as cited in Clark, 2003, p. 35). The World Bank remained silent. According to contemporary witnesses, so-called "noneconomic criteria" such as indigenous people's rights, resettlement or environmental protection, did not enjoy a great deal of support among Management and the Operations department. In September 1989, Baba Amte led a 60,000-person anti-

dam NBA rally in Harsud—a town of 20,000 people in Madhya Pradesh that faced submersion.

In Washington, D.C., Lori Udall used the escalation and new information she had acquired from NBA and so the transnational coalition was able to get balls rolling on a number of fronts also internationally, particularly in Germany, Switzerland and The Netherlands (D. Hunter, personal communication, June 2015). To this aim, Udall formed the Narmada Action Committee—a committee composed of movements from World Bank “Part I countries”, those countries with the largest shares. Secondly, Udall prepared menus of action individual movement constituencies such as Urgewald or the Bern Declaration could take in their own respective countries. This manual stipulated outside tactics in the form of letter writing campaigns and media events targeting legislators and World Bank EDs (Fox & Brown, 1998). The focus of her energy at the time was on a huge letter writing campaign from all Part I countries. In 1989, World Bank President Barber Conable received a thousand letters every day from the UK alone. At the Tuesday Group, a group composed of Washington, D.C.-based NGOs that organized strategy meetings on every first Tuesday of a month, the Narmada issue rapidly gained significance and became a regular topic on the agenda. Members of the group recognized the enormous potential this case had to force reform at the World Bank. Unlike previous projects where the World Bank faced allegations of human rights violations, the Narmada Dam project was funded through money of the International Development Association (IDA), not the International Bank for Reconstruction and Development (IBRD). There was consensus among D.C.-based NGOs that the influence of the U.S. Congress was bigger toward IDA than with regard to the IBRD (L. Udall, personal communication, October 2015).

On October 7, 1989, the *New York Times* published an article on the ongoing criticism. As a source of evidence on the strategy of social movements, the article by *The New York Times* provides an important piece of additional information, as compared to the interview accounts used so far, the uniqueness of the information is rather high. Part 1a of the mechanism predicts that the movement engages in disruptive activity, while Part 1b predicts that this activity causes some trouble at the World Bank. If an article in a quality newspaper like the *New York Times* reported that TSM engaged in demonstrations and hunger strikes, this empirical fact overlaps with the proposition that disruption took place, and with the proposition that it reached a certain threshold of public attention indicating pressure to the IO. At the same time, the proposition does not overlap with alternative theories (i.e., theories predicting no disruptive TSM activity). Thus, an article in a quality newspaper like *The New York Times* provides a “smoking gun test.”

While Udall was increasingly absorbed with the coordination of the campaign toward World Bank management and the Board of Executive Directors, BIC established very good connections with NBA as well as kept track of the Narmada project behind the scenes. Also, it was thanks to the BIC and the Tuesday Group that Udall and Oxfam’s John Clark, who would not speak to each other directly, maintained an indirect channel of communication. The fact that U.S., European, and Indian activists were at the center of the movement greatly facilitated communication, joint strategizing and the

rapid flow of information, given that all involved spoke English<sup>7</sup> (C. Dobson, personal communication, June 2015).

The net of indirect pressure on decision-makers at the World Bank was woven ever closer to the center of power. While World Bank management at large sought counter mobilize by “avoidance”, ignoring the protest demands to the extent possible (Khagram, 2004), the World Bank’s Senior Vice President for Operations Moeen Qureshi showed some reaction by sending a “resettlement mission” to India that also met with the NBA. This mission presents a clear indication that the World Bank bureaucracy was increasingly concerned about its reputation and felt it should show a sign of goodwill. However, the recommendations of this mission were ignored. In the late 1980s, the World Bank’s counter mobilization was relatively weak. To recall from the analytical framework section, counter mobilization in the form of avoidance is an important scope condition for movements to effect political and institutional change. The more effective such counter mobilization by avoidance, the more difficult it is to disrupt. In a response to the letters received by activists from around the world, then World Bank President Barber Conable replied personally. This unusual move by a World Bank President again shows that the institution was sincerely concerned. Yet, in his response, Conable simply denied considerable problems with regard to the India project, as well as with the World Bank’s human rights accountability more generally. Conable wrote:

“I appreciate your continuing concern, and can assure you that my commitment to environmental protection is shared by all of the senior managers in the World Bank. We are indeed proud of the achievements already in place, and I agree that we have done too little to publicise the good side of the Bank’s efforts.” (Conable, 1989)

With the letter, Conable sent a 14 page *Note on Narmada projects and World Bank involvement* which primarily focused on the World Bank’s advancements in its environmental and resettlement policies. Moreover, he issued strict instructions for all World Bank staff to avoid any further contact with NGOs. The lack of an institutionalized oversight enabled World Bank staff to capitalize on the ambiguity in existing social and environmental policies to a maximum degree. Even though in practice, this often meant to ignore these policies all together, the World Bank President and management had no interest in a more fierce accountability framework (Wade, 2011).

Startled by the lack of response on behalf of the World Bank in the face of severe violations of its own human rights requirements, the transnational movement also used conventional means of influencing governments within the overall disruptive approach. Notably, Lori Udall and Bruce Rich began to establish first contacts with parliamentarians of liberal democratic states. The close relation between EDF and NBA in India were crucial, since Medha Patkar provided frequently updated information concerning the developments in Narmada which were then shared with the wider network. For instance, the German Green Party launched several minor interpellations to the

7 Moreover, the minimum conditions for a transnational movement to form – particularly a lack of censorship and repression of activists – were present in all geographic locations. According to some observers, Narmada could not have triggered and maintained the transnational social movement to the same extent if it had been in China, Indonesia or Turkey (Wade, 2011, p. 59).

government concerning developments in Narmada and the World Bank's compliance with international human rights, facilitated by the close contact from Patkar to EDF and from Bruce Rich (EDF) to Ludgar Vollmer, then a member of parliament for the German Green Party<sup>8</sup> (B. Rich, personal communication, June 2015). More importantly than parliamentary inquiries in Europe, however, was the advocacy by the Environmental Defense Fund (EDF) toward U.S. Congressmen, who accepted a first parliamentary hearing on behalf of Narmada activists in May 1988 to gather more information on the project. In 1989, James Scheuer, a Democrat from New York and Chairman of the U.S. House of Representatives Subcommittee on Natural Resources, Agricultural Research, and Environment agreed to Udall's initiative to hold another hearing on the World Bank's support for the Narmada project. Next to Udall and her EDF colleague Peter Miller, three Indian activists were invited to speak: Patkar from NBA, the human rights lawyer Girish Patel, as well as economist Vijay Paranjpye. As the head of the movement constituency in India, Patkar spoke for more than one hour. From the U.S. government, Frank Vukmanic, head of the Office of Multilateral Development Banks in the U.S. Treasury, testified. The movement asked James Scheuer to invite representatives from the World Bank, too. Scheuer did and even offered the institution to testify "off the record." Yet, World Bank President Conable refused (Udall, 1995).

The testimony in front of the U.S. Congress was crucial as a catalyst for later concern among governments in Part I countries. Yet, despite a letter by six members of Congress to Conable expressing their concern, Congress voted to fund the World Bank's plea for the ninth IDA replenishment. From the perspective of World Bank management, this congressional act meant good news, as the institution achieved to secure its desired amount of funding for the next three years without making any concessions regarding policy or institutional reform. In the act allowing further World Bank funding, TSM achieved an important stage win though, as Congress instructed the U.S. ED to lobby for increased access to information (already at the stage of project planning) for NGOs and those affected by Bank projects (U.S. Congress, 1990).

At the end of 1989, the World Bank, as well as most borrowing countries on the Board of Directors were strictly opposed to the idea of introducing direct human rights accountability at the World Bank. On the other hand, some European EDs (notably the Dutch and German), the Japanese Diet and U.S. Congress were sympathetic to the idea of increasing World Bank accountability toward the people it purported to serve. Yet, the term "human rights" was unheard of in the World Bank, as human rights language was seen to contradict its "nonpolitical mandate" (BIC representative, personal communication, April 2017). Moreover, the TSM demand for direct accountability went beyond established doctrine and practice of international law, as no IO before had been directly accountable to individuals. The sovereignty costs of the movement demand were relatively high, as states would have to agree that they would resign from their roles as intermediaries between the MDB and their population in cases of human rights violations by MDB (co-)funded projects. Thus, in late 1989, two core features of the demand

8 This Patkar-Rich-Vollmer-link was a success-model since 1985, when the Green Party launched its first inquiries on World Bank accountability issues (Ludgar Vollmer was Speaker on Development for the Green Party from 1985 onwards (with Uschi Eid), "Kleine Anfrage," 1985).

for direct human rights accountability transgressed what even Part I countries (i.e., the United States, Japan, France, United Kingdom, and Germany) could support. At the same time, the issue at stake – the demand for direct human rights accountability among MDBs – possessed several features that were conducive to a successful use of disruptive movement tactics. First, the movement criticized a specific set of policies (or rather the lack thereof) as well as the lacking institutional infrastructure to file complaints on grounds of human rights violations. Secondly, while the World Bank had always avoided the use of the term “human rights,” there was widespread agreement in the development community (including large parts of the World Bank), that development describes a process toward a better life. Such a “better” life is hardly possible if human rights are violated (World Bank staff, personal communication, June 2015). Accountability, on the other hand, is an equally constitutive value for a multilateral development bank, which it seeks to cultivate and promote (World Bank, 1994). Thus, the issue of human rights accountability does not puncture, but closely touches upon the core of the identity of the World Bank. The short causal chain between the World Bank’s involvement in the Narmada Dam project in India and the human rights violations inflicted, combined with the fact that those suffering physical as well as spiritual harm were a vulnerable group of people (Indian farmers and villagers) further added to the power of movement demands in virtue of the issue at stake.

In 1990, the transnational coalition managed to keep pressure at high levels, using the Narmada Dam project and the World Bank’s lack of response as a hook to catalyze mounting international critique. Bruce Rich, a human rights and environmental lawyer and head of the Environmental Defense Fund, published a widely read article in the *World Policy Journal* entitled “The Emperor’s New Clothes: The World Bank and Environmental Reform” (1990) which gave the World Bank a ruinous testimonial. In the article, Rich argued that there was growing evidence for the World Bank’s violation of its own standards and that, despite minor adjustments (i.e., an increase in technical and environmental experts), it essentially continued to operate without meaningful accountability mechanisms in place.

At this point, it is important to note that the transnational social movement coalition was able to strike the keys of disruptive tactics due to its combination of organizational resources with expert/moral authority – two important scope conditions for the effective use of disruptive tactics. On the one hand, the movement had very good connections to established supporting networks as well as large social movement organizations. Notably, the Sierra Club, the oldest and largest nonprofit, grassroots environmental organization in the world with around 600,000 members in 1990 (Lester, 1995), supported the movement’s disruptive tactics that built on the power of numbers (e.g., letter writing campaigns). At the same time, key movement representatives like Lori Udall, Bruce Rich and David Hunter pulled the strings drawing on their epistemic authority as legal scholars. In particular, the latter two supplemented their movement activism with publications in academic journals, thereby underlining their credentials as “experts.”

After Congress had approved IDA funding to the World Bank, the TSM opted to target Japan, the second major shareholder that was also directly involved in the Narmada Dam project financially through the Overseas Economic Cooperation Fund.” Following



the same line of argumentation that Bruce Rich had put forward in his article, Friends of the Earth of Japan organized an international symposium with over 500 activists (mainly from Japan and India), journalists, and academics discussing World Bank accountability standards in April of 1990. It was the first symposium of its sort in Japan addressing the adverse effects of Japanese involvement in the MDBs. Due to its novelty and scale, the symposium attracted major media attention and reports appeared on three Japanese TV stations. This media attention in turn allowed movement members to access Japanese politicians. In an Open Letter to Barber Conable, 22 Japanese parliamentarians demanded a fundamental revision of the project, or else, its cancellation (Fox & Brown, 1998). Oxfam International opted to support the transnational campaign with a report on resettlement in Narmada, stating that at least 70% of the people facing resettlement due to the Narmada project were members of the scheduled tribes. According to the report:

“The condition of the Tribal communities...is the worst. These communities have become completely helpless in the face of the omnipresent system on account of the “criminalization” of their social and economic system itself, denial of their rights over resources and non-recognition of their traditional self-governing systems.” (Oxfam, 1990)

Oxfam handed the report over to the World Bank's India country office<sup>9</sup>. In its own report to the EDs, the country office cited only the few positive remarks of Oxfam's report, indicating some progress in the state of Gujarat and rejecting allegations of any negative impact. Recall from above (chapter 3.3 and 4.3) that defiance in terms of an open rejection of allegations is a form of *counter mobilization* by the World Bank bureaucracy. However, defiance was unsuccessful in mitigating pressures this time. As Oxfam got notice of this massive distortion, it opted to follow the disruptive approach of EDF and sent a fierce letter to all executive directors, indicating step by step how the World Bank's own management had tried to cheat its oversight body – the Board (Wade, 2011). To assess the impact of Oxfam's involvement, we need to look at the importance of moral authority as a scope condition for successful disruption. In fact, all major European and U.S.-based NGOs, as well as Indian constituencies involved in the overall movement were ascribed with moral authority by Western governments and the wider public. Still, Oxfam stands out. In early 1990, Oxfam was not only the largest development NGO in the UK (with a total income of 70 million British Pounds yearly), it also was an NGO with “an enviable international reputation” (Burnell, 1992, p. 312). According to Burnell, “the ‘mighty Oxfam’ has even been cited in Britain's House of Lords [...] as evidence for the proposition that the British charitable movement is one of the proudest cultural jewels that the country brings to the European table” (Burnell, 1992, p. 312). In addition to Oxfam, Indian-based movement constituencies enjoyed high moral standing among European and U.S. legislators because they were those suffering the harm. While the World Bank opted to remain silent in reaction to Oxfam's findings, Wade

9 Though not in Washington D.C., the country offices are part of the World Bank's bureaucracy as they are headed and administered by World Bank permanent staff.

argues that it was well noticed by decision-makers in member states (Wade, 2011). Repeating the pattern from before, the movement's rhetorical confrontation toward World Bank headquarters came along with ongoing disruptive tactics in the context of the Bank's most problematic project at the time – Narmada. In May 1990, the *Narmada Bachalao Andean* opted to travel to New Delhi to confront then Prime Minister Singh. Patkar convened a meeting at the Prime Minister's residence. Yet, what seemed like a conventional tactic at first (background negotiations with decision-makers in private meetings) soon turned into a confrontational, disruptive event, as the NBA opted for a five-day sit-in (*dharna*) instead of following the Prime Minister's request to leave his residence. Toward the end of the year, the scissors of Indian-D.C. advocacy plunged the World Bank into deeper crisis. Medha Patkar and Baba Amte together organized a "Narmada People's Progress Struggle March" (*Narmada Jan Vikas Sangharsh Yatra*). In concrete terms, 5,000 protestors marched over 100 kilometers from the state of Madhya Pradesh to Gujarat with the aim to occupy the dam site (Udall, as cited in Clark, 2003). After an escalation between government and protestors, the Gujarat police managed to stop the "long march." What followed was a 30-day standoff between protestors and police. In the meanwhile and together with six other protestors, Patkar began a hunger strike. This was a crisis situation, as Patkar seemed determined. What could stop her? Patkar's demand was a review of the World Bank's accountability architecture and the entire project in particular (Udall, 1995). The World Bank would not agree to these demands. As Patkar's health worsened, Oxfam's John Clark and EDF's Lori Udall jointly pressured the operational vice president, Moeen Qureshi, to accept an independent review of the entire project. Eventually, Qureshi gave in and Patkar called off her fast after 26 days (Udall, 1998).

Recall that my causal mechanism requires a situation of crisis, a crisis of the target institution that provides leverage to suggestions for radical change among key decision-makers. Patkar's long march, her hunger strike, and the World Bank's concession that a comprehensive review of the Narmada project was necessary in light of its own failures signified a turning point. From that point onwards, the World Bank increasingly acknowledged that the mounting pressure put its own credibility at stake. Yet, in contrast to natural disasters, the death of a relative or sudden unemployment all represent immediate crises events, the realization that the World Bank was in crisis proceeded over a couple of months. The movement thus continued its disruptive approach. Just after the World Bank had declared its willingness to face its accountability shortcomings, Baba Amte opted to stick to the NBA's established and proven means of disruption and began a "*dharna* [sit-in] unto death" on January 5<sup>th</sup> in 1991. Moreover, by announcing a "noncooperation movement," the NBA expanded its repertoire of nonviolent disruption by campaigning against the payment of taxes. Also, the NBA confronted World Bank management during field visits, shouting at them "*Vikas Chahiye, vinash nahin!*" ("We want development, not destruction") and "*Koi nahi hatega, bandh nahi banega!*" ("No one will move, the dam will not be built"; Fisher, 1995, p. 3). At times, it also left the path of nonviolent Ghandian methods, when the movement denied government officials, except teachers and doctors, entry into villages along the Narmada valley, provoking clashes with security forces (Staffner, 2000). In line with the assumption on the use of disruptive tactics (Button, 1978), these sit-ins, blockades, and even the occasional incidences



of violence on behalf of the Indian TSM-constituencies shocked the World Bank (as well as the Indian government), but were not so harsh to threaten support in the eyes of the wider public (Wade, 2011).

By mid-1991, Conable faced ongoing nonviolent resistance in India and growing public pressure as well as legislative action from the United States and Japan, as well as important European donors. Consequently, the World Bank demonstrated deepened concern over the unfolding of events. The unequivocal evidence for this is that President Conable followed up on Moeen Qureshi's commitment in June of 1991 and announced the establishment of a strong and independent review panel, headed by Bradford Morse (former head of UNDP). As Morse was in poor health, the World Bank bureaucracy still needed to find someone to do the real work. Udall pushed for Thomas Berger – a Canadian lawyer and advocate of indigenous group's rights – as the principal investigator. Even though Berger was potentially threatening to the World Bank due to his independence and his strong stance on indigenous rights, Conable accepted the choice. This meant another important stage win for the TSM in the process of clearing the way for more substantial reform. The fact that the independent review happened and the fact that it was well-staffed meant both for the TSM, an acknowledgement of failures by the bank *and* a source of additional pressure. Morse and Berger were sympathetic to the movement's concerns and invited their key representatives for a briefing of all members of the review mission. These members came from outside the World Bank and did not know much about the institution's operations or accountability architecture. Thomas Berger himself even spent a whole day at Oxfam with John Clark and other TSM activists (Wade, 2011). The TSM persuaded the review panel to ascertain its independence from the World Bank by insisting upon access to all World Bank files, an independent budget, as well as an independent publication of the results, without Bank editing<sup>10</sup> (L. Udall, personal communication, October 2015). The independent review commission started its work in September 1991.

In a fortunate coincidence for the TSM that turned into considerable support for movement demands from the organizational environment was the UN Conference on Environment and Development (UNCED), which took place in Rio de Janeiro in early June of 1992. This "Rio Earth Summit" (as the summit has been subsequently referred to) was the follow-up to the Stockholm Conference in 1972 and provided a welcome discursive opportunity to the TSM engagement (D. Hunter, personal correspondence, June 2015). The Rio Earth Summit was of a quality that it heightened the visibility of TSM concerns and provided a unique source of resonance for their specific claims. To begin with, the Rio Earth Summit was an unprecedented event in terms of attention and the scope of its agenda. Notably, the presence of all major development banks and around 2,400 environmental and development NGOs, in addition to 171 governments

10 While the narrow term of references pushed for by DC- and London-based TSM (the review was limited to resettlement and environmental accountability) initially produced some tension with the Indian part of the TSM hoping for a more fundamental review of World Bank engagement in India, the Indian government was strictly opposed to an independent review. Lori Udall was able to convince Patkar and Amte that the review mission was a chance for the TSM cause and facilitated a number of encounters between the review team and Indian-based TSM in the upcoming months.

(among them 108 at the level of head of state) meant that main cooperating partners of the World Bank were present. With the other MDBs, the World Bank shared a common identity. It also shared a common purpose with the development NGOs and, in fact, the Rio Summit as a whole (i.e., sustainable development). The World Bank had been a key IO in preparing the Rio Earth Summit, but also became a target of critique by developing countries. For instance, the proposal to task the Global Environmental Facility (GEF) with oversight over the funding and implementation of Agenda 21<sup>11</sup> activities was met with fierce resistance from several governments due to the close connection of GEF to the World Bank in conjunction with the poor environmental performance of the latter (UN, 1992). Yet, despite criticism of the World Bank during the Rio negotiations, the World Bank was still assigned major responsibilities to implement Agenda 21 (UN, 1992). The conference resulted in a “Rio Declaration on Environment and Development,” a new “UN Framework Convention on Climate Change” and the “Agenda 21”. Moreover, the Agenda 21 called for much greater inclusion of NGO’s to guarantee accountability in development. The Agenda 21 also emphasized the inherent link between environmental protection and human rights. The final documents of the Rio Earth Summit and Agenda 21 pass a doubly decisive test proving support for TSM demands from the World Bank’s organizational environment. According to the UN’s own judgement, by making this link explicit the Earth Summit set the tone for subsequent UN conferences. For instance, the World Conference on Human Rights, which was held in Vienna in 1993, emphasized the human right to a healthy environment and development. These two rights had been a matter of controversy until Rio (UN, 1992). In sum, the Rio Earth Summit provided due to its emphasis on the link between environmental protection and human rights, its critique of the World Bank as well as its call for greater NGO inclusion in development, a welcome discursive opportunity for the ongoing TSM human rights advocacy. The participation of actors from the World Bank’s organizational environment and their support for enhanced human rights accountability in their talk (i.e., press statements) and actions (i.e., the final Rio Declaration) meant enhanced support for movement demands from the World Bank’s organizational environment. At the same time, it is important to note that later TSM demands for an independent accountability mechanism at the World Bank that would provide project affected people with direct legal standing toward the MDB did not receive support from the World Bank’s organizational environment. Since I did not find any traces of evidence for organizations supporting, in talk or action, the establishment of a citizen-driven accountability mechanism, this fails the hoop test (necessary to confirm the hypothesis)<sup>12</sup> and thus disconfirms the presence

11 The Agenda 21 was a forward looking, nonbinding sustainable development action plan for all UN member states – the outcome document of the Rio Earth Summit.

12 To recall from the Operationalization section above, the tests to evaluate evidence are defined as follows: **Straw-in-the-wind test** (low uniqueness, low certainty). This is the weakest of the four tests, neither necessary nor sufficient to confirm a hypothesis. **Hoop test** (high certainty: necessary to confirm hypothesis). If the hypothesis fails the hoop test, this disconfirms the hypothesized mechanism. **Smoking gun test** (high uniqueness: sufficient to confirm hypothesis). If the causal mechanism does not leave traces of a smoking gun, this does not decrease our confidence in the CM (due to the high uniqueness). **Doubly decisive test** (high certainty, high uniqueness). This is the most demanding test, both necessary and sufficient to confirm a hypothesis.

of organizational support on this dimension. At the time, there was simply no MDB, even no IO that guaranteed the right to invoke organizational human rights policies to communities<sup>13</sup>. The Rio Earth Summit went until Sunday, the 14<sup>th</sup> of June. In parallel to the Rio Summit, the human rights NGO Asia Watch sent a fact-finding mission to the Narmada Valley. The final report was published only three days after the summit's end on 17<sup>th</sup> of June, stating that movement activists who participated in demonstrations against the project had been

"subjected to arbitrary arrests, illegal detentions, beatings and other forms of physical abuse. These abuses appear to be part of an increasingly repressive campaign by the state governments involved to prevent the groups organizing support for the protests [...] and disseminating information about the environmental and social consequences of the project." (Grossman, 1992, p. 1)

Even more troublesome for the World Bank, and only one day after, on Thursday the 18<sup>th</sup> of June 1992, Bradford Morse and Thomas Berger published their report without prior approval by the Board of Directors. Morse and Berger *did* inform the board shortly before public release, but provided no chance to view the report beforehand. The 363-page long report repeated the findings of Asia Watch and essentially confirmed the view of Udall, BIC, Clark, Patkar, and Baba Amte that the World Bank was in serious violation of its own policies and that no mechanism existed to remedy these violations (Schlemmer-Schulte, 1999). It contained detailed description of the World Bank's failure to comply with its own environmental assessment and indigenous people's policies and criticized the standardized practice of involuntary resettlement without adequate compensation. The report also made clear that these shortcomings were of a structural nature (Morse & Berger, 1992). In short, the report by Asia Watch, and particularly that by Morse and Berger painted a dark picture of the World Bank's human rights and environmental impact in India at a point in time when public attention was still on the institution thanks to the Rio Summit. As Udall later recalled,

"It is ironic that within the same week in 1992, the World Bank emerged, on one hand, from an international forum as a global environmental savior, and, on another hand, from an intensive ten-month review as an institution incapable of addressing environmental impacts in its own projects." (Udall, 1995, p. 201)

Different from the World Bank's management, the TSM was informed about the upcoming publication of the Morse report and had prepared for the publication by launching a series of reports across the US, Europe and the Scandinavian countries already toward the end of the Rio Earth Summit. Most notably, the New York Times published seven articles on the World Bank's human rights performance in a row. One of the articles referred to the World Bank as "one of the most unaccountable institutions on the planet" (Crossette, 1992, p. 8). On June 23, *The New York Times* published an article sympathetic to the movement and its goals entitled "Movement Builds to Fight Harmful Projects in Poor Nations," criticizing the World Bank's lack of response to human

13 Individuals did enjoy legal standing in the context of several human rights treaties. However, these international treaties are not international organizations.

rights demands. The articles places great hopes in the TSM: “In a broadening movement that could change the way poor nations develop, environmentalists and human rights groups are joining” (NYT, 1992, p. 4, cited in Payne, 1998). In parallel to these newspaper articles, Human Rights Watch and the National Resource Defense Council (NRDC) published a report entitled *Defending the Earth* – a disturbing report which covered the human rights violations of Indian activists who engaged in civil disobedience toward the World Bank. According to this report, the World Bank’s campaign of denial

“which continues to this day, has resulted in widespread abuses against activists and villagers in the affected area. According to Asia Watch sources, since mid-1991 more than 1,000 people have been detained for periods ranging from several days to several weeks.” (Human Rights Watch [HRW] and NRDC, 1992, p. 46)

Due to the very short notice, the World Bank management seemed hit by surprise as it took five days until their first response. The official Press Statement on June 23<sup>rd</sup> indicated management’s nervousness as it acknowledged flaws in resettlement performance. At the same time, management decided to continue funding the project without fundamental adjustment and to remain silent about the issue of structural reform to enhance direct accountability (World Bank, 1992). Despite offers by management to negotiate with leaders of the transnational coalition, the movement continued with its scandalizing strategy as the World Bank’s management did not show comprehension beyond rhetorical maneuvers (B. Rich, personal communication, June 2015). During monsoon season, EDF and the BIC formed the Narmada International Human Rights Panel with the purpose of providing for permanent, independent monitoring of human rights violations in the Narmada Valley. Among the multidisciplinary panel members were representatives from the Lawyers Committee on Human Rights, a journalist, a sociologist, an anthropologist, and economists (Udall, 1995). The panelists published a series of reports documenting human rights violations in the context of the project. These reports did not yield immediate results, as the World Bank referred to its “non-political” mandate and the sole responsibility for human rights compliance lying with states. Against this background, the reports contributed to the growing idea that the World Bank should be held accountable for human rights violations that resulted from failures to adhere to its own safeguards.

In September of 1992, during the World Bank’s Annual Meeting, the BIC and EDF coordinated the publication of an open letter to the new World Bank president Lewis T. Preston<sup>14</sup>. The letter was signed by 250 movement organizations from 37 countries covering a full page in each the *Financial Times*, the *New York Time* and the *Washington Post*. The letter to Preston highlighted the problems with the Narmada project. It highlighted that these problems were more the rule than the exception, the need for institutional reform, and it demanded that the World Bank withdraw from the Narmada immediately. In case of noncompliance with these demands, the TSM coalition threatened Preston that “NGOs and activists would put their weight behind a campaign to cut off funding to the Bank” (Wade, 2011). The “dot of the I” of the media campaign in late 1992 was a

14 Lewis Preston was elected in autumn 1991 as World Bank President, taking office from his predecessor Barbar Conable.

one page advertisement in the *New York Times* entitled “Your Tax Money – Funding Yet another World Bank disaster” (1992). With this onepager, the movement underscored its willingness to go against the World Bank as an institution in case it would not respond to the demands. The article constitutes a smoking gun for the TSM move from critique of the specific project (Narmada) to a more general critique of the organization as a whole (see “Operationalization” section). The TSM media efforts accompanied with ongoing demonstration in the Narmada valley yielded tangible results. World Bank executive directors (EDs) from the United States, Europe and Japan – at the time holding the vast majority of the voting-power – were increasingly worried about the World Bank’s reputation.

Notwithstanding the mounting critique and despite severe worries that the legitimacy of the institution was at stake, the Board of Directors voted to continue World Bank investment in the Narmada dam project on 27<sup>th</sup> of October, 1992 (Wade, 2011). Yet, different from previous points of mounting critique, the World Bank sincerely considered change. Perhaps more importantly, President Lewis Preston became increasingly skeptical not only of the World Bank’s engagement in India, but also of its entire portfolio. A smoking gun, that is, an unambiguous indication of this increasing doubt is the fact that Preston asked Willi Wapenhans to do an internal review of the Bank’s entire portfolio regarding its human rights performance already in the midst of preparations for the Morse Commission – the official acknowledgment of the World Bank to review Narmada. Wapenhans was not only close to Preston, he also knew the World Bank inside out, as he was its former Vice President. As Wapenhans later recalls, Preston simply wanted to get a sense of what was really going on as the presidential office was much more concerned about the World Bank’s reputation than it would acknowledge in public (Wapenhans, Oral History Interview, 1993). The Wapenhans Report was delivered to the Board on 3<sup>rd</sup> of November 1992. As with the Morse report, the Wapenhans report was leaked to TSM before official publication (Park, 2010, p. 80). In the report, Wapenhans concluded that 37.5 % of World Bank projects did not comply with the bank’s own social and environmental standards in a satisfactory way (World Bank, 1992). According to the report, the World Bank’s “portfolio is under pressure. This pressure is not temporary, it is attributable to deep-rooted problems which must be diagnosed and resolved. The cost of tolerating continued poor performance is high not for the Bank [sic], but for its borrowers” (Wapenhans, 1992, p. ii).

Because of its careful analysis of an internal “approval culture” (Shihata, 1994, p.2), pressure to meet lending targets toward the end of the fiscal year and corresponding career advancements based on large scale infrastructure projects, the Wapenhans Report has been the best known source documenting the perverse incentive structures among World Bank staff and management (Clark, 2003). Moreover, it underlined the claim by the transnational social movement that the policy violations identified in the Morse Report had structural roots in the way the World Bank functioned (Wapenhans, 1992).

Increasingly, important World Bank member states began to worry about the organizations performance and legitimacy. A hoop test for this is that in response to the Wapenhans Report, a series of high-level meetings took place between executive directors (EDs) and World Bank management toward the end of 1992. From the side

of EDs, Evelyn Herfkens (Netherlands), Jorunn Maehlum (Scandinavia), Patrick Coady (United State) and Fritz Fischer (Germany) were particularly concerned. World Bank President Lewis Preston came out acknowledging that “nobody was reading the auditing requirements because they were too complex” (Preston, World Bank, Oral History). In November of 1992, donor countries at the World Bank decided to demand an action plan from World Bank management through the Board of Directors. The demand for an Action Plan – a smoking gun for the increasing worries of World Bank member states – was supposed to make specific recommendations addressing institutional and policy failures. As the previous paragraphs indicate, the realization among member states that the World Bank was in crisis did not come at once as a natural disaster suddenly unfolds. Instead, it was the accumulation of multiple factors: (a) disruptive tactics, including violent and nonviolent tactics such as the hunger strikes, sit-ins and demonstrations against the Narmada project in India; (b) widespread media coverage scandalizing World Bank failures in combination with its lack of accountability, (c) the TSM-informed Morse report, (d) the internal report confirming several shortcomings and (e) the ongoing pressure mobilized by Washington D.C.-based movement constituencies. Perhaps most importantly, it was also thanks to the World Bank’s attempts to cover up misconduct and misrepresent facts, that member states gradually became highly suspicious of the sincerity with which the Bank was handling very serious allegations. It was this accumulation which led to the tipping point at which important World Bank member states and their EDs were alarmed to an extent that they perceived a crisis.

### 6.3 Part 2: Conventional TSM tactics through the state channel

From the perspective of the transnational social movement, the year 1993 went off differently from the previous years. The World Bank Board of Directors and Management had admitted severe shortcoming in the World Bank’s accountability architecture and important decision-makers on the Board of Directors —above all the United States—had expressed their deep concern. Among D.C.-based activists, there was a clear sense that reform was in reach (Interviews with David Hunter; Chad Dobson). It was at that time that several key actors in the TSM shifted their energy to more conventional inside tactics. Importantly, the TSM opted to shift the arena of contention, from direct engagement with the World Bank toward engagement via the state channel. Though the World Bank showed some recognition for the presence of structural accountability deficits, its management and its president had repeatedly confirmed their reluctance to tackle deep institutional reform. When pressure for reform rose in early 1993, it was clear to World Bank staff that a reform of this approach was unavoidable. Still, the TSM had no doubt that staff and management would aim for the least transformative option available (D. Hunter, personal communication, June 2015). Thus, the transnational social movement opted to focus on a different arena of contention: engagement via World Bank member states (B. Rich, personal communication, June 2015; L Udall, personal communication, October 2015; K. Horta personal communication, April 2017).

I stated in the analytical framework chapter, that *access* to decision-makers is critical to use conventional tactics. Where inside channels are blocked, they cannot be walked



upon. Access in the case of movement engagement toward World Bank member states consisted of two important, interrelated aspects. The first had to do with crisis at the World Bank, the second with the political systems of the most important World Bank member states (above all, the United States). Crisis at the World Bank was the outcome of disruptive movement tactics in Part I of the causal mechanism. In a pointed (and simplified) way, this crisis consisted in the decreasing lack of trust World Bank member states and their publics had in the institution to correct its own wrongdoings. The value of this crisis to the movement activists, however, played out in Part II of the mechanism, as it led to an increased demand for movement perspectives on behalf of decision-makers in World Bank member states. According to interviewees from Urgewald (Germany)<sup>15</sup>, the Bern Declaration (Switzerland)<sup>16</sup>, EDF<sup>17</sup> and CIEL<sup>18</sup> (both United States), their organizations were increasingly in contact with parliamentarians in the form of private encounters and expert briefings, the longer the crisis at the World Bank lasted. Of course, the evidence here needs to be treated with caution, as interview statements about development that are a long time ago are not very reliable. At the same time, there are no better pieces of evidence available for private, behind-closed-doors encounters than the memories of those involved. Also, the memories of encounters are relatively specific. For instance, David Hunter (the CIEL) recalled that he, Lori Udall (EDF) and Peter Bosshard (Bern Declaration) wrote an expert note on the idea of an independent review panel at the World Bank, which was then circulated among decision-makers in Switzerland. As he recalls “we did it for the Swiss Parliament – it was translated into German or French. And then I went over, and Peter [Bosshard] and I held meetings with Swiss parliamentarians, partly in English, partly in German. My German isn’t very good, that’s why I remember.” (David Hunter cited in van Putten, 2008, p. 361). Also, increased movement access to decision-makers in member states is plausible in light of the circumstances at this point. Given that MS decision-makers and their EDs did not trust Bank management any longer, NGOs that had good contacts to those affected on the ground were the best available experts to provide an alternative perspective. Thus, the (legitimacy) crisis at the World Bank – an important scope condition for the success of conventional tactics – was at the same time an important door opener for movement access.

The second factor that contributed to movement *access* were the political systems of the most important member states, above all the United States. To recall, the World Bank International Development Association (IDA) periodically receives funding from its member states (every 3 years). In principle, the state channel was thus an attractive option in all countries with major shares at the World Bank. Yet, among all possible state channels, U.S. Congress represented the most promising arena of contention: first, the U.S. had by far most shares at the World Bank and is thus the most critical member state for World Bank decision-making (see 3.3.2 for an elaboration of this scope condition). Secondly, inside the United States, Congress is the most important political institution

15 Personal communication with Korinna Horta

16 Personal communication with Peter Bosshard

17 Personal communication with Bruce Rich

18 Personal communication with David Hunter



equipped with the capacity to influence MDBs. Especially, the subdivisions within U.S. Congress guarantee that, in principle, TSM can easily identify and approach those key members of Congress who form Congressional policy. More precisely, there is a division of labour between an authorizing committee and one of appropriations. While the former is tasked with the authorization of U.S. funding to the MDBs, the latter is tasked with a general budgetary oversight and has the last say in allocating funds. In practice, these roles are blurred, especially when it comes to foreign policy (Fisher, 1979). Both committees exist twice—in the House of Representatives and in the Senate—each one with its own chair. Yet, due to an informal division of labor, not all chairs are equally involved in an issue at the same time. As a result, persuading one committee chair to take a proactive stance on a given policy issue can, depending on the commitment and political clout of that person, suffice to shape Congressional action.

With the shift to these more conventional tactics (including parliamentary hearings, expert briefings, workshops and conferences with the aim to persuade decision-makers through strategic framing), the interaction between U.S.-based movement constituencies and Congress moved to the center of the TSM as a whole. As a first step of this approach, Lori Udall from EDF and David Hunter from CIEL convened a series of meetings with the United States ED and Treasury, but above all with the chairs of the relevant Congressional subcommittees to formulate their conditions. According to them, four minimal conditions needed to be met for any future accountability mechanism at the World Bank: (a) it had to be transparent, (b) independent, (c) citizen-driven, and (d) effective (D. Hunter, personal communication, March 2017). Naturally, such change in gears is rarely clear-cut. As a reminiscent of the confrontational approach until then, Udall, Bruce Rich and Deborah Moore (all from EDF) sent a letter to the editor of *The New York Times* entitled, “Before We Let the World Bank Squander More,” on January 6, 1993. In the article, the authors fundamentally question the World Bank’s legitimacy as an institution should it not engage in substantial institutional and policy reform. Foreclosing a new round of IDA replenishment toward the end of 1993, the authors again tackled the World Bank at its Achilles heel – IDA contributions by the US:

“Before agreeing to provide \$18 billion more to the bank’s International Development Association, taxpayers in the United States and other donor countries should be aware that these problems are systemic and that without major reforms the money will continue to be wasted on environmental and social disasters.” (The New York Times, 1993)

However, this article was the last clear incidence of open confrontation with the Bank. In the following, however, almost all energy was focused on the state channel. In March 1993, and just before a World Bank Board meeting that would have dealt with Narmada, the Indian government informed the Bank that it would not ask for further disbursements to finance the project. While this information meant a relief for the organization, TSM engagement had already come to a point where Narmada was viewed as only one piece of a sinister mosaic lacking human rights accountability. While contacts remained very good with activists against the Narmada Dam project (whose fight was ongoing, as

the Indian government wanted to proceed with the project alone)<sup>19</sup>, the importance of their actions diminished as discourse shifted away from the Narmada scandal toward the design of reform. To that aim of institutional and policy reform, contacts between the most informed D.C.-based organizations (BIC, NRDC, EDF and CIEL), academics that were part of the movement and U.S. Congress, intensified. Using the previous misconduct by the World Bank and its failure to react appropriately as a hook, activists and academics identified member of the U.S. Senate's and the House of Representative's Subcommittees on Appropriations as their main target, as these subcommittees would eventually have to approve U.S. funding to IDA. Eric Christiansen from NRDC wrote an article in which he proposed an independent appeals commission. Christiansen used the Morse Commission as a precedent for a body operating independently from the World Bank's Executive Directors and management and equipped with its own budget. Christiansen's article was the first writing on the topic and inspired the development of a range of proposals (Interview with David Hunter, cited in van Putten, 2008).

Now, that the movement had switched to inside channels, seeking to persuade decision-makers in the United States and Europe, the low degree of counter mobilization from decision-makers in key member states mattered as a scope condition to evaluate their likelihood for success. The targets that the movement identified in member states were overwhelmingly European and, above all, located in the United States. In all of these member state contexts, the core of the norm of direct human rights accountability was not contested.

Already in 1991, Bruni Weisen, a member of the movement from Berlin had put together a tour for Shripad Dharmadikary and Kisan Metha—two representatives of NBA—throughout Europe, meeting with journalists, activists and parliamentarians in Germany, Sweden, the United Kingdom, Denmark, and The Netherlands. Immediate tangible results of these efforts were a letter to Preston by Swedish parliamentarians as well as a letter by members of the European Parliament (Wirth, 2008). In retrospect, this European tour was not very successful in mobilizing key decision-makers at that time. However, it was successful in activating European movement constituencies, as several European NGOs took up the issue permanently (Udall, 1995). In particular, NGOs in Germany, Switzerland, and The Netherlands progressively established channels to parliamentarians working on development—contacts that were now of great use to complement advocacy toward Congress with inside tactics in Europe. As interviewees involved in the discussion with parliamentarians in Germany and Switzerland recall, there was agreement on the norm of accountability for any public institution. In particular, and corresponding to their own political systems, there was agreement that no public institution should violate human rights (standards), should report honestly on its conduct (transparency), and responsible in cases of misconduct (sanctions).<sup>20</sup> According to David Hunter,<sup>21</sup> it was the fall of the Berlin Wall in November 1989 that

19 The NBA succeeded to halt the dam construction until resettlement was carried out in a way that respected human rights in virtue of a Supreme Court ruling in 1995.

20 Martje van Putten, former MEP (btw. 1989–1999) and member of the World Bank Inspection Panel (1999–2004)

21 Interview D. Hunter, June 2015

opened up a very fruitful dialogue between environmentalist groups from Eastern and Western Europe about citizen participation in development projects and the right to information. In 1992, these groups pushed, together with major U.S. environmentalist movements, for enhanced transparency and citizen rights in development. Thanks to the Rio Conference, both these aspects of accountability were increasingly globalized and a resource for the movement advocating for accountability at the World Bank.<sup>22</sup> A series of important books and articles from the British diplomat and public international lawyer Philipp Allott (2002 [1989], 1990, 1992) were highly influential on legal scholars of the movement coalition in Europe and the United States. In his texts, Allott made the argument that historical developments such as the French Revolution and the American Civil War helped to establish that governments should be accountable to the people they govern. If MDBs (and other IOs) govern, they should be equally accountable. Allott thus criticized the idea that international law is only applicable between states and instead emphasized the need to enhance the legal accountability of global governance institutions toward those they are supposed to serve. David Hunter and Daniel Bradlow (the founders of CIEL) as well as their European movement colleagues, took up Allot's thoughts and argued toward policy makers that, currently, the World Bank was a "lawless institution." In late 1992 and early 1993, crucial European member states of the World Bank accepted the argument that the World Bank needed to become more accountable. In fact they had begun to engage in an argument regarding the concrete application of direct human rights accountability provisions.

In February of 1993, four EDs sympathetic to movement demands – those of Germany and the Netherlands, supported by those from Malaysia and Chile – openly acknowledged the need for institutional reform and developed a proposal for an independent in-house capacity to review projects. The proposal was a clear indicator that influential member states acknowledged the need for reform. In their proposal, they accepted the problem definition, causal attribution, and negative evaluation of the movement's frame. However, they did not follow the movement's frame fully, arguing in favor of an evaluation capacity that would be located under the Operations Evaluation Department (OED) of the World Bank. Moreover, the idea that those affected by World Bank projects would have direct legal standing in front of the organization across all World Bank projects, and without mediation by the member state in question, remained contentious (D. Hunter, personal communication, June 2015). Quickly after its circulation, though, neither the Transnational Social Movement, nor World Bank management was very keen to follow up on this proposal – although for different reasons. Among movement activists, it was clear that the proposal did not fulfill the four criteria of transparency, independence, and effectiveness. What is more, the ad hoc nature of the evaluation was diametrically opposed to the structural institutional reform envisioned by the movement (Interview with Chad Dobson). Inside the World Bank, the proposal did not resonate with management's still latent desire to retain maximum discretion

22 According to Hunter, an outflow of this lasting cooperation between environmentalist groups in Europe was the Aarhus Convention signed in 1998—an international treaty that guarantees access to information, environmental rights, and access to courts to individuals

when getting the money out the door. Reviewing the proposal on behalf of the president, the Operations Evaluation Department concluded that there was no evident need for a permanent evaluation unit. Instead of an independent inspection capacity, OED envisioned that the World Bank President had to authorize inspection on an ad hoc basis (Shihata, 1994, p. 17).

In response to the ED's proposal, the argument of movement constituents (above all the environmental lawyers) was that the World Bank had immunity, like all other IOs. They are thus protected from national courts, as they are also protected from international human rights law. Hence, affected communities had no standing in front of any court, as there was no legal system applicable to the World Bank, outside its own mandate and operational policies. Following this reasoning, movement representatives slightly modified the action-dimension of their frame. Instead of an independent court, they now argued in favour of a semi-judicial, but independent body under the existing World Bank "law" under which affected communities would be heard (D. Hunter, personal communication, June 2015; B. Rich, personal communication, June 2015). Important European member states (including the United Kingdom, Germany, The Netherlands, and Denmark, Sweden, Finland and Norway) accepted the demand for direct human rights accountability, as the frame allowed to draw parallels with the rule of law principle of direct representation in their respective constitutions. Still, support for this new action-dimension was even stronger among decision-makers in the most important member state—the United States. The low degree of counter mobilization inside the United States can, at least in part, be explained with the presence of cognitive priors for such an idea of direct accountability. According to Przeworski, Stokes, and Manen (1999), the United States counts as one of the oldest democracies that prides itself particularly with a constitution that puts public accountability as well as the principle of checks and balances at the center (Przeworski et al., 1999). Moreover, movement constituencies seeing a strong connection between human rights and environmental law emphasize their domestic tradition of environmental impact assessment. The United States was the pioneer in introducing such domestic early warning and oversight mechanisms in its National Environmental Policy Act in 1969 – one year before the establishment of the U.S. Environmental Protection Agency (EPA). Since, citizens have a right to information (i.e., insights into the environmental impact assessment of government agencies), access to courts and joint complaints wherever communities were of the opinion that environmental standards would not be met (Glasson et al., 2005). It was primarily this model of environmental impact assessment that movement representatives used in relation to decision-makers in U.S. Congress.<sup>23</sup> Members of Congress in the field of environmental protection had been socialized with an understanding that "environmental democracy" (the term used by the movement) was an integral part of accountable institutions. Accordingly, the U.S. Congress had passed the "Pelosi Amendment" in 1989, a law that requires public disclosure and an environmental impact assessment of MDB projects 120 days before the U.S. Executive Director can vote in favor of that project. Already this bill was intended to give project-affected communities an opportunity to voice their concerns with regard to World Bank projects

23 Interviews David Hunter; Bruce Rich, both in June 2015

(Sanford & Fletcher, 2008). An extension of the same principle to the area of social and political human rights was thus no major stretch for U.S. Congress. Thus, the United States was increasingly siding with the movement. Yet, persuasion was not yet complete. To reach compromise also with EDs opposing reform and thus consensus on the Board of Directors, Daniel Bradlow came out with a proposal for an ombudsman. As an academic and expert in international and development law, there was hope among U.S. and Canadian politicians that Bradlow would be able to reconcile the World Bank's reluctance to accept deep structural reform on the one hand, and the TSM demand for exactly such fundamental change on the other. In February of 1993, Bradlow was invited to testify before the Canadian parliamentary Sub-Committee on International Financial Institutions (Bradlow, 1993) and in May of that year to testify before U.S. House of Representatives Sub-Committee on Development, Finance and Urban Affairs (Bradlow, 1993). Bradlow proposed an ombudsman who would be appointed by the Board of Directors. Such an ombudsman would be able to investigate the World Bank staffs' implementation of World Bank policies. According to the proposal, he would be able to give nonbinding recommendations to the board as long as loan disbursements were ongoing. While Bradlow's proposal got considerable attention by the "Financial Press" (Conversation with Bruce Rich, 2015), World Bank management and Legal Department (Shihata, 1994), the proposal did not go far enough in the eyes of the movement. Behind the scenes, Lori Udall tried to convince U.S. Congress that an ombudsman was not sufficient, instead advocating strongly for an independent institution with enough bite to investigate against the interests of Management if needed. In 1993, legal scholar Jonathan Cahn published "Challenging the New Imperial Authority: The World Bank and the Democratization of Development". In the article, he argued that it was critical for an oversight body to acquire knowledge autonomously, proposing a "watchdog agency" independent from World Bank management and Board of Directors "which would have the capacity to monitor, report on and intervene in the World Bank lending process" (Cahn, 1993, p. 159). In addition, the Canadian lawyer and former co-chair of the Morse Commission, Thomas Berger, published an article reflecting on his independent review of the World Bank's engagement in India, making a strong case for an institutionalized and independent review capacity (Berger, 1993). During these months, the meetings of the Tuesday Group gained in importance as an inside channel of engagement via U.S. Treasury. In the late 1980s, the Tuesday Group had been critical in mitigating the conflict over strategy among members of the movement (see above). In 1993, the Tuesday Group mainly functioned as a forum to exchange views between the movement and the U.S. Treasury Department, which regularly attended these monthly meetings. Although it is ultimately the responsibility of the U.S. Congress to authorize U.S. funding for MDBs, the Treasury matters as the formal representation of the U.S. government in these institutions. The connections between the U.S. Executive Directors at the World Bank and Treasury are very close: It is the U.S. President who appoints the Executive Director, who then reports to Treasury (Bowles & Kormos, 1995).<sup>24</sup>

On May 5, the same day that Bradlow testified before the U.S. House of Representatives, Udall and David Hunter were invited to testify before that same subcommittee.

24 Specifically, through the Assistant Secretary for International Affairs.

Against Bradlow's idea of an ombudsman, Hunter and Udall proposed the idea of an independent appeals commission (L. Udall, interview, October 2015). In their presentation before Congress, Udall, and Hunter connected the lack of accountability in the Narmada project to the overall lack of direct social and environmental accountability of the World Bank. They repeatedly connected their demands for an institutionalized appeals commission at the World Bank with comparable provisions that already existed in the U.S. context. Specifically, they connected their demand to the legal due diligence requirements valid under U.S. law, specifically the environmental impact assessment and argued that any institution working on U.S. taxpayers' money should fulfil that same minimum criterion. Drawing a parallel to the protection of each U.S. citizen under U.S. law, Hunter and Udall argued that the independent appeals commission would be a permanent institutional body consisting of three members with the ability to investigate any complaint from World Bank project-affected individuals (D. Hunter, personal communication, June 2015). In the back of Hunter and Udall's testimony loomed the ongoing threat of the TSM to campaign against *any* U.S. funding for IDA (Shihata, 1994, p. 20), which neither U.S. Congress, nor the TSM really wanted (B. Rich, personal communication, April 2017).

All evidence indicates that Udall and Hunter were successful with their testimony and that, as a consequence, the United States adopted the TSM's frame—their problem definition, causal attribution, and call for action. Following the hearing, the U.S. House of Representatives Subcommittee on International Development, Finance, Trade, and Monetary Policy published a draft bill on May 26 entitled "International Development and Debt Relief Act of 1993." The draft bill, which set the ground for the United States's IDA replenishment, incorporated the proposal and even the language for an independent appeals commission as proposed by Udall and Hunter—a doubly decisive test for successful advocacy. A version of this bill would later be passed into law in September of that year (see below). Though Hunter and Udall secured support from U.S. Congress, even the United States as a member state, only few people were actually critical in organizing this congressional support and it was those critical decision-makers that Udall and Hunter focused on most. In particular, EDF and CIEL efforts focused on Barney Frank, a democrat and the new chairperson of the Subcommittee on International Development, Finance, Trade, and Monetary Policy." There is consensus among TSM representatives and outside observers (Fox et al., 2003), that the cognitive map of Barney Frank was particularly favorable for the adoption of their full frame. By all standards, Barney Frank was an unusual politician. As the first married, gay, Jewish Congressman (Weisberg, 2009), Barney Frank was well-known until the end of his career for his strong voting record on social justice, civil rights and environmental protection (Gordon, 2016). Barney Frank knew what it meant to be at the margins of society. He could relate to the experience of being marginalized, with no voice and representation among those in power. It is therefore plausible to conclude that Frank movement claims for human rights and to provide those marginalized with a say enjoyed experiential commensurability with Frank's own biographical experiences (see Theory chapter 3.5.2). Moreover, Frank was receptive to claims for human rights and democracy (i.e., the claims enjoyed cognitive ease) in virtue of his political engagement as a democrat. Hence, in line with my operationalization of frame resonance (see chapter 4.3) the movement had good



chances to persuade him fully (i.e., to make him adopt not only the problem definition, causal attribution, and moral evaluation, but also the full action dimension of the movement frame). So it occurred: Barney Frank and Dr. Sydney Key, the Committee's staff director at the time, embraced the TSM's strong stance for an institutionalized, direct accountability function at the World Bank. Beyond that, they were soon convinced of the movement's proposal for a permanent inspection panel (see testimony by Udall and Hunter above). To adhere to the standards of true accountability, CIEL and EDF also pushed for enhanced transparency regarding World Bank operations. Frank and Key accepted the claim that the Bank needed institutionalized accountability, and were equally convinced by the claim that accountability presumed transparency (L. Udall, interview, October 2015). In the midst of these behind-the-scenes negotiations, *The Economist* (1993) declared Barney Frank to be the driver of the institutional and policy reforms. According to *The Economist*,

"Mr. Frank is promoting two simple things. He wants more openness in the way the Bank processes and approves projects, including greater disclosure of financial, economic and technical information. [...] The second reform is to set up a permanent commission of outside worthies with power to review World Bank decisions if there is a legitimate case that the Bank's own guidelines have been breached." (*The Economist*, 1993)

Furthermore, the article cited John Kasich, Republican and a crucial figure on the House of Representative's Budget Committee, during the last debate in Congress on the upcoming World Bank funding with the words:

"Come on. Let us belly up here and let us cast a vote that sends a message to the World Bank that says to them: "What you are doing is not tolerated any more in this country. We want it to be fixed." (*The Economist*, 1993)

*The Financial Times* published a story on July 2 indicating that the exchange between Washington D.C.-based NGOs and Congress "could radically alter the way the Washington-based development institution operates" (Graham, 1993, p. 9). By June/July 1993, Barney Frank and Sydney Key were fully on board with TSM demands and prepared to mobilize political capital for their proposed reforms. As Key later recalled,

"The subcommittee made a policy decision to go well beyond the traditional approach of providing 'voice and vote' instructions for the U.S. executive directors and [decided] instead to use the leverage associated with its power to authorize funding to achieve fundamental institutional reforms" (Key cited in Clark et al. 2003).

Repeatedly, the importance of epistemic and moral authority of movement constituents became evident at this phase of the interaction between movement representatives and Congress. Even though the movement was comprised of a diverse set of actors (the vast bulk of them followers of large membership organizations such as Sierra Club), major advances hinged on few individuals. Notably, David Hunter, Bruce Rich, Dani Bradlow, and Lori Udall were all public lawyers conveying epistemic authority. All four knew how to instrumentalize public international law, the emerging shift toward individual rights in human rights law (Simmons, 2009), and the writings of respected public in-



tellectuals such as Philipp Allott. At the same time, they made their arguments as credible representatives of those affected by the Narmada Dam project in India, but also as representatives of organizations with moral reputation among the media and public.<sup>25</sup> All four individuals who would become protagonists in persuading U.S. Congress thus combined high levels of epistemic, with moral authority. Accordingly, this scope condition in fact proves to be important for both, disruptive and conventional tactics.

Throughout the negotiations between the “elite” of the movement and Congress, as well as those between Congress and the World Bank EDs, tensions arose within the transnational social movement as some activists, primarily environmentalists, sought more disruptive strategies to eliminate all World Bank funding (Bowls & Kormos, 1995). However, the more moderate core of the movement were of the view that World Bank assistance to developing countries was not the alternative, but rather sound development finance—a position also emphasized in the report of the U.S. House of Representatives (1993). Within Congress and the U.S. government, Frank mobilized support for his reform plans. To the U.S. Senate, the by now well-rehearsed team composed of Frank and D.C.-based NGOs (above all the BIC, EDF and CIEL) the proposal for increased public access to information and an independent appeals or inspection panel resonated with long-held skepticism toward MDBs. In a statement following these meetings, the Senate used almost identical language the U.S. House of Representative’s report, demanding “fundamental change” to authorize further funding (U.S. Senate, 1993). In a next step and with the support of Barney Frank as well as the relevant House and Senate subcommittees in the back, the transnational coalition had to translate congressional leverage into MDB reform.

## 6.4 Part 3: Member states incentivize MDB reform

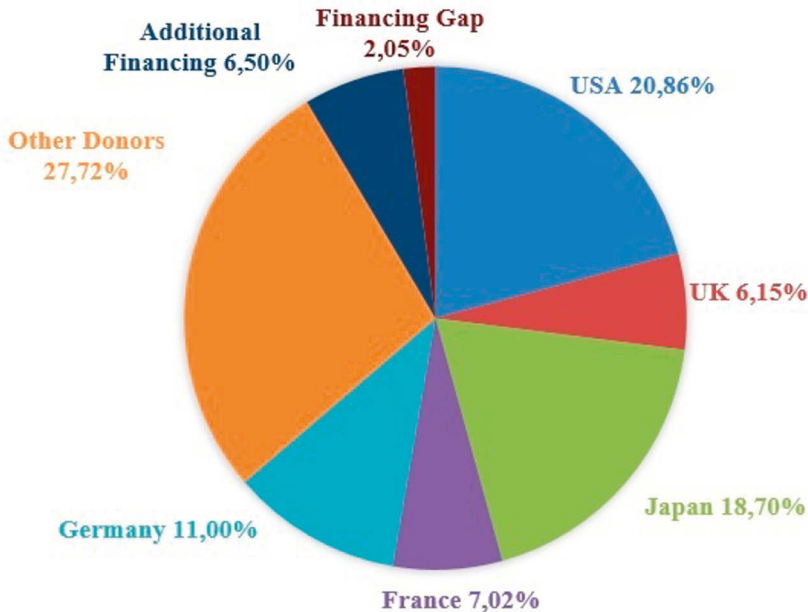
From here on, it was largely Barney Frank who carried the cause forward to convert TSM demands into World Bank policy making at the latter’s Board of Directors. Once Frank put himself fully behind the demands, the process to reform a sticky institution such as the World Bank gained considerable speed. As Bruce Rich from EDF would later recall, “If one person really does have the right to say that he was responsible for the creation of the inspection panel, it’s Barney Frank.” (Interview with Bruce Rich). Convinced by the arguments and evidence presented by the CIEL and EDF, Frank developed a strong view concerning the institutional design of a new World Bank accountability mechanism. Critically, Frank envisioned the Inspection Panel as citizen-driven and independent. When Barney Frank called in a meeting with World Bank Executive Directors demanding an inspection panel, the ED’s were taken by surprise and replied “Look, you can’t order us to do anything.” Frank recalls replying, “I agree. And you can’t order me to pass the bill with the money” (Interview with Barney Frank, quoted in: Rich, 2013). With that initial, credible threat, Frank obtained a report from the House of Representatives calling for an independent oversight body for the World Bank as well

25 CIEL and EDF had consulted the US government on several previous occasions and were thus seen a morally credible also by a wider audience inside the US (Interview CIEL).

as all other MDBs (U.S. House of Representatives, 1993). In principle, U.S. Congress has three principle mechanisms of influence available, with crescendoing impact: (a) policy guidance to the U.S. ED, (b) ED voting restrictions, and (c) budgetary power vis-à-vis the institution as a whole (for explanation of congressional means to influence MDBs in general, see Sanford, 1988). According to the first, Congress instructs, via legislation, the U.S. Executive Director to use his “voice and vote” at the Board of Directors to pursue certain policies and benchmarks (i.e., human rights protection; Sanford, 1988, p. 20). Then, U.S. Congress can pass legislation that restricts the voting behavior of the U.S. ED. For instance, Congress has used voting restrictions for cutting aid to countries with deteriorating human rights records against China and Iran (Sanford, 1988, p. 59). Last and most powerful are “conditional appropriations,” also referred to as “the power of the purse.” While unthinkable in other constitutional systems, U.S. Congress holds final approval over the U.S. budget. Thus, toward MDBs and toward domestic actors, it may condition the appropriation of money (i.e., to the establishment of new institutional procedures or the implementation of new policies). Although already the first two means of influence provide the U.S. ED with leverage he would not have on his own, this third channel of influence clearly exceeds what the U.S. ED (or Treasury for that matter) could do on his own. This was the means of influence Barney Frank invoked toward the World Bank (Bowls & Kormos, 1995). Importantly, the United States did not act alone. In parallel to building up the threat of a funding cut, congressional representatives met with World Bank EDs (particularly those of part I countries) behind closed doors to increase pressure on the Board of Directors to act. Before and during these meetings, representatives from the transnational coalition briefed both sides, even though the relationship with the newly won ally Barney Frank was of particular importance throughout the whole process (B. Rich, personal communication, June 2015). More and more, the World Bank found itself encapsulated with mounting pressure. The reforms demanded by Congress were substantial and if no clear signs toward such reforms were to become visible soon, Congress seemed prepared to cut the institution’s funding – money it was counting with and relying upon (C. Dobson, personal communication, May 2016). According to Anderson (2008), capitalizing on power asymmetries (i.e., consisting in unilateral dependencies), asserting one’s own interest, exploiting vulnerabilities of the other party and eliminating alternatives are key features of an interaction characterized by coercion. In principle, the World Bank can react to threats by U.S. Congress to cut its funding either by engaging in policy and institutional reform to meet the demands, or by refusing to accept conditionally appropriated funds. While the latter option would be in line with its Articles of Agreement (World Bank, 1945), U.S. funding to IDA weighs too heavily to be ignored. The World Bank’s Annual Report from 1993 reveals that the United States has been the largest contributor to IDA in 1993, followed by Japan, Germany, France and the United Kingdom (World Bank, 1993; see graph below). Even though Japan has been a very large donor, it is also a close ally of the United States and tends to follow the U.S. lead when acting on the World Bank Board of Directors (Andersen et al., 2006, p. 6).

Thus, the presence of power asymmetries between member states (on the Board of Directors) is a critical scope condition in my causal mechanism without which movement activism cannot translate into World Bank reform (see Chapter 3.5). In this par-

Graph 6: World Bank main Donors in 1993 (IDA)



Source: Data from World Bank Annual Report 1993

particular case, power asymmetries between the United States (aligned with European donors) on the one hand, and other World Bank member states on the other were immense in 1993. In line with this reality, the record of conditional funding by the United States indicates that the World Bank had never chosen to refuse conditional funding until the mid-1990s (Brown & Kormos, 1995, p. 20). At the same time, protest from member states opposing the reform as well as World Bank management and presidency was only voiced covertly, but did never make it into the realm of acute counter mobilization (L. Udall, personal communication, October 2015). As a result of U.S. pressure, the World Bank's Board of Directors and its President worked day and night to present a reform that Congress would deem sufficient. Formally, the negotiations then took place between Congress and the Bank. Unofficially, though, it was well understood by the World Bank that the EDF, BIC, and CIEL were backing Barney Frank, who gave his word that he would not agree to any proposal the movement could not agree to (Frank quoted in Van Putten, 2008).

On June 10th, the day that the Congressional Subcommittee on International Development, Finance, Trade, and Monetary Policy needed to approve the bill for IDA replenishment, World Bank President Preston circulated a paper within the Bank and to Congress entitled "Operations Inspection in the Bank: Issues and Options" In the paper, Preston noted "neither the President nor the Board want more surprises about problems

with ongoing projects” (World Bank, as cited in Clark, 2003, pp. 8-9). After analyzing structural accountability shortcomings of the World Bank, Preston concluded that a permanent accountability mechanism was in the best interest of the institution, and that such a mechanism “should be established immediately” (World Bank, as cited in Clark, 2003, p. 9). To negotiate the details following up on Preston’s announcement, informal meetings between World Bank management, Executive Directors, Barney Frank, and movement representatives took place on a frequent basis between July and September. World Bank management and operations had the task to work on the details for a resolution establishing a permanent inspection panel. Whenever a new proposal was drafted, it was sent to Congress, which in turn made sure that movement constituencies could comment the drafts and make recommendations for improvement until they were content (D. Hunter, personal communication, March 2017; L. Udall, personal communication, October 2015). As movement representatives recalled, the independent review of the Narmada Dam Project conducted by Thomas Berger and Bradford Morse (The Morse Commission) in 1992 provided an important template for the Inspection Panel. Due to a set of distinct features, the Morse Commission was perceived as credible and successful by the TSM. Among these features were: (a) complete access to all project information from the World Bank, as well as from the Indian government; (b) sufficient resources (time, staff and an independent budget of roughly US\$ 1 million); (c) the cooperation of all parties (including villagers, NGOs, the Indian government, and Bank staff); (d) no previous financial or contractual relationship with the World Bank; and finally, (e) a published report without prior editing by World Bank management. In practice, institutionalizing a review mechanism on the basis of these core principles meant to create a new institutional body and to draft a new access to information policy that would allow for the public release of early project documents as well as all social and environmental risk assessment.

Eventually, a compromise was reached. On September 22<sup>nd</sup>, the Board of Directors passed a resolution authorizing the creation of a World Bank Inspection Panel (World Bank, 1993). One day later, on September 23<sup>rd</sup>, the House Banking Committee met to debate the World Bank’s progress. Acknowledging the Board of Directors’ resolution calling for institutionalized accountability, Barney Frank was skeptical with regard to the implementation of the resolution. To “send a clear message” (Udall, 1995, p. 225), Congress cut the United States’ pledge to IDA by \$200 million and that to the IBRD by \$15 million – small amounts considering the overall budget, but an unequivocal flex of Congress’s financial muscle. Since Barney Frank was skeptical regarding the practicability of these reforms, he proposed to authorize funds for the first two years only, making authorization for the third year conditional upon sound implementation of the Board of Directors’ resolution (U.S. Congress, 1993). While this deal bought the World Bank some time, it also raised the bar for the emerging accountability function, its formal responsibilities as well as its staffing (C. Dobson, personal communication, April 2017). Given the high bar, Preston made the fulfillment of expectations his own challenge. Two days after the Congressional vote, Preston began mobilizing support for the Inspection Panel among Bank management and staff. In a letter to all employees headed “The World Bank Inspection Panel,” Preston advocated for a new era of accountability, emphasizing how the Inspection Panel would “complement the responsibilities and functions of the

existing systems for quality control in project preparation and implementation” (World Bank, 1993).<sup>26</sup>

Following up on the resolution authorizing the establishment of an inspection panel, the transnational social movement remained engaged. In spring 1994, Udall (who had in the meantime changed her organizational affiliation and was now with the International Rivers Network) and David Hunter (still at CIEL) published an article outlining their vision of the Inspection Panel’s rules of procedure in detail (Hunter & Udall, 1994). At its core, the proposal emphasized the need for low access barriers to the Inspection Panel. On June 21<sup>st</sup>, Udall and Hunter were invited to present their perspective at a hearing before the House Subcommittee on International Development, Finance, Trade and Monetary Policy (US Congress, 1994). Hunter, Udall, and Deputy Assistant Secretary to the Treasury Susan B. Levine, all emphasized the progress the World Bank made with regard to the Inspection Panel, but also concerning the World Bank’s improved transparency to detect violations in the first place. Notably, it had created a Public Information Center (U.S. Congress, 1994). Encouragement also came from the U.S. Senate. In its report for 1994, Senate noted that the World Bank had wasted taxpayers’ money, that it had “misguided projects or corrupt governments,” but also stressed that the fiftieth anniversary of Bretton Woods provided the World Bank with an excellent opportunity “to do some productive soul searching” (U.S. Senate, 1994). The World Bank was on track of reform. On June 20<sup>th</sup>, Udall spoke in front of Congress once more, negotiating with the World Bank via Congress the details the Bank’s upcoming Information Disclosure Policy. This policy supplemented the institutional reform by increasing the Bank’s transparency. In September of 1994, one year after the Board of Directors had passed the resolution, the Inspection Panel became operative.

## 6.5 Socialization Outcome: Comprehensive Human Rights Accountability

By 1993, operational policies covering important human rights in the context of development finance (including indigenous people’s rights, the right to housing and subsistence in the context of resettlement, as well as the right to food) were already formulated in binding language (high degree of obligation; value = 2; recap pp. 146 – 166 for an elaboration of these operationalizations). Also, their degree of precision was considerably high, as the policies specified the circumstances of their application to a sufficient degree to leave little room of doubt. However, operational policy directive “OD 4.20” safeguarding indigenous people’s rights failed to include the principle of “free, prior and informed consent” (FPIC) that the International Labour Organization’s “Indigenous and Tribal Peoples Convention” (No.169) from 1989 had established at the time of operational

26 The importance of the World Bank as a pioneer for new standards of global governance (desired or undesired) was underlined on September 28, when the U.S. House of Representatives and Senate jointly passed a bill instructing the Treasury Department to seek the establishment of an independent and institutionalized accountability mechanism across all MDBs as well as the IMF (House/Senate H.R. 2295).

policy development at the World Bank (ILO, 1989).<sup>27</sup> Thus, with minor exceptions, existing policies were precise and clear (value = 1.5). Moreover, existing policies applied to the whole World Bank portfolio, thus adopting a very high value on that dimension of scope 1 (value = 2). However, safeguards covered only a fraction of existing human rights law. Essential rights that played an important role in World Bank projects such as labor rights, the right to nondiscrimination, or freedom of assembly were not part of the existing OPs (value = 1).

Crucially, however, there was no institutionalized complaint mechanism for people who were adversely affected by Bank-financed projects before the establishment of the Inspection Panel in 1993. With the Inspection Panel, an independent and permanent body was created (existence of oversight body – value = 2). Before, civil society representatives could write a formal letter of complaint to the Bank, but the attention such a letter received was entirely up to the Bank's management. Even though the panel could only make nonbinding recommendations, the World Bank followed TSM demands in that the panel would report directly to the Board of Directors, not management (value = 1).

Regarding the Inspection Panel's budget, the Resolution establishing the Inspection Panel states in paragraph 11, "The Panel shall be given such budgetary resources as shall be sufficient to carry out its activities" (World Bank, 1993). For the first three years, the budget was set at \$1.5 million yearly. According to the 1996-1997 Annual Report of the Inspection Panel, this budget was more than sufficient as there were only few cases in the early years and the Inspection Panel's expenditure was "each year about one-third under budget" (Inspection Panel, 1997, p. 21). Also, the Inspection Panel's first Chair (Richard E. Bissell) and staff were highly qualified and, in line with the resolution, "selected on the basis of their ability to deal thoroughly and fairly with the requests brought to them, their integrity and their independence from the Bank's management, and their exposure to developmental issues and to living conditions in developing countries" (World Bank, 1993, Art.4). All members also had knowledge and experience of the World Bank's operations. Thus, the Inspection Panel was able to deal with all cases in a timely manner.

In terms of scope, the Inspection Panel covered literally any project or program financed by the IBRD or the IDA – even where either of these only provided a small percentage of the funding. Moreover, the Inspection Panel has the authority to investigate harm or potential harm to people or the environment resulting from a failure to comply with the social and environmental World Bank Safeguards.<sup>28</sup> Moreover, the movement was successful with its demand to establish a direct accountability function: the Inspection Panel could "receive and investigate claims filed by citizens, nongovernmental organizations and others who claim damages caused by the Bank's failure to comply with its own policies, procedures and loan agreements" (Hunter & Udall, 1994) (value = 2). However, claims could be filed at headquarters only (value = 1).

In sum, the World Bank possessed a set of binding and precise social, cultural and economic human rights by 1994. At the same time, other important human rights were

27 In this context it is important to note, that the US had not ratified the ILO Convention No.169. As a matter of fact, only 19 states did ratify this Convention up to 2018.

28 Officially entitled "operational policies and procedures"

not yet covered. The introduction of the Inspection Panel meant that the World Bank increased its score on delegation (+ scope II) considerably. With the Inspection Panel, the World Bank now had an independent, citizen-driven oversight mechanism in place that could receive complaints from project-affected communities, irrespective of their state's consent. To sum up all values, consider the following table (cp. chapter 5.3):

Table 5: Outcome Case 1 – Summary

Dimension	Outcome Case 1 – Human Rights Accountability	
	Values for each item	Value of Dimension
Obligation	Policies are formulated in binding documents and a highly binding language → 2	2
Precision	Provisions contain clear terminology and specify the circumstances of their application to a high degree, but fail to refer to the established principle of “free, prior and informed consent” → 1.5	1.5
Scope 1 (Policies)	Policies cover only some of the relevant human rights → 1 Policies apply to the whole → 2	1 + 2 = 3 3 / 2 = 1.5
Delegation	Independent and sufficient budget? Yes → 2 Highly qualified and sufficient staffing → 2 Only authorized to make nonbinding recommendations; though to the Board of Directors, not to management → 1	2 + 2 + 1 = 5 5 / 3 = 1.66
Scope 2 (Complaints)	The oversight body has jurisdiction over all MDB activity. → 2 Affected communities can file complaints → 2 Formal requirements to file a complaint: low/minor hurdles → 1.5	2+2+1.5=5.5 5.5 / 3 = 1.83
Aggregate Value	8.66 / 5 = 1.73 <b>Comprehensive Accountability</b>	

Source: own illustration.



## 7 Case 2: The Dilution of World Bank

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Throughout the first decade of the new millennium, World Bank human rights policies, (i.e., safeguards) were increasingly under critique from internal and external sources. Internally, the World Bank Group's private lending arm, the International Finance Corporation (IFC) created its own safeguards policies for investment lending in 2006. The IFC policies resembled those of the World Bank, but were also distinct in their more coherent design as well as in their strict outcome orientation. The IFC model proved to be more attractive for private sector lenders (e.g., private and public banks) than existing World Bank IBRD and IDA policies, especially due to their greater flexibility (Dann & von Bernstoff, 2013). In 2012, the year the IFC revised its own policies, the World Bank's Independent Evaluation Group (IEG) launched a comprehensive report entitled "Safeguards and Sustainability in a Changing World" (IEG, 2010). In the report, the IEG looked at the performance of social and environmental Bank policies throughout the whole World Bank Group (including the IFC and MIGA). The IEG evaluation hints at systemic flaws in the protection of safeguards, pointing to an insufficiently broad scope of coverage, a lack of expertise, resources and incentives as well as the lack of a coherent, overarching framework as main sources. Also, the IEG found that attention to safeguards in the phase of project appraisal was much better than during implementation, particularly in the case of "medium-risk" projects<sup>1</sup> (which notoriously deserve less attention than "high risk" projects). Among the IEG's key recommendations hence was to broaden the thematic scope of safeguards (including for instance labour and gender impacts), to strengthen incentives for compliance, to assign clear responsibilities and a budget for safeguards oversight, but also to strengthen client capacity and ownership (IEG, 2010). In 2012, the IEG recalled that the 1990s were still a period during which "the Bank's development programs were excessively driven by a culture of lending, with insufficient attention to client needs and the quality of results, which are crucial to development effectiveness" and proposed a matrix for project evaluation as well as a reform of internal incentives to "reward quality and results" (IEG, 2012). The IEG critique of existing safeguards standards was shared by large parts of World Bank management, which widely believed that the policies lacked coherence in terms of their

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1 Categorization adopted from the IEG.

overall architecture, which made it very difficult to apply them effectively. Externally, transnational social movement constituencies such as the BIC and HRW criticized that existing environmental and social safeguards policies covered important risks, but left other crucial areas out, creating a legal vacuum especially with regard to human rights, labour standards and climate change (Dann and von Bernstorff, 2013). Moreover, there was a new emphasis on ownership, results and development effectiveness in transnational discourse as evidenced by the Paris Declaration (2005) and the Accra Agenda for Action (2008). Transnational guidelines and internal World Bank Group reform reinforced each other where the OECD standards for export credit guarantees from 2012 cite the IFC policies as the international gold standard (OECD, 2012). Finally, other MDBs, such as the EBRD in 2008, the ADB in 2009, and the AfDB in 2012, all adopted policies in line with the IFC, not the World Bank.

## 7.1 Cause: Joint Transnational Social Movement activity

Drawing on a history of joint advocacy since the 1980s (see Case 1), the protagonists of transnational social movement activism from the late 1980s / early 1990s joined forces also this time to form a coalition engaging in joint activities on the safeguards issue, though with slightly different roles<sup>2</sup>. In particular, the most important actor now was the Washington, D.C.-based BIC ever more adopting the role of a convening hub. Still in 2011 and right after the World Bank announced its willingness to engage in the reform of its safeguards system, three D.C.-based organizations—the BIC, the CIEL and the World Resource Institute - published a call for transnational mobilization entitled “Civil Society Action Alert: The World Bank Safeguards Review.” The “alert” summarizes the key debates related to the review, makes clear why joint action is needed and urges movement organizations to demand more time from the World Bank. It states:

“As part of the global movement to promote a more environmentally sustainable and socially just world, we are jointly committed to prevent harm to communities negatively affected by development” and that the “new safeguards will shape how other international donors and investors approach environmental and human rights protection.” (BIC et al., 2011, p. 1).

From that point onwards, the movement mobilized and coordinated large, transnationally operative organizations as well as smaller organizations with a focus on local development issues around the globe. Less than two months after this call, on September 14, 2011, the now transnational social movement (TSM) sent a joint letter to World Bank President Robert Zoellick, with over 300 signatory civil society organizations including the BIC, Greenpeace, Oxfam and WWF next to smaller organizations such as Amazon Watch, Community Voices Lagos or Asia Indigenous Peoples Pact Foundation

2 To clarify, not that the term “Cause” in the title to this section does not refer to the “cause of World Bank policy reform” (which was driven more by the World Bank itself), but to the “Cause” triggering the causal mechanism.

from the Global South. This letter already contained the following key TSM demands which also structure the upcoming debate:

- safeguards consistency with international laws, in particular the International Bill of Rights as well as existing UN human rights treaties,
- a broader scope of application, mainstreaming safeguards through all operations,
- the demand to clarify responsibilities,
- a reform of management incentives to reward adherence to policies
- the right of local communities to participate in “equivalency assessments” clarifying whether country systems are of equal value to World Bank provisions.

Regarding the upcoming review process, the movement demanded more time and effective consultations. The document is interesting in two respects. First, the transnational social movement makes appearance as a unified, coherent actor in relation to the World Bank. Secondly, the letter put an emphasis on conventional inside tactics, assuming “good faith” on behalf of the World Bank to improve their safeguards system and to take TSM demands into account. The World Bank’s reaction—an official response by Managing Director at the World Bank Caroline Anstey on behalf of World Bank President Robert Zoellick, was respectful and signaled that the World Bank recognized the transnational social movement (including the many organizations which had signed the letter) as an actor in its own right (World Bank, 2011). When Jim Yong Kim was elected as a new World Bank President on April 16th, 2012, he saw a re-organization of the World Bank’s safeguards system as a priority. The transnational social movement on its behalf had great hopes that such a reform, even though driven by the World Bank itself, would have good prospects under Kim’s leadership, since Kim had earned his reputation in the development world primarily as an anthropologist and doctor working on HIV/AIDS for the World Health Organization (WHO) and as a founder of the Global Health Delivery Project (The Atlantic, 2012). The handover of the World Bank’s Presidency from Zoellick to Jim Kim was officially completed in July 2012, but it took a while until Kim sat firm in his seat. One consequence of the transition was a review of the timeframe of the Safeguards Review process, providing for three years of ample consultation. From the beginning, the TSM sought to establish a constructive working relationship with Kim. In the first TSM letter to Kim in September 2012, the TSM stated that it was “hopeful your background and professional experience will add new perspective and energy to the World Bank Group” and asked for a commitment to declare in public that “there will be no dilution of our standards protecting the environment and the people affected” as the ADB President had done previously (BIC, 2016). On October 11, at a Townhall Meeting with Christine Lagarde (President of the International Monetary Fund (IMF) and Jim Kim, the TSM managed to entrap Kim rhetorically. Pol Vandevort from Belgian coalition 11.11.11 directed his word to Kim and stated,

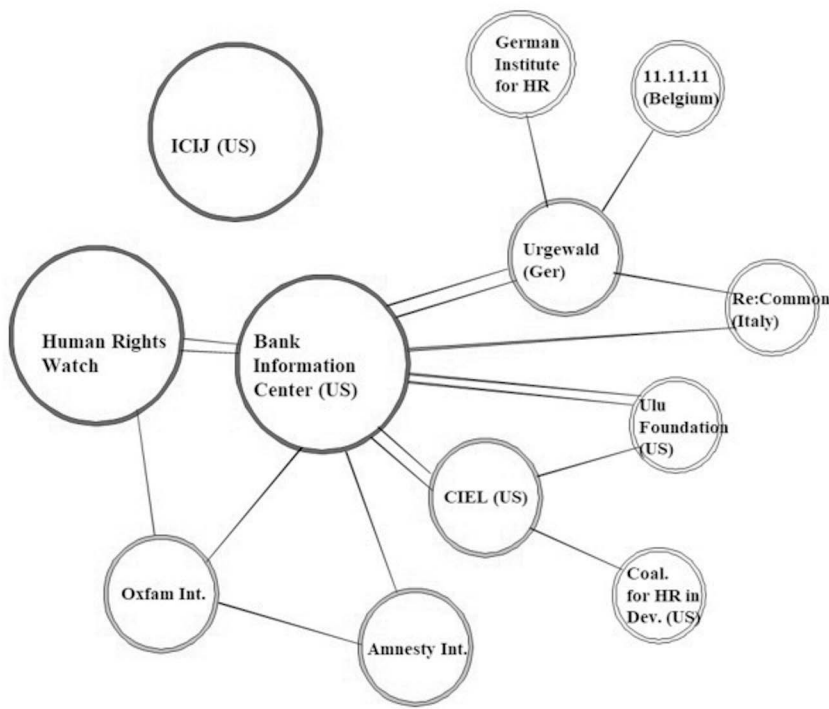
“I have a question to Dr. Kim. Some of the rules, the procedures, and policies in relation to the safeguards are going to be discussed in the next one and a half years. . . .The question is, does Dr. Kim commit that these safeguards would not be diluted and, instead, would be harmonized when they are being revised?” (IMF, 2012, p.1)

To that question, Mr. Kim replied, “In the area of safeguards, I agree with you. It is a great accomplishment of civil society. We have absolutely no intention of diluting the safeguards” (IME, 2012, p. 1). In the following years, the TSM reminded Kim time and again that he committed “not to dilute the safeguards.” For instance, in their letter to Kim from December 20, the movement wrote that they were “encouraged by your recent statement made at the TSM Town Hall Meeting in Tokyo, expressing your commitment not to dilute the safeguards.” One day after Kim’s commitment, on April 12 (the first day of the World Bank’s Spring Meeting), World Bank management presented an “Approach Paper” at the Civil Society Policy Forum. According to interviewees, Bank management and movement representatives agreed that the safeguards process is still at the very beginning. Despite the vagueness of the Approach Paper, the U.S. ED launched his position on safeguards reform after the Spring Meetings on April 29. As expected but also hoped by movement representatives, the U.S. ED explicitly demanded the inclusion of human rights among World Bank accountability standards. Yet at this point, it remains unclear how much political and economic capital the U.S. government (and thus the U.S. ED) is prepared to commit to the adoption of human rights standards. Nonetheless, according to several TSM representatives (Lori Udall, Knud Vöcking, Korinna Horta), the movement saw a review of World Bank human rights policies under Jim Kim as a unique opportunity in the beginning. Kim upheld these hopes by reassuring the TSM of his commitment. In a letter from the World Bank to the TSM in January 13, the authors wrote that “as stated by President Kim, the World Bank will not dilute its safeguards policies,” as they also ensure an inclusive process and enough time to integrate suggestions.

In sum, these early exchanges of letters and perspectives between the movement and the World Bank under Kim can be characterized by a high degree of respect, good will and even a dash of mutual enthusiasm. On the side of the TSM, this extended early phase helped the movement to prepare, consolidate and rally behind a set of common demands. However, it is also a phase during which demands and commitments (not to “dilute safeguards”) remained on a very abstract and thus uncontroversial level. Similarly, the Approach Paper by the World Bank was vague enough to circumvent major controversies. However, despite better relationships with World Bank management compared to the early 1990s, the movement reminded itself of the success-strategy back then. As the World Bank took its time to prepare its plan of engagement, the TSM built up its protest engine. Compared to the early 1990s, the use of disruptive tactics was less a necessity in reaction to scandalous injustice and World Bank failure, but more out of a strategic conviction present in movement memory (conversation with former BIC staff). As in the early 1990s, the United States was the center of engagement, as different threads of the movement came together in relation to U.S. Congress and Annual Meetings of the World Bank. Also, important U.S.-based organizations that had been engaged in the earlier case such as Sierra Club and the CIEL remained engaged, even though to slightly different degrees. For instance, Human Rights Watch replaced Oxfam as the most representative NGO of the movement with credentials in all European and

U.S. capitals,<sup>3</sup> even though Oxfam continued to play an important role. As an information, coordination and overall strategy hub, the BIC was at the center of the campaign. The ICIJ was a new and an important player in the TSM network. The ICIJ would become crucial in providing leverage to the TSM's disruptive public shaming campaign by publishing news stories about World Bank human rights violations worldwide (see elaboration below). While the ICIJ kept loose contact to the BIC and HRW, it did not follow BIC's lead and thus acted inside the network and yet with a considerable degree of autonomy (BIC Staff, personal communication at the TSM strategy meeting, May 2015).

Graph 7: The TSM Network



Source: own illustration.

3 Next to Amnesty International, Human Rights Watch had arguably become the most influential human rights advocacy organization on human rights in the 2000s (Pruce, 2015; Forsythe, 2009).

## 7.2 Part 1: Disruptive TSM tactics causing MDB crisis

There was a fundamental difference between movement engagement in the early 1990s and that of 2012 onwards. This time, it was not the movement taking the initiative in response to a particular project. Instead, the World Bank bureaucracy took the lead and determined the agenda (nature and scope of reform) from the beginning (Interviews with World Bank Legal vice Presidency, March 2017 AND with Coalition for Human Rights staff, March 2017). As the Safeguards reform process was not case-driven (as Narmada), but policy driven, the movement spent a great deal of energy on casework in 2013. Accordingly, two comprehensive “kick-off reports” (wording used by authoring NGOs; J. Evans, personal communication, April 2017; J. Schwarz, personal communication, March 2017) covering cases of human rights violations in World Bank projects stood at the beginning of movement advocacy in 2012 and 2013.

It was HRW that published the first report on human rights violations in the context of a forced resettlement program in Ethiopia. In “Waiting Here For Death - Displacement and ‘Villagization’ in Ethiopia’s Gambella Region,” HRW accused the Ethiopian government to have forcibly moved tens of thousands of indigenous people to new villages in the Gambella region under its “villagization” program. HRW found that the relocations were forced upon the population, as there is neither consultation, let alone compensation. Moreover, HRW found that several human rights of the communities affected had been violated already, due to threats and assaults as well as arbitrary arrest for those resisting the resettlement. Those removed faced severe food insecurity. Human Rights Watch also documented 20 rapes by security forces in the course of the resettlement. The report also indicates that this was only the beginning, as the Ethiopian government plans to resettle an additional 1.5 million people throughout the next year.

While the report indicated that the United Kingdom and the European Union are the largest donors in Ethiopia, it also stressed the role of the World Bank as the head institution coordinating the largest multilateral assistance program called “Protection of Basic Services (PBS).” According to the World Bank bureaucracy’s own reporting (2011), the PBS is a multi-billion dollar program that provides budget support to local Ethiopian governments over the course of several years. Critically, the report established a connection between the PBS and the human rights violations on the ground, as the Ethiopian government used the funding to carry out its villagization program. Confronted with the allegations, the World Bank told Human Rights Watch that they had carried out an assessment on the ground, visiting 30 out of 75 villages. While the assessment was not made public, the World Bank assured HRW that a “high level delegation of World Bank experts on resettlement” found that the resettlement was “voluntary.” In an email correspondence with HRW, the World Bank (which refused to publish the assessment) summarized its two key findings as follows: first, “the relocation of households [...] appeared to be voluntary,” and secondly, that World Bank projects in the region would “not provide direct support” to the government’s villagization program (HRW, 2012). At the same time, HRW interviews in Addis Abbeba with Western donors, including World Bank officials revealed that it is not clear, how the Bank came to these conclusions (HRW, 2012, p. 69). What is more, they informally acknowledged that ‘villagizatoin’ might very well be indirectly funded through the PBS, as there was no way of disaggregating the gov-

ernment's expenditure in a reliable way (HRW Staff, personal communication, March 2017).

As World Bank management chose to avoid further comments or actions in response to the allegations and continued its budget support to local Ethiopian Governments, HRW increased the pressure. In June 2013, Human Rights Watch published a follow-up report, this time focusing on the World Bank alone. In "Abuse Free Development - How the World Bank Should Safeguard Against Human Rights Violations," HRW reiterated the findings from the first report, supplemented with detailed accounts of human rights violations in the context of a World Bank project in Vietnam. In this latter project, HRW documented "arbitrary detention, forced labor, torture, and other forms of ill treatment" in 14 detention centers under the authority of the Ho Chi Minh City government. According to HRW, refusing to work in these centers regularly resulted in punishments that amounted to torture in several instances. As a consequence, these centers produce a system of forced labour on a very large scale (around 300,000 people who passed through such center across Vietnam between 2000 and 2010). HRW also documented how the World Bank was, together with other donors, funding the project in the framework of a pilot project to combat HIV in these centers. Specifically, the World Bank provided "approximately \$1.5 million funding for various HIV-related services in drug detention centers." Human Rights Watch accuses the World Bank to have ignored its obligation to undertake an appropriate human rights due diligence, as "basic research on how these centers operate" would have indicated that detainees (including children) are subjected to forced labour, that they have no due process rights and that ill detainees who did not get any medication would be entitled to leave these centers (HRW, 2013, pp. 39-44). In October 2013, the BIC and Inclusive Development International (IDI) published the second detailed report covering extensive casework. In their study "Human Rights and the World Bank: Case Studies from IDA Countries" (2013), the BIC and IDI listed eight case studies of human rights violations involving World Bank projects in Ethiopia (villagization and dam projects), Uganda (hydropower dam and post-conflict reconstruction), the Democratic Republic of Congo (timber concession reform), Cambodia (land management), Uzbekistan (agriculture) and Kosovo (Coal-Fired Power Plant). Whereas the first case study on villagization in Ethiopia essentially drew on material from the Human Rights Watch study, the other seven case studies provided additional links between World Bank funding and human rights violations covering projects in several issue areas (i.e., energy, agriculture, resource management, and peacebuilding). Next to the World Bank's engagement in Ethiopia, the Uganda Hydro Power Dam project stood out in terms of increasing pressure on the World Bank<sup>4</sup>. According to an earlier investigation by the BIC (Nampungu & Kasabiiti, 2013), the construction of the 250 megawatt hydropower dam in Uganda came at the cost of 8,700 resettlements. The World Bank financed the project with US\$ 115 million. According to the report, there was a substantial proportion of children among those resettled. Focusing on these children, the BIC built a compelling case that World Bank standards did not cover children's rights appropriately, thus allowing for the violation of these rights in

4 In fact, one interviewee from BIC reported that the variety of issues and allegations in this study might have been counterproductive (compared to focusing on a single case study at a time).



World Bank funded projects. The report states, “The insufficient compensation given to their parents resulted in many families lacking food, which particularly affected children, causing them to suffer malnourishment and to frequently fall sick. Illnesses were exacerbated by the lack of access to medical care. Schools were so far away from the resettlement site that it was almost impossible for very young children and children with disabilities to attend” (BIC, 2016).

The Bank Information Center draws on prior research which found that children are “more severely affected and may be less able than others to rebuild their lives after resettlement” (BIC, 2016) compared to other social groups. Thus, in the context of resettlement, children are a particularly vulnerable group. Centering the Uganda case on children rights thus allowed the movement to build up pressure vis-à-vis the World Bank, establishing a direct connection between World Bank behavior and the deprivation of human rights of a particularly vulnerable group – children. Shortly before the BIC and IDI published their report, the World Bank Inspection Panel gave weight to movement demands for precise and binding accountability standards in a comment to the Safeguards Review Team. In their submission, the Inspection Panel drew on its 20 years of experience in handling complaints and drew key lessons from this experience. In a critical passage of their comment, the Inspection Panel stated that its “experience shows the importance of clarity of requirements; both for project affected communities as well as for Bank staff.” It argued that clarity and precision are paramount for effective accountability. The Panel concluded, “To ensure that rights of accountability and recourse remain fully available to affected people, it is important to have core requirements and principles in policy text and not in secondary guidance documents” as the latter have, according to the Inspection Panel, “less weight and visibility” (World Bank Inspection Panel, 2013).

Human Rights Watch and the BIC/IDI used their reports as well as the submission from the Inspection Panel to brief governments, linking the systemic lack of World Bank human rights accountability to the current safeguards review process. While this played a subordinate role in 2013, the TSM could draw on their reports throughout the campaign and especially when the TSM shifted to the member state channel as their main arena of contention (J. Schwarz, K. Vöcking and J. Evans, personal communication, April 2017). An additional case study by HRW, the BIC and IDI documented the forced eviction of the Sengwer, and indigenous community in Kenya appeared in late summer of 2014. Specifically, the World Bank funded project aimed to reduce emissions from deforestation by reviving the Embobut forest in the Cherangani hills. In the context of this project, Kenyan forest guards forcefully evicted thousands of the indigenous Sengwer community living in that area as hunter-gatherers and burned down their homes. The authoring organizations of the case study reports (i.e., HRW, BIC, and IDI), were all specialized expert organizations who formed the avant-garde of the movement. Importantly, though, the movement entered the scene in its entirety through a joint letter with more than 300 signatories shortly after. In the letter, the movement condemned the forced evictions in the harshest form as “cultural genocide.” The letter also questioned the very *raison d’être* of the World Bank as a development institution if it could not guarantee effective accountability provisions for human rights violations in the future. The harsh language used in these reports, questioning the legitimacy of the World Bank

as an organization and the accusation to have committed “cultural genocide” among key actors in the TSM network and the simultaneous absence of more cooperative tones are hoop tests confirming the dominance of disruptive tactics.

Despite this increasingly harsh rhetoric, the movement received support from James Anaya, the UN’s special rapporteur on the rights of indigenous peoples, who took up the movement claim and demanded from the World Bank that it should respect existing international human rights law, and that its policies should apply to the whole portfolio (not just investment lending; Anaya, 2013). As special rapporteur of the UN, Anaya’s public declaration of movement demands indicated support from the World Bank’s organizational environment. The still young but quickly growing online petition platform Avaaz took up the issue and collected close to one million signatories demanding the World Bank to “urgently halt the illegal evictions.”

Already at this early stage of the campaign, a critical difference between World Bank bureaucracy counter mobilization in the early 1990s and its engagement more than 20 years later became evident: instead of ignoring or belittling the critique, the World Bank bureaucracy offered to engage in extensive dialogue. What is more, the World Bank invited critical feedback on many occasions and referred to this feedback as well as its own responses in subsequent documents. For instance, the first draft of consultations already listed shortcomings of its own consultation process, as well as its approach to handle these shortcomings (World Bank, 2015, p. 3). In addition, World Bank management early on announced to extend the consultation phase to seven (instead of five) months in early 2014 (World Bank, 2015). These steps were critical instances of World Bank bureaucracy counter mobilization at part 1 of the causal mechanism. During this phase, but – to foreclose this observation – throughout the whole reform process, World Bank consultations were an important asset in the toolbox of World Bank bureaucracy counter mobilization. In contrast to earlier attempts of open defiance (see case 1), organizing consultation rounds was a subtle form of defiance. Already before consultations took place, the World Bank secretariat could selectively invite certain movement constituencies, offer funding to those who could not attend otherwise and, importantly, formulate the agenda (see chapter 8 for a more extensive analysis of counter mobilization via consultation rounds).

On March 25, 2014, the movement compiled another joint letter to Kim and the key figures of the World Bank’s policy reform team (Stefan Koeberle, Kyle Peters, Mark King, Charles di Leva, and Sri Indrawati) shortly before the Bank’s Spring Meetings. This letter was signed by 20 key organizations from the heart of the social movement, including NGOs from around the world. The letter clearly stated the core demands of the movement: World Bank accountability standards should cover all human rights, that they should apply to all World Bank activities (“cover all lending instruments”), and that the Bank should “refrain from transferring core responsibilities and accountability for safeguard outcomes away from the World Bank” (Joint Letter, 2014). Both joint movement letters, that on the project in Kenya as well as that on core demands with regard to accountability reform had considerable weight for World Bank management and Executive Directors, given the sheer number and relevance of the signing organizations.

In line with the above, organizational resources are critical as a scope condition to launch an effective campaign compiled primarily of disruptive tactics. Overall, the

movement was well-positioned to build up such a campaign. I already highlighted the important role of the long engaged organizations BIC, HRW, Oxfam, Sierra Club, CIEL, and IDI. Additional U.S.-based organizations that were new to the movement included the ULU Foundation, the Coalition for Human Rights in Development, the World Resource Institute, and Conservation International. Though the number of NGOs working on the World Bank had increased considerably over the years, the NGO community in Washington, D.C. had lost some of its organizational capacity. Following strategic decision of the Charles Stewart Mott Foundation and the Ford Foundation—the two largest foundations supporting NGO work inside the United States and abroad—to shift their focus toward NGO work on Asia (e.g., to support work on the ADB), D.C.-based NGOs working on the World Bank found it more difficult to commit highly skilled people to work on World Bank issues full-time (BIC staff, personal communication, April 2017). What constituted an additional obstacle to movement resources was the lack of a clear movement center in the Global South comparable to the NBA in the early 1990s. While impulses for the movement as a whole came from Bachalao Andean and their supporters on the ground as well as from D.C.-based (and to a lesser degree, European) organizations in the first case, D.C.-based organizations (especially BIC) had the task of movement meta-governance from 2012 onwards. While the Global South was represented to a much larger degree in terms of numbers, none of the participating organizations was integral to the movement as the NBA had been in the early 1990s. From Europe, the BIC was helped by familiar organizations (and personnel), including Urgewald and the German Institute for Human Rights (both Germany) or Both ENDS (The Netherlands). These personal continuities (e.g., between Chad Dobson (Head of BIC) and Korinna Horta (Head of Urgewald)) meant important networking resources, connecting movement activities in different locations from early on. In addition, as advocacy toward the World Bank was less connected to a specific project and since the network had grown over the years, several important internationally operating NGOs joined, too. Among them, Transparency International (TI), Amnesty International (AI) and the Forest Peoples Programme (FPP), the Bretton Woods Project (all UK), Ecological Justice Indonesia, and the Indian Law Resource Center were the most important. Finally, the aforementioned organizations were all influencers themselves, in that they were in a position to mobilize a number of additional, smaller units in their immediate national and organizational environment. In sum, then, many more organizations, ranging from small expert organizations (e.g., German Institute for Human Rights) to large, campaign-oriented organizations (e.g., Amnesty International) to NGOs combining large membership with a reputation for outstanding expertise (e.g., Human Rights Watch) and a dozen of smaller NGOs following their lead meant considerable network and mobilization capacities of the movement. Also, there was a great deal of continuity between movement engagement in the early 1990s and that from 2012. At the same time, the presence of many organizations and the simultaneous decline of experts working full time on the World Bank due to a new funding environment meant a challenge in terms of movement coordination.

In July of 2014, a first draft for policy reform began to circulate informally inside the World Bank. In response, the Inspection Panel wrote an internal letter to the Safeguards Team expressing its concern. TSM representatives and World Bank staff confirm, that

this internal letter was leaked to the movement on July 25th. This leak is interesting, as the IP is independent from World Bank management, but still part of the World Bank as an organization. From the moment of the leak onwards it was clear that the institution the World Bank had created to enhance its own accountability was now prepared to protect its standing, even if that meant alignment with the movement (and potentially against the management of its own organization). According to observers, this move was partly due to the fact that the Inspection Panel had not been involved on a high level in the safeguards review process. As a consequence, the emerging first draft did not take up the general observations and comments made by the Inspection Panel. What is more, the Inspection Panel feared being sidelined by the new policy framework, which stressed alternative “grievance redress mechanisms” over the classical Inspection Panel procedure (Interview with staff of OPCS, World Bank Safeguards Team and Inspection Panel members, June 2015).

In terms of substance, the letter welcomed the objective and efforts to strengthen the World Bank’s standards of accountability. However, it also reiterated the concerns listed in its submission in May 2013 (see above). While the official comment emphasized the need for precise standards more generally, the Inspection Panel disliked the overall direction of the emerging first draft of reform. It stated that a “fundamental concern for the Inspection Panel is the lack of clarity and specificity regarding Bank’s role and responsibilities [...] in particular, with reference to the conduct of environment and social due diligence”. As the World Bank officially refrained from using “human rights language,” the Inspection Panel here referred to “environmental and social” due diligence. Specifically, the Panel criticized the lack of obligation of the new policies when they state that World Bank projects are “expected to meet the following Social and Environmental Standards” (*italic in the original*). But the Panel also criticized the lack of clarity, particularly the introduction of qualifying statements such as “where appropriate” or “in a reasonable timeframe” in relation to its accountability standards and transparency. It concluded, that it is not clear how the proposed Framework will ensure the Bank’s financing of environmentally and socially sustainable projects and establish Bank’s accountability as a development financial institution when communities suffer harm as a result of Bank financed projects. (World Bank Inspection Panel, 2014, p. 3)

The leak of the Inspection Panel’s concerns to the movement was the first in a series of leaks. As a matter of fact, “leaks” became an integral part of the movement’s disruptive strategy. For the most part, the pattern was that World Bank staff leaked documents to the TSM who then leaked that information to the press. By definition, leaking violates the explicit or implicit agreement that the object in question (e.g., an internal document) will be treated with confidentiality. Leaking can be powerful as a tactic to catch someone red-handed, but it also comes at the cost of severely distorting trust (e.g., between movement representatives and World Bank management). The motivations to leak information may vary, ranging from the denunciation of a moral wrong to the attainment of personal gain. For transnational social movement representatives who, at critical points of their campaign, opted to leak information to the press, leaking meant an opportunity to take back control over the agenda in relation to the World Bank. Specifically, leaking information to journalists in advance of the official World Bank press conferences serves two interrelated purposes: first, it allows

journalists more time to prepare their story (which hopefully then translates into more extensive coverage). Secondly, leaking allows influencing the “spin” of a story. Instead of allowing the World Bank to communicate the information, leaks allowed the movement to frame the information in line with its own goals. Since journalism is an area where speed matters, those journalists who have their story prepared at the time of official release will be quicker to cover it. In early July, resistance to the first draft also came from within the World Bank, as senior employees (particularly Ana Revenga, the Acting Vice President for the Poverty Reduction and Equity Group) warned that the proposed accountability standards might lead to an increase in “problem projects” (Revenga cited in the Vidal, 2014).

On July 25, five days before the World Bank’s official press conference scheduled to present the first draft for safeguards reform, *The Guardian* published a story entitled “Leaked World Bank lending policies ‘environmentally disastrous” (Vidal, 2014). The article featured a link to the first safeguards draft, leaked to movement representatives and then to John Vidal from *The Guardian*. In his article, Vidal fully subscribed to the movement’s framing when he wrote, “Radical plans by the World Bank to relax the conditions on which it lends” will have “disastrous” effects for indigenous people, the world’s poor and the environment. Specifically, he stated,

“Existing environmental and social protection will be gutted to allow logging and mining in even the most ecologically sensitive areas, and that indigenous peoples will not have to be consulted before major projects like palm oil plantations or large dams palm go ahead on land which they traditionally occupy” (Vidal, 2014, p.1).

The article went on referring to Stephanie Fried (Director of the Ulu Foundation), the BIC and the International Trade Union Confederation as “World Bank watchdog groups”. Most shockingly, the draft framework provides an opt-out option for governments who do not wish to provide essential land and natural resource rights protections to indigenous peoples within their states. If this were adopted, it would represent a wink and a nod by the World Bank to governments that they should not feel compelled to respect international human rights law (Vidal, 2014). On July 30th, when the World Bank officially presented its first safeguards draft, not only the press, but also the movement had their reactions well-prepared. Especially via their network hubs in the United States, Latin America, and Africa<sup>5</sup>, the movement compiled an official response that was endorsed by 360 organizations. In their statement, the movement sharpened its tone compared to previous letters, declaring that the World Bank’s draft would eliminate “key protections at a time when it has announced its intentions to expand lending to riskier infrastructure, large dams and mega-project schemes” (BIC, 2016). According to the movement, the draft deliberately avoided reference to human rights as the only plausible base for a new safeguards framework and accordingly failed “to guarantee critical human rights protections” such as the right of nondiscrimination, worker’s rights, indigenous people’s rights or rights of the child. Moreover, the movement stated that the new safeguards would “exclude nearly half of the Bank portfolio” as it only covered traditional investment projects, but not

5 Interview BIC, Urgewald

the growing share of alternative lending instruments (e.g., development policy loans). Finally, the movement criticized the process of the review, contradicting the World Bank's dictum to guarantee an open and transparent process that would welcome the input of different stakeholders (World Bank, 2012). Instead, the movement declared, "We fundamentally reject the way in which the review and update of the safeguard policies has been conducted to date, which has been marked by exclusion and a lack of transparency" (Joint Letter, 2014, p. 1).

In retrospect, and from the perspective of movement representatives, the first draft of safeguards was the clearest evidence possible that the World Bank bureaucracy would not incorporate the comprehensive input provided by different movement constituencies. It became especially clear to the movement that the World Bank did not attempt to enhance, but rather to decrease the obligation and precision of its accountability standards. It even sought to undermine the principle of direct accountability by (re-)introducing governments in the accountability chain between the World Bank and those citizens affected by its projects. In particular, the movement radically changed its perspective on World Bank President Kim. Against his promise "not to dilute the safeguards" given in a town hall meeting in Tokio, Japan, on 11th October 2012 (IMF, 2012), the draft showed that Kim was prepared to sacrifice accountability for enhanced competitiveness and flexibility (own notes from TSM strategy meeting).

The TSM statement went out to the World Bank and the governments of major shareholders. According to movement representatives, U.S. government officials assured the movement of their concerns, while European governments (especially Germany and France) remained "strangely silent" (BIC staff, personal communication, May 2016). To supplement the written statement with more tangible protest actions and to enhance its visibility in Europe, the movement organized a demonstration in front of the World Bank office in Brussels on September 18. In an adjustment of strategy, the protest from now on focused more heavily on Kim personally. Against the background of his statement "not to dilute safeguards," the movement took the first safeguards draft as evidence that Kim essentially lied. While the protest did manage to produce some newspaper coverage with images of demonstrators portraying Kim with long Pinocchio noses (Huffington Post, 2014), the movement was not able to mobilize large numbers of protestors.

While no surprise, it became clear to the movement in September of 2014 that, absent a highly mobilized movement constituency in a particular location (such as the anti-dam movement in India in the early 1990s), it was increasingly difficult to complement D.C.-based disruption with street-based disruption. The 360 NGOs as well movement supporters outside formal organizations were dispersed around the globe—an advantage to engage in decentralized and yet coordinated activity, but a disadvantage when it came to organizing a demonstration for two hours in a given location and a specific point in time (BIC staff members, personal communication, April 2017). According to signaling theory, the effect of a demonstration of only moderate size might even be counter-productive, as it communicated only moderate relevance to decision-makers, if any at all. Unlike that demonstration, the next leak obtained by the movement of an internal report documenting safeguards violations in Kenya led to another story in *The Guardian* questioning the integrity of the World Bank President and man-



agement. By now, *The Guardian* was the established high-ranking newspaper covering movement accounts of World Bank misconduct. In the story, *The Guardian* cited an internal investigation report which essentially confirmed movement allegations earlier this year that the forest project funded by the World Bank led to the forced resettlement of the Sengwer population in that area (Vidal, 2014). What made the report delicate was that it revealed how the World Bank had not lived up to the promise by Kim more than half a year prior to actively engage and improve the situation on the ground. As a spokesperson of the UK-based Forest People's Programme summarized, "The World Bank's own leaked management response to the report denies many of the findings, evidently sees little importance in the fact that violation of safeguard policies has occurred, and presents an inadequate action plan to be considered by the bank's board" (Vidal, 2014).

While I could not obtain a decisive confirmation, it is plausible to assume that movement representatives knew about the timing of *The Guardian* article in advance. First, there was a pattern of movement-Guardian cooperation in the past, and second, the movement published a joint civil society statement two days after. In their joint statement from October 1, the movement strongly opposes the safeguards draft (Joint Letter, 2014).

Both, *The Guardian* article and the joint letter by the movement came in due time, setting the tone for the upcoming World Bank Annual Meeting beginning about a week later (from October 10-12, 2014). Confronted with such a high level of pressure and allegations that the World Bank had willingly ignored its own failures, President Kim chose to reply. He expressed his deep concern and stated that he would "personally reach out to President Kenyatta and the government of Kenya to offer our full support" as the World Bank's (and everyone else's) goal was "to find a lasting, peaceful resolution to this long unfinished business of land rights in Kenya" (Kim, 2014, as cited in Vidal, 2014). As the Kenya case reached the level of heads of state (the Kenyan President), several member states began to question the World Bank's ability to handle the issue in an appropriate manner. Following the initiative by several donor countries, the Board of Directors adopted a joint statement, acknowledging that there had been a "lack of recognition and protection of (Sengwer) customary rights," and that more attention should have been given from the outset to better identify and mitigate the risk that evictions might occur" (as cited in Vidal, 2014).

Around the same time, World Bank management was ready for enhanced organizational counter mobilization, combatting internal leaks more forcefully. The World Bank's Office of Ethics and Business Conduct hired Locke Lord, a private firm, to assist them in tracking the series of recent leaks. The investigation centered on Fabrice Houdart, a senior director for Middle East and North Africa, as well as the former president of the World Bank's internal Lesbian, Gay, Bisexual and Transgender employee organization. The main accusation was to have leaked the first draft of human rights and environmental policies. Even though the accusations that Houdart had leaked the "strictly confidential" safeguards were dropped, Houdart did acknowledge to have shared a less sensitive internal document (classified as "official-use only") on the World Bank's stance on sexual orientation and gender identity issues to the BIC, which was chairing a working group on LGBT rights in the new safeguards framework.



Despite President Kim's assurance to reject any "retaliation policy" for internal critics, the World Bank reduced Houdart's salary and declared him ineligible for promotion for three years. Houdart appealed the decision, and the World Bank's Staff Association investigated whether the proceedings had been in compliance with World Bank internal policies (Rice, 2016). According to Nezir Sinani from the BIC, the World Bank was "investigating its own staff to prevent leaks containing information that people around the world are entitled to know about in the first place." Sinani added that "if the Bank were transparent to start with, no such investigation would be necessary" (Sinani, 2015).

Shortly after, at the World Bank Annual Meeting 2014, World Bank management and movement representatives clashed over the problem definition with regard to the accountability reform, including questions such as: where does the World Bank stand? What is the scope and severity of World Bank responsibility for human rights violations in the course of recent projects? (Knud Vöcking, personal communication, March 2015). In preparation of the meeting, the BIC and CIEL co-hosted a strategy session on October 8 for civil society organizations to build and coordinate efforts to strengthen the World Bank safeguards. The overarching aim was to further pool resources and to identify key areas of advocacy that would be effective in introducing changes to current standards. Already in preparation for the Annual Meetings there was a fierce debate among movement constituencies regarding the degree to which the movement should cooperate with the World Bank (e.g., by providing their input through official channels established by the World Bank and to engage in "constructive dialogue" with Bank management during the Annual Meetings). The discussions showed that an overwhelming majority of movement constituencies was against any form of cooperation at this point. To the contrary, several individuals and organizations expressed a preference to enhance the use of disruptive tactics in a more coherent manner. The next day, on Friday, Medha Patkar from Narmada Bachao Andolan, the movement icon and protagonist in the protests of the early 1990s, called for a demonstration in front of the World Bank building the next day (Patkar, 2014).

No sooner said than done. On Saturday, October 10th the most important World Bank-TSM exchange meeting took place, starting with a presentation of the World Bank Safeguards Team. After the presentation, Soumya Dutta (convener of the Beyond Copenhagen Collective from India) stood up and read a CSO statement. In the statement, the movement criticized the World Bank for its lack of inclusiveness and transparency during the safeguards review so far and, in particular, for the direction the accountability reform process is going. In conclusion, Dutta said "The protections you now seek to dismantle—the safeguards that we fought for over decades—o not belong to you. [...] They belong to the world and its vulnerable people." After that, all movement representatives stoop up and left the conference room at once, leaving the leading Safeguards Team visibly surprised behind (World Bank, 2014). According to movement and World Bank representatives, this "walk-out" meant a turning point and a rapid deterioration of relations between the movement and World Bank. According to two interviewees who had been extremely well-connected inside the World Bank, the walk-out meant several personal disappointments and "burned bridges" (Interviews with BIC and CIEL staff, May 2015).

In November of 2014, something notable occurred. The Independent Evaluation Department (IED) of the Asian Development Bank (ADB) published the results of a study on the proposed World Bank safeguards. It came to the surprisingly harsh conclusion that the draft proposed by the World Bank only entailed “aspirational” measures which “could dilute the strength of social and environmental protections.” The IED went on to criticize the World Bank’s failure to include due diligence rights in its safeguards and stated that “the case for stronger enforcement and supervision of safeguards is compelling, especially in Asia where the push for high economic growth has taken a huge toll on the environment” (ADB, 2014). Movement representatives were equally glad and surprised when hearing about the ADB’s critique of World Bank safeguards, since this kind of direct support from another MDB had been a novelty (Stephanie Fried, 2015). Compared with the case in the early 1990s, the degree of support from the organizational environment of the World Bank was extraordinary.

Since the World Bank created the Inspection Panel in 1993, the first independent accountability mechanism of its kind (Genovese & Van Huijstee, 2016), other international organizations and, in particular, other MDBs adopted comparable mechanisms. Well-known examples include the “Independent Review Mechanism” (IRM) of the African Development Bank (AfDB), the “Complaints Mechanism” of the European Investment Bank (EIB) as well as the “Accountability Mechanism” of the Asian Development Bank (ADB). In 2014, more than a dozen independent accountability mechanisms existed for MDBs and major national development finance institutions (e.g., the U.S. Overseas Private Investment Corporation [OPIC]). The World Bank is closely associated with the respective mother institutions, due to the shared mandate (development financing) and because the World Bank’s Inspection Panel lies at the root for the emergence of these subsequent mechanisms. In addition, the accountability mechanism strengthens their in-group identity through the creation of a joint network. In the framework of this network, the mechanisms meet on a regular basis, exchange good practices and seek to evaluate their effectiveness (Scheltema, 2013). In 2012, the year the World Bank announced its review of the safeguards, the network published a report due to the 20th anniversary of the Rio Earth Summit, providing an overview over their work (Lewis, 2012).

Outside the realm of MDBs and related development finance institutions, there has been a more general trend toward the creation of accountability mechanisms among influential international organizations (e.g., NATO, the EU). Like the World Health Organization (WHO) or the Food and Agriculture Organization (FAO), or the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Bank is a specialized agency of the United Nations and thus part of the “UN family.” As the term “family” indicates, all organizations of the UN system share strong ties in terms of cooperation, purpose and identity. In the realm of interpersonal relations, the family is, after all, that social group with the strongest ties among its constituent members (for better or worse). It was only one year after the establishment of the World Bank’s Inspection Panel that the UN General Assembly established the UN Office for Internal Oversight Services with the purpose to investigate misconduct in UN Peacekeeping Missions. In sum, then, several organizations in the close circle of World Bank “relatives” had established independent accountability mechanisms by 2014 that would receive complaints

from those affected by IO operations, indicating a clear trend toward the norm of direct accountability (Heupel et al., 2017).

Then, toward the end of 2014, when the movement campaign accelerated, additional support for movement demands came from the UN family. On December 17, 2014, 28 members of the UN Human Rights Council—a subsidiary body of the UN General Assembly (UNGA)—wrote a letter to World Bank President Kim. All 28 signatories were so-called “Special procedures mandate-holders.” “Special procedures” refer to the mechanisms established by the UN Human Rights Council to gather independent expert observations and advice on human rights issues. Such mandate holders may respond to individual complaints, conduct studies, or provide advice on technical cooperation. They report back to the Human Rights Council at least once a year on developments in their human rights area of expertise (Limon & Piccone, 2014).

Interestingly, the BIC had an important role to play in the genesis of the report. According to several interviews<sup>6</sup> obtained independently with staff at the World Bank and the Bank Information Center, BIC had a very close and direct line to Philipp Alston, special rapporteur on extreme poverty and human rights, and editor in chief of the report. The BIC was aware of Alston’s general view with regard to the World Bank’s human rights obligations and pushed him to formulate these views together with his colleagues in an open letter to Kim. According to one source, the BIC even helped coordinating and pulling together the different special rapporteurs’ perspectives. Though difficult to verify conclusively, the fact that two independent sources reported on BIC’s involvement in the creation of the report point to an interesting twist here: that the movement strategically mobilizes other IOs in an ad hoc fashion to create the very scope condition (i.e., support from the organizational environment) it needs to be effective when using disruptive tactics<sup>7</sup>. In the report, the special rapporteurs took up the movement’s claim and demand that the World Bank integrates accountability on the basis of existent human rights law. The report also resorted to the World Bank’s dogma of a “nonpolitical mandate,” when it states that

“In the past, the Bank has often pointed to its ‘nonpolitical mandate’ to argue that it is prohibited from, or at least restricted in, its ability to deal with human rights more directly. But the Bank’s Articles of Agreement should be interpreted in the context of today’s international legal order, rather than that of the mid-1940s” (Alston, 2014).

The report takes up the movement argument that reference to the nonpolitical mandate cannot possibly justify a lack of human rights accountability. Given that the World Bank is a development institution,

“Consistent with international law, with its own obligations and with those of its Member States, the Bank should acknowledge the relevance of human rights in its overall program objectives, as well as incorporate human rights due diligence into its risk management policies. The Bank should also avoid funding projects that would contravene the international human rights obligations of its borrowers”. (Alston, 2014)

6 Interview BIC; World Bank Legal Department

7 Of course, investigating this mechanism conclusively would require another process tracing study and thus goes beyond the scope of this work.

The report also details the rights that affected communities should enjoy in light of the World Bank's human rights due diligence. Among the signatories were Leilani Farha (special rapporteur on adequate housing), Michael Addo (working group on human rights and transnational corporations), Hilal Elver (special rapporteur on the right to food), Heiner Bielefeldt (special rapporteur on freedom of religion or belief) as well as Victoria Lucia Tauli-Corpuz (special rapporteur on the rights of indigenous peoples), to name just a few. Thus, the degree of support for the norm of direct human rights accountability was comparatively much higher in 2014 than it used to be two decades earlier.

Around the time that the UN Human Rights Council prepared its report toward the end of 2014, European and U.S. movement constituencies sought to build on the momentum and to convince member states that the World Bank was not trustworthy by engaging in conventional tactics. Notably, the movement did not boycott but engaged in consultation rounds the World Bank organized in several European cities in late 2014. Participants of these consultations described World Bank-TSM-member state interactions as "constructive" and "mutually enriching" (A. Kämpf, personal communication, May 2016). At the same time, some NGOs such as Urgewald or WWF Norway took a more confrontational stance during consultations in Berlin and Oslo respectively (Personal conversation with participants). The Oslo consultations also resulted in a joint statement by northern movement constituencies that revealed a focus on Kim as the person chiefly being responsible. It stated, "The current safeguards draft represents a major dilution of existing World Bank safeguards, and a breach of President Jim Yong Kim's promise not to weaken the Bank's policies." (November 12th, 2014; Joint TSM statement after Oslo consultations). Only one day after, Kim received a letter from 360 endorsing organizations from all over the world. In the joint statement, the NGOs refer to his promise made in Tokio and assert that the first draft represented "a massive dilution of current Bank policy" and that it "undermined the rights of indigenous peoples," failed to protect labour rights and more generally failed "to guarantee critical human rights protections" (Joint Statement of Demands by 360 NGOs, 2014).

The end of 2014 thus saw the parallel engagement through inside and outside channels, using conventional and disruptive tactics simultaneously. In contrast to Case 1, TSM tactics (first disruptive, then conventional) were employed in a clear cut fashion, but overlapped to some degree toward the end of 2014. In the United States, the Bank Information Center, CIEL and Human Rights Watch sought to enhance their good rapport with Maxine Waters at the House of Representative's Financial Service Committee. In addition, there was a close exchange between U.S.-based movement constituencies and the Congressional Research Service team covering MDBs. As the World Bank's Safeguards reform was on the House of Representative's agenda for December 2014, the Congressional Research Service was in the course of preparing an information package that was deemed crucial to guide U.S. legislator's perspective on the matter (Personal conversation CRS staff, April 2017). At the same time, U.S.-based NGOs exercised enhanced pressure on U.S. Treasury and the State Department during Tuesday Group meetings (on Tuesday Group, see elaboration above) to take a firm stance in the new appropriations legislation. On December 9, U.S. Congress passed the "2015 Omnibus

Appropriations Act,” which included an instruction for the US, the Bank’s largest shareholder,

“to vote against any loan, grant, policy or strategy if [the Bank] has adopted and is implementing any social or environmental safeguard ... that provides less protection than World Bank safeguards in effect on September 30, 2014” (Consolidated and Further Continuing Appropriations Act, 2015, p. 1199) Furthermore, the act required that the United States in all international financial institutions (IFIs) “seek to require that such institution conducts rigorous human rights due diligence and human rights risk management, as appropriate, in connection with any loan, grant, policy, or strategy of such institution” (US Congress, 2015, p. 1199).

This was a clear sign of hope to the transnational social movement, which welcomed the Act with open arms. According to Stephanie Fried (Ulu Foundation), this Congressional act was of “utmost importance,” Michelle Chan (Friends of the Earth) reported that “we are very pleased” and Jocelyn Medallo (CIEL) said that the act was decisive at a time where the World Bank was “at a critical crossroads” to either become “the leading public development bank by explicitly committing to human rights” or not (IDI, 2014). The U.S. Congressional act was a first clear sign that important World Bank member states, foremost the US, were increasingly worried about the World Bank’s trustworthiness and legitimacy. Yet, for the time being, it was only the U.S. government that signaled its worries, while European EDs as well as those of Japan and India remained silent.

Next to the World Bank bureaucracy, it was predominantly China that openly mobilized against movement demands on behalf of member states at the Board of Directors. According to World Bank staff, China shared with the movement from early the view that the ongoing policy review presented major opportunities. Yet, for China, these opportunities consisted in less direct accountability, an interpretation of “ownership” to mean government ownership only and a chance to transition to a less bureaucratic, more flexible policy framework (Operations Department World Bank). According to these convictions, China provided a first input and recommendations in March 2015. In their “Comments and Recommendations,” the Chinese Government for instance recommended to “give some flexibility to and avoid the setting of unified indicators for ‘working conditions,’ taking into account the borrower’s realities, development stages and relevant laws,” calls for a “rational” definition of the term “indigenous peoples” that takes existing borrower’s policies on ethnic minorities into account and proposes to substitute a treatment of cultural heritage in line with “internationally recognized practices” into a treatment in line with “the Borrowers relevant laws and policies” since “China’s cultural (heritage) legislation can lower costs and facilitate operations” (Chinese Gov., 2015). This letter of comments and recommendations is an early indication and doubly-decisive for China’s willingness to mobilize against a movement demands for World Bank policy reform that centers on international human rights norms and the idea of direct World Bank accountability independent of the Borrowing state.

In January of 2015, the movement obtained an additional push, as the International Consortium of Investigative Journalists” (ICIJ) joined their ranks. The ICIJ, a consortium composed of media outlets all over the globe, informed the BIC about their willingness to expose human rights violations by the World Bank. A cliffhanger for the

ICIJ was a leaked in-house report from the Inspection Panel dealing with the World Bank's engagement in Ethiopia. Sasha Chavkin from ICIJ published an article laying out the Inspection Panel's findings. According to the leaked report, the World Bank had provided U.S. \$2 billion in funding to the Ethiopian government over the course of a decade. Despite emerging allegations that the government used some of that money to finance the forced eviction of the indigenous tribe the Anuak, the World Bank continued funding for years. In addition to allegations of forced relocations, the report also listed serious human rights violations including rapes and killings. The Inspection Panel report found an "operational link" between World Bank funding and the evictions. The Panel could not find such an operational link between World Bank funding and the occurred human rights violations, since the investigation into human rights claims is, according to the Inspection Panel, beyond its mandate. Still, the Inspection Panel concludes that World Bank management chose to ignore the operational link between funding and forced eviction over years, thereby violating the institution's standards of accountability.

The Ethiopia case provoked several reactions on behalf of member states, notably the EDs of France, UK, and Scandinavian states. Moreover, the NGO Inclusive Development International (IDI) opted to file a complaint on behalf of 26 Anuak refugees that had been victims of World Bank human rights violations and willing to testify. David Pred, director of IDI said that "the bank has enabled the forcible transfer of tens of thousands of indigenous people from their ancestral lands" (Pred, 2015, quoted in ICIJ article). Against previously established practice with regard to the Safeguards consultations, however, the World Bank chose not to comment on the allegations made in the leaked report. In a written response to the ICIJ, Phil Hay (World Bank spokesperson for Africa at the time) said: "As is standard procedure, World Bank staff cannot comment on the results of the Inspection Panel's investigation until the Executive Board of the World Bank Group has had the opportunity to review the Inspection Panel's report over the coming weeks" (Hay, 2014, cited in ICIJ article). As some movement representatives saw it, the World Bank's use of avoidance as a strategy to counter critique was a good indication that it was pursuing a worthwhile path (Interview). Apparently, the Ethiopia case had the potential to make World Bank accountability failures concrete and tangible. As in previous responses to the Ethiopia case, World Bank management even moved on to openly reject the accusations, saying that there was "no evidence of widespread abuses or evictions" and that the Anuak "have not been, nor will they be, directly and adversely affected by a failure of the Bank to implement its policies and procedures" (World Bank, 2012). Once more, this tactic of the World Bank bureaucracy constituted an attempt to *counter mobilize* against TSM pressures in form of defiance (see chapter 3.3 and 4.3).

On February 28<sup>th</sup> journalists of the Huffington Post and the ICIJ met with leading representatives of the World Bank's management and inform them that the story on the project in Ethiopia was only the tip of the iceberg. Underneath, according to the informants, is the bigger part composed of several human rights violations in World Bank projects, revealing "systemic gaps" in the bank's protections for people harmed by projects it supports (Interview with Jolie Schwarz; Article in Huff Post). Moreover, the journalist stated that they were in possession of leaked copies of a confidential internal



report by the internal audit department (IAD) confirming the allegations. In addition, the journalists reiterated their intention to launch a bigger news story on the obtained material.

Five days after that incident, the World Bank went into the offensive and publicly announced an action plan entitled “Action Plan: Improving the Management of Safeguards and Resettlement Practices and Outcomes.” In the Press Statement presenting the Action Plan, the World Bank acknowledged the violation of its own social and environmental standards. President Kim, specifically, said that he was concerned about “major problems” with regard to World Bank accountability, in particular a lack of oversight in relation to its resettlement policies. Kim’s spokesman, David Theis, elaborated on these problems and said “We must and will do better” (cited in ICIJ, 2015). According to the Action Plan, “the World Bank has prepared this action plan with a clear goal: to improve management of safeguards, in particular resettlement practices and outcomes.” The Plan explicitly links this endeavor to the ongoing reform of standards when it states “This plan is aligned with the safeguards review process” and that the solution would be “a new organizational structure that strengthens the safeguards accountability system.” The 5  $\frac{1}{2}$  pages long action plan then lists existing problems in the current safeguards system and the corresponding areas of improvement. For instance, under the heading “institutional leadership,” the plan identifies the problem that “Although mandatory, projects were often not rated for environmental and social risk due to a lack of clarity of the definition of risk. As a result, projects were not staffed in accordance with the level of risk.” To combat this problem, the plan states that the “definition of risk has been clarified, as ‘risks to the client’s achieving the expected results of the project, program, or strategy; and the risks of unintended impacts.’” With regard to enhancing accountability toward those affected under the new policy framework, the plan states that “more robust requirements for grievance mechanisms will give greater voice and opportunities to resolve the concerns of communities.” Next to the Action Plan, Kim announced a 15% funding boost for safeguards enforcement (World Bank, 2015).

The movement (including the investigative group of journalists) was not convinced by the World Bank’s reply. For the most part, the action plan remained vague with regard to specific improvements. Its reference to the new Safeguards framework as a solution to existing problems, moreover, was almost perceived as a provocation, given that the proposed reforms meant a *weakening* of accountability standards compared to the already existing status quo (Interview with ICIJ member). On April 16<sup>th</sup>, the day of the opening of the World Bank Annual Spring Meeting, the ICIJ released the first installments in the series of the investigative reports. The investigation was carried out by a team of more than 20 news organizations, including The Huffington Post, El Pais, the Guardian, Fusion, The Investigative Fund, the Ground Truth Project and Brazil’s Agência Pública. Even though this huge collaboration proved complicated at times, it results in increased capacity, larger audiences, and greater potential for impact overall. As a recent media impact analysis revealed, ICIJ report was critical as a means to establish the disparity between the World Bank’s safeguards rhetoric and its actual performance (Pitt & Green-Barber, 2017).

In the early 1990s, this disparity became evident in a single project—the Narmada Dam project. Over the years from 1988 to 1993, the disastrous environmental and social



consequences of the project and the World Bank's failure to address these failures were closely connected to movement success in the United States and Europe. Whereas the Narmada project continuously served TSM to mobilize against the World Bank effectively, the Safeguards Review did not happen as a consequence of a single scandalous project. Instead, the timing and agenda were controlled by the World Bank secretariat – a first proactive move of *counter mobilization* through manipulating the framework within which policy reforms would be negotiated. This meant a challenge for movement mobilization. Next to this early World Bank counter mobilization, properties of the *issue* at stake provide an important scope condition for the likelihood of movement success. Even though the focus was more on standards (i.e., operational policies) rather than sanctions in cases of noncompliance (i.e., an institutionalized and independent accountability mechanism) in 2014, the issue was still the direct human rights accountability of the World Bank. This issue was equal in terms of specificity, its relation to the World Bank's mandate and identity as it involved similar sovereignty costs to member states. Yet, without a scandalous case on which larger demands for reform could be built, the resonance potential of demands for accountability were severely weakened. Relatedly, the abstract discussion about Safeguards reform did not establish a short causal chain between World Bank talk and action in a similar fashion that Narmada had done. The movement was aware of this challenge and sought to establish such a link to concrete cases from early on. The Human Rights Watch Report (focusing on two projects in Ethiopia and one in Southern Viet Nam), as well as the early report by the Bank Information Center (covering eight problematic projects) sought to establish precisely that causal link between World Bank projects and human rights violations by using a case-study approach. Also, the report of the Independent Evaluation Group (IEG) on the World Bank's safeguards system from 2010 served as important reference for the movement. In the report, the IEG finds that the World Bank undermined development by disrespecting its very own safeguards.

The ICIJ report published in April 2014 surpassed the earlier Human Rights Watch and BIC Reports in terms of scope and impact. Regarding scope, the amount of projects the ICIJ exposed did not allow for any doubt that World Bank human rights violations were of a systemic nature. In specific terms, the ICIJ revealed (with the help of a whistleblower from Bank management), that the World Bank had violated its own social and environmental policies in a systematic manner. In concrete numbers, the World Bank was accused of having displaced 3.4 million people, “forcing them from their homes, taking their land or damaging their livelihoods” (ICIJ, 2015). Moreover, the Bank was accused to provide governments and companies accused of human rights violations including rape, murder and torture with funding even after the human rights violations came to the fore (ICIJ, 2015). At the same time, the report drew on specific, particularly troublesome case studies other movement constituencies and the World Bank's own Inspection Panel had covered earlier. For example, it built on Inspection Panel and Human Rights Watch investigations to report how the World Bank failed to acknowledge the link between a World Bank funded health and education initiative on the one hand, and the Ethiopian army's human rights abuses (including beatings, rapes and killings) toward villagers on the other. These human rights abuses came on top of “a mass relocation campaign” carried out by the army (ICIJ, 2014). In terms of impact, the fact that the

ICIJ involved media outlets in several countries led to more than 50 international articles and broadcasts outside the United States in several in leading newspapers (e.g., The Guardian in UK, Süddeutsche Zeitung<sup>8</sup> and DIE ZEIT<sup>9</sup> in Germany, EL Pais in Spain,<sup>10</sup> to name just a few) during the first week alone. The ICIJ as most newspapers covering the report referred to Kim's announcement to improve oversight and contrasted this with the Bank's attempt to simultaneously weakening its standards. According to the ICIJ, it was the discrepancy between the systematic and serious nature of human rights violations by the World Bank as well as its attempt to weaken accountability standards on the one hand, and the imprecise, nonbinding 5  $\frac{1}{2}$  page long "Action Plan" to "do better" as David Theis, spokesman of the World Bank put it (World Bank, 2015) on the other hand. This press release exposed the World Bank's hypocrisy. Adopting a similar line of argumentation, Michael Cernea opted to join the movement. Cernea was a respected scholar on rural development and resettlement (Cernea, 1985) and former high ranking World Bank official who has been credited with authoring the most progressive World Bank resettlement policy to date (Wade, 2011; personal conversation<sup>11</sup> with Antje Vetterlein). Cernea said that he was "saddened to see now that pioneering policy achievements of the bank are being dismantled and downgraded" and that ultimately, "The poorest and most powerless will pay the price" (ICIJ, 2014).

The investigative reports were published in the morning of April 16. Only few hours later, World Bank President Kim found himself opening the Annual Spring Meetings. Against the predictions of several observers (IDI staff members, personal communication, April 2016), Kim opted for a quiet approach: instead of going into the offensive with a public excuse and a comprehensive follow-up action plan to redress systematic flaws, Kim limited himself to briefly noting the release of the investigative stories toward the end of his speech, saying, "Finally, today, there were published reports today regarding the Bank's resettlement history." Still in the same breath, he asserted that "the stories are based on internal Bank documents that I ordered released" (Kim speech, cited in World Bank, 2015, p.1). With this coverage and the lack of reaction by Kim, public attention and pressure on the World Bank around the globe was at its peak and no less substantial than the pressure the World Bank went through in the early 1990s. It certainly was broader in terms of scope and the correlated risk of losing its reputation as a first class provider of development. Due to its combination of broad impact combined with high quality journalism, the ICIJ received several awards in subsequent years (Pitt and Green-Barber, 2017). Also, among European governments, the trust in Kim as a sincere reformer whose primary concern was with the world's poor waned (BIC staff, personal communication, May 2016; German Ministry for Economic Cooperation and Development (BMZ) staff, personal communication, August 2016), while U.S. Congress, Treasury and ED were reassured of their view that the World Bank was in urgent need

8 <http://www.sueddeutsche.de/politik/vertreibung-und-verfolgung-wie-weltbank-projekte-den-aermsten-schaden-1.2437465>

9 <http://www.zeit.de/wirtschaft/2015-04/entwicklungshilfe-weltbank-projekte-verletzen-menschen-rechte>

10 [https://elpais.com/tag/icij\\_consortio\\_internacional\\_periodistas\\_investigacion/a/](https://elpais.com/tag/icij_consortio_internacional_periodistas_investigacion/a/)

11 In contrast to an interview, a "personal conversation" is less formalized and typically not planned in advance.

of structural reform that would guarantee more oversight and human rights protection (U.S. Treasury staff member, personal communication, April 2017). In short, then, the World Bank was in crisis, which paved the way for enhanced TSM access among member state channels and the use of conventional tactics inside these channels.

### 7.3 Part 2: Conventional TSM tactics through the state channel

The ICIJ report introduced a shift in TSM tactics, as from then on conventional tactics took precedence over disruptive ones. To the extent that World Bank member states questioned the World Bank's integrity as a result of the systematic failure to safeguard for human rights violations, the movement enjoyed increasing access to decision-makers of donor countries. This access came in a timely manner, as several World Bank member states were in the course of preparing their statements on the safeguards reform draft. Human Rights Watch, for instance, organized a series of workshops and information events with the French government, which suddenly discovered an interest in World Bank safeguards (HRW staff member Jessica Evans, personal communication, April 2017). In line with core movement demands, Human Rights Watch highlighted that the "opt out" clause in policies protecting indigenous people's rights undermined their rights to self-determination and collective ownership of territories and resources, that the newly introduced worker's rights fell short of core ILO labour standards (e.g., because they excluded third party contractors and civil servants) and that they lacked specific protections of persons with disabilities, as well as for people with a sexual orientation or gender identity expression that diverged from the norm. In their statement on the safeguards reform that was submitted shortly after, the French government listed a clear stance on human rights as its core demands regarding the safeguards review. Moreover, it asked the World Bank, along with movement demands, to broaden the scope of the safeguards application to cover the whole World Bank portfolio (World Bank, French Gov. Submission, April 2015).

Despite using the same arguments and frames, HRW was somewhat less successful in other European countries including Germany, the United Kingdom, and The Netherlands. Due to the presence of organizations such as the German Institute for Human Rights and HRW, the TSM conveyed legal and academic expertise and thus high *epistemic authority*, while its *moral authority* was underlined further by human rights organizations that had built an excellent reputation around the world, including Amnesty International, Oxfam and Transparency International (NGO Advisor, 2013). In contrast to most NGOs in the movement that focused on substantive human rights issues, Transparency International covered important aspects with regard to transparency policies, including a demand for consultations and access to information at all stages of the policy cycle involving all affected stakeholders (Transparency International, 2015; German Ministry for Economic Cooperation and Development (BMZ), personal communication, August, 2016). The German position submitted in mid-2015 is indicative of the desire among European member states to negotiate a balanced compromise without antagonizing opponents of strong human rights standards. Even though Germany recognized that the safeguards are "making a major contribution toward securing and strengthening

human rights,” it also affirmed “the World Bank has no explicit human rights agenda of its own.” In addition, Germany asked the World Bank to make reference to universally recognized human rights in the Safeguard’s vision statement (World Bank, 2015). Since this vision statement is of a nonbinding nature, TSM representative assessed this position as a clear indication for a position that was willing to dilute existing standards (Interview Urgewald staff member, March 2015). With regard to actual policies, Germany only demanded that “the Bank should make a commitment in future to take account of the human rights impacts of its projects” (World Bank, 2015), thus postponing human rights policy reform to an unspecified future.

Perhaps the most promising sign of support came from the Committee on Development Effectiveness (CODE). Established in 1994, CODE is a standing committee of the World Bank’s Board of Executive Directors. The Committee on Development Effectiveness is tasked with overseeing and evaluating World Bank operations, obstacles to effectiveness, critique and management responses to such critique. In a confidential document CODE members - Germany, UK and France, as well as the EDs of Southern European<sup>12</sup> and Nordic countries<sup>13</sup> plus the constituency led by The Netherlands<sup>14</sup> - criticized the lack of human rights provisions informally, stating that,

“There are a number of areas where we would have preferred to see this draft go further [...]. Notably, human rights and labor standards deserve more emphasis, in accordance with their prominence within the international institutional architecture that the World Bank and its member are part of.” (World Bank CODE Meeting, 24<sup>th</sup> June, 2015)

Even though this CODE statement is crystal clear in its impetus to demand enhanced human rights protection, it should remain the strongest statements emerging from European member states throughout the safeguards process. Importantly, CODE did not substantiate its claims with a prospect of vetoing the reform, funding cuts or anything with similar weight (Interview with CIEL and BIC staff, April 2017).

Shortly after Matthew McGuire, the new U.S. ED, finally assumed office after years of Republican obstruction in June 2015 (see elaboration in Ch.8), the ICIJ and the *Huffington Post* published stories that documented inadequate way of the World Bank to handle whistleblowers revealing World Bank misconduct. In their article, the ICIJ cited an internal survey on staff satisfaction inside the World Bank. As the leaked 163-page-long report clearly indicated, the series of leaks and the publication of the ICIJ’s story (“Evicted and Abandoned: Inside the World Bank’s Broken Promise to Protect the Poor” referenced above), led to a great deal of suspicion and threats among management. On the other hand, the attempt at punishing whistleblowers, specifically Fabrice Houdart, had poisoned the climate (Tyson, 2015). According to one employee cited in the report, “The World Bank has evolved into a place of fear and retaliation” while another one staff member reported that “Managers have a lot of power and use it for retaliation” (cited in

12 Italy, Albania, Greece, Malta, Portugal, San Marino and Timor-Leste

13 Denmark, Estonia, Iceland, Latvia, Lithuania, Norway and Sweden

14 Armenia, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Georgia, Israel, Macedonia, Moldova, Montenegro, The Netherlands, Romania, and Ukraine

Chavkin & Hudson, 2015, p.1). On the World Bank's accountability policies, staff members revealed deep concern and frustration, reporting that "Though safeguards exist, most employees think that they are not safe so they don't use them" while another staffer showed worries that "safeguards specialists" had been "eaten by the system and just play the game of the Bank, support disbursements and see later how to fix the issues" (cited in Chavkin & Hudson, 2015, p.1).

In July of 2015, the World Bank published its second draft of the new human rights and accountability framework. This time, notably, the draft was not leaked to the press, even though movement constituencies were in possession of that draft before its official publication. According to one interviewee central in steering the movement's strategy<sup>15</sup>, the movement sought to concentrate on its conventional tactics, adopting a less confrontational stance toward the World Bank (Frankfurt CSO Strategy meeting, April 2016)<sup>16</sup>. As the World Bank reported, the second draft included the feedback of 54 borrowing countries where consultations took place, as well as that of 130 position papers submitted by NGOs, multilateral and bilateral development partners as well as private sector representatives among others. As during consultations in previous phases, stakeholders submitted their feedback during physical face-to-face discussions, in the course of focus groups with selected experts, in audio and video conferences, and through written statements. These submissions were collected on a Safeguards Review Website<sup>17</sup>. This time, the World Bank did not only publish the second draft of accountability policies. Accompanying the draft policies was a document categorizing feedback along key themes (e.g., labour rights) and declared how the new draft incorporated this feedback. At the same time, the World Bank reported that it had to incorporate 2,500 pages of feedback and emphasized that feedback which could not be included this time would be taken into account at a later stage (World Bank, 2015). In terms of substance, a senior World Bank official from the operational policy and country services team said in a private conversation that the new version differed in several ways from the old draft and in fact meant a substantial improvement. Specifically, the requirements for "free, prior and informed consent" regarding World Bank projects in areas of indigenous peoples were strengthened, labour standards now included the right to freedom of association and collective bargaining as well as coverage for contractors and community workers. In parallel with the publication of the second draft, World Bank management sought to close the still ongoing discussion with regard to the status of human rights in their new policies. In a document entitled "Summary of Phase 2 Consultations and Bank management Responses," the World Bank states that its management had considered exhaustively the many views expressed with regard to human rights, "as well as the legal and practical opportunities and constraints" for the new policy framework "to support human rights outcomes at a project level." The World Bank goes on stating,

15 This information stems from my own participant observation at CSO strategy meetings in Washington DC and Frankfurt.

16 Even though I am not certain about the accuracy of this information, it is highly likely that the movement was in possession of a draft copy in virtue of previous happenings. The fact that they did not leak it constitutes strong evidence supporting the movement's focus on conventional tactics.

17 <http://consultations.worldbank.org/consultation/review-and-update-world-bank-safeguard-policies>

“Management has also considered this issue in light of the World Bank’s mandate, and that of other UN, international and regional agencies and tribunals, as well as the nature of the accountability system within the World Bank. All of this information has led Management [sic] to the firm view that it should refrain from proposing that Borrower human rights compliance be a standard requirement within the ESF (note by author: the new policy framework). Management shares the aspirations that underlie the Universal Declaration of Human Rights, but cannot enforce Borrowers’ fulfillment under this and other international instruments. However, Management is also committed to the view that the World Bank has and should continue to have a strong record of achievement concerning human rights and, through its projects and many other engagements, it will continue to help countries meet the obligations they have made through international human rights instruments.” (World Bank, 2015)

Hence, this official document is doubly decisive evidence for the fact that the World Bank positioned itself in the ongoing struggle between the liberal democratic script of human rights accountability favored by the transnational social movement (and its supporting states, primarily the United States ) on the one hand, and the coalition adhering to state sovereignty, noninterference and a notion of development that did not necessarily comprise human rights protection and democracy on the other.

In this phase and after a clear positioning of the World Bank, the transnational social movement seemed to wobble. The evidence I gathered showed that the actions and next moves of the TSM were few and less powerful than previous actions. In a joint statement, the organizations evaluated the new framework as disappointing and insufficient. While the movement also recognized “some improvements,” it also claimed that “the draft does not consistently ensure, throughout all standards, that unique impacts of projects on each disadvantaged or vulnerable group are differentiated to prevent harm to these groups” and called “into question the extent to which the bank has responded to public input” (Press Statement, cited in Tyson, 2015). Several movement constituencies sought concentrated on punchlines that corresponded to their area of expertise to influence national governments to push for more demanding standards during the third round of consultations. Access was generally very good, as the ICIJ report demonstrated to member states the need for independent input. Consultation rounds where national government and movement representatives met on a regular basis led to the establishment of routine contacts (Oxfam staff members, personal communication, May 2016).

In a briefing to governments, the International Trade Union Confederation criticized that the improvements on labour rights were not enough. According to Peter Bakvis (Director of International Trade Union Confederation Global), the new draft failed to reference ILO core labour standards as if the World Bank wasn’t aware of them. Also, the new policies only guaranteed rights to freedom of association and collective bargaining only where these rights were already fully covered under national law. But, Bakvis emphasized, this is not the case in several borrowing countries. This contrasts with “other financial institutions” which “make these rights a mandatory requirement notwithstanding national laws” (Peter Bakvis, cited in HRW, 2015). Human Rights Watch declared that the new policies neither made the respect for human rights a binding requirement of World Bank projects, nor did the policies reference the hu-



man rights obligations of borrowing states. According to Jessica Evans (senior advocate and researcher on international financial institutions at HRW), the second draft of accountability policies “treats human rights as merely aspirational, rather than binding international law” and that “the bank’s refusal to require respect for human rights, despite pleas to do so from communities around the world, sends a message to its own staff that respect for rights is discretionary” (HRW, 2015, p.1). The Bank Information Center and Human Rights Watch then had several meetings with U.S. Congressmen and the U.S. ED to explain that the new draft still lacked obligation and precision. As to the former, the specific human rights of certain groups were simply left out, such as the rights of “those discriminated against on the basis of political or other opinion and language.” Regarding precision, several standards were highly imprecise. For instance, the “involuntary resettlement standard” did not clarify how the needs of vulnerable groups would be addressed (Personal conversation with BIC and HRW staff, April 2017). The NGO Forum on the ADB demonstrated how the degree of organizational support from the MDB’s environment could also be valuable assets in constructing powerful arguments. At the ADB, Japan has traditionally been the largest shareholder, together with the United States.<sup>18</sup> The NGO Forum on the ADB argued in consultations with Japanese parliamentarians and representatives from the government, but also toward China, India (both holding roughly 6% at the ADB) and the (CODE that ADB policies obliged the ADB to ensure human rights compliance (irrespective of national laws) and to invite public comment on all Environmental Impact Assessments 120 days before project appraisal. Both these reforms that the ADB undertook in 2010 are absent from the proposal of World Bank accountability standards reform. Rayyan Hassan, director of the NGO Forum on ADB interpreted this move as a “clear intent to push responsibility to potentially weak and inadequate borrower systems while eliminating the bank’s mandatory due diligence requirements” (Rayyan Hassan, personal communication, 2<sup>nd</sup> May 2015) ensuring human rights protection. Also, he said that the current dilution would send the wrong signal to other MDBs at a time when organizations such as the ADB were catching up to the World Bank’s previous model. In an article “Why the World Bank should embrace Human Rights,” HRW analyst Sarah Saadoun reiterated that the World Bank should not finance projects that conflict with human rights obligations of borrowing countries and that its own policies should adhere to existing human rights standards (especially the nondiscrimination clause) (Saadoun, 2015). Compared to previous demands by HRW, these demands seemed humble. With the exception of smaller media pieces (e.g., Blog posts by Michael Hudson from ICIJ), the TSM remained remarkably silent in late summer and autumn of 2015. Even behind the scenes, crucial movement leaders report that, despite the continued presence access to decision-makers in US Congress and European parliaments, the frequency and intensity of interaction with decision-makers was rather low. According to one observer, the movement suffered from a certain fatigue and lacked central leadership to overcome the period of drought (Staff from movement NGO, December 2015).

It was due to two major events in the World Bank’s environment provided unique discursive opportunities for TSM inside tactics toward member states at the end of

18 <https://www.adb.org/site/investors/credit-fundamentals/shareholders>



2015: the first was the adoption of the Sustainable Development Goals (SDGs), the second was the adoption of the COP 21 Paris Agreement. The SDGs were passed in form of a UN General Assembly Resolution on September 25<sup>th</sup>. They were developed to replace the Millennium Development Goals (MDGs) which defined a widely accepted reference point of global development initiatives that had been valid until 2015 (UN, 2015). During the process that led to the adoption of the SDG resolution, the UN involved its 193 member states and civil society actors in the consultations that amounted to “the most consultative and inclusive process in the history of the United Nations” over the course of eight months (UN, 2015). As the UN High Commissioner on Human Rights notes correctly, the SDGs differ from the formerly valid MDGs in their strong commitment to human rights. Perhaps the most prominent slogan of the SDGs was to “leave no one behind,” meaning that the agenda envisions “*a world of universal respect for equality and nondiscrimination*” by reaffirming the responsibilities of all States to “*respect, protect and promote human rights, without distinction of any kind as to race, colour, sex, language, religion, political or other opinions, national and social origin, property, birth, disability or other status*” (UN GA, 2015). In fact, the UN and its member states made a strong effort to relate each of the 17 SDGs to specific human rights, including economic, civil, cultural, political and social rights (UN, 2015). The TSM used the heightened international attention to sustainable development worldwide to argue that the SDG’s clear commitment to human rights would be undermined if the most important UN organization in the field of development would opt out. They received instantaneous but unexpected support from a World Bank insider and former Staffer: Vinod Thomas, the Director-General of Independent Evaluation at the Asian Development Bank (ADB) - a position he previously held at the World Bank Group - published an Article in the Financial Times entitled “Time to bolster safeguards, not dilute them” together with David de Ferranti (President of Results for the Development Institute). In their article from September 25<sup>th</sup>, 2015, the two authors highlight that the World Bank’s proposal to adopt a more flexible safeguards system may hasten project ratification at the time of approval, but that it would not save time overall if adequate social and environmental protection plans were to be developed later. They warn that “a combination of flexible requirements and national standards for risky projects would dilute safeguards” and estimate that only a small fraction of borrowing countries (if any) fulfills the same standards that the World Bank used to apply. The authors conclude by stating that “MDBs [...] must ensure that safeguards accompanying these investments are strengthened, not weakened.” (Thomas and de Ferranti, 2015). Here, a former high-level World Bank expert on Safeguards questions the new route of reform in his capacity as ADB representative. In other words, the ADB puts the World Bank reform and thus its role as a norm entrepreneur of all MDBs openly into question - a rather unusual move. At the same time, the format (a Financial Times publication) suggests that the piece was widely perceived in the financial (development) community. For both these reasons, Vinod Thomas and de Ferranti provided a welcome reason for movement representatives to cite their arguments toward governments (personal communication K. Horta, October 2015). An additional impetus came from human rights advocacy in preparation for the 2015 United Nations Climate Change Conference (COP 21) which was held in Paris from 30<sup>th</sup> November - 12<sup>th</sup> December, 2015. During the conference, which was a follow-up to the 1992 Rio Earth Summit and the

1997 Kyoto Protocol, human rights advocacy groups achieved that the Agreement was the first climate change treaty that included an unequivocal reference to human rights (Mayer, 2016). Specifically, its preamble states that “that climate change is a common concern of humankind” and that “Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights” (Paris Agreement, 2015). Inside tactics began to gain strength in preparation of a major study entitled “Glass Half Full? The State of Accountability in Development Finance” (2016) by Kristen Genovese and Mariëtte van Huijstee. The study was financed by the Dutch Ministry of Foreign Affairs and investigated 758 complaints submitted over the past 21 years to the Accountability Mechanisms of 11 MDBs and other international financial institutions (notably the IMF). The study featured important experts from the TSM network including CIEL, Both ENDS, the Accountability Counsel, Inclusive Development as well as the Center for Human Rights and Global Justice. Scholarly expert advice came from Richard Bissell (National Academy of Sciences and former member of the World Bank Inspection Panel), and David Hunter (American University’s Washington College of Law). Due to the backing of the Dutch government, but also due to the quality of the comparative study with regard to the effectiveness of existing accountability mechanisms, the Glass Half Full Report (eventually published on January 1<sup>st</sup>, 2016) stimulated intensive dialogue between the TSM with government representatives and provided a solid basis of argumentation highlighting best practices. The outcomes of the study highlight the importance of TSM key demands. In particular, the authors recommend precise standards, transparency, that mechanisms should be “empowered to make *binding* decisions” and that MDBs should “no longer claim immunity in national courts” (Genovese & Van Huijstee, 2016, p. 9).

The report was especially picked up by NGOs in dialogue with their governments in The Netherlands, Belgium, Sweden and Finland (Interview, Both ENDS) and began to show first results when the Nordic-Baltic constituency (representing Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden) decided to publish their comments on the draft. In their statement following the publication of the study, the Nordic-Baltic states declare that they would like to change the wording in the Vision Statement from “aspiring” human rights toward “respect for human rights” and, more importantly, strongly encourage the mainstreaming of human rights in World Bank policies, as the World Bank should “respect the obligations assumed by its clients under international law, including human rights and environmental law” (World Bank, 2016). In addition, the Nordic-Baltic countries demanded “direct reference to the ILO International Labor Standards,” particularly to the importance of freedom of association and collective bargaining. In the view of these states, these core labour standards hold “regardless of whether individual countries have ratified the respective conventions.” On Indigenous People’s rights, there is a clear commitment to the principle of “Free, Prior and Informed Consent.” The Nordic-Baltic states argued that the World Bank should not fall behind language already established in the UN Declaration on the Rights of Indigenous Peoples, as it should also not dilute the rights of SOGIE. Finally, the statement stresses the critical importance of transparency (especially the information disclosure of safeguards related documents) (World Bank, 2016). Now here was the support the movement needed from member states they had hoped for throughout the last cou-

ple of months (Interview Urgewald staff member, April 2015). In conjunction with the U.S. position, the strong support for core movement claims among the Nordic-Baltic countries provided the TSM with hope regarding the final reform outcome (Interview Oxfam). On the other hand, there was considerable counter mobilization against the inclusion of human rights standards among World Bank member states. Specifically, India and China lobbied against ambitious human rights policies. Due to this ongoing counter-mobilization by member states that were also emerging powers in international relations (particularly China), the Mechanism broke down in early 2016, before the third step of the causal mechanism was reached.

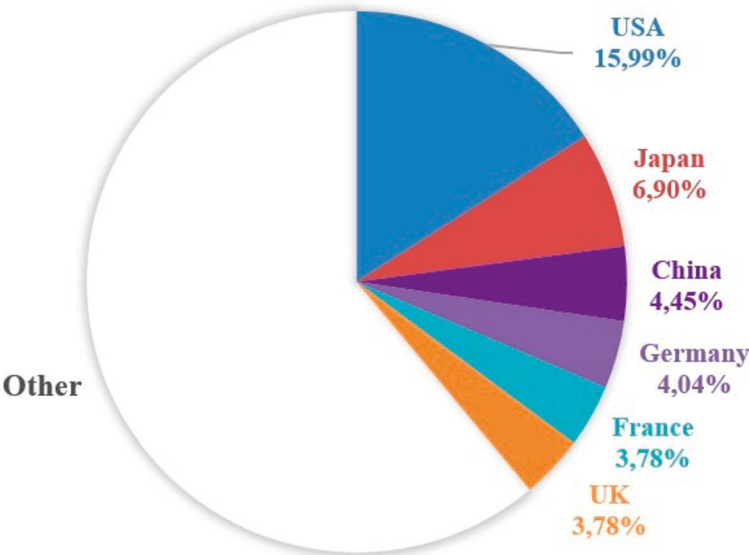
## 7.4 Interruption and breakdown of the Mechanism

The bloc of borrowers engaging in counter mobilization against movement visions for enhanced human rights accountability grew considerably in 2015. In a joint statement led by India, Mr. Subhash Chandra Garg (Executive Director for Bangladesh, Bhutan, India and Sri Lanka) reminded the World Bank that its *“primary reason for existence is to assist the developing countries in undertaking development projects”* and even follow-up with a threat, stating *“If we go ahead with this kind of imposition of standards, the Bank is likely to go out of business.”* Moreover, Mr. Garg made clear that already the slight degree of legalization of human rights and transparency standards meant *“a disappointment for the borrowers [...] as the proposed environment and social standards (ESS) make doing business with the Bank more and more difficult and costly for the borrowers.”* Specifically, the named countries are of the view that the requirement of “Free, Prior & Informed Consent” will most likely “create insurmountable hurdles to development.” Moreover, the countries report major concerns regarding the enhancement of labour rights introduced in the new draft, citing the example of rural development programs in India which “are implemented through community and voluntary labor.” Accordingly, so the countries fear, the requirement to define and respect worker’s rights related to hours of work, wages, overtime etc. could not be applied on the community level. While the constituency led by India represents a large part of the World’s population (India alone represents 18% while Bangladesh represents an additional 2% of the world’s population), the constituency only commands 3.53% of total World Bank shares (World Bank, 2015). The letter from the Indian ED constitutes a doubly-decisive test for counter mobilization from India and its constituency of member states. Their somewhat “loud approach” which leaves clear empirical traces (e.g., the CODE statement cited above) stands in contrast to the more “quiet approach” adopted by the Chinese government. China became increasingly important as a World Bank member state, as it had increased its shares considerably at the World Bank’s IBRD in 2010 (World Bank, 2010).<sup>19</sup> In 2009, at the Group of 20 (G20) meeting in Pittsburgh, the participating countries agreed to a capital increase by developing countries accompanied with a re-allocation of voting power. This reform

19 At the International Development Bank, China holds only 2.23% of all shares which puts the Chinese ED on 21<sup>st</sup> rank among all EDs. However, due to its shares at the IBRD, China commands an ED on its own even at IDA.

enabled China to become the third largest shareholder at the World Bank in 2010 after the United States and Japan – a position it still held throughout the whole Safeguards Reform process (World Bank, 2018).

Graph 8: World Bank main Donors in 2016 (IBRD)



Source: Data from World Bank Annual Report 2016

According to several observers, the Chinese government and Executive Director used this new position to exert considerable influence behind closed doors in counter mobilizing against comprehensive human rights accountability (Interviews with Chad Dobson, two World Bank staffers (Qays Hamad), Bruce Rich). At the same time, these participants emphasize how China prefers to operate behind the scene, for instance through informal meetings with key decision-makers or the mobilization of allies who speak out (at times even instead of the Chinese ED)<sup>20</sup>.

While there are several occasions during which Executive Directors participate in Committees (e.g., CODE) which public meeting minutes, several observers report that the Chinese EDs intentionally keep a low profile by traditionally carrying out its exchanges without publicity. For these reasons, TSM and other World Bank staffers report, the Chinese ED office remained somewhat “under the radar” of movement representatives, foreign media and scholars. While China published comments on the first draft of the safeguards policy, they opted for a more “quiet diplomacy” (on the term in

20 Despite some requests, I was unable to get an interview or a brief conversation with staff of the office of the Chinese Executive Director.

relation to China's International Department (ID), see Shambaugh, 2007) on the second draft. Thus, the verification of China's position, role, influence and counter mobilization to comprehensive accountability toward the end of the negotiation process presents a particular challenge. With few traces of evidence, my prior confidence in the importance of China's role was rather moderate. At the same time, using Bayesian updating, I am able to test the hypothesis that China's counter mobilization was considerable. Among the traces of evidence, there are the minutes of World Bank consultation with the Chinese Government in Beijing on October 27<sup>th</sup> 2015. While the minutes only summarize discussion points from the perspective of the World Bank, the document is telling. There is a high likelihood that the World Bank adopted language in this document which moderated the Chinese position to the extent possible, given that the minutes were made public and given that the World Bank wanted to reach compromise among contradictory positions as soon as possible<sup>21</sup>. Accordingly, the World Bank states in the introduction that the consultations "benefited from significant preparation by Chinese counterparts" and that "Chinese counterparts expressed their support for the safeguards review process, and their commitment to achieving a good outcome" (World Bank, 2015). Regarding substantive issues, the minutes of this consultation also reveal considerable resistance toward comprehensive human rights safeguards on behalf of the Chinese government. With regard to human rights, the document cites China's position in the following words: "Human rights: The Bank is suggested to seek common ground. And the language on human rights in Vision statement should be general." This is a clear stance against specific standards, as China wants human rights in the Vision statement (not actual policies) only and even there says that the language should be "general," i.e., the opposite of precise and binding.

On "nondiscrimination," the Chinese government states that several groups listed in the policy draft would not be recognized as legal by a number of Borrowing countries. China cites groups of sexual orientation and identity (SOGIE) as well as religious groups specifically. Moreover, it deems the principle of nondiscrimination inapplicable for people with disabilities, as "information on mental and physical disability or health status should be treated as private and confidential."

With regard to labour rights, the Chinese government emphasizes that in its own view, "Labor standards need to be matched with the level of development of the country." It specifies what is meant by this confinement in the following. For instance, China goes directly against the demand to include and respect core international labour rights treaties and says that the new policies "*should not be used as a tool to intervene in the political sphere. The Bank can refer to general principles, but not specific labor treaties to strike an appropriate balance.*" The balance here is one between the protection of labour rights and development. With regard to indigenous people's rights, the Chinese government is reported by World Bank staff to make clear that the concept of an "ethnic minority" was not so simple in China. It urges the World Bank to take country contexts into account. Also, China problematizes the definition of indigenous peoples - a definition also used

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21 As it had announced the conclusion of the reform process for 2016.

by the ADB<sup>22</sup> - and states that *“there may be some illegal political groups who fall into this category but may violate the laws and regulations of the Borrower.”* Hence, China wanted this formulation to be changed. Thus, there was important counter mobilization in terms of human rights standards, specifically against those involving labour and minority rights. In the conclusion, the Chinese government summarizes its position by stating that *“China believes the Bank should stick to its development mandate and nonpolitical nature. Issues such as human rights and labor issues are politically very sensitive. A proper approach is needed.”*

Moreover, China explicitly welcomed the move toward “country systems” whereby national laws that are equivalent to World Bank standards should be used (instead of those World Bank standards). To recall from above, the transnational social movement had opposed the use of country systems on grounds that existing standards in several countries did not match World Bank standards, and because the use of country systems deprived the World Bank of its responsibilities to guarantee compliance and thus the people in authoritarian states of their right to have their rights enforced via the detour over the World Bank. Interestingly, China goes even a step further and turns the tables around when it says that country systems are not only welcomed where national standards are equivalent to World Bank standards, but that *“The Bank’s safeguards should be consistent with Chinese law and national policies.”* This is a bold stance that (to my knowledge and reading of the evidence) no other government had made up to this point. China clearly positions itself during these consultations as a state whose say cannot be ignored in the review of World Bank standards. In line with this, China concludes the consultation by emphasizing that *“China is not only a borrower, but also the third largest shareholder of the Bank. It is a key emerging donor. China is well-positioned to play a constructive role in the Bank.”* (World Bank, 2015).

It was only shortly after that China’s counter-mobilization received a considerable boost from a neighboring organization of the World Bank: the newly created Asia Infrastructure and Investment Bank (AIIB). In February of 2016, half a year before the final reform should be passed at the World Bank, the AIIB adopted its Safeguards framework. As Jin Liqun, President of the AIIB, made clear, the AIIB strived for rapid infrastructure expansion and large scale resettlement in the public interest (Horta et al. 2016). Consequently, strict AIIB standards would constitute obstacles to rapid development. At the same time, the AIIB needed standards to live up to an established norm in the community of development banks (Interview with expert from the NGO “Asien Haus”, May 2016). The timing and nature of the safeguard policies adopted by the AIIB were a coup. To begin with, the standards adopted by the AIIB were close to those discussed by the World Bank in its latest draft. If they had been completely different, i.e., considerably lower, substantially less precise or simply lacking on many issues, the impact would most likely not have been as big. According to one World Bank staffer closely involved in the reform process at the World Bank, substantially different standards would have

22 According to the definition, Indigenous Peoples are “Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture” (ADB, 2009)



made it easy to distance the World Bank from the AIIB<sup>23</sup>. Yet, the AIIB largely mirrored those developed by the World Bank Safeguards team in their second draft. Similar to the World Bank's reform proposal, the AIIB policies allowed borrowing countries to use their own human rights (e.g., social protection) systems without defining binding criteria to ensure a comparable level of protection among Bank and country standards. On labour rights, the AIIB included those standards the World Bank introduced in the consultations between the first and the second draft. Yet, similarly to the second draft of World Bank policies, the AIIB placed reference to national law above international ILO conventions. Thus, worker's rights to freedom of association (a core standard of the ILO) *de facto* becomes subject to national law – despite the fact that several borrowing states place severe restrictions on that right. Moreover, the AIIB standards follow the position of states that had mobilized against strict policies prohibiting discrimination in the implementation of projects at the World Bank, yet without neglecting the rights in question completely: the AIIB standards prohibit discrimination, but do not specify the entire spectrum of groups which are particularly vulnerable to discrimination. Thus, the AIIB went against a central pledge of the 2030 Agenda to “Leave no one behind.” According to observers, there thus was “little uniqueness within AIIB policy, much of which has been drafted by former World Bank officials” (Hanlon, 2017, p. 549). While the standards were indeed not unique or new, they closely reflected the negotiation position of World Bank member states pushing for more relaxed human rights standards and thus strengthened their position considerably *vis-à-vis* the transnational social movement and its member state allies' pledge for comprehensive human rights accountability.

It is important to note that the adoption of AIIB standards also had an effect on those states who were members of both, the AIIB as well as the World Bank. Having agreed on the AIIB standards in February of 2016, arguing for a set of entirely different standards thereafter at the World Bank would have been inconsequential. The United States had not joined the AIIB on grounds of lacking transparency, social and environmental standards (Horta et al., 2016). Similarly, Japan and Canada explained their reluctance to join the AIIB early on. Yet, 17 European states who were also shareholders at the World Bank joined the ranks of the AIIB, thereby fulfilling China's ambition to head an international development bank (and not just a regional one). Germany's Ministry of Finance declared the country's willingness to join in March 2015<sup>24</sup>. By 2016, Germany was the biggest European shareholder at the AIIB (holding 4.1 % of voting rights) and held one out of 12 seats at the Board of Directors representing all Eurozone countries. The UK, also a member of the AIIB by early 2016, represents European AIIB members outside the Eurozone. According to movement representatives, both these countries – major shareholders at the World Bank and sympathetic to movement demands – could not be counted upon after the AIIB's conclusion of safeguards (Discussion with Movement Representatives in Frankfurt, May 2016).

23 Conversation at the World Bank office in Berlin.

24 This decision was taken without prior consultation of the German Foreign Ministry and led to serious irritations at the Foreign Ministry (private conversation with a high ranking staff member of the German Foreign Ministry's Planning Unit).



Against the background of newly established AIIB Safeguards, the TSM now counted on the United States response. The D.C.-based organizations saw the reaction to the AIIB standards as the decisive battle and mobilized all their networks and contacts at U.S. Congress and at U.S. Treasury to get a strong U.S. response. At the end of February, the U.S. Treasury Assistant Secretary for International Markets and Development, Marisa Lago, frames four broad, systematic concerns with regard to the current policy draft of World Bank standards: Human rights, involuntary resettlement, the treatment of Indigenous Peoples, and labor rights. According to Lago, all four are critical for the United States. World Bank – U.S. government consultations followed the days thereafter, also involving input from TSM representatives (notably BIC, CIEL and Human Rights Watch). The minutes of that meeting in fact do reveal a strong U.S. position. For instance, the United States criticizes the fact that the current draft only refers to “aspirations of the Universal Declaration of Human Rights,” which effectively “undermines the standing of human rights as binding legal obligations and gives the impression that compliance with the international declaration is optional.” Moreover, the United States noted that the World Bank, although not being a Human Rights tribunal itself, should draw on the work of human rights tribunals and explicitly refer to existing human rights treaties as well as ILO Conventions in its policies. With regard to specific standards, the United States emphasized the importance of non-exhaustive lists specifying the characteristics of people who are likely to face discrimination, emphasized the need to assess the risk of multiple discrimination (due to several characteristics that make them vulnerable), that independence from the borrowing country was key to ensure independent human rights impact assessment and that the language in the policies should be as precise as possible. Moreover, in 55 page long minutes (and simple spacing), the U.S. position clearly points to the importance of transparency and strong enforcement mechanisms in cases of noncompliance with regard to human right standards (World Bank, 2016).

Shortly after these consultations, Amnesty International provided a summary of key points on the planned reform from a Human Rights perspective to World Bank Management as well as to all important member states (Amnesty International, 2016). Amnesty’s call for comprehensive and binding human rights standards as well as strong oversight was aided by the World Bank’s Inspection Panel. While the Inspection Panel was not fully independent from the World Bank, it had by now joined the movement coalition in its demands and framing, putting special emphasis on encompassing, precise and binding standards (World Bank, 2016). After all, its own survival as a credible oversight body was at stake (Interview World Bank Staff – Operations). With the conclusion of the policy reforms ahead, the main actors of the transnational social movement focused on their contacts in U.S. Congress. On August 4, 2016, the World Bank Board of Directors adopted the new set of Safeguards and thus completed the reform of its human rights accountability framework.

## 7.5 Outcome: The Dilution of World Bank Safeguards

The newly adopted accountability framework differed substantially from those previously in place. To begin with, it replaced the more eclectic assembly of operational policies with a more coherent framework, including a Vision Statement, the operational policies listed according to responsibility holder (World Bank or borrowing state) as well as nonbinding guidance notes specifying their application. In particular the Vision Statement was a novelty that was meant to provide structure and normative grounding to the new accountability framework. Also, the introduction of new standards covering a wider array of existing human rights law was assessed as positive by the movement and observers. However, the overall move toward “soft” law provisions and the reduction in substantive as well as quasi-judicial scope meant a dilution of the previously existing framework. In the following, I discuss the new framework in light of each outcome dimension, including standards, transparency, delegation and scope. As this assessment reveals, the World Bank effectively moved from comprehensive (value = 1.73) to limited human rights accountability adopting an aggregate value of 0.79.

### 7.5.1 Obligation and Scope 1

In terms of *obligation*, binding operational policies continued to list substantive rights. Yet, to the disappointment of the movement coalition, reference to human rights was only made in the Vision Statement—the explicitly nonbinding introduction to the binding standards. As a comprehensive and codified system of rights, Human Rights had an aspirational quality. Whether the mentioning of human rights in the vision statement meant an improvement compared to the status quo (in which human rights were not mentioned at all) remains a matter of debate among legal scholars. Some scholars argue that it does, since reference to human rights is better than no reference at all and because the Vision Statement should provide guidance in applying the subsequent standards (expert opinion by Philipp Dann voiced in GIZ consultations at World Bank office Berlin), others argue that the reference of human rights in the nonbinding Vision Statement explicitly asserts such rights an aspirational, rather than binding character. This could be worse than no mentioning of human rights, as borrowing states would be bound by their (binding) human rights treaty obligations anyhow (conversation with Human Rights Watch). On balance, I hold that both positions are equally plausible and thus do not assign a value change in the degree of bindingness of human rights standards in any direction.

More telling are thus the individual substantive standards and their *scope*, i.e., whether the new framework entails an encompassing list of single human rights issues. It was here that movement representatives, Executive Directors and observers agreed that the World Bank made some progress (World Bank Presentation of Safeguards). The World Bank Safeguards team itself emphasized that the new standards entail a more aspirational risk assessment, covered nondiscrimination clauses, labour rights and indigenous peoples rights. While the inclusion of these rights indeed increases the scope of obligation, their nature of inclusion also reveals underlying,

more systematic deficiencies of the new accountability framework. I will discuss each of them in turn.

ESS1 (Environmental and Social Safeguards No.1) which covers the *risk assessment* before project approval used to focus on social aspects only where resettlement, indigenous peoples rights or cultural heritage were at stake. In contrast, the new ESS1 also covers risks related to human security such as the risk of conflict (in particular the risk of violent conflict outbreak and crime). In addition, the risk assessment involves the health of workers and all project affected people, as well as the potential for discrimination of vulnerable groups. As the foregoing showed, the inclusion of a right to *nondiscrimination* was a matter of dispute between the Transnational Social Movement and counter-mobilizing states (primarily China, but also India and Brazil). Because the definition of “disadvantaged” or “vulnerable” groups remained contested, the final policy document only includes a footnote defining abstract criteria characterizing such groups and lists elderly and minors as concrete examples.<sup>25</sup> Thus, gender, ethnicity or sexual orientation are not themselves mentioned in the policies. They are, however, mentioned in nonbinding directives that inform the project implementation of the borrowing state. In sum, the issue of nondiscrimination is not solved, but becomes a matter of procedure in each individual case. This solution does not only constitute a clear victory of counter-mobilizing states, but also means that the World Bank failed to include binding policies prohibiting discrimination on a number of grounds that are already ratified in existing human rights treaties (race and skin colour (Art. 1 CERD), gender (Art. 1 CEDAW), religious or political orientation (Art. 26 ICCPR), as well as national or social origin (Art. 2(2) ICESCR)). Instead, respect for these grounds of discrimination remains contingent on the ratification and sufficient implementation of these rights by the borrowing state in question. In addition, while the scope of the impact assessment is broadened, the move from an *ex ante* impact assessment to a more flexible approach substantially decreases the level of obligation of the impact assessment. To provide an example, previous risk assessments needed to contain a comprehensive and fully operationalized resettlement plan before project approval. If the World Bank was of the opinion that the plan was insufficient, it could withhold project approval and funding. Under the new standards, an incomplete or even missing resettlement plan does not hinder project approval. Instead, the new approach is that risks should be managed as they emerge. While this certainly speeds up the cash flow, the World Bank effectively loses a powerful instrument to adhere compliance with existing standards. If, throughout the implementation of the project, the World Bank fears that the borrowing state undermines resettlement standards, it has only the suspension of funds at its disposal as a last resort. Particularly with regard to more powerful borrowing states, it is highly unlikely that the World Bank suspends funds completely once the contract has been signed and funds are flowing.

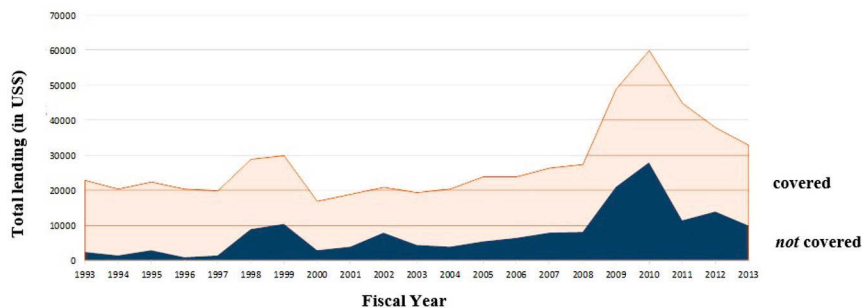
25 ESF, ESS1, S. 32, Fn. 28: “Disadvantaged or vulnerable refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project’s benefits. Such an individual/ group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon which they depend.”

Moreover, there is consensus that the “manage risks as they emerge” approach allows for more discretion of World Bank management and strengthens management’s role in relation to the Board of Directors as well as the Inspection Panel. Taken together, the level of obligation of risk assessment decreases under the new framework. Policy ESS2 contains *labour rights* and thus an area that the previous standards did not cover. In its accompanying Board Paper, the World Bank explains that ESS2 is supposed to mirror “core principles of ILO Fundamental Principles and Rights at work” 79. At the same time, the labour standards contain major loopholes with regard to child and forced labour. Against TSM demands (particularly those by trade unions), borrowing states have no obligation to supervise and control their suppliers (Ebert, 2018). Analogous to nondiscrimination clauses, reference to national law (and the simultaneous absence of reference to ILO labour standards in the policy document), i.e., the country system approach, undermine ILO labour standards and even threaten to weaken international treaty obligations vis-à-vis national law. To illustrate, if borrowing states do not allow for the right to freedom of assembly among workers, the World Bank may nevertheless go ahead with funding the project provided that “alternative mechanisms” that allow workers to articulate their demands exist (ESS2, para.16). Regarding *indigenous peoples rights*, the new policy ESS7 aligns with the ILO Convention 169 and now requires “free prior and informed consent” (FPIC) wherever indigenous land rights, resettlement or cultural goods are likely to be affected by a project. This constitutes an achievement of the movement, since the standards do not allow for an “alternative approach” as requested by states that do not recognize indigenous people as a group requiring special protection (e.g., Brazil and India). The “free prior and informed consent” principle exceeds existing standards among many borrowing countries and is an area where World Bank policies are likely to enhance human rights protection. The introduction of the FPIC-principle also adds precision to the policy and broadens the scope of human rights protection. In sum, a careful analysis of individual policies reveals that while the scope of human rights coverage has increased (value = 1.5), their level of obligation is low and has decreased among already existing policies (value = 0.5).

Next to an encompassing vs. restricted coverage of substantive rights, *Scope I* with regard to human rights and transparency policies also contained a second dimension: whether the policies apply to all vs. only some MDB activities and staff (Operationalization section). On this dimension, the World Bank legally confirmed a substantial decrease of scope with the passage of the reform. While this trend toward diminishing legal *obligations* was not new, a core demand of the TSM had been to reform the system in a way to close the growing loopholes. For since the late 1990s, World Bank lending has increasingly shifted away from the “traditional” investment project lending toward Development Policy Lending (DPL) and, to a much lower degree, toward “Program for Results” (P4R) lending. Neither instrument is covered by the safeguards.

The World Bank justified the exclusion of both by referring to the different financing mechanisms – a justification that has been rejected by movement representatives and even the World Bank Inspection Panel. As a successor to Structural Adjustment Programmes (SAPs), DPLs provide budget support to with the purpose to enhance an investment climate, improved service delivery or a diversification of the economy. Thus, DPLs are not aimed at project-based, physical investments, but at policy and institu-

Graph 9: World Bank lending (IBRD + IDA) covered by safeguards (1993 – 2013 )



Source: Data from Bank Information Center, 2016

tional reform. The potential social and environmental harm DPLs can have for affected communities has been established in a number of cases, ranging from the draft of a new mining law in Haiti (World Bank, 2015) to the guarantee of industrial logging concessions in the rainforest of the Democratic Republic of Congo (World Bank, 2007). P4R on the other hand is a results-oriented mechanism which works through borrowing countries' already existing institutions. Introduced in 2012, P4R links the ongoing disbursement of funds to the achievement of previously defined benchmarks, thus putting a prime emphasis on results. Today, DPL and P4R make up 40 – 50 % of World Bank financing. Compared to the early 1990s when the Safeguards were adopted to cover 100% of World Bank operations, the scope of Safeguards coverage today is at 50% (World Bank, Annual Report 2014<sup>26</sup>). The failure to update the standards to apply to all World Bank projects cemented the decrease in scope of human rights policy application (value = 0.5).

## 7.5.2 Precision

In terms of *precision*, the new Safeguards entail several clauses which reflect the stated aim of the World Bank and several borrowing states to introduce more flexibility into the system (see above). For instance, the new framework states that safeguards should be applied “where appropriate” and “in a manner or timeframe acceptable to the Bank.” Clear time frames specifying publication dates for risk analysis and response (e.g., resettlement plans for vulnerable communities) were abandoned. Instead, such risk assessment can follow project approval before it actually complies with all safeguards. Necessary risk assessments can be conducted as the project succeeds and then be published “as early as possible.” There is consensus among World Bank Management and the movement that these provisions decrease the precision of safeguards application in favor of enhanced flexibility. Yet, where specific regulations and deadlines are absent,

26 [siteresources.worldbank.org/EXTABOUTUS/Resources/29707-1280852909811/IBRD\\_Jun\\_16.pdf](https://siteresources.worldbank.org/EXTABOUTUS/Resources/29707-1280852909811/IBRD_Jun_16.pdf)

project affected populations cannot invoke them either. What seem to be minor linguistic changes therefore effectively impede the activity of those affected toward the World Bank in the future.

The decrease in precision has particularly damaging effects on the transparency of World Bank activity. Before the new policy framework was in place, any citizen had the unconditional right to receive full access to all relevant project information via the Inspection Panel (more precisely, the *Access to Information Appeals Board*). Specifically, whereas the old framework specified that social and environmental risk assessments were to be made public three months prior to project *approval*, the new policies only refer to a publication before project *appraisal* “as early as possible.” The lack of a specific (and binding) time frame potentially leads to considerably less time for project affected people and their representing civil society organizations to look into project details, thus lowering the transparency of the new policies. Moreover, under the new framework, documents and project information that emerge under the country system approach are no longer part of the World Bank’s “Access to Information Policy”. Thus, they must neither be shared with the World Bank, nor with the general public. According to legal experts, this does not only lower the transparency of World Bank engagement, but also threatens the human right to information as well as the World Bank’s ability to learn from failures (Riegner, 2018). With regard to *substantive policies*, vague terminology threatens to undermine their effective rights protection. Take the example of labour rights, where ESS2 does not offer a precise differentiation of those employers and employees that are protected by the standard in question. In contrast to the very specific ILO categorization into “first-tier” and “second-tier” workers (allowing for a differentiation according to the worker’s position in the chain of production), the World Bank distinguishes between “core functions” or a project and “primary suppliers,” without specifying either category (i.e., what exactly counts as a core function?). In addition, the new policies state that discrimination at the work place is not allowed, but also indicate that the relevant policy only applies in light of contradicting national law “to the extent possible”<sup>27</sup>. In sum, then, the failure to specify when standards apply as well as the use of vague terminology in the policies decreases the degree of precision of human rights and transparency provisions.

### 7.5.3 Delegation and Scope II

Finally, while the policy reform has primarily effects on the levels of obligation, precision and scope of the policies, the introduction of country systems also weakens the degree of *delegation*. To date, the inspection panel has been the most important vehicle for project-affected communities to ensure compliance with safeguards. In line with the Inspection Panel resolution, affected communities or NGOs on their behalf are allowed to submit complaints to the Inspection Panel. The Panel could then send a mission to investigate the claim and make recommendations directly to the Board of Directors,

27 ESF, ESS2, p. 54, para. 13: “Where national law is inconsistent with this paragraph, the project will seek to carry out project activities in a manner that is consistent with the requirements of this paragraph to the extent possible.”

which remained the case under the new framework. Because it was not able to make binding decisions (only recommendations), it used to have a value of 1 on the authority item (see above). However, its authority was weakened indirectly under the new framework: the lack of precise standards increases Management discretion and weakens the IP. Since the Inspection Panel – a court-like body – depends on specific benchmarks to detect violations of the law, the lack of precision among standards deprives the Inspection Panel of its most important power resource (value = 0.5). Yet in contrast to the conventional allocation of responsibilities for social and environmental protection, World Bank safeguards do not apply where the Bank invokes the country systems approach. As the inspection panel only has a mandate to oversee World Bank law, it does not have a mandate to oversee whether the borrowing country meets its obligations or not under the country system. Also, as human rights and transparency policies only apply to a fraction of the overall World Bank portfolio (see above), the scope of jurisdiction of the Inspection Panel is lowered considerably (value = 0.5). For an independent monitoring, civil society actors (e.g., NGOs, or other movement representatives) are bound to have faith in Bank Management which determines “equivalency” of protective provisions, and thus whether the country system can be invoked. But even where standards are fully equivalent on paper, this does not guarantee bona fide implementation. In cases where the Inspection Panel adopts a broad interpretation of the new policies, it could become active to check whether World Bank management did the “equivalency test” in an appropriate manner (Bugalski, 2016). However, given the decreasing standing and acceptance of the Inspection Panel in relation to World Bank Management, this is rather unlikely (Interview with ex IP member). Thus, it will be up for national courts to assess standard equivalency and compliance. In contexts where national courts are not well-equipped to investigate human rights compliance, or where the judiciary is not truly independent from the executive branch (that is, in a majority of borrowing countries), project-affected communities cannot rely any longer on an institutionalized and independent third party which takes up their complaints. What is more, the creation of a new and in fact parallel “Grievance Redress Service” (GRS), the Inspection Panel loses standing vis-à-vis project affected communities. While the latter are allowed to choose between the GRS and the Inspection Panel formally, World Bank Management is very open about their preference for the GRS. The main reason is that grievances under the GRS can be handled by Management directly, which gives Management control over the process and the ability to handle critique in a “cost-efficient” manner short of an external (i.e., independent) party (Interview at World Bank Operational Policy Department). The Inspection Panel rightly fears that in practice, Management might provide information to project-affected citizens to use the GRS instead of the Inspection Panel (Interview IP), thereby lowering citizen access to the Inspection Panel. Overall, the use of country systems and the introduction of the GRS decrease citizen access to the IP to a value of 1. Finally, there was an ongoing debate regarding the financial and human resources available to the Inspection Panel. Regarding the Inspection Panel’s budget, Inspection Panel expenditures had exceeded its budget for years, with a turning point in 2006 (before which expenditures did not meet the IP’s budget) (World Bank, 2007). Thus, while the overall budget volume has increased in absolute terms since the early 1990s, the Inspection Panel had too little resources relative to its tasks for more than



a decade. Acknowledging a shortage of funding, the Inspection Panel stated in 2009 that it had “requested and received supplementary contingency funding as needed” (World Bank, 2009, p. 19). Still, according to interviewees that had worked at the Inspection Panel, budget considerations remain an ongoing issue (Interview Washington D.C., former member of IP) (value = 1). In addition, the appointment of Panel members became a politicized matter throughout the years of the Safeguards reform process. This was mainly because Eimi Watanabe, the Inspection Panel’s Chair from 2009-2014, was seen as a very Management friendly Chair who sought to avoid conflicts by several movement representatives (Interview No.4, No.11 Washington, D.C.). After her term as a Chair ended in 2014, there were several rumors suggesting that World Bank leadership sought a “Management-friendly” and weak appointment (discussion at TSM strategy meeting in Frankfurt). At the same time, inside observers reported that World Bank Management marginalized Inspection Panel staff, which in turn suffered from a very bad standing inside the organization. In short, several observers reported that the World Bank sought to tame its own Panel through staffing and wider organizational politics (Interview former Chair of Inspection Panel; Interview World Bank OPs Staff). Hence, the value on this dimension of delegation decreased (value = 0.5). In short, the scope of Inspection Panel jurisdiction is lowered under the new policy framework. In sum, the aggregate value went down from 1.73 to 0.79, indicating a move from comprehensive to limited human rights accountability at the World Bank.

Table 6: Outcome of Case 2 – Summary

Dimension	Outcome Case 2 – Human Rights Accountability	
	Values for each item	Value of Dimension
Obligation	Human Rights only mentioned in Vision Statement. Individual policies contain escape clauses / may be substituted by “country systems approach” → 0.5	0.5
Precision	Several provisions contain unclear terminology (e.g., “to the extent possible”) and fail to specify circumstances of application (e.g., “where applicable”). Clear time-frames are substituted with an unspecified “adaptive risk management” → 0.5	0.5
Scope 1 (Policies)	Policies cover human rights to a reasonable degree → 1.5 Policies apply to roughly half of the portfolio only → 0.5	$1.5 + 0.5 = 2$ $2 / 2 = 1$
Delegation	Independent, but not sufficient budget → 1 Staff is Management-friendly and, while qualified, it does not possess an outstanding independent reputation → 0.5 Remains authorized to make nonbinding recommendations to the Board of Directors; yet reduced precision of provisions also reduces authority → 0.5	$1 + 0.5 + 0.5 = 2$ $2 / 3 = 0.66$
Scope 2 (Complaints)	Oversight body has jurisdiction over only half of World Bank activity and only if the “country system” is not applied → 1 Affected communities can file complaints. Yet, competition from Management-controlled Grievance Redress Service may undermine access → 1 Formal requirements are low → 2	$1 + 1 + 2 = 4$ $4 / 4 = 1$
<b>Aggregate Value</b>	3.99 / 5 = 0.79 <b>Limited Accountability</b>	

Source: own illustration.

## 8 Analysis

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The transnational social movement pursued very similar strategies (i.e., a sequence of disruptive and conventional tactics) in both cases under investigation. Yet, it was only successful in the first case. While the first led to the establishment a comprehensive human rights accountability framework at the World Bank, the causal mechanism broke down in the second case, which led to a decrease in accountability. What accounts for this difference? In the following, I outline the parallels and differences between both cases. In doing so, I follow the parts of the theorized mechanism, involving a discussion of movement activities and their scope conditions. I start by discussing the substantial degree of similarities between both cases (8.1). This section reveals, that the TSM, drawing on the networks memory, sought to copy the strategy combining conventional and disruptive tactics from the early 1990s even 20 years later. Moreover, it shows that several scope conditions were more favorable to TSM engagement in the second case compared to the first. Still, the mechanism broke down in the second case. In section 8.2, I turn to the first part of the explanation for this breakdown – the World Bank bureaucracy’s counter mobilization as cooptation, which took the seemingly paradoxical form of broad consultations and movement involvement. Section 8.3 then deals with the second part of this explanation: counter mobilization on behalf of World Bank member states, specifically emerging donors and borrowing states – a group headed by an increasingly self-confident leader: China. This counter mobilization took the form of counter multilateralism and operated through indirect means of influence. Yet, there is also a flip side to the effectiveness of counter mobilization by emerging donors and borrowing states – the lack of decisive support for TSM demands among liberal democratic states (section 8.4). Together, the altered *kind* and *quality* of World Bank bureaucracy and member state counter mobilization as well as the lack of mobilization among liberal democratic states posed insurmountable obstacles to movement aspirations and led to the breakdown of the causal mechanism.

## 8.1 Similar Movement Activities and Scope Conditions

To begin with, I selected both cases on the basis that the cause – strong and concerted transnational social movement activity toward the World Bank – was present. Moreover, the TSM kicked-off with a range of disruptive tactics aimed at scandalizing World Bank practices, thus questioning its integrity in the eyes of decision-makers among important member states. Ultimately, the aim of such disruptive tactics was to produce crisis at the World Bank – a necessary scope condition for conventional tactics and persuasion. The scope conditions for such disruptive tactics were present in both cases. On balance, they were even more beneficial in the second case, causing serious doubt on the generalizability of my causal mechanism as theorized in Chapter 3.

In 1988 – 1994 as well as in 2011 – 2016, the movement commanded similar *organizational resources*. Even though the network did not include a strong cooperation with an NGO/activists based in a borrowing country (as it used to be the case in the early 1990s), the sheer number of movement organizations had increased, allowing for potentially powerful synergies among them. For instance, joint TSM letters were put together, supported and circulated by 360 signatory organizations on several occasions from 2011 – 2016. Moreover, there has been an impressive amount of expert statements and submissions by individual movement constituencies, fully covering the thematic portfolio of the safeguards reform process. Similarly, the degree of movement and NGO professionalization increased between both cases, leading to an increasing reliance on paid, full-time experts who build their careers in NGOs rather than voluntary membership (Skocpol, 2013). At the same time, Tallberg et al. (2013) observe a trend toward an increasing opening-up of international organizations (including MDBs) toward the input of NGOs. By 2012, the beginning of the policy reform process, the extensive consultation with civil society actors was established as a *sine qua non* of MDB decision-making (Dingwerth and Weise, 2012).

Next, if the *issue* is highly salient (e.g., because it involves bodily harm of innocent individuals), the movement is in a good position to scandalize MDB behavior. In both cases, the movements sought and were able to scandalize World Bank projects that caused harm to innocent individuals. In the first case, a single project – the Narmada Dam project – triggered joint TSM action. In the second case, there was no such “natural” hook as the World Bank drove the Safeguards reform process. Yet, the TSM could draw on several occasions where human rights violations took place within the context of World Bank funded projects. As in the first case, the issue at stake was physical (as well as spiritual) harm caused to innocent, and in fact quite vulnerable, individuals (e.g., consider the torturing of adolescents in Vietnamese drug detention centers). Also, the movement demanded greater human rights accountability as a response to human rights violations in both cases. By holding issue characteristics constant, I exclude the possibility that such characteristics account for differing outcomes: since the World Bank’s development mandate remained unchanged between 1994 and 2016, it was equally vulnerable to accusations centering on its failure to protect human rights.

The degree of *support from the IOs environment* clearly differed among both cases, as the World Bank environment had changed considerably. In the early 1990s, no other international organization existed which foresaw a mechanism of human rights ac-

countability that would even closely resemble what the World Bank was about to adopt. By 2016, organizations within the UN family and a group of 16 financial institutions had adopted different versions of the inspection panel, thus providing significant leverage for TSM demands. The following table depicts all 11 (multilateral and bilateral) development banks working with the public and private sector that had institutionalized and active<sup>1</sup> accountability mechanisms in place by 2014 – the midst of the Safeguards Review process:

*Table 7: Development Banks and their Accountability Mechanisms*

Development Bank	Accountability Mechanism
AfDB	Independent Review Mechanism (IRM)
ADB	Accountability Mechanism (AM)
EBRD	Project Complaint Mechanism
EIB	Complaints Mechanism
IADB	Independent Consultation and Investigation Mechanism
IFC / MIGA	Compliance Advisor Ombudsman
World Bank	Inspection Panel
Dutch & German Development Bank	Independent Complaints Mechanism (joint mechanism)
Canadian Extractive Sector	Corporate Social Responsibility Counsellor
US Overseas Priv. Investment Corporation	Office of Accountability
Japan Bank for Int. Cooperation	Examiners for the Guidelines

Source: Accountability Counsel, 2014

Looking at the wider organizational environment, a wide range of prominent international organizations (e.g., NATO, the EU or the UN Peacekeeping Office) established human rights accountability mechanisms by 2014 (Heupel & Zürn, 2018). In addition to this normative force exercised by institutionalized accountability mechanisms in the World Bank organizational environment, the clear stance of the UN Human Rights Council (UNHRC) throughout the second case, particularly the strong criticism voiced by the Special Rapporteur on extreme poverty and human rights (Philipp Alston), were unmatched in the early 1990s. To pronounce the difference on this dimension of support

<sup>1</sup> Some Accountability Mechanisms (e.g., the Ombudsperson of the Brazilian Development Bank) exist but do not publish any information on their work.

from the organizational environment further, there were important international conferences affecting the strength of movement demands and pressure on the World Bank in both cases (the Rio Earth Summit in 1992 and the conclusion of SDGs (New York) / COP 21 (Paris) toward the end of 2015). Due to the omnipresence of human rights accountability norms in the World Bank's environment, and due to the fact that the World Bank had been socialized into the norm already in the early 1990s, scholars were of the view that the World Bank had adopted an identity as a human rights abiding organization prior to the safeguards reform (Park, 2010). In sum, the TSM conveyed considerable organizational resources and support from the World Bank's organizational environment when pushing for an issue that involved some sovereignty costs for MS, but also scored high on salience. Moreover, counter mobilization was not pronounced enough to endanger TSM socialization efforts in either case.

Against the background of these scope conditions, the TSM was effective in deploying disruptive tactics, caused irritation among member states, public awareness of its campaign and rupture of the everyday World Bank routine. In Case 1, it was one big World Bank failure to meet human rights standards in the Narmada project. Due to ongoing and repeating human rights violations, World Bank member states and their publics progressively lost trust in the institution to correct its own wrongdoings. In Case 2, the movement drew on several "specific, unexpected, and non-routine events or series of events that [create] high levels of uncertainty and threat or perceived threat to an organization's high priority goals" (Seeger et al., 1998, p. 231). In short, the TSM produced *crisis* at the World Bank in both cases, thereby creating a scope condition of effective persuasion in Part 2 of the causal mechanism. Having said that, the magnitude of the crisis was bigger in the first case, as the World Bank's counter mobilization also helped to mitigate disruption (see 8.2 on World Bank counter mobilization below for an elaboration). Next to crisis, further scope conditions are, according to the theorized causal mechanism, needed to persuade key decision-makers among powerful member states (i.e., so they fully adopt the movement's frame). Once more, there were only minor difference between both cases regarding access and the degree of moral/epistemic authority.

These crises were also crucial to secure *access* to key decision-makers in important member states in both cases. These key decision-makers were highly concentrated in Case 1, as the United States was in a position to enforce World Bank socialization on its own. Still, the movement sought to get European member states on board as well to enhance the legitimacy of the demanded reforms. In Case 2, the United States was still the largest shareholder by far. Thus, key decision-makers were still concentrated, but additional support from European member states was relatively more crucial compared to Case 1 (as U.S. hegemony was not as pronounced). In relation to the United States, movements benefitted immensely from the U.S. political system in which Congress has budgetary powers. Due to the clear division of labour into congressional subcommittees, each one with their specific tasks and chairs, the TSM had it very clear which individuals mattered most. On the one hand, the movement benefitted greatly from previous achievements to improve its access to U.S. decision-makers in Case 2. First, it already maintained good contacts to Congresswoman Nancy Pelosi since her involvement in the late 1980s (the "Pelosi Amendment" from 1989). What is more, Pelosi had made a great

career in the meantime and now was Speaker of the U.S. House of Representatives. In addition, the “Tuesday Group,” which was established in the midst of Case 1 to facilitate exchange between Washington, D.C.-based NGOs and U.S. Treasury had become an established and well-functioning institution. Finally, World Bank organized consultations allowed TSM representatives throughout the world to get in touch with their respective national executives to discuss human rights accountability – a possibility that cannot be taken for granted in several member states. On the other hand, there were some drawbacks in access to the U.S. ED in Case 2 up to summer 2015. Until then, there was no continuity in relations between the U.S. Executive Director at the World Bank and Congress. The primary reason for this was that the U.S. ED changed 3 times up until 2015 and was even left vacant for more than 2 years (thus requiring the U.S. ED’s office’s “alternate” ED Margalit Aviel act as an interim director). Back in 2010, at the mid-term elections of Obama’s first presidency (2008–2012), the Republican Party won a majority in the House of Representatives, but the Senate remained Democratic. Prior to the mid-term election of Obama’s second presidency (2011–2016), Ian Solomon (a former consultant to then Senator Barack Obama) was the U.S. ED from 2010–2013. In 2014, Obama proposed Matthew T. McGuire as the new U.S. ED at the World Bank. At the 2014 mid-term elections, the Democratic Party lost its majority in the Senate (winning only 46 seats out of 100). Even though Republicans were not interested in World Bank related issues and left the agenda on MDBs to committed Democrats in the Financial Service Committee (Interview NGO representatives in D.C.), the Republican party attempted to obstruct the Obama administration wherever possible, including the selection of a new U.S. ED at the World Bank (which needed Senate approval). Thus, the 113th Republican controlled Congress’ Senate Committee on Foreign Relations never confirmed the nomination. Neither did it disconfirm the nomination; it simply delayed the hearing throughout 2014. In January 2015, after the position at the Bank had been vacant for one and a half years, Obama re-submitted Mc Guire’s nomination. It was only on June, 15 2015 that the Senate Committee on Foreign Relations approved Obama’s nomination and Mc Guire assumed office. As a result of this Republican obstruction, access to the U.S. ED was interrupted and with it the TSM – Congress – U.S. ED – World Bank Board of Directors channel was not fully activated. On balance, then, access was different, but similarly good in both cases.

Compared to Case 1, I also find enhanced accumulation of *moral and epistemic authority* among constituents of the transnational social movement in Case 2. By 2011, NGOs had become established partners not only of states, but also of international organizations (Tallberg et al., 2013). There were certainly a range of legal epistemic and moral (e.g., CIEL, Oxfam, Sierra Club) authorities among TSM ranks in Case 1. Importantly, the TSM then also comprised moral authorities from the Global South (notably the NBA). However, the moral/epistemic authority seems more pronounced in Case 2 overall. The presence of several established organizations commanding substantial epistemic and moral authority (e.g., The German Institute for Human Rights, HRW, Amnesty International, Oxfam) covering a vast range of policy areas (e.g., HRW as legal authorities on human rights; Transparency International (TI) as authorities on transparency) leads to this assessment. Countering this impression, some movement representatives hinted at the fact that the range of issues each NGO in the movement works on has increased



as well, and that only few people actually worked full time on the World Bank safeguards reform (Interviews with TSM).<sup>2</sup> In conclusion, I believe it is safe to conclude that the movement certainly did not command *less* moral/epistemic authority in Case 2.

Finally, the degree of *power asymmetries* in terms of *formal* voting power remained relatively stable among both cases. Here, the United States continued holding the largest shares. Together with European countries (Germany, France and UK) plus Japan, liberal-democratic (“Western”) states jointly were in a position to coerce the World Bank into adopting certain reforms if they wanted to. Yet *informally (and indirectly)*, the configuration of power asymmetries had changed. I elaborate on this change in power asymmetries - a change that my operationalization did not capture since it took place outside direct financial contributions - in section 8.3. Already at this point, however, I am able to draw two conclusions with regard to the scope conditions I theorized: first, they all had their role to play in both cases. Mind that it would have been possible, that one scope condition (e.g. the support from the IO environment) did not play a role at all, as it simply did not occur, or as it did not have any impact on the causal process. This was not the case. Instead, I observed that all theorized scope conditions were present, and that all of them also played a causally significant role at different stages of the process. Surely, this finding does not imply that any theorized scope condition is *necessary* to achieve the desired movement outcome. Yet, it also cautions future researchers to ignore them altogether. Moreover, the fact that my causal mechanism broke down despite favorable scope conditions in the second case clearly indicates that the model is not complete. Most strikingly, it did not account for the nuances in counter-mobilization against TSM demands – a topic that I will deal with more in depth in the next two sections and my conclusion (see Theoretical Implications).

## 8.2 Counter Mobilization by the World Bank Bureaucracy

Counter mobilization by the World Bank bureaucracy played a critical role in the breakdown of the causal mechanism in the second case. A comparison along the three dimensions of MDB counter mobilization – avoidance, defiance, and manipulation – among both cases shows how the World Bank developed a comprehensive repertoire of reaction to TSM demands over time. In addition and unexpectedly from the outset, my second case study also reveals how management intentionality interacted with more structural developments that influenced World Bank – TSM relationships, but took place beyond the World Bank secretariats control (let alone its intentionality).

First, *avoidance* of TSM demands was only practiced in the first case, where the World Bank sought to ignore the pressure up to the point where it was no longer viable (since member states confronted World Bank management with its inaction). Avoidance proved to come at very high costs for the World Bank secretariat: once it had to admit its failures publicly, a lot of reputational damage had been done and a lot of trust by member states on the Board of Directors had been lost, so that crisis (an important

2 In particular, there were complaints that “climate change” related advocacy dragged an increasing amount of resources within the TSM network.

scope condition to transition from part 1 to part 2 of the mechanism) already lurked around the corner. In contrast, the World Bank actively drove the reform agenda in case 2, thus avoiding avoidance as a tactic of counter mobilization.

*Defiance* in form of open rejections of TSM demands took place in both cases, even though it was more pronounced in the former one. For instance, the World Bank bureaucracy denied several times that its Narmada Dam project led to irreparable damage to the environment and that it violated the social and cultural rights of surrounding communities, especially the 200,000 people that were displaced. Above all, the World Bank's India country office used this form of counter mobilization. In the second case, the World Bank bureaucracy only engaged in defiance as open rejection when it denied the abuse and evictions of the Anuak in Ethiopia in 2012. Given that TSM disruptive tactics augmented each time after the World Bank bureaucracy engaged in open denial, my case studies indicate that this form of counter mobilization was not very effective. Noteworthy in this context is the fact that the World Bank bureaucracy used this tactic to a lesser extent during case 2.

More subtle forms of defiance, however, were more pronounced during the second case. Most notably and in sharp contrast to the first case, it was World Bank management that took the initiative for reform during the second case. From the beginning of that reform process, the World Bank bureaucracy announced broad consultations with governments and the TSM community around the world. While the consultation period was initially scheduled to take a couple of months, it was prolonged several times by the World Bank and eventually took more than four years. Apparently, the World Bank did not fear an extension of consultations. During the four years of the review, the World Bank Safeguards Team consulted with roughly 8,000 representatives of interest groups from 63 member states, most of them TSMs (personal communication with head of World Bank Safeguards Team, Washington D.C., March 2017). The World Bank also organized a series of specialized workshops on general topics, as well as a series of implementation workshops with technical experts to consider case study scenarios for safeguards application. Next to these physical meetings, the World Bank Safeguards Team also held several online consultations, maintained a consultation web page where TSMs could upload feedback and answered questions in online chats. Despite this massive TSM involvement, the final reform showed some, but very limited TSM influence (see chapter 7) – a clear indication of cooptation 1 (see chapter 3.3).

Subtle defiance that led to movement fractions, privileging moderate over radical movement constituencies (cooptation 2) was at work in both cases, but again more pronounced during the second case. In case 1, the World Bank's good relationships to Oxfam International, the invitation of John Clark (Oxfam's director) for informal background discussions and the partial consideration of Oxfam's input into World Bank reports provided Oxfam with a special status position among TSM constituencies. This integration of Oxfam while disregarding other movement constituencies created tensions within the movement and culminated in an open confrontation in the early 1990s. Still, the Tuesday Group served as a conflict resolution institution and enabled the TSM to find a common approach (see chapter 6). In the second case, the World Bank bureaucracy provided a certain infrastructure of engagement and thus incentivized conventional over disruptive forms of TSM engagement. Specifically, written submissions,

consultations as well as online chats, audio and video conferences are formats which make disruption extremely difficult. One movement representative put it this way: “what is disruption when participating in an online chat where [World Bank] management picks the questions?” (Personal conversation with movement representative, Washington D.C., March 2017). The split within the movement then was between those who believed in the value of ongoing consultation, and those that preferred a more disruptive approach until the very end (own participant observation at Tuesday Group meeting). Accordingly, coordinating the tactical approach was very challenging. For instance, the World Bank introduced labor rights into their safeguards framework for the first time and movement constituencies working on labor rights (especially Unions and Labour Rights NGOs) viewed these changes as major progress. They favored conventional tactics from the beginning. Movement representatives working on resettlement and indigenous people’s rights on the other hand saw how the standards they had fought for over the last three decades were eroding. Hence, these latter groups opted for disruptive tactics from the beginning. Even though the Tuesday Group and especially the Bank Information Center managed some degree of TSM coordination, these frictions remained.

Next to structuring the *form* of critique, the proactive engagement to organize the consultations also allowed the World Bank Management to *set the agenda in terms of substance* and to define the boundaries of TSM critique. Setting the agenda for consultations allowed framing “problems” that needed to be “solved” by the participants. If effect, this meant privileging moderate over more radical frames. To provide an example, the World Bank early on focused the discussions around the concepts of “ownership,” “flexibility” and “borrower orientation” (see World Bank, 2012). Competing framings and concepts provided by the TSM (e.g., “human rights,” “best practices” and “reform of the incentive structure” receded to the back. In terms of thematic scope, the World Bank secretariat’s plan was to review the whole framework at once, instead of reviewing one safeguard policy at a time. Given this vast agenda (there were 52 issues on the list for consultation), the TSM needed to craft different frames on different policy issues. While the TSM largely agreed on human rights as a master frame connecting all issues, this master frame was bound to remain abstract. As different actors inside the movement worked on different human rights (e.g., the ITU on Labour Rights, the ULU Foundation on indigenous people’s rights etc.), there was a plurality of more specific TSM frames. Without the possibility to connect “human rights” to a single, concrete experience drawn from everyday life, the TSM was unable to establish the same degree of experiential commensurability to its demands as in case one (see Theory chapter 3.5 for an elaboration).

Finally, by inviting submissions from a vast range of actors which it then collected on a central website, the World Bank contributed to adding a great deal of complexity due to the sheer amount of consultations and submissions, roughly 2.500 pages of feedback in total (World Bank, 2015)). For several NGOs from the global south, the technical language used during consultations and online chats as well as tracking the vast amount of already existing comments and feedback meant an excessive demand. They simply lost track of the process (own participant observations at TSM strategy meeting and of MDB-TSM interactions at the 2016 Annual Spring Meeting). Consequently,

participation barriers on the one hand and differential capacities among NGOs on the other contributed to the North-South divide of the movement.

How did the TSM react? In the second case and as a partial consequence of the differential defiance by the World Bank bureaucracy, TSM engagement was characterized by high degrees of ambivalence. While the movement sought to copy the strategy of the early 1990s – using disruptive tactics to produce a crisis after which decision-makers in member states should be convinced through conventional tactics – they did not follow that approach with the same resoluteness. The World Bank secretariat's intention to adopt standards below the threshold of full human rights accountability as demanded by the TSM as well as its intention to increase more discretion and flexibility into its accountability framework became evident early on. Already in its first draft of a new Safeguards policy framework, the World Bank proposed to lower standards considerably with regard to escape clauses and indigenous peoples standards. While the TSM was outraged about this first draft, it still chose to participate in the consultation process. What is more, it used formal access opportunities rather extensively, participated in the various consultations and submitted more than 40 joint position papers (involving between 10 – 360 signatories) - in addition to several contributions from individual NGOs. Already in 2014, TSMs were deeply discontent with the lack of responsiveness to their demands despite their extensive input. According to several interviewees, the World Bank Safeguards Team kept encouraging TSM input, without making clear how this would be integrated into the final product, and if at all (Interviews with several NGO members). The TSM thereby implicitly provided legitimacy to the consultations early on. When some movement representatives realized they would not gain much out of the consultation process by the end of 2014, all stakeholders involved had already invested two years of work into the process, making a fundamental challenge to the agenda very difficult. Notwithstanding their continuing dissatisfaction, the TSM community kept participating in subsequent consultation rounds and continued submitting joint letters until the end of the review process even though they reflected upon this strategy and questioned its effectiveness throughout. However, while several TSM key actors were dissatisfied with the course of events, they found themselves “trapped within the hope that consultations eventually might yield the desired outcomes” and without a good Plan B<sup>3</sup>.

*Manipulation*, then, the third dimension of MDB bureaucracy counter mobilization, played a less important role in both cases. Alignment with external allies supporting its goals is notoriously hard to detect, as the World Bank bureaucracy typically refrains from taking a political stance (personal conversation with member of World Bank Safeguards Team, June 2015)<sup>4</sup>. Perhaps more importantly, the World Bank did shape the normative environment that encouraged formal civil society consultation throughout

3 In retrospect, leading members of the TSM community evaluated the final outcome of the safeguards review process as a “lost battle” and question whether their approach to engage extensively with the World Bank directly (instead of devoting more resources to the state channel) was the right one (joint discussion with TSM representatives, Washington D.C., March 2017).

4 Some TSM representatives reported that World Bank management gave China special weight during the negotiations, despite China's relatively moderate shares. Others suggested the negotiation team excessively considered the position of extreme outliers (e.g. Uganda's opposition to LGBTQ

the last decades. As a norm entrepreneur among MDBs to open up for civil society, the World Bank bureaucracy contributed to the more general normative expectation that a reform of its human rights accountability needed to incorporate broad consultations with non-state actors. In effect, the opening up might ironically have provided additional discretion for the World Bank. I am not suggesting here that the opening up of the World Bank (and IOs more generally) is primarily motivated to coopt movement critique. Studies on the opening up of IOs have convincingly shown that a combination of functionalist (e.g., resource dependency) and normative (e.g., the norm for enhanced inclusiveness) considerations provide good reasons for IOs to open up towards non-state actors (Liese, 2009; Tallberg et al., 2013). I do argue, however, that this normatively grounded and highly formalized opening up of MDBs provides them with unprecedented means to handle and mitigate critique. The overall benefit of opening up in relation to its cost should therefore be the topic of further research (see “Theoretical Implications” section below).

The preceding paragraphs provided an analysis of counter mobilization. Yet of course, the World Bank bureaucracy could also have sided with movement critique instead of counter mobilizing or coopting it. Would that not have been in line with its identity as a development organization that was socialized into rather comprehensive accountability early on? In addition, would that not have corresponded with the identity of leading management and staff members, part of the same bureaucracy that generated norm-entrepreneurs from within the organization (Chwieroth, 2008; Vetterlein, 2015). While a comprehensive study of how certain positions came to prevail *inside* the World Bank bureaucracy in this particular case would go beyond the scope of this work, I limit myself here to suggest two important factors that I encountered in the course of my research – factors that may help explaining why norm entrepreneurs from within the World Bank bureaucracy did not support TSM demands more decisively. *First*, in virtue of its nature as a bank, MDBs essentially seek to lend money, i.e., to “get money out the door.” The institutional design and staff incentives are set accordingly. A classic and particularly clear account of this culture of lending is the Wapenhans Report from 1992 (see Chapter 6). From the perspective of World Bank management, ambitious human rights policies, transparency and independent sanctioning mechanisms threaten to slow down loan disbursement. According to the 2010 evaluation of the World Bank’s own Independent Evaluation Group (IEG), several structural challenges identified in the Wapenhans Report in 1992 remain unresolved even today (World Bank, 2010). While this spending pressure is thus as old as MDBs themselves, a *second* factor became increasingly relevant from 2011 – 2016: competition. In the bigger picture of development financing, this competition took several forms, partly stemming from the increasing importance of private capital, partly the emergence of strong bilateral donors. In the niche of multilateral development financing, the World Bank began to face competition for the first time in its history from the AIIB – a new MDB financing large infrastructure projects (for an enhanced discussion of the AIIB, see section 8.3 below) (Kurrey, 2014). The connections between lending pressures and competition

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rights) in order to present its final version as a “good compromise”. However, lack any reliable data to triangulate (let alone confirm) these statements.

enhanced the organization's stress level by the beginning of the policy reform process and became evident in several ways. Notably, a comprehensive reorganization and restructuring process kicked off when Kim assumed office in 2012. In the course of several years, Kim replaced the "sector structure" with 14 "global practices" covering broad themes (e.g., agriculture, environment, governance) as well as 7 "cross cutting solution areas" (e.g., gender, jobs, public private partnerships, or fragility, conflict, and violence). This reorganization went along with the departure of several senior managers as well as a growing reliance on free-lance consultants (rather than staff) (Harding, 2014). Moreover, the very impulse to reform its safeguards policies was partly a response to these organizational pressures and represented an attempt to enhance World Bank competitiveness by streamlining standards and delegating responsibilities from the very beginning (Interview World Bank Staff). Thus, against the background of growing competition for development financing, and a parallel and corresponding effort to become more competitive by saving costs and restructuring the organization, comprehensive human rights accountability was simply perceived as a "luxury good" that the World Bank could no longer afford. Instead of enhancing human rights accountability which almost certainly would have made fast disbursement more difficult, it chose to lower its standards, decrease transparency and delegation to remain an important player (several interviewees from different angles, including World Bank staff and movement representatives, concurred with this narrative, albeit with different emphasis).

### 8.3 Contested Multilateralism and the rise of China in Development Cooperation

The previous section dealt with efforts by the World Bank to counter movement demands for human rights accountability. This section now deals with counter mobilization on the level of member states. During the first case, there was only very isolated and sporadic counter mobilization by borrowing states (notably from India) who did not want ambitious human rights standards and an independent, quasi-judicial body circumventing their jurisdiction (Rich, 1994). In contrast, member state counter mobilization was substantial throughout the second case. At the center of this counter mobilization was the Chinese-led coalition of (mainly borrowing) states that sought limited accountability. Because China is by far the largest potentate of the states advocating for limited provisions, this section focusses on China. The tactics China and its coalition of borrowing states adopted involved all aspects of MS counter mobilization toward movement demands, ranging from the expression of dissent during Board meetings, over public statements, to counter mobilization during MDB-TSM consultation rounds and the (threat of) opting out of existing institutional arrangements (e.g., by creating new, competitive institutions). Among these, the latter and most drastic version of counter mobilization stood out: China's creation of the Asia Infrastructure and Investment Bank (AIIB).

In "Contested Multilateralism," Morse and Keohane describe what may happen if (coalitions of) states are dissatisfied with the existing global institutional order. Ac-



According to the authors, contested multilateralism consists in the use of “multilateral institutions, existing or newly created, to challenge the rules, practices, or missions of existing multilateral institutions” (Morse & Keohane, 2014, p. 385). The two principal forms of contested multilateralism are “regime shifting” and “competitive regime creation.” While Morse and Keohane use the term “institutions” in a broad sense to cover phenomena such as international treaties or informal networks involving nonstate actors, the creation of an alternative international organization is perhaps the clearest expression of the phenomenon. The concept of contested multilateralism provides an important frame to understand China’s motivation to create an alternative to the World Bank as a means to challenge existing practices of multilateral development financing. At the beginning of the path to contested multilateralism is the dissatisfaction of a coalition of states with existing institutions and a parallel inability to change the existing institution’s status quo through internal means (e.g., policy reform).

China became the third largest shareholder of the World Bank’s IBRD in 2010. Along with this came a reform of voting rights in 2010 granting developing countries more power relatively to established donors (World Bank, 2010). This increase in voting rights at the IBRD came with enhanced weight during negotiations among Executive Directors at the Board – an influence that China used to the extent possible (Interview German ED office, June 2015). Still, the configuration of power asymmetries at the World Bank remained intact, as China was unable to seriously challenge U.S. hegemony at the Board of Directors. While China had surpassed Germany, Britain and France in 2010 in terms of capital and voting shares (Wroughton, 2010), it was clear that it would not be able to meet the lead by the United States outweighing China’s shares by a factor of three. Moreover, its President would remain a U.S. citizen and its headquarters would remain in Washington, D.C.. In a next step toward contested multilateralism, the key question is whether the coalition of dissatisfied states has the ability to pursue outside options, either by switching to an already established organization or by creating a new one. This ability crucially hinges on the resources and leverage of dissatisfied states. As Morse and Keohane put it, “State power is a major determinant of whether coalitions have outside options” (Morse & Keohane, 2014, p. 390). Given that dissatisfied actors have a credible outside option, this should typically induce the challenged institution to adapt, since the creation of an alternative organization comes with major costs in terms of its reach and authority. However, Morse and Keohane also point to the fact that adaption may fail – either because the outside option was not credible, or because institutional constraints (e.g., veto players) prohibit adaptation (Morse & Keohane, 2014, pp. 300–301). Without being able to confirm this version in the scope of this work, it seems plausible that this is what happened. By way of illustration, consider the practice of appointing a U.S. citizen as World Bank President. Since the 1980s, the World Bank’s practice of putting U.S. citizenship ahead of alternative considerations (e.g., merit) in selecting its President was a major source of dissatisfaction for several World Bank member states and observers. Already in 1981, the eminent Indian economist S.L.N. Simha wrote that “there is no justification at all for continuing the convention of having a U.S. citizen as the Bank’s president. Let this job go to suitable persons in other countries” (Simha, 1981, p. 1144). In 2008, before the election of Jim Kim, the debate gained momentum as several developing countries expressed their dis-



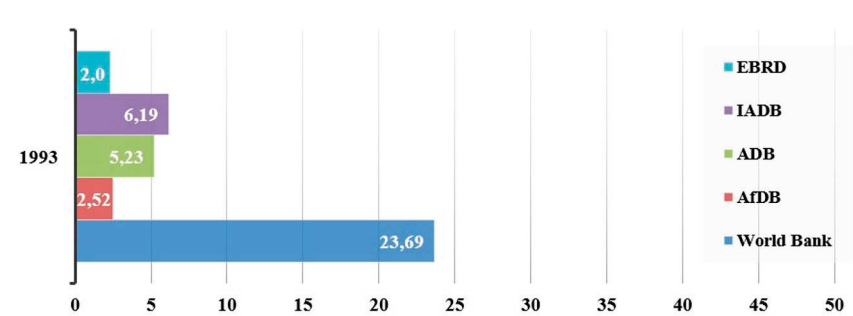
content. According to Raghuram Rajan, former governor of India's central bank, it was due time the World Bank made a "free and transparent selection" if it wished to "truly be seen as an honest broker" (Rajan, 2008, p. 114). Yet, Kim—another U.S. citizen—got appointed by Obama in 2010. While China had a credible outside option by 2010, the World Bank was afraid of losing U.S. Congress support if it releases its grip on the presidency (Moss, 2012). Moreover, the World Bank's Articles of Agreement specify a veto right on any Board of Directors decision when holding 15% of the shares (or more). The United States alone thus retains a veto right in the hypothetical case that China and/or a coalition of dissatisfied states wanted to change the practice of choosing U.S. citizens as World Bank Presidents (or any other governance reform for that matter). While the selection process and criteria of the World Bank President are only one reason of frustration, I argue that it is representative of the lack of adaptation of the World Bank to new demands from emerging donors. In addition, the IMF—the second Washington-based IFI—similarly frustrated Chinese aspirations. In 2008, when the financial crisis kicked off and the United States was struggling on all economic fronts while China remained a stabilizing force for the world economy, U.S. Congress blocked an Obama-backed IMF proposal to make China the third biggest contributor to the fund after the United States and Japan (NYT, 2015). Yet U.S. Congress used its veto right at both, the World Bank and IMF, to block their adaptation to Chinese power aspirations. By 2010, both these organizations essentially continued to within a governance structure and habits defined six decades ago at Bretton Woods.

As a consequence of these events, China sought to opt out. While the more widespread form of contested multilateralism is *regime shifting*, the more demanding path involves *competitive regime creation*. In contrast to the former, the latter ensures that the new organization (i.e., the AIIB) has a favorable policy orientation by allowing for a greater amount of formal and informal control by the (coalition of) state(s) challenging the status quo (Morse & Keohane, 2014, p. 398). In fact, while the mandate of the AIIB is closely aligned with that of the World Bank, China directly controls the presidency, membership and voting structure of the AIIB. When Chinese President Xi Jinping announced the creation of the AIIB in March 2015, he made clear that China intended to change the order of global economic governance. Jinping stated that "we must see the whole picture, follow the trends of our times and build a new regional order that is more favorable to Asia and the world" (Jinping, 2015). While the AIIB sought to become an international development bank from the outset, nonregional shares are limited to 25%. Holding roughly 30%, China is the biggest shareholder by far and well positioned to veto any decision at the Board of Directors. Also, China attempts to use the AIIB as a vehicle to export China's overproduction in the industrial sector (Horta et al., 2016). It was clear from the outset that the AIIB would pursue an "alternative approach" to development by offering loans without "political interference" in the context of borrowing countries.

The AIIB exercised direct pressure on the World Bank by promising enhanced competition on the market of multilateral development financing. While the implications of this development go far beyond the area of human rights accountability, Chinese counter multilateralism had direct ramifications for the persuasiveness of movement demands. Specifically, TSM representatives experienced more difficulties arguing with

decision-makers among donor and borrowing states in light of a newly evolving MDB that promised to be borrower-friendly (i.e., follow national governments in their understanding of accountability) (Interview World Bank staff, June 2015). In February of 2016, the AIIB adopted its safeguards policies – half a year before the World Bank decided settled on a reform package of its own standards. According to several observers<sup>5</sup>, this meant a turning point in the process of World Bank policy reform as well. Of course, the World Bank could have noticed the AIIB policies, stay relaxed and adopt a more ambitious set of standards reflecting established best practice among MDBs (if not beyond). Yet, several interviews with World Bank staff indicated that it cared deeply about what the AIIB was doing<sup>6</sup>. Not only because the AIIB was just another development bank, but because it openly and credibly challenged the World Bank. To be sure, the World Bank had lost shares compared the other MDB's already before the AIIB's creation. In 1993, at the time of the creation of the Inspection Panel, the World Bank committed US\$ 23,69 billion yearly, which accounted for 60% (rounded) of all major MDBs.

Graph 10: Commitments by Development Banks 1993 (in US\$ billion)



Source: own compilation based on the respective Annual Reports from 2016

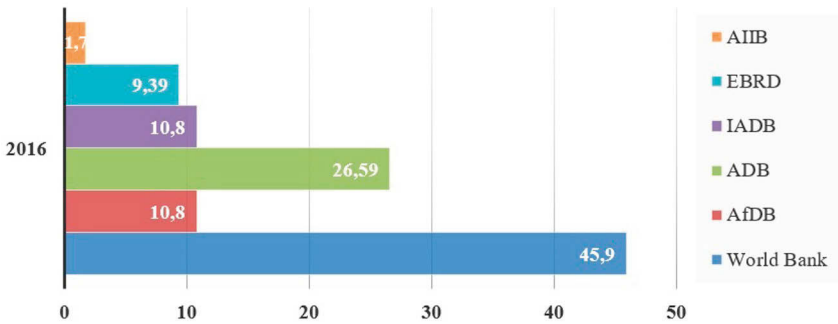
In 2016, the World Bank almost doubled its yearly commitment to US\$ 45,9 billion. Yet its share went down to 46% (rounded). The ADB held the second biggest share, with US\$ 26,59 billion. In its first year, the AIIB barely possessed any weight. However, approved commitments in 2016 do not reflect the full potential of the AIIB. During its first year, the AIIB planned to engage mainly in co-financing projects with other MDBs. President Jin Liqun announced that later, when the AIIB obtained its Triple-A rating and becomes fully operative, it attempts to finance large infrastructure projects primarily in the energy and transport sectors in South and Central Asia, the Caucasus and neighboring countries of the European Union (Horta et al., 2016).

Thus, the World Bank faced increasing competition from other MDBs that had increased their financial commitment over the last three decades. Thus, while the World

5 Background conversation with World Bank Staff and independent experts at World Bank office Berlin

6 Interviews with World Bank Staff

Graph 11: Commitments by Development Banks 2016 (in US\$ billion)



Source: own compilation based on the respective Annual Reports from 2016

Bank's financial base increased in absolute terms, it declined relative to MDB resources globally. While the overall amount of AIIB capital was still relatively small in 2016, World Bank staff perceived the AIIB as the greatest challenge to World Bank hegemony.<sup>7</sup> Therefore, the AIIB's creation – and the increasing super power competition between the United States and China it symbolized – arguably was the pink elephant in the room during World Bank policy reform negotiations.

In the preceding, I argued that the AIIB's adoption of safeguard policies was an effective means of counter mobilization against movement demands for more ambitious standards. This is in line with my operationalization of counter mobilization (see Chapter 4, Operationalization). What I failed to operationalize comprehensively, though, are the power asymmetries on the World Bank's Board of Directors. Several World Bank staff, member state EDs and movement representatives confirmed that China's new role as a major financier of development also changed power configurations on the Board in a more indirect and informal way (Interviews). Instead of the mere use of voting power backed by shares at the World Bank, China used the increasing bilateral dependencies of several members on the World Bank's BoD to exercise informal pressure. To fully grasp this dimension, it is important to understand the rise of China as a key bilateral donor in development finance since the turn of the millennium onwards (Acharya, 2018). Among bilateral credit agencies, the Chinese Development Bank stands out as a bank that has provided US\$ 375 billion of capital to development projects in 2016, roughly matching that of the World Bank (the largest among all MDBs) in the same year. Together with the Export-Import Bank of China (CHEXIM), Chinese concessional and non-concessional<sup>8</sup> loans to developing countries even outweigh those of existing MDBs (Gallagher et al., 2016). Perhaps most importantly, though, the "Belt and

<sup>7</sup> Interview with World Bank Staff

<sup>8</sup> Nonconcessional operations involve the provision of capital at market terms with a commercial motive.

Road Initiative” that was officially launched by Chinese President Xi Jinping in 2013. Throughout the World Bank safeguards process and beyond, the initiative promised to become the largest infrastructure project in the history of development finance with close to a trillion dollars of investment across Asia and beyond (Financial Times, 2017). While the “Belt” refers to a series of overland transportation schemes (e.g., train tracks) connecting China with Europe via Central Asia and the Middle East, the “Road” is not actually a road, but a sea route that connects China to East Africa and the Mediterranean, thereby involving about 65% of the World’s population and allegedly helping to move a quarter of all its goods and service (McKinsey, 2016). While only a fraction of the fund was disbursed during World Bank policy reform, the Belt and Road initiative sent an unambiguous signal that China intended to expand its influence as a donor in development financing.

As a result of these concerted efforts, the power asymmetry on the World Bank’s Board of Directors changed considerably. Though formally, Chinese influence augmented only mildly in virtue of its shares on the Board of Directors (compared to European countries and the US), Chinese new role as a bilateral donor as well as its competitive regime creation drastically changed its negotiating position. My analysis suggests that there were considerable interaction effects between China’s enhanced (informal) power at the World Bank’s Board of Directors, and the degree of its counter mobilization against movement demands. Notably, China improved its “Best Alternative To a Negotiated Agreement” (BATNA) during the World Bank policy reform process. The BATNA concept stems from negotiation theory and refers to the most advantageous alternative course of action a party can take if negotiations fail (Fisher et al., 2011). In the safeguards reform process, China’s BATNA to its preferred outcome (limited human rights accountability and particularly: state control) was to offer considerably lower human rights accountability requirements to borrowing countries in the AIIB and its bilateral development aid. Since it is a plausible assumption (backed by the submission of borrowing countries during the safeguards review (for instance India’s submission discussed above) that borrowing countries generally tend to prefer lower to higher standards and requirements when borrowing money, powerful World Bank member states as well as World Bank Management feared drawing the short straw and refrained from pushing for human rights standard from the beginning. Thus, this change in power configurations on the Board of Directors also had important ramifications for its counter-mobilization throughout the reform process, and vice versa, as there seems to be an interaction effect between Board of Directors influence and the weight of counter-mobilization.

## 8.4 Wag the Dog – The Quiescence of Liberal Member States

Instead of stopping with an analysis of member state and World Bank counter mobilization to movement demands, a full explanation that accounts for the breakdown of the causal mechanism should address the lack of decisive movement support on behalf of liberal democratic states. How did it become possible that the tail (member states with few shares) wagged the dog (member states with considerable shares) on the

Board of Directors? Confronted with two incompatible alternatives – full support for the movement's demands on the one hand and an appeasement of Chinese aspirations to become a global power in the field of development cooperation, on the other – European and U.S. decision-makers opted in favour of the former option at the expense of the latter. The relative inactivity of these decision-makers represents the dog that didn't bark in solving the puzzle: liberal democratic appeasement and the effective counter mobilization to movement demands are two sides of the same coin.

Of course, this diagnose begs the question why the dog didn't bark. Unfortunately, the answer to this question is complex. Comparing both my cases, I propose that two interrelated factors were crucial for this absence of liberal democratic counter mobilization to World Bank/Chinese-led counter mobilization: 1) macro-level, geo-political considerations as well as 2) individual level reasons, i.e., a lack of frame resonance among key decision-makers. In the following, I seek to briefly elaborate on both factors in light of the material I found.

First, particularly during conversations with representatives of European EDs, I found that strategic considerations were dominant in explaining their particular stance on human rights accountability on the Board of Directors. According to one Western European ED staffer, in times of a multipolar world (and the absence of U.S. hegemony), Europe should mediate among diverging interests to find compromise on the Board of Directors. A German government representative also said that Germany should use its political and diplomatic capital to bring diverging interests together, as only a true consensus at the Board of Directors would yield sustainable solutions. According to this interviewee, Germany should not push for human rights language, if it is that language that makes compromise impossible (Interview). In large part due to these considerations, the voice of most European decision-makers could not be heard during the second phase of consultations – the critical and final phase of the negotiation process. In fact, several European countries, including the Netherlands and Germany, did not make *any* written submission during that final phase. In the case of Germany, this was particularly surprising, as Germany had been an active participant in the reform process earlier. At meetings in Switzerland and England, European movement constituencies including Amnesty International, Urgewald, the Bank Information Center (BIC) and Save the Children participated and voiced their demands. However, without effect, partly because the World Bank met with movement and government representatives separately (Interview Urgewald). Particularly the British government would have been an important movement ally, given that the UK held 3.78% of all shares at the IBRD (the 5<sup>th</sup> largest amount together with France). Yet, in contrast to the usual transparency procedures established during consultations, there are no minutes of the meeting between the World Bank and the British government. The movement concluded that British officials most likely told all sides what they wanted to hear without taking firm action in either direction (Conversation Oxfam). Still, the UK published an official statement which commented and critically reflected on the fact that World Bank policies did not cover all World Bank lending instruments, stating that the scope of application should be broadened. However, the statement was largely supportive of World Bank efforts as they stood. The UK welcomed the idea to use borrowing country safeguards instead of World Bank safeguards, as it also welcomed that human rights were mentioned in

the Vision Statement. Regarding remaining consultations, the UK said that it would “continue to support efforts to find language on human rights that can secure broad support that does not imply any diminution of the commitments made by individual states” (UK, 2016). Thus, the UK signaled that it was fine with a lower common denominator than universally valid human rights standards (Interview Amnesty International UK). In Japan (the second largest shareholder at the IBRD), a meeting with civil society organizations, academics and representatives of the private sector took place during which Japanese movement constituents could emphasize core movement demands. Yet, the critical state support was lacking, as the Japanese government opted to refrain from a strong stance on human rights (World Bank, 2014). In line with European EDs, Japan seeks to acknowledge China’s desire for an update of its aspirations among international organizations at least to some degree (Conversation /Interview Dutch ED). This reservation among major liberal democratic shareholders (Japan, Germany, UK and France) contrasted with a much more pronounced stance during Phase Two Consultations in China, India and Brazil – three emerging powers which voiced strong opposition toward the interference of MDBs in country’s domestic affairs on grounds of human rights protection.

Different from the desire among Europeans and Japan to do justice to a changing world order in which Chinese interests should be accommodated (at least to some degree), I found that different reasons account for the relative lack of political engagement among U.S. decision-makers. Partly due to the different political system with a U.S. Congress exercising budgetary powers (also with regard to MDBs) and few individuals exercising considerable influence over the relevant Congressional subcommittees, my research suggest that individual level reasons – the lack of frame resonance among key decision-makers – were dominant in accounting for U.S. appeasement. These key decision-makers were Nancy Pelosi and Maxine Waters.

The story of Nancy Pelosi’s stance on World Bank reform begins with Barack Obama’s choice of World Bank President Kim, a doctor with very good credentials for the work he had done on international development, particularly in the health sector, in 2012. From there onwards, Kim was perceived as Obama’s ally and hence as an ally of all democrats. Obama’s involvement was a novelty for a World Bank President, as Kim’s predecessor were typically recruited from U.S. Treasury. This backing had implications for the persuasiveness of movement frames. Chad Dobson recalls an encounter with Congresswoman Nancy Pelosi which illustrates the paradoxical dynamic that Kim brought into the game. In the late 1980s, Nancy Pelosi had just assumed her post in Congress running for the state of Maryland. She was a critical advocate for environmental impact assessment domestically, and on behalf of the World Bank. According to a law she sponsored in 1989, later colloquially referred to as the “Pelosi Amendment,” she authorized a law which required the U.S. Executive Director to make project approval conditional on the presentation of an environmental impact assessment presented to the Board at least 120 days before the approval was due. Since then, Nancy Pelosi had remained in Congress and in fact pursued a steep career. In 2006, after the Democratic Party won majorities in both the House of Representatives (and Senate) at midterm elections, Pelosi was chosen to become the first woman to take the post of speaker of the House. Moreover, Pelosi had continuously voted in

favour of human rights and labour rights issues, pro environment and pro sustainable development (GovTrack, 2017). Knowing the World Bank since her engagement in the late 1980s, Nancy Pelosi was therefore a natural ally for the movement working on the Bank safeguards review. Yet, when Chad Dobson—head of the Bank Information Center—sought to persuade Nancy Pelosi that Kim is taking a weak stance on human rights and environmental protection in the safeguards process, Pelosi replied that President Kim was Obama's candidate and hence an ally of the democrats. While maintaining very good relationships with U.S. Congress, Kim was of the opinion the World Bank was a global institution that needed to represent all member states. Thus, he was critical of strong U.S. influence. Moreover, Nancy Pelosi's role as speaker and then leader of the House of Representatives meant great influence, but also a much larger portfolio of issues and stakeholders she needed to be responsive to. Simultaneously, personal ties with Civil Society Actors were not strong enough to keep pace with Pelosi's new role. Consequently, World Bank matters were still on Pelosi's radar, but not among her priorities (Conversation with Chad Dobson, Director of BIC, 19.04.2017).

Probably more importantly, though, Barney Frank stepped down from his position as Chair of the House of Representatives "Committee on Financial Services" in 2012. As noted above (see Chapter 6), Barney Frank's cognitive map combined skepticism toward major financial institutions with a strong believe in grass roots democracy and a deep empathy for vulnerable and marginalized communities. This combination of topoi resonated extremely well with the movement's frame and thus enabled persuasion, i.e., a full adoption of the movement's frame (including not only the problem definition, causal attribution and moral evaluation, but also the full action dimension of the movement frame). When Barney Frank left office, he was followed by Maxine Waters (Democrats). As a chair of this subcommittee, and as the "minority ranking member" (that is, the most senior member of the minority party on a given Committee), Maxine Waters was the most influential democratic leader on the critical subcommittee and hence a predestined to be an important TSM addressee. The relationship between Waters and the D.C.-based NGO community was constructive and respectful, there were several direct encounters on safeguards issues and Waters was repeatedly willing to take up the issue on her agenda. Yet, Maxine Waters did not fully align with the demand for nonnegotiable human rights conditionalities. As a former leader of the "Congressional Black Caucus" (1997 – 1998) and a permanent member of the "Congressional Progressive Caucus," Waters has been consistently outspoken against racism. In 2011, Waters even criticized Barack Obama for not paying enough attention to problems of black Americans on the job market, stating that the Congressional Black Caucus was "getting tired to cover up for Obama" (Waters cited in Miller, 2011). Analogous to Barney Frank, Maxine Waters knew how discrimination felt like and thus shared Frank's support for the marginalized and vulnerable. However, there was a critical difference between both: in the cognitive of Maxine Waters, the U.S. state was a potentially bigger threat than MDBs. While Frank saw the United States primarily as a guarantor for democracy and the rule of law (Weisberg, 2009), Waters was deeply skeptical of U.S. cultural, political, and military imperialism. Not only did she develop close relations with Fidel Castro during the 1990s (Nordlinger, 2000), she also strongly opposed U.S. involvement in Haiti in 2004. What is more, she accused the United States to have organized the coup d'état



against then Haitian President Jean-Bertrand Aristide (CNN, 2004). In a similar vein, Maxine Waters was of the strong opinion that World Bank conditionalities had already caused enough damage to sovereign borrowing countries. She hence opposed any excessive U.S. engagement on the World Bank Board of Directors to push for reforms a majority of Board members did not want (Interview BIC; U.S. Treasury). Moreover, being primarily concerned with the creation of jobs (in her own electoral district as well as in developing countries), Waters agreed with the position that development financing should be easily accessible. In short, movement persuasion of Waters also failed because her cognitive priors did not resonate that well with the movement's frame.

As neither Pelosi nor Waters took up the full movement frame, the TSM sought different routes and people. Several "staffers" kept popping up when asking about the relationships "on the hill" (an expression D.C.-based NGO representatives and academics would use to refer to U.S. Congress) and multiple meetings between TSM representatives and staffers (particularly between BIC and Tim Reso) took place. While a majority of staffers in these meetings seemed sympathetic to TSM demands, their influence remained limited (and their portfolio very large) (Interview HRW, BIC).

In July 2015—at the time the World Bank publicly released its second policy draft, thus introducing the crucial phase of negotiations—the Executive Director for the United States, Mr. Matthew T. McGuire, had already published his comments on behalf of the U.S. government. In his comments, McGuire welcomed the reference to human rights in the Vision Statement of the new policy, but urges the full incorporation of human rights into the policies to address potential adverse effects of World Bank projects. While the United States still demanded human rights accountability, the brevity of the response, the fact that it did not address the limited scope of human rights policy application and the overall tone (which was much more appreciative than previous statements) indicated a somewhat weaker stance on human rights than before. Also, McGuire did not criticize the lack of human rights protections in the policies specifically. Simultaneously, he wrote that it "would have been preferable to release the second draft ESF with clearer language in the Vision Statement on human rights" (McGuire, 2015, pp. 2-3) in the concluding paragraph of the letter, thus indicating that the United States might be fine with clearer reference to human rights in the vision statement at the expense of specific and binding human rights requirements in the actual policies.

Still, some persuasion did take place: In May 2016, Robert Menendez (Chair of the Senate Foreign Relations Committee), Senator Barbara Boxer (Chair of the Environment and Public Works (EPW) Committee) as well as Senator Edward Markey (also member of the EPW) wrote a letter to the U.S. Secretary of Treasury, Jacob Lew. In their letter, the three Senators complained about the flawed consultation process to date. In terms of substance, the Senators complained about the undermining of safeguards as the World Bank was on a way to "introduce narrow labor standards, excluding third party contractors, collective bargaining, freedom of association" and to "reduce access by affected communities to the Bank's Inspection Panel, and hamper the Inspection Panel's work." The letter concluded by stating that the proposed accountability standards "falls short of international law and best practices pertaining to indigenous peoples, human rights, labor, gender, financial intermediaries, subprojects, and climate change" (Letter to Secretary Lew, May 12, 2016).

Ultimately, though, and in contrast to the first case, the TSM did not succeed in persuading U.S. and European decision-makers of all elements of their frame to the extent needed. While they successfully established that human rights violations within the context of World Bank development projects remained a serious issue (problem-dimension) and that the World Bank carried at least partial responsibility for this (causal attribution), they failed to persuade decision-makers of the fact that the enactment of comprehensive accountability was an absolute necessity (action-dimension), even (or especially) in light of changing global power dynamics. The mechanism thus broke down toward the end of Part II. As a consequence, the commitment by the United States remained rhetorical. In contrast to case 1, the United States did not threaten to cut or even withdraw IDA funding if the World Bank did not cede to U.S. demands. In other words, not being persuaded sufficiently, U.S. Congress refrained from coercing the World Bank into compliance with its own interests. Similarly, European decision-makers as a whole were not persuaded enough to act firmly. Thus, EU EDs did not act united to invest substantial political and financial resources for more demanding human rights accountability at the Board (see above). In light of Chinese and borrowing countries' counter mobilization, these factors meant a breakdown of the causal mechanism connecting TSM engagement to World Bank reforms in the direction of comprehensive human rights accountability.

In sum, my comparison of movement tactics, scope conditions and outcomes reveals, that the major difference between both cases was the degree of counter-mobilization against movement demands for enhance human rights accountability. Specifically, this counter-mobilization went primarily against the sort of accountability that emphasized the idea of individually enforceable human rights, public transparency and an empowerment of civil society. Instead, the coalition of counter-mobilizing forces emphasized the importance of state executives and World Bank Management to organize collective, economic development top-down. In broader, more ideological terms, case No.2 presents an instance of counter mobilization against the liberal democratic script favored by the movement and their partnering member states and IOs. As hinted upon in the case study, this counter mobilization came in two pre-dominant forms: first, in the form of Chinese counter-multilateralism; and second, in the form of counter mobilization by World Bank President, Management and staff (i.e., the World Bank's bureaucracy).



## Conclusion

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Today, international organizations are the institutional backbone of global governance. As actors in their own right, they exercise an increasing degree of power. Among them, MDBs have a particularly wide repertoire at their disposal including economic and discursive means of influence. While MDBs exist to alleviate human suffering by “ending extreme poverty” and “boosting shared prosperity” (World Bank, 2018), TSMs have repeatedly accused MDBs for human rights violations in the context of their activities. To ensure that MDBs effectively safeguard against human rights violations, TSMs engaged in different strategies toward MDBs with the aim to socialize MDBs into human rights accountability. From existing IR and social movement literature on the engagement of transnational civil society (either as TSM or TAN), I derived a causal mechanism of MDB socialization. According to this causal mechanism, transnational social movements should combine a sequence of disruptive tactics toward the MDB with conventional tactics toward important MDB member states. I reconstructed this causal mechanism between two cases of movement advocacy towards the World Bank, applying process tracing in a most-similar case study design. Next to this theory-inspired case selection, there also was an empirical puzzle which consisted in the distribution of movement success/failure among these cases: Why did their socialization strategy work at a time when no other international organization (let alone other MDBs) possessed a human rights accountability mechanism in the early 1990s, but failed at a time when human rights accountability was an established norm among MDBs more than two decades years later?

## Theoretical Implications

What are the implications for theorizing movement tactics and their ability to socialize MDBs into human rights accountability? This section aims to provide some clues to answering this question. First, the fact that the causal mechanism did not work in the second case does not disprove the value of a sequenced approach. Positively formulated, movement success in Case 1 and the specific way this success came about (following neatly each step of the theorized causal mechanism) supports the notion that

movements are well advised to focus their resources on a specific tactic at a time instead of trying different tactics simultaneously. However, this focus should not imply that TSM should apply either disruptive or conventional tactics only. Instead, their engagement should be embedded in an overarching strategy that consists of a sequence of disruptive and conventional tactics. In line with existing literature theorizing the effect of disruptive tactics, both my cases confirm that coordinated disruption is indeed an effective means to create crisis at MDBs and to open up for movement access to meaningful inside channels. In light of limited resources, TSM focus on disruption in part one was in fact necessary, though, to achieve this threshold effect (i.e., MDB crisis). Below this threshold, the sporadically applied conventional tactics proved unsuccessful in both cases, as key decision-makers among member states do not fully appreciate the problem. Without such an appreciation, movement demands for more human rights accountability did not resonate, as the salience of movement frames remained low. Once this first threshold effect is reached and decision-makers do appreciate the existence of a severe problem relating to the MDB's human rights performance, the TSM is well advised to focus on conventional tactics to reach the next threshold effect: the persuasion (operationalized as a full adoption of the frame) of decision-makers.

However, how can movements cause disruption at MDBs in times when important shareholders are not democratically constituted? Notably, there are strong indications that China will become even more influential as a shareholder among MDBs (see analysis and policy implications below). Emanating from this trend, I suggest that a comprehensive theory of social movement influence on MDBs also needs to include propositions about the viability to cause disruption in light of China's authoritarian system. Disruption as theorized in my work consists in causing doubts among decision-makers in important MDB member states regarding the MDBs integrity and competence (i.e., the ability of the organization to rectify its deficiencies). While MDB disruption via demonstrations or concerted media campaigns may well work in parliamentary or presidential democracies, such tactics are not available to TSM in authoritarian states. The failure to cause MDB disruption in the eyes of Chinese decision-makers meant that disruption was incomplete in Case 2. Moreover, Case 2 suggests that human rights violations against vulnerable individuals and communities did not cause outrage among member states equally. To make matters more complex, different human rights violations caused uneven reactions. For instance, China was not susceptible to the human rights violations of indigenous communities, while Uganda strongly opposed the principle of nondiscrimination based on sexual orientation or identity. All the more, differences exist regarding violations of democratic norms. Where works on TSM or TAN influence tended to conceptualize issue resonance with universal validity, my second case suggests that this validity was never truly universal. Instead, it represented the consensus among liberal democratic states. In sum, the issue at hand is this: *how and based on which issues* can TSM cause disruption at MDBs if some of their principal shareholders are authoritarian states? While a response to this question goes beyond the scope of this work, I suggest that TSM might have to engage differently toward different constituencies at the same time (see below). For a comprehensive theory of TSM engagement toward MDBs, this means an extra layer of complexity, as it needs to consider domestic political systems.

Once TSM manage to cause disruption at the MDB, my causal mechanism envisages persuasion through conventional member state channels. Again, my second case suggests that a use of conventional channels among democratic member states only might not be sufficient in the future. We thus need more work on the interplay of TSM engagement across different domestic systems. In addition and in line with existing theories on persuasion and framing, both my cases confirm the paramount *importance of cognitive maps among key decision-makers*. While the TSM managed to persuade Barney Frank, they were not successful in fully persuading Nancy Pelosi or Maxine Waters. In contrast to Frank, who was in favour of strong regulations for banks and human rights (specifically the rights of vulnerable communities), the cognitive maps of Pelosi and Waters entailed elements that ran counter to the movement's frame. In the case of Pelosi, it was her loyalty to Obama, who saw Kim as "his President." As a democratic speaker of the House of Representatives, Pelosi could not afford to go against Obama on the issue of World Bank human rights accountability (an issue the U.S. public did not care about enough). In the case of Waters, the matter is more complex. While Waters was a strong defender of democratic principles and human rights (particular anti-discrimination and labour rights) at home, the conviction that the United States should not mess with foreign states was also part of cognitive map. For framing research, this presents an interesting case, as it suggests that persuasion is extremely difficult in instances of conflicting cognitive priors that possess comparable degrees of salience within the overall cognitive map. Though a change of even deeply held priors (and ultimately of preferences and actions) is possible in principle (Risse, 2000), the movement was not successful in the case of Pelosi or Waters despite excellent access and high degrees of moral/epistemic authority. This suggests that only slight differences among cognitive maps at the individual level may account for major differences in terms of social outcomes at the macro-level.

Then, my work suggests that social movement researchers are well advised to adopt a *broadier conception of "counter mobilization"* as a scope condition for movement success. In contrast to classical conceptualizations, whereby counter mobilization consists in the presence of counter movements taking to the streets, contemporary counter mobilization in the context of MDB socialization becomes ever more indirect, tacit and nebulous. Though MDB counter mobilization through attempts to coopt movement critique is by no way a recent phenomenon (O'Brien et al., 2000), MDB "repertoires of reaction" (Anderl, 2018) have become progressively more advanced and deserve further research taking these advancements into account.

Moreover, my empirical material indicates that two *structural* changes took place over the past decades which were not intended by the World Bank, but which had nevertheless an impact on the outcome of the second case as they interacted with the aforementioned attempts at cooptation. The first change is precisely the evolving norm that international organizations should involve the participation of non-state actors (Dingwerth & Weise, 2012; Tallberg et al. 2013). Due to this evolving norm and because IO-NGO consultation has become the gold standard, the World Bank bureaucracy's large scale consultation around the world corresponded to the standard of appropriate behavior. As a result, it is harder to detect why and how such consultation could result in de facto cooptation. To date, most studies have examined the evolution of access or openness in

merely formalistic terms. Oftentimes, these studies carried positive normative connotations to the diagnose of increasing openness, postulating openness as instrumental to effectiveness (Steffek, 2007; Tallbert et al. 2013) and accountability (Grigorescu, 2010; Scholte, 2011). Pouring a little cold water on these hopes, I suggest that the qualitative outcome of increasing IO openness needs critical examination in each case, as it is potentially janus-faced. While increasing IO openness to non-state actors has undeniably left its marks on the agenda-setting, implementation, monitoring and evaluation of IO projects, openness seems to have no effect on IO decision making (Tallberg et al., 2013). What is more, my study indicates that consultations may even have detrimental effects and coopt movement critique. Particularly in my second case—World Bank—TSM consultations showed little results, but consumed a great deal of TSM energy. In sum, this work not only cautions against rosy expectations regarding the democratizing potential of openness, it also suggests that TSM seeking substantial reform at MDBs should spent their resources on disruptive tactics toward the MDB and conventional tactics toward member states first.

The second structural change has to do with the evolution of transnational social movements. While I theorized the possession of organizational and epistemic resources as scope conditions that positively effect TSM outcomes the more of these the TSM possesses, there seems to be a flip side of that coin I was unaware of before collecting evidence for both cases: namely, the increasing NGOization and professionalization of social movements. As TSM members that experienced the advocacy campaigns during both cases first hand reported, the shifting balance towards NGOs and away from activists comes with an increasing degrees of professionalization, the adoption of technical, highly specialized language, a thinking in (often one to two year) project logics, competition for funding and a 9 – 17 h job mentality. Such NGOization in turn decreases the movement's spontaneity as well as its disruptive potential. Moreover, as some movement parts retain a strong "activist identity", NGOization also threatens to create ruptures between "activists" and "professionals" (Personal Conversations at Frankfurt Strategy Meeting, 2016; see also: Choudry & Kapoor, 2013; Anderl, 2018). At the same time, the more NGOs are invited to formal MDB-CSO consultations or are even funded by MDBs, the more this trend accelerates. Future research is needed to investigate, what the effects of NGOization are on the strategic portfolio of TSM at large.

Similarly, open and explicit statements and votes on the Board of Directors was only the tip of the iceberg of member state counter mobilization. Two thirds of that iceberg consisted of behind closed doors negotiations, the informal exercise of pressure and counter multilateralism. Specifically, China's new role as a major donor in global development and its creation of a new MDB provided the Chinese-led coalition of member states opposing comprehensive human rights accountability with substantial leverage. Relatedly, these developments also changed the nature of power asymmetries at the World Bank's Board of Directors. While China increased its financial shares at the IBRD only modestly, its informal power increased greatly (for an elaboration, see Chapter 8.3). Therefore, future theorizing of TSM influence against the background of power dynamics at MDBs should *understand power asymmetries not only in virtue of financial shares and voting power*, but to broaden the operationalization to include the "best alternative to a



negotiated agreement” (BATNA) as a critical dimension of (informal) power during a negotiation process concerning organizational reform.

Finally, Case 2 also suggests that the scope condition counter mobilization, specifically to what extent existing counter mobilization inhibits movement-driven MDB socialization, is contingent on *the willingness of liberal democratic states to “mobilize against counter mobilization”* (see analysis). To analyze this reaction to counter mobilization separately (thereby doing justice to the relevance of this factor on its own), it would make sense to include an additional scope condition that captures whether liberal democracies are well-fortified, or not. It is important to note that movement success in a particular case may very well differ from long-term socialization outcomes. On the one hand, there can be little doubt that a firm stance of liberal democratic World Bank member states would have achieved an outcome much closer to movement demands in Case 2. On the other hand, it could very well be the case that an earlier appeasement of Chinese power aspirations as well as that of several emerging donors (e.g., Brazil, India) would have prevented competitive regime creation. If all agree to some standards, then at least all are on board, even though the standards may be less ambitious. What is more, if one defines socialization in a less legalistic way and instead looks at the internalization of norms (defined as “standards of appropriate behavior” (Keck & Sikkink, 1998)), MDB reform based on true member state consensus (i.e., not a “consensus” based on U.S. threats to withdraw funding) is preferable. After all, there are strong indications that coercive and noncoercive means of norm assertion are contradictory rather than complementary (Goodman & Jinks, 2013). Having formulated the theoretical implications for refining the causal mechanism, I now turn to the more hands-on strategy and policy implications my findings suggest for TSM who seek to promote the human rights accountability of MDBs.

## Policy and Strategy Implications for Transnational Social Movements

On a general level, TSM need to work on four main fronts in the future: first, in light of increasingly skilful counter mobilization from emerging powers and MDBs, TSM need to mobilize liberal democratic MDB member states to stand up for human rights accountability. Secondly, social movements increasingly need to expand their network to emerging powers, notably China, finding ways to work on the epicentre of member state counter mobilization directly. Third, the transnational social movement should bolster strong regional networks. These would unburden movement hubs in Western capitals and enable exchange on projects, human rights developments and tactics across regional development contexts. To the extent that the trend toward “country ownership” continues, movements are only successful to the extent that national governments can be socialized into human rights accountability. Finally, TSM should continue to engage with MDB Secretariats. For one, because pressure on MDBs remains a necessary component of the theorized casual mechanism to socialize MDBs. But TSM should also continue to engage in dialogue with internal, progressive norm entrepreneurs, and seek to convince them that there is a lot to gain from comprehensive human rights accountability provisions in terms of organizational learning and reputation. In light of increasing

nationalist tendencies and a corresponding resistance to multilateralism, the only way out is to defend multilateral organizations while simultaneously changing them into more democratic, human rights-bound governance actors.

### Liberal Democratic Mobilization and the End of U.S. Hegemony

A first set of recommendations follows from the global shift of influence in multilateral development funding. The core of this shift consists in the end of U.S. hegemony and the emergence of a more multipolar landscape of development financing with China as a major competitor. The mechanism of TSM-led World Bank socialization broke down partly due to the lack of liberal democratic backbone in light of Chinese counter mobilization. Transnational social movements thus need to work on liberal democratic states to stand up for achievements in the area of human rights accountability among MDBs. To compensate for the decline of U.S. influence and political leadership among MDBs, other liberal-democratic MDB member states (i.e., European states and Japan) have to understand that they need to take up their responsibility and to advocate for human rights accountability. Specifically, TSM should *push liberal democratic states* to take the following actions:

- Play a more active role at MDB Boards of Directors. In particular, European countries failed to translate economic shares into tangible influence during the Safeguards policy reform process. According to a staffer from a European ED's office, this is partly due to a lack of attention and resources. While being the World Bank's third largest shareholder in 2018 (World Bank, 2018), the German Federal Ministry for Economic Cooperation and Development (BMZ) had only two employees working on World Bank matters throughout most of the Safeguards review process (Interview BMZ staff). In response to an inquiry from the German Institute for Human Rights<sup>1</sup>, the BMZ reported that Germany abstained from voting on only four projects out of close to 500 from January 2015 – April 2016. While it is understood that the responsible national ministry as well as the German ED office lack staff to oversee World Bank project sufficiently, this high degree of reservation is also possible due to the lack of oversight and pressure from European civil society.
- Enhance the transparency of decision-making. Parliaments of liberal-democratic states retain the obligation to oversee the development work of their executives. However, this task is highly complicated by a culture of secrecy on the Board of Directors. Without knowing which project the Executive Director of the own government voted for (and which it did not), parliaments are not in a position to exercise this control effectively. In contrast to the U.S. Government, which regularly documents its voting behaviour on the Boards of MDBs (as well as other IFIs) on a centralized platform (US Government, 2018), the majority of democratic MDB member states have no such requirements.

1 Information as provided in the BMZ's response of 3 May 2016 to an inquiry from the German Institute for Human Rights of 4 April 2016.

- Instruct their EDs on MDB Boards of Directors to ensure that people affected by MDB projects (including movement representatives, NGOs and marginalized groups) can meaningfully participate in developing and implementing projects as well as country partnership strategies. The disbursement of funds should be conditioned on such extensive and meaningful consultation. This is all the more relevant the more we observe a “closing space” for civil society in several borrowing countries.
- Exercise more, human rights inspired oversight. Specifically parliaments of liberal democratic member states should exercise their right of oversight more effectively. Parliaments already fulfil an important control function when it comes to budgetary support in bilateral development aid. Yet, they fail so far to fulfil this role with regard to MDBs, let alone specific MDB projects. In particular, parliaments should demand insights into all human rights assessments carried out by the MDB and invite Executive Directors to regular public hearings. Moreover, parliamentarians working on development issues should not only visit and report on bilateral development projects during country visits, but also on those financed by MDBs. Since MDBs need to respond rapidly and flexibly to political and social circumstances among borrowing states, prior checking might not be feasible. At a minimum, though, the ex post control of human rights sensitive projects has to balance the lack of prior oversight. A public debate on human rights complaints of MDBs also serves to make the boundaries of development aid transparent.

## Engaging China

In their book “Engaging China: The Management of an Emerging Power,” Alastair Iain Johnson and Robert Ross already stated in 1999 that

“One of the most prominent elements of post-Cold War international relations is the increasing importance of China to both economic and strategic outcomes at the global and regional levels, and relatedly to individual states’ long term considerations of their national interests” (Johnson & Ross, 1999, p.xi).

Today, 20 years after the publication of their book, we can state that the trend of Chinese influence in global politics continued to grow, spanning a vast array of policy fields from financial to economic, trade and development policy (Acharya, 2018). Consequently, liberal democratic member states have to engage with China if they seek to establish human rights as shared standards in doing development cooperation. For TSMs, a first route of activity consists in pushing liberal democratic member states to engage with China on the issue of human rights in development. Shared membership in MDBs potentially provides such opportunities to further this dialogue—in official meetings and behind closed doors.

Beyond that, and certainly more challenging, is to engage China directly. Since the inauguration of President Xi Jinping, social movement organizations operating in China have come under increasing pressure. China belongs to the pioneers among those countries inhibiting the work of independent NGOs and activists (see limitations and future research section below). Notably, a new law (the “Foreign NGO Law”) from 2017

regulates the involvement of foreign NGOs in China. While it does not prohibit foreign NGOs, it defines a list of requirements for such engagement. Among these requirements is a registration with public security authorities, compliance with activity and funding restrictions as well as compliance with comprehensive reporting obligations (Hsu et al., 2017). According to observers (Interview N. Saus), the law threatens to make close partnerships between Chinese and foreign TSM constituents extremely difficult by impeding communication and joint strategizing. Nevertheless, TSM will have to find ways to work on China directly even under conditions of a restrictive, authoritarian environment. To date, a combination of three strategies have proven successful: a) state subcontracting, b) online volunteering, and c) disseminating information among the public. According to the first strategy, NGOs have acted as unofficial (and most often unpaid) research and development unit of a government department. While these NGOs remain largely invisible, they receive state protection and state funds in return for policy tools and project designs that help to solve specific social problems. The advantage of online volunteering is that actors may use it without possessing the status of an organization. By drawing on social media, these actors mobilize hundreds (even thousands) of volunteers for specific social projects and political education activities. This may go hand in hand with the dissemination of information on social problems, which directly creates pressure on the executive. For instance, environmental activists were successful in catalyzing public concerns regarding air pollution among the public and thus forced the state to react (Hsu et al., 2017). According to Rachel Stern (2017), the development of law is a priority for Chinese leaders. This opens doors for activist lawyers who increasingly develop ties with international lawyers and who seek to shape legal reforms (Stern, 2017). Still others (interview Asienhaus) see Taiwan as a primary interlocutor between movements in China and those in liberal democratic states. This is because Taiwan is a democracy (backed by the US) that has strong ties to Chinese NGOs and decision-makers. In sum, the TSM will have to find ways to engage China by working with and through Chinese-based movement constituents. While several starting points already exist, operating in a context of repression requires flexibility as well as continuous exchange among TSM working under authoritarian regimes. This leads to the next point: strong regional networks.

### **Bolster Strong Regional Networks**

As the World Bank Safeguards reform as well as the Safeguards policy framework of the newly established AIIB demonstrate, the trend among MDBs is to design human rights accountability mechanisms that emphasize country ownership, while diminishing centralized oversight by the development bank itself. To detect human rights violations and hold national governments accountable, the movement depends on a strong network with movement constituents across countries where MDBs are active. Even strong and well-functioning TSM networks cannot possibly pressure national governments in each country where MDBs engage. Moreover, the meta-governance from Washington, D.C. was extremely valuable in both cases. Still, these structures should be supplemented by strong regional networks around the world that enables the network to bundle resources more effectively and to pressure national governments to take up their human

rights obligations. The “NGO Forum on the ADB” as well as the European network of NGOs working on IFIs (“Euro IFI”) are extremely important in that regard and should be developed further. Strong regional networks that meet and exchange on a regular basis would allow to perform a host of independent human rights risk assessments, irrespective of the fact that the World Bank already did one (or not because the policy did not apply). This in turn would allow to identify projects that involve human rights risks and ensure that all potential human rights violations are covered. Since human rights violations (e.g., due to patterns of exclusion; discrimination on the basis of political opinion or affiliation, gender, age, race, disability, ethnic or social origin, sexual orientation) are oftentimes structurally embedded in societal norms and institutional arrangements backing such practices, TSM should ideally work on both levels: In parallel to ongoing efforts to enhance human rights accountability at MDBs, national constituents of the transnational human rights movement need to identify which strategies work best to prevent, detect and address human rights violations in a specific sociopolitical context. In this sense, the shift of focus from the MDB to the national government as the primary guarantor of human rights accountability also in the context of development projects means an opportunity – the opportunity to address human rights violations at the level of the nation state. However, the trend of a “closing” or “shrinking space” for civil society activism around the globe also means that we should treat this hope with caution. At the time of the Safeguards policy review, this trend was already ongoing. According to interviewees, it was difficult to judge what the impact of this trend was on movement efforts to socialize the World Bank. However, several movement representatives were worried about the policy reform in combination with that trend. In a worst-case scenario, the transfer of responsibility to national governments and the closing space together would threaten to crush human rights accountability. Movement representatives therefore voiced the following strategies they should follow in the future to secure the survival of its many national collaborators (Interviews with HRW; AI; Greenpeace; Sierra Club):

- Monitor the ongoing closure of space for civil society and scandalize such practices. In doing so, movements should recruit researchers who collect and systematize information on the faces of the closing space.
- Build coalitions and platforms (e.g., Africa Platform) to give advice and technical support to movement constituents under threat
- Mobilize financial support from foundations (e.g., Freedom House), liberal democratic states (e.g., USAID), and Regional Organizations (e.g., European Endowment for Democracy (EED)) for democracy support and capacity building. In particular, there are many countries in which there is a lack of civil society expertise. Donors play an important role here to create an expert network capable to detect early warning signals, build campaigns, disseminate information and engage in litigation.
- Work increasingly through the UN to coordinate initiatives, to connect donors with civil society/movement activists and to move from a case-to-case approach toward more systemic responses. For instance, best donor practices involving greater flexibility to accommodate shifting legal environments or support with registrations inside or outside a given country should be systematized and made available.

## Engaging MDB Bureaucracies

This work tested a particular mechanism of TSM influence on MDBs. Due to the equifinality of results in social science, the fact that this mechanism is effective under the right set of scope conditions does not rule out the possibility for other mechanisms of movement influence. Specifically, TSM could also socialize MDBs into human rights accountability by engaging with the MDB directly and exclusively, without a detour via important MDB member states. Theoretically, the likelihood of such a path of influence receives only modest support at best. For instance, Vetterlein (2014) argues that civil society representatives can build coalitions with reform-minded organizational staff that may then trigger a process of organizational learning (i.e., reform) under the condition of flat organizational hierarchies. At the same time, a bureaucracy's inertia due to path dependencies and standard operating procedures as well as the systemic incentive structure based on spending among all MDBs caution against high expectations. Similarly, anecdotal evidence by movement representatives that worked on MDB human rights reform for more than 30 years points to the difficulty of persuading MDB Secretariats to push for structural reforms. However, if TSM resources so allow, maintaining and expanding networks with like-minded MDB staff would allow the movement to at least moderate MDB counter-mobilization against socialization. Already the official record of human rights violations in the context of MDB-financed development projects clearly points to the urgent need for comprehensive human rights accountability mechanisms. Most likely, the dark figure of human rights violations is much higher than official statistics suggest. MDB bureaucracies know that. In light of a general trend toward (limited) human rights accountability, TSM should continue to advocate for comprehensive accountability. Specifically, TSM should try to use these first-hand insights among MDB bureaucrats and persuade them that sustainable development requires comprehensive human rights accountability mechanisms among all parties involved. In addition to this engagement for comprehensive accountability on a level of policy and institutional design, TSM should closely monitor MDB practice on the ground. This close monitoring on the ground through strong regional networks (see above) would allow movements to detect and scandalize limited and ineffective provisions as well as incidents of a de-coupling of talk and action (see next section) toward managers of MDB secretariats on the ground. Within all the justified critique towards illegitimate MDB governance, there also is a catch: in light of growing nationalist tendencies around the world, multilateral organizations as MDBs should also be defended decisively by social movements interested in human rights. After all, such organizations moderate nationalist tendencies and allow a search for common ground to solve problems of a global nature. As already hinted upon in the introduction and chapter 1, we need MDBs to tackle global challenges such as poverty or climate change. As a result, then, movements should defend MDBs while simultaneously trying to socialize them into enhanced human rights accountability, inclusive deliberation and responsiveness to those they purport to serve (see chapter 1). Given that this is the only way to secure not only legitimate, but any MDB governance in the long term, movements should be able to find like-minded, courageous cosmopolitans among MDB bureaucracies.



## Limitations and Future Research

Existing limitations of the present study result from three main sources: first, the theorization of the causal mechanism of TSM socialization in relation to a particular actor-type – MDBs. Secondly, I did not analyze the impact of MDB policy and institutional reforms on the human rights situation of governance addressees on the ground. Third, both my case studies reveal how human rights accountability across MDBs is also a function of broader geo-political trends, of which I could only focus on those directly relevant to my cases. As I elaborate below, I believe that the most pressing questions for the future emerge out of this third complex. The good news is that these limitations naturally invite further research. In the following, I address these limitations more in depth and outline which questions emerge from them.

First, I only looked at TSM engagement toward the World Bank in my work. The World Bank shares a specific governance structure and identity with other MDBs. Given the proliferation of actors in global governance, looking into TSM socialization toward targets with different actor qualities would be a worthwhile enterprise. As theorized in my causal mechanism, the vulnerability of target organizations to TSM socialization (and thus the generalizability of my causal mechanism) hinges to a critical degree on their mandate. Already among International Financial Institutions (IFIs), we observe considerable differences depending on the nature of the organization: while all MDBs working on development had a human rights accountability mechanism by 2016, the International Monetary Fund (IMF) had no such mechanism in place. Different from MDBs, the IMF is primarily concerned with macroeconomic stability, which arguably makes it less vulnerable to human rights campaigns (Heupel & Zürn, 2018). Beyond MDBs and the IMF, bilateral and private donors play an increasingly important role in the context of development financing—either on their own, or in the context of public-private partnerships (PPPs; Beisheim & Liese, 2014; Weber et al., 2016). The more actors participate in partnerships for development financing, the more diffuse chains of legitimation and responsibility become. The challenge for TSM thus consists in transferring their acquired know-how to the context of private actors. Yet in contrast to the relatively manageable amount of MDBs, a plethora of private actors exists. To estimate the future direction of human rights accountability in the context of development, we need, among other things, more research that investigates how and on what level TSM best address this vast range of actors most effectively.

I mentioned a second, and admittedly important, limitation of this study already in the introduction: Ultimately, accountability mechanisms are only as good as they lead to actual *improvements in the well-being of project-affected people on the ground*. However, I restricted my work to an analysis of human rights accountability enshrined in the policies and institutional design of MDBs, without systematically investigating the effects of such organizational reforms on MDB governance addressees. To my defense, I am inclined to argue that Annual Reports of the World Bank Inspection Panel, the report by the World Bank's Independent Evaluation Group (IEG, 2010), academic literature assessing the IP's effectiveness (Fox et al., 2003) as well as a broad comparative meta-study on existing accountability mechanisms at MDBs (Genovese & Van Huijstee, 2016) all suggest that binding and precise policies, as well as an independent third party



authorized to review compliance in fact bear tangible results. In other words, existing studies and evaluations support my institutionalist approach, indicating an unambiguous relationship between high degrees of legalization of human rights accountability on the one hand, and the human rights protection for individuals on the ground on the other. Having said that, the same studies and evaluations point to the urgency to go beyond such an institutionalist perspective and to pay attention to organizational cultures as well. In principle, the decreasing legalization of human rights accountability at the World Bank could, at least in part, be compensated for in practice by change in the World Bank's (and borrowing countries) organizational culture (see also Chapter 3 for a critique on the concept of legalization). Therefore, I encourage future research that analyses the precise relationships between a) policy and institutional reform with b) the role of organizational culture and c) a rigorous analysis of the impact of accountability mechanisms on the ground.

Related to this point, there is a danger that initial movement success to establish a new organizational template (i.e., the adoption of human rights accountability) complicates the implementation of comprehensive accountability due to a *de-coupling of talk and action*. I already pointed to the trend among MDBs to establish accountability mechanisms. Heupel and Zürn (2018) find, that this trend also applies to international organizations in general (e.g., the UN, FAO, the EU, AU). According to the authors, among the 20 IOs with the highest name recognition, 15 IOs had established human rights provisions by 2018. Notable outliers include the World Trade Organization (WTO) as well as the Association of Southeast Asian States (ASEAN; Heupel & Zürn, 2018). On the level of nation states, human rights protection gradually became part of the “global script” throughout the last decades (Hafner-Burton et al., 2008). The empirical record suggests that we are currently witnessing a similar evolution for the norm of human rights accountability for international organizations. As more and more IOs adopt this script, movement engagement that aims at the establishment of such a mechanism (as in case 1) decreases in importance. In hindsight, movement engagement in case 1 toward the World Bank bears special relevance, as it triggered a socialization of development finance more broadly and, following a logic of institutional isomorphism (Meyer & Rowan, 1977), even spilled over to the IO community as a whole. The critical question nowadays therefore is no longer whether MDBs establish human rights accountability mechanisms, but whether these mechanisms are comprehensive, effective, and internalized in organizational culture. For once HR accountability becomes part of the global script, movement socialization recedes to the back. Instead, imitation and mimicry become more important as sources of MDB's institutional design. To be sure, the growing expectation that MDBs should be bound by their own policies, i.e., fact that human rights accountability is part of a global script for MDBs – despite long-held assumptions of MDB (and IO) immunity – constitutes a major success for the transnational social movement analyzed in this work. Without this movement, this script would most likely not have come about in the first place. At the same time, scholars of sociological institutionalism provide good theoretical reasons to caution against excessive expectations in light of script diffusion: the more MDBs adopt reforms to live up to a script, there is a danger that the script is adopted on the surface only, leading to a de-coupling on talk, decisions, and action (Meyer and Rowan, 1977). This is different

from reform out of genuine conviction, a conviction that emerged out a preceding crisis that in turn triggered a learning process. Where human rights accountability reforms are de-coupled from action, there is a danger that we observe little improvement on the ground despite a spread of the script. Future research needs to go beyond the talk of MDBs and borrowing governments to detect the developments on the ground.

In addition to this danger of organizational de-coupling in light of conflicting expectations (e.g., to adopt the new script *AND* to maintain organizational routines at the same time), we have compelling reasons to be highly skeptical regarding the spread of comprehensive and thus effective human rights accountability in light of *broader geopolitical trends*. While my work could only strip these trends, some of the most pressing research questions emerge out of this complex. For instance, the informalization of global governance should be of particular concern to TSM who seek legitimate global governance organizations. “Informalization” here describes an ongoing trend toward more flexible, soft law arrangements such as the G7/8 or G20 formats (Snidal & Vabulas, 2016). The more informalized the institutional design of the international organization exercising governance, the less movements have the ability to interact with them directly. For example, disruptive tactics against the G20 are not possible outside actual G20 summits in the absence of an independent administration and secretariat. Even if G20 protests during actual summits would amount to a G20 legitimacy crisis, it is not clear how accountability could follow. For in the absence of formalized standards guiding the governance activities of the G20, there is no possibility for *any* human rights accountability mechanism (based on such standards). Further research should address pathways through which TSM could mitigate this problem.

Whether we deal with informal or formal international organizations, all global governance is characterized by a dispersion of legal orders on different levels which intersect and partially overlap (Zürn, 2010). The increasing shift toward “country systems” under the new World Bank policy framework (see case study 2) makes this very clear. If an implementing agency fails to protect against discrimination in the context of a World Bank financed project in Brazil, those affected are most likely uncertain regarding the right level of complaint: should they direct the complaint against the implementing agency, Brazil, or the World Bank? On the one hand, there is a risk that states delegate questionable practices to MDBs, thus exploiting the nature of multi-level governance (Wilde, 2006). Similarly, MDBs could (and already do) delegate high-risk endeavors. For instance, the World Bank’s International Finance Corporation (IFC) increasingly works through so-called “financial intermediaries” to finance implementing partners for their own projects. Such financial intermediaries include commercial banks, private equity funds, and insurance companies. Since they are formally not part of the World Bank, IFC’s human rights standards do not apply, while governments do not feel responsible either (Oxfam/CIEL, 2012). The more actors of different character and legal standing are involved, the higher the risk that states and MDBs evade their human rights responsibilities. At the same time, case studies from the European Union indicate that multi-level governance may also have the opposite effect and improve human rights accountability by providing multiple access points for individuals to file their complaints. A prominent example involves the practice of “blacklisting” by the UN Security Council (UNSC). According to the procedure, states or regional organizations could nominate

individuals for the UN blacklist. The UN Security Council then had the authority to sanction such blacklisted individuals (e.g., by freezing their funds). When several individuals issued a complaint against this practice with the European Court of Justice (ECJ) on grounds that the UNSC violated fundamental principles of the rule of law (i.e., seizing property without a court hearing or allegations of wrongdoing), the ECJ ruled that the practice of the UNSC was in fact unlawful and determined that UN sanctions could only be effected if in compliance with European Human Rights Law (Heupel and Zürn, 2018). Hence, it is an open question whether the shift toward multilevel global governance with dispersed and intersecting normative orders is likely to increase or decrease the human rights accountability for aggrieved individuals and communities.

Next, the causal mechanism I hypothesized heavily builds on the availability of liberal MDB member states that are willing and powerful enough to catalyze TSM human rights agendas. More and more, this premise becomes problematic. At the time of writing, U.S. President Donald Trump managed to dispel the last grains of doubt one might still have had concerning his aversion for multilateralism and governance through international organizations—formal and informal. With respect to *formal* IOs, Trump effected massive funding cuts to the UN (especially UN Peacekeeping) and while funding cuts to MDBs were still moderate (relative to those toward the UN), MDBs relying on U.S. funding lived under a constant fear that more severe cuts might follow. Regarding informal IOs, Trump had affronted the G7 by cancelling the final “Communiqué” via Twitter overnight (after having signed it at first) as he also withdrew support for the Paris Climate Agreement from 2015. Also, Trump ordered trade sanctions against the EU, thereby heavily incriminating US-EU transatlantic relations, cancelled the Iran nuclear deal and instead opted to meet North Korean President Kim bilaterally without substantial outcomes. In short, within less than two years, Donald Trump’s foreign policy based on nationalist unilateralism, the negotiation of bilateral “deals” and protectionism paired with a concordant disrespect for international law, long-term multilateral solutions as well as international organizations fundamentally questions two sub-premises of my causal mechanism:

1. That the United States is a liberal state based on cosmopolitan values and a firm commitment to human rights.
2. That the United States is able and willing to use its power resources inside MDBs (and IOs more generally) to enhance these values.

In an increasingly polarized U.S. society, there is a realistic chance that Trump is able to secure a second term in 2020. With or without a second term, the transition of global power dynamics and the end of U.S. hegemony which preceded Donald Trump’s presidency (Acharya, 2014) seem irreversible. At the same time, states of the European Union—a natural TSM addressee in times of ceasing U.S. influence—are experiencing their own internal challenges: increasingly powerful right-wing populist parties challenge seasoned European democracies (e.g., The Netherlands, Sweden, Germany, France), while nationalists are already in power in Hungary, Poland, Austria and Italy. The latter is, after all, a founding member of the EU. In short, EU member states experience serious contestation of their liberal, cosmopolitan orientation. As a consequence,

movements may simply lack those powerful member state allies who are prepared to push for human rights reforms in MDBs. Case 2 is an early indication of this danger.

At the same time, I addressed the counter mobilization of rising powers, particularly that of China, in length in my analysis. It suffices here to say that China's quest for greater influence in MDBs and its counter multilateralism already had massive implications for TSM socialization efforts in Case 2. Given China's authoritarian political system, it is highly questionable whether TSMs will be able to change China's stance on human rights in MDBs. In the absence of elected representatives and the absence of a free press, China is not vulnerable to disruptive tactics (e.g., public campaigns) toward MDBs it supports (Part I of the causal mechanism). Secondly, even if TSM would manage to set human rights accountability on the agenda of Chinese decision-makers, one may doubt whether the Chinese political system would provide TSM with sufficient access to persuade decision-makers of the appropriate course of action (Part II of causal mechanism). Third, MDB staff that sympathizes with TSM demands is even less likely to push for human reform the more China gains influence in the MDB. Thus, we can expect more, rather than less, MDB efforts to coopt human rights movements. Future research needs to analyze the specific ramifications of these general trends that are beginning to loom more and more clearly.

In conclusion, I believe it is safe to predict that tensions between the basic interests of project affected people on the one hand, and the interests of powerful state and economic actors on the other, will not only continue, but increase for some time to come. To ensure that the basic right of the global poor and vulnerable are protected, MDBs and their member states have a special responsibility to provide for comprehensive human rights standards, transparency regarding their protection and effective sanctioning provisions in cases of their violation. This responsibility derives from basic normative requirements toward minimally legitimate political orders and from international law: the human rights obligations of international organizations and the treaty law binding MDB member states—individually, but also in their capacity as members of MDBs. Transnational social movements played and continue to play an important role to socialize MDBs into their human rights obligations. Through their efforts, movements effected policy and institutional reforms and increased an awareness for human rights violations in the context of development projects. Thanks to movement efforts there is an increasing awareness for the existent legal prohibition of MDBs to finance or support projects in the context of which human rights are violated (Dann and Riegner, 2014; Riegner, 2016). However, after three decades of progress, human rights accountability is under threat: the “shrinking space” for civil society undermines the capacity of social movements around the world to exercise their critical functions as watchdogs and agents of MDB socialization. Increasing counter mobilization toward a “liberal democratic script” including human rights at its core from authoritarian regimes, Chinese counter multilateralism and the growing importance of private investment capital in development finance not only enhance competition to MDBs, but also threaten to undermine achievements in the area of human rights. Thus, to guarantee human rights in development, liberal democratic states and MDBs alike need to realize their responsibility and mobilize their potential as guardians of legitimate, morally sound and sustainable development. Fulfilling this role also means to live up to the very standards of

good governance donors and MDBs themselves demand elsewhere. At a minimum, it means to adopt policies and institutional reform to guarantee comprehensive human rights accountability.

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## Appendix:

### List of Interviewees and Background Conversations<sup>1</sup>

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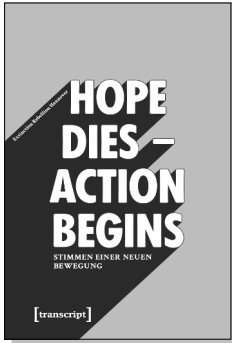
Name	Organizational Affiliation	Position / Unit
Hartwig Schäfer	World Bank	Vice President for Global Themes / Safeguards Team
Charles di Leva	World Bank	Chief Officer Social and Environmental Standards
Qays Hammad	World Bank	Operations / Safeguards Team / Team Lead of Grievance Redress Service (GRS)
Tatjana Tassoni	World Bank	Inspection Panel Staff, Operations
Eduardo Abbott	World Bank	Member Inspection Panel
Richard Bissel	World Bank	Member Inspection Panel
Anis Dani	World Bank	Independent Evaluation Group
Elizabeth Mensah	World Bank	IFC / Office of the Compliance Advisor Ombudsman (CAO)
Immanuel Steinhilper	World Bank	Senior Public Sector Specialist
Nils Handler	World Bank	Consultant
Bernhard Metz	World Bank	Social Development Specialist
Maria Buss	World Bank / Germany	Advisor to the German ED
Oliver Lorenz	World Bank / Germany	Advisor to the German ED
Susan Ulbaek	World Bank / Denmark	ED for Nordic Countries
Dominik Köhler	World Bank	Consultant

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<sup>1</sup> In chronological order

David Hunter	American University	Professor of Law
Jonathan Fox	American University	Professor of Political Science
Nancy Alexander	Heinrich Böll Foundation	Chairperson
Chad Dobson	Bank Information Center	Chairperson
Jolie Schwarz	Bank Information Center	Senior Policy Advisor
Elizabeth Summers	Bank Information Center	Infrastructure Policy Manager
Nezir Sinani	Bank Information Center	Chairperson BIC Europe
Stephanie Fried	Ulu Foundation	Chairperson
Ben Beachy	Sierra Club	Director, Trade Programme
Caitlin Daniel	Accountability Council	Staff Attorney
Knud Vöcking	Urgewald	Campaign Manager, IFIs
Korinna Horta	Urgewald	Chairperson
Bruce Rich	Environmental Defense Fund	Chairperson / Author
Ryan Hassan	NGO Forum on the ADB	Chairperson
Medha Patkar	NBA	Chairperson
Andrea Kämpf	German Institute for Human Rights	Researcher on Development Co-operation
Peter Bakvis	International Trade Union Confederation (ITUC)	Director
Benjamin Knödler	BMZ	BMZ Press Office (former Advisor to the German ED)
Kate Geary	Oxfam / BIC	Co-Director, BIC Europe
Nora Sausmikat	Stiftung Asienhaus	Researcher
Uwe Kekeritz	German Green Party	Member of Parliament / Speaker for Development Cooperation
David Stephen Kinder	World Bank / UK	Alternate Executive Director of the UK
Lori Udall	EDF	Campaigner
Jessice Evans	HRW	Senior Researcher on international financial institutions
Komala Ramachandra	HRW	Business and Human Rights Researcher
Kelsey Alford Jones	CIEL	Senior Campaigner
Benjamin Rosenthal	GIZ	Advisor
Jie Chen	University of Western Australia	Associate Professor / Focus: The role of TSM in China

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