

Quo Vadis, The World Bank?

The Position of the World Bank in the Human Rights Field:
Crisis or Compromise

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Prague, Czech Republic; September 26, 2000: The World Bank experiences one of the most turbulent periods within its history. Thousands of people are descending upon Prague in a “Global Day of Action” to protest against the World Bank and the International Monetary Fund at their Annual Meetings. At the same time protestors stage solidarity all over the world by joining the boycott against the World Bank bonds, initiated by institutions and coalitions of human rights and social justice in the United States. The world-wide campaign was launched because while the World Bank has adopted a new rhetoric, its policies on debt and structural adjustment have remained largely unchanged and continue to plunder environments and economies of poor countries, trying at the same time to impose a corporate globalization upon all nations.ⁱ

The crisis of the World Bank has been going on now for quite a while. The S26ⁱⁱ concerted protest actions against the World Bank have been only the latest of the series of events that have disturbed the Bank. Apart from the “anti-capitalism” side of the protests-- attacking the elitism and lack of democracy within World Bank’s activity-- invariably invoked since the 60’s, the last decade has been notably affected by increasing protests fueled by NGO’s and grassroots organizations or various other coalitions of human rights. The World Bank had been constantly pressed for reforms in environmental policy, changes in policy and practice with reference to structural adjustment and popular participation, freer and consistent access to information and channels for complaints as well as for adopting an official position with regards to the human rights principles. Apparently the Bank was willing to discuss these issues and theoretically even supported them; every president of the World Bank since McNamara has committed himself and his institution towards a less austere economic policy and an increasing concern for environmental policies, human rights, social and economic justice. Nonetheless the real outcome was different: hardly has anything changed throughout the years, with the World Bank preserving its traditional ideology and displaying an incredible conservatism. The “money based” view of the world refused any type of compromise or adjustment, thus de facto ignoring the opinions and suggestions of the loan accepting governments, indigenous people, NGO’s etc.

The present paper will address the policy of the World Bank with relation to human rights, pointing out still present deficiencies and several enhancements in this field. At the same time the essay will try to speculate on the crisis of the World Bank, proposing a simple result of either one-time compromise or perennial crisis. It remains a question whether the Bank will choose to enter the New Millennium without consistent reforms in its program or whether the implications of the “fifty years is enough” campaigns and the induced crisis will dissolve its intransigence.

1. Genesis: Child of the Modern Era

The World Bank was established as one of the triplets at the Bretton Woods conference of July 1944, under the name International Bank for Reconstruction and Development (IBRD), now known almost exclusively as the “World Bank”ⁱⁱⁱ. The other two organizations established at Bretton Woods were the International Monetary Fund (IMF) and the International Trade Organization (ITO), the latter of which never came into being in its initial framework-setting^{iv}. The World Bank began formal operations at its headquarters in Washington D.C. on June 25, 1946.

The mandate of the World Bank was elaborated in a very specific setting, giving the institution a set of coherent tasks embodied in Article 1 of the “Articles of Agreement” regarding the World Bank. Accordingly, the Bank was set up *inter alia* to: assist in the reconstruction and development of territories of members; promote private foreign investment; promote long-range balanced growth of international trade and the maintenance of equilibrium balances of payment; conduct its operations with due regard to the effect of international investment on business conditions in the territories of members. The ultimate common goal behind the World Bank and the IMF was to stabilize the international financial market through an attempt to avoid too great discrepancies in the various national economies, and thus to avoid a depression similar to the one that occurred after the First World War. Pragmatically speaking, the primary action was to assist in the reconstruction and development of war-torn Europe and Japan after the Second World War. (Skogly: 193, 194). In complete agreement with their first practical aim, the Bank’s first four loans approved already in mid-1947 were for the reconstruction of Denmark, France, Luxembourg and the Netherlands (Ayres: 10).

The idea behind the creation of the Bretton Woods institution was thus transparent and honorable, based on the belief that in order to ensure the peace and avoid another world war it is more than necessary to create organizations that would guard the economic stability throughout the World and thus guarantee the world peace. It was the period of great modernist planning of the future, filled with enthusiasm and idealism. In this sense the United Nations and all its specialized agencies, with particular emphasis on the World Bank, were the children of their era.

During their more than half-century of history, both the World Bank and the IMF developed new and enhanced positions becoming the two most prominent sources of financial assistance or catalysts of such assistance to countries in Africa, Asia and Latin America (Skogly: 194) especially, but also to the former communist countries in the Eastern and Central Europe and the Baltic region after 1990. The first so-called development loan was made in March 1948 for two small projects in Chile. (Ayres: 10) Many other followed, most of them under the structural adjustment programs (SAPs) setting, the involvement of the Bank in the development programs being by far overwhelming compared to the reconstruction programs that had been its initial aspiration.

Albeit its idealistic conception, the relation of the World Bank to Human Rights is still far from ideal. In contrast with other UN specialized agencies, such as UNESCO or ILO for instance, that refer to human rights more or less directly in their constituent documents^v, the World Bank (and the IMF for that matter) does not contain any references to human rights or any similar notion in its mandate^{vi}. While the initial setting of the Bank would conform to this assertion and consequently question whether the role of the World Bank in the human rights field should be broached at all, the current setting has changed the situation. As a result of the shift in the Bank's position, from merely reconstruction to development aid agent, the role of the human rights within the World Bank policy has received increased attention. This has propagated both as result of criticism of the effects of its activity and because of its increasing dominant position in providing international finance resources to the poorest areas of the world. But before we start with a thorough analysis of the human rights factor implications we need to consider an overview of the structure-function diagram of the World Bank.

2. Dynamic Structure versus Conservative Function

The current institutional set-up of the World Bank is thought to be, at least by some authors, by far on a stronger position than the one of the United Nations (Bergesen and Lunde: 95). Membership in the World Bank has considerably increased throughout the years, nowadays the World Bank being owned by 182 countries^{vii}. The capital of the Bank reached hard to believe figures: only the amount of loans in 1998 was 2 times bigger than the initial total subscribed capital of the Bank in 1944. The structure itself adjusted to the enormous hype in activity, the bureaucratic machine of the World Bank numbering nowadays more than 11, 000 permanent employees^{viii}. On this impressive structural background, the policy program of the

Bank preserved its conservative trend and its loyalty towards a solely economic oriented approach.

Dynamics and complexity could well be describing terms of the World Bank structure. The International Bank for Reconstruction and Development (IBRD) is only one of the components of the so-called “World Bank Group”. For many years the World Bank Group had a tripartite structure. Next to the IBRD the other two organizations were the International Finance Corporation (IFC), established as an affiliated organization of the Bank in 1956, and the International Development Association (IDA), created in the 1960 as a “soft-loan affiliate” of the Bank. Nowadays the World Bank Group is composed of five organizations. The more recent two members are the International Center for Settlement of Investment Disputes (ICSID), created in 1966 as an autonomous international organization having close links with the World Bank, and the Multilateral Investment Guarantee Agency (MIGA), created in 1988. Under the Articles of Agreement of the IBRD membership in the Bank is conditioned on the preliminary participation in the International Monetary Fund. Furthermore, membership in any of the IDA, IFC or MIGA organizations is conditional upon membership in the IBRD. The formal overarching goal of the World Bank Group, as officially acknowledged^x, is the poverty reduction. The five institutions of the World Bank, specializing in different aspects of development, are compelled to “use their comparative advantages in order to work collaboratively and synergistically toward the same overarching goal”.

With reference to voting issues and decision powers of the member states, the World Bank did not change too much throughout the years. Officially, member countries are shareholders that carry ultimate decision-making power in the World Bank. Each member nation appoints a Governor and an Alternate Governor to carry out these responsibilities. They decide on key Bank policy issues, admit or suspend country members, decide on changes in the authorized capital stock, determine the distribution of the Bank’s net income, and endorse financial statements and budgets. The bulk of the Governors’ powers are delegated throughout the year to the board of Executive Directors (EDs). The present five largest shareholders - France, Germany, Japan, the United Kingdom and the United States - each appoint an Executive Director, while the other member countries are represented by 19 EDs who are elected by groups of countries (constituencies)^x. The Executive Directors normally meet twice a week to oversee the Bank’s business, including approving loans and guarantees, new policies, the administrative budget, country assistance strategies, and borrowing and financial decisions. Unofficially the 5 largest shareholders still keep a huge influence on the decision-making process even if their official voting power reduced considerably since the 1940’s. Hence,

being a process of weighted voting, the whole ballot casting usually takes place in few instances (Gordenker: 278) and most decisions are made by consensus, in principal due to the authority and influence of the biggest sponsors of the Bank (these being accordingly the same as the largest shareholders).

The conservatism is an inherent general problem of the World Bank. At the Bretton Woods conference, Keynes, leading the British delegation, proposed a more courageous outlook of the Bank. Nonetheless the US delegation forced its decision on creating an organ that would take into account the economic and only the economic considerations (Bergesen and Lunde: 97). Furthermore, even in the early years of the Bank's history, the Bank was criticized for ignoring soft issues, but then it considered these issues less measurable and with unclear reference points. Even if the issues nowadays have gained "clear reference points" and claim precise revisions, the Bank still reacts as in its past. This conserved reluctance towards policy changes seems to have considerably influenced and determined the crisis of the World Bank in the last decade. For some authors the World Bank remained a dinosaur of the modern era, convinced that its traditional approach is the best and the only feasible strategy. Whether the World Bank can do anything to ensure its survival in the postmodernist age, in particular by imposing reforms on its activity regarding human rights, is to be further investigated and possibly answered in this paper.

3. The World Bank and Human Rights. Reality and Expectations

3.1. "Our Dream is a World Free of Poverty": Hypocrisy or Excessive Idealism?

The declared goal of the World Bank is to "fight poverty with passion and professionalism for lasting results"^{xi}. Paradoxically or not, due to this "noble" clause in its mission, the Bank became the subject of the deepest and most severe opprobrium. The criticism was partly generated by the adverse relation between the aim of the Bank and the means of achieving it, partly by the Bank's failure to consider secondary effects to its policy. It is argued in this sense that the World Bank violated international standards both in terms of ethics and fairness in economic activity and in terms of international human rights principles. In response to the accusation of hypocrisy launched against it, the Bank abstained from recognizing any de facto deviations from international standards. Empirical evidence and other significant proves have

been brought up in support to the faultfinding. Nonetheless, notwithstanding the protest actions against it, the World Bank seems to live in its own space and time, displaying a general optimism that convinces less and less and moreover it is not uniform. This is best seen in the contradictory opinions within the staff of the Bank itself. Not all its bureaucrats share the position reflected by the World Bank as a whole, as several authors pointed out after informal interviews. Nevertheless, formally nobody seems too eager to ever contravene the general trend by expressing himself. And this is not difficult to comprehend as, in the words of Wolfensohn, the current Bank President, “externally voiced criticism of the Bank is an indication of a desire to find alternative employment” (Caufield: 10). Hence, for the sake of simplicity, we will consider the entire Bank as reflecting one and the same position, having acknowledged though that internal discordances exist.

The criticism against the World Bank is spread over many areas. We will insist in this section, for obvious reasons, only on the issues that made the World Bank the center of protests within the field of human rights. The World Bank has been made subject to much criticism in terms of ‘violating’ or neglecting human rights through many of its projects in developing countries, specifically through its structural adjustments lending. In this section we will try to present some of the main lines followed in this respect.

Officially the World Bank has never accepted that human rights are not a part of its activities. In this respect the claim is that the Bank does promote human rights, in particular the respect for economic, social and cultural rights. Mr. Shihata, the legal counselor to the World Bank, has stated that: “the Bank is joining hands with developing countries agencies in the alleviation of poverty, in combating disease, malnutrition, illiteracy and in fighting for the preservation of the environment. It is also seeking an enhanced role for women in development [...] The Bank is not only promoting economic and social human rights but is no doubt playing a catalytic role in creating conditions in which all basic rights can develop and flourish” (Skogly: 195). No doubt, the fact that the Bank recognizes the existence of economic, social and cultural rights is positive; however it is questionable whether the economic, social and cultural rights actually benefit from the explicit actions undertaken by the Bank. Apart from the fact that the Bank has never performed any systematic human rights evaluation of any of its programs, thus the above statement about the promotion of the human rights being an assumption without any underlying basis, the positive impact of the activities of the Bank is not obvious at all. We will further consider the toughest criticism in this respect, criticism addressing the effect of the so-called Structural Adjustment Programs (SAPs).

Structural Adjustment, as perceived by the Bretton Woods institutions, is a process that aims to enable national economies to be more efficient, flexible and resourceful. The major goals of the Structural Adjustment Program, also known as the Economic Recovery Program (ERP), are to reduce state intervention in the economy and to increase production of goods for export. (Chakaodza and Vivekananda: 43) The World Bank and the IMF act together in these Structural Adjustment Programs, with the World Bank's contribution known best as the Structural Adjustment Loan (SAL), most of the time in relation to African countries. Obviously these loans and forms of financial aid are not given just like that, but conditionalities are imposed^{xii}. Among these conditionalities, the most relevant ones are decontrolling prices, deregulation of trade, devaluation of currency, reduction in public expenditure, wage restraints, increase in domestic interest rates, encouragement of foreign investment, human rights, good governance etc. It is argued that the political and economical conditionalities have actually caused deeper poverty, have increased the hardship for certain vulnerable categories of people, have tremendously decreased human dignity (people tending to work for lowest wages ever) and led to tension and conflicts. Dramatic reductions in the levels of education, health and social care and other human rights embodied in the International Bill of Rights follow the series of accusations. Some critics go as far as to indirectly accuse the World Bank of contributing to the "economic genocide" in Rwanda (Chossudovsky: 115), the ethnic civil war in Bosnia-Herzegovina and so on and they do corroborate with evidence to their assertions.

Next to the negative explicit effects of the SAPs, the World Bank has been accused of not willing to promote and protect human rights by, for instance, not ensuring that the loan-contracting governments are respecting them. Thus, even if among the conditionalities for the Structural Adjustment Loans (SALs) good governance and human rights have been always mentioned, notorious human rights violators at particular times received loans and development aid. As a striking example, for decades the World Bank has never raised questions regarding multi-party democracy and violations of human rights by the governments in Central and Southern Africa: Kenya, Zaire, South Africa, Burma, Malawi etc. (Chakaodza and Vivekananda: 56).

By summing up all its contributions, the World Bank might be considered a notorious violator of human rights. Despite that this is mainly done indirectly, due to the Bank's passive and indifferent role in the protection and promotion of the human rights, the World Bank cannot be exculpated. The so famous dream of a world free of poverty translates unfortunately either in hidden hypocrisy or in an excessive idealism underlying nothing else

than a severe lack of professionalism from the part of the World Bank. Consequently change must occur in either direction to remedy the situation.

3.2 IP, ODIR's, ODIP's, ODPR's and Other Initiatives Aimed at Improvement^{xiii}

Despite all the facts presented and the tone adopted in this paper, we do not want to deviate from an assumed impartial role of the observer. Consequently we will have to admit that the World Bank has not remained completely reluctant and impassioned to the protests, criticism and suggestions formulated over time. The few measures taken by the World Bank in the Human Rights field will be discussed in this section.

The Bank came actually close to drafting a human rights policy through its Operational Directives issued between 1990-1991 (during the late Conable and early Preston presidency of the World Bank). Three types of Operational Directives were enacted, addressing Involuntary Resettlement, Indigenous Peoples, and respectively Poverty Reduction. These directives constitute part of the official policy statements of the Bank (Skogly: 196), therefore their importance is not to be neglected. For our purpose, it has been noted that these statements contain a certain degree of human rights language. For instance, the Operational Directive on Indigenous Peoples specifically mentions the term 'human rights': "The Bank's broad objective towards indigenous people, as for all the people in its member countries, is to ensure that the development process foster full respect for their dignity, human rights and cultural uniqueness" (Skogly: 195). Another example would be a comment on the Directive regarding Involuntary Resettlement (Skogly: 196): "Firm measures must be taken to protect the lives, welfare, culture and human rights of those displaced [...]". It can be advocated that the language used is encouraging. Nonetheless there still is a huge gap between theoretically recognizing and explicitly 'practicing' human rights. The World Bank has never accepted any legal obligations in this respect. Moreover, the Operational Directives are aimed so far only at specific groups, leaving aside the bulk of those affected by the World Bank's projects. As stated also in the previous section, the World Bank's programs are affecting much more social groups and in fact it would be easier to denote those groups that are not affected rather than those who are affected. Hence, more initiative is expected from the side of the Bank in the direction of the de facto recognition of the human rights and the extension of the range of action of its Operational Directives.

Reforming efforts had the most visible effects especially during the presidency of Lewis Preston, in the recent history of the World Bank. Next to the enactment of a less secretive information policy^{xiv} and a limited reorganization of the Bank, an independent Inspection Panel that could hear complaints (Nelson: 7) was created in September 22nd, 1993. The mandate of the Inspection Panel was to ‘receive requests for inspection’ from ‘an affected party in the territory of the borrower’ or their representative (Skogly: 197). The Panel was given the task to receive only complaints about the effects of the Bank policy. On a pessimistic note it would seem that the importance of the Inspection Panel in human rights terms is not too relevant as in principle general complaints about the human rights effects are not admissible. Fortunately however, there are a number of policy areas, notably comprised within the Operational Directives described above, which do incorporate references to human rights and can be invoked in front of the Inspection Panel. (Skogly: 198) Moreover, the very positive aspect is that the Inspection Panel accepts both individual and organizational complaints, that is complaints filled by organizations in behalf of individuals. This is certainly improving the chances that such a complaint is carefully considered. In terms of NGOs this is probably the best enhancement that the World Bank could think of, as the enacting of the Inspection Panel facilitates their role in promoting further human rights that the World Bank would have to comply with.

Although the discussed measures taken in the beginning of the 90’s were much more significant in comparison with other initiatives taken in the same spirit before, they were obviously not sufficient or not deep enough. Corroborated with other factors this lead to the 50th anniversary year marking the edge of an extreme crisis for the World Bank. Among the severe drawbacks that the Bank had to face were the largest financial contributor to the World Bank announcing its reduction of support as result of a political shift in the Congress, the World Bank financed projects experiencing a major crisis in Mexico, the late Lewis Preston resigning due to illness. Moreover, taking advantage of this apparent crisis organized protest actions under the “Fifty years is enough!” label were launched and supported ever since, their intensity increasing progressively. The willingness of the Bank to actually improve anything concrete, fundamental, in terms of human rights and other issues might still change on the background of this acute crisis. However it is worth to observe that James Wolfensohn, the President of the World Bank since June 1995, has not operated many noticeable changes yet in spite of his declared intention to reshape the Bank.

3.3 Concluding Observations: Legal Accountability within Human Rights

A possible and straightforward improvement solution for the Bank's image in terms of human rights would be the willingness of the Bank to explicitly recognize the human rights principles. Implicitly this would secure the possibility that the Bank is held accountable for the violations of the human rights norms.

We will first and foremost argue that the World Bank should be legitimately concerned with the issue of the human rights. It is true that the matter at hand has been deemed as controversial. It is also true that the rationale for possible human rights concerns is not to be found in the aims and objectives described in the Article of Agreements. (Skogly: 199) Nonetheless, the source to the legal relationship can be taken from the standing of the World Bank in the international community. The World Bank is considered to have legal personality^{xv}, which confers it the character of a subject of law. Equivalently, the World Bank is both a right and a duty holder in the international community. Moreover, because the World Bank is a specialized agency of the United Nations, it will enjoy a special relationship to the UN charter and will have special roles in the implementation of the Universal Declaration and of the two international covenants.

Within the Universal Declaration, the Preamble states that "every Organ of Society [...] shall strive [...] to promote respect for these rights and freedoms"; obviously an Inter-Governmental Organizations is included among the Organs of Society. Also, Article 30 of the Universal Declaration clearly asserts that no State, group or person may interpret the Declaration in any way aiming at destruction of these rights. Again, there is no reason why this restriction should not be seen in extension, applied to a group of States (constituting and being the decision-making bodies). With reference to the covenants, the ICESCR is much more explicit than the ICCPR^{xvi} in what regards the role of the specialized agencies. Hence the ICESCR clearly sees a role for the various specialized agencies in implementing its procedures within their field of operation, while the only reference to specialized agencies in the ICCPR is found in the references to the reporting procedure within this Covenant (Skogly: 200). Therefore at least from the perspective of the social, economic and cultural human rights the World Bank should be immediately labeled 'legally responsible'.

Furthermore the legal accountability can be also addressed from the World Bank being set up and being run by governments, governments that have undertaken various international human rights obligations. Almost 3 quarters of the shareholders of the World Bank have ratified both International Covenants, for instance. Consequently the Bank can in no way

constitute a means for these countries to escape accountability with regards to human rights violations in the treaties they have ratified.

The arguments discussed point all towards the claim that the World Bank is under the obligation to at least respect human rights in their operations (Skogly: 201). In practice this obligation to respect human rights would very generally translate by the World Bank making sure that its policies and activities do not make the situation of the human rights worse.

The core issue of the problem addresses the pragmatic implementation of the accountability. Are there ways to make the World Bank accountable for non-respecting human rights provisions? We will recognize that any solution would entail a compromise from the part of the Bank; sooner or later the Bank will have to make definite concessions in the human rights field in order to ensure its survival. Most authors divide the possibilities in this respect in conceptual ways and procedural ways (Skogly: 201). On the conceptual line, the World Bank needs to actively recognize that it is obliged to respect the international human rights treaties legally binding on their members, as subject to international law. On the same conceptual reasoning, the policies of the World Bank should themselves be in accordance with the UN Declaration and the two UN Covenants, apart from the ratifications that each of its members has actually done with respect to these documents. In this respect the situation of the World Bank can be paralleled with the situation of the European Union trying to accede to the European Convention of Human Rights, keeping obviously apart the scale differences.

The procedural changes are to be materialized by making checks on human rights performance, based on human rights indicators as a routine part of any program of the Bank (Skogly: 202). The World Bank should open up for participation of the affected actors as well as grassroots organizations and NGOs. At the same time more collaboration with the other specialized agencies of the UN, with the UN human rights organs and with UN regional institutions is necessary.

Unless these changes are performed, the record of the World Bank will remain the same, no matter what promises the future Bank presidents will make. It has become clear that a real compromise is necessary both in order to avoid the crisis and to end the aversion towards an otherwise necessary financial institution in the world.

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Endnotes

ⁱ The paragraph was paraphrased after the article “Grassroots Campaign Against World Bank Spreading Like Wildfire”, published in Washington DC by the Center of Economic Justice (CEJ) in 25 September 2000 as a manifest calling for increasing boycott against the World Bank. The whole article can be find at the URL <http://208.55.75.172/cej/s26release.html>

ⁱⁱ S26 is the generic name of the international protests at Prague between 19 and 28 September 2000, during the Annual Meeting of the IMF and the World Bank, culminating on the chosen International Day of Action, September 26.

ⁱⁱⁱ The “World Bank” term is usually used to designate the World Bank Group, which incorporates the IBRD, but also in relation to the IBRD itself, which is by far the most important organ of the World Bank Group. For the purpose of our paper, the differences between the two usages are not relevant.

^{iv} The final accomplishment of the ITO might be equated nonetheless with the establishment in the 1995 of the World Trade Organization (WTO) from the formal General Agreement on Tariffs and Trade (GATT).

^v UNESCO contains the term ‘human rights’ in its constitution, while the mandate of ILO includes the promotion of ‘social justice’ that has been interpreted to incorporate human rights (Skogly: 193)

^{vi} See Articles of Agreement, World Bank

^{vii} At the first annual meeting of the board of governors of the World Bank, between September 27 and October 5 1946, the Bank numbered 38 member nations

^{viii} According to official sources, the Bank has 8634 staff persons employed in Washington DC and 2679 people overseas. The exact numbers were extracting from <http://www.worldbank.org/html/extdr/about/quickfacts.htm>

^{ix} See <http://www.worldbank.org/html/extdr/about/wbgis.htm> for a concise official description of the functions of the World Bank Group as a whole and of each of its constituents

^x Some countries - China, Russia, and Saudi Arabia - have formed single-country constituencies, while others have joined together in multi-country constituencies.

^{xi} The official declared Mission of the World Bank inspires both the title of the section and this quote. The document can be read at <http://www.worldbank.org/html/extdr/about/mission.htm>

^{xii} Conditionalities can be defined as the terms or polices that countries are expected to pursue in the course of using the World Bank and the IMF resources

^{xiii} The use of the acronyms is not official. In the title of this section IP= Inspection Panel, ODIR’s =Operational Directives on Involuntary Resettlement, ODIP’s=Operational Directives on Indigenous Peoples, ODPR’s=Operational Directives on Poverty Reduction

^{xiv} One of the main realizations in this respect was the opening in January 1994 of the Public Information Center, at the Bank’s headquarters in Washington DC

^{xv} Although there is not unanimity in this sense, the present trends in international law and international law of human rights in particular seem to heavily sustain this claim

^{xvi} In this text ICCPR denotes the International Covenant on Civil and Political Rights, while the ICESCR is the International Covenant on Economic, Social and Cultural Rights