

**ACCESS TO ACCOUNTABILITY: ASSESSING SELECTION EFFECTS ASSOCIATED WITH
MULTILATERAL DEVELOPMENT BANK INTERNAL ACCOUNTABILITY OFFICES**

ERICA R. GOULD
STANFORD UNIVERSITY
EGOULD@STANFORD.EDU

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Abstract

Over the last twenty years and in response to calls for greater accountability, internal accountability offices (IAOs) have been established at nine different multilateral development banks (MDBs). These offices allow community groups within borrowing countries to bring complaints directly against MDBs if the development loan project violates MDB policies and causes harm. Recent scholarship portrays MDB IAOs as either fire alarms in a classic principal-agent sense or as remedies to democratic deficit problems plaguing MDBs. Both approaches are predicated on open access: communities harmed by MDB loan projects should be able to sound the alarm freely in order for these mechanisms to function. Utilizing a new dataset that codes all complaints filed through MDB IAOs through 2015 (775 in all), this paper analyzes the selection mechanism associated with MDB IAOs. How open or accessible are the MDB IAOs? Otherwise stated, which loan agreements receive complaints and why? The empirical findings suggest that access to accountability is constrained. Complaints are much more likely to come from borrowing countries that are strong democracies and from countries that have had prior experience filing complaints. I argue that MDB IAOs remain largely the purview of communities within strong democracies because of the political and social resources that are developed and flourish within democracies.

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I. Introduction

International organizations have been widely criticized as insufficiently accountable. (Nye 2001; Vaubel 1986; Barnett and Finnemore; Johnson 2014; Woods and Narlikar 2001; Woods 2001) However, within the last twenty years, these calls for greater accountability at IOs have prompted a wide range of institutional changes. (Woods and Narlikar 2001; Ebrahim and Herz 2007; Grigorescu 2010; Park 2010) For instance, the formal decision-making procedures, including voting percentages and weights, at several IOs have been reformed. A variety of IOs have also reformed their operational processes, including formal steps to include direct participation of a wider variety of actors, most notably civil society stakeholders and non-governmental organizations (NGOs) in program development. (Tallberg et al 2013.) Broad reforms to increase transparency, as well as more formal monitoring procedures, have been implemented across arrange of IOs. Finally, state members have created specific “internal accountability offices” (IAOs) at many of the multilateral development banks. These IAOs—conceptually similar to courts, yet lacking legal standing and enforceability—allow complaints to be brought by impacted communities within borrowing countries when MDB loan programs cause harm and violate MDB rules.

Attention to these mechanisms in political science has been relatively spare. Scholars have focused mainly on why these mechanisms were created in the first place and critiques of their functioning based on case research (i.e., Udall 1997; Udall 1998; Fox 2000; Park 2010; Park 2014; Park 2015). More recently, a few scholars have investigated the impact of these mechanisms based on large-N data from individual mechanisms (Buntaine 2015; Graham and Zvobgo 2018) or the entire population of mechanisms (Gould 2018). Theoretically, scholars understand MDB IAOs either as fire alarm mechanisms in a classic principal-agent sense (Nielson and Tierney 2003; Weaver 2008, 68-69; Grant and Keohane 2005; Buntaine 2015) or as remedies to democratic deficit problems plaguing MDBs (Hunter 2003; Park 2010; Woods 2001). Both theoretical approaches are predicated on the notion of relatively open access (Damonte, Dunlop and Radaelli 2014). When a loan program violates principal preferences or rights, community members should be able to freely file a complaint in order for the mechanism to function. This raises the question: How open or accessible are the MDB IAOs? Alternatively stated: which loans are most likely to receive complaints?

The question of accountability mechanism accessibility is important, not only due to its theoretical relevance to the nascent literature on these mechanisms. In addition, I will argue that this question is broadly relevant to broader literature on international organizations, for example the burgeoning literature on TNA access to international organizations and also literature on international courts, including WTO DSP, concerned with case selection mechanisms. Empirically, there is very limited data on MDB IAOs and their complaints. Most existing research relies on case research, or on large-N data from only one mechanism. (e.g. Buntaine 2015) This paper presents new data from the first comprehensive dataset of all complaints filed through all MDB IAOs through the end of 2015. Finally, from a normative perspective, we would hope that accountability mechanisms are created as more than simply “window dressing” and that civil society groups, which suffer harm from egregious MDB loan projects are able to access these accountability mechanisms, file complaints and ultimately have their complaints heard.

This paper finds that accountability access is constrained. Most notably, complaints are much more likely to be filed from groups in strong democracies, as well as from countries that have had prior experience filing complaints. In addition, institutional differences exist. Communities file complaints more freely when loan projects come from the World Bank’s IFC or MIGA and the IADB, than they do concerning loan projects from the EBRD and World Bank’s IDA or IBRD, holding other variables constant. Consequently, fire alarm mechanisms may not be able to function effectively, given that complaints appear not to be filed based on the severity of the violation, but instead based on the resources—broadly conceived—of the complainant.

In order to address the question of what explains access to MDB IAOs and, relatedly, which loans are most likely to receive complaints, I will be utilizing two new datasets. The first dataset, the Accountability Counsel IAMs database (or AC dataset) is the first comprehensive dataset to codes all 775 complaints filed through the IAOs established at the African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, European Investment Bank, Inter-American Development Bank, the World Bank’s IBRD, IDA, IFC and MIGA, and the United Nations Development Programme through the end of 2015. The second dataset, the Universe of Loan Projects Dataset, compiled data on development loan programs directly from eight multilateral development banks (all except the African Development Bank, whose universe loan data was not consistently available). Both datasets are described in further details later in the paper.

The paper will proceed as follows. In the second section, I will discuss the existing literature on MDB IAOs and transnational access to IOs, deriving hypotheses from both about access to MDB IAOs. In the third section, I will describe the datasets in more detail, present descriptive statistics on the existing body of complaints filed through MDB IAOs, as well as the universe of loan projects about which complaints may be filed. Fourth, I will present the large-N data analysis, a preliminary test of competing hypotheses about which loan agreements are more likely to receive complaints. Fifth, I will investigate the country case of India: a democracy from which a disproportionate number of complaints originate. The sixth and final section will discuss possible conclusions and steps moving forward.

II. Literature and Theory

Internal accountability offices are established as independent semi-judicial mechanisms within multilateral development banks through which impacted community groups or individuals can bring complaints about individual development projects or loans.¹ The MDB IAOs are a novel and promising innovation in the international system. They represent the first accountability mechanism by which those *negatively impacted* by MDB development loans gone awry can air their complaints, potentially receive compensation and possibly impact the design or implementation of the development project.

¹ For a description of each mechanism geared towards communities and providing details regarding how to use them, see Accountability Counsel. “Accountability Resource Guide: Tools for Redressing Human Rights and Environmental Abuses in International Finance and Development.” Available at:

Existing theoretical scholarship on MDB IAOs divides into two groups. The first set of scholars argue that MDB IAOs are examples of fire alarm mechanisms, which allow powerful state principals to constrain wayward agents when they transgress principal interests. (See Nielson and Tierney 2003; and also Weaver 2008, 68-69; Grant and Keohane 2005). In the Congressional context, McCubbins and Schwartz define fire-alarm oversight as “a system of rules, procedures, and informal practices that enable individual citizens and organized interest groups to examine administrative decisions (sometimes in prospect), to charge executive agencies with violating congressional goals, and to seek remedies from agencies, courts, and Congress itself.” (McCubbins and Schwartz 1984) Applying this theoretical metaphor to MDBs, their IAOs represent a relatively low cost, *ex post* enforcement mechanism whereby citizen groups file complaints claiming that the IO violated its policies and caused harm (in other words, violating principal preferences). According to this perspective, MDB IAOs ultimately help serve powerful state interests and enforce powerful, donor state preferences.

A second group of scholars conceives of MDB IAOs less as mechanisms for powerful state principals to constrain the MDBs and ensure that they hue closely to principal preferences, and instead as mechanisms created to allow borrowing state citizen groups to hold MDBs accountable. (Hunter 2003; Park 2010; Woods 2001) The emphasis here is on borrowing state citizen rights protections, rather than on powerful state preference enforcement.

That said, both models share certain features. Both envision citizen complaints as an important first move to ensure accountability. For both, open access to the complaints process is key for the smooth functioning of this accountability mechanism (Damonte, Dunlop and Radaelli 2014). For example, as Mark Buntaine (2015: 101) argues, accountability mechanisms can only function effectively as fire alarms if civil society groups can monitor IO activity and file complaints freely. Individual citizen groups need to be able to file a complaint and have their complaint be heard in order to ensure that MDB IAOs serve as either fire alarm mechanisms or democratic deficit remedies.

MDB IAOs do not pursue cases. Instead, like courts, they stand by waiting to receive complaints from communities within borrowing states. Consequently, the promise of MDB IAOs hinges critically on the capacity and willingness of sub-state communities to bring complaints through the MDB IAOs. If communities are impeded from bringing complaints—perhaps because they do not know about or trust the MDB IAOs, or the process of filing a claim is too costly or complicated, or they are actively dissuaded from bringing complaints—then these MDB IAOs cannot fulfill their role as accountability mechanisms effectively.

However, scholars and activists have argued that citizen groups may not be able to file complaints freely and that certain impediments stand in the way of MDB IAO access. (Park 2015; *Glass Half Full* 2016, 56-58) For example, communities may not be aware that these mechanisms exist and that the harm they have experienced was caused by a development project financed by an MDB. Communities that do have information about the accountability mechanisms and also that an MDB has helped finance the development project in question may still not file a complaint due to skepticism or lack of trust in the mechanism to produce results. For example, the IADB’s IAO developed a poor reputation with communities that led to a steep drop-off in filings. Filing a complaint may be quite costly for particular communities. The

mechanisms require successful complaints to be submitted in a legalistic style; the learning curve may be particularly steep for community complainants.² Borrowing state governments may actively stymie complaints by pressuring or threatening communities. (Gould 2018) Finally, complaints may be resolved before filing takes place (in the shadow of the mechanism) or in other fora.

The nascent empirical literature on MDB IAOs has largely not tackled questions of access and selection across MDB IAOs head-on. Much of the empirical literature on MDB IAOs initially focused on the creation of individual MDB IAOs (Park 2010, Park 2014, Udall 1998). Within the last few years, scholars have begun turning their attention to the effects of these mechanisms. For example, Buntaine (2015) argues that the World Bank's Inspection Panel is effective at containing the World Bank's lending, resulting in less risky environmental lending (for the IDA only) if a WBIP complaint was filed in the previous three years. Gould (2018) argues that borrowing states impede MDB IAOs' process and activity, namely autocratic borrowing states push for complaints to be dropped or shifted to a mediated solution, instead of being investigated through a formal compliance review. Graham and Zvobgo (2018) argue that the World Bank's Inspection Panel has been an effective enforcer of human rights norms.

Buntaine (2015) addresses the accessibility question or "supply of requests" directly, but only with respect to the WBIP, finding that countries with a greater density of environmental NGOs and less political repression will have more complaints filed. This finding comports with Gould (2018)'s finding that the lion's share of complaints come from strong democracies, and also Gould (2018)'s and Graham and Zvobgo (2018)'s finding that NGOs are positively related to MDB IAO process and outcomes. In addition, Buntaine (2015: 105) finds that past WBIP investigations were a predictor of future WBIP complaints. This comports with Davis and Bermeo's (2009) finding that past experience in GATT/WTO adjudication is a predictor of future complaint filings.

In short, this literature suggests several hypotheses regarding how country-level factors may influence the propensity for a loan program to receive a complaint. First, a borrowing country's regime type may matter. Autocracies can attempt to quash sub-state community complaints about these MDB loans. Democracies may generate more complaints relative to the number of loan programs because either civil society organizations encourage complaint filings or citizens have more capacity—including experience making claims on the state—and thus may be more likely to submit complaints when they experience harm from an MDB-financed development loan project. Hence, I would expect complaints to be more likely to come from more democratic states, all else equal:

H1: If a borrowing country is more democratic, then its development loans will be more likely to receive complaints.

² Davis and Bermeo 2009 argue that states need to accumulate expertise to file complaints in the WTO's dispute settlement mechanism. In this case, given that filers are sub-state community groups, the knowledge accumulation is not able to be reapplied and the potential costs associated with filing are particularly high.

Second and relatedly, NGO activity may matter. NGOs may help publicize mechanisms and generate complaints. Thus, a state with a more active civil society should be more likely to have complaints filed, *ipso facto*:

H2: If a borrowing country has a more active civil society (or more dense NGO environment), then its development loans will be more likely to receive complaints.

Third, the literature points strongly to the importance of experience to the propensity to file complaints. For example, Davis and Bermeo (2009) demonstrated that experience matters for states filing complaints in WTO dispute settlement mechanisms; Gomez-Mera and Molinari (2014) demonstrated how experience with WTO disputes can increase the likelihood of filing in regional trade mechanisms; meanwhile Buntaine (2015) demonstrated the importance of experience for WBIP complaint filings. For MDB IAOs, experience works differently than with other dispute settlement mechanisms. Sub-state community groups bring complaints, but the same sub-state community group does not bring multiple complaints. However, it may still be the case that once an MDB IAO complaint is filed from a particular county, then subsequent filings increase due to shared knowledge and publicity of the mechanisms. This suggests the following hypothesis:

H3: If a previous MDB IAO complaint has been filed from a borrowing country, then its development loans will be more likely to receive complaints.

A more established literature investigates the expansion and influence of transnational advocacy groups at international organizations (Jönsson and Tallberg 2010; Tallberg, Sommerer, Squatrito and Jönsson 2013; Tallberg, Sommerer, Squatrito and Jönsson 2014; Hanegraaff, Braun, De Bièvre and Beyers 2015). Scholars distinguish between two strands in this literature to explain the transnational advocacy (Hanegraaff, Braun, De Bièvre and Beyers 2015; Smith and Wiest 2005). One focuses on the changes in the international environment, and a state's integration with that international environment, that enables transnational advocacy (Meyer 1980; Barnett and Finnemore 2004; Smith and Wiest 2005). The other emphasizes domestic factors that explain variations in transnational advocacy, including regime type and wealth (Rohrschneider and Dalton 2002; Dalton, Reccia and Rohrschneider 2003; Tarrow 2005) Transnational actor (TNA) access at IOs is different from submitting complaints at MDB IAOs and the term "access" is being used differently here than in that literature. Nonetheless, insights can be drawn. For example, a borrowing country's wealth may increase its likelihood of engaging with MDBs and their accountability mechanisms, suggesting the following hypothesis:

H4: If a borrowing country is wealthier, then its development loans will be more likely to receive complaints.

In addition the more integrated a borrowing country is in the international environment (as measured by IO membership), then more likely its citizens may be to file a complaint with an MDB IAO, suggesting the fourth hypothesis:

H5: If a borrowing country is more integrated in the international environment, then its loan programs will receive more complaints.

Tallberg, Sommerer, Squatrito and Jönsson (2014) have documented how IOs have formally changed their rules to allow for more transnational actor (TNA) access. Access refers to “institutional mechanisms whereby TNAs may take part in the policy processes of an IO.” Access and participation—TNAs’ actual “presence in these institutional venues”—are distinct, yet likely related (Sommerer and Tallberg 2017: 248). One would expect that MDB IAOs with greater openness would receive more complaints. The resulting hypothesis is:

H6: If an IO is more “open,” then its loan programs will receive more complaints.

These six hypotheses will be revisited in the empirical section that follows.

III. Dataset Descriptions and Descriptive Statistics: Who files a complaint?

This paper relies on two new datasets. The AC dataset is the first comprehensive dataset of all MDB IAO complaints through 2015. The Universe of Loan Projects dataset compiles all MDB loan projects about which complaints can be filed. In this section, I describe both datasets, and then provide descriptive statistics to elucidate the population of complaints relative to the universe of loan projects.

AC Dataset Description

The Accountability Counsel IAMs database (hereafter referred to as the AC dataset) codes 775 cases filed with international accountability mechanisms between 1994 and December 2015.³ These cases represent all known cases and were gleaned from publicly-available databases, mechanism websites and annual reports of the international accountability mechanisms and their parent international organizations or domestic organizations, as well as Google searches. The AC dataset includes cases not only from the nine MDB IAOs mentioned above, but also mechanisms associated with individual state’s development banks or private investments such as the Brazilian Development Bank’s Ombudsperson and the Australia Export Finance and Insurance Corporation’s Complaint Mechanism. For the purposes of this paper, I only include data on cases brought through the nine abovementioned MDB IAOs. Those MDB IAOs (and their acronyms) are: the IFC/MIGA Compliance Advisor/Ombudsman (CAO), World Bank Inspection Panel (WBIP), Inter-American Development Bank: Independent Consultation and Investigation Mechanisms (MICI), Asian Development Bank’s Special Project Facilitator and ADB Compliance Review Panel (ADB), the European Bank for Reconstruction and Development’s Project Complaint Mechanism (EBRD PCM), the European Bank for Reconstruction and Development’s Independent Resource Mechanism, (EBRD IRM), the African Development Bank’s Independent Review Mechanism (AfDB IRM), the European Investment Bank’s Complaints Mechanism (EIB), and the United Nations Development Programme’s Social and Environmental Compliance Review/Stakeholder Response Mechanism (UNDP).

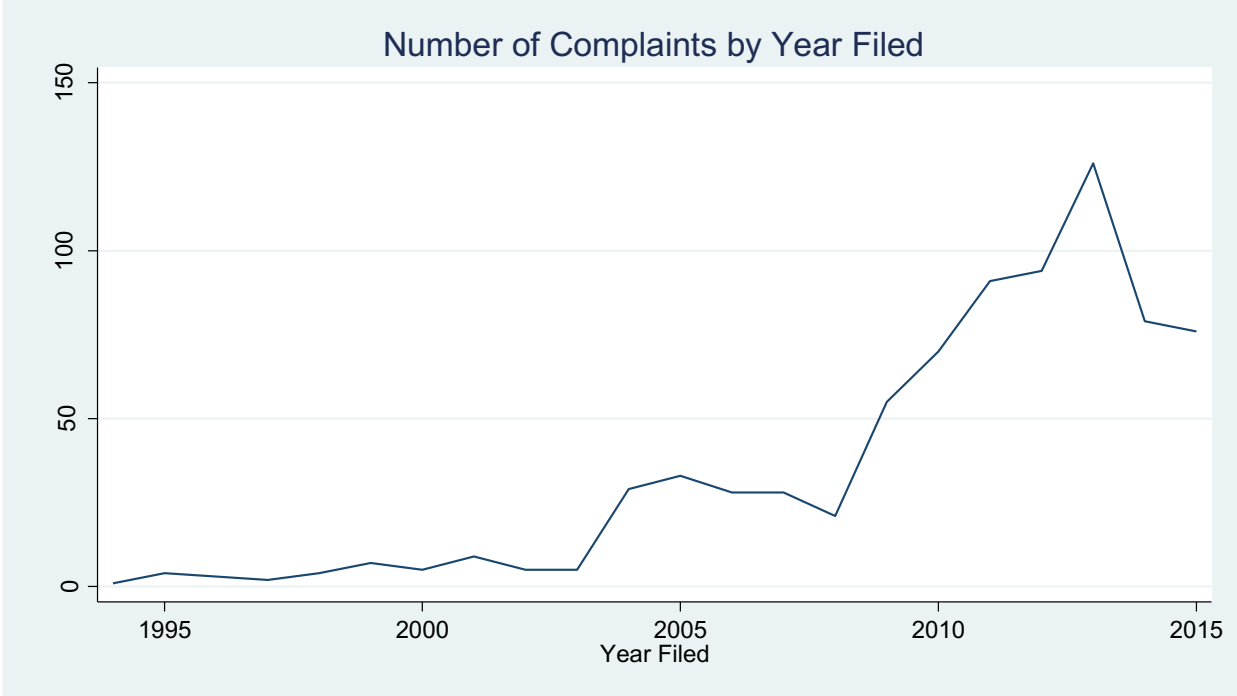
³ In the interest of full disclosure, the author would like to acknowledge that she sits on the Board of Accountability Counsel.

A case represents a complaint submitted to an international accountability mechanism about an individual project. There may be (and often are) multiple complaints (or cases) about a specific project. For each case, standard descriptive information was included, for example the applicable region, the country, the date the complaint was filed, and the month and year the case was closed, if applicable. The AC dataset also includes detailed information about who filed the complaint, as well as whether and what type of outside organization(s) helped support the filing. The dataset includes information on the type of financing that was the subject of the complaint, the sector and whether the funding went to a public or private entity. Individual complaints invoke specific rights that have been violated, and the database enumerates the issues raised by the complaints (e.g., pollution, livelihoods, water, human rights, etc.). When complaints are initially filed, they may need to be registered and often need to be determined eligible before the accountability process begins. The mechanisms generally have two main avenues: problem-solving (also called consultation) and compliance. Cases may go through one or both of these avenues. The dataset includes information about whether the case went through problem-solving or compliance, and whether settlements were reached.

Descriptive Statistics on MDB IAO Complaints Filed

The AC dataset provides descriptive data on the population of complaints that have been filed through multilateral development bank accountability mechanisms since their establishment starting in 1994. Graph 1 depicts the increase in filings over time. The graph plots the number of complaints filed each year starting in 1994. As indicated, there was a notable increase in 2004 and again in 2009-2013. The increase in 2004 was driven mainly by an increase in cases through the CAO, the IAO handling complaints from the World Bank's MIGA and the IFC. The second increase in 2009-2013 reflected more widespread use of the range of mechanisms. The overall number of complaints peaked in 2013, when 126 cases were brought across the nine mechanisms.

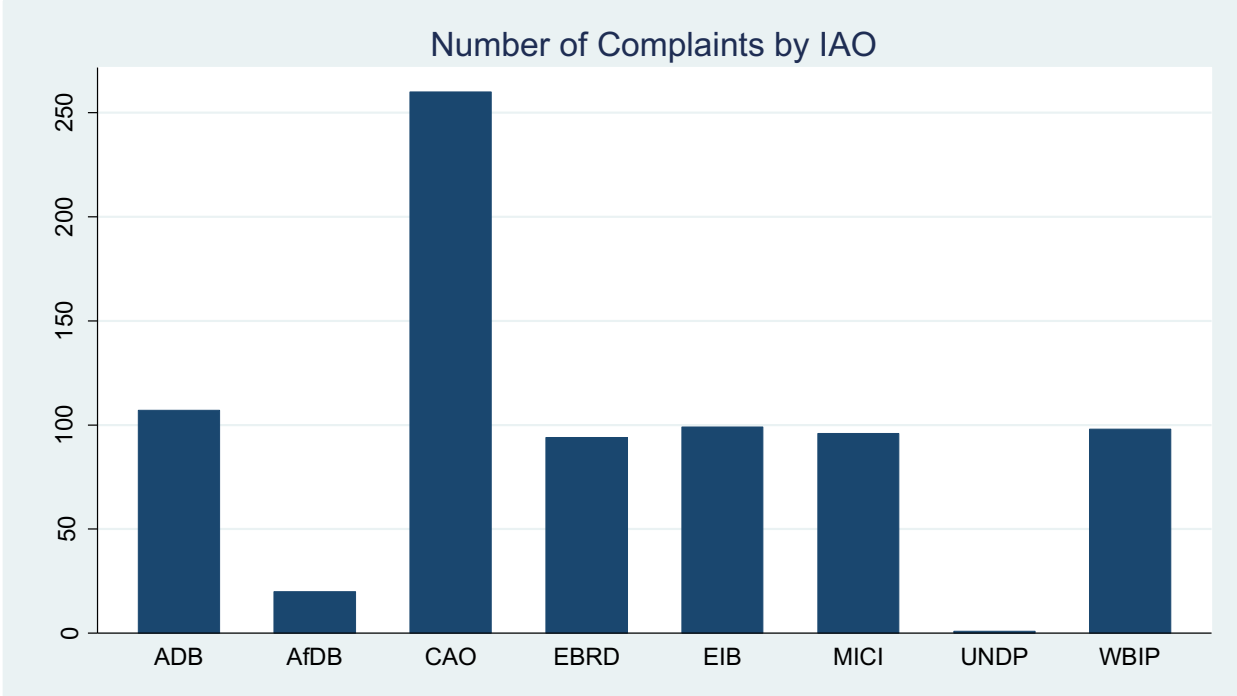
Graph 1: Number of Complaints by Year Filed



Source: AC Dataset

Graph 2 depicts the number of complaints by the particular accountability mechanism. As indicated, the ADB’s IAO, World Bank’s Inspection Panel, the EBRD’s PCM and IRM, the EIB’s Complaints Mechanism and the IADM’s MICI have all received roughly the same number of complaints (about 100) over the 22-year period. This similarity masks a relative difference in the activity of the mechanisms. The World Bank’s Inspection Panel heard its first complaint in 1994, while the EIB’s Complaint Mechanism was established and heard its first complaint in 2008. Nonetheless, the two mechanisms have received nearly the same number of complaints, as of the end of 2015.

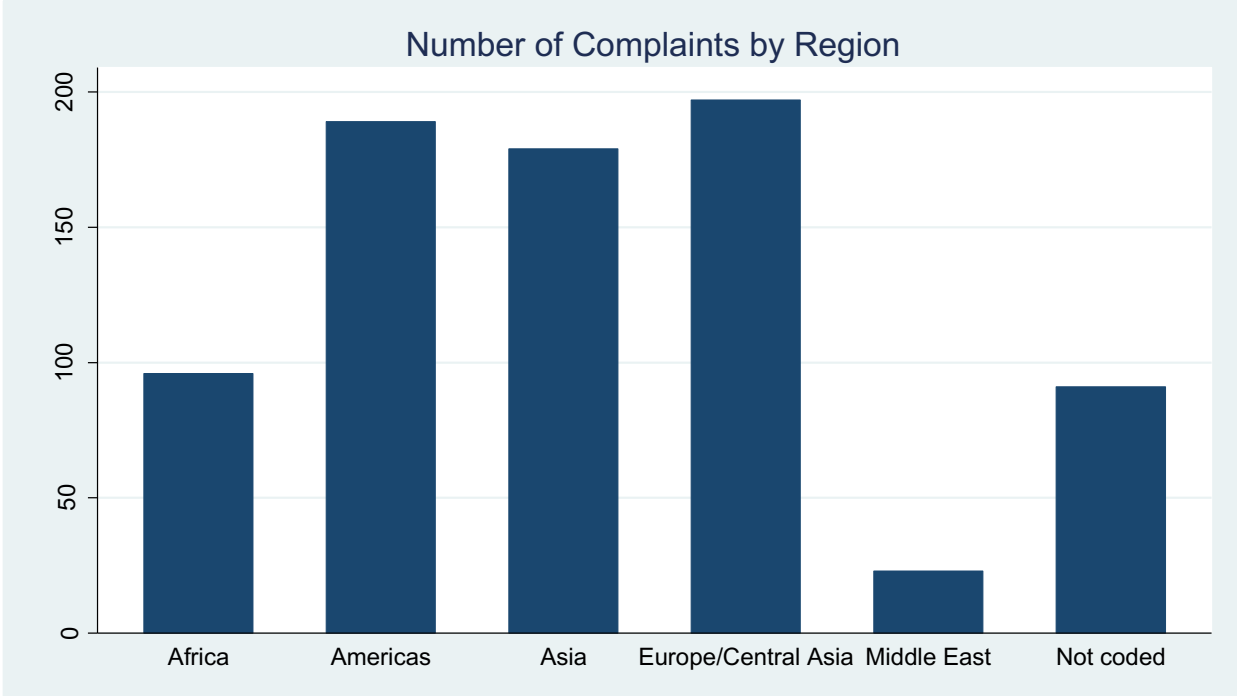
Graph 2: Number of Complaints by IAO



Source: AC Dataset

Graph 3 depicts the number of complaints by region. A roughly equal number of complaints from the Americas (North American and South America), Europe/Central Asia and Asia have been filed. The smaller number of complaints from the Middle East is less surprising, given the smaller number of countries in this region. The smaller number of cases originating from Africa is more surprising, and may be related in part to the smaller number of complaints filed through the AfDB than through the other regional MDB IAOs. Twelve percent—or 91 cases—were coded as “unknown.” The bulk of these complaints were filed through the EBRD’s PCM, although some were filed through other mechanisms like the ADB, CAO and MICI. In some cases, a record of a complaint exists, although few details about the complaint (including the country from which it originates, the subject of the complaint, etc.) were made public. Those complaints were included in the dataset and data analysis, although are frequently dropped due to missing data.

Graph 3: Number of Complaints by Region

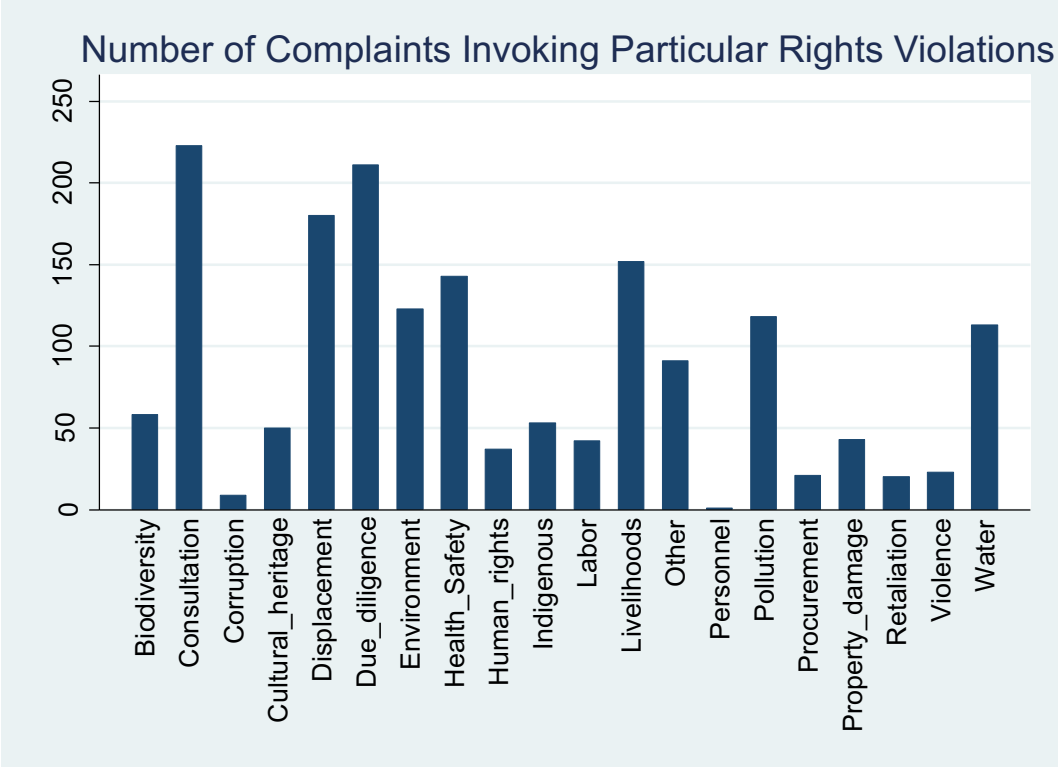


Source: AC Dataset

Complaints must explicitly detail which rights have been purportedly violated by a development project funded through an MDB loan. Complaints may, and often do, contend that multiple rights have been violated by a particular development loan project. The AC dataset codes up to ten invocations of rights violations per complaint. Graph 4 reports the count of the number of complaints which invoke a particular rights violation. In other words, one complaint may be theoretically counted in up to ten categories. However, frequently only one rights violation (one column) is invoked in a particular complaint. The top three most invoked rights violations are consultation (and disclosure), displacement and due diligence. For example, a 2004 complaint submitted to the World Bank’s Inspection Panel invoked the right to consultation and disclosure, individuals from Oaxaca argued that “The Bank has violated its own rules and procedures by proposing a restructuring of the project without the involvement of the state committees...”⁴ Note several of the rights violation categories concern environmental rights, including biodiversity, environment, pollution and water. If one combines these four categories, then there have been 412 instances of complaints invoking environmental rights violations. It may not make sense to combine these four categories (given that they have been conceived as separate rights, if combined then complaints may be double-counted). However, clearly environmental rights have been invoked frequently, if not the most frequently.

⁴ Arturo Ruiz Gonzalez, Joyce Garcia Sosa, Sergio Garcia Mendoza, Roman Aquino Matias, Eduardo Ruiz Garcia. 2003. “Request for Inspection” (25 November), 2. Available at: [http://ewebapps.worldbank.org/apps/ip/PanelCases/30-Request%20for%20Inspection%20\(English\).pdf](http://ewebapps.worldbank.org/apps/ip/PanelCases/30-Request%20for%20Inspection%20(English).pdf).

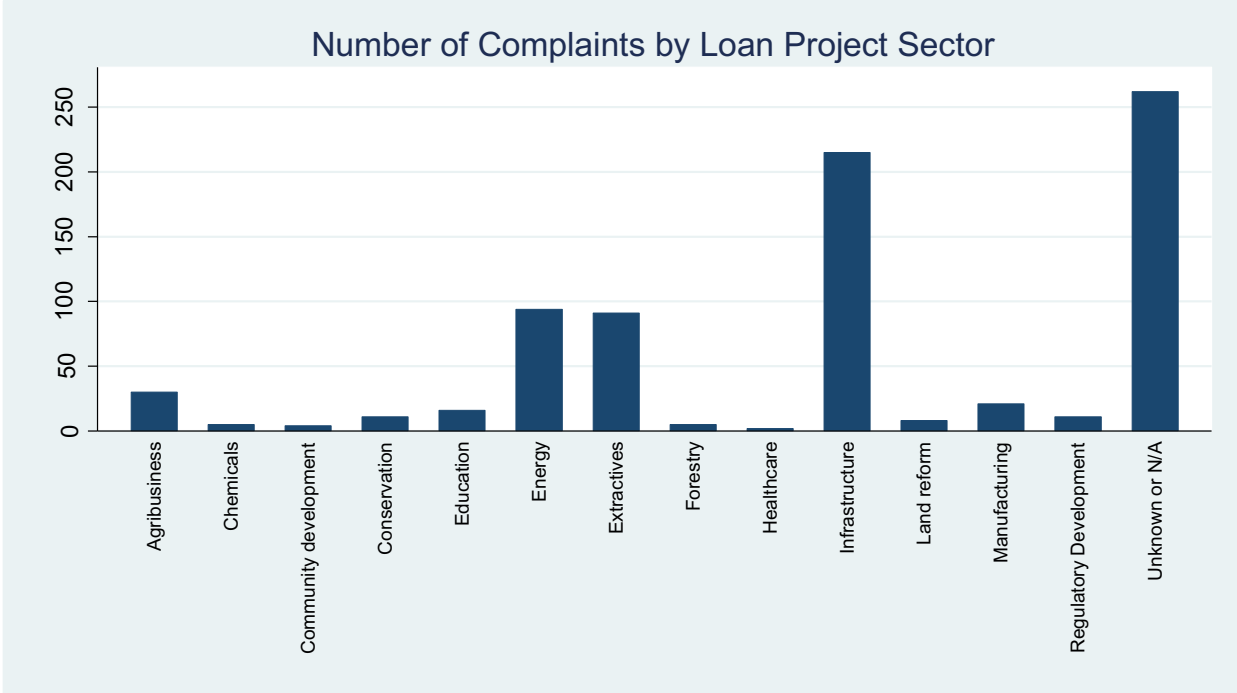
Graph 4: Number of Complaints Invoking Particular Rights Violations



Source: AC Dataset

Which development projects elicit the most complaints? Graph 5 depicts the number of complaints by the loan project’s primary sector. Unfortunately, there is a high rate of missingness in this category, with 262 of the 775 cases (34 percent) coded as “unknown” or “not applicable.” Consequently, the data in Graph 5 should be interpreted with some caution. That said and not surprisingly, the largest number of complaints came from infrastructure, with 42 percent of the coded complaints originating from that sector. Development projects concerning energy, for example hydroelectric dam construction, and extractives, for example oil, gas and mining, received the second and third highest number of complaints.

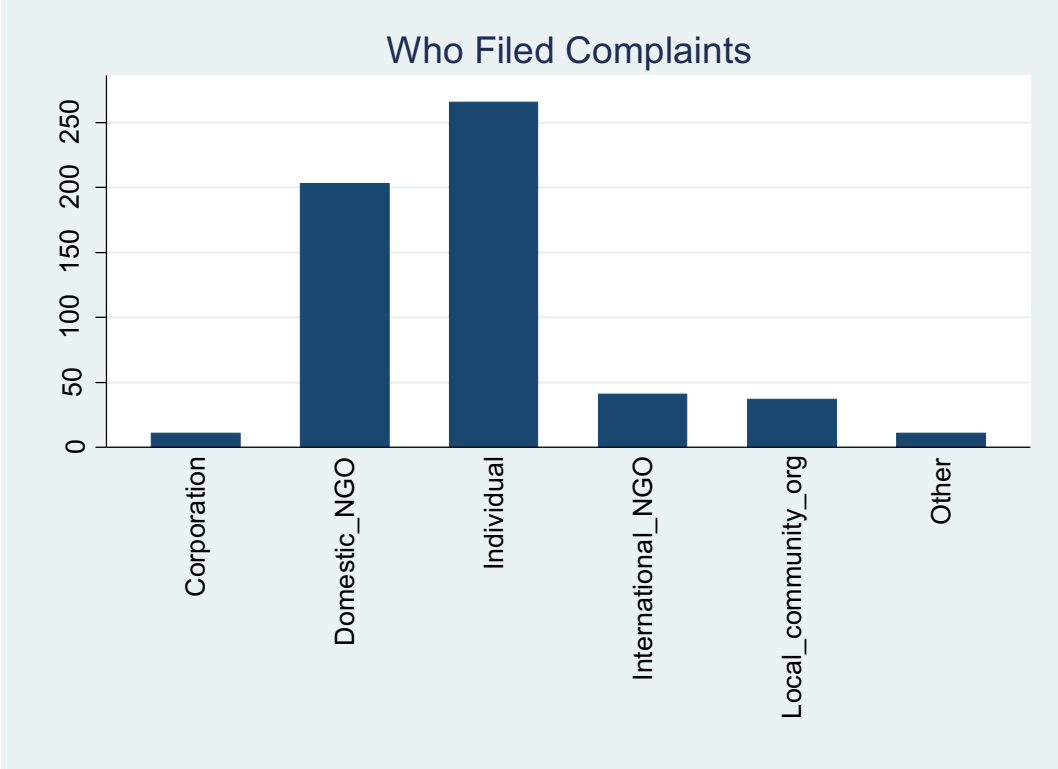
Graph 5: Number of Complaints by Loan Project Sector



Source: AC Dataset

Graph 6 provides a literal answer to the central question: who files complaints? Complaints are submitted by sub-state groups, and signatories can include individuals, community organizations, domestic non-governmental organizations (NGOs), international NGOs, corporations and other groups. Complaints can be signed by multiple people, representing themselves or other private or non-profit organizations. The AC Dataset codes up to three types of complainants per complaint. Similar to Graph 4, Graph 6 depicts the count of the number of complaints submitted by a particular category of complainant. In other words, one complaint may be theoretically counted in up to three categories (if, for example, a complaint was signed by an individual, a representative from a community organization and a representative from an INGO). In this category, there is also a very high rate of missingness, with 40 percent of complaints coded as “unknown.” Of the coded cases, the highest number were filed by individuals, with domestic NGOs coming in as the second most frequent filer category.

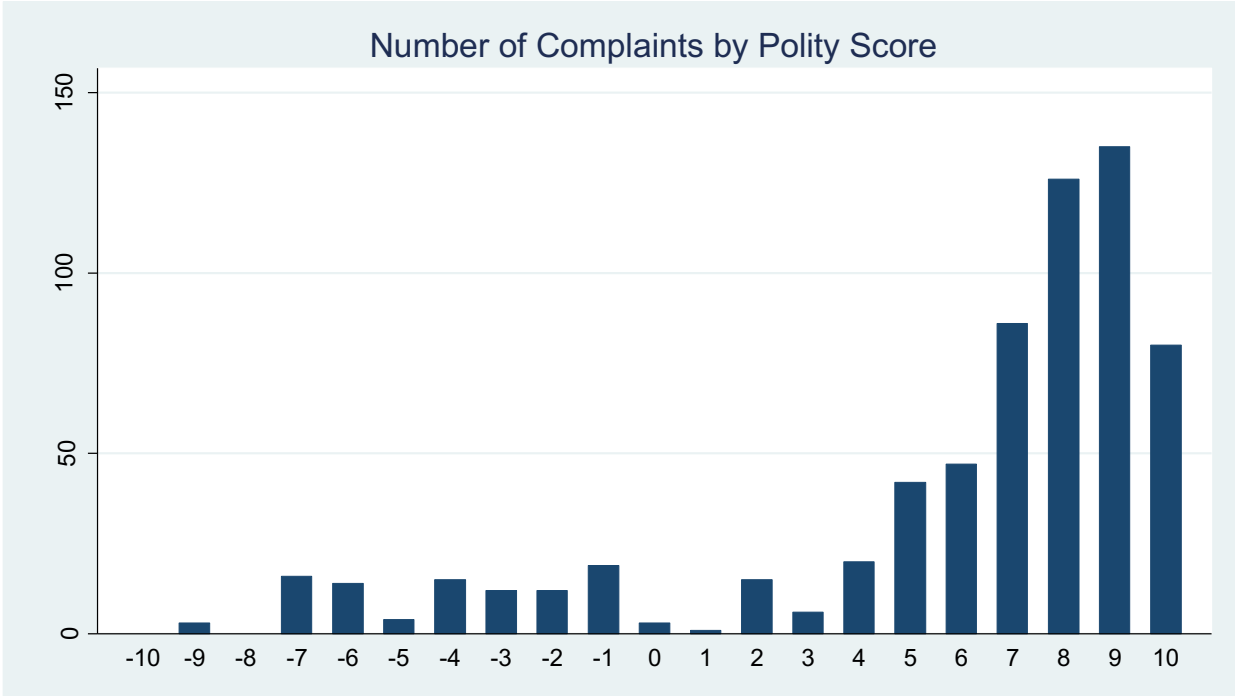
Graph 6: Who Filed Complaints



Source: AC Dataset

Finally, Graph 7 reveals an interesting puzzle that is at the center of this paper: the vast majority of complaints concern loan projects within democracies, often strong democracies. Graph 7 specifically reports the Polity score for borrowing countries in the year that the complaint is filed (not the year the loan agreement was approved, for example). As indicated, sub-state community groups and individuals have filed complaints concerning development projects in autocratic countries and weak democracies. However, 79 percent of the coded complaints originate from borrowing countries with a Polity score of 5 or higher. This observation may be counter-intuitive, given that one might expect community groups situated in countries with strong rule of law to have effective domestic alternative forums and to rely less on international accountability mechanisms in order to address rights violations associated with development projects. What explains this trend?

Graph 7: Number of Complaints by Polity Score



Source: AC Dataset and Polity IV

IV. Universe of Loan Projects Dataset Description

In order to assess the selection mechanism for filing MDB IAO complaints, and in particular to assess whether MDB loan projects are truly more likely to come from highly democratic countries (or, by contrast, whether they are filed at the same rate or even a lower rate than autocracies), I constructed a Universe of Loan Projects Dataset.⁵ (AidData and the OECD CRS are two other well-known sources of data on lending activity. After much investigation, we decided not to use either of these two datasets because of some discrepancies between the OECD CRS/AidData datasets and source data from the individual MDB that were unexplained, concern about the unit of analysis comparability and a high rate of missingness among complaint cases.)

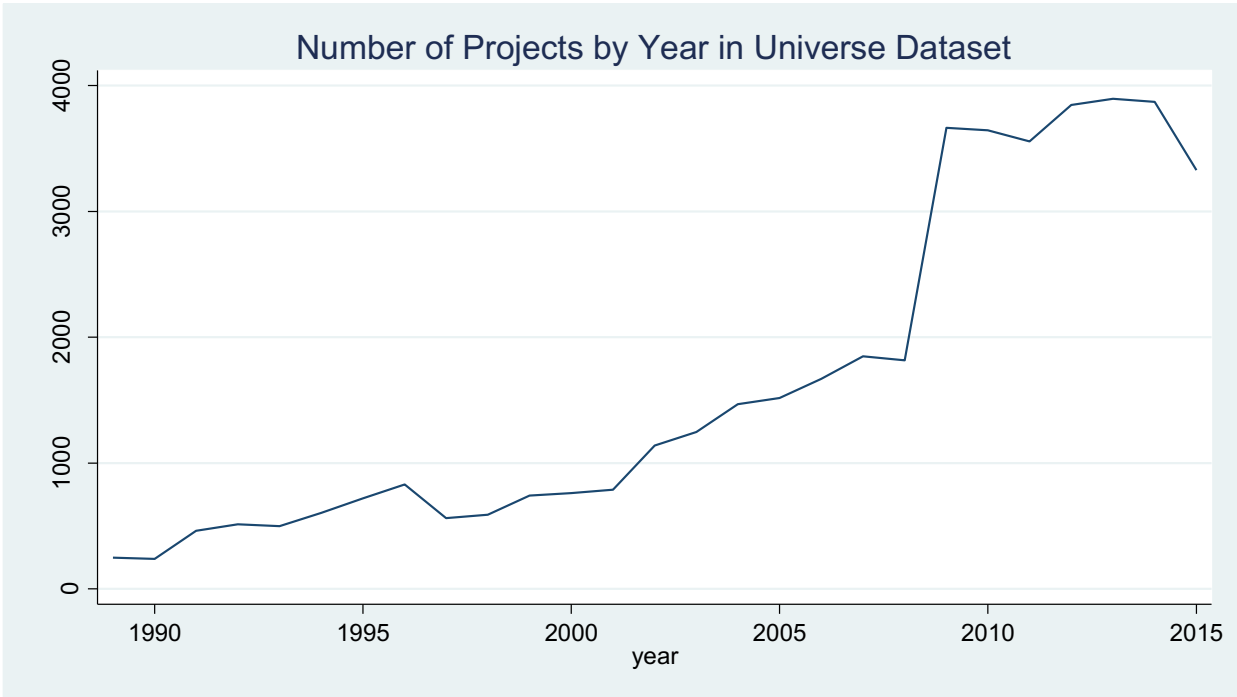
For the Universe of Loan Projects Dataset, we gathered data on development loan programs directly from the eight multilateral development banks: the World Bank (IDA and IBRD), Inter-American Development Bank, Asian Development Bank, International Finance Corporation, Multilateral Investment Guarantee Agency, European Bank for Reconstruction and Development, the European Investment Bank and the United Nations Development Programme. We were not able to gather reliable data on the universe of African Development Bank loan projects and consequently have omitted the AfDB from this analysis. Given the very small pool of complaints from the AfDB—only 20 of the 775—this omission does not compromise our analysis, but questions remain whether the same dynamics influence which loan agreements receive complaints at the AfDB. For each of the development banks, we include data on loan

⁵ This dataset was constructed with the research assistance of Amit Pasupathy.

projects starting five years before the establishment of their IAO. In other words, the working assumption is that complaints may be filed about loan projects that were initiated up to five years earlier.

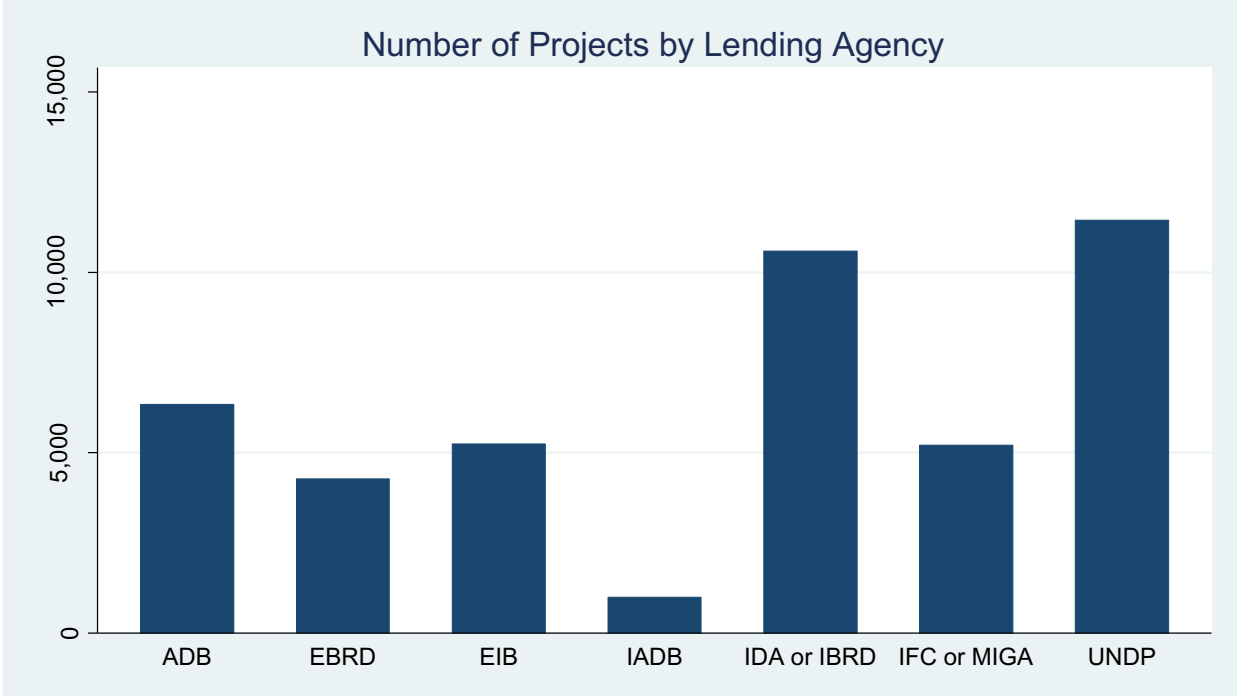
Graph 8 depicts the number of projects in the Universe of Loan Projects Dataset by year. Due to the *t-5* assumption, there is a steep increase in the number of loan projects from 2001 to 2002 and from 2008 to 2009, driven partly by the inclusion of EIB and UNDP loan programs, respectively. Graph 9 depicts the number of loan projects by lending agency and reveals that—despite its late inclusion starting in 2009—the UNDP lending dwarfs lending from other agencies with 11,441 loan projects about which complaints may be filed. Given that only one complaint has been filed through the UNDP IAO by the end of 2015 and its “universe” of loan projects is so large, I provide Graph 10 as an alternative, which omits UNDP loan projects, but also graphs the number of projects by year. Similarly, Graph 11 provides data on the number of projects by region, including columns that both include and omit the UNDP loan projects for comparison.

Graph 8: Number of Projects by Year



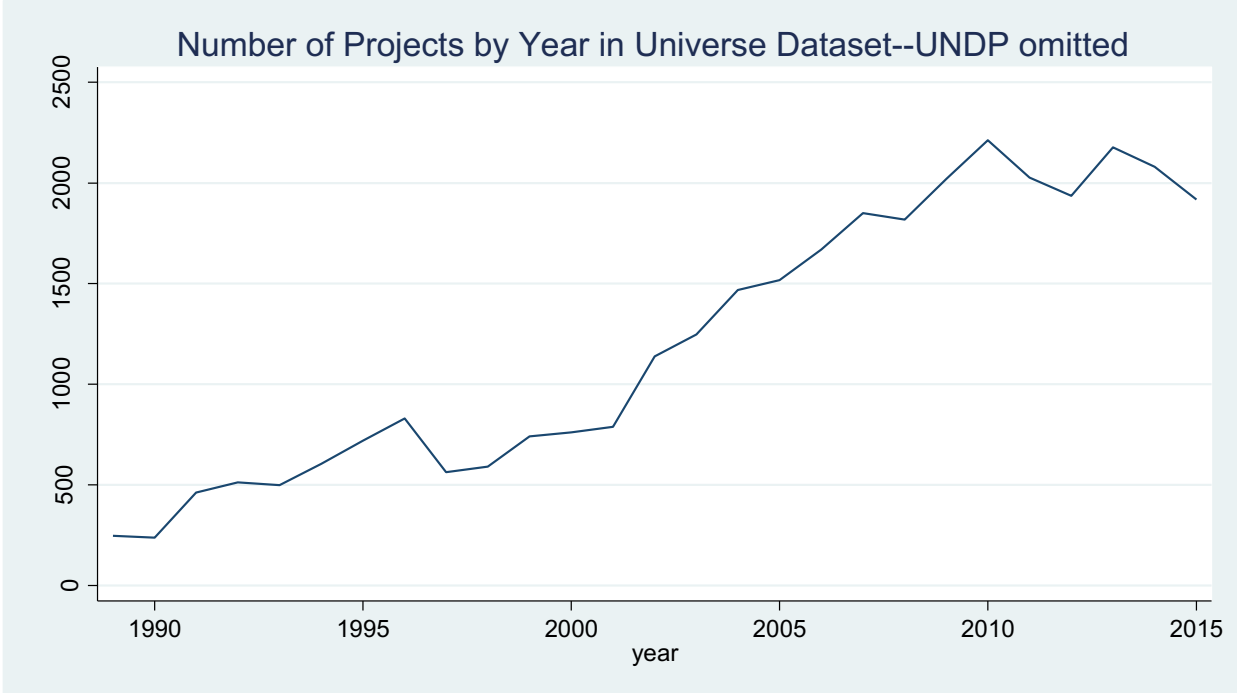
Source: Universe of Loan Projects Dataset

Graph 9: Number of Loan Projects by Lending Agency



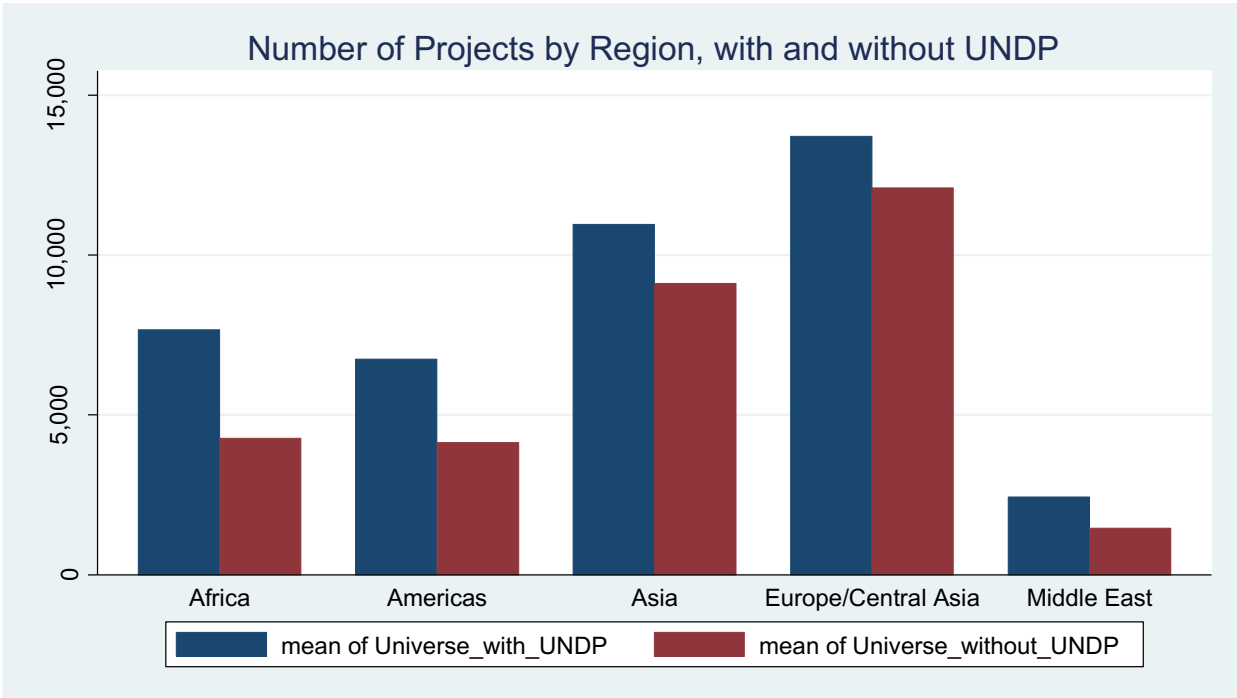
Source: Universe of Loan Projects Dataset

Graph 10: Number of Projects by Year—UNDP omitted



Source: Universe of Loan Projects Dataset

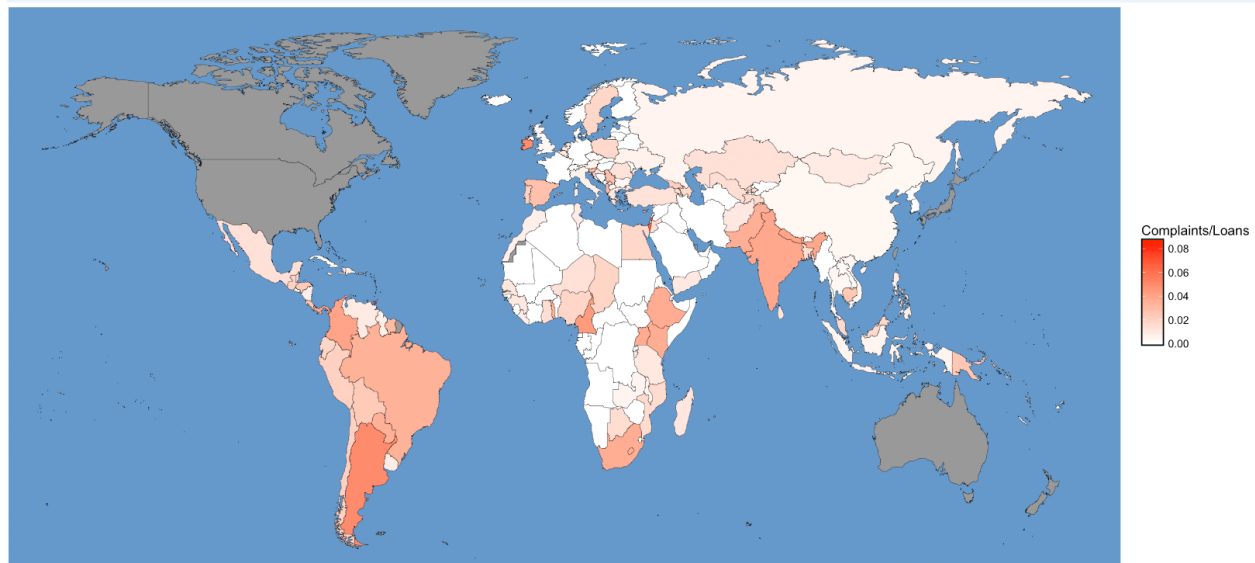
Graph 11: Number of loan programs by region, with and without UNDP



Source: Universe of Loan Projects Dataset

Map 1 shows the propensity for complaints to be filed, by country. It reflects the ratio of total complaints filed regarding loan projects in a given country (taken from AC dataset) divided by the total number of loans projects eligible for complaints in that country (taken from the Universe of Loan Projects dataset). If a complaint concerns a loan project that spans multiple countries, then it is included in each country’s numerator count separately. For most countries, between 0 to 5 percent of loan programs receive complaints. Argentina, Israel, and Ireland have some of the highest ratios, with Cameroon, Ethiopia, South Africa and India also having relatively high ratios. Singapore was omitted from the graph because there was only one eligible loan project and that project received a complaint; its inclusion would have obscured the variation between the other country cases.

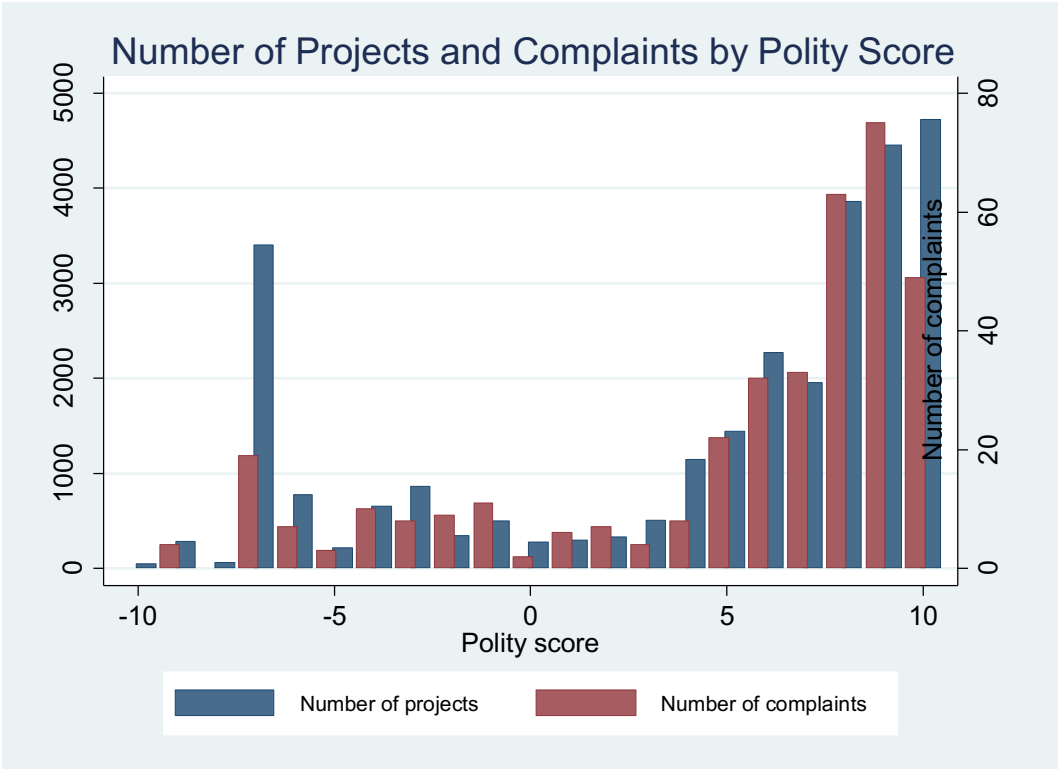
Map 1: Propensity-to-File-Complaint World Map (Complaint/Loan Project Ratio)



Source: AC Dataset (2016) and Universe of Loans Projects Dataset
Note: Includes all complaints from 2004-2015, except Singapore (2013)

Are democracies truly more likely to file complaints? Initial evidence, for example presented in Graph 7, suggests that complaints are more likely to come from democracies. However, it is unclear whether this pattern is due primarily to the fact that more MDB loan projects are given to democracies or to a higher propensity for democracies to file complaints through MDB IAOs. Are claims from democratic countries over- or under-represented relative to the MDBs' lending activity? As a first cut, I plotted the number of projects and complaints by polity score, omitting the UNDP loan projects (and AfDB, as mentioned previously). This graph reveals some differences between the trend lines for projects and complaints by polity score. For example, while most loan projects are awarded to strong democracies, there are relatively more projects awarded to autocracies than complaints originating from those countries. The trend lines are similar, but discrepancies persist.

Graph 12: Number of Projects and Complaints by Polity Score (UNDP omitted)



Sources: Universe of Loan Projects Dataset, AC Dataset and PolityIV

V. Large-N data analysis

Which factors influence which loan projects receive complaints? Revisiting the hypotheses introduced earlier, one can divide the potential factors determining complaint selection into three main levels: country-level, institution-level and project-level.

Recall that Hypotheses 1 through 4 suggest country-level factors, including regime type, NGO activity or civil society density, previous experience with MDB IAOs in general or specific ones, wealth and integration with the international environment—may influence the propensity for a loan program to receive a complaint. Those hypotheses are:

H1: If a borrowing country is more democratic, then its development loans will be more likely to receive complaints.

H2: If a borrowing country has a more active civil society (or more dense NGO environment), then its development loans will be more likely to receive complaints.

H3: If a previous MDB IAO complaint has been filed from a borrowing country, then its development loans will be more likely to receive complaints.

H4: If a borrowing country is wealthier, then its development loans will be more likely to receive complaints.

H5: If a borrowing country is more integrated in the international environment, then its loan programs will receive more complaints.

There may also be institution-level or project-level factors that influence the propensity for loan projects to receive complaints. From the institution level, one could expect that some mechanisms are better publicized and have a better reputation within the communities or are more “open” would be more likely to generate and receive complaints:

H6: If an IO is more “open,” then its loan programs will receive more complaints.

From the project level, development loan projects from particular sectors may be more likely to violate rights or generate complaints. The descriptive statistics above already indicate that certain sectors, namely infrastructure, energy and extractives, do generate more complaints. Project size may also be a factor. One also may imagine that particularly large projects would be more likely to generate complaints than small ones.

Table 1: Factors That May Influence Selection

Level	Factor	Data availability
Country	Regime type	X
	NGO activity	X
	Wealth/GDP	X
	Experience	X
	Integration	X
Institution	Institutional controls	X
	Openness	<i>In process</i>
Project	Sector	X
	Project Size	<i>In process</i>
Controls	Year	X

Data collection is still on-going. Table 1 indicates which variables have been collected and which are still in the process of being collected. The dependent variable, *Complaint*, is a binary variable that measures whether or not an MDB development loan received a complaint through its IAO. *Complaint* is coded 1 when a complaint about that MDB loan has been filed through the IAO and 0 when it has not. There may be multiple complaints filed about a particular loan project. To code regime type, I used *POLITY2*, which is a unified regime-type variable that ranges from +10 for a strongly democratic regime to a -10 for a strongly autocratic

regime.⁶ I expect a positive relationship between *POLITY2* and *Complaint*: the more democratic the borrowing state, the more likely its MDB loan will elicit a complaint. NGOs may assist a community in bringing its complaint to the MDB IAO. Domestic and international NGOs, like Accountability Counsel, Center for Environmental Law and Community Rights, and many others, are often staffed by attorneys, have prior experience with the MDB IAOs and are able to help communities craft their complaint more effectively. Research suggests that NGO assistance in filing can increase the success of complaints.⁷ NGOs may also work to encourage complaints and drive up the number of complaints from a given state. In order to test this notion, I include *CSOrepression*, a variable from the V-dem data collection effort, which is an interval variable, which codes if “the government attempts to repress civil society organizations (CSOs).”⁸ It ranges from 0 (severely) to 4 (No). Given that a higher number on the *CSOrepression* variable represents less repression or greater freedom for CSOs, I expect a positive relationship between *CSOrepression* and *Complaint*. I also include the size of a borrowing state’s economy, measured as the logged constant GDP and label that variable *LogGDP*.⁹ *Integrated* is a count variable: the number of international organizations to which that country is a full member in a given year.¹⁰

I also included controls for the different MDB IAOs (with ADB omitted) with which the complaint may be filed. The *Experience* variable represents a dummy variable that is 1 if a complaint about a loan project from borrowing country *a* was filed through any of the MDB IAOs in the three years prior to the start of borrowing country *a*’s given loan project. The *EEI Sector* variable is also a dummy variable, which is coded 1 if the loan project concerned the energy, extractives or infrastructure sectors. The data on loan projects obtained from the MDBs in order to construct the Universe of Loan Projects dataset did not consistently provide loan project sector information. As a result, in order to construct this variable, we coded any loan project as concerning the energy, extractives or infrastructure sectors if certain key words appeared in the “description” or “sector” fields, including energy, power, extractive, quarry and others. I include a *year* time trend, which I expect to be positively related to the dependent variable. In the data analysis, I omitted the UNDP loan projects and complaints from analysis because of the large number of loan projects, and the fact that the UNDP only began hearing one case in 2015. (Given that the time period is relatively short and thus there is not a great deal of within country variation in Polity, I will not be including country fixed effects in the proposed model.)

In order to assess the influence of regime type on the propensity to file a complaint, holding other variables constant, I estimate the following logistical regression:

⁶ Monty G. Marshall. *Polity IV: Dataset Users’ Manual v 2015I*. (2016): 27. Available at: <http://www.systemicpeace.org/inscr/p4manualv2015.pdf>.

⁷ Gould 2017; Graham and Zvobgo 2018.

⁸ Pemstein, Daniel et al (2015, V-Dem Working Paper Series 2015:21); V-Dem. “Varieties of Democracy Codebook,” p. 246. Available at: https://www.v-dem.net/media/filer_public/84/a8/84a880ae-e0ca-4ad3-aff8-556abfdaff70/v-dem_codebook_v71.pdf.

⁹ *World Development Indicators* (Last updated: 01-Feb-2017), Available at: <http://data.worldbank.org/data-catalog/world-development-indicators>.

¹⁰ Constructed using the IGO_stateunitv2.3 dataset. Pevehouse, Jon C., Timothy Nordstrom, and Kevin Warnke. 2004. "The COW-2 International Organizations Dataset Version 2.0," *Conflict Management and Peace Science* 21:101-119. The dataset codes through 2005, so for years 2006-2015, I used 2005 values.

$$\text{Pr(Complaint)} = \beta_0 + \beta_1 \text{POLITY2} + \beta_2 \text{CSOrepression} + \beta_3 \log \text{GDP} + \beta_4 \text{Experience} + \beta_5 \text{Integrated} + \beta_6 \text{EBRD} + \beta_7 \text{EIB} + \beta_8 \text{IADB} + \beta_9 \text{IDA/IBRD} + \beta_{10} \text{IFC/MIGA} + \beta_{11} \text{Sector_EEI} + \beta_{12} \text{Year} + \varepsilon$$

Table 2: Empirical Analysis of *Complaint*

	Model 1	Model 2
Polity2	+***	+***
CSOrepression	-	-
LogGDP	-*	-*
Experience	+***	+***
Integrated	-***	-***
GDP per capita		+
EBRD (2)	-***	-***
EIB (3)	+	+
IADB (4)	+***	+***
IDA or IBRD (5)	-***	-***
IFC or MIGA (6)	+***	+***
EEI Sector	+***	+***
Year	-	-
Constant	+	+
N	28,323	28,323

* $p \leq 0.05$, ** $p \leq 0.01$, *** $p \leq 0.001$

The preliminary empirical results are presented in Table 2 (N=28,323). The preliminary analyses suggest that regime type is positively and significantly related to the propensity for a loan program to receive an MDB IAO complaint, holding logged GDP, NGO activity, experience, sector, country integration and institution-specific controls constant. Several of the other variables are also significantly related to whether or not a loan project received a complaint. For example, EBRD and IDA/IBRD loan projects are less likely to receive a complaint than loan projects from other MDBs. When another group from the same country has experience—or has filed a complaint using an MDB IAO within the last three years—then the likelihood of a complaint filing increases. Loan projects within the energy, extractives and infrastructure sectors are more likely to receive a complaint, holding other factors constant. Perhaps surprisingly, logged GDP and a country's level of integration (as measured by IO membership) is negatively related to the propensity for a loan project to receive a complaint filing. The *CSOrepression* variable, intended to proxy for NGO activity, and GDP per capita

(added in the second model) were both not statistically significant. However, the fact that the lion's share of complaints come from strong democracies is not due to the fact that most MDB loan projects are awarded to strong democracies. Community groups within strong democracies are more likely to file an MDB IAO complaint, holding the particular institution, logged GDP, level of NGO activity, sector, year and several other variables constant, than community groups within weaker democracies and autocracies. Why is this the case?

VI. How does regime type influence who files?: Mechanisms and India Deep Dive

Complaints are more likely to come from strong democracies than weaker democracies or autocracies, holding other variables constant. But *how* does regime type influence who files?

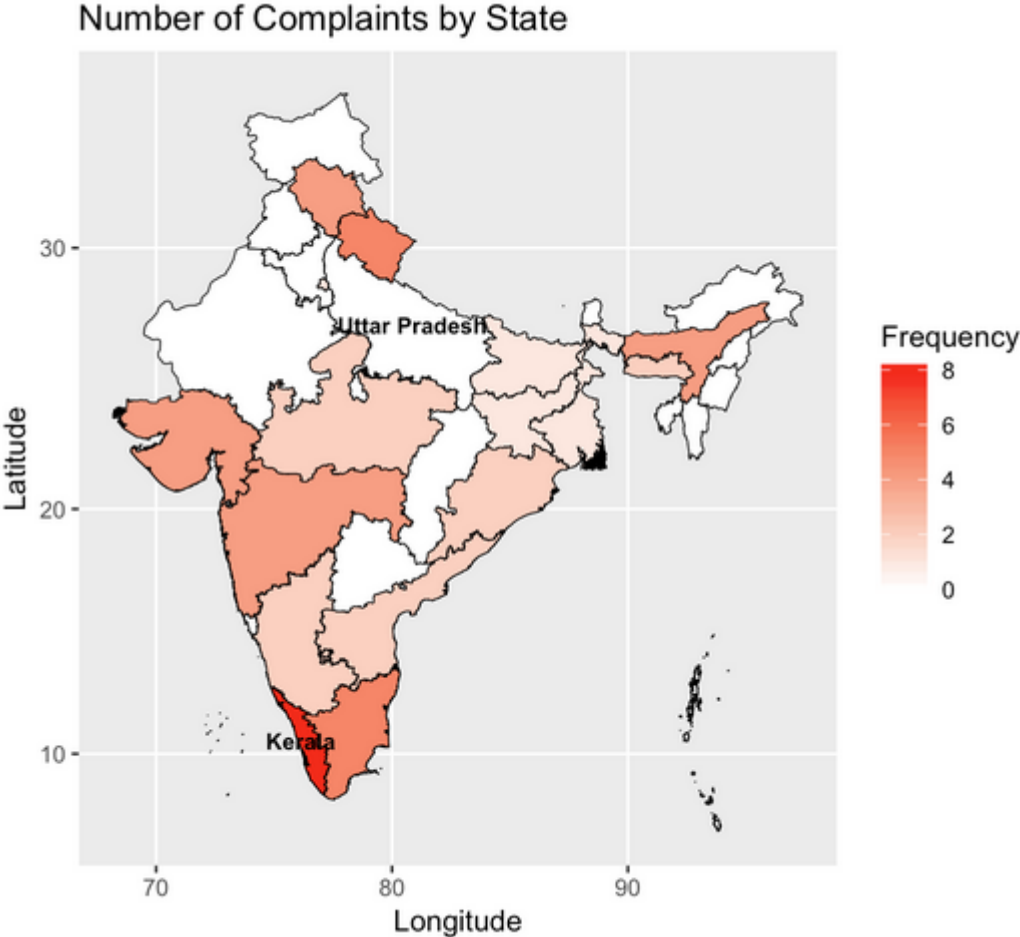
Democracies may theoretically influence who files either through the *demand* or the *supply* side of the equation. On the demand side, democracies may have loan programs that systematically violate more rights than autocracies. For example, democracies may tend to receive certain types of loan programs that are more likely to violate rights (i.e. resource extraction). A simple review of the data reveals that a slightly smaller percentage of the democracies' loan projects focus on energy, extractives or infrastructure than autocracies' loan projects. That said, the data analysis controls for *sector_eei* and finds that democracies are more likely to issue complaints, holding the *sector_eei* constant. As a result, demand side explanations do not seem likely.

On the supply side, either autocracies may systematically stymie complaint filings or (something about) democracies may systematically encourage them. Previous research does suggest that autocracies have systematically influenced how complaints are processed at MDB IAOs and have threatened community groups considering filing complaints in specific cases (Gould 2018). The democratic political environment may also help engender more complaints in one of two ways. First, civil society organizations, more active in democratic countries, may solicit and encourage complaint filings. Second, citizen groups within democracies may have more "capacity," including experience making claims on the state and utilizing judicial mechanisms, and thus may be primed to submit more complaints via international fora. Given that the empirical results suggest that *strength* of democracy, not just whether or not a country is a democracy, influences which loan arrangements receive complaints, this case deep-dive will focus on assessing the plausibility of these two mechanisms. An investigation of the complaints coming from India, the world's largest democracy and the country with the largest absolute number of MDB IAO complaints, may help elucidate the mechanisms at work.

The literature on the WTO's Dispute Settlement Understanding (DSU) emphasizes the role of capacity, in some cases legal capacity, in influencing how likely states are to bring claims, challenge disputes and generally utilize the DSU. . For example, Guzman and Simmons (2005: 559) argue that initiating WTO DSU disputes involves a variety of "financial, institutional, and human capital costs" that are more easily borne by states with higher capacity, which they define broadly as "the resources available to identify, analyze, pursue and litigate a dispute." Busch, Reinhardt and Shaffer (2009: 560) zero in on *legal capacity*, or "the resources

required to monitor and enforce rights and obligations,” and construct a more refined measure based on a survey of WTO members about professional staff and resources dedicated to WTO matters. Busch, Reinhardt and Shaffer’s refinement is an important corrective, but it would be a mistake to adopt it wholesale to the study of MDB IAOs. In the WTO DSU, as opposed to MDB IAOs, state representatives bring dispute complaints against other states. As a result, capacity relates specifically to state capacity—resources that states are bring to bear on the problem, including government staff and training. In the MDB IAO context, capacity would mean something different. States do not bring complaints; individuals and communities do. As a result, we would expect resources and capacity to matter, but not in the same ways. In the MDB IAO context, capacity—or the resources necessary to bring a complaint—include literacy, low levels of subsistence poverty (so community members have the time and energy to initiate and sustain disputes), legal capacity or experience with a functioning legal system, trust in government institutions and experience making claims on the state.

Map 2: Map of India: Number of MDB IAO Complaints by State



In order to assess these competing mechanisms, I analyzed within-state evidence from India, the country that is the source of the largest number of MDB IAO complaints (as well as one of the highest concentrations of complaint to loan filings per Map 1). Given the high number of complaints from India, I am able to compare within-state variations in NGO activity and “capacity” with variations in complaint filing patterns. Map 2 depicts the absolute number of MDB IAO complaints by Indian state.¹¹ Each MDB IAO complaint was coded based on its primary state location. One of the most interesting observations to pop out from the map is that the largest number of complaints originate from Kerala, one of India’s wealthiest states with one of the lowest percentages of the population below the poverty line. 94 percent of the population in Kerala was literate as of 2012.¹² By contrast Uttar Pradesh is India’s most populous state and its third poorest states, housing the largest share of India’s poor. As of 2012, the literacy rate in Uttar Pradesh was only 60 percent. Despite numerous loan projects in Uttar Pradesh from water sector restructuring to power projects to “pro-poor tourism development,” there has not been a single complaint filed regarding any MDB loan project in Uttar Pradesh. Can this perplexing within-country variation be explained by either NGO/INGO activity or capacity?

One possible explanation for the large number of Kerelan complaints might be that certain local NGOs or INGOs have helped generate and file these complaints. However, this explanation is not supported. The cases brought from Kerala were mainly filed by individuals; they are not the product of an organized effort by local NGOs or international NGOs. However, they do appear to be the product of community organization. The eight complaints concerned only three different loan projects, and reflect an effort to file numerous complaints about a single loan project. For example, one of the loan projects that received multiple complaints concerned the development of a seaport by a company owned by the State Government of Kerala.

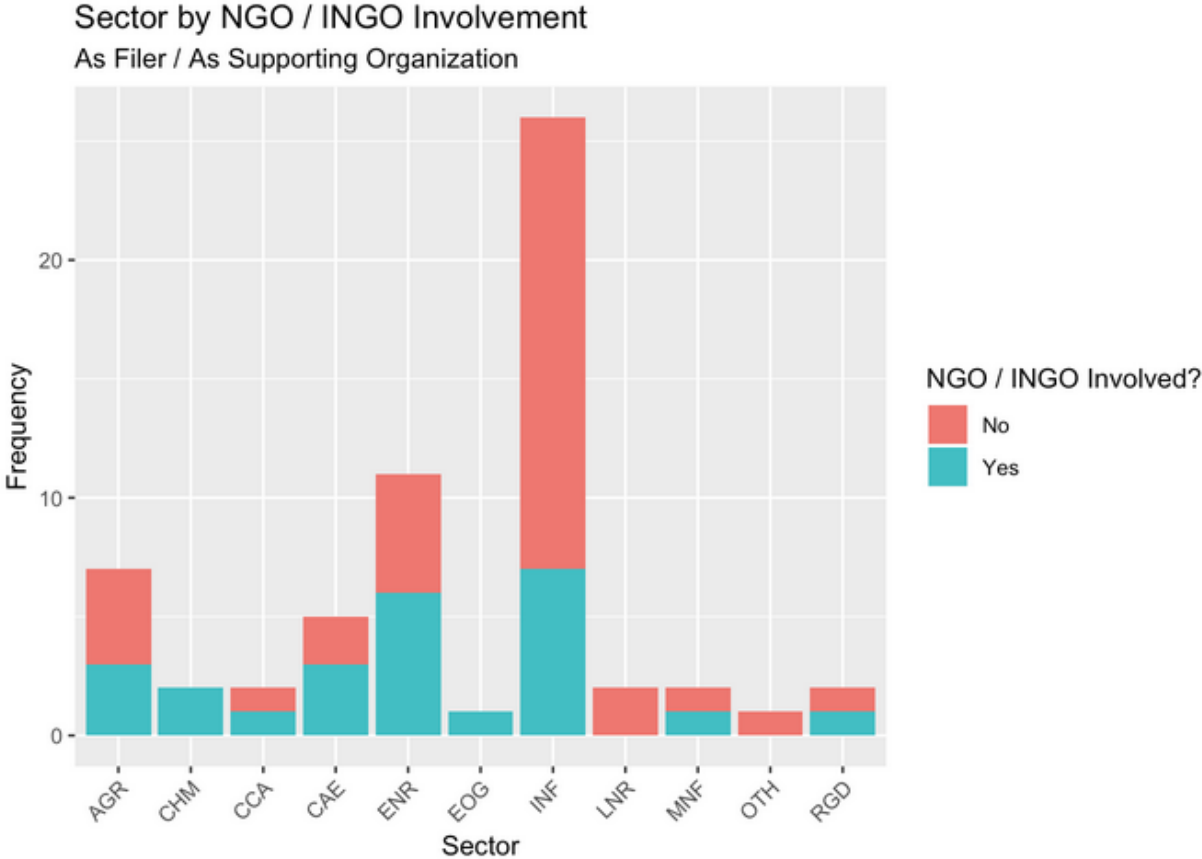
The broader India-wide data also casts doubt on this NGO-focused explanation. Graph 13 provides the frequency distribution of all complaints submitted through MDB IAOs from India. Each bar represents the number of complaints brought for loan projects in a particular sector. (The sector abbreviations are: AGR/Agribusiness; CHM/Chemicals; CCA/Community capacity and development; CAE/Conservation and environmental protection; ENR/Energy; EOG/Extractives (oil, gas, mining); INF/Infrastructure; LNR/Land reform; MNF/Manufacturing; and OTH/Other.) Complaints were coded as to whether an NGO or INGO was involved in submitting a complaint or not. As shown, the majority of complaints are submitted by individuals, without the assistance of INGOs or NGOs. About two-thirds of infrastructure complaints were submitted by individuals, without NGO or INGO involvement. The data analysis presented earlier in the paper also attempts to test this argument, using the *CSOrepression* variable as a proxy. Surprisingly, the relationship is opposite of what is

¹¹ Note the main dependent variable used in the statistical analysis is whether or not a given loan project has received a complaint, rather than the absolute number of complaints filed, which is depicted in Map 2.

¹² World Bank. 2017. “Kerala: Indicators at a Glance” (June 20). Available at: <http://documents.worldbank.org/curated/en/339981504162153632/pdf/119244-BRI-P157572-Kerala-AtAGlance.pdf>. Accessed on 23 August 2018.

predicted, although not significant: greater freedom for CSOs is associated with fewer complaint filings, *ipso facto*. As a result, the within-country variation in MDB IAO complaint filings, including the high number of complaints from Kerala and absence of complaints from Uttar Pradesh, does not appear to be due to NGO or INGO density or assistance.

Graph 13: India Breakdown: Frequency of Complaints by Sector and NGO/INGO Involvement

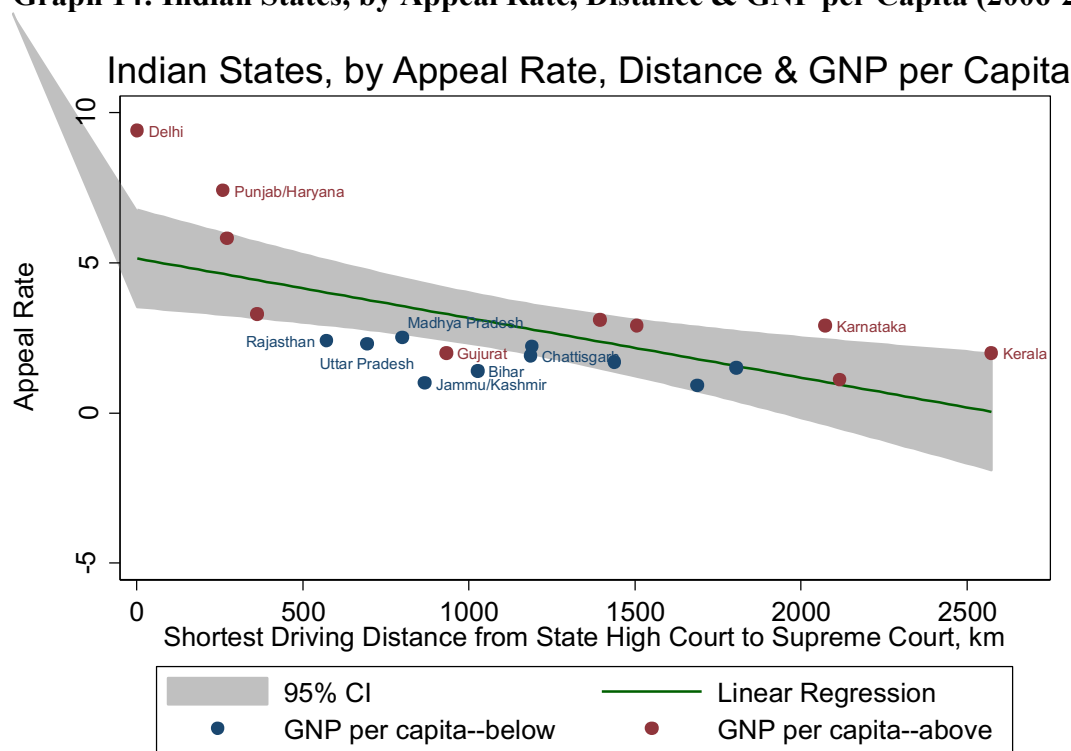


What about capacity? Consider again capacity—or the resources necessary to bring a complaint—include literacy, low levels of subsistence poverty (so community members have the time and energy to initiate and sustain disputes), legal capacity or experience with a functioning legal system, trust in government institutions and experience making claims on the state. Kerala is a particularly well-resourced state, especially as compared with Uttar Pradesh. Kerala’s literacy rate is 94 percent, one of the highest in India. Kerala is also one of the wealthier Indian states, with 96 percent of houses being electrified.

How do Kerala and Uttar Pradesh compare in terms of citizen’s experience with a functioning legal system, with government institutions and with making claims on the state? In order to assess these more amorphous aspects of capacity, I used appeals rate data collected by Robinson (2013). This data (presented by Robinson in table form) includes the approximate percentage of (Indian) state-level high court cases that are appealed to the Supreme Court in 2006, 2007, 2008 and 2011. Robinson’s brief discussion focuses mainly on the functional difficulties of bringing these appeals, and presents data on geographic distance (between the state

high court and Supreme Court) and GDP per capita, which he suggests may be related to the appeals rate. Graph 14 is a scatterplot depicting state-level appeals rates (2006-2008, 2011 aggregated) and the shortest driving distance from the state high court to the Supreme Court in kilometers. The markers are color-coded, with blue representing states with GNP per capita below the median and red representing states with GNP per capita above the median. The labelled markers are states that fall outside of the 95 percent confidence interval of a simple linear regression line (regressing distance on appeal rate). As is indicated, Uttar Pradesh and Kerala both fall outside of the 95% confidence interval, with Uttar Pradesh under-performing in terms of its appeal rate and Kerala over-performing in terms of its appeal rate. In other words, according to this measure, Kerala’s citizens do seem to have capacity--more experience with the legal system and making claims on the state—than does Uttar Pradesh’s.

Graph 14: Indian States, by Appeal Rate, Distance & GNP per Capita (2006-2008, 2011)



Source of data: Robinson (2013, 588)¹³

¹³ This graph is based entirely on data from Robinson (2013, 588)’s Table 6: Appeal Rate from Each high Court to the Supreme Court in % (approximate). Robinson collected data from State-Wise Origin of Supreme Court Appeals (2006-2008, 2011) provided by the Supreme Court of India and Court news (2006-2008, 2011) in order to calculate the “approximate per cent of cases appealed from each high Court to the Supreme Court.” He used Google Maps to calculate the shortest driving distance from the state-level high court to the Supreme Court. He reports the GNP per capita 2010-2011 in Indian rupees, as reported from the Directorate of Economics & Statistics from the various State Governments. Nick Robinson. 2013. “A Quantitative Analysis of the Indian Supreme Court’s Workload” *Journal of Empirical Legal Studies*. 10(3) (September): 570-601.

This evidence supports the argument that regime type matters mainly because citizens of strong democracies—relative to weaker democracies and autocracies—have greater capacity to bring complaints through MDB IAOs.

VII. Conclusion

Multilateral development bank internal accountability offices purport to provide a mechanism for borrowing state communities harmed by MDB loan projects to exercise their voice, and for powerful state communities to thus be alerted to violations of MDB policy that cause harm. In order for these mechanisms to function, communities need to be able to file complaints freely. If these mechanisms functioned as planned, for example, communities would file complaints, particularly about the most egregious violations of MDB policy that cause harm. This paper relies on the first comprehensive dataset of all MDB IAO complaints filed through the end of 2015 to analyze which loan programs actually receive complaints. What is the selection mechanism governing MDB IAO access?

One of the most notable trends revealed by the descriptive data is that the vast majority of MDB IAO complaints come from very strong democracies. Holding other variables constant, complaints are much more likely to be filed from groups in strong democracies, as well as from countries that have had prior experience filing complaints. In addition, institutional differences exist. Communities file complaints more freely concerning loan projects from the World Bank's IFC or MIGA and the IADB, than they do concerning loan projects from the EBRD and World Bank's IDA or IBRD, holding other variables including sector constant. I argue that MDB IAOs remain largely the purview of communities within strong democracies because of the political and social resources that are developed and flourish within democracies. Case evidence supports this argument; capacity—including experience with making claims through the legal system—is correlated with variations in filings between regions within India. Consequently, fire alarm mechanisms may not be able to function effectively, given that complaints are not being filed based on the severity of the violation, but instead based on the resources—broadly conceived—of the complainant.

While the empirical results are still tentative, the paper has the potential to make several contributions. First and foremost, the paper provides extensive data on the complaints filed through MDB IAOs, and analyzes the selection mechanism across diverse MDB IAOs for the first time. While there is a rich literature on which countries file WTO disputes, there is sparse literature on MDB IAOs and none analyzing large-N data of complaints filed to across a range of MDB IAOs. Finally, the paper raises questions about the dominant interpretation of MDB IAOs as fire alarm mechanisms. If access to MDB IAOs are constrained (and egregious violations of principal preferences may not be reported via complaints), then they may not be able to function effectively as fire alarm mechanisms, as has been frequently theorized.

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