Contemporary Readings in Law and Social Justice
ISSN: 1948-9137, e-ISSN: 2162-2752
Vol 15 (02), 2023
pp. 1050 - 1064

Analysis of the structural and procedural challenges of the World Bank and the International Monetary Fund in the system of complaints and filing claims related to the right to development and human rights

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Abstract

In addition to their important role in financing development, international financial institutions such as the World Bank and the International Monetary Fund have always faced widespread criticism regarding the level of adherence to human rights and guaranteeing the right to development. Among these, one of the fundamental challenges is the problems related to filing claims against these institutions, which, due to the existence of bureaucratic obstacles, weak monitoring mechanisms and limitations in transparency, have always been accompanied by serious doubts about efficiency and justice. The main objective of this research is to analyze the common problems of the World Bank and the International Monetary Fund in the field of filing claims and to analyze the effectiveness of the existing mechanisms in guaranteeing the fundamental rights of local communities and beneficiary governments. The research method of this study is descriptive-analytical and is based on collecting data through library resources, official documents and monitoring reports of international institutions. The research findings show that the lack of transparency in the process of filing human rights and development lawsuits, the crisis of trust in the mechanisms for handling cases, the limited direct access of plaintiffs to official authorities, and the weakness of legal and institutional structures at the national and international levels are among the main challenges in the path of filing lawsuits against the World Bank and the International Monetary Fund. Accordingly, strengthening the awareness of local communities of their legal rights, establishing binding international mechanisms to monitor the performance of financial institutions, and strengthening independent national institutions can play a decisive role in resolving these problems and promoting justice in the international financial system.

Keywords: World Bank, International Monetary Fund, filing lawsuits, human rights, right to development

Received : 10 November 2023 **Revised** : 22 December 2023 **Accepted** : 31 December 2023

Introduction

International financial institutions such as the World Bank and the International Monetary Fund have played a pivotal role in guiding development processes, providing financial support to governments, and regulating economic policies since their establishment. However, the activities of these institutions have always faced serious criticism in the areas of human rights, the right to development and social justice. In recent years, the increase in lawsuits and complaints against these two institutions has shown that the issue of their responsibility and accountability is no longer a purely theoretical issue, but has become a practical concern at the level of international law.

Addressing this issue is important because the complaint mechanisms in these institutions often face fundamental shortcomings and have failed to gain the trust of stakeholders, especially vulnerable local communities. The lack of transparency in the review process, limited access for complainants, financial and legal obstacles to filing a lawsuit, and weak guarantees for the implementation of decisions have all caused justice to remain at a symbolic level. From this perspective, a critical study of the performance of the World Bank and the International Monetary Fund can both help enrich the debate on international economic law and pave the way for more equitable policymaking in the future.

In this study, the theoretical foundations of the accountability of international financial institutions will be examined first, and then the common problems of the World Bank and the International Monetary Fund in the process of filing claims will be analyzed from a structural and procedural perspective. Also, the role of local communities, human rights challenges, and practical limitations of complaint acceptance will be examined in detail, and solutions will be presented to strengthen transparency, procedural justice, and legal empowerment of plaintiffs.

The research method in this study is descriptive-analytical. Data and theoretical foundations were collected mainly based on library resources, international legal documents, and reports of supervisory institutions, and then, through critical analysis, the weaknesses and strengths of existing mechanisms were extracted. This approach allows for a clear picture of the current situation, as well as proposing corrective paths and strengthening the accountability of international financial institutions.

-1Conceptual analysis of the World Bank and the International Monetary Fund in human rights and the right to development

In line with the analysis of the structural and procedural challenges of the World Bank and the International Monetary Fund, it is necessary to first study the concept and functionality of the World Bank to clarify the role and powers of this institution in the international financial system. Examining these concepts provides the necessary background to understand the capacities and limitations of the World Bank in dealing with claims related to the right to development and human rights.

1-1Conceptual and functional study of the World Bank

The World Bank, or the World Bank Group, was established during the Bretton Woods Conference in 1944, and initially operated with the aim of rebuilding Europe after World War II. This institution later expanded its mission to development projects at the global level and included five main institutions: the International Bank for Reconstruction and Development, the International Financial Institution, the International Development Association, the Multilateral Investment Guarantee Institute and the International Center for Settlement of Investment Disputes (Salimi Turkmani, 2017, p. 102). In addition to the role of a lender, the World Bank acts as an effective actor in global development policy and by providing financial, technical and advisory assistance, it tries to strengthen the economic and institutional capacities of developing countries. The structure of the World Bank includes the board of directors, the bank president and executive directors, who are responsible for monitoring policies, approving projects and budgets, and ensuring the implementation of development goals. The share of executive directors' votes is determined based on countries' investments, and this has increased the influence of rich countries in decision making (Bretton Woods Project, 2020, p: 15; Woods, 2006, p: 30). The World Bank Advisory Council also provides strategic advice in the fields of sustainable development, poverty reduction and infrastructure projects. The duties of the World Bank go beyond providing financial resources and include reducing poverty, improving people's living standards, empowering governments to realize comprehensive development and observe social and environmental justice (Dupai, 2013, p. 62; World Bank, 2021). The ethical responsibility of the World Bank requires that it adapt its policies and projects to human rights standards and avoid imposing unilateral policies that lead to deepening inequalities. In the writer's opinion, the World Bank is a multifaceted and systemic group whose real success lies in combining financial expertise with a humane, justice-oriented and rights-based approach (Salimi Turkmani, 2017, p. 103.(

1-2conceptual and functional study of the International Monetary Fund

The International Monetary Fund is an international financial organization that was established in 1945, during the Bretton Woods Conference, by 29 countries holding 80% of the capital shares (Zaheri, 1401, p. 1028) and started its activities in 1947. The main objective of this fund is to ensure the stability of the global financial system by monitoring exchange rates, facilitating international trade, promoting sustainable economic growth and reducing poverty in member countries. The International Monetary Fund consists of 190 member countries that contribute to the resources of this institution through financial investment and participate in policies (Gilpin, 2001, p134). The fund has three main tasks: economic monitoring, which includes evaluating and proposing economic policies to member countries; providing financial aid that lends to countries facing balance of payments problems; and providing technical advice and training, which aims to strengthen the capacity of countries for better economic management (Rogoff, 2003, p 22). The International Monetary Fund, from the writer's point of view, is an international financial institution with a vital mission in maintaining the stability of the world economy, which has officially started its activity as one of the achievements of the Bretton Woods Conference. Therefore, the International Monetary Fund can be considered as the guardian of global economic stability, whose role is decisive in regulating international financial interactions, preventing financial crises, and empowering governments to implement sound economic policies. Therefore, the legitimacy and effectiveness of this institution depends on its activities being transparent, fair, appropriate to the actual conditions of the countries and respecting the principles of economic justice and human rights. One of the central issues in this debate is whether these institutions have international legal personality. In response, it should be stated that although it is not clearly stated in the articles of the agreements, it can be argued that these institutions have such a personality. This result is derived from their ability to sign agreements with other international legal entities such as governments and international organizations (eg the United Nations). The main goal of the designers is that these institutions can act independently of their members (Skogly, 2001, p:197.(

1-3Definition and Analysis of Human Rights

A conceptual and functional study of the World Bank within the framework of the present study, with the aim of analyzing the structural and procedural challenges of this institution and the International Monetary Fund in the field of complaint and claims related to human rights and the right to development, requires a precise understanding of the fundamental concepts of human rights (Nakhaei, 2020, p. 28). Human rights are a long-standing and universal concept formed by combining the two words "right" and "human" and include a set of fundamental privileges and freedoms that every human being enjoys regardless of geographical location, nationality, gender or religion (Mohseni, 2018, p. 5). These rights are defined as inherent, non-transferable and interdependent, and their realization requires actions by governments and international institutions, the establishment of protective laws, effective institution-building and the promotion of public awareness. Human rights are aligned with similar concepts such as natural rights and citizenship rights; Natural rights are based on human nature and innate rights and have eternal and universal principles, while citizenship rights emphasize the guarantee of individual security and freedoms by government institutions and are addressed to individuals of a specific society (Ahmadpour, 2008, p. 119). Examples of human rights include the right to life, personal freedom and security, freedom of expression, equality before the law, the right to education, and the right to work, which are recognized in international documents and domestic laws and are of particular importance in ensuring social justice and human dignity (Sadr, 2003, p. 78; Totunchian, 2019, p. 58). The right to life, as the most fundamental human right, underlies other rights (Baharluei, 2016, p. 7), personal freedom and security are guaranteed through legal mechanisms (Sadeghi-Ziazi, 2014, p. 171), and freedom of expression is defined within the framework of respect for the rights of others (Rezaei, 2014, p. 711). Equality before the law and the right to education are the basis for active participation of humans in individual and social life (Shamsai Lashkariani, 1402, p. 183; Shojaei, 1401, p. 39), and the right to work includes fair conditions and protection against discrimination and unemployment (Skogly, 2001, p: 93). Studying and analyzing these concepts provides the necessary basis for examining the role and responsibility of the World Bank and the International Monetary Fund in promoting, protecting, and responding to human rights and the right to development, and allows for the assessment of the challenges and operational strategies of these institutions in the international complaint system (Marks, 2017, p: 1.(

1-4Definition and Analysis of the Right to Development

The adoption of the Universal Declaration of Human Rights in 1948 and the Covenants on Civil, Political, Economic and Social Rights in 1966, along with the experience of decolonization, paved the way for the formation of the right to development, and the United Nations Declaration on the Right to Development recognized it as an individual and collective right at the global level (Morshedi, 2017, p. 17; Arts, 2016, p: 222). The right to development means the fair enjoyment of economic, social, cultural and political opportunities by individuals and nations and effective participation in the development process, and is defined with the aim of realizing human rights and promoting human well-being (Salimi-Torkamani, 2018, p. 102). The content of the right to development includes principles such as active participation, equality and justice in access to resources, economic and social sustainability, international solidarity and full respect for human rights (Mirmohammadi, 2009, p. 45; Salehi, 2016, p. 72; Talebi, 2019, p. 33). These principles state that development is not merely an economic goal, but a human and justice-oriented process that is realized by respecting human dignity, the active participation of individuals, and eliminating structural inequalities (Piri, 2013, p. 65). The dimensions of the right to development include national and international, economic, social, cultural, and political dimensions. The economic dimension emphasizes the fair distribution of resources and poverty reduction, increasing employment, and access to technology (Eghbali, 2014, p. 2149), the social dimension emphasizes equal access to education and health services, and inclusive participation in development (Salimifar, 2013, p. 75), the cultural dimension includes respect for cultural diversity and the protection of cultural heritage (Haghshenas, 2019, p. 54), and the political dimension includes participation in the decision-making process, ensuring fundamental freedoms, and strengthening democracy (Taheri, 2010, p. 44). Thus, the right to development, as a comprehensive and multidimensional human right, not only guarantees participation and equitable enjoyment of opportunities and resources, but its realization also requires adherence by governments and international institutions to the principles of justice, equality, and respect for all human rights. This right, by emphasizing economic, social, and political justice, confronts unequal global structures and ensures sustainable and comprehensive development, and plays a fundamental role in protecting human dignity and well-being (Habibzadeh, 2013, p. 11.(

-2The Role of the World Bank and the International Monetary Fund in Human Rights and the Right to Development Claims

The World Bank and the International Monetary Fund, as two prominent institutions in the international financial and development system, play a pivotal role in shaping the economic and social policies of member countries and, for this reason, have a direct impact on the realization of human rights and the right to development. By providing loans, technical assistance, and economic advice, these institutions strengthen the institutional capacities of countries to implement development projects and pave the way for the enjoyment of economic and social rights such as health, education, and poverty reduction. On the other hand, these roles are always accompanied by challenges, because the unequal voting system, the conditionality of loans, and the imposition of unilateral economic policies sometimes cause conflicts between development goals and human rights (Hosseini, 2005, p. 9). These conflicts can include the imposition of economic adjustment policies that have negative effects on vulnerable groups and the social welfare of countries, and as a result, international lawsuits and complaints are raised. Research shows that both institutions have independent international legal personality and, from this perspective, human rights responsibility arises from their performance, but in practice, some actions and policies lead to violations or restrictions of economic and social rights (Skogly, 2001, p: 197). For example, the implementation of structural policies recommended by the International Monetary Fund and the World Bank may lead to a reduction in social and public health budgets, revealing a conflict between financial policies and the right to development (Rogoff, 2003, p: 22). Such conflicts manifest themselves in the form of complaints, lawsuits and civil protests at the national and international levels, exposing the legal and ethical nature of international financial institutions to criticism. However, if these institutions adopt a transparent, participatory approach based on the principles of social justice, they can align their development policies with the real needs of societies and prevent conflicts. Therefore, the role of the World Bank and the International Monetary Fund not only includes a positive impact on the realization of the right to development and human rights, but also comes with challenges and contradictions that highlight the need for monitoring and legal accountability in order to reduce litigation and ensure development justice (Oberleitner, 2007, p: 129.(

-3Challenges of the World Bank and the International Monetary Fund in Litigation Related to Human Rights and the Right to Development

One of the common problems of the World Bank and the International Monetary Fund in the drafting of human rights and the right to development litigation is the lack of transparency in the drafting of human rights and the right to development litigation, which we will explain and describe below.

3.1Non-transparency in the filing of human rights and development claims

One of the structural and chronic problems in the performance of the World Bank and the IMF in the field of human rights and development is the non-transparency of the process of filing claims related to these areas. This issue not only negatively affects the effectiveness and efficiency of internal oversight systems such as the World Bank's Board of Inspectors, but also generally creates a serious obstacle to the realization of justice and accountability for the human rights consequences of the policies and projects of these institutions. In practice, many claims filed by individuals, local communities or non-governmental organizations directly refer to violations of fundamental human rights practices or principles. However, the review and investigation system in these institutions, especially the Boards of Inspectors, does not recognize such referrals unless these violations clearly correspond to violations of the Bank's or Fund's official policies or procedures. Therefore, claims based solely on general human rights principles are often rejected or not considered at all if they are not in line with the institution's internal regulations. This situation leads to an administrative vicious circle: on the one hand, victims are forced to frame human rights violations as a form of violation of the institution's procedure or policy; on the other hand, the panels themselves are forced to first rewrite or reinterpret the claim and prove its inconsistency with domestic official documents before examining the substance. In cases where such adaptation is not possible for legal or structural reasons, even serious and well-founded claims remain silent due to the limited competence and scope of the panels. In such a situation, the claim process is not only opaque and complicated, but also ineffective in realizing the rights of victims. The lack of clear, predictable, and accessible mechanisms for pursuing human rights and the right to development undermines public trust in this international institution and undermines efforts to institutionalize accountability. From a legal perspective, this problem is rooted in an institutional design that marginalizes human rights in economic policies and gives them a secondary and non-core position in monitoring processes. Therefore, until the World Bank and the IMF accept human rights and human development as the central axis of their policymaking and accountability, and equip their complaint structures with transparency, broad jurisdiction, and genuine human rights authority, human rights claims will remain merely symbolic and ceremonial, and no deep institutional reforms can be expected from them (Skogly, 2001, p:43; Darrow, 2003, p:46 3-2.(بحران اعتماد در رسیدگی به دعاوی

In many cases, a common problem in the World Bank and the IMF's approach to dealing with claims is how they initially handle the claims and then how they deal with the findings of the review and investigation bodies. One of the main reasons for the ineffectiveness of these panels is the bank's initial handling of the claims, which often ignores violations of approved policies and, in some cases, even questions the legitimacy of the claims or the identity and legal status of the claimants. This shows that in many cases, the bank and the fund, instead of responding transparently and responsibly, are trying to frustrate the investigation process. Recent studies have shown that the findings of the investigation bodies are sometimes questioned and their credibility is undermined. In confirmation of the World Bank's structural and behavioral inefficiency in dealing with the claims, a clear example can be seen in the "Aron Se – Construction of Hydroelectric Power Plant in Nepal" project. In this case, the Board of Trustees agreed only once to evaluate the recommendations of the Review Panel; however, at the very early stages of the dispute, the Bank's Board of Directors rejected the Panel's recommendations altogether. This action is a clear example of disregard for the findings of regulatory bodies in the context of claims related to violations of the Bank's policies and obligations. Moreover, despite the fact that the plaintiffs were able to provide documents and evidence regarding more than forty deviations from the Bank's policies, which were also reviewed and approved by the Panel, the World Bank management recognized only four of these violations. Such an approach reflects the inability or unwillingness of the bank's internal institutions to accept responsibility and accountability for violations of its policy. Also, the frequent doubts of the bank's management and even its legal expert panel regarding the jurisdiction of the claims and the degree of reliability of the claims raised indicate a procedure that, instead of strengthening the accountability process, weakens the position of the plaintiffs and renders the investigation mechanisms ineffective. This concrete example clearly illustrates one of the common and structural challenges of the World Bank and the International Monetary Fund in dealing with claims related to the negative effects and consequences of projects (Zamani, 2015, p. 96). In addition to these cases, another fundamental flaw that has been repeatedly brought to the attention of the investigation panels is the direct or indirect presence of members and representatives of the World Bank or individuals associated with it during the investigation of claims and the assessment of damages resulting from the implementation of projects. This presence not only can interfere with the impartiality of the review process, but also heightens concerns about conflicts of interest and lack of real independence in the review process. Therefore, it can be said that the lack of a transparent and accountable mechanism for dealing with allegations of human rights violations and project-related damages remains a serious challenge in the functioning of the World Bank and the IMF (Clerk, 2003, p: 215.(

3.3Limited access and communication of complainants with the review of claims

Further to the structural challenges shared by the World Bank and the IMF in the review process, one of the fundamental problems is the limited access and communication of complainants with the review of claims. This restriction begins from the moment the complaint is filed and continues until the end of the review process, so that complainants have virtually no control or effective participation in the review and evaluation process by the review panels after the complaint is filed. For example, after filing a formal complaint, complainants are not only denied the right to review and defend the responses provided by the bank's management, but also are denied access to sufficient information about the assessment process, data analysis, and interim or final decisions during the review process. This situation undermines transparency and places complainants in an unequal and passive position vis-à-vis the decision-making bodies. Furthermore, even when the review panel makes recommendations on the allegations and the bank's board of directors makes decisions in response to them, complainants not only have no right to object to or appeal these decisions, but there is also no mechanism for them to seek reconsideration or seek fair redress. On the other hand, bank management has full authority to propose solutions, decide on the elimination of violations, or change the implementation criteria, while complainants are deprived of proposing or demanding more appropriate or precise criteria. This structural imbalance clearly indicates one of the serious obstacles to achieving procedural justice and effective accountability in the World Bank and IMF complaints handling system; where international financial institutions, despite alleged obligations to respect human rights and good governance principles, in practice impose a non-transparent and one-sided process on complainants (Zamani, 2015, p. 96.(

3-4Obstacles to Filing a Claim

In line with the common challenges of the World Bank and the IMF in the complaints handling system, the existence of numerous obstacles in the path of filing a claim should be considered as one of the most important limiting and inefficient factors of these mechanisms. These obstacles, which are structurally and procedurally rooted in the various layers of the complaint system of these institutions, not only make the review process difficult, but also undermine its legitimacy and effectiveness in advance. One of these obstacles is the restrictive assumptions that exist regarding the competence of complainants and the possibility of filing a lawsuit against the bank or fund. In many cases, the initial review is based on doubts about the competence of the complainants, which in itself makes the gate of entry for lawsuits narrow and inaccessible.

In other words, instead of providing a basis for examining the merits of the claims, the responsible institutions first question the legitimacy of the complaint or the legal identity of the complainant. On the other hand, structural and procedural problems such as bureaucratic complexities, lack of clear instructions, or lack of legal protection for complainants lead to the creation of procedural obstacles in the process of hearing. These methodological obstacles not only reduce the efficiency of the hearing panels, but in some cases also turn the hearing process into a formal and ineffective procedure. As a result, complainants are faced with a structure that is ostensibly committed to accountability and fairness, but in practice, with numerous technical, legal, and structural limitations, prevents the objective realization of justice. This situation, along with other shortcomings of the World Bank and the International Monetary Fund's complaint system, clearly indicates that the obstacles to filing a lawsuit are not only an individual obstacle for plaintiffs, but also an institutional and structural problem in the entire accountability system of these international institutions (Zamani, 2015, p. 96.(3.5 Limitations on the Effectiveness of Accountability Mechanisms In addition to the structural and procedural challenges shared by the World Bank and the IMF in the claims system, another fundamental problem is the limited effectiveness of accountability mechanisms. This limitation is particularly evident after the claims have been confirmed by the review panels, where the accountability process is effectively deprived of its primary function. The reality is that even in cases where review panels have assessed the claims and confirmed policy violations or project-related damages, they do not have the authority to set compensation rates or make binding decisions on reparations. The role of these panels is limited to preparing a general report of the findings and conclusions of the review, while the final decision on compensation rests with the board of directors of the bank or fund. This disconnect between fact-finding and decision-making undermines the practical effectiveness of oversight mechanisms. In many cases, the obstacles that borrower countries create to the access of the teams to the affected areas, combined with the bank management's efforts to avoid accepting responsibility and shifting it to the contracting countries, effectively undermine the accountability process. Furthermore, the ignoring of some of the explicit findings of the review teams and the attribution of inefficiencies to poor implementation by national governments is a clear example of an attempt to weaken the requirements for compensation and reduce the direct responsibility of international financial institutions. As a result, the accountability mechanisms in the World Bank and IMF structures, despite the institutional appearance and review process, do not have sufficient enforcement and authority to be effective in practice. This institutional weakness not only undermines the trust of complainants and affected communities, but also makes the compensatory justice in the claims system of these institutions more symbolic than real (Zamani, 2015, p. 97.(

3-6 Lack of awareness of legal rights to appeal among local communities

One of the common and deep-rooted problems in the performance of the World Bank and the International Monetary Fund in relation to human rights and the right to development is the lack of general awareness of legal rights and appeal mechanisms among local communities, affected individuals, and even beneficiary governments. This problem has additional negative effects, especially in low-income and developing countries where the projects and policies of these two institutions are implemented. In many cases, local communities directly affected by development projects (such as dams, roads, privatization of public services, exploitation of natural resources) are not aware of their basic rights, including the right to information, consultation, participation, and compensation. There is also little knowledge about the existence of monitoring institutions such as the World Bank's Inspection Board or the Office of Consultation and Dispute Resolution at the local level. This lack of awareness results in a large volume of human rights and human development violations remaining without legal follow-up and registration in formal mechanisms. On the other hand, many governments are also not sufficiently aware of the possibility of using the legal and monitoring capacities of these institutions or do not take advantage of the existence of mechanisms for rights-based interaction in regulating agreements and loans. This weakness at the governmental and executive levels leaves room for the dominance of private companies, the violation of the right to economic self-determination, and the implementation of structural adjustment policies without social guarantees. Therefore, the lack of access to legal and technical training on human rights, the right to development, and effective advocacy practices in international systems is one of the most important reasons for the denial of justice in World Bank and IMF projects and policies. This situation violates the fundamental principle of "legal empowerment" and "meaningful participation" in the development process (Bretton Woods Project, 2022, p: 7.(3-7 The lack of direct access of groups to official international authorities to file lawsuits

At the international level, the challenges related to accountability within the framework of a rights-based approach to development are more complex and at the same time more structured than at the national level. The most important obstacle in this field is the lack of direct access of affected people or groups to official international authorities to file claims or demand their rights before governments or international development institutions. Unlike at the national level, where it may be possible to refer to courts or administrative institutions, at the international level, there is often no binding and judicial mechanism to hold accountable institutions effective in development, such as the World Bank, the International Monetary Fund, or other international financial and development organizations. This legal gap has caused accountability in the international arena to have more of a moral or political aspect than a legal and binding one. In other words, in the absence of official authorities to deal with complaints, protests by civil society, media, or even some governments may create moral or diplomatic pressures, but these pressures in most cases do not change the behavior of development institutions or compensate for the damages. The efforts that have been made so far to fill this gap, although they are positive steps, but in practice they face serious limitations. For example, the World Bank Inspection Board, which was one of the first complaint handling bodies in international financial structures, provides the possibility of investigating complaints from individuals or groups affected by World Bank projects. Also, similar complaint mechanisms have been established in some other international financial institutions such as the Asian Development Bank or the African Development Bank. However, these mechanisms usually lack binding power and their recommendations are non-binding or their implementation depends on the political will of the developing institution itself. In many cases, even if a violation of rights is found, there is no clear mechanism to compensate for the damage or stop the infringing projects. This situation causes the rights-oriented approach to development at the international level to continue to face the lack of guarantee of implementation and the possibility of effective legal follow-up. In order to overcome this situation, efforts should be made to create binding international institutions and processes to hold development institutions accountable; Institutions that can investigate complaints impartially, make binding decisions and provide effective compensation for victims. It is only in this way that it can be expected that the principles of human rights in the global development process will leave the ideal state and become an institutionalized and applicable reality (Piron, 2002, p: 32.(

8-3 Lack or weakness of responsive legal and institutional structures at the national level

At the national level, the main challenge in implementing the rights-based approach to development is the lack or weakness of responsive legal and institutional structures. Many governments either lack the institutional capacity to respond to citizens' demands, or lack the necessary political will to strengthen regulatory institutions and transparency in development decisions. In such a situation, development is not based on human dignity, but based on short-term economic interests or political considerations, which are often associated with the violation of the rights of vulnerable groups. The realization of the rights-oriented approach at the national level requires the existence of independent, efficient and accessible judicial systems for the general public; Systems that can impartially deal with claims related to rights violations caused by development policies. In addition, there should be transparent and efficient administrative mechanisms in executive bodies that are accountable for their performance in the implementation of development projects and provide people with the possibility of filing complaints, objections or requests for review of decisions. These institutions should be designed in such a way that human rights considerations, especially the principles of equality, non-discrimination and social justice, are included in the decision-making and implementation process. In addition to judicial and administrative institutions, responsive political institutions such as legislative assemblies, local councils, regulatory institutions and free media also play a key role in realizing this approach. These institutions should be able to put the performance of the government in the development process under the microscope, reflect the voice of civil society and vulnerable groups, and stand against unfair or discriminatory decisions. Also, national accountability mechanisms should be designed in such a way that they have the ability to handle the complaints of individuals, especially marginalized groups such as women, ethnic minorities, natives, and the poor. These mechanisms should not only receive and investigate complaints, but also have the binding power to modify policies, stop infringing projects, or compensate beneficiaries. Without such structures, the practical realization of the human rights approach to development at the national level will not be practically possible, and instead of being a means of realizing justice and human dignity, development itself can become a source of discrimination and injustice (Piron, 2002, p: 33). In the end, it should be stated that many criticisms of the World Bank and the International Monetary Fund are rhetorical and not necessarily based on empirical findings or impartial arguments. Sometimes these criticisms are politically motivated and tend toward a "black/white" absolutist view that ignores the possibility of gray areas in responsibility or actual effects. However, it is clear that a significant part of the criticism leveled at these two institutions is justified, and the research has identified major flaws in the decision-making method, bets, and relationship of these institutions with the member states. As far as these criticisms can be proven from a relatively neutral point of viewIt is possible that the bank and the fund have actually accepted many of these criticisms, modified their methods, and are trying to clarify important issues for this purpose.

-4Effective strategies of the World Bank and the International Monetary Fund in litigation related to human rights and the right to development

One of the effective strategies to empower the World Bank and the International Monetary Fund in litigation is to provide training and awareness in litigation, which we will explain and describe below.

4-1Providing training and awareness in litigation

One of the key strategies to empower the World Bank and the International Monetary Fund in the framework of protecting human rights and realizing the right to development is to provide training and awareness in the field of litigation. This strategy not only helps to improve access to justice for vulnerable groups, but is also an important tool to ensure the accountability of international financial institutions for the negative impacts of their programs and projects on human rights. In practice, many individuals and local communities directly affected by investment projects of these institutions are unable to file effective lawsuits due to lack of legal knowledge, ignorance of complaint mechanisms, and lack of independent legal representation. This gap has resulted in many damages remaining uncompensated or existing accountability mechanisms not being effectively applied. Therefore, strengthening the legal knowledge of local communities, civil society groups, and even national authorities is a fundamental step towards realizing the right to participation, the right to access to justice, and the right to development. According to studies, providing specialized training on complaint mechanisms, explaining development-related rights, familiarizing with monitoring processes such as the “World Bank Inspection Panel” and the “Independent Evaluation Office” at the International Monetary Fund, and explaining compensation processes are among the key focuses of these training programs. A report by the Center for International Environmental Law states that the lack of targeted education and outreach is one of the main reasons for the ineffectiveness of accountability mechanisms at the World Bank, and that legal capacity building should be a priority, especially in low-income countries (CIEL, 2015, p: 22). Some articles have also shown that although financial institutions sometimes have guidelines for outreach, their implementation is limited and sometimes symbolic; therefore, providing comprehensive education in the local language in cooperation with local NGOs has been introduced as the most effective solutions to fill the information gap and achieve social justice (Schapper, 2020, p: 17). Therefore, the strategy of providing education and outreach is not only a moral and legal duty for international institutions, but also a tool for empowering communities to file claims and access fair compensation mechanisms.

4.2Legal protection in filing claims

One of the important empowerment strategies in the context of filing claims against World Bank and IMF projects or policies is to provide and guarantee effective legal protection for individuals and communities affected by the actions of these institutions. This strategy plays a fundamental role in realizing the right to participation, access to justice, and redress, especially in the context of development law and social justice. In many cases, people affected by World Bank or IMF projects, especially in countries in the Global South, lack the necessary facilities to benefit from independent and professional legal advice services. The lack of an experienced representative or lawyer, insufficient information about legal procedures, and the complexities of existing complaint systems cause many claims to fail or not reach the filing stage at all. This is where legal protection comes into play as one of the empowerment tools. International financial institutions, particularly the World Bank, have introduced some reforms to strengthen this dimension in recent years, including introducing tools for free initial consultations, holding consultative meetings with local communities, and trying to involve civil society organizations with legal expertise. However, these measures remain limited and in many cases lack sufficient binding force. Therefore, it has been suggested that these institutions should support the financing of legal services for potential victims in a structured and institutionalized manner and provide a mechanism for outsourcing the provision of legal services to independent local institutions. According to the report, the success of many cases in the World Bank Inspection Panel has increased when complainants have access to the services of independent lawyers or non-governmental legal organizations (Accountability, 2017, p: 14). A study by some legal scholars shows that in the absence of structural legal protections, access to justice for project victims remains largely symbolic and formalistic (Keene, 2020, p: 11). Therefore, legal protection should not be seen as a mere supplementary measure, but rather as an essential part of an empowerment strategy within the framework of accountability and the realization of the right to development; a strategy through which the possibility of real use of grievance mechanisms for victims is strengthened, transparency in processes is increased, and restorative justice is given practical meaning and application. 4-3 Financial support in lawsuits

Effective and structured financial support is one of the basic components in empowering individuals and communities to raise human rights and development rights claims against the World Bank and the International Monetary Fund. This financial support, as a key strategy, provides equal access to justice for disadvantaged and vulnerable people and reduces the power gap between international financial institutions and local communities. In many cases, local communities or people affected by the infrastructure projects and development policies of these institutions face serious financial obstacles to pursue their rights. The high costs of proceedings, the need to translate technical and legal documents, lawyers' fees, the costs of documenting damages and also participating in proceedings (both nationally and internationally) are beyond the economic capacity of these groups. Therefore, without sufficient financial support, even if there is knowledge and the will to pursue legal action, the lawsuit will not be implemented or will be stopped in the middle of the path. The studies of supervisory institutions show that not having the financial resources to pursue claims is one of the main factors of the ineffectiveness of accountability mechanisms such as the World Bank's inspection panel and the International Monetary Fund's independent accountability mechanism. For example, in the report of the Inclusive Development International organization, it is emphasized that targeted financial support, including the provision of a litigation fund for project victims, should be considered part of the World Bank's institutional responsibilities (IDI, 2019, p: 29). Also, the research of some researchers shows that the lack of financial support not only prevents the filing of lawsuits, but also adds to the structural inequalities between beneficiaries and decision-makers and turns the litigation process into a complex, unfair and purely symbolic matter (Middeldorp & Le Billon, 2019, p: 68). Therefore, financial support in lawsuits should be considered through the creation of independent, transparent and accessible funds for local communities, NGOs and their legal representatives. These funds should be independent from the project management and subordinate to the accountable institutions in order to respect the principle of impartiality and unconditional support for the victims. The financing of these mechanisms can be provided from the public resources of the World Bank and the International Monetary Fund, international grants or private participation mechanisms. In general, direct and structured financial support for human rights and development lawsuits, as a prerequisite for the realization of distributive and procedural justice, is one of the fundamental requirements for the responsibility of global financial institutions in line with the implementation of the principles of the right to development.

4-4 Political support in lawsuits

Political support in filing human rights claims and the right to development is one of the fundamental empowerment strategies against the World Bank and the International Monetary Fund; A strategy that plays an essential role in legitimizing litigation, protecting human rights defenders, and strengthening accountability mechanisms. In fact, political support means the explicit or implicit support of governments, regional and international institutions, parliamentarians, UN special rapporteurs and other influential actors from victims or complainants in formal complaint processes against these institutions. In many countries, especially governments dependent on development loans or structural adjustment policies, filing a lawsuit against the World Bank or the International Monetary Fund is not only difficult, but sometimes accompanied by political and security threats for the plaintiffs. In such a situation, political support from transnational institutions, international civil networks, parliamentarians of donor countries and even intergovernmental organizations can play a protective role and provide a safer space for filing lawsuits. For example, in a study conducted by some researchers, it is stated that the effective follow-up of claims in the World Bank inspection panel or the response mechanism of the International Monetary Fund in many cases depended on the level of political support for the plaintiffs at the national and international level. This support can be manifested in various forms, including raising the issue in general meetings of the Bank's executive board, raising official questions in the parliaments of donor countries, or officially supporting human rights defenders related to lawsuits (Bretton Woods Project, 2021, p: 9). In addition, the research and some other studies show that international financial institutions respond to structured and continuous political pressures rather than being influenced by legal mechanisms alone. He argues that success in the complaint process has been achieved mainly when it has been accompanied by political mobilization at the regional and international levels (Drezner, 2007, p: 152). Based on this, the strategy of political support should be actively and purposefully pursued by civil society actors, human rights institutions and even governments committed to the right to development. This strategy can be pursued through parliamentary diplomacy, activation of support networks, use of media pressure and open support of claims in international forums. Therefore, political support in the process of filing lawsuits against the World Bank and the International Monetary Fund is a decisive factor for dealing with power inequalities, strengthening the fair trial environment and facilitating the implementation of the principles of the right to development and human rights in the international financial system. 4-5 Creating international capacities for legal responsibility

One of the most important strategies to empower the World Bank and the International Monetary Fund in responding to human rights criticisms is to create international capacities for legal accountability. This strategy is not only necessary to promote the legitimacy and efficiency of these institutions at the global level, but also helps to strengthen the position of human rights in economic and development policies. Currently, one of the reasons for the failure of existing mechanisms to make these institutions accountable is the lack or weakness of institutional independence and the monitoring mechanism. Without creating independent and impartial structures, any attempt to realize legal responsibility will be doomed to failure (Zamani, 2014, p. 92). However, there are significant capacities at the level of domestic and international law that can be the basis for forming effective and independent accountability mechanisms. From a legal point of view, the World Bank and the International Monetary Fund, as institutions with independent international legal personality, have the ability to accept binding obligations and participate in arbitration, supervision and complaint processes. In this regard, some of the founding documents and internal procedures of these institutions also have the capacity to improve and improve transparency, accountability and adherence to the fundamental principles of human rights. Among these capacities, we can mention the inspection board of the World Bank and similar institutions in the International Monetary Fund, which, although they currently have a limited scope of competence, can become effective institutions in the pursuit of human rights complaints with structural reform and strengthening of operational independence. Creating an inclusive and binding mechanism to deal with the complaints of individuals and local communities affected by bank projects or policies imposed by the fund is one of the measures that can be formed within the framework of these capacities. Also, taking advantage of the internal laws of the member countries can also be considered as a supplementary tool. Many countries, by virtue of their constitutions or ordinary laws, have made governments obliged to respect and implement international obligations in the field of human rights. As a result, citizens can take action through domestic courts against the participation of their governments in the unfair decisions of the fund or bank and direct these institutions to be held accountable. In this way, the synergy between domestic and international laws can be used to strengthen the human rights accountability system of these two institutions at the global level (Zamani, 2014, p. 93; Skogly, 2001, p: 77). In this regard, some believe that the establishment of an expert panel on the human rights aspects of the Fund's programs can make a great contribution to institutionalizing human rights in the policies of this organization. The panel will be independent of the Fund and will receive complaints from individuals or groups who claim to have been harmed as a result of a loan or Fund program implemented by their government that is in conflict with their country's human rights obligations. The members of the board will have economic and human rights backgrounds and will examine potential claims and options that can be aligned with the country's human rights obligations within the framework of that program. The recommendations of this board will be non-binding but will be presented to the responsible staff of the country. Every year, a set of cases is presented to the board to provide an opportunity to consider its implications for future programs and policies (Caliari, 2023, p: 54). The author believes that the realization of this strategy requires political will, institutional reforms, transparency in performance and acceptance of the principle of supremacy of human rights over purely economic interests. The World Bank and the International Monetary Fund, by accepting these developments and taking advantage of the existing capacities, can play their role in sustainable and fair development in such a way that the rights of individuals and communities are included in the context of economic policies.

6-4 Add human rights requirements in operational policies

In recent years, the need to review the policies and operational structures of international financial institutions from the perspective of human rights has become one of the most important demands of supervisory institutions, civil society, and researchers. In the meantime, the Tilburg Guidelines, emphasizing the role and responsibility of international economic institutions towards human rights, have demanded that the World Bank and other similar institutions include a clear and explicit legal requirement to respect and protect human rights in their operational documents and policies. One of the key strategies for empowering the complaints mechanisms and filing lawsuits in these institutions is to include mandatory articles in the policies and executive instructions of the World Bank and the International Monetary Fund, in such a way that it is possible to directly refer claims to human rights violations in projects or structural reforms financed by these institutions. In this regard, Tilburg's principles state that: "The existence of a specific legal article in the operational policies is a necessary condition for making these institutions accountable for the human rights obligations resulting from their performance, and without such a mechanism, there will be no guarantee for the observance of these rights." Currently, the structural limitation of the complaint handling boards, especially the World Bank inspection board, is one of the major obstacles to achieving this goal. These boards are only allowed to investigate claims when the allegations are related to violations of the internal policies and procedures of the concerned entity. However, since human rights are not directly mentioned in the founding documents and executive procedures of these institutions, most human rights claims are rejected or ignored due to non-compliance with the official framework of policies (Zamani, 2014, p. 95.(It expands the jurisdiction of the tribunals, allowing victims of development harm to defend their rights based on internationally recognized standards. Such a change could provide a more transparent, effective, and accountable platform for reviewing claims related to the negative consequences of development projects. Therefore, adopting and institutionalizing the Tilburg Principles in the legal and operational structure of these institutions would not only be a step towards empowering the structure of human rights and development-oriented claims, but would also play a decisive role in restoring the legal and moral legitimacy of the global financial system vis-à-vis developing countries and vulnerable groups.

Conclusion

The World Bank and the International Monetary Fund, as two prominent international financial institutions, play a key role in providing development finance to countries and infrastructure projects. However, the widespread impact of their decisions on local communities and their respect for human rights and the right to development has made their responsibility and accountability a major focus of criticism and litigation. The projects and policies implemented by these institutions have in many cases had negative social, economic, and environmental consequences, and as a result, vulnerable communities and local groups have filed lawsuits against them. These lawsuits are usually based on human rights violations, restrictions on access to essential resources, and obstacles to sustainable and equitable development. It should be noted that an analysis of the litigation process against the World Bank and the International Monetary Fund shows that there are some fundamental problems in this direction. These challenges include limited direct access of complainants to review mechanisms, lack of transparency in decision-making, weak enforcement of decisions of supervisory institutions, and lack of binding mechanisms for compensation for damages. These problems not only reduce compensatory justice but also affect public trust and legitimacy of the functioning of international financial institutions. Accordingly, effective strategies to address these problems include strengthening transparency and accountability of institutions, providing complainants with easy and direct access to review mechanisms, increasing awareness of local communities about their legal rights, and strengthening the guarantee of binding enforcement of decisions of supervisory institutions. Adopting these strategies can ensure that the World Bank and the IMF, while playing their development role, also effectively observe their social and human rights responsibilities, and justice and sustainable development are realized at the same time.

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