

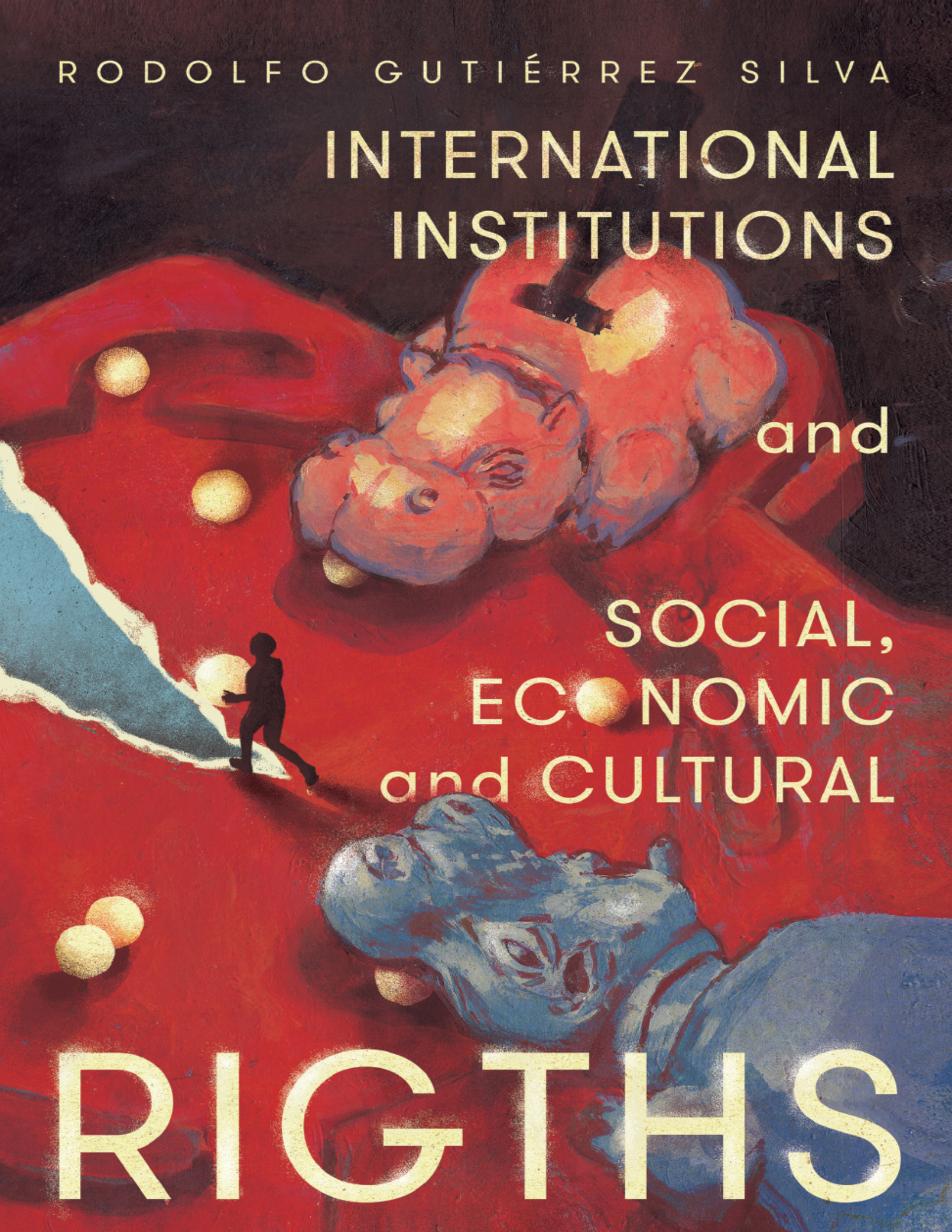
RODOLFO GUTIÉRREZ SILVA

INTERNATIONAL  
INSTITUTIONS

and

SOCIAL,  
ECONOMIC  
and CULTURAL

RIGHTS



International institutions and social,  
economic, and cultural rights

## Abstract

In recent years we have witnessed a great increase in knowledge and technology worldwide which is available to all. However, despite this progress, we still have the same International Institutions and mechanisms that we designed after the Second World War. These institutions are characterized by fragmentation, structural dysfunctions such as corruption, lack of resources, and a lack of institutional capacity. The aim of this book is to evaluate the challenges facing International Institutions in the protection of Economic, Social, and Cultural Rights. More specifically, it seeks to detect different patterns in two types of actors that include international financial institutions and institutions of the universal system, such as the United Nations Refugee Agency. The methodology includes a design of comparative documentary research and case study evaluation. This includes an evaluation of several cases that analyse the role of International Institutions and their interaction with human rights. Trying to find common patterns in different structures and processes gives us some indication, an image of the type of problems these institutions currently face. The cases studied in this research reveal a series of challenges international institutions are facing that range from strengthening organizational and strategic aspects to overall strengthening institutional capacity. However, the main challenge encountered is the development of intentional institutional reflexivity. This implies the adoption, by international institutions, of a new orientation to principles and values. The promotion of this new approach must start with a complete restructuration at the world level.

**Keywords:** economic, social and cultural rights; international institutions; institutional capacity; institutional reflexivity.

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## Resumen

En los últimos años hemos sido testigos de un gran incremento en el conocimiento y tecnología a nivel mundial que está disponible para todos. Sin embargo, pese a este avance, seguimos teniendo las mismas instituciones y mecanismos internacionales que diseñamos luego de la segunda guerra mundial. Dichas instituciones se caracterizan por su fragmentación, disfunciones estructurales como la corrupción, falta de recursos y por una falta de capacidad institucional. El objetivo de este libro es evaluar los desafíos que enfrentan las instituciones internacionales en la protección de los derechos económicos, sociales y culturales. Más específicamente, busca detectar diferentes patrones en dos tipos de actores que incluyen las instituciones financieras internacionales y las instituciones del sistema universal, como la Agencia de la Organización de las Naciones Unidas para los Refugiados. La metodología incluye un diseño de investigación documental comparativo y la evaluación de estudio de casos. Esto incluye una evaluación de varios casos que analizan el papel de las instituciones internacionales y su interacción con los derechos humanos. Intentar encontrar patrones comunes en diferentes estructuras y procesos nos da alguna indicación, una imagen del tipo de problemas que estas instituciones enfrentan actualmente. Los casos estudiados en esta investigación revelan una serie de desafíos que enfrentan dichas instituciones que van desde el fortalecimiento de aspectos organizacionales y estratégicos hasta, en general, el fortalecimiento de la capacidad institucional. Sin embargo, el principal desafío encontrado es el desarrollo de la reflexividad institucional intencional. Esto implica la adopción, por parte de las instituciones internacionales, de una nueva orientación hacia principios y valores. La promoción de este nuevo enfoque debe comenzar con una reestructuración completa a nivel mundial.

**Palabras clave:** capacidad institucional; derechos económicos, sociales y culturales; instituciones internacionales; reflexividad institucional.

# International institutions and social, economic, and cultural rights

RODOLFO GUTIÉRREZ SILVA





## **International institutions and social, economic, and cultural rights**

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When you grow up, you realize that everything since childhood is a game of powers, first with your older cousins and then with real life. This book cover is a narrative atmosphere that portrays how RIGHTS should not be in-game board captured by “hippo-insatiable” institutions. The tender of a fair game is indeed the rupture and the invitation to get into the book.

Cigarra Entinta.



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Intentional Institutional Reflexivity. A new sense of orientation towards Principles and Values

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# Acronyms

**ADB:** Asian Development Bank  
**CAS:** Country Assistance Strategies  
**CAO:** Compliance Advisory Ombudsman  
**CCT:** Conditional Cash Transfers  
**CDF:** Comprehensive Development Framework  
**CIREFCA:** International Conference on Central and American Refugees  
**ECLAC:** Economic Commission for Latin America and the Caribbean  
**EFAP:** Erosion and Flood Action Plan  
**ESCR:** Economic, Social and Cultural Rights  
**ICESCR:** International Covenant on Economic, Social and Cultural Rights  
**IDA:** International Development Assistance  
**IFIS:** International Financial Institutions  
**ILO:** International Labor Organization  
**IFC:** International Finance Corporation  
**JMBA:** Jamuna Multipurpose Bridge Authority  
**MDB:** Multilateral Development Bank  
**MIGA:** Multilateral Investment Guarantee Agency  
**NGO:** Non-Governmental Organizations  
**PAYG:** Pay as you go  
**PRSP:** Poverty Reduction Strategy Papers  
**PRGF:** Poverty Reduction Growth Facility  
**RRAP:** Revised Resettlement Action Plan  
**SGR:** Second-generation reforms  
**TANF:** Temporary Aid for Needy Families  
**UDHR:** Universal Declaration on Human Rights  
**UN:** United Nations  
**UNHCR:** United Nations Refugee Agency

# Preface

**K**nowledge has become instrumental in the globalization process rather than reflexive. Reflexive knowledge not only exposes levels of inequality and power but also allows us to discover more of ourselves, our humanity, and existential meaning. In fact, in the last 50 years, we have witnessed a massive increase in knowledge, a knowledge that some people suggest is allowing us to improve our lives and our welfare<sup>1</sup>. However, despite this new knowledge, the level of transformational change that we have witnessed, especially in international institutions, is still very scarce. What is particularly worrying is that the globalization process has also brought new challenges and new risks that today have the potential to destroy all humanity. Risks such as nuclear wars, the unintentional effects of artificial intelligence and robots, global pandemics, the disastrous effects of climate change, and the rise of populist<sup>2</sup> and authoritarian governments are the new global threats that we face. Therefore, we need new and strong international institutions in order to avoid social dislocations worldwide<sup>3</sup>. This entails that international institutions not only must improve their organizational and strategic processes in order to fulfil Economic, Social, and Cultural Rights (ESCR) and confront those new risks but also in order to improve our humanity by promoting a balance of power. This book is looking to contribute to this issue and it will attempt to find solutions by analyzing the challenges that international institutions are facing today and how to strengthen them in order to guarantee ESCR. In order to achieve this aim, the book uses a methodology based on case studies while attempting to evaluate them by using social theory frameworks as well as some elements of the rights-based approach. The case studies analyzed in this book take into account the experiences of different actors that have had a prominent role at the international level, to be precise: the World Bank, the International Monetary Fund, Accountability mechanisms of International Regional Banks such as the Inspection Panel, the Compliance Advisory Ombudsman and the Asian Development Bank as well as institutions from the Universal System such as the United Nations Refugee Agency. To study these cases involving different and complex actors by using different theoretical frameworks is very important and necessary since it allows us to evaluate and identify patterns