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Partnerships, Emulation, and Coordination

Toward the Emergence of a *Droit Commun* in the Field of Development Finance

**Laurence Boisson de Chazournes**

Cooperation among international organizations has developed in various ways. The need for cooperation was foreseen at their inception and is reflected in their constitutive agreements. The articles of the International Bank for Reconstruction and Development (IBRD), for example, state that “the Bank, within the terms of this Agreement, shall cooperate with any general international organization and with public organizations having specialized responsibilities in related fields.” An example in this context of such means for cooperation is the agreement that the IBRD concluded with the United Nations (UN) in 1947.

In addition to this type of cooperative relationship, the IBRD and the other institutions of the World Bank Group (hereinafter, the “World Bank”) have developed relationships with regional development banks. This chapter focuses on these relationships and the legal consequences that arise from them. Because of the institutional features that the World Bank and regional development banks have in common (for example, their capital-based structure and their mandate), there is sometimes an emulation phenomenon in their legal

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3. The International Bank for Reconstruction and Development was established in July 1944 at the Monetary and Financial Conference at Bretton Woods. Since then, four other institutions have been established: the International Finance Corporation (IFC) in 1956, the International Development Association (IDA) in 1960, the International Centre for the Settlement of Investment Disputes (ICSID) in 1966, and the Multilateral Investment Guarantee (MIGA) in 1988. These five institutions form the World Bank Group.

4. The IBRD Articles of Agreement, for example, contain a provision that states that “the Bank and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned” (Article IV, Section 10); see also IDA Articles of Agreement, which contain an identical provision (Article V, Section 6). Almost identical provisions are contained in the Agreement Establishing the Inter-American Development Bank (Article VIII, paragraph 5[f]), the Articles of Agreement of the Asian Development Bank (Chapter VI, Article 36), and the Agreement Establishing the African Development Bank (Chapter V, Article 38), as mentioned by Stephen S. Zimmermann & Frank A. Fariello Jr., *Coordinating the Fight against Fraud and Corruption: Agreement on Cross-Debarment among Multilateral Development Banks*, this volume.
and institutional practices. By emulation, what is meant is that the regional development banks emulate the policies, rules, and procedures in place at the World Bank. Emulation may also more broadly refer to the willingness of these regional organizations to put into place procedures framed around similar policies and rules, although the latter may present specific features. In some instances, this process can be multidirectional, with the World Bank and other regional financial institutions emulating the practice followed by a regional institution. These various practices often give rise to a harmonization trend around a standard, a policy, or a rule first developed by one of the concerned organizations. In some cases, this trend is complemented by organized coordination around common procedures. Based on this emulation phenomenon and the harmonization and coordination endeavors, one might wonder if a droit commun in the area of development finance is emerging.

In the context of this chapter, the notion of a droit commun is defined as a process through which various organizations develop and implement similar standards, rules, or procedures. A droit commun allows for the emergence of a distinct legal corpus of the harmonized standards, rules, and procedures that the institutions have in common.

The emergence of droit commun indicates that international financial institutions (IFIs) and other actors feel the need to use policy instruments and a legal language presenting similar features in areas of common concern. Although efforts to obtain greater market share might be a reason for replicating the normative and institutional features of another institution and thus attract more interest, the need for increased cooperation and partnerships among these institutions appears to be a key driver in this direction. Decision makers in groups such as the Group of Seven (G7), Group of Eight (G8), and Group of Twenty (G20), or within the executive organs of financial institutions, often advocate the promotion of similar objectives, such as transparency and accountability by all concerned institutions. Civil society is also moving in this direction through domestic and transnational strategies.

These trends do not follow from rules laid down in the articles of agreement of the concerned institutions, but rather are developed from practice and necessity. The institutions are involved in similar types of business activities, that is, development finance and assistance, and thus face similar challenges, such as the promotion of sustainable development.

It should also be stressed that the emulation of the World Bank’s practices by regional development banks is in part due to the gravitational force of the World Bank and the links that exist between the regional banks and the World

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5 See, for example, the Anti-Corruption Action Plan issued in November 2010 by the G20 Seoul Summit, which states that “the G20 will exercise its voice in the governance of international organizations to encourage that they operate with transparency, high ethical standards, effective internal safeguards and the highest standard of integrity. To that end, we call for continued dialogue among international organizations and national authorities on defining good practices and ways forward on this objective”; available at <http://media.seoulsummit.kr/contents/dlobo/E5_ANNEX3.pdf>.
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Bank. The World Bank’s gravitational force can be explained by the fact that the Bank was established earlier than the other institutions, as well as by its size and financial power. The representative power of the World Bank is also partly attributable to the desire of regional development banks to use the World Bank as a proxy for access to forums such as the G8 and the G20. For example, the ten international organizations that were invited to the G20 Seoul Summit in November 2010 (the African Union, the Association of Southeast Asian Nations, the Financial Stability Board, the International Labour Organization, the International Monetary Fund [IMF], the New Partnership for Africa’s Development, the Organisation for Economic Co-operation and Development, the United Nations, the World Bank Group, and the World Trade Organization) did not include one regional financial institution. The emulative process is therefore based, not on any formal or informal hierarchy between the institutions, but simply on political and economic dynamics.

This emulation and these cooperative and coordination processes have led to harmonization and mutual recognition, thereby cultivating the development of common practices in both normative and institutional terms. Three examples are discussed in this chapter. Before addressing them, the chapter presents the various types of partnerships that may develop among these institutions; partnerships that help forge an increasingly close relationship between the World Bank and regional development banks.

Partnerships among IFIs

Partnerships among IFIs are manifold. IFIs may receive logistical, material, or financial aid from each other in order to carry out their activities. Sometimes, these institutions participate in discussions and negotiations held in their respective forums. On other occasions, they put into place institutional partnerships aimed at the implementation of a certain activity or the pursuit of a given objective.

Partnerships between international organizations have blossomed in the field of environmental protection and, more generally, in the area of sustainable development. For instance, Agenda 21, the action plan adopted in 1992

6 The World Bank was created at the Bretton Woods Conference in 1944. Four other institutions are examined in this chapter. The Inter-American Development Bank (IDB) was established in 1959. It has 48 member countries, including 26 Latin American and Caribbean borrowing members. The African Development Bank (AfDB) was founded in 1964. It is composed of 77 member countries; 53 are African countries and 24 are non-African countries. The Asian Development Bank (ADB) was established in 1966 and is composed of 67 members, of which 48 are from the region and 19 are from other parts of the globe. The European Bank for Reconstruction and Development (EBRD) was established in 1991. It is composed of 61 member countries, of which 16 are non-European countries, the European Union, and the European Investment Bank.

7 See <http://www.seoulsummit.kr/eng/boardDetailView.g20?boardDTO.board_seq=2010090000002520&boardDTO.board_category=BD02&boardDTO.menu_seq=#>.
during the UN Conference on the Environment and Development, calls on several actors—namely, the United Nations Environment Programme (UNEP), the World Bank, and regional development banks—to establish programs and take action for the promotion of developing countries’ capacities in environmental protection.\textsuperscript{8} Within this framework, some of these institutions may rely on other organizations for carrying out activities in the field. The primary goal of such partnerships is to enhance the overall effectiveness of operations jointly managed by them.

The Global Environment Facility (GEF) constitutes another type of partnership.\textsuperscript{9} Established in 1991 and restructured in 1994 with the World Bank, the United Nations Development Programme, and UNEP as implementing agencies, it provides financing to developing countries for projects dealing with the protection of the global environment (including, inter alia, climate change and biodiversity issues). Moreover, institutions such as the African Development Bank (AfDB), the Asian Development Bank (ADB), the European Bank for Reconstruction and Development (ERDB), and the Inter-American Development Bank (IDB) have also been given the option of acting as executing agencies and thus being directly involved with projects of the GEF.

Crucial to these initiatives and, more generally, to the relations between international organizations is the issue of financing. The granting of financial aid by one organization to another may be foreseen in treaty provisions or in other types of legal instruments.\textsuperscript{10} Such assistance is intended to strengthen an organization and to provide guaranteed support for its activity.

In this context, it is interesting to recall that the statute of the International Development Agency (IDA), a member of the World Bank Group, provides:

\begin{quote}
The Association shall not provide financing for any project if the member in whose territories the project is located objects to such financing, except that it shall not be necessary for the Association to assure itself that individual members do not object in the case of financing provided to a public international or regional organization.\textsuperscript{11}
\end{quote}

\textsuperscript{8} See Agenda 21, Chapter 37.11.


\textsuperscript{10} See, for example, the European Development Fund; Council Regulation (EC) No. 617/2007 of May 14, 2007, on the implementation of the 10th European Development Fund under the ACP-EC Partnership Agreement, JO L 152/1, June 13, 2007.

\textsuperscript{11} IDA Articles of Agreement, Article V, Section 1(e), available at <http://siteresources.worldbank.org/IDA/Resources/ida-articlesofagreement.pdf>.
On this basis, the IDA has granted loans at privileged rates to the West African Development Bank (WADB) and to the Caribbean Development Bank. In 2004, the World Bank approved a financing plan in favor of the WADB as part of the project for market integration among West African countries engaged in by the West African Economic and Monetary Union (WAEMU). Some World Bank financing has been aimed at consolidating the WADB’s position as a regional player, transforming it into an institution capable of independently acquiring its own resources.

In addition to the above-mentioned types of partnerships, IFIs have undertaken further forms of multilateral collaboration, such as the Heavily Indebted Poor Countries (HIPC) Initiative, set up by the IMF and the World Bank in 1996 and aimed at avoiding situations in which poor countries may be faced with an unsustainable debt. In 2005, the objectives of the HIPC were reiterated through the creation of the Multilateral Debt Relief Initiative (MDRI), a G8-promoted initiative taken in view of the UN Millennium Development Goals.

The objective of the MDRI is the cancellation of 100 percent of the claims of three multilateral institutions—the IMF, the IDA, and the AfDB—on countries that have reached, or will reach, the completion point under the enhanced HIPC Initiative. This initiative is managed through a fully fledged partnership between the three international organizations. In 2007, the IDB joined the MDRI and then to canceled the debt of five Latin American countries.

Partnerships of this type entail close cooperation among the organizations, and some pragmatism is necessary for meeting the desired operational objectives. The same is true when IFIs cofinance projects. There is a need to find a common approach in the appraisal and monitoring of a project. The search for consistency among social and environmental policies helps direct this common approach.

The quest for effectiveness is central to the effort to achieve mutual collaboration among IFIs. This quest has given rise to various types of emulative practices by IFIs and caused these institutions to forge new forms of institutional and normative relationships.

14 For more details, see <http://www.imf.org/external/np/exr/facts/fre/mdrif.htm>.
Emulation in the Harmonization of Operational Policies and Procedures

Emulation may take the form of a harmonization of operational policies and procedures. Regional development banks have adopted certain rules and procedures that had earlier been developed and adopted by the World Bank. One example is social and environmental policies adopted by the World Bank that are intended to apply to operational activities. These policies, called “safeguard policies,” are a set of rules and procedures that must be followed by personnel of the World Bank in the design, implementation, and monitoring of projects by the Bank. Such operational policies are important tools. By requiring an environmental assessment of projects, consultation with affected communities, the publication of information, compensation for any impact, and the restoration of the living environment or biodiversity protection, safeguard policies reduce the negative impacts of projects funded by the Bank.

The adoption of safeguard policies by the World Bank in the 1990s and their subsequent revision have given rise to the adoption of operational rules by regional development banks. Regional banks have developed policies providing for similar standards of behavior in the areas of impact assessment and the protection of indigenous populations. For example, the ADB adopted bank policies in the field of environmental protection; these policies are included in its operations manual. In a recent review of its safeguard policies, the ADB took account of other financial institutions’ social and environmental policies so to ensure that its policies are consistent with those of the World Bank Group and also those of regional institutions. The fact that the ADB was involved in cofinancing projects with these institutions was stressed as a reason for this harmonization process.

Similarly, the IDB developed a series of social and environmental policies in line with the World Bank’s approach. Taking into account the widespread recognition of the rights of indigenous people in different countries’ constitutional and legislative acts, as well as the international practice of international financial and donor institutions, the IDB adopted the Operational Policy on Indigenous Peoples and Strategy for Indigenous Development (OP-765) in

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19 Available at <http://www.adb.org/documents/manuals/operations/OMB01.pdf>.
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February 2006. Regarding the phenomenon of emulation, it is interesting to note that the Profile of the Operational Policy on Indigenous Peoples (March 2004), approved by the Policy Committee and the Assessment Council of the IDB, indicated that many international financial institutions including the World Bank Group, the Asian Development Bank, the European Commission as well as bilateral donors and the private sector, have adopted specific safeguard policies regarding indigenous peoples.

The EBRD undertook a review of many of its policies and strategies, and in May 2008, the EBRD board of directors approved the revision of the Environment Policy of 2003 into an Environment and Social Policy, more in line with challenges in terms of protecting the global environment and with the policies of other financial institutions.

It is noteworthy that at the level of the United Nations, the need for a systemwide strategy for environmental and social safeguards has been identified. There is agreement that a common framework would build confidence through cooperation and the sharing of resources and would make the implementation of safeguards easier.

These developments underline the emergence of common practices in the international financing of development projects. Regional development banks’ emulation of World Bank approaches to issues of environmental and social protection, even if they retain some aspects of each regional bank’s identity in their precise formulation and sometimes differ in their scope, has led to the emergence of common normative practices among IFIs operating in the field of environmental and social protection. These harmonized practices constitute a first step toward the emergence of a droit commun. The policies adopted by the regional development banks may present some specific features. This is in great part due to the fact that these institutions finance both public and private sector projects, a fact that their rules and practices need to take into account.

Institutional Emulation

Institutional emulation refers to situations in which regional development banks establish bodies and mechanisms similar to those set up within the World Bank. In this context, the most illustrative example of institutional emulation is the establishment of independent inspection and compliance

mechanisms. These mechanisms respond to the demand for more transparency on the part of financial institutions and the call for them to be more accountable.

In September 1993, the directors of the World Bank created an independent inspection panel to ensure that the Bank meets its own operational policies and procedures during the design, preparation, and implementation of projects. Any group of individuals whose rights or interests are affected or likely to be affected as a result of a failure by the World Bank to follow its operational policies and procedures with respect to a project may institute a request with the inspection panel alleging that the institution has not complied with its operational or procedural policies. The directors then decide, on the basis of recommendations put forward by the panel, whether or not to proceed with an inspection.25

Building on the experience of the World Bank Inspection Panel, regional development banks put into place similar types of accountability mechanisms. Each of these mechanisms is different in its structure, procedure, and practice.26 Yet all the banks are participating in broader efforts to render IFIs more accountable and more participatory.27 The IDB was the first institution to follow the example of the World Bank Inspection Panel with the creation, in 1994, of an independent investigation mechanism. This mechanism was revised in 2010 and became the “independent consultation and investigation mechanism.”28 Similarly, the ADB revised its inspection procedure, originally set up in 1995, in 2003. The new procedure is based on an accountability mechanism comprising a consultation phase and an inspection phase administered by a compliance review panel.29

The AfDB established an independent review mechanism in June 2004. The mechanism includes aspects of monitoring and compliance with policies as well as mediation (problem solving) for projects in the public and private sectors.30

Mention should also be made of the project complaint mechanism established by the EBRD in 2010 to replace the independent recourse mechanism of 2004.31

Finally, the Office of the Compliance Advisor/Ombudsman (CAO), established in 1999 by the International Finance Corporation (IFC), was the first mechanism to comprise a two-phase approach: a consultation phase, which involves an ombudsman or an adviser, and a compliance review phase.32 Other IFIs, such as the ADB, subsequently implemented a two-phase approach.33

Even though each of these mechanisms has its own distinctive features, they were all created in the same spirit and with the same objectives as the World Bank Inspection Panel, that is, to increase the transparency and accountability of the organizations that established them. In other words, the establishment of the World Bank Inspection Panel initiated a movement in favor of the creation of such kinds of mechanisms and procedures.

The degree of cooperation and harmonization among these mechanisms is demonstrated by the relationships between them and how they interact in practice.

The existence of inspection panels and compliance mechanisms in development banks can lead to these panels and mechanisms being seized at the same time as those of the World Bank in connection with projects that are cofinanced by the World Bank and a regional development bank. Coordination in such instances can lead to further harmonization practices. One such situation arose during the inspection request concerning the Yacyreta Hydroelectric Project in Argentina and Paraguay. The World Bank Inspection Panel stated:

> it may be noted that a Request for Inspection relating to the same Project had been simultaneously filed with the IDB inspection mechanism. The President of that institution recommended and the Board of Executive Directors likewise agreed to a review of the project under similar terms of reference. Collaboration with the IDB inspection mechanism included a joint visit to the project area in July 1997 as well as an exchange of views on the main findings.34

In his report on this matter, the chairman of the Organization, Human Resources and Board Matters Committee of the IDB Board of Executive Directors said that

31 Available at <http://www.ebrd.com/pages/project/pcm/about.shtml>.
32 Available at <http://www.cao-ombudsman.org/howwework>.
33 Id.
in light of the Bank’s interest in harmonizing its efforts with those of its co-lender, the World Bank, the Board also instructed Management to report on any measures taken with respect to this project by the World Bank.35

As one can see, a desire to harmonize institutional practices is clearly a priority for both institutions.

The inspection request concerning the Bujagali Hydropower Project in Uganda also shows cooperation between two multilateral development banks. The project, cofinanced by the World Bank and the AfDB, was brought before the inspection mechanisms of both institutions.36 The Bujagali project, the first case brought before the inspection mechanism of the AfDB, laid the foundation for cooperation between that institution and the World Bank. The World Bank Inspection Panel underlined “its appreciation to the CRMU [Compliance Review and Mediation Unit] for this fruitful and precedent-setting cooperation.”37

Meanwhile, in its investigation report, the AfDB panel stated:

The Compliance Review Panel and the World Bank Inspection Panel coordinated their field investigations of the Bujagali projects and shared consultants and technical information during this investigation in order to enhance the efficiency and cost effectiveness of each of their investigations.38

The World Bank Inspection Panel and the AfDB panel agreed to a memorandum of understanding to define the conditions for their cooperation and information exchange regarding the project.39

35 Available at <http://www.iadb.org/iim/pr191719eng.pdf>.


37 Id., at xix.


The 2005 Paris Declaration on Aid Effectiveness further supported this harmonization trend. This declaration highlights the need to, inter alia, implement common arrangements, increase complementarity, and strengthen incentives for collaborative behavior. The donors committed to harmonizing standards in order to increase the effectiveness of aid programs—legal harmonization is undoubtedly one way to avoid duplication.

In this context, the Legal Harmonization Initiative (LHI) is a step in this direction. It is a joint undertaking of several IFIs, including the World Bank, regional financial institutions, bilateral aid agencies, and UN agencies, in support of the implementation of commitments expressed in the Paris Declaration to improve aid effectiveness through harmonization and alignment. The LHI is aimed at harmonizing and streamlining legal tools among donors and partner countries. It is conceived of as a forum for legal, operational, and policy advisers to discuss and share knowledge across institutions on legal and policy issues relevant to the harmonization and alignment agenda.

Cooperation and Coordination in the Fight against Corruption

Another step in terms of cooperative practices among institutions has been the establishment of mechanisms for cooperation and mutual recognition between the World Bank and regional development banks. In the fight against corruption, the actions undertaken and policies adopted by the World Bank and the regional development banks have inspired cooperation. In this respect, in September 2006, the Uniform Framework for Preventing and Combating Fraud and Corruption was put into place by the leaders of the AfDB Group, the ADB, the EBRD, the EIB Group, the IMF, the IDB, and the World Bank Group. The uniform framework has two main components: the adoption of common definitions of fraud and corruption and the development of common investigatory principles. It was developed by the International Financial Institutions Anti-Corruption Task Force. The goal of the task force

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40 Organisation for Economic Co-operation and Development (OECD), the Paris Declaration on Aid Effectiveness (2005), and the Accra Agenda for Action (2008), available at <http://www.oecd.org/dataoecd/30/63/43911948.pdf>. The international organizations adhering to the Paris Declaration and the Accra Agenda for Action include the World Bank, the IDB, the ADB, the AfDB, the EBRD, and the EIB.

41 OECD, Summary—Paris Declaration, available at <http://www.oecd.org/document/18/0,2340,en_2649_201185_35401554_1_1_1_1,00.html>.


43 Additional information is available at <http://goo.gl/UvqXG>.


45 The IFI task force was established to develop the framework and was afterward disbanded.
was to work toward developing a coherent and harmonized strategy in the fight against corruption in respect to the activities and operations of participating regional and universal financial institutions.

Each member institution of the IFI task force has a distinct mechanism for addressing and sanctioning violations of its anticorruption policies. The task force laid the groundwork for the mutual recognition of decisions made by each of the enforcement mechanisms. Similarly, the IFI task force recommended that each participating institution require that all bidders taking part in the activities financed by a participating institution disclose any penalty imposed on a corporation or an individual by a participating institution, although this recommendation was not put into practice. The task force adopted principles and guidelines for investigations applicable to the integrity offices of the IFIs when executing their investigative mandate.

An additional step was taken by ensuring the mutual recognition and enforcement of decisions made by competent bodies within these institutions. The AfDB Group, the ADB, the EBRD, the IDB Group, and the World Bank Group affirmed their mutual commitment to implementing each other’s decisions in an agreement concluded on April 9, 2010. The agreement states:

1. Each Participating Institution will enforce debarment decisions made by another Participating Institution, in accordance with the terms and conditions of this Agreement.

To this end, the concerned institutions—having undertaken, under the unified framework in 2006, to adopt harmonized definitions of sanctionable practices and to establish investigation procedures that meet common due process principles to conduct fair, impartial, and thorough investigations—agreed to implement decisions made by each of them, except in circumstances “where such enforcement would be inconsistent with the institution’s legal or other institutional considerations.” The enforcement of the decisions is subject to the conditions that

a) the decision was based, in whole or in part, on a finding of a commission of one or more of the sanctionable practices defined in the Uniform Framework;

b) the decision is made public by the Sanctioning Institution;

c) the initial period of debarment exceeds one year;

46 See supra note 44.
47 A common debarment regime in the form of a joint sanctions board, as advocated by the World Bank, did not get off the ground. It was argued that it would facilitate a unified approach. Zimmermann & Fariello, supra note 4.
49 Id., at paragraph 2(b).
50 Id., at paragraph 7.
d) the decision was made after this Agreement has entered into force with respect to the Sanctioning Institution;

e) the decision by the Sanctioning Institution was made within ten years of the date of commission of the sanctionable practice; and

f) the decision of the Sanctioning Institution was not made in recognition of a decision made in a national or other international forum.51

Although each organization generally carries out its own investigation, in some cases, an organization may need to share information with another one. In fact, financial institutions share information routinely on matters of common interest, such as in cases of cofinanced projects. In this context, rather than duplicating efforts through parallel investigations, the institutions may coordinate investigations or one financial institution may take the lead in an investigation.52 These situations, as well as the cross-debarment regime itself, call for enhancing common approaches such as the harmonization of policies and practices in relation to sanctions.53 This harmonization aspect has not yet taken shape, although discussions are currently taking place.54

The adoption of harmonized definitions and investigation procedures that meet common due process principles coupled with a system of mutual recognition and enforcement is seen by the different development banks as helping win the battle against corruption. In the end, this trend may lead to an even more inclusive harmonization of anticorruption safeguards;55 that is, although each institution maintains its own rules, the essential elements of these rules are fundamentally the same and pursue the same objective. This trend will also simplify and enhance cooperation among the institutions in the suppression of corruption.

The Development of a Droit Commun in the Field of Development Finance

The practices that have been identified in this chapter relate to situations that were not envisaged when the IFIs were created. The World Bank, because of its political and economic status, has played an influential role in the formation and dissemination of many of these common practices; the other IFIs have contributed to the elaboration of the practices. The resulting emulation effects

51 Id., at paragraph 4.
53 Zimmermann & Fariello, supra note 4.
54 Id.
55 Due to differences among financial institutions, as for example with respect to the nature of sanctions, a trend toward the adoption of common rules is unlikely in the short term. Id.
have led to harmonization practices among these institutions. They have adopted similar standards. Rules on mutual recognition and on the enforcement of decisions are also appearing. All these actions promote the emergence of a *droit commun* in the field of development finance.

This common body of law includes procedures of conformity with the various standards and practices that are put into place. Although differentiation and refinement by individual organizations might occur, a new body of law common to all such institutions is emerging. These converging trends are reinforced through meetings of the legal advisers or compliance officers of the various IFIs that allow for exchanges on respective practices. Insights can be drawn and practical problems can be solved in the context of these networks. The same can be said about electronic exchanges, which allow for comments from the various partners. These various elements contribute to the elaboration of a common legal and policy language among financial institutions.

The legal consequences of this emerging body of law remain to be assessed. Once rules and standards have been harmonized, their respective interpretation, albeit decentralized and in the hands of each institution, will be informed by the others' interpretative approaches. In terms of enforcement measures, procedures such as those of mutual recognition and enforcement in the fight against corruption are but one step in the direction of a common action. The same can be said about the cooperative arrangements put into place by the inspection and compliance mechanisms with respect to information exchange and collaborative practices.

In a decentralized system, the various practices bear witness to the close links that have been established between the various institutions. Such practices are remarkable, and their importance should not be lessened by assessing them in the light of the establishment or the nonestablishment of joint bodies. The existence of joint bodies is intrinsically dependent on the willingness of the member states and organizations to move toward greater political integration. Another avenue can be one institution granting competence to an organ of another institution. The Administrative Tribunal of the International Labor Organization, which by its statute allows other international organizations to recognize its jurisdiction, is an example of this phenomenon. This opens up another path toward the emergence of a *droit commun* in this area that could be further explored.

Various types of relationships have developed between IFIs. The relations between these organizations are forged in a variety of ways both for the sake of better cooperation and as a matter of pragmatism and efficiency. The new legal practices and rules form part of an emerging *corpus juris* that interacts

56 At the 32d session of the International Labour Conference in 1949, Article II of the Statute of the ILO Tribunal was amended to permit other international organizations approved by the ILO's governing body to recognize the jurisdiction of the tribunal. See <http://www.ilo.org/public/english/tribunal/about/index.htm>.
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with, and benefits from,\(^{57}\) the emergence of the global administrative law approach, especially from the principles of transparency, public participation, and accountability.\(^{58}\) These principles provide the basis for, and ground the legitimacy of, the decision-making and implementation processes of rules and procedures developed through emulation and coordination.
