

Second, there has been no official and binding ruling on whether the IMF, as an independent and specialized body of the UN, is bound by UN resolutions. The IMF General Counsel adopts this view but, other advocates for IMF accountability insist that the IMF's independent status does not in any way lessen its obligations to cooperate with ECOSOC under Art. 63(2) of the UN Charter.

Even if the IMF can be held accountable for violations of general principles of international law, there is no judicial enforcement mechanism in place. Although there is no international human rights court, there exist three regional human rights courts: The African Court on Human and People's Rights,¹¹¹ The European Court of Human Rights,¹¹² and the Inter-American Court of Human Rights.¹¹³ As international law evolves it is necessary to examine how the jurisdiction of these institutions can be expanded to allow human rights claims against non-state actors like the IMF.

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¹¹¹ See Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights, OAU Doc. OAU/LEG/MIN/AFCHPR/PROT (III), available at http://www.achpr.org/english/_infocourt_en.html

¹¹² The European Court of Human Rights was set up in 1959 under the European Convention for the Protection of Human Rights and Fundamental Freedoms, opened for signature Nov. 4, 1950, Europ. T.S. No. 5, 213 U. N. T. S. 221 (entered into force Sept. 3, 1953), available at <http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/EnglishAnglais.pdf>

¹¹³ The Inter-American Court of Human Rights was established pursuant to the statute of the Inter-American Court of Human Rights in 1979, available at http://www.corteidh.or.cr/general_ing/statute.html