

RESEARCH ARTICLE

The power of interpersonal relationships: A socio-legal approach to international institutions and human rights advocacy

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Abstract

This article further develops and illustrates the argument that relationships between individuals help to explain the success of human rights advocacy in international institutions. Drawing from advocacy theory and socio-legal studies, I shift the attention from collective forms of advocacy to the importance of interpersonal relationships of advocates with individuals in international institutions to influence the development of human rights. I introduce a framework consisting of three analytical steps – mapping the key actors in a network, process-tracing, and biographical research – and apply the framework to three cases of norm development by a United Nations human rights treaty body. My findings highlight the power of interpersonal relationships for the making of human rights, and they inform scholarship on transnational elites, human rights advocacy, and the politics of international law.

Keywords: advocacy; biographies; case studies; human rights; individuals; international institutions

Introduction

When the Committee on Economic, Social and Cultural Rights (CESCR), the monitoring body overseeing implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) at the United Nations (UN), called for input to publicly discuss the development of a new normative framework on the right to food,¹ two drafts were presented to the committee by two human rights advocates. One of these advocates was Norway's leading human rights expert Asbjørn Eide, appearing as a representative for the World Alliance for Nutrition and Human Rights (WANAHR). He had previously held several key UN positions, e.g., as Special Rapporteur on the Right to Adequate Food as a Human Right, Chairperson of the UN Working Group on Indigenous Populations, and was currently serving as Chairperson on the UN Working Group on the Rights of Minorities. This expert authority was recognised by several CESCR members, who suggested working with his draft in the process. However, CESCR eventually worked with the draft presented by another human rights advocate, Michael Windfuhr, representative for the FoodFirst Information and Action Network (FIAN). In the public discussion of the future framework, the committee members referred to UN expert Asbjørn Eide's draft as the 'Eide draft' yet to the one presented by

¹This normative framework would later be known as General Comment No. 12 on the right to food, the interpretation of article 11 of ICESCR by the committee. It was adopted by CESCR at the 20th session on 12 May 1999 and is contained in the document E/C.12/1999/5.

FIAN as ‘the Committee’s draft’. How did the FIAN advocate manage to have their proposal for norm development recognised and eventually adopted by the international expert body?

In this article, I develop and illustrate the argument that interpersonal relationships matter for the success of advocacy for human rights development in international institutions. Within the rich literature on non-state influence in international law and politics, such a framework addresses an often-overlooked phenomenon, as most of the scholarship on transnational advocacy² focuses on collective forms of advocacy, e.g., non-governmental organisations (NGOs), social movements, or networks. I aim to highlight the importance of interpersonal relationships of advocates, also within such collectives, with individuals in international institutions for having advocacy claims heard and acted upon. Building on socio-legal research in international relations,³ which emphasises the politics of the legal complex and acknowledges effects on the formal properties of law,⁴ such a shift of perspective to the individual level and people’s biographies adds to our understanding of successful norm advocacy at the international level. For this aim, I introduce a novel framework to analyse interpersonal relationships for the development of human rights law.

I illustrate the explanatory power of this framework in three cases of norm development by one human rights expert body. The UN human rights treaty bodies can develop international human rights norms through their interpretations of the rights in the treaty.⁵ Between 1999 and 2002, CESCR adopted three treaty interpretations on rights enshrined in article 11, the right to an adequate standard of living, and 12, the right to the highest attainable standard of health.⁶ Human rights advocates were successful in shaping the drafting process and the outcome in two cases, namely the right to food and the right to water, but less successful in shaping the interpretation on the right to health. I apply an interpretivist, actor-centred form of process-tracing⁷ to study how relations between advocates and members of international institutions led to a particular outcome. I compare norm development by the same institution on similar norms but different advocates, to arrive at transferable propositions about the power of interpersonal relationships for advocacy. The temporal proximity and the related norms of the three treaty interpretations allow the study of the success of advocates and the comparison of their relations with expert body members across cases. Based on meeting minutes, archival materials, biographical analyses, and expert interviews, I trace individual backgrounds and common trajectories of people to explain advocacy success.

The article finds human rights advocacy in the UN to be characterised by individual actions on both the advocacy and the institution’s sides. Advocates bring their claims for norm development in a drafting process through personal access to UN human rights experts. The closer the pre-existing relationships between these individuals, the more likely the success of advocacy claims. Overall,

²Transnational advocates aim ‘to promote causes, principled ideas, and norms, and they often involve individuals advocating policy changes that cannot be easily linked to a rationalist understanding of their “interests”, Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998).

³Alvina Hoffmann, ‘The transnational and the international: From critique of statism to transversal lines’, *Cambridge Review of International Affairs* 35:6 (2021), pp. 796–810; Alvina Hoffmann, ‘Human rights struggles in a transnational field of power: Tracing transversal lines between UN special rapporteurs, spokespersons of Crimean Tatars and the Sámi people’ (King’s College London, 2021); Yves Dezalay and Bryant G. Garth, ‘From the Cold War to Kosovo: The rise and renewal of the field of international human rights’, *Annual Review of Law and Social Science*, 2 (2006), pp. 231–55; Mikael R. Madsen, ‘The international judiciary as transnational power elite’, *International Political Sociology*, 8 (2014), pp. 332–4; Antoine Vauchez, *Brokering Europe: Euro-Lawyers and the Making of a Transnational Polity* (Cambridge: Cambridge University Press, 2015).

⁴Terence C. Halliday, ‘Recursivity of global normmaking: A sociolegal agenda’, *Annual Review of Law and Social Science*, 5 (2009), pp. 263–89.

⁵Max Lesch and Nina Reiners, ‘Informal human rights law-making: How treaty bodies use “General Comments” to develop international law’, *Global Constitutionalism* 12:2 (2023), pp. 378–401.

⁶ICESCR is ratified by 171 states and entered into force in 1976. Art. 11 outlines the right to an adequate standard of living and Art. 12 the right to the highest attainable standard of health.

⁷Stefano Guzzini, ‘Military politics, essentializing identities: Interpretivist process tracing and the power of geopolitics’, *Cooperation and Conflict*, 52 (2017), pp. 423–45; Hilde van Meegenburg, ‘Process tracing: An analyticist approach’, in Patrick A Mello and Falk Ostermann (eds), *Routledge Handbook of Foreign Policy Analysis Methods* (London: Taylor & Francis, 2023), pp. 405–420.

I contribute to the study of global advocacy and international law a shift in perspective from the organisational structures of advocacy groups (often assumed as homogeneous) to the power of relationships between individuals to forge new developments in human rights. My findings reaffirm a need to zoom in and place an emphasis on (pre-existing) relations that enable cooperation between advocacy actors and international institutions – and ultimately their success. The findings contribute to the literature on international organisations, lawmaking, and advocacy by including a focus on interpersonal relationships in the study of human rights development.

Theoretical framework: Interpersonal relations in transnational advocacy

International relations scholarship offers models, concepts, and analyses spanning all issue areas and types of advocacy groups to highlight the power of non-state actors. Norm development is mostly studied between governments on one side and advocates on the opposite side.⁸ However, there are at least three distinct levels of analysis at which the practice of advocacy takes place: network (advocacy groups combined), organisation (individual advocacy group), and individual (within and across advocacy groups).

Prominent explanations for norm development advocacy look at advocacy groups and their ability to organise in networks. Global governance scholars studied the benefits of grouping together for setting agendas and influencing policies.⁹ Transnational advocacy networks can create linkages between activists that emerge out of conferences or particular campaigns¹⁰ or enable NGOs individual members to be networked with each other via digital platforms.¹¹ Scholarship on human rights, for example, explains the success of advocacy actors through cooperation in networks across borders¹² or different advocacy constellations,¹³ through coalitions with experts in international organisations to develop human rights law,¹⁴ or through their ability to mobilise civil society in domestic contexts to bring change in international politics.¹⁵ Networked or collective power of civil society is visible, for example, in cases such as the Campaign to Ban Landmines,¹⁶ the International Nestlé Boycott Committee,¹⁷ or the Global Campaign for Women's Human Rights,¹⁸ all resulting in new rules and regulations in global governance.

⁸But see on hybrid multilateralism: Jonathan W. Kuyper, Björn O. Linnér, and Heike Schroeder, 'Non-state actors in hybrid global climate governance: Justice, legitimacy, and effectiveness in a post-Paris era', *Wiley Interdisciplinary Reviews: Climate Change*, 9 (2018), p. e497.

⁹Amanda Murdie, 'The ties that bind: A network analysis of human rights international nongovernmental organizations', *British Journal of Political Science*, 44 (2014), pp. 1–27; Allison Brysk, 'From above and below. Social movements, the international system, and human rights in Argentina', *Comparative Political Studies*, 26 (1993), pp. 259–85; Heidi N. Haddad, *The Hidden Hands of Justice: NGOs, Human Rights, and International Courts* (Cambridge: Cambridge University Press, 2018). Kelebogile Zvobgo, 'Demanding truth: The global transitional justice network and the creation of truth commissions', *International Studies Quarterly*, 64 (2020), pp. 609–25.

¹⁰Keck and Sikkink, *Activists beyond Borders*.

¹¹Nina Hall, *Transnational Advocacy in the Digital Era: Think Global, Act Local* (Oxford: Oxford University Press, 2022). Nina Hall, Hans P. Schmitz, and J. Michael Dedmon, 'Transnational advocacy and NGOs in the digital era: New forms of networked power', *International Studies Quarterly*, 64 (2020), pp. 159–67.

¹²Keck and Sikkink, *Activists beyond Borders*; Andrea Schapper, 'The "super-network": Fostering interaction between human rights and climate change institutions', *Complexity, Governance & Networks*, 6 (2021), pp. 32–45.

¹³Anna Holzscheiter, Sassan Gholiagha, and Andrea Liese, 'Advocacy coalition constellations and norm collisions: Insights from international drug control, human trafficking, and child labour', *Global Society* (2021), pp. 1–24.

¹⁴Nina Reiners, *Transnational Lawmaking Coalitions for Human Rights* (Cambridge: Cambridge University Press, 2022).

¹⁵Amanda Murdie and Tavishi Bhasin, 'Aiding and abetting: Human rights INGOs and domestic protest', *Journal of Conflict Resolution*, 55 (2011), pp. 163–91.

¹⁶Richard Price, 'Reversing the gun sights: Transnational civil society targets land mines', *International Organization*, 52 (1998), pp. 613–44.

¹⁷Kathryn Sikkink, 'Codes of conduct for transnational corporations: The case of the WHO/UNICEF code', *International Organization*, 40 (1986), pp. 815–40.

¹⁸Charlotte Bunch, 'Women's rights as human rights: Toward a re-vision of human rights', *Human Rights Quarterly*, 12 (1990), pp. 486–498 (p. 486).

While the transnational advocacy literature usually focuses less on conflicts¹⁹ within networks among advocates than on their cooperation, advocates are not a homogeneous group of actors.²⁰ They compete for influence and resources, often divided on the goals they want to achieve²¹ and with consequences for their principled behaviour.²² Conflicts arising among advocates in international politics are common and range from promoting different issues for adoption at the international level²³ to actively opposing peers advocating for norms they seek to demote, such as LGBTQ or reproductive rights.²⁴ Yet conflicts over the development of international norms are mostly studied between governments on the one side and advocates on the other, mirroring the boomerang pattern of international advocacy which allows advocates to use their networks in a collaborative way to get around institutional roadblocks.²⁵ In this model, organisations and individuals can make a difference in multilateral forums by speaking with one voice for the demands of the people vis-à-vis decision-makers. The UN, for example, provides training opportunities to bring advocates together in networking circles to make a difference through advocacy.²⁶ Recent studies of successful advocacy networks locate their power in the opportunities provided by technology,²⁷ their expansion to other issue areas,²⁸ and the ability to adapt discourse within networks to particular domestic contexts.²⁹ Especially for advocacy targeting international institutions to influence decision-making on international law, formal and informal access to decision-makers is key and ‘even low levels of collaboration, such as networking, play a key role in scaling impact’.³⁰ Yet compared to other phases of the policy cycle, decision-making in international institutions remains more closed than open for non-state actors.³¹ In addition, formal access to international institutions is regulated through accreditation for organisations.³²

¹⁹Jennifer Hadden, *Networks in Contention* (Cambridge: Cambridge University Press, 2015); Jennifer Hadden and Lorien Jasny, ‘The power of peers: How transnational advocacy networks shape NGO strategies on climate change’, *British Journal of Political Science*, 49 (2019), pp. 637–59.

²⁰Naghme Nasiritoui, Mattias Hjerpe, and Björn-Ola Linnér, ‘The roles of non-state actors in climate change governance: Understanding agency through governance profiles’, *International Environmental Agreements: Politics, Law and Economics*, 16 (2016), pp. 109–126.

²¹Sarah S. Stroup and Wendy H. Wong, *The Authority Trap: Strategic Choices of International NGOs* (Ithaca, NY: Cornell University Press, 2017).

²²George E. Mitchell and Hans P. Schmitz, ‘Principled instrumentalism: A theory of transnational NGO behavior’, *Review of International Studies*, 40 (2014), pp. 487–504.

²³Charlie R. Carpenter, ‘Studying issue (non-)adoption in transnational advocacy networks’, *International Organization*, 61 (2007), pp. 643–67.

²⁴Wendy Guns, ‘The influence of the feminist anti-abortion NGOs as norm setters at the level of the UN: Contesting UN norms on reproductive autonomy, 1995–2005’, *Human Rights Quarterly*, 35 (2013), pp. 673–700; Michael J. Voss, ‘Contesting sexual orientation and gender identity at the UN human rights council’, *Human Rights Review*, 19 (2018), pp. 1–22; Livio Zilli, ‘The UN Human Rights Committee’s General Comment 36 on the right to life and the right to abortion’, in *Opinio Juris* (2019), available at: <http://opiniojuris.org/2019/03/06/the-un-human-rights-committees-general-comment-36-on-the-right-to-life-and-the-right-to-abortion/>.

²⁵Keck and Sikkink, *Activists beyond Borders*.

²⁶Available at: <https://www.un.org/en/civil-society/civil-society-briefing-civil-society-networking-circles-hope-inspiring-action/>.

²⁷Nina Hall, ‘Norm contestation in the digital era: Campaigning for refugee rights’, *International Affairs*, 95 (2019), pp. 575–95.

²⁸Andrea Schapper, ‘The “super-network”: Fostering interaction between human rights and climate change institutions’, *Complexity, Governance & Networks*, 6 (2021), pp. 32–45.

²⁹Maria M. De Almagro, ‘Lost boomerangs, the rebound effect and transnational advocacy networks: A discursive approach to norm diffusion’, *Review of International Studies*, 44 (2018), pp. 672–93.

³⁰George E. Mitchell, Hans P. Schmitz, and Tosca Bruno-van Vijfeijken, *Between Power and Irrelevance: The Future of Transnational NGOs* (New York: Oxford University Press, 2020).

³¹Jonas Tallberg, Thomas Sommerer, and Theresa Squatrito, *The Opening Up of International Organizations: Transnational Access in Global Governance* (Cambridge: Cambridge University Press, 2013); Gamze E. Türkelli, Wouter Vandenhoe, and Arne Vandenbogaerde, ‘NGO impact on law-making: The case of a complaints procedure under the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child’, *Journal of Human Rights Practice*, 5 (2013), pp. 1–45.

³²Theresa Squatrito, ‘Opening the doors to the WTO dispute settlement: State preferences on NGO access as amici’, *Swiss Political Science Review*, 18 (2012), pp. 175–98.

As a result, NGOs strategically choose collaborators, often placing emphasis on collaborations with advocates that are more likely to be received by other audiences as an authority³³ or legitimising claims by representing local or marginalised voices.³⁴ Network analyses of human rights advocacy³⁵ confirm that the social world of actors plays a role in effective cooperation.³⁶ A focus on social ties to explain NGO success, for example, assumes that if two individuals from two different organisations are connected, then their organisations are more prone to cooperate.³⁷ Relational analyses among NGOs add to better explanations of their influence on domestic and international politics and law.³⁸

On an individual level, we find different roles for individual advocates within advocacy groups.³⁹ Personal relations with policymakers, advocates, and civil society often determine who can be a 'broker' or an 'entrepreneur' for successful advocacy.⁴⁰ That interpersonal interactions are important for understanding decision-making has been argued in other areas of international relations, such as security⁴¹ or diplomacy.⁴² Yet, interpersonal relationships in human rights advocacy differ

³³George E. Mitchell and Sarah S. Stroup, 'The reputations of NGOs: Peer evaluations of effectiveness', *The Review of International Organizations*, 12 (2017), pp. 397–419.

³⁴Peter J. Nelson, 'Conflict, legitimacy, and effectiveness: Who speaks for whom in transnational NGO networks lobbying the World Bank?', *Nonprofit and Voluntary Sector Quarterly*, 26 (1997), pp. 421–41; Shareen Hertel, *Unexpected Power: Conflict and Change among Transnational Activists* (Ithaca, NY: Cornell University Press, 2006).

³⁵Amanda Murdie, 'The ties that bind: A network analysis of human rights international nongovernmental organizations', *British Journal of Political Science*, 44 (2014), pp. 1–27; Anna-Luise Chané and Arjun Sharma, 'Social network analysis in human rights research', in Bard A. Andreassen, Hans-Otto Sano, and Siobhán McInerney-Lankford (eds), *Research Methods in Human Rights* (Cheltenham: Edward Elgar Publishing, 2017), pp. 354–78.

³⁶Note that different configurations of advocacy organisations exist. The narrative of a cooperative civil society has been challenged by scholars arguing that advocacy organisations often face competition over resources and aims and (re-)produce hierarchy relations among themselves: Mette Eilstrup-Sangiovanni, 'Competition and strategic differentiation among transnational advocacy groups', *Interest Groups & Advocacy*, 8 (2019), pp. 376–406; Stroup and Wong, *The Authority Trap*; Maryam Z. Deloffre and Sigrid Quack, 'Beyond cooperation and competition: NGO–NGO interactions in global politics', in (Centre for Global Cooperation Research / Käte Hamburger Kolleg, Duisburg, Germany 2021). Similarly, issue area-specific observations of increased polarisation among NGOs in the UNW challenge analyses of 'the' civil society: Guns, 'The Influence of the Feminist Anti-Abortion NGOs as Norm Setters at the Level of the UN: Contesting UN Norms on Reproductive Autonomy, 1995–2005', *Human Rights Quarterly*, 35 (2013), pp. 673–700. These observations echo arguments by non-profit scholars on the transformation of the sector and what that means for transnational advocacy as we know it: George E. Mitchell, Hans P. Schmitz, and Tosca Bruno-van Vijfeijken, *Between Power and Irrelevance: The Future of Transnational NGOs* (New York: Oxford University Press, 2020). Interest group scholarship has argued that while the availability of resources is positively related to a group's effect on international institutions, they are not equally distributed among advocates, which affects their success: Heike Klüver, *Lobbying in the European Union: Interest Groups, Lobbying Coalitions, and Policy Change* (Oxford: Oxford University Press, 2013); Andreas Dür and Dirk De Bièvre, 'The question of interest group influence', *Journal of Public Policy*, 27 (2007), pp. 1–12. This literature acknowledges the idea of opposing lobbyists as hindering cooperation but ultimately holds that interest groups 'have greater effects when seeking to influence issues where they represent homogenous interests and where there are few counter-lobbies'. Lisa M. Dellmuth and Elizabeth A. Bloodgood, 'Advocacy group effects in global governance: Populations, strategies, and political opportunity structures', *Interest Groups & Advocacy*, 8 (2019), pp. 255–69.

³⁷Andrea Schneider and Jutta Joachim, 'Linking pins as drivers of interagency cooperation: Humanitarian NGOs and security networks', *Globalizations*, 18 (2020), pp. 600–16.

³⁸Maryam Z. Deloffre and Sigrid Quack, 'Beyond cooperation and competition: NGO–NGO interactions in global politics', Centre for Global Cooperation Research / Käte Hamburger Kolleg, Duisburg, Germany 2021; Mikael R. Madsen, 'Reflexivity and the construction of the international object: The case of human rights', *International Political Sociology*, 5 (2011), pp. 259–75.

³⁹Schneider and Joachim, 'Linking pins as drivers of interagency cooperation'.

⁴⁰Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* (Oxford: Free Press Glencoe, 1963), pp. x, 179; Yves Dezalay and Mikael R. Madsen, 'In the "field" of transnational professionals: A post-Bourdieuian approach to transnational legal entrepreneurs', in Lasse F. Henriksen and Leonard Seabrooke (eds), *Professional Networks in Transnational Governance* (Cambridge: Cambridge University Press, 2017), pp. 25–38; Huimin Cheng, Ye Wang, Ping Ma, and Amanda Murdie, 'Communities and brokers: How the transnational advocacy network simultaneously provides social power and exacerbates global inequalities', *International Studies Quarterly*, 65 (2021), pp. 724–38.

⁴¹Nicholas J. Wheeler, *Trusting Enemies: Interpersonal Relationships in International Conflict* (Oxford: Oxford University Press, 2018).

⁴²Marcus Holmes and Nicholas J. Wheeler, 'Social bonding in diplomacy', *International Theory*, 12 (2020), pp. 133–61.

regarding the individuals' roles, as they are not high-level decision-makers or leaders. Interpersonal relationships are understood as pre-existing ties between individual advocates and individuals in international institutions who are authorised to monitor and interpret human rights. Social ties play an important role for effective advocacy but can also reproduce global inequalities within a network.⁴³ We know that such ties are often forged at venues such as international summits or meetings, described as catalysts for collective action. Yet not all advocacy action needs to be collective to be successful, nor does it only take place within the realm of multilateral cooperation. Human rights advocates do not always belong to an organisation or only one network, and they may belong to different communities within one human rights network. Some actors might not be part of an institutionalised space or organisation yet still be present in a broader social space of human rights advocacy that connects them to other actors around a shared issue. Academics, for example, usually work within their epistemic community and derive their arguments from scholarship in the form of publications. Based on their findings, they can have very strong opinions on what, for example, a human right to decent work should entail. As scholars, mentors, and teachers, they have considerable influence on shifting paradigms and informing advocacy.⁴⁴ Previous research has also shown that the formation of relationships often pre-dates the times the individuals meet in their current roles in an international institution, for example when one academic is elected as an expert to an international institution.⁴⁵ Their pre-existing ties to their epistemic community are a valuable resource to inform their decision-making as independent experts.⁴⁶

To study the influence of individuals and their personal relations in advocacy, I draw on socio-legal studies of international institutions. Socio-legal scholarship approaches law as a social phenomenon, in contrast to doctrinal research, and incorporates diverse and critical (legal) studies.⁴⁷ What all studies have in common is that they emphasise politics in processes of law-making,⁴⁸ pay attention to social networks for the analysis of international law,⁴⁹ and generally focus on social factors involved in the formation of international law.⁵⁰ Socio-legal studies often take an actor-centred perspective and ask about the social capital of actors in international legal institutions. These analyses are inspired by and connect to Bourdieu, whose sociology has greatly informed international relations scholarship on actors and agency.⁵¹ Bourdieu invites us to consider the people – rather than abstract actors – and analyse their effects on the field, but also how the rules of the field impact people's habitus and resources. This includes relational questions on their influence: who do they know and who helped them get where they are?

⁴³ Cheng, Wang, Ma, and Murdie, 'Communities and brokers'.

⁴⁴ Jean-Frédéric Morin, 'Paradigm shift in the global IP regime: The agency of academics', *Review of International Political Economy*, 21 (2014), pp. 275–309.

⁴⁵ Reiners, *Transnational Lawmaking Coalitions for Human Rights*.

⁴⁶ *Ibid.*; Hoffmann, 'Human rights struggles'.

⁴⁷ Fiona Cownie and Anthony Bradney, 'Socio-legal studies: A challenge to the doctrinal approach', in Dawn Watkins and Mandy Burton (eds), *Research Methods in Law* (London: Routledge, 2013), pp. 42–62.

⁴⁸ Terence C. Halliday, 'Recursivity of global normmaking: A sociolegal agenda', *Annual Review of Law and Social Science*, 5 (2009), pp. 263–89.

⁴⁹ Sally E. Merry, 'International law and sociolegal scholarship: Toward a spatial global legal pluralism', in Michael A. Helfand (ed.), *Negotiating State and Non-State Law: The Challenge of Global and Local Legal Pluralism* (Cambridge: Cambridge University Press, 2015), pp. 59–80.

⁵⁰ Moshe Hirsch, *Invitation to the Sociology of International Law* (Oxford: Oxford University Press, 2015).

⁵¹ Anna Leander, 'The promises, problems, and potentials of a Bourdieu-inspired staging of international relations', *International Political Sociology*, 5 (2011), pp. 294–313; Leonie Holthaus, 'Pierre Bourdieu und die Möglichkeiten der Kritik in der Praxistheorie', *Zeitschrift für Internationale Beziehungen (ZIB)*, 26:2 (2019), pp. 67–87; Rebecca Adler-Nissen, 'On a field trip with Bourdieu', *International Political Sociology*, 5 (2011), pp. 327–30.

Biographical approaches to such questions have been fruitfully developed and applied to understand transnational elites,⁵² the role of lawyers in making the European Union,⁵³ and spokespersons for Indigenous rights,⁵⁴ because they allow us ‘to study individual trajectories as entwined with social or collective trajectories, struggles and the emergence of interstitial spaces in a transnational field of power.’⁵⁵ So far, interpersonal networks and individual biographies have not received much attention when it comes to understanding advocates in global politics. Research on the roles of advocates for facilitating or blocking cooperation with other organisations⁵⁶ provides connections to transfer from the organisational to the individual level. Borrowing insights from sociological theory on social capital and elites⁵⁷ for a transnational space in international law,⁵⁸ I assume that advocates are more likely to influence the development of human rights when they have ties to the decision-maker at the individual level.

An analytical framework for studying interpersonal relationships in human rights advocacy

To theorise successful advocacy for norm development in the UN, I turned to scholarship on transnational advocacy and interpersonal relationships in international politics. Explanations for variation in successful advocacy in international institutions are mainly focused on the organisational level, because one advocacy organisation has more authority, or because advocates were able to build powerful networks. To account for cases in which a less powerful advocate is more successful, as in the introductory example, I shift the focus to the individual level and to interpersonal relationships. Following scholars in this tradition,⁵⁹ I centre changing roles and relations rather than organisational forms and structures in my analysis. Such relations potentially outweigh the lack of resources of one advocacy group vis-à-vis the other. Interpersonal relationships are often formed and maintained outside of formal institutions and processes. For example, two former students of the same master’s programme in human rights are likely to take up positions afterwards which at some point bring them together again at the same UN meeting. Two human rights defenders from the same country might have crossed paths and collaborated at the domestic level before one is elected to an international expert body to which the other brings a claim. This possibility of a shared history makes interpersonal relationships particularly challenging to study.

⁵²Yves Dezalay and Bryant G. Garth, *The Internationalization of Palace Wars: Lawyers, Economists, and the Contest to Transform Latin American States* (Chicago: University of Chicago Press, 2002); Yves Dezalay and Bryant G. Garth, *Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order* (Chicago: University of Chicago Press, 1996); Mikael R. Madsen, ‘The international judiciary as transnational power elite’, *International Political Sociology*, 8 (2014), pp. 332–4.

⁵³Antonin Cohen and Antoine Vauchez, ‘The social construction of law: The European Court of Justice and its legal revolution revisited’, *Annual Review of Law and Social Science*, 7 (2011), pp. 417–31; Antonin Cohen, ‘Legal professionals or political entrepreneurs? Constitution making as a process of social construction and political mobilization’, *International Political Sociology*, 4 (2010), pp. 107–23; Antoine Vauchez, *Brokering Europe: Euro-Lawyers and the Making of a Transnational Polity* (Cambridge: Cambridge University Press, 2015).

⁵⁴Hoffmann, ‘Human rights struggles’.

⁵⁵*Ibid.*, p. 48.

⁵⁶Schneiker and Joachim, ‘Linking pins as drivers of interagency cooperation’.

⁵⁷Jacob A. Lunding, Christophe H. Ellersgaard, and Anton G. Larsen, ‘The craft of elite prosopography’, in Francois Denord, Mikael Palme, and Bernard Réau (eds), *Researching Elites and Power* (Cham: Springer, 2020), pp. 57–70; Antonin Cohen and Antoine Vauchez, ‘Introduction: Law, lawyers, and transnational politics in the production of Europe’, *Law & Social Inquiry*, 32 (2007), pp. 75–82; Pierre Bourdieu, ‘Ökonomisches Kapital, kulturelles Kapital, soziales Kapital’, in Ullrich Bauer, Uwe H. Bittlingmayer, and Albert Scherr (eds), *Handbuch Bildungs- und Erziehungssoziologie. Bildung und Gesellschaft* (Wiesbaden: VS Verlag für Sozialwissenschaften, 2012).

⁵⁸Hoffmann, ‘The transnational and the international’.

⁵⁹Mustafa Emirbayer, ‘Manifesto for a relational sociology’, *American Journal of Sociology*, 103 (1997), pp. 281–317; Peter T. Jackson and Dan H. Nexon, ‘Relations before states: Substance, process and the study of world politics’, *European Journal of International Relations*, 5 (1999), pp. 291–332.

Table 1. Three-step analytical framework.

	How	Data	Observation
(1) Map key individuals and relations	Social network analysis	Meeting records or video recordings	<ul style="list-style-type: none"> Identify (reciprocated) ties in the network
(2) Identify successful advocacy claims	Analyse discourse and output	Input statements, meeting records, video recordings, interviews	<ul style="list-style-type: none"> Find different positions among advocates and preferences in international institutions; Identify support or rejection of advocacy claims; Check for outsider advocacy success (step 1)
(3) Identify individual trajectories and common paths	Biographical analysis	CVs, websites, interviews	<ul style="list-style-type: none"> Identify common patterns in career trajectories, social and cultural capital

To account for difficulties in the research process analysing interpersonal relationships for advocacy in international institutions, I propose a framework consisting of three steps and combining different methods (see Table 1) to analyse a case of advocacy for human rights. The framework allows for an analysis of influence on human rights development which shifts attention to the individual level, with a focus on ties established in a common past. Furthermore, the systematic approach facilitates cross-case comparisons.⁶⁰

In a first step, I suggest mapping the key individuals in the advocacy process and their identifiable relations through social network analysis.⁶¹ This step serves two purposes: first, it helps to narrow down the number of relevant individuals involved in decision-making processes. International negotiations, general discussions, and other formats where an international body consults with advocates on the development of international norms often attract thousands of individuals who submit written reports, make oral statements, or just show their presence to advocate for causes inside or outside of the venue. Seeing who the main nodes are in a network helps to choose which individuals the analysis should focus on. Second, social network analysis helps to identify ties between individuals. Who refers to whom in negotiations and dialogues is often indicative of whose statements or proposals are regarded as important enough. While not excluding the possibility that individuals can be influential without making formal appearances – for example, leading figures of a social movement speaking outside premises – I turn to formal meeting sources to map speakers and highlight relations between them through their references to other organisations and individuals. Such sources can be written records of the meetings or video recordings.⁶² The network mapping helps to identify (reciprocated) ties between members of international bodies and individual advocates through their speech acts and therefore serves to pre-structure the process-tracing analysis of interpersonal relationships in advocacy.

In a second step, I identify whether the international body supports or rejects advocacy claims made by individual advocates. This step serves the purpose of making successful or less successful advocacy visible. A qualitative document analysis – for example, of advocate's statements and

⁶⁰Jason Seawright, 'Beyond Mill: Why cross-case qualitative causal inference is weak, and why we should still compare', in Erica S. Simmons and Nicholas Rush Smith (eds), *Rethinking Comparison: Innovative Methods for Qualitative Political Inquiry* (Cambridge: Cambridge University Press, 2021), pp. 31–46; Sarah E. Parkinson, 'Composing comparisons: Studying configurations of relations in social network research', in Simmons and Rush (eds), *Rethinking Comparison*, pp. 152–71.

⁶¹Marcia Oliveira and Joao Gama, 'An overview of social network analysis', *Wiley Interdisciplinary Reviews: Data Mining and Knowledge Discovery*, 2 (2012), pp. 99–115; Emily M. Hafner-Burton, Miles Kahler, and Alexander H. Montgomery, 'Network analysis for international relations', *International Organization* 63:3 (2009), pp. 559–92; Lasse F. Henriksen and Leonard Seabrooke, 'Networks and sequences in the study of professionals and organizations', in Henriksen and Seabrooke (eds), *Professional Networks in Transnational Governance*, pp. 50–64; Mark S. Granovetter, 'The strength of weak ties', *American Journal of Sociology*, 78 (1973), pp. 1360–80.

⁶²Such recordings are available on the UN TV website.

meeting records – allows for the identification of personal references. For this step, it is necessary to find (a) differences in advocacy claims and (b) preferences for one or the other position(s) on the part of the international institutions member(s). A comparison of the individuals highlighted in such deliberative forums and the main nodes in the network analysis in the previous step is helpful at this point to confirm whether advocacy ‘outsiders’ were successful before exploring why.

The third step of the analysis then explores why some individuals were more central to the discussion and more successful in their advocacy claims. Instead of analysing all claim-making advocates’ biographies, this step only focuses on the ones which are acknowledged in statements by the institutional members or in the outcome document. To better understand why these advocates played a central role, this step goes beyond content analysis and focuses on their professional experience, previous education, and similarities with the biographies of advocates and the member(s) of the international institution. Biographical analyses can rely on several sources, such as CVs, personal or professional websites, social media,⁶³ or interviews. The biographical method illuminates individual career trajectories but also serves to compare biographies of experts and advocates within a field and identify common patterns.⁶⁴ Although so far absent from collections on human rights methods,⁶⁵ scholars such as Alvina Hoffmann fruitfully applied biography analyses to highlight the role of spokespersons for the recognition of human rights claims and finds that ‘collective biographical analysis ... visualises this interplay between subjective (but not individualistic) understandings and narratives, and objective structures by studying shared social, cultural and symbolic capitals across biographical trajectories.’⁶⁶ Evidence for the influence of personal attributes on policy choices exists also in other areas, in particular on leaders of governments.⁶⁷

I will illustrate the framework in three cases to increase observations and thus confidence in the analytical framework. This understanding of case comparisons does not centre causal inference as primary aim of the analysis. Instead, I see the value in comparison to ‘sharpen conceptualizations and measurement,’⁶⁸ which can inform theory development though ‘open-ended processes of discovery and abductive reasoning.’⁶⁹ My focus on ‘gathering data to reveal new configurations of relations, roles, routines, and practices’ is thus best described as ‘casing relations.’⁷⁰ To analyse the power of interpersonal relationships, I selected cases which were similar in key characteristics, such as the international institution making a decision, the time frame, the norms subject to development, but varied in the advocates presenting claims to the institution. In this way, I can assume

⁶³Social media analysis can in itself be a helpful tool to make personal relationships visible. In general, social media platforms facilitate the establishment of interpersonal relationships among advocates from different contexts. However, recent scholarship on transnational advocacy in the digital era highlighted the varying importance of expertise and small circles for advocacy groups, as most of them emphasise broad mobilisation and organise large numbers of supporters. Hall, *Transnational Advocacy in the Digital Era*; N. Hall, H. P. Schmitz, and J. M. Dedmon, ‘Transnational advocacy and NGOs in the digital era: New forms of networked power’, *International Studies Quarterly*, 64 (2020), pp. 159–167; Hahrie Han, *How Organizations Develop Activists: Civic Associations and Leadership in the 21st Century* (Oxford: Oxford University Press, 2014). Yet personal relationships remain important for expertise-based advocacy organisations (so-called lone wolves). Social media data does not play a role as a resource for this paper because the present analysis focuses on pre-social media age events between 1999 and 2002.

⁶⁴Daniel Krčmaric, Stephen C. Nelson, and Andrew Roberts, ‘Studying leaders and elites: The personal biography approach’, *Annual Review of Political Science*, 23 (2020), pp. 133–51.

⁶⁵Andreassen, Sano, and McInerney-Lankford (eds), *Research Methods in Human Rights*; L. McConnell and R. K. Smith, *Research Methods in Human Rights* (New York: Routledge, 2018).

⁶⁶Hoffmann, ‘Human rights struggles’, p. 61.

⁶⁷Michael C. Horowitz and Allan C. Stam, ‘How prior military experience influences the future militarized behavior of leaders’, *International Organization*, 68 (2014), pp. 527–59; Timon Forster and Mirko Heinzel, ‘Reacting, fast and slow: How world leaders shaped government responses to the COVID-19 pandemic’, *Journal of European Public Policy*, 28 (2021), pp. 1299–320.

⁶⁸Seawright, ‘Beyond Mill’.

⁶⁹Joel Soss, ‘On casing a study versus studying a case’, *Qualitative and Multi-Method Research*, 16 (2018), pp. 21–7.

⁷⁰Sarah E. Parkinson, ‘Composing comparisons: Studying configurations of relations in social network research’, in Simmons and Rush Smith (eds), *Rethinking Comparison*, pp. 152–71.

that the same institution is equally open towards non-state actors based on access rules and composition of members and their preferences, that the norms face similar challenges and needs for their development, and that external conditions are similar for the time frame. The variation is then introduced primarily by the individual advocates approaching the institutions with claims for norm development. Combining outcome analyses – were their claims recognised by the international institutions? – with biographical analyses of ties to members to the international institution – do they have privileged access to the institution through personal relations? – facilitates structured analyses of the power of interpersonal relationships.

Analysing human rights advocacy for food, health, and water in the UN

I apply my framework for global rights advocacy in international institutions to three cases of norm development by the same UN human rights treaty body between 1999 and 2002. Advocates for the implementation of ICESCR, the international framework for social rights, are a rather diverse set of actors with different focuses.⁷¹ Their work is often spatially bound, specialised in one of the treaty's rights, such as on education or labour conditions, and they mainly work away from the UN headquarters. Holding governments accountable under the obligations of the treaty is difficult for advocates, considering the imprecise norms and the fact that ICESCR is the only human rights treaty with a progressive realisation clause,⁷² leaving interpretative room for governments to 'progressively realize' their obligations using their 'maximum available resources.'⁷³ This has consequences for the protection of these rights – and resulted in 'an emphasis among both human rights activists and researchers on making ESC rights more justiciable, usually by creating a legal right.'⁷⁴

Since the late 1990s, the rights in ICESCR have seen a rapid normative development, accompanied by strong global mobilisation and advocacy.⁷⁵ The CESCR, the treaty's monitoring body consisting of 18 independent experts, is authorised to adopt interpretations of the treaty's norms. These interpretations are non-binding in legal terms, but the so-called general comments have evolved into authoritative treaty interpretations of the Covenant.⁷⁶ There are no formal rules as to when and how such a general comment should be elaborated and by whom, and they are not a recurring part on the meeting agenda of the treaty bodies, nor are treaty body members compensated for their work beyond the sessions. As a result, the drafting of general comments depends on individual agency⁷⁷ – which member has interest in and time for a drafting process. Interpretation of economic and social rights has been framed as a risk for advocates compared to civil and political rights because of 'the progressively realized character of economic rights and their often-debated

⁷¹Paul J. Nelson and Ellen Dorsey, *New Rights Advocacy: Changing Strategies of Development and Human Rights NGOs* (Washington, DC: Georgetown University Press, 2008), p. 222.

⁷²Audrey R. Chapman, 'A violations approach for monitoring the International Covenant on Economic, Social and Cultural Rights', *Human Rights Quarterly*, 18 (1996), pp. 23–66; Katherine G. Young (ed.), *The Future of Economic and Social Rights* (Cambridge: Cambridge University Press, 2019); David Karp and Daniel J. Edquist-Whelan, 'Tracing the origins of the UN's 'Respect, Protect and Fulfill' framework of obligations for human rights: 1976–2000', in *BISA 2023 Annual Conference* (Glasgow, Scotland, 2023).

⁷³United Nations December 16, 1966a: Article 2.1.

⁷⁴Madeline Baer, 'From water wars to water rights: Implementing the human right to water in Bolivia', *Journal of Human Rights*, 14 (2015), pp. 353–76.

⁷⁵Shareen Hertel, 'Re-framing human rights advocacy: The rise of economic rights', in S. Hopgood, R. C. Snyder, and L. Vinjamuri (eds), *Human Rights Futures* (Cambridge: Cambridge University Press, 2017), pp. 237–60; Sandra Ratjen and Manav Satija, 'Realizing economic, social, and cultural rights for all', in Eibe Riedel, Gilles Giacca, and Christophe Golay (eds), *Economic, Social, and Cultural Rights in International Law: Contemporary Issues and Challenges* (Oxford: Oxford University Press, 2014), pp. 111–33.

⁷⁶Kasey L. McCall-Smith, 'Interpreting international human rights standards: Treaty body general comments as a chisel or a hammer', in Stephan Lagoutte, Thomas Gammeltoft-Hansen, and John Cerone (eds), *Tracing the Roles of Soft Law in Human Rights* (Oxford: Oxford University Press, 2016), pp. 27–46; Matyas Bodig, 'Soft law, doctrinal development, and the general comments of the UN Committee on Economic, Social and Cultural Rights', in Lagoutte, Gammeltoft-Hansen, and Cerone (eds), *Tracing the Roles of Soft Law in Human Rights*, pp. 69–88.

⁷⁷Lesch and Reiners, 'Informal human rights law-making'.

baselines,⁷⁸ which limited advocacy to a monitoring of violations approach.⁷⁹ Yet through treaty interpretations by CESCR, advocates can play an important role in the development of social and economic rights to facilitate their monitoring work at the local level.

Between 1999 and 2002, CESCR adopted five such general comments. One was clarifying procedural obligations, and four substantively dealt with the normative content of rights enshrined in the Covenant. Among the four substantive interpretations, one was adopted on the right to education as articulated in article 13 of the Covenant. The other three were related interpretations of article 11, the right to food, article 12, the right to health, and both articles in the case of the right to water. The normative and legal impact of each interpretation⁸⁰ highlights their relevance for the work of advocates in implementing economic and social rights. I will focus my analysis on the three related interpretations of articles 11 and 12. The cases are close in temporal proximity, allowing for an analysis of the same individuals on the committee.⁸¹

Mapping human rights advocacy

More than 235 actors were documented and referred to in the procedural and outcome documents of the three general comments.⁸² Among them are the 18 CESCR members, individuals representing international organisations, state delegates, external professionals, and civil society representatives. To make key individuals within this group visible and detect direct relations among NGO advocates, I first conducted a network mapping in Gephi (see Annex 1). The analysis is based on data gathered from all public summary records of the days of general discussion,⁸³ summary records of meetings in which the CESCR reported on the progress, and the final general comments.⁸⁴ For the node table, identifying the actors (including individuals, states, organisations, and treaty bodies) in the network, I assigned IDs to all CESCR members, each organisation,⁸⁵ and every individual mentioned. For the edge table, identifying the relations between each actor, I coded an interaction between individuals who were mentioned as participants in the same meeting and other individuals and organisations.

An initial observation of this mapping is the dominance of individuals mentioned by name instead of their organisation. For example, the NGO FIAN is hardly visible in the centre of the

⁷⁸Hertel, 'Re-framing human rights advocacy'.

⁷⁹A. R. Chapman, 'A violations approach'.

⁸⁰Sven Söllner, 'The "breakthrough" of the right to food: The meaning of General Comment no. 12 and the voluntary guidelines for the interpretation of the human right to food', *Max Planck Yearbook of United Nations Law Online*, 11 (2007), pp. 391–415; Eibe Riedel, 'The human right to water and General Comment No. 15 of the CESCR', in Eibe Riedel and Peter Rothen (eds), *The Human Right to Water* (Berlin: BWV, 2006), pp. 19–36; Brigitte Toebes, 'The right to health as a human right in international law', in *Refugee Survey Quarterly*, 20 (Antwerpen: Intersentia, 1999).

⁸¹General Comment No. 12 was adopted by CESCR at the 20th session on 12 May 1999 and is contained in the document E/C.12/1999/5. It refers to article 11 of ICESCR. The rapporteur was Mr Philippe Texier. General Comment No. 14 was adopted by CESCR at the 22nd session on 11 August 2000 and is contained in Document E/C.12/2000/4. It refers to article 12 of the ICESCR. The rapporteur was Mr Eibe Riedel. And finally, General Comment No. 15 was adopted in November 2002, referring to both articles 11 and 12. Eibe Riedel was also the rapporteur for this document, which innovatively established a normative framework for the right to water under the covenant.

⁸²My analysis uses official documents on the sessions during which the drafts were discussed and adopted (see previous footnote). These documents provide the basis for mapping the network of actors participating in the discourse of each interpretation. The network analysis then informs the case studies. Note that more actors likely attended the meetings but did not participate in the discourse to the extent that they were documented in the meeting records.

⁸³Days of general discussion is the term used by the UN human rights bodies when inviting interested stakeholders to give statements on a specific state report or topic in a public meeting with the expert body. Such days are attended by government officials, civil society organisations, scholars, representatives from other international organisations, and human rights defenders. In the present case, the days of general discussion served as an opportunity to discuss ideas for the scope and content of the general comments.

⁸⁴The documents used have the symbols E/C.12/1993/SR.1; E/C.12/1993/SR.41; E/C.12/1993/SR.42; E/C.12/1997/SR.18; E/C.12/1997/SR.46; E/C.12/1997/SR.47; E/C.12/1999/SR.1; E/C.12/1999/SR.21; E/C.12/1999/SR.28; E/C.12/1999/SR.22; E/C.12/2000/21; E/C.12/2002/11; E/C.12/2002/13; E/C.12/2002/46; E/C.12/2002/SR.50.

⁸⁵Organisation is used in this context as an all-encompassing term for the professional entity an individual is connected to.

network as a node, although it is connected to all three drafting processes. Their representative Windfuhr, however, is the biggest node in the General Comment No. 12 network. I find that the three general comments evolved through rather separate networks with some connecting people between them, and an even smaller number of people connecting all three of them. Highlighted in grey (see Annex 1), the biggest nodes connecting the three general comments are all CESCR committee members. On the advocacy side, only a few nodes connect more than one drafting process. Some refer more frequently to each other, as the breadth of ties in the figure indicates. Other connections are narrower. The identification of brokers⁸⁶ and strong ties serves to pre-structure the case studies for the analysis of their cooperation (or lack thereof) with other advocates and the effects of their advocacy on the development of human rights.

Competing advocacy claims for the right to food

General Comment No. 12, adopted by CESCR in May 1999, is a case of successful advocacy by one actor, the FoodFirst Information and Action Network (FIAN), at the expense of a conflict with another advocate. It was also the first general comment drafted applying the ‘Respect, Protect, and Fulfill’ framework, which later became the standard outline for general comments.⁸⁷

The right to food is of concern to a broad range of NGOs. Yet only a few appeared in front of CESCR to discuss the direction of the draft general comment. The broker in this process was FIAN, an NGO dedicated thematically to the right to food that was set up in parallel to the CESCR in 1985. FIAN was founded by members of Amnesty International (AI) in Germany. Some AI members realised the need for an organisation working to make economic and social rights justiciable and not just as a tool for ‘being kind to poor people.’⁸⁸ The radical position these members had on advocacy for the right to food paved the way for FIAN, which at first was created as a loose pilot network in 1983.⁸⁹ The former president of FIAN emphasised that ‘experiences of NGOs at grass root level proved immensely valuable in the process of operationalizing the right to food in national and international law.’⁹⁰ The work of CESCR was from the beginning a reference point and target of FIAN’s advocacy work.⁹¹ Although the headquarters in Heidelberg are only a train ride away from Geneva, an office of FIAN International was set up in walking proximity to the UN treaty bodies in Palais Wilson.

FIAN sought to influence the development of the right to food through a new interpretation of article 11 (the right to an adequate standard of living). The discussions on such an update on the meaning of what this right entails had already started in 1989 with a Day of General Discussion devoted to the right to food during CESCR’s 3rd session.⁹² A decade of advocacy and multilateral

⁸⁶ Cheng, Wang, Ma, and Murdie, ‘Communities and brokers.’

⁸⁷ David J. Karp, ‘What is the responsibility to respect human rights? Reconsidering the “Respect, Protect, and Fulfill” framework,’ *International Theory*, 12 (2020), pp. 83–108.

⁸⁸ Then-president of FIAN, Anita Klum, in 2016. ‘Some voices from AI groups in Germany already questioned this approach: “Why not incorporate the ESC rights into the AI mandate? ... How could you fight for people’s right to freedom of expression if you die from hunger?” But forces within AI would not give up its narrow mandate that, until then in its concentrated form, had worked so successfully. ... They further realized that organizational structure and efforts are indeed necessary to really change existing unjust and immoral patterns. So, they asked themselves: Why not build an organization like Amnesty International – but devoted to food as a human right? Its focus is not aid, but the human rights of hundreds of millions and the eradication of those structures and circumstances that produce hunger and malnutrition over and over again.’ Anita Klum, ‘The roots of the first-ever right to food organization,’ in *FIAN International* (2016), available at: <https://www.fian.org/en/publication/article/the-roots-of-the-first-ever-right-to-food-organization-1923>).

⁸⁹ All individuals participated in their personal capacity without a mandate from their organisations.

⁹⁰ Klum, ‘The roots of the first-ever right to food organization.’

⁹¹ ICESCR has become the core of the objective in the FIAN statute: ‘FIAN International advocates for the human right to adequate food and nutrition on the basis of the International Bill of Human Rights, in particular the International Covenant on Economic, Social and Cultural rights (Article 11), its Optional Protocol, and General Comment No. 12 as adopted by the UN Committee on Economic, Social and Cultural Rights, and other relevant human rights documents.’ FIAN International Statute §3; reformed as of International Council Meeting 2014.

⁹² No records are available for this meeting, regarding neither who participated nor what was discussed.

meetings followed, with the 1996 World Food Summit as the main event collecting civil society voices on the issues of food security. As a result of this summit, the NGO Forum called for a Code of Conduct and a Convention on Food Security. Three international NGOs took the lead in the drafting of the code: the International Jacques Maritain Institute, FIAN International, and WANAHHR (World Alliance for Nutrition and Human Rights).⁹³

This collaboration between the three advocates for the Code of Conduct shifted into a more conflictive and competitive relationship for the draft document, with FIAN and WANAHHR presenting their own, different drafts for the general comment. FIAN's key role in the drafting of General Comment No. 12 was highlighted in 1997 by Philip Alston, then Chairman of CESCR, during the day of general discussion on the normative content of the right to food. He opened the session by explicitly thanking FIAN also for the role in developing the Code of Conduct and leaving out the also-present NGO WANAHHR.⁹⁴

'He commended, in particular, FIAN, had undertaken a major NGO initiative in drafting a code of conduct on world food security which, in his opinion, laid the foundation upon which the work of the international community could move forward.'⁹⁵

Two years later, the first draft of the general comment was publicly discussed in Geneva. FIAN and WANAHHR were the only advocates for the right to food interpretation with substantial claims to the outcome document.⁹⁶ Michael Windfuhr and Asbjørn Eide⁹⁷ were the representatives for FIAN and WANAHHR, respectively. Michael Windfuhr had more than a decade of advocacy experience at FIAN, but only a couple of years at the international level. Asbjørn Eide, on the other hand, was a long-standing expert on human rights with key UN positions. Most crucially for this general comment, he was the former UN Special Rapporteur on the Right to Adequate Food as a Human Right. In that role, he published several reports on the right to food and shaped discussions on this topic at various international summits and negotiations for the next decades.⁹⁸

During the public discussion of the draft general comment, the Chairperson of CESCR pointed out FIAN's 'significant contribution to the draft text and invited its representative to introduce the draft general comment',⁹⁹ a step rarely taken by treaty bodies, and less so to give this honour to a representative of civil society.

⁹³Isabella Rae, Julian Thomas, and Margret Vidar, 'The right to food as a fundamental human right: FAO's experience', in B. Guha-Khasnobis, S. S. Acharya, and B. Davis (eds), *Food Insecurity, Vulnerability and Human Rights Failure* (Cham: Springer, 2007), pp. 266–85.

⁹⁴WANAHHR was a small NGO promoting a human rights approach to food and nutrition problems, mainly focusing on advocacy and outreach work. It was founded in 1992 by Asbjørn and Wensche Barth Eide in Oslo under the umbrella of the Norwegian Centre for Human Rights at the University of Oslo, and last records of its activities were seen in 2002. See <https://uia.org/s/or/en/1100004570>.

⁹⁵E/C.12/1997/SR.46, at para 2.

⁹⁶In the summary records of the sessions for 1999, CESCR acknowledged several individuals for their support: 'The Committee wishes to express its particular gratitude to Mr. Gerald Moore (FAO), Mr. Asbjørn Eide (member of the Sub-Commission on Promotion and Protection of Human Rights), Mr. Michael Windfuhr (FIAN – FoodFirst Information and Action Network) and Mr. Philippe Texier (Committee member) for their work on the draft, as well as to all those who submitted written comments on it.'

⁹⁷Asbjørn Eide, born in 1933, is a leading expert on human rights from Norway. He is the founding Director of the Norwegian Centre for Human Rights at the University of Oslo, was member of the UN Sub-Commission on the Promotion and Protection of Human Rights (UN Sub-Commission on Human Rights, 1981–2003). As a member of the Sub-Commission, Eide was one of the advocates for the establishment of the Working Group on Indigenous Populations, and became its first chairman from 1982 to 1983. He also advocated successfully for the UN to initiate a new working group for the protection of minorities and became chair of this UN Working Group on the Rights of Minorities (1995–2004). In 1983, he became the UN Rapporteur on the Right to Adequate Food as a Human Right.

⁹⁸For a historical tracing of the influence of Asbjørn Eide's work on the right to food on the development of economic, social, and cultural rights, see Karp and Edquist-Whelan, 'Tracing the origins'.

⁹⁹E/C.12/1999/SR.21, at para. 47.

The draft submitted by WANHR was suggested as the draft for adoption by several actors present at the discussion. Mr Eide's contribution to the draft general comment was significant to the extent that CESCR members referred to one draft in the public meeting as the 'Eide draft'.¹⁰⁰ However, CESCR member Eibe Riedel argued for working with the FIAN draft – and leaving out WANHR and its representative.¹⁰¹ While Asbjørn Eide's draft was referred to as the 'Eide draft', Windfuhr's draft was referred to as the 'Committee's draft'.¹⁰² During the public discussion, Windfuhr defended his draft as more radical and comprehensive in its demands for what the right to food should entail: 'The Committee's draft also spoke of the access of every individual to an income and dignity enabling him to feed himself, whereas the Eide draft spoke only of adequate food.'¹⁰³ This partisan and socio-critical position on the right to food was what made him and others found FIAN in the first place. The mapping of the network further shows that Windfuhr and Eide did not directly refer to each other's drafts in the statements (see Annex 1). Yet both presented arguments which can be interpreted as a reaction to the other draft. Mr Windfuhr also pointed out several times that many concerns were already addressed in documents he submitted earlier to CESCR.¹⁰⁴

FIAN was successful in advocating for their interpretation on the right to food, even presenting the final draft of the outcome document in public. FIAN had a firm position on the right to food. Their strict violations approach was distinct from WANHR's approach, leading to a conflict among the advocates instead of cooperation. FIAN's distinct position was argued by its representative. He had privileged access to CESCR through personal ties with the German member, facilitating successful advocacy for the right to food. This proved more important for advocacy success than Asbjørn Eide's expertise and reputation in the UN, such as his standing as the former UN Special Rapporteur on the Right to Adequate Food as a Human Right.

In the shadow of WHO: advocacy for the right to health

General Comment No. 14, adopted by CESCR in May 2000, is a case of rather unsuccessful right to health advocacy without observable attempts of the right's advocates to organise their claims. The case, however, highlights the central role of another international organisation and its network, the World Health Organization (WHO), in the drafting process.

Only a couple of months after the adoption of General Comment No. 12, CESCR adopted General Comment No. 14 on the right to health.¹⁰⁵ The rapporteur for the draft was Eibe Riedel.¹⁰⁶ Efforts to adopt an interpretation of the right to health were already made in the early 1990s, with then-CESCR member Philip Alston being a driving force behind it.¹⁰⁷ On 6 December 1993, CESCR held a Day of General Discussion on the right to health,¹⁰⁸ targeting 'minimum core content and non-discrimination dimensions' as a protection floor.¹⁰⁹ CESCR chairperson Philip Alston

¹⁰⁰ E/C.12/1999/SR.22; at fn. 26–9.

¹⁰¹ E/C.12/1999/SR.22; at fn. 33.

¹⁰² E/C.12/1999/SR.22; at fn. 28–30.

¹⁰³ E/C.12/1999/SR.22; at fn. 30.

¹⁰⁴ He later explained the absence of cooperation between NGOs in economic and social rights in a manual on NGOs and the right to food in which he states: 'To get an overview of the variety of approaches to implementation of the right to food in concrete situations, it is important to differentiate those national and international NGOs and movements that explicitly use a rights approach in their daily work from those that, while working with issues strongly related to the right to food, use more developmental, or "implicit", approaches. So far, only a few NGOs are using an explicit rights approach to food and nutrition issues at the international level'; Michael Windfuhr, 'NGOs and the right to adequate food', Food and Agriculture Organization of the United Nations (1998), available at: {<http://www.fao.org/docrep/w9990e/w9990e04.html>}.

¹⁰⁵ General Comment 13 on the right to education was adopted in December 1999.

¹⁰⁶ E/C.12/2000/21, para. 639.

¹⁰⁷ E/C.12/1993/SR.1, par. 29.

¹⁰⁸ E/C.12/1999/SR.28, par. 46.

¹⁰⁹ E/C.12/1993/SR.41, par. 1. Several discussion papers were prepared, but not accessible in the treaty body database. (E/C.12/1993/WP.17-25).

invited the committee to address the right to health in the light of ‘the trend towards free market economics and the pressures to trim social budgets and to permit economic factors to become dominant’ as well as ‘to respond to critics who maintained that the right to health was valid only in so far as it contributed to economic progress.’¹¹⁰ This day was well attended by civil society organisations and medical professionals, including many representatives from church and faith-based organisations. WHO suggested convening a second workshop on the right to health as a human right (one had already been held in 1978)¹¹¹ and cooperating with CESCR to exchange information on the right to health.¹¹²

CESCR, however, hesitated to follow up on the discussion. Several members expressed their uneasiness with the inactions: there was criticism by Mr Philip Alston in 1994 that the discussion of the right to basic health care during first substantive session of the Preparatory Committee for the World Summit for Social Development was not sufficiently discussed in the context of human rights, and Philippe Texier, in 1997, summarised that CESCR failed to make progress on the right to health.¹¹³ Later this year, WHO held a two-day informal consultation on health and human rights, the first at WHO to be convened specifically to address health and human rights.¹¹⁴ The founder of the non-profit organisation ‘Rights and Humanity’, Julia Häusermann, presented at this occasion a framework on health and human rights,¹¹⁵ which participants described as the key document for the two days.¹¹⁶ This is supported by Häusermann’s node size in the network, pointing towards her discourse-central role in the early discussions on the right to health in CESCR. However, while CESCR named ‘Rights and Humanity’ in their acknowledgement of organisations and individuals providing input to the drafting process,¹¹⁷ no further reference can be found that this framework played a role on the discussions. Häusermann also did not appear in front of CESCR to make a statement on that topic. While she was neglected in the CESCR’s acknowledgements, legal scholar Brigit Toebes, who published a book in early 1999 on the international right to health which included an entire draft general comment on the right to health, was mentioned.¹¹⁸

At CESCR’s session in April 1999, chairperson Virginia Bonoan-Dandan invited her committee to consider a draft general comment on the right to health and to name a rapporteur for the process.¹¹⁹ This invitation was taken up by Eibe Riedel, and CESCR issued a call to submit written proposals to him, as well as an announcement to seek cooperation with the WHO.¹²⁰ A year later, in May 2000, a draft was ready to be discussed among representatives of specialised agencies, NGOs, and individual experts.¹²¹

While General Comment No. 14 has the highest number of NGO participants during the discussions, advocates were less central for the drafting of General Comment No. 14 than for the other two general comments analysed in this article. The network mapping supports the central position of the WHO in the process, and the qualitative analysis of the summary records, in contrast to the other general comments, confirms that CESCR expressed its gratitude foremost to the WHO. This supports research on global health, which sees the field less influenced by civil society organisations

¹¹⁰E/C.12/1993/SR.41, par. 2.

¹¹¹E/C.12/1993/SR.41, par. 68.

¹¹²E/C.12/1993/SR.42, par. 10.

¹¹³E/C.12/1997/SR.18, par. 11.

¹¹⁴Paul Hunt, ‘Interpreting the international right to health in a human rights-based approach to health’, *Health and Human Rights*, 18:2 (2016), pp. 109–130 (p. 109).

¹¹⁵Julia Häusermann, ‘The right to highest attainable standard of physical and mental health: Conceptual framework’ (Working paper for WHO Informal Consultation on Health and Human Rights, Geneva, 1997).

¹¹⁶Hunt, ‘Interpreting the international right to health’, p. 109.

¹¹⁷E/C.12/2000/21, para. 640.

¹¹⁸Brigitte Toebes, ‘The right to health as a human right’.

¹¹⁹E/C.12/1999/SR.1, par. 16.

¹²⁰E/C.12/1999/SR.28, par. 17.

¹²¹E/C.12/2000/21, para. 640.

but highlights the central role of formal international organisations.¹²² Many experts speaking during the discussions were also from the WHO's ecology, such as medical research institutes, professional associations, or legal scholarship.

The NGOs participating in the process leading eventually to the adoption of General Comment No. 14 introduced health-related aspects of their work during the discussions, yet without mobilising a broader NGO network or even mentioning the position of other NGOs as similar during their statements. Additionally, the rapporteur for the draft, Eibe Riedel, was himself an expert on health, which likely limited the need for external input to a drafting process. In sum, the discussions were dominated by the WHO, who organised informal meetings ahead, together with CESCR and legal experts.

A determined advocate for the right to water

General Comment No. 15, adopted by CESCR in November 2002, is a case for successful rights advocacy following a creative proposal by advocates to derive such a right through treaty interpretation. The findings highlight the central role of personal relationships with a member of the international body to gain far-reaching competencies in the process. It also demonstrates how coalition-building for international law development takes place at the individual level.

Unlike the right to food or the right to health, a human right to water for all was not included in the core human rights treaties. Advocates had pointed for decades to this lack of formal acknowledgement in human rights law until, upon the initiative of one NGO addressing the CESCR in writing, they were finally successful in establishing a normative framework for a human right to water through treaty interpretation.¹²³ General Comment No. 15 therefore closed a significant gap in international human rights law yet also sparked controversies about the authority of the committee to do so.¹²⁴

The intent to draft such a general comment was announced a year before its adoption and a discussion on a first draft took place with selected experts. No open call for statements and submission was issued beforehand. The first draft was prepared by the rapporteur for the general comment, again Eibe Riedel, in close collaboration with two NGOs specialising in economic and social rights. On the one hand, there was FIAN, who had already worked together with CESCR on General Comment No. 12 on the right to food and was thus known to the committee and present in Geneva. The other, COHRE, was a rather small NGO, specialising in housing rights and based in Geneva.

In the beginning, COHRE was represented by its director Scott Leckie. While he was involved in the drafting of CESCR's previous general comment as a representative of the Habitat International Coalition, he moved on to founding his own NGO, COHRE. The COHRE director handed the actual draft work over to his colleague Malcolm Langford, while the FIAN representative, Michael Windfuhr, was similarly busy with other projects and thus unable to assume coordination responsibility for the drafting process. No other FIAN representative took over. To facilitate this drafting, COHRE sought out a secondary outside NGO collaborator – Virginia Roaf, herself an expert on water and land issues, recently employed at a development aid organisation specialising in water issues (WaterAid), and notably with no ties to the human rights network.¹²⁵

¹²² Anna Holzscheiter, 'Coping with institutional fragmentation? Competition and convergence between boundary organizations in the global response to polio', *Review of Policy Research*, 34 (2017), pp. 767–89.

¹²³ Nina Reiners, 'Despite or because of contestation? How water became a human right', *Human Rights Quarterly*, 43 (2021), pp. 329–43.

¹²⁴ Malcolm Langford, 'Ambition that overleaps itself? A response to Stephan Tully's critique of the general comment on the right to water', *Netherlands Quarterly of Human Rights*, 24 (2006), pp. 433–59; Stephen Tully, 'A human right to access water: A critique of General Comment No. 15', *Netherlands Quarterly of Human Rights*, 23 (2005), pp. 35–63.

¹²⁵ he just said: "But don't you want to write a general comment with us on the right to water?" And I said: "What is that?" – You know I'm not from a human rights background, I've had no experience of human rights at all in development work' Interview in September 2015.

Eibe Riedel and Malcolm Langford jointly discussed several draft versions, which they prepared based on topical discussions regarding the scope of the right to water. The rapporteur, as the group's operating member of the treaty body, considered the committee's experience with states and their point of view as expressed in reports and during the dialogues. The COHRE officer, a legal expert familiar with domestic court decisions on water issues and its interrelatedness to fundamental human rights, included wide-ranging standards in his draft versions but eventually had to drop any references to a right to sanitation, as Eibe Riedel did not see this supported in international law yet.¹²⁶

In the final report, marking the meeting before General Comment No. 15 was adopted, CESCR thanked Malcolm Langford for his 'untiring assistance' without also acknowledging his organisation COHRE.¹²⁷ Next to a long list of individuals and organisations whom CESCR also acknowledged for their input and support, it is striking that Virginia Roaf and WaterAid are missing from this list, given her role in the core drafting group.¹²⁸ While her interaction with Langford and Riedel initiated new powerful relations for her and the NGO WaterAid, for the drafting process on this General Comment No. 15, her expertise was incorporated into the drafting without public recognition.

Advocates were successful in the normative framework on a right to water because they found, after decades of unsuccessful advocacy, an international institution willing to go ahead with their legally creative yet risky proposal to establish a new right through interpretation. The initiative, persuasion, and the actual drafting process manifested between individuals without strong ties to a broader network.

Discussion

The three-step framework led to several observations on the power of interpersonal relationships for the development of human rights. While the network mapping in the first step showed a clear separation of advocacy networks, connected by members of CESR, as later confirmed in the case studies, there is a discrepancy between the centrality of certain nodes and the strength of ties as identified by this method when compared to the case studies combining qualitative document analysis and in-depth analysis of the drafting process in step 2. However, the network mapping also supported the overall claim of this article: it is individuals rather than organisations that shape the drafting of human rights norms. References to NGOs were rarely made, therefore the NGO nodes are barely visible (e.g., FIAN, COHRE), whereas individual representatives of these NGOs are among the bigger nodes and ties of the network (e.g., Windfuhr, Langford).

The analysis of the drafting processes of interpretations of a right to food, health, and water shows that advocates rarely appear in front of the UN as unified actors speaking with one voice. Some claims were more successful than others in shaping the discussion and final outcomes of the human rights expert bodies. In the food case, we see how the distinct position of one advocate ensured the attention of the treaty body but was in a conflictive relationship with another advocate. While the latter was a well-known expert on human rights and the right to food, the competing discourse around interpretations of the right to food ultimately led to the recognition of the FIAN representative by CESCR and the incorporation of FIAN's comment into the draft. FIAN's proposal was delivered by their representative, who already had ties to the German committee member. The health case was dominated in its discourse and the process by the WHO and the organisation's interaction with CESCR. No advocate interactions or effects were observable. Finally, the water case shows how creative advocacy strategies, here establishing a previously non-codified

¹²⁶Malcolm Langford, Jeremy Bartram, and Virginia Roaf, 'The human right to sanitation', in Malcolm Langford and Anna Russell (eds), *The Human Right to Water: Theory, Practice and Prospects* (Cambridge: Cambridge University Press, 2017), pp. 345–95.

¹²⁷E/C.12/2002/13, para. 659.

¹²⁸On this role, see also Chapter 4 in Reiners, *Transnational Lawmaking Coalitions for Human Rights*.

right through treaty interpretation, suggested by an advocate known from previous work relations, could persuade and gain the support of individuals in international institutions.

These observations give empirical substance to the argument that individual biographies and personal relations are important to explain successful advocacy. For international norm development in human rights, advocacy takes place in international organisations and through procedures which often exclude some organisations while granting others access to their premises, usually through formal accreditation rules. The two successful cases involved only a small number of individuals in the drafting process. Some of them were not even formally accredited with the UN, as in the water case. Organisational affiliation and the organisations' relationship with the UN did not matter for those individuals' influence on the drafting process and outcome. While advocacy success is commonly explained with the substance of the advocacy claim, a systematic review of all claims brought forward by the high number of advocates exceeds institutional resources. Preferences for advocacy proposals are then determined by the advocate's reputation, but this does not explain success of advocates less frequently engaged with the UN bodies or whose organisation is not accredited. Understanding access, participation, and influence in advocacy for norm development therefore requires an analytical shift to the individual level.

Conclusion

In this article, I developed an analytical framework to study why some advocates for human rights development are more successful than others. I illustrated my argument of the power of interpersonal relationships in three cases of human rights interpretation. Based on a socio-legal approach, the study highlights the power of relationships between individual advocates and international institutions for the development of international human rights. My findings reaffirm a need to zoom in and place an emphasis on (pre-existing) relationships that enable cooperation between advocates and members of international institutions. While a mapping of the social networks of the three drafting cases gave an initial overview of the main speakers and references to others in the process, the qualitative inquiry into the discourse on norm development pointed to less central nodes as key advocates. The analytical framework is hopefully a useful addition to scholarship in the transnational politics of human rights. The three cases offer confirmation of the utility of opening black boxes of narratives of collective actors ('NGOs', 'civil society') defending abstract interests and provide thicker description with a micro- and meso-level analytical toolbox. Methods such as biography analyses make overlaps in past trajectories visible. The framework allows an approach to human rights advocates as diverse and heterogeneous actors in international politics without having to sacrifice transferable explanations for their influence. Overall, the framework contributes a shift in perspective from the networked and organisational structures of advocacy to the relationships between individuals to forge new developments in human rights. The framework proved helpful for an explanation for why individual advocates are more successful with their advocacy claims than those whose organisations are recognised as authorities in their field or possess more financial and human resources.

Of course, the analysis has several limitations which should be addressed in future research. It is only applied to one treaty body and during a particular time. Other treaty bodies might receive more advocacy proposals, especially at times when such claims can be submitted online and without any need to be present in Geneva. Future research could further investigate the power of interpersonal relationships in dense advocacy contexts. The norms subject to advocacy claims in this article are economic and social rights. Their advocacy is often framed as having to be more 'creative' than advocacy for civil and political rights.¹²⁹ Whether the importance of interpersonal relationships depends on the policy domain – for example, more or less established/institutionalised/judicialised domains of human rights – how this impacts success of

¹²⁹S. Hertel, 'Re-framing human rights advocacy'.

advocacy claims, and to what extent this relates to the argument of this article, could be further investigated.

The socio-legal approach proved fruitful for exploring the social factors behind the development of international law. I see several opportunities for international relations scholarship. First, the relationship between advocacy strategies and privileged access needs further analysis. This includes the question to what extent the success of a claim depends on privileged access to an international institution to be taken seriously. If the implementation of ideas for norm development requires personal ties with a member of the international body, this relationship may be better called favoritism, nepotism or clientelism in international relations.

Second, the existence of competing advocacy proposals seems to influence success. It is relevant which actor makes a different advocacy claim to gain an advantage through interpersonal relations. Competing claims by other advocates lead to more visibility and recognition of distinct positions, whereas claims by an international organisation make it harder for all advocates to have their proposals considered, as seen in the health case. Alternative explanations, such as the quality of advocacy proposals or the quality of social ties, could be part of the explanation of who gets to succeed with an advocacy claim. Future research could systematically test such alternative explanations and assess whether social ties differ in forms (e.g., multiple ties across policy domains vs. single ties) and in intensity (e.g., do they have more access to decision-makers).

Third, some members in international institutions seem to be more important for norm development than others. Such entrepreneurs can function both as facilitators for advocacy claims, but also as gatekeepers. The individuals taking the lead in the drafting processes show similar demographics and biographies. This emphasises the need for biographical analyses in international advocacy and norm development studies. Yet my findings also invite critical assessments of the people making human rights as embodying a transnational elite more than representing global citizens. In all three cases, inclusion based on personal preferences meant that predominantly white men from countries in the Global North were influential in their advocacy efforts. The experts responsible for the drafting process were also men and from the Global North. This has implications for advocacy organisations outside of the Global North. On the one hand, this finding confirms a perspective on human rights elites and the gatekeeping role of Western human rights advocates.¹³⁰ On the other hand, if other individuals on the committees take over responsibility for norm development, this could also change the position of advocates who were not included in other processes. Since human rights bodies have global membership, strengthening their role in the development of human rights would be one way of enabling other advocates to shape the development of international law.

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¹³⁰Charlie R. Carpenter, 'Setting the advocacy agenda: Theorizing issue emergence and nonemergence in transnational advocacy networks', *International Studies Quarterly*, 51 (2007), pp. 99–120; Clifford Bob, *The International Struggle for New Human Rights* (Philadelphia: University of Pennsylvania Press, 2011).