Monika Heupel and Michael Zürn


Authority comes at a price. In this thought-provoking book, Monika Heupel and Michael Zürn document how international organizations (‘ios’) pay this price in terms of human rights protection. What brought international authority to develop a concern for human rights, which external and internal actors played a role, and how have human rights provisions been implemented? The two authors tackle these questions describing the various pathways in which the United Nations (‘un’), the European Union (‘eu’), the North Atlantic Treaty Organization (‘nato’), the Word Bank (‘wb’) and the International Monetary Fund (‘imf’) have included human rights protection in their activities.

The book’s starting point is that neither the academic discipline of international law nor the discipline of international relations provide an explanation for the working of a general mechanism that generates more accountability towards individuals. Secondly, the authors elaborate on the argument that “the rise of institutional devices to protect individual rights takes place when ios exercise public authority”.¹ This leads them to develop the ‘Authority-Legitimation Mechanism’ (‘alm’), under which a causal mechanism based on a reactive sequence brings ios to develop provisions for the protection of human rights. Thirdly, the alm is tested against ten case studies covering un and eu sanction policy, un and nato peacekeeping, and wb and imf lending. Lastly, the authors elaborate four pathways in which the alm unfolds: legislative institution-building; judicial institution-building; like-minded institution building; and anticipatory institution-building. I will first describe the alm and its four pathways. Afterwards, I will select a case study to present how their method works empirically, and finally discuss some core arguments.

The Authority-Legitimation Mechanism is a causal process in four steps. First, it is founded on the assumption that international institutions exercise public authority. The main evidence for this growing trend is their capacity to delimit the autonomy of governments and regulate the behaviour of individuals. Second, the rise of international authority increases the likelihood of human rights violations. Third, the absence of individual protection within authoritative institutions causes de-legitimisation. Protests and resistances erupt when institutions exercise public authority without "sufficient stocks of

legitimacy”. Fourth, the “liberal pattern of legitimation” leads to the development of mechanisms for the protection of human rights.

The ALM unfolds in four causal pathways, based on the notion of “equifinality”, under which the same outcome may be the result of different pathways following a general causal mechanism. The first pathway is called “legislative institution-building”, under which a pre- eminent role is played by member states’ legislators. This causal mechanism is tested in two case studies, dealing with NATO peacekeeping (Chapter 9) and WB lending (Chapter 11). The second pathway is tested looking at due process rights before UN and EU sanctions (Chapters 4 and 6, respectively). In these cases, the ALM unfolds following “judicial institution-building”, under which courts give the decisive impetus to the establishment of human rights protection. The third pathway is named “like- minded institution building”, explaining how human rights protection developed in five cases: UN sanctions policy affecting subsistence rights (Chapter 3), UN peacekeeping affecting bodily integrity rights (Chapter 7) and due process rights (Chapter 8), NATO peacekeeping affecting due process rights (Chapter 10) and, finally, IMF lending affecting subsistence rights (Chapter 12). In these cases, institutional reforms are fostered by like-minded actors with a common agenda but little power, such as NGOs, small IOS, scientists, and individuals. Finally, the fourth and last causal pathway is named “anticipatory institution-building”, under which IOS introduce provisions for the protection of human rights in the absence of violations. It is tested against the case of EU sanction policies affecting subsistence rights (Chapter 5).

The authors assess the outcomes of the institutional reforms in terms of limited or comprehensive provisions. They rate the quality of the human rights protection assigning the value of 2 (high) and 1 (low). Concerning prevention provisions, the study focuses on their obligation (“degree of bindingness”), clarity, substantive breadth, addressees, compliance management (monitoring, capacity-building and training), and mainstreaming (if they apply to the policy as a whole or only to a specific mission). Conversely, complaints provisions are evaluated relying on the existence of adjudicative bodies, obligation (“degree of bindingness of the decisions”), eligibility to complain, remedies, accessibility, and mainstreaming. The appendix contains 26 tables representing the findings of this empirical effort. Comparing the different processes, the authors point out that four trigger conditions are able to explain the different outcomes: first, the presence of independent parliaments within member states; second, violations of civil or political rights rather than social and economic rights, by reason of their justiciability; third, a powerful campaign is

2 Ibid 15.