Why do regional organisations legitimate via human rights?

Set-theoretic configurations of localisation, agents, and audiences of legitimation

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To my grandparents, Heinz and Annemarie, Hans and Hannelore.

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ABSTRACT

As human rights evolved to become part of a dominant moral discourse in world politics, regional organisations (ROs) often portray themselves in the language of human rights. Facing growing contestation and politicisation, they have also gradually begun to legitimate their authority drawing on human rights. Yet not all ROs do so to the same extent, in the same manner, or consistently over time. ROs with a long tradition in human rights work and democratic membership, such as the Council of Europe use it highly consistently. ROs with no historical record of human rights protection and autocratic membership, such as the Arab League (LoAS) use it too, although more irregularly. This begs the question: *why and how do ROs use human rights for self-legitimation?* To answers this research question, I combine a macro analysis using qualitative comparative analysis (QCA) on 23 ROs from 1980 to 2019 with a micro analysis via process-tracing in two cases – LoAS and the Caribbean Community (CARICOM).

Ultimately, ROs use human rights in their legitimation because they strive for congruence. When norms, values, and moral principles purported and embodied by the RO are congruent with those of its core constituency and all relevant audiences, I observe human rights legitimation. I argue that the degree of congruence combines with different degrees of delegitimation stemming from the distinct constellation of agents and audiences of legitimation. I circumscribe this via four types of human rights legitimisers. Testing existing theories on legitimacy, legitimation, and human rights, the QCA suggests that **'Self-containing Legitimisers'** are ROs with a status quo of congruence between the RO and its core constituency. '**Signalling Legitimisers'** irregularly use human rights legitimation as a signal to respond to additional audiences. Thanks to the case studies, I further refine existing theory. CARICOM constitutes a case of a **'Reviving Legitimisers'** where delegitimation towards their core constituency occurs to which it reacts by reviving what it embodies which entails including human rights in its legitimation. With LoAS, I observe a **'Brokering Legitimisers'** in which case delegitimation is on the verge of a legitimacy crisis, but its Secretary General manages to broker human rights to two diverging audiences thanks to localisation. Thus, this book contributes to existing research first by providing an explanation of how a distinct norm is used in self-legitimation, second by nuancing our understanding of agents and audiences of legitimation, and third by introducing the concept of localisation to the study of legitimation.

Key words: Human Rights, Self-Legitimation, Regional Organisations, Legitimacy, International Authority, Norm Diffusion, League of Arab States, Caribbean Community, Global South, International Institutions

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LIST OF ABBREVIATIONS

AU	Organisation of African Unity/African Union
AC model	Authority-Change Model
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
AUT	Condition High Authority
CAN	Andean Pact/Andean Community
CARICOM	Caribbean Community
CCJ	Caribbean Court of Justice
CEMAC	Central African Economic and Monetary Union
CIS	Commonwealth of Independent States
COE	Council of Europe
COMESA	Common Market for Eastern and Southern Africa
CS model	Congruence-Stability Model
DEM	Condition Democratic Membership
EAC	East African Community
ECON	Condition Economic Vulnerability
ECOWAS	Economic Community of West African States
EFTA	European Free Trade Association
EU	European Union
GCC	Gulf Cooperation Council
HRFS	Outcome Human Rights Legitimation
HRINS	Condition Active Human Rights Institutions
IGAD	Inter-Governmental Authority on Development
IMF	International Monetary Fund
IO	International Organisation
IR	International Relations
LEG	Condition High Legitimation Intensity
LIO	Liberal International Order
LoAS	League of Arab States/Arab League
Mercosur	Common Market of the South
NATO	North-Atlantic Treaty Organisation

NGO	Non-governmental Organisations / Condition Strong Non-State Realm
NHRI	National Human Rights Institution
NordC	Nordic Council
OAPEC	Organisation of Arab Petroleum Exporting Countries
OAS	Organisation of American States
OECS	Organisation of Eastern Caribbean States
OSCE	Organisation for Security and Co-operation in Europe
PIF	Pacific Island Forum
PRI	Proportional Reduction of Inconsistency
QCA	Qualitative Comparative Analysis
RO	Regional Organisation
RoN	Relevance of Necessity
SAARC	South Asia Association for Regional Cooperation
SACU	Southern African Customs Union
SADC	Southern African Development Community
SCO	Shanghai Cooperation Organisation
SG	Secretary General
SICA	Central American Integration System
UN	United Nations Organisation
WTO	World Trade Organisation

Part I SETTING THE STAGE

Chapter 1   Introducing the question and the approach

> 'The fact is that, in reforming their economies, our Member States have agreed to further pool their sovereignty, and such important and far-reaching new economic and budgetary coordination needs legitimacy and accountability' (European Union Annual Report, 2013, p. 4).
>
> 'The concept of human rights has become one of the dominant moral and political discourses in the world today' (Sikkink, 2017, p. 8).

All international actors and institutions with the ambition to rule require legitimacy. As a result, they engage in a constant effort to establish and sustain their legitimacy. This effort is captured with the concept of self-legitimation. I understand self-legitimation as a norm-based and generalised justification of an actor's right to rule. In the quote above, the European Union (EU), a regional organisation in Europe, points to this requirement regarding its own ambition to rule over economic cooperation. Yet, the normative basis for self-legitimation can be drawn from a wide panoply of norms that matter in world politics. Over the course of the 20th century, human rights, for example, have secured a front seat for themselves among perennial international norms as Kathryn Sikkink in the quote above describes. As a matter of fact, one can observe that regional organisations (ROs) make use of human rights for their self-legitimation. This phenomenon that I term human rights legitimation is the topic of this dissertation.

Human rights figure prominently in world politics and in ROs. Beyond the observable proliferation of institutions dedicated to the protection and promotion of human rights, scholars also diagnose an 'expansion of human rights discourse' and claim that this norm 'achieved ascendancy' by the 1990s at the latest (Hopgood, 2013, p. 4). By now, ROs have also become a focal point 'in the promotion and protection of (…) human rights (…)' (Stapel, 2022, p. 277). They are vested with various institutions dedicated to human rights and have 'joined the efforts of international organisations and powerful states' in the struggle over human rights (ibid.). ROs hold workshops and seminars on women's rights (Almutawa and Magliveras, 2021), set new standards

on environmental rights (López-Cubillos *et al.*, 2022), or adjudicate on indigenous rights (Caserta, 2020). Beyond these activities, a great deal of engagement with human rights has also been confined to communication, which is where we observe self-legitimation.

Self-legitimation is an ongoing task for ROs because it allows them to preserve their right to rule, thereby ensuring compliance, as well as a smooth mode of operation and day-to-day management (Dingwerth *et al.*, 2019a; Tallberg *et al.*, 2018b; Tallberg and Zürn, 2019). In contrast to nation-states, the extent to which ROs can build on self-interest, no less coercion, to get its Members to comply is significantly smaller (Weber, 1978). Consequently, legitimacy is their core currency to guarantee that their constituency – the Member States – follows their rules and regulations. ROs cannot do without this task of self-legitimation, which may appear Sisyphean, but while it is endless is quite the opposite from futile as it is vital for every RO's persistence.

Indeed, especially in recent years, various developments have challenged ROs and further increased the urgency and significance of their self-legitimation. First, ROs are continuously growing in their level of authority and intrusiveness, which means that their ambition to rule is steadily expanding to new policy fields and more deeply into their Member States (Hooghe *et al.*, 2017; Zürn *et al.*, 2021; Heldt and Schmidtke, 2017). Second, the realm in which ROs and other international actors aim to rule has become increasingly complex and their spheres of influence have begun to overlap more strongly, which implies that ROs need to pay greater attention to demarcate their realm and legitimate accordingly (Haftel and Lenz, 2021; Alter and Meunier, 2009). Third, ROs face mounting pressure from growing politicisation and contestation of global governance in general. Importantly, this can be traced back to shifts in power dynamics due to rising powers that challenge existing structures of global governance as well as rising nationalism and populism that question international cooperation at large (Hooghe *et al.*, 2018; Lake *et al.*, 2021; Eilstrup-Sangiovanni and Hofmann, 2020).

This latter challenge for ROs forms part of a broader threat posed to what is often termed the Liberal International Order (LIO), that is, a global governance system that is built on liberal values such as the market economy, democracy, rule of law, but also human rights (Ikenberry, 2018). Contradictory ideologies, such as authoritarianism, nationalism, and populism, threaten the persistence of this order (Voeten, 2021). Since international organisations (IOs), as much as their regional counterparts, 'are pervasive and important in world politics', they constitute an essential part of global governance and are equally affected by such vigorous questioning (Keohane, 1988, p. 393; but see also Barnett and Finnemore, 2004, p. 1).

This also holds true for human rights. Voices that contest the relevance and meaning of human rights have been proliferating recently (Neuman, 2020; Alston, 2017; Strangio, 2017). In light of

persisting widespread violations of and non-compliance with basic human rights provisions, scholars have diagnosed that 'we are on the verge of the imminent decay of the Global Human Rights Regime' (Hopgood, 2013, p. IX). One may say that ROs are the hardest hit by this development. On one the hand, human rights protection via ROs is distinctly promising. Not only are they supposedly more homogenous regarding their activities on human rights, they are also said to be more efficient and have greater power to inflict change (Voeten, 2017; Rittberger and Schroeder, 2016; Haglund, 2020; Smith, 2013a). On the other hand, regional human rights institutions are a distinctly prominent target of backlash (Voeten, 2021, pp. 178–179). Thus, for ROs human rights may well be an easy norm to draw from for legitimation in light of their success in this issue area. At the same time, however, it may also constitute a slippery slope for them given the severe contestation and risk of backlash surrounding this norm. Therefore, examining how ROs use human rights for legitimation constitutes a timely scholarly inquiry.

Strikingly, not all ROs do so to the same extent, in the same manner, or consistently over time. On the contrary, the novel empirical data on legitimation communication referring to human rights in ROs introduced in this book showcases that we are dealing with a highly variegated phenomenon. Thus, the goal of this book is to shed light on this and provide explanations for the variation. Thus, I ask: *Why do regional organisations legitimate via human rights?* To offer a substantive and comprehensive answer to this research question, I revert to a research design scaffolding that combines a macroanalytical perspective using Qualitative Comparative Analysis (QCA) and a microanalytical perspective based on qualitative case studies. Consequently, three underlying sub-questions are addressed in this book. Firstly, I address the question*: In what ways do regional organisations use human rights for legitimation?* This serves to conceptualise and circumscribe the phenomenon of interest descriptively, allowing me to identify to what extent, in what manner, and with what temporal patterns ROs legitimate by referring to human rights. Secondly, I address the question: *Under what conditions do regional organisations use human rights for legitimation?* This serves to scout for macroanalytical explanations, allowing me to assess to what extent existing theory can grasp the broad descriptive patterns identified empirically. Thirdly, I address the question: *How or through what process do human rights come to be used for legitimation in ROs?* This is used to zoom in on the micro-level to assess temporal sequence and situational factors, allowing me to refine existing theory on human rights and legitimation and suggest four novel types of human rights legitimisers.

To further introduce this research, the remainder of this chapter is structured as follows: I begin by further presenting the topic and its relevancy with regard to related research. Subsequently, I introduce the argument I am making with this book and its contributions. In the following section, I discuss the theoretical approach and review existing theories and alternative hypotheses that will

not be further addressed in this research. A final section briefly sketches the underlying research design as well as, the data and methods I used. I conclude with an outline of the book.

1.1 Human rights legitimation: An underestimated phenomenon.

State of the art on human rights, legitimation, and regional organisations

Both human rights and legitimation prominently form part of the research agenda of international relations (IR). Yet, there is astonishingly little research that combines both topics of inquiry to ask what role human rights play in legitimating international authority. This is the case despite the existence of a few inquiries about the role of legitimation via human rights by other actors in world politics, a rich body of literature on human rights in ROs, and strong indications that this norm plays a role in RO's self-legitimation. I view my research as a contribution to this literature in two ways. First, I make an empirical contribution in providing the first assessment of human rights legitimation in ROs by introducing novel data on 23 ROs, and their legitimation. Second, I offer initial, nuanced explanations for the extent to which the suggested link between human rights and legitimation plays out in practice and why ROs use this norm to legitimate.

More concretely, as of today, no dedicated study examining how ROs use human rights for legitimation exists. Few scholars have examined in what ways other international actors make use of this norm to legitimate themselves. Scholars find, for example, that states ratify international human rights treaties out of concern for legitimation (Hafner-Burton *et al.*, 2008). Others show how liberal hegemons make use of this notion to legitimate their foreign policy (Myrick and Weinstein, 2021; Sikkink, 1993; Sikkink and Lutz, 2001). Even fewer have examined this link on the level of international organisations. They find not only that an IO's actions need to conform to human rights, but that it must also increasingly legitimate them based on this norm (Heupel *et al.*, 2018; Heupel *et al.*, 2017; Mende, 2021). Yet, this research does not tell us what leads to such legitimation or how we can explain it, as this quote neatly instantiates:

> The quality of the protection provided for human rights varies greatly from one IO to the next. This shows that the causal link between normative necessity to legitimate political authority and the establishment of provisions to protect human rights may exist at the general level, yet the specific outcome may depend largely on differences in the availability of resources and political opportunities, and hence on normatively highly contingent factors (Heupel and Zürn, 2017, p. 9).

I concur with this assessment and find it to be a gap in existing literature. What is more, I contend that this 'causal link' may exist as much for ROs as it does for IOs. Existing research on ROs and human rights in general allows us to corroborate this assessment and further underscores why more research on legitimation via human rights in ROs is warranted.

A growing body of literature examines the role of human rights in RO since '[r]egional organisations have become central actors in the promotion and protection of democracy, human rights, and the rule of law around the world.' (Stapel, 2022, p. 285). For long, such analyses focused on the most prominent ROs that promote and protect human rights such as the CoE, the Organisation of American States (OAS), the European Union (EU), or the Organisation for Security and Co-operation in Europe (OSCE) (Moravcsik, 1995, 2000; Harris, 1998; Pasqualucci, 2003). More recently, less prominent regional and sub-regional human rights regimes in Africa and Asia have also begun to receive attention (Pevehouse, 2016; Börzel and van Hüllen, 2015a; Smith, 2013a; Shaw, 2007; Jones, 1996). Beyond examining the extent to which they proved effective, induced compliance, or set new human rights standard, this literature has also become strongly suggestive of a potential link between human rights and the need to legitimate regional authority (Heupel *et al.*, 2015; von Staden and Ullmann, 2022). On the European Convention on Human Rights, Moravcsik (1995, 173, 178, emphasis added), for instance, notes that it is 'dependent on domestic public opinion, *legal legitimacy* and legislative authority as tools to induce voluntary compliance' and that '[s]uch legitimacy remains fragile'. In addition, scholars focusing on regional adjudication on human rights by now not only assess the role and impact of regional jurisdiction on human rights but also contend that legitimacy is an important resource for the judicial bodies of ROs (Kadelbach *et al.*, 2019; Alter *et al.*, 2018; Spano, 2017; Engstrom, 2019b; Moyo, 2009). In such inquiries scholars observe that regional human rights law is not only constraining for government action and conducive to domestic compliance but also that one should not overlook the 'important constructive role that international human rights law has in legitimating political behaviour' (Engstrom, 2019a, p. 15).

Finally, a significant amount of work has also been dedicated to inquiring why regional human rights regimes are established in the first place, that is, why states commit to human rights provisions on a regional level (Alfadhel, 2017; Hulse and van der Vleuten, 2015; Davies, 2014; Katsumata, 2009; Munro, 2009). Among these analyses, few also consider secondary effects of such commitments which also raises questions of legitimation (Martin, 2020; Viljoen, 2019; Witt, 2019b; Murray, 2004). Davies (2013), for example, argues that the introduction of human rights provisions in the Association of Southeast Asian Nations (ASEAN) cannot be attributed to genuine commitment to the norms as such but serve 'instrumental and political ends, notably legitimacy in the eyes of external and internal actors' (ibid., p. 225). Along these lines, a growing number of contemporary analyses brush away such commitments as 'window-dressing', 'cheap talk', 'domestic survival politics', or as a means to 'broker' international legitimacy for authoritarian regimes (Debre, 2020; Wajner and Kacowicz, 2018; van Hüllen, 2015; Jetschke, 2015). Examining the self-legitimation of ROs in depth allows us to settle on the question of whether talk on human rights

in ROs can simply be traced back to 'cheap talk' induced by some Member States or whether there is more to such legitimation. By providing a first empirical assessment of how and why ROs use human rights for legitimation, I contribute to this body of research.

Importantly, the notion of human rights itself has also continuously received scholarly attention in ways that strongly suggest applying the lens of legitimation to human rights and thereby contribute to this research agenda. In fact, a range of scholarship reiteratively raises the question of the meaning, value, and power of human rights. Ever since human rights came to the fore in world politics, scholars speculate whether they are useful and significant, that is, whether they contribute to the betterment of world politics. Less than 20 years after the ratification of the Universal Declaration of Human Rights, Henkin (1965, p. 513), for example, ponders that the 'prospects—say, for the next twenty years—are uncertain, not hopeless'. Yet on ROs he also suggests that 'the threat of complaint and criticism (…) in a regional organisation (…) is a deterrent of significance' (ibid., p. 524). A few years later, yet again scholars question the use of an international human rights regime, indicating greater prospects for their regional counterparts:

> It is easy to suggest that the UN has been superfluous, that where there has been a will to improve human rights conditions, a way has been found quite independent of the UN, not only at the national level in several countries but also regionally in the European and Inter-American Commissions on Human Rights (Donnelly, 1981, p. 654).

Painting a picture that is overall very 'bleak', his controversial assessment sparked criticism by those scholars that see various achievements made thanks to human rights and assert, for example, that a strong 'statements of principle' made by UN institutions 'cannot be dismissed as mere window dressing' (Alston, 1983, p. 546).

Such debates on whether human rights matter have burgeoned iteratively over time and remain inconclusive until today. Recently, in a time of rising populism and smouldering authoritarianism, these debates have yet been revived. Proponents assess that there is 'evidence for hope' (Sikkink, 2017), that 'it is a recognisably utopian program' (Moyn, 2012, p. 1), or that they 'are essential to all humanity' (Hafner-Burton, 2013, p. xv; see also Brysk, 2018). More sceptical scholars rather picture the 'endtimes of human rights' (Hopgood, 2013), that recent events are 'giving way to a post-human rights world' (Strangio, 2017) or that 'human rights law is experiencing a twilight existence that may linger for quite a while' (Posner, 2014, p. 140). These debates point to strong contestation surrounding the notion of human rights. By implication, I argue, they are also likely to feature in international legitimation dynamics, including the self-legitimation of ROs.

Among the more pessimistic assessments, scholars oftentimes deploy that that there is more talk than action, meaning that a gap between its pervasive language and 'perverse effects and abuse'

is widening (Welsh, 2021, p. 567; Kratochwil, 2014). With this study, I cannot answer questions of compliance or meaningful action on human rights or clarify whether this gap exists or is widening. Nonetheless, I speak to this literature and the question of its relevancy. Studying norms used for legitimation is telling as to whether said notion represent 'normative yardsticks' in world politics on the basis of which actions, behaviours, and rights to rule are evaluated (Dingwerth *et al.*, 2019b, p. 5). Consequently, I contribute to assessing the extent to which human rights have 'become one of the dominant moral and political discourses in the world today' and a means of discussing 'our values and our beliefs' (Sikkink, 2017, pp. 6–8). While this is not the case for all actors in world politics, by zooming in on ROs for this matter, I examine a group of actors that 'is part and parcel of a global system of multilevel governance' (Börzel and Risse, 2016, p. 623). Thus, thanks to a systematic assessment of their self-legitimation via human rights in all world regions, I also contribute to gauging whether this norm has by now travelled the entire globe or still has regional bounding (Finnemore and Sikkink, 1998; Hurrelmann and Schneider, 2015a).

Beyond the literature on human rights, I also speak to research on legitimacy and legitimation as such and contribute to it by shedding light on how one distinct norm matters in legitimation. Given that this growing body of literature on the norms used in legitimation still predominantly builds on (comparative) case studies, we know relatively little about why specific norms matter differently, and even less about how exactly ROs use it. To address this, I offer a first cross-sectional and longitudinal overview of the role of one norm fuelling the self-legitimation of 23 ROs. Initially, such inquiries were normatively driven, examining what a 'good' RO should look like and, relatedly, on what norms it should capitalise for legitimation (Buchanan and Keohane, 2006; Held, 2003; Scholte, 2012). Although hinting at human rights as a baseline for legitimation, for example, in the form of 'minimal moral acceptability criterion' (Buchanan and Keohane, 2006, p. 419), these analyses do not contain empirical accounts of why this norm in particular is used for legitimation.

Such empirical analyses have drawn our attention to a plethora of other norms that can underly the self-legitimation of regional authority. The most prominent are by now functional norms, such as the promotion of peace and security, economic welfare, and effectiveness or efficiency, which are analysed, for example, in case studies on the Shanghai Cooperation Council (SCO), the Economic Community of West African States (ECOWAS), and a few prominent IOs (Bah, 2013; Williams, 2013; Bassiri Tabrizi and Kienzle, 2020; Korneev, 2018; Ambrosio, 2008; Prantl, 2013). A smaller group of scholars highlights the role of communitarian norms, which include advancing a joint regional identity or national sovereignty for legitimation through case studies on the League of Arab States (LoAS), the Bolivarian Alliance for the Peoples of Our America (ALBA), and

ASEAN (Debre, 2020; Wajner and Roniger, 2019; Ba, 2013). Importantly, scholars also examine liberal norms, rule of law, transparency, and democratic procedures, but few of which also consider human right (Nuñez-Mietz, 2018; Heupel *et al.*, 2018; Reinalda, 2010). Democratic norms receive the most attention, showcasing, for example, that legitimation can build on democratic norms both in communication as well as through institutional reform (Dingwerth *et al.*, 2020; Rocabert *et al.*, 2018; Lenz *et al.*, 2019; Schimmelfennig *et al.*, 2020; Nwankwo, 2017). An edited volume on democratic norms including five different ROs constitutes one notable exception of comparative work. Other than that, only one study on the rise of democratic norms in legitimation exists that systematically assesses the role of one norm cross-sectionally and over time (Dingwerth *et al.*, 2020). The latter, however, does not include ROs in its sample. Thus, I contribute to this body of literature by providing the first such systematic assessment for ROs. Analysing if, how, and for what reasons ROs use human rights for legitimation will allow us to nuance how the use of a distinct norm affects legitimation dynamics, that is, what an RO talks about in practice when legitimating and why it matters.

In addition, focusing on one norm allows us to highlight distinct constellations of agents and audiences over time. Agents of legitimation are the actors of an RO that drive self-legitimation. Audiences of legitimation are the actors that are addressed and targeted by the legitimation. Indeed, both components of legitimation dynamics remain in its infancy when it comes to RO's self-legitimation. Initial analyses on legitimation dynamics were rather holistic in their approach, simultaneously speaking to a variety of questions, such as why ROs legitimate in the first place, what such legitimation looks like, and where its normative basis stems from. (Zaum, 2013a; Rittberger and Schroeder, 2016; Hurrelmann and Schneider, 2015c; Hurrelmann *et al.*, 2016b). Recently, more targeted inquiries have emerged introducing detailed framework for analysing distinct aspects of legitimation (Dingwerth *et al.*, 2019a; Tallberg and Zürn, 2019; Tallberg *et al.*, 2018b; Lenz and Viola, 2017). Concerning the agents involved in legitimating or delegitimating ROs, for example, research has moved beyond the IO Member States that long remained a core focus. Now, actors such as the bureaucracy itself, national elites, or non-state actors receive more attention, highlighting that they can both affect self-legitimation as well as shape third parties legitimacy beliefs (Billerbeck, 2020, 2021; Dellmuth and Tallberg, 2020; Schmidtke, 2018; Gerard, 2021; Mace, 2020). Yet, research on legitimation is yet to shed light on why different kinds of agents emerge and prove determinant under different circumstances. While scholars observe, for example, that 'IO staff deem [it] necessary to engage in' self-legitimation (Billerbeck, 2020, p. 216), we do not know why they employ a distinct norm for this self-legitimation at different points in time. By examining why and how ROs make use of human rights for legitimation, I aim to contribute to these questions.

I can paint a similar picture for existing research on the role of audiences in an RO's self-legitimation. Scholars increasingly engage with the question of who is addressed or who has to be addressed, that is, who are the audiences of legitimation (Bexell and Jönsson, 2018). We have, however, only a limited understanding of how this affects the use of norms in legitimation or what consequences this has for an RO's legitimation dynamics more broadly. Again, scholarship has long been exclusively focused on Member States as audiences (Claude, JR., 1966; Hurd, 1999; Reus-Smit, 2007; Stephen, 2015) and is only slowly broadening its scope to also include, for instance, citizens, world society, and staff members (Bernstein, 2011; Steffek, 2016; Clark, 2003; Gronau and Schmidtke, 2016). Bexell and colleagues (2021) argue that IOs deliberately choose which audiences to address, which in turn affects the form and substance of the legitimation. Witt's study (2019a) on the AU's legitimation adds to this debate that as more audiences are addressed, the more complex and conflictual legitimation becomes, stressing that legitimation has to 'broker between demands from states and non-state actors, as well as between those from African constituencies and external financiers or partners' (ibid., p. 129). I contribute to this literature by introducing four types of human rights legitimisers that shed light on how a distinct norm comes to be used in an RO's self-legitimation. Moreover, these four types provide nuanced assessment of how the use of the distinct norm of human rights relates to the agents behind and the audiences of legitimation, thus merging existing foci in legitimation research and expanding this research agenda as such. This contribution will be further elaborated in the following section by briefly sketching out the argument.

The argument in brief

The argument of this book consists of three parts. The first part of the argument is descriptive. Theoretically, human rights are one among a plethora of norms that ROs can draw from for legitimation. This raises an empirical question: Do they make use of this norm in practice? My argument responds to this question in the affirmative. I amply illustrate that legitimating via human rights matters empirically, underscoring the great importance of human rights as an international norm. Drawing on novel data, I show that the use of human rights legitimation has gained in importance over time given that the share of legitimation referring to human rights has increased compared to an RO's legitimation communication. What is more, ROs from all world regions have used it and are doing so with increasing frequency. In fact, by 2019 every general-purpose RO has referenced human rights in its legitimation at least once. Yet, the data reveals a highly variegated phenomenon displaying striking patterns across the sample of ROs that emphasise that legitimation via human rights is not used to the same extent, in the same manner, or consistently over time. Concretely, I present four groups of ROs whose legitimation patterns as well as secondary

characteristics converge. I show that (a) consistent; (b) irregular, and (c) divergent human rights legitimation exists, though a few ROs also remain largely silent on human rights legitimation. Aside from corroborating the relevancy of examining this variegated phenomenon, the three groups named above, in particular, warrant an original explanation, which existing literature cannot provide.

Why, then, do ROs make use of human rights for legitimation? The second part of my argument addresses this question. Ultimately, I argue, all ROs use human rights legitimation because they strive for congruence. This means that congruence between the norms, values, and moral principles – here human rights – being purported and embodied by an RO and those held by its constituency forms the first major structural building block explaining why ROs legitimate via human rights. Pathways to congruence, however, differ. They relate to the variegated patterns of human rights legitimation and are contingent on degrees of delegitimation as well as the distinct constellation of agents and audiences of legitimation. Thus, I introduce four types of human rights legitimisers.

First, for consistent legitimation, I argue that congruence remains highly stable and continuously enables legitimation. This means that human rights legitimation occurs when the RO and those that are subordinate to its authority consider human rights to be an important norm to uphold and defend. I consider congruence to reign when all relevant agents and audiences of legitimation are committed to human rights and one can find this commitment reflected in the RO's institutional design. When this remains stable, human rights legitimation can easily be sought. This stable congruence also entails that no diverging audience that opposes human rights can influence an RO's legitimation dynamics and in doing so counteract the reigning congruence. Empirically, this applies to ROs where human rights legitimation is (a) consistent. Given stability and congruence, that is, absence of conflict and intervention, I term this first type **'Self-containing Legitimisers'.**

I argue that a second type, the **'Reviving Legitimisers'** exist, where congruence reigns implicitly but seems to whither, which leads to delegitimation. Those that are subordinate to the regional authority become detached and do not see the use in the RO anymore. Agents of legitimation, such as the Heads of States of an RO, react by improving the RO's legitimation. This serves the goal of salvaging congruence. Human rights then come to the fore in a more coherent legitimation, reviving what the RO stands for. All relevant agents and its core constituency as the main audiences in these legitimation dynamics believe in human rights in general. This simply must be revived in the face of circumstantial delegitimation. This pathway to congruence allows us to shed light on many cases where I empirically observe (b) irregular human rights legitimation. Given the reactive dimension of this legitimation, I term this second type 'Reviving Legitimisers'.

In other cases, congruence is less pervasive within the RO but not entirely absent. There is commitment to human rights, but this does not constitute the most important norm for the RO and for all agents and audiences involved. Regarding human rights, this entails that the notion is not rejected by any actor within the realm of the RO, but embodiment of this norm is less important for the RO and its core constituency itself. Yet, this latent congruence may be challenged externally. When an additional though not diverging audience emerges, bringing along a potential for delegitimation, human rights legitimation ensues. Given that there is no ostensible divergence from congruence, a mere signalling of human rights suffices for legitimation towards this additional audience. Empirically, this type thus covers ROs with little institutional grounding in human rights and (b) irregular human rights legitimation. Therefore, I refer to this path as **'Signalling Legitimisers'**.

Alterations in congruence, however, can also take a different turn. Whereas congruence only withers in the case of reviving legitimisers, for the core constituency, more substantive threats to congruence can occur. When delegitimation becomes exceptionally strong, important divergences between the object, agent, and audience of legitimation emerge. This can also concern norms, values, and moral principles beyond human rights. Concretely, this can be the case when an agent of legitimation seeks to address an additional but diverging audiences deliberately to overcome a situation on the verge of a legitimacy crisis. When this is the case, it may seem impossible to salvage congruence at first sight. The RO is highly delegitimated and in addition must cater to audiences whose norms, values, and moral principles do not align. Under these circumstances, an agent of legitimation steps up and manages to broker a new norm – human rights – to this network as part of a broader reform. The agent ensures that the new norm resonates among all relevant actors and audiences via localisation. I understand localisation as an effort to tie a norm to region-specific cultural features. This allows them to broker the norm both to the core constituency and the diverging audiences. Empirically, I observe this in ROs in which I also identified (c) divergent human rights legitimation. Given the important effort of brokering human rights that is undertaken by an agent of legitimation, I term this third type **'Brokering Legitimisers'**.

Beyond providing explanations for the variegated patterns of human rights legitimation, the four types are an important contribution to existing literature as they shed light on how a distinct norm can come to be used for legitimation via different processes. While the ultimate goal is to strive for and maintain congruence, the four types outline four different processes through which this norm enters an RO's legitimation. As such, the types may also provide significant explanatory leverage to examine how other norms come to be used differently in ROs.

Yet, a third part of my argument goes beyond the four types and offers refinements for existing theories on legitimation. First, I show that the widespread assumption on the link between authority and legitimation does not hold empirically (Zürn, 2018a; Tallberg and Zürn, 2019). Whereas established theory asserts that increasing authority requires more (demanding) legitimation, this condition barely matters for any of the four types. Instead, types 2 and 4 rather indicate the opposite. For both, the lacking de facto authority, its inconsequentiality, and resulting impediments in implementation or enforcement present a reason why they perceive themselves to be delegitimated and prompting them to engage in self-legitimation. Secondly, I highlight that the agents of legitimation play a decisive role in determining the content of legitimation. While certainly bound by the pursuit of congruence, I show that their room for manoeuvre is not necessarily linked to a formal position within the RO but can unfold in conducive circumstances of delegitimation. In addition, beyond determining the content of legitimation, it is their definition of the relevant audiences to address that affects what an RO's legitimation looks like, and which norms are referenced. Thirdly and relatedly, I nuance the perspective on audiences in that they can both actively and passively matter for legitimation. In addition, when actively involved in an RO's legitimation dynamics, their norms, values, and moral principles need not trickle through to an RO's legitimation in an unqualified manner. Instead, I show that agents of legitimation are endowed with significant leeway to react. Finally, I introduce the notion of legitimating via localisation which serves to broker the same norms to diverging audiences by tying it to region-specific cultural features. This last refinement constitutes a significant contribution to how norms are used in legitimation drawing our attention to the fact that norms may be attributed with different meaning in different contexts.

Theoretical approach, alternative theories, and limitations

To make this argument I build on different strands of literature. Concretely, I construct two ideal-typical models that draw predominantly from social constructivism, sociological and historical institutionalism, intergovernmental or republican liberalism, and research on human rights. As such I test the two models in a QCA. I introduce a congruence-stability model (CS model) that conceives of human rights legitimation as resulting from stable congruence between the RO and all its relevant constituencies and audiences. ROs would thus use human rights legitimation to cater to the need for congruence by claiming to embody human rights and elaborating on how this is reflected in its institutions. Additionally, I introduce an authority-change model (AC model) that conceives of human rights legitimation as resulting from increases in authority that surpass a legitimation on technocratic grounds. ROs would thus use human rights legitimation as a more demanding legitimation to justify their increased authority.

From constructivism, I draw the assumption that norms and values such as human rights not only matter in world politics but that they are also diffused and socialised among actors (Risse, 2016; Finnemore and Sikkink, 1998; Keck and Sikkink, 1999). Sociological institutionalism is instructive for research on legitimation since it allows for the possibility of a non-rational institutional design and related legitimation contradicting the rationalist assumption of 'form follows function' (Finnemore, 1996; Barnett and Finnemore, 2004). I further draw from it for theorising how institutions and related legitimation may mutually influence each other within and among similar organisations. Historical institutionalism provides useful assumptions for the temporal dimensions of legitimation such as path-dependent dynamics in legitimation and effects of critical junctures (Rixen and Viola, 2016). Liberalism brings to the table that domestic preferences and interests may resonate in an RO's legitimation (Moravcsik, 1997). To expand on these approaches, I draw from a network approach to studying IR in the case studies (Goddard, 2009). This serves as a starting point to systematically think about how structure and agency relate and may jointly cause human rights legitimation to come to the fore in an RO. Though I draw from various strands of scholarship, not all existing theories can be tested in this framework. Others may provide additional explanatory leverage in individual cases. Nonetheless, I contend that existing alternative theoretical approaches cannot provide the similar level of explanation as those that I employ.

To begin with, classical realism has various difficulties in accounting for human rights legitimation as such. Most importantly, this concerns the assumption that only material power matters in world politics, that is, pure anarchy reigns between states. This core tenet is the reason, classical realist approaches fail to explain why states cooperate in ROs in the first place, which further denies the possibility of the existence of the main objects of interest, that is ROs and their legitimation via human rights (Dunne and Schmidt, 2020, 102). Given that the most powerful states in world politics would simply dominate all others due to their sheer material power and rule via coercion, there would be no need for any kind of legitimation in international relations. Human rights would also need no consideration as all states would follow the will of the most powerful instead of abiding by international norms. Indeed, for human rights, absence of any kind of perspective provided by realist scholarship is even more staggering: Realists cannot explain why states would agree to, no less pledge to, comply with and legitimate via international law as this stands in contrast to 'the Westphalian ideal of state sovereignty that underlies realist IR theory' (Moravcsik, 2000, p. 218).

Less radical leanings of realisms (e.g., neo- or structural realism), however, concede the possibility of inter-state cooperation. Still, many assumptions and resulting state behaviour remain

constant which is why these approaches can barely account for human rights legitimation (Mearsheimer, 1994; Börzel, 2016, p. 44). In fact, they assume that even if cooperation exists and may be formalised, the potentially resulting institutions would not be vested with any authority. Given the state of anarchy that these approaches build on, sovereignty of the states must be maintained at all times. With such a view on institutions no need for legitimation arises. In a similar vein, scholars describe that state cooperation and interactions are still dominated by fear, suspicion and mistrust, which stands in stark contrast to what any cooperation on human rights would require (Mearsheimer, 1994, p. 240). Not only would this entail a minimum level of infringement on national sovereignty, but it would also require trust in ones partners that cooperation on human rights would not be abused. Thus, I view little explanatory leverage in these types of theories and discard them for this analysis.

A distinct strand of scholarship among neo-realist theories is that of hegemonic stability (Keohane, 1982). According to this theory, regimes, that is, various forms of international cooperation and agreement to binding principles and regulations, exist when a hegemon creates them. In such case, establishing institutions may be in the hegemon's interest, and it manages to coerce and incentivise other states into cooperation through these regimes. For human rights legitimation, this perspective would suggest that a regional hegemon dominates the RO to the extent that its belief in human rights is reflected in the RO's legitimation. While not applied to this question in particular, hegemonic stability theory has been tested for human rights and ROs more generally, assessing, for example, the extent to which regional powers matter in world politics and IOs (Destradi *et al.*, 2018; Parizek and Stephen, 2021b). Donnelly (1986, p. 625) claims that 'the power of a single hegemonic state is crucial to the establishment of strong, stable regimes' and in the case of the Organisation of American States (OAS) can be traced back to 'the dominant power of the United States'. Forsythe (1991, p. 95), however, takes up this argument and qualifies the role of the USA in the OAS, asserting that the USA 'has not consistently exercised hegemonic leadership on human rights issues within the OAS'. Relying exclusively on this argument proves too 'monocausal to comprehend the complexity of regional action for human rights' (ibid.). I concur with this assessment and add that hegemonic domination and stability in an RO may also render the efforts of legitimation obsolete. When a hegemon manages to coerce and incentivise other states into cooperation, there is no need to additionally legitimate the resulting institutions.[1] Thus, I do not include this strand of realist theorising in the theoretical framework of this book.

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[1] This is not to say that I do not consider powerful Member States of an RO or important external regional powers to have no influence on an RO's legitimation. In fact, governmental influence features in the theoretical framework as I outline in Chapter 3 and 4. Nonetheless, the monocausal and unidimensional approach of hegemonic stability theory is too narrow for grasping the complex dynamics of legitimation in an RO.

Thirdly, I discard functional, rational-choice, or rational-institutionalist approaches in IR theory. This strand of theories converges on the assumption that international cooperation is the outcome of the rational interest of actors involved to overcome collective action problems and maximise benefits via cooperation. For regional integration, such approaches often built on the observation that common markets were sought and related institutions to regulate interactions were needed (Hurrel, 2005, p. 46; Keohane, 1988; Koremenos *et al.*, 2001). As a consequence, 'they design institutions accordingly', meaning that an RO would be exclusively functional or rational in design (Koremenos *et al.*, 2001, p. 762). As such, rational-choice approaches have a hard time accounting for legitimation in general, given that actors cooperate out of self-interest. As they are incentivised to accept international authority, there is no need to further justify this via legitimation. Few scholars, however, still ponder how rational-choice approaches would explain legitimation (Dellmuth and Tallberg, 2015; Macdonald, 2015). They assert that legitimation that predominantly emphasises knowledge, expertise, and effective problem-solving would ensue (Scharpf, 1999, p. 29; Zürn, 2018a, p. 74; Tallberg and Scholte, 2018, p. 63). Such views on legitimation thus do not prove fruitful to explain human rights legitimation. While it may be conceivable that an RO can build on expertise concerning human rights, human rights do not present a classical collective action problem. They are rather a domestic issue between citizens and their respective states as the latter remain the main perpetrators of human rights violations (Donnelly, 2013, p. 33). Concerning human rights, ROs do not serve to solve collective action problems but rather help protect citizens from state authority. This phenomenon of transferring authority to an RO that in turn may be able to act against a state's interests, can only difficultly be explained by approaches that emphasise the rational choice of said state.

Even though the above-described theories were discarded for good reasons, I will also transparently address a few limitations of this research. First, I acknowledge that this research is limited regarding the degree of generalisation one can apply to the four types of legitimisers that I introduce in this book. The types reviving and brokering legitimisers build on two distinct methodological approaches, a QCA combined with process-tracing, which enables triangulation and increases the validity of the insights. For self-containing and signalling legitimisers, the arguments offered on how the process leading to human rights legitimation unfolds for these two types is based primarily on interpretation of the QCA. Given the structural focus of this method, I surmise that one cannot simply generalise this interpretation. Despite providing brief plausibility probes that strengthen the validity of my claims, taken together the four types do not reach the level of causal inference and generalisability that, for example, an explanatory typology offers (Elman, 2005). Thus, further comparative studies on the types of self-containing and signalling

legitimisers would be necessary to assess the extent to which these interpretations can be generalised.

Relatedly, this study and its four types of legitimisers cannot constitute a full-fledged explanation for how any kind of norm enters an RO's legitimation. Human rights are only one set among many other norms, such as peace, security, and economic welfare, that an RO can possibly draw from to legitimate itself. Yet, some assumptions and theoretical approaches underlying this study's argument are rather specific to this norm and cannot always be applied to a different norm used, without qualifications. Nonetheless, thanks to the rigorous methodological approach and the rich empirics, validity, and plausibility of the four types are high. This also concerns the findings on agents and audiences of legitimation, as well as localisation. Thus, I suggest that a sensible next step in this research agenda would be to apply the types to a set of different ROs with a focus on a different norm.

1.2 Research design

This research builds on a scaffolding of a research design where macroanalytical and microanalytical methods mix to provide a comprehensive account of human rights legitimation. Thus, I do not simply wish 'to connect the traditions of what are conventionally denoted "quantitative" and "qualitative" research' (King *et al.*, 1994, p. 3), but seek to make use of methods that are adequate for inquiring into distinct facets of the phenomenon of interest (Lieberman, 2005; Cheng, 2018). As highlighted above, this concerns the fact that human rights legitimation varies in the extent, manner, and consistency to which ROs make use of it. In my approach to this variegated phenomenon, I aim to provide insights both for overarching, macroanalytical trends and patterns in this legitimation but also to shed light on distinct nuances, processes, and particularities of individual cases. This is reflected in the three sub-questions of the overarching research question. Beyond the data gathering, I employ the method of QCA to assess macroanalytical patterns and respond to the question*: Under what conditions do regional organisations use human rights for legitimations?* To tackle the microanalytical interest in processes and answer *how do human rights come to be used for legitimation in ROs?*, I leverage two in-depth case studies. Combining these two approaches also comes with the opportunity to mix theory-testing and theory-refinement. I find that existing theories only limitedly account for the variegated patterns of human rights legitimation and, therefore use the case studies to broaden the analytical lens and expand on existing approaches. Consequently, this research design scaffolding allows me to both generalise explanations for human rights legitimation and specify insights for individual cases and constellations.

A birds-eye view: examining the large-N with QCA

The first question of this research is dedicated to the 'birds-eye view' of the phenomenon, meaning that I seek to assess temporal and cross-sectional patterns of human rights legitimation for the entire sample of 23 ROs from 1980 to 2019. To do so, I use data from the novel LegRO dataset on legitimation communication in ROs. For a balanced sample of 28 ROs stemming from the four world regions Africa, the Americas, Asia-Pacific, and Europe, as well as five cross-regional ROs, the LegRO dataset provides data on legitimation via individual legitimation statements that were coded on the paragraph level. The total number of over 30,000 paragraphs coded are drawn from the RO's annual reports and summit communiqués. Qualitative coding sought to identify legitimation statements that differ with regard to institutional references or the underlying norm advanced. For the latter aspect, we also code references to human rights.

Building on existing literature on legitimation and human rights, I contend that potential explanations boil down to two theoretical approaches that focus on explaining stability in legitimation (CS model) on one hand and change in legitimation (AC model) on the other. Thus, I use set-theoretic methods to inquire causation because they allow me to test these two approaches both as competing and potentially combinable. Consequently, I make use of the method of QCA for this macro analysis. As an approach to comparison, it builds on set theory and Boolean algebra to establish how multiple conditions combined in complex configurations lead to an outcome. Introduced to social science in the 1980s by Charles Ragin (1987), it builds on the idea to think of causes and effects as sets and causal relationships as configurations of necessary and sufficient conditions. Therefore, despite the macroanalytical focus, this first part does not follow the rules of a classical quantitative, correlational approach and probabilistic causation (King *et al.*, 1994, p. 85; Mello, 2022, p. 57). I do not seek to establish when human rights legitimation is more likely to occur in an RO but aim to identify individual conditions or different configurations of conditions that can explain this outcome equally well. By implication, causation is assumed to be complex which in turn builds on three methodological assumptions. First, conjunctural causation describes the fact that one single condition cannot individually account for the phenomenon of interest but only 'specific combinations of conditions are jointly sufficient for the outcome' (Mello, 2014, p. 65). Second, equifinality entails that there is not only one of such conjunctions but instead 'different, mutually non-exclusive explanations of the same phenomenon' exist (Schneider and Wagemann, 2013, p. 78). Third, we talk of asymmetric causation not when explanations are simply reversed but 'when the occurrence of the outcome has a different explanation than its non-occurrence' (Oana and Schneider, 2021, 17).

In this QCA, I analyse human rights legitimation on the level of ROs over time based on the terms of their respective Secretary Generals. The 167 cases (n = 167 RO/SG-years) thus represent the unit of analysis of the QCA that is purposively conceived based on an innate unit of meaning that grows out of the mode of operation of each RO. A first model of stability, which builds on the need for congruence to reign in the realm of an RO – the CS model – provides for two conditions to be included in this QCA. A high democratic membership in an RO and active human rights institutions are theorised as sufficient conditions for stable human rights legitimation in this model. I measure the democratic membership via the V-Dem dataset from which I draw democratic or autocratic regime-types for all RO's Member States. High democratic membership is thus assessed via the share of democratic Member States within each RO/SG-year. For the condition of active human rights institutions, I qualitatively coded the human rights regime for all ROs in the sample based on primary and secondary literature. The second model of change – the AC model – theorises four conditions as sufficient for the outcome. Central to this model is the assumption that more authority requires more 'demanding' legitimation. I measure this first condition of high authority via the MIA-dataset in aggregating pooling and delegation. The second condition suggests that more 'demanding' legitimation occurs as a consequence of increases in legitimation in quantity. The LegRO dataset provides a measure for high legitimation intensity. Two additional conditions theorise contestation and politicisation by external audiences by state and non-state actors. The first gauges this for a strong realm of non-state actors via a self-compiled proxy that builds on existing data on National Human Rights Institutions and references in the RO's legitimation to these actors. The second condition grasps state contestation via economic vulnerabilities of the ROs. For this condition, I compile a new index that draws from the Member States GDPs and the international development flows mapped in the dataset AidData.

Zooming in: Process-tracing in two cases studies

The second question of this book is dedicated to an exercise of 'zooming-in'. Aiming for an understanding of the processes that occur when human rights legitimation come to be used in distinct ROs, I undertake in-depth case studies of two ROs, the Caribbean Community (CARICOM) and the League of Arab States (LoAS). To answer the above 'how'-question, I nuance and expand on the two ideal-typical models that I introduce for the first part. This is achieved via the method of process-tracing, which can broadly be defined by its 'ambition to trace causal mechanisms' (Beach and Pedersen, 2016, p. 1). By now, there are multiple approaches to process-tracing that differ to varying degrees. For this analysis, I follow an understanding of process-tracing that seeks to provide a 'detailed narrative' with the goal of describing a story 'in the form of a chronicle that purports to throw light on how an event came about' (George and Bennett, 2005, p.

210). At the same time, my approach is oriented towards what is often termed explaining-outcome process-tracing. This method proceeds in multiple iterations where theory-testing and theory-building components of process-tracing combine. This allows me to both nuance and expand on the insights from the ideal-typical models and the QCA. Moreover, I introduce an additional heuristic frame to these case studies that conceives of ROs as networks and actors as entrepreneurs. This helps to systematise the process-tracing undertaken in the two different cases and tackle the issue of agency and temporal sequencing; issues that fall through the cracks when using QCA.

Combining QCA and process-tracing is now considered an established research design and is often explicitly recommended when the researcher wishes to disentangle the underlying mechanism linking a conjunction of conditions (Fischer and Maggetti, 2017; Schneider and Rohlfing, 2013). QCA and process-tracing experts also provide guidelines for case selection and the related questions one can answer. Therefore, I selected the cases examined in depth for this qualitative part based on the empirical results of the first part and in accordance with various guidelines. First, both cases contribute to the level of generalisability of this research as they cover ROs from the Global South whereas the QCA fares best at explaining Global North ROs. Second, they both contribute to a better understanding of temporal sequencing, that is, how conditions amongst each other relate temporally to the outcome. Thanks to a process-tracing that extends over multiple subsequent units of the cases examined in the QCA, I can make valid claims concerning temporal sequencing of events for each case. Third, both cases contribute to answering the 'how'-question in distinct ways that complement the comprehensive picture of why ROs use human rights for legitimation.

CARICOM is covered by the path of 'Reviving Legitimisers' for the years 2012-2019 which suggest that the conditions of high authority, high legitimation intensity, active human rights legitimation, and democratic membership are a sufficient conjunction for human rights legitimation. Interestingly, the RO is only covered in one period, specifically, the period in which human rights first appear in its legitimation. Therefore, this case is particularly well suited to nuance the ideal-typical models, and this deciphered path by outlining how exactly the four conditions link to explain human rights legitimation. LoAS is covered by the path of 'Self-containing Legitimisers' for the years 2011-2019 but clearly contradicts the most sensible interpretation of this path given the striking incongruence of norms, values, and moral principles that matter on the regional and the domestic levels. In light of the dire human rights record of the region, it appears implausible to speak of self-containing legitimation in this case. Additionally, coverage of the case in the QCA also provides a highly conducive pattern for process-tracing as the preceding period, despite the presence of the outcome human rights legitimation, is not covered. Thus, it expands the ideal-

typical models by responding to the question of what new causes and causal mechanisms lead to human rights legitimation in this case. To provide for the extended insights into both cases as well as to cover those periods that reveal themselves as particularly puzzling in the QCA, in the process-tracing, I examine both cases from the 1990s until today.

For this process-tracing, I first collected data as in a classical single case study building mainly on three data sources. First, I draw from the existing secondary literature on both cases in the field of IR as well as in neighbouring disciplines of social science. Second, I draw from an archival and web-based collections of primary documentation of the two ROs. This includes press releases, topical or periodical reports, strategic plans, policy documents, declarations, or treaty documents. Much of this primary data was retrieved from the ROs' different types of online presence, such as their website and social media channels. Third, the case studies build on 56 semi-structured interviews. These were conducted over the period of September 2020 to June 2021, and they took place remotely because of the COVID-19 pandemic. Thanks to a well-defined list of interviewees for purposive sampling as well as snowballing, I was able to exchange with both current employees of different ranks and concern with human rights as well as former employees who were able to provide insights on distinct periods and events. Furthermore, I exchanged with external stakeholders partly as expert interviews for triangulation. I conducted interviews in English, French, and German, recorded the conversations when possible, and treated all interviewees anonymously. After transcription with the help of a transcription software, I analysed the data mixing qualitative coding strategies with writing single case and initial comparative memos. The insights from secondary literature and primary data supported this process via triangulation.

1.3 Structure of the book

This book is divided into four parts with a total of ten chapters. The first part serves to introduce this research, hence it is comprised of this introduction – Chapter 1, as well as an introduction to the phenomenon of interest and the descriptive data – Chapter 2. In this second chapter, I propose a distinct conceptualisation of human rights legitimation drawing from existing research on legitimacy, legitimation, and human rights. I then outline how legitimation is measured in the LegRO dataset and how ROs can use human rights for legitimation according to this measurement. Here, I introduce key variables of the dataset that I build on to map human rights legitimation. Next, I present the empirics highlighting the variegated patterns of human rights legitimation. Indeed, human rights legitimation varies in the extent, the manner, and the consistency to which ROs make use of this legitimation. Yet, this section highlights that the use of human rights for legitimation has gained in importance over time. I conclude this chapter by introducing three kinds

of legitimation: (a) consistent; (b) irregular, and (c) divergent human rights legitimation, all of which still warrant detailed explanation.

Part II of this book is dedicated to explaining these variegated patterns and different kinds of legitimation on the macro-level. To do so, Chapter 3 introduces a theoretical framework. I first examine existing approaches to studying legitimation and find that they agree on a key assumption about authority. I show that there is agreement on linking legitimation to authority – authority is a key reason for engaging in this action. Two perspectives crystalise that emphasise either change or stability while building on authority. Drawing from these views I conceive of two ideal-typical models for legitimation – the CS model and the AC model. Next, I outline the simplifying assumptions and scope conditions for both models and thereby circumscribe their commonalities and discrepancies. The final section of this chapter explains how both models apply to human rights legitimation. I outline what both models suggest for how and why actors use human rights for legitimation and deduce distinct mechanisms that lead to this kind of legitimation according to both models.

Chapter 4 serves to operationalise the CS model and the AC model for the method QCA. Thus, it follows up on this comprehensive theoretical frame by translating the two ideal-typical models into set-theoretic conditions for a QCA. For the CS model focusing on stability in legitimation, two conditions that grasp the congruence between constituencies and the RO's institutional design were introduced. I hypothesise that presence of democratic membership in the RO in conjunction with active human rights institutions can explain stable human rights legitimation. The second model that I term AC model builds on the assumption of an authority-legitimation link. I disentangle this link via four conditions in the QCA design. I introduce the conditions high authority, high legitimation intensity, economic vulnerability, and a realm of strong non-state actors. I conclude by formulating directional expectations and three possible paths for the QCA.

Chapter 5 gets to the heart of the first part as it includes the QCA as such, the empirical analysis for this macro view. Here I proceed by first laying the groundwork for this approach which means introducing the logic of the analysis as well as its usage and scope. This includes introducing the universe of cases, the unit of analysis, and the outcome. Next, I undertake an important preparatory step for QCA where the outcome and all six conditions are calibrated as fuzzy sets. The main part of this chapter comprises the analysis through which I identify necessary conditions and sufficient configurations. For the latter, I construct a Truth Table and by its logical minimisation derive a solution that provides equifinal, asymmetric, and multicausal configurations of conditions leading to human rights legitimation. I describe and interpret three consistent types

explaining human rights legitimation in 12 ROs: 'Self-containing Legitimisers', 'Reviving Legitimisers', 'Signalling Legitimisers'. I round up this second part of the book by providing an overview of robustness checks run for this analysis and begin to discuss few limitations of the QCA.

The third part of this book serves to zoom in on human rights legitimation by responding to the question of *how human rights come to be used in ROs for legitimation.* In this context, Chapter 6 serves as an interlude to connect the two parts. Consequently, this chapter has two goals on a par. First, it serves as a methods chapter for the case studies, presenting the underlying aspects of the overall research design scaffolding. Importantly, this includes explicating what insights from the QCA feature in the case studies, where they remedy limitations of the QCA and where they go beyond this first part. It also comprises details on the case selection and the method of process-tracing as well as other cornerstones of this design. Second, it follows Christina Cheng's suggestion (2018, pp. 285–286) to engage in retrospective reflection and provide an 'analytically transparent and reflective approach' to presenting a research design that breaks with 'the fiction that the final, published version of the research design has remained the same since the project was first conceived (…)'.

Chapter 7 covers the first case study on CARICOM. It seeks to answer how human rights legitimation comes to be used according to the path of 'Reviving Legitimisers' by linking it back to the results of the QCA. Therefore, it examines the mechanism linking the conditions of human rights institutions, democratic membership, high level of authority and high levels of legitimation. The chapter begins with an overview of CARICOM as a network, its legitimation dynamics, and the role of human rights therein. Next, I explore the insights of the QCA for CARICOM in using the heuristic frame of networks and entrepreneurs. The subsequent process-tracing shows that this RO at one point reached a critical degree of delegitimation to which the RO's Heads of Government reacted. As agents of legitimation, they acted as entrepreneurs and revived what the RO embodies for its legitimation. They are rightly positioned to bridge this delegitimation in promoting a more coherent legitimation that now includes human rights reflecting congruence in the region.

Chapter 8 is dedicated to the second case study on the LoAS. It seeks to answer what *new* causes and mechanisms explain human rights legitimation in this case. Therefore, it expands on the type of 'Self-containing Legitimisers' which consist of active human rights institutions and the absence of economic vulnerability as they cannot account for the outcome in this case. I begin by introducing LoAS as a network and the role of human rights therein. I then outline the RO's legitimation dynamics, which offer starting points to inquiring why human rights suddenly came to

the fore in its legitimation. In a second section, I review the insights from the two models for this RO and illustrate in detail why they cannot account for the outcome. Next, I undertake the process-tracing suggesting a four-step historical narrative of how human rights came to be used in LoAS. I show that human rights legitimation occurs when an agent of legitimation, that is, its Secretary General, acts as an entrepreneur and manages to broker a new norm – human rights – to this network at a time of delegitimation on the verge of a legitimacy crisis. As part of a broader reform, human rights legitimation bridges between diverging audiences, namely, the RO's Member States, and an additional audience identified by the agent. Therefore, to make the new norm resonate among all actors in the network, localisation ensues.

The last part of this book serves to draw together the different strings, reconnect the threads of this research, and draw general conclusions. In Chapter 9, I synthesise the insights from the QCA and the process-tracing. To do so, I engage in abstraction and reformulate all four types in an attempt at typological theorising in line with the ideal-typical models and the heuristic frames of entrepreneurs and networks. This allows me to expand the paths beyond the two models, in terms of agency and temporal sequencing. I distinguish between within-case inferences, that is, case-specific aspects that explain the phenomenon and those aspects that allow for more generalised inferences to be drawn and I conclude with a plausibility probe for other ROs.

The final chapter of this book concludes by summing up the results and key findings of this research. Beyond the four types of human rights legitimisers, I summarise the findings concerning the role of authority and institutions for legitimation, the contingent relationship between agents and audiences of legitimation, and the concept of localisation. Next, I showcase how this research contributes to existing strands of scholarly inquiry and conclude with an outlook on future avenues of research.

Chapter 2 Introducing human rights legitimation

'The OSCE promotes human rights, the rule of law, anti-trafficking, good governance and democratic processes' (OSCE Annual Report, 2005, p. 7).

'(…) the leaders emphasised the pivotal role of the GCC in preserving regional security and stability, countering terrorist organisations, (…) tackling extremist ideology through promoting the values of moderation, tolerance, pluralism, and human rights; abiding by the rule of law and setting the principles of justice that stem from Islam and authentic Arabic traditions' (GCC Communiqué, 2018, p. 2).

'The community of values that we have in our cooperation, which is built on fundamental humanist values and on respect for human rights, is the precondition for our success in combating these expressions of extremism and fundamentalism' (NordC Communiqué, 1999, p. 4).

In June 2021, Ursula von der Leyen, President of the European Commission, commented on the recently passed 'Anti-LGBT law' in Hungary. During a press conference, she stated 'This Hungarian bill is a shame, (…). This bill clearly discriminates against people on the basis of their sexual orientation (…)'. With this statement Mrs von der Leyen clearly condemned the Hungarian legislative amendments[2] as a human rights violation and attacked the European Union (EU) Member State Hungary for its domestic policies. While certainly notable that an international organisation (IO) criticised a Member State so vividly, it does not yet tell us much about the EU itself. The statement, however, continues as follow: '(…) and it goes against the fundamental values of the European Union. This is human dignity; it is equality and it's the human fundamental rights. So, we will not compromise on these principles'.[3] In this latter part of the statement, we learn about the values, norms, and moral principles the EU stands for and understand that it is part and parcel of the EU's self-understanding to stand up for and defend these values. While the statement as such is addressed to Hungary and the Hungarian president, denouncing their actions, the statement can also be read as an instance in which the EU is legitimating itself via the norms and values it embodies – human (fundamental) rights.

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[2] Full title of the bill: 'Amendments to the Child Protection Act, the Family Protection Act, the Act on Business Advertising Activity, the Media Act and the Public Education Act'.

[3] Euronews (2021) *Hungary's anti-LGBT law is a "shame" says Ursula von der Leyen*, available at: https://www.euronews.com/2021/06/23/hungary-s-anti-lgbt-law-is-a-shame-says-ursula-von-der-leyen (accessed 18 August 2021).

The three statements in the epigraph above strongly resemble the EU's statement. Indeed, in all four, we learn about the respective ROs' stances on human rights. The ROs indicate that they wish to strengthen human rights, contend that they promote human rights or claim that their cooperation builds on respect for human rights. For those three statements, though, I can claim with even greater certainty that they constitute instances of legitimation. In fact, the statements form part of a novel dataset on self-legitimation communication in 28 ROs from 1980 to 2019. This dataset builds on the understanding of human rights legitimation as a norm-based and generalised justification of an RO's right to rule referring to human rights. Consequently, when these ROs provide insights into their goals and purpose, their core activities, what they stand for or what they embody, they engage in self-legitimation. In this sense, the statements above are different from claiming 'ROs work on human rights', 'The Nordic Council (NordC) has a position on human rights' or 'The Gulf Cooperation Council (GCC) has an institution that deals with human rights'. The latter are mere descriptive statements that purport basic non-evaluative information about human rights. What they do not contain is what I conceive of as legitimation. In light of the growing contestation and politicisation of IOs, as well as rising populism and nationalism, such an activity is ever more important for IOs (Hooghe *et al.*, 2018; Tallberg and Zürn, 2019; Börzel and Zürn, 2021; Lake *et al.*, 2021).

Therefore, this chapter asks how exactly we can understand and gauge human rights legitimation and, thereby, seeks to introduce this book's main concept. To do so, I first give a concise conceptual understanding of the notions of legitimacy, legitimation, and human rights legitimation by reviewing the existing literature on the matter. Then, I present how this understanding was operationalised and measured by the LegRO dataset that this analysis builds on and introduce the key variables of the dataset. The last section then presents the descriptive results of these data, showcasing that the relevance of human rights legitimation has gained in importance over recent decades but that its use varies from one RO to another. In fact, for the present sample four kinds of human rights legitimation can be distinguished. I identify consistent human rights legitimation, irregular human rights legitimation, divergent human rights legitimation and an additional five ROs that remain largely silent on human rights.

2.1 What is human rights legitimation?

Why legitimate the right to rule?

Legitimacy and its sister concept of legitimation speak to core questions of how political systems can function. Given costly enforcement and conflicting interests, such political systems need to rely on more substantive grounds for individuals follow the rules of the system than individual

cost-benefit calculations and the pure power to coerce individuals into compliance (Weber, 1978, p. 215). Instead, those actors that rule are vested with legitimacy meaning that their right to rule is accepted. Therefore, legitimacy can be understood as the empirical observation that a political organisation or system and its right to rule is recognised by those that are subject to its authority. Thus, legitimacy is also crucial for ROs because it allows them to create new rules and ensure compliance with them without coercion and self-interest. Indeed, for most ROs, legitimacy is a particularly precious currency, because they lack the means to build on coercion or self-interest (Tallberg and Zürn, 2019, p. 582). As this is so important for ROs, increasing efforts are dedicated to 'gaining, maintaining, and repairing legitimacy' (Suchman, 1995, p. 572). These efforts can be subsumed under the notion of self-legitimation.

Recently, this effort has strongly gained in importance for ROs for three reasons. First, their authority has grown continuously over recent decades. Nowadays, ROs such as the EU and the Council of Europe (CoE) are among the most authoritative IOs worldwide. The growing intrusiveness of their activities hence increases the need to legitimate their existence (Ecker-Ehrhardt 2018; Zürn 2018). Second, the international system has seen shifts in power that push core 'Western' states of the 'liberal international order' (LIO) more strongly to the brink. As a consequence, they are more influential actors with a greater heterogeneity of normative ideas on world politics that exert pressures on ROs (Ikenberry, 2018; Lake *et al.*, 2021; Eilstrup-Sangiovanni and Hofmann, 2020). Finally, in core 'Western' states, a new range of actors strongly contest international cooperation and voice sophisticated demands, such as regarding the transparency and accountability of IOs. Given that this challenges previous ways to argue for international cooperation, ROs have to give more attention to the ways they legitimate themselves (Börzel and Zürn, 2021; Hooghe *et al.*, 2018; Della Porta *et al.*, 2007).

Attention to such increasing activity on self-legitimation is given from multiple viewpoints. Still, consensus emerges regarding a definition of such self-legitimation by ROs. Accordingly, I define legitimation as a norm-based and generalised justification of an RO's right to rule. In the remainder of this section, I take up all core components of this definition to provide for a profound understanding of legitimation. Concretely, the definition entails that legitimation is a justification, that can be generalised, that is norm-referential and constitutes a communicative act. To illustrate this, it helps to think of legitimation as a negotiation. While this research focuses on self-legitimation, third parties such as national elites and news media, or other domestic or international actors also voice their views on the respective RO (Schmidtke, 2018; Dellmuth and Tallberg, 2020). Thus, while the RO legitimates to gain, maintain, or repair its legitimacy, others constantly put it in question. In essence, self-legitimation thus comprises a reaction to the following implicit questions:

Why does this RO exist, what does it stand for and why do we need this RO and, moreover, to follow its rules? As a response to this, the RO in turn justifies its existence and rights to rule. For sociologists, a common term for statements in such negotiations, disputes or conflicts is indeed that of a justification (Austin, 1957; Boltanski and Thévenot, 1999). The RO makes an argument for itself by presenting itself in a positive light, by positively evaluating substantive parts of its work and what it stands for. Simply put, this view on justification follows the Oxford English Dictionary in defining justification as '[t]he action of showing something to be right or reasonable'. In that sense, I follow this view on self-legitimation and understand it as a justification (Billerbeck, 2020; Gronau and Schmidtke, 2016).

A justification of an RO can be anything from highlighting the benefit of a small policy to an unspecific, personal, and subjective assessment of an RO's value. When one claims that 'It was important that workshop component X on the rights to freedom of the press was thoroughly discussed in the GCC yesterday' or that 'I personally like the NordC views on freedoms of gender identity and sexual orientation', this may be done to justify the RO but does not reach the level of legitimation communication. This also echoes the distinction drawn up for Mrs von der Leyen's statement about Hungary and the EU introduced above. This difference stems from the fact that legitimation is characterised as being generalisable and 'norm-referential' (Reus-Smit, 2007, pp. 162–163; Hurd, 1999). In other words, when legitimating the justification needs to be substantiated with a generalisable norm, value or overarching moral principle. Instead of including all possible types of justifications, the research on legitimation therefore by now exclusively focuses on those kinds of communication that provide substance to the justification. Scholars describe this in various ways as 'moral justification' (Claude, JR., 1966, p. 368) , 'the moral justifiability of power relations.' (Beetham, 2013, p. 5), 'reference to social norms' (Reus-Smit, 2007, pp. 162–163), or 'the normative yardsticks that underpin evaluations of international organisations' (Dingwerth *et al.*, 2019b, p. 5). Besides, those justifications need to be generalisable meaning that they refer to the RO as a whole. The above-described policy justifications thus fall outside this conception (Hurrelmann *et al.*, 2016a, p. 133). Moreover, such justifications cannot refer to individual components or actors in the RO that do not embody the organisational whole. In the words of David Easton (1975, p. 444) such a view on legitimation encapsulates a generalisable justification that 'refers to evaluations of what an object is or represents – to the general meaning it has'. In the present case the moral baseline for such generalised justifications are human rights.

When referring to a claim or 'justificatory discourses' to describe legitimation (Dingwerth and Witt, 2019, p. 32), scholars hints at one final characteristic of the phenomenon of legitimation worth circumscribing. In fact, I examine legitimation in the form of communication, meaning a

discursive enunciation of an actor embodying or representing the RO in question (van Leeuwen, 2007). Indeed, nowadays ROs leave 'an extensive trail of communication (…)', though not all communication is legitimation (Finnemore and Sikkink, 1998, p. 892). RO communication can be extraordinarily diverse and amount to sheer masses. The European Commission alone employs an entire department exclusively dedicated to the purpose of communication; and research has shown how IOs have started to centralise this work overtime (Ecker-Ehrhardt, 2018). For the purpose of this research, only those shares of the RO's communication, that conform to the characteristics outlined above are considered.

In doing so, I refine recent scholarship on legitimation that often also considers institutional and behavioural legitimation (Söderbaum and Bäckstrand, 2018). Legitimation that is institutional is usually identified by studying institutional reforms in an RO (Rittberger and Schroeder, 2016; Rocabert *et al.*, 2018; Schimmelfennig *et al.*, 2020; Lenz and Viola, 2017). Behavioural legitimation is often examined in the form of the use of rituals or symbols for legitimation (Ashforth and Gibbs, 1990; Babül, 2012; Dowling and Pfeffer, 1975). While I second that behaviour and institutions can fuel legitimation, I also maintain that it is in essence 'a discursive phenomenon' using 'appropriate forms of rhetoric, argument, and justification' (Reus-Smit, 2007, p. 163). I do so, on one hand, because I consider this approach methodologically and epistemologically most sound – any attempt at a justification needs to be discursively embedded, that is, communicated directly to be apprehensible as such. Institutions and behaviour standing alone can thus only be discerned as meant for legitimation when accompanied by talk. One the other hand, more recent research seems to converge on this view of legitimation that one needs to focus on communication first as legitimation usually takes 'a discursive form, involving the use of language and narratives to explain, persuade, and convince' (Billerbeck, 2021, p. 3; Dingwerth and Witt, 2019, p. 32; Uhlin, 2019, 4).

Though less explicit in the definition, I also assert that legitimation is relational. In line with the simile of a negotiation or when conceiving it as an act of justification, this insinuates that legitimation is a 'social process where individuals' priors interact (…)' (Tallberg and Zürn, 2019, p. 590). Consequently, there needs to be a subject that engages in this act, an object that is justified and an audience towards whom this justification is directed (Halliday *et al.*, 2010; Beetham, 1995, p. 15). Ian Hurd describes this as the subjective quality of legitimacy, namely that it is 'relational between actors and institutions' (Hurd, 1999, p. 381). First, since I examine ROs, the object of legitimation is always the RO itself. It can, however, also be instantiated by its core institutions, the key actors that embody the RO or the entirety of Member States as long as it allows generalisation to the organisation as a whole. Second, in the statement above, Ursula von der Leyen in her role as the European commission president takes the role of the agent of legitimation. The agent of

legitimation constitutes the actor that engage in the activity of legitimation; thus, it is the subject. Again, both Member States as well as the core representative of the RO – such as the European commissioner – can take up this role. Because she talks about the RO that she embodies herself, it is self-legitimation that she engages (Billerbeck, 2021). Agents of legitimation have so far received little attention in scholarly research.

The third component of this relation entails the audiences. While not made explicit in Mrs. von der Leyen's statement, the reader understands that she is informing the people, the other Member States and the international community about the EU's stance on the issue and by that legitimates this RO towards these audiences (Bexell and Jönsson, 2018; Gronau and Schmidtke, 2016; Suchman, 1995). Existing research on legitimation only begins to inquire into what audiences matter and why. For this study, if not specified differently, anyone addressed by the respective RO can constitute an audience of legitimation.[4] Yet, again the Member States do appear in this role. In fact, the respective RO's Member States can take up all three roles that are relevant in the process of legitimation. I maintain this possibility throughout this research and do not predetermine which one of the roles dominates. Instead, I suggest that this is contingent and dependant on the respective instance of legitimation. Therefore, I repeatedly specify these roles for the respective situation.

Similarly, the metaphor of a negotiation insinuates a strategic tendency to it, meaning that an RO strategises to convince others of its legitimacy. Indeed, various scholars frame legitimation as a strategic device and contend that 'IOs use their texts tactically to advance claims to legitimacy' (Halliday *et al.*, 2010, p. 79; Schimmelfennig *et al.*, 2020; Wajner and Roniger, 2019). Given that ROs increasingly allocate human and financial resources to the effort of legitimation (Ecker-Ehrhardt, 2018b; Dingwerth *et al.*, 2020), I acknowledge that it cannot be reduced to an accessory and insignificant secondary endeavour. Neither is it something indirect, nor is it cheap talk or just one among many equally relevant facets of an RO's public relations (Stephen, 2015; Ecker-Ehrhardt, 2018a; Hafner-Burton *et al.*, 2019). Instead, I agree that it is purposive. What this assumption does not reveal, however, is whether such legitimation reflects the genuine beliefs of those who utter them or is driven by the idea that a certain claim will positively affect others legitimacy perceptions of the RO. Thus, I remain agnostic about the honesty or sincerity of the legitimation used by an RO. Given the nature of the norm referenced for legitimation here – the

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[4] This is not to be confused with the notion of constituency. I use this notion to describe those actors involved in an RO's authority relationship. Those actors that are subordinate to an authority constitute its core constituency. Overlap or full congruency between constituency and audience is possible but not necessary. An RO's core constituency, however, always also constitutes an audience. To distinguish between the core constituency as an audience and those that constitute an audience but are not part of the core constituency, I revert to the phrase 'additional audience' below. Chapter 3 will provide more details on the role of constituencies for legitimation.

notion of human rights – this is an important caveat. Such an agnostic view allows me to remain open to the instrumental and genuine use of human rights for legitimation and does not require an assessment of whether or not the ROs 'actually mean it' when they talk about human rights.

In what forms, then, can the notion of human rights come into play in legitimation communication? Human rights in legitimation can be understood as one among many potential norms referenced when legitimating. Such references instantiate the norm-referential component of legitimation, meaning what fuels the legitimation communication when justifying an IO's right to rule. As I understand legitimation as norm-referential any notion – whether termed a standard, value, or social norm – that refers to a higher-order normative concept can be the refernece on which to base such legitimation. The literature has thus far distilled three groups of norms – liberal, functional and communitarian norms. These in turn are used across three different institutional dimensions of procedural, performance, or purpose norms. The distinction between institutional dimensions was developed in examining the EU and its input, output and later on also throughput legitimation (Scharpf, 1999; Schmidt, 2013; Sangiovanni, 2019; Strebel *et al.*, 2019; for an exception see Reinalda, 2010). In more recent typologies and overviews, the distinction between procedure, performance and purpose prevails, however .(Dellmuth *et al.*, 2019; Zürn, 2018a; Tallberg and Zürn, 2019; Hurrelmann *et al.*, 2009). Procedure is understood as the justifications of an authority that describe the processes and procedures of decision making in an RO positively by referring to a distinct norm. Performance legitimation highlights the contributions and realised goals of an RO. Purpose finally is a legitimation that refers to an RO's intended goals, what is seeks to achieve and embody.

For functional norms, all institutional domains can be covered as they reflect the major motivations for an IO's creation, meaning non-politicised problem-solving (Koremenos *et al.*, 2001). Such norms can refer to preserving peace, security and stability or contributions to economic growth and social welfare (Ambrosio, 2008; Bah, 2013; Prantl, 2013; Williams, 2013). Moreover, functional norms also touch upon the general functionality of IOs by referring to norms such as effectiveness, efficiency, knowledge production and expertise (Yang and Keukeleire, 2019; Kleinen-von Königslöw *et al.*, 2019; Bassiri Tabrizi and Kienzle, 2020; Korneev, 2018). References to the community as the main principle for cooperation constitute the group of communitarian norms. Respective legitimation can thus build on a common identity and history, social cohesion, or national sovereignty. For ROs such legitimation often also builds on distinct regional identities such as Pan-Arabism, Pan-Africanism and Bolivarismo (Stapel and Söderbaum, 2020; Wajner and Kacowicz, 2018; Campbell, 2018; Foong Khong and Nesadurai, 2007).

Most importantly for this research, a vast range of research focuses on liberal legitimation. Such legitimation emphasises liberty, individual rights, and democratic values. Strongly motivated by early inquiries into the legitimacy of the most prominent ROs – for example the EU, the United Nations (UN) and global financial institutions such as the World Trade Organisation (WTO) – the group of liberal norms for a long time normatively driven. Scholars assess for example that these institutions either need to build more strongly on democratic norms such as transparency and accountability or attest that virtually no democratic legitimation is possible for these IOs (Buchanan and Keohane, 2006; Held, 2000; Pogge, 2007). Strictly empirically driven inquiries also focus on transparency, accountability, civil society participation, or the rule of law as substantive bases for legitimation (Dingwerth *et al.*, 2020; Nuñez-Mietz, 2018; Bernauer and Gampfer, 2013). Few studies, though, examine this comprehensively for ROs. I find one exception of a joint work focusing deliberately on ROs such as the Association of Southeast Asian Nations (ASEAN), the Common Market of the South (Mercosur), the Caribbean Community (CARICOM) and the Southern African Development Community (SADC) (Ribeiro Hoffmann and van der Vleuten, 2010). This collection of analyses considers procedural legitimation in analysing the democratic nature of the process of policymaking in ROs. Under this grouo of liberal norms used for legitimation also falls any legitimation that references human rights. Surprisingly though, barely any studies on how human rights are used for legitimation exist for IOs, no less for their regional counterparts (for an exception see Heupel *et al.*, 2018; Heupel *et al.*, 2017). Systematic comparisons are even farther fetched. This is both remarkable and unsatisfactory given not only various starting points for such inquiries but also strongly suggestive insights from neighbouring research questions. In fact, the literature is filled with indications of how human rights can be used for legitimation.

How to use human rights for legitimation

Seminal accounts in political philosophy already provide points of departure for conceiving of a link between human rights and legitimation. In fact, initial attempts to conceive of a legitimate political authority without metaphysical arguments built on the idea of rights though rather termed natural or fundamental rights. The most prominent among those are proposed by contractualist theorist such as Jean-Jacques Rousseau and Thomas Hobbes who claim that individuals give up certain rights, delegating them to a higher authority in order to get other rights guaranteed and protected by said authority. To some researchers, examining the intellectual history of political science and IR scholarship, this even constitutes the basis for further development on ideas about human rights as they are generally conceived today (Donnelly, 2013). This entails that even early

on, guarantees to protect the rights of those subordinate to an authority represented a way to legitimate this rule.

In contemporary research, various literature strands also work with this underlying assumption or strongly hint at the legitimating potential of human rights. First, a great body of literature has been examining the nature and characteristics of the global political order and international system. Many scholars observe the existence of a LIO that dominates global politics and also determines what is to be seen as right or wrong behaviour in international relations (Ikenberry, 2018; Ikenberry and Deudney, 1999; Lake *et al.*, 2021; Eilstrup-Sangiovanni and Hofmann, 2020). Most of these inquiries view human rights, its promotion and protection, as a core feature of this LIO. Consequently, not only 'each and every state in the international community is committed to some basic human rights', they also suggest that human rights are by now a criterion on the basis of which state behaviour is evaluated (Lake *et al.*, 2021, p. 33; Engstrom and Hurrel, 2010, p. 40). Indeed, human rights form part of a 'dominant moral and political discourses in the world today' (Sikkink, 2017, p. 6) and thus also figure prominently among such references, justifying the action or inaction of non-governmental organisations (NGOs), nation-states and IOs, including ROs (Heupel *et al.*, 2017; Hafner-Burton *et al.*, 2008; Sikkink, 1993).

Other scholars expanding on the idea of an LIO even view human rights as part of a liberal script that is both actively and passively diffused worldwide. Thanks to such processes of diffusion, norms such as human rights may also enter states' and IOs' discourse about why and how they matter, that is their legitimation (Börzel and van Hüllen, 2015a; Greenhill, 2010; Goodman and Jinks, 2013). In this view, ROs can define 'standards for legitimate governance institutions', that 'mainly draw on different notions of democracy, human rights, the rule of law, and good governance' (Börzel and van Hüllen, 2015b, p. 5). By implication Member States and other actors may 'conform to expected behaviours that are legitimated in the wider institutional environment' (Goodman and Jinks, 2013, p. 41). When such scripts of appropriate behaviour diffuse, they may also affect the legitimation of ROs. This has been thoroughly examined, for instance, regarding the institutional design of ROs, where concerns for legitimacy are conceived 'as a potential driver of change' (Lenz *et al.*, 2019, p. 1105; Lenz and Viola, 2017; Lenz and Burilkov, 2017). For a few IOs and ROs such as the UN, the International Monetary Fund (IMF), the North Atlantic Treaty Organisation (NATO), and the EU, scholars have showcased, for instance, that 'IOs introduced human rights safeguards to regain a legitimacy that had been challenged when human rights violations were exposed' (Heupel *et al.*, 2018, p. 362).

Commonalities in institutional design have also been examined for regional human rights regimes which nowadays exist in many world regions and regional integration schemes (Smith,

2013a; Pevehouse, 2016). What is termed institutional learning or cross-regional learning can also be viewed as the diffusion of a legitimate script for institutionalising and working on human rights in an RO (Viljoen, 2019; Engstrom and Hurrel, 2010). Indeed, almost all regional integration schemes by now include some kind of provisions to promote and protect human rights in their realm of activity. What is more, scholars examining the effectiveness or usefulness of these regional human rights schemes have begun to observe that this represents a source of legitimation for them (Pasqualucci, 2003). A regional human rights court that is particularly powerful can, for example, serve the RO to legitimate itself (Squatrito, 2019; Zürn, 2018b). In that sense, human rights and legitimation are linked by the RO's performance on the matter.

Part of this effectiveness can be traced back to distinct characteristics of ROs as being more homogeneous and closer to respective challenges to human rights, which improves its accessibility for those seeking to have their rights protected with the help of an RO (Smith, 2013a; Voeten, 2017). Indeed, ROs play an important role in naming and shaming, a strand of literature that examines reactions to and ways to influence state practice or domestic human rights violations more precisely (Serrano, 2010; Kahn-Nisser, 2019; Moravcsik, 1995). Essentially, this literature ties back into the status of human rights as an internationally accepted moral value on the basis of which one can judge behaviour. More concretely, such research examines the extent to which presenting a state practice as a human rights violation delegitimates the actors as such, isolating them, and thereby inducing a turn to compliance. Under this angle, human rights function as a norm that allows the delegitimation of other international actors which in turn may also allow for the opposite – legitimation based on human rights.

To this last strand of literature can be added one that can be viewed as a reaction to such delegitimation. When confronted with a claim that a state is not legitimate because of its human rights record, some ROs seem to react by discussing it anyway, trying to steer the conversation in their favour (Gruffydd-Jones, 2018). Oftentimes, this is then examined as 'cheap talk'. Accordingly, ROs only adopt a discourse on human rights to fend off criticism (Davies, 2013; van Hüllen, 2015). I suggest that such cases bear potential for an analysis through the lens of legitimation. Though not the focus of the analysis, and hence not properly conceptualised, Matthew Davies for instance, in examining human rights in ASEAN, hints at concerns for legitimation. In fact, he claims that 'the adoption of human rights is attributable' not to genuine commitment to the norms 'but for instrumental and political ends, notably legitimacy in the eyes of external and internal actors' (Davies, 2013, pp. 224–225).

All these strands of literature suggest a legitimating or delegitimating potential of human rights. Whether as part of a distinct script, a ground on which to name and shame other actors or in the

context of the RO's concrete performance, the notion of human rights is used in various forms of legitimation communication. Yet, in the present analysis, I focus only on communication that serves to self-legitimate ROs and their right to rule. To do so, I understand human rights as a reference to a right attributed to each individual thanks to their quality of being human (Donnelly, 2007, p. 283). With that, all references of an individual as a right holder that can be generalised to a higher normative standard are included in this analysis. Consequently, I do not stick to a preconceived list of rights as they are codified in international treaties but to a discursive attribution.[5] Instead, I include references to human rights that stem from the actors using this notion themselves. In line with the above-introduced conceptualisation of legitimation, this means that ROs justify their right to rule either by advancing the argument that they are legitimate because they actively contribute to the protection and promotion of their view on human rights (performance) or by stating that they are legitimate because it is their purpose to protect and promote any kind of human rights (purpose). I can revert to a novel dataset on legitimation communication that builds on a similar conceptualisation of legitimation and provides two types of data on human rights legitimation. In the following section, I will thus first briefly introduce the dataset and then present the codes I draw from to grasp human rights legitimation.

2.2 The LegRO dataset: Measuring legitimation

LegRO is a novel dataset on self-legitimation in 28 ROs that maps their legitimation communication over the period of 1980 to 2019. It seeks to provide a first systematic assessment of the ways in which ROs legitimate themselves regarding, for example, the structure, the intensity, or the norms referenced. To do so, the creators of the dataset undertook a comprehensive qualitative hand-coding effort that builds on a legitimation grammar to grasp legitimation and its various facets via five distinct steps, providing for a total of 46 codes. For the sake of clarity and brevity, this introduction focuses on those aspects relevant for understanding the human rights

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[5] Aware of the breadth of human rights as a normative reference (e.g., political vs socio-economic vs third-generation rights) and the risk of conceptual vagueness (by not sticking to a predefined list but a rights-based discourse), three aspects justify this approach. Firstly, the coding of human rights legitimation is based on a narrow coding scheme that allows the unambiguous exclusion of generic policy justification. Second, degrees of imprecision in meaning accorded to human rights need not necessarily be problematic, as Dingwerth and Witt (2019, p. 35) point out: 'Vague principles that different audiences may interpret differently can thus also serve as normative "containers" to which a variety of communities can subscribe for different reasons'. Accordingly, instead of agreement on meaning, agreement on importance is relevant for legitimation. Finally, the multimethod approach allows the nuancing of this notion. Divergences in understanding human rights are thus further analysed in the case studies.

coding only.[6] This section thus explains the RO sample as well as the data sources, the key aspects of the legitimation grammar and the variables of the dataset used.

The LegRO dataset covers legitimation between 1980 and 2019. This sampling period is long enough to grasp global transformative political, economic, and social developments such as the end of the Cold War, the 9/11 terrorist attacks and the 2008 global financial crisis. It does not go back even further in time as this imposes ever-growing constraints on the availability and accessibility of the data sources. The dataset understands ROs, in line with common usage, as formal IOs composed of three or more geographically proximate states (Haftel, 2013, p. 394; Panke *et al.*, 2020, p. 1). The 28 ROs in the sample are among the most authoritative and resourceful IOs that have existed in the post-World War II era (Hooghe *et al.*, 2017). All included ROs were also active over the entire period of observation thus providing continuous insights into their legitimation.

Additionally, given the focus on ROs, the dataset provides a balanced sample of ROs with membership from four different world regions – Africa, the Asia-Pacific, the Americas, and Europe – and from a group of cross-regional ROs. Following the rough distribution of ROs across regions and issue areas, the sample contains 10 African, six Asia-Pacific, seven American, four European, and five cross-regional ROs. Among the 28 ROs, there are both task-specific and general-purpose ROs. For this research, however, only general-purpose organisations are examined. I argue that task-specific organisations do not provide meaningful insight for the study of legitimation referring to a specific source. With a limited policy-scope, their 'potential to leave an imprint through regional governance' is smaller than that of the general-purpose ROs, which may result in legitimation being a less vital issue over all (Panke *et al.*, 2020, 119f). Moreover, as they are often very technocratic in nature, functional legitimation is very likely to prevail in such organisations (Lenz *et al.*, 2014, p. 145; Tallberg and Scholte, 2018, 66f). The empirical results of the coding for all non-functional themes confirm this theoretical assumption. Thus, the Southern African Customs Union (SACU), Inter-Governmental Authority on Development (IGAD), the European Free Trade Association (EFTA), the Organisation of Arab Petroleum Exporting Countries (OAPEC), and the Asia-Pacific Economic Cooperation (APEC) were excluded for this analysis.[7]

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[6] This section builds strongly on joint work with Lynda Iroulo, Niklas Krösche, Henning Schmidtke and Tobias Lenz as part of the research project 'Sources and Consequences of Legitimation Strategies of Regional Organisations (LegRO)'. For more details on the coding see the codebook to the dataset 'LegRO-Codebook on the Legitimation of Regional Organisations' and A n n e x 2 as well as Lenz, Schmidtke, Krösche, and Schirmer 2020 'Legitimation Communication of Regional Organizations: Conceptualization and Empirical Findings, Conference Paper ECPR 14th General Conference, 08/2020, virtual panel.
[7] This distinction follows the typology of the MIA-Dataset. A full list of all ROs in the dataset and those included for this analysis can be found in A n n e x 1 .

For all the included ROs, we use two types of documents to gather information about their legitimation: the annual reports (1) typically issued by the organisation's general secretariat, and the final communiqués (2) issued at summit meetings of heads of state and government. In sum, these two types of documents represent an RO's legitimation communication and can be a meaningful data source for three reasons. First, annual reports can be considered to represent the legitimation efforts of an RO's bureaucracy, whereas Member States rather determine the legitimation communication in communiqués. This provides us with a multidimensional perspective drawn from the two most crucial agents within an RO. Second, ROs use these documents to communicate with a wide public. For the most part, they are not only publicly available, but are also published regularly following comparable intervals over sufficiently long periods of time. For almost all ROs, at least one of the two forms of documentation began to be published with the creation of the organisation. Consequently, they are largely comparable cross-sectionally and over time.

Finally, there is evidence that both RO representatives, staff members and observers take these documents seriously. In the documents themselves, RO officials describe the important functions of these publications for the RO. The Organisation for Security and Co-operation in Europe's (OSCE) Secretary General claims, for instance, that: 'Annual reports are more than simply bureaucratic or public relations exercises. They provide an opportunity to weave together the threads of our diverse Organisation, and to clarify its various activities and programmes' (OSCE Annual Report, 2007, p. 7). Besides, during my field research for this research project, RO representatives illustrated repeatedly that they invest considerable resources into the drafting process and receive substantial inquiries from observers to disseminate the documents immediately after drafting. As a results, these sources are suitable for systematically comparing the public legitimation communication of ROs because they allow their representatives to articulate the RO's raison d'être, overarching purpose, and basic norms (Dingwerth *et al.*, 2020).

The selected documents converge in their formats and structure, which allows us to select relevant and comparable sections for coding. To detect legitimation, sections which are rich in expressions of commitments to basic principles and contain key elements of the organisation's self-conception or its desired public image are most relevant. Therefore, general overviews, summaries, forewords, introductions, and conclusions are coded. The unit of analysis for coding are individual paragraphs as they correspond to genuine syntactic units of meaning. As a result, the number of paragraphs one could code for each RO varies. To enhance comparability, a 25 per cent range

around the mean number of paragraphs contained in these sections is calculated. This determines the range of a minimum of 16 and a maximum of 28 paragraphs to code per document.[8]

Figure 1 Legitimation grammar: Example of translation

Human rights legitimation is…

Definition: … a norm-based and generalised justification of an RO's right to rule referencing human rights

O-E-S Grammar:

The [object of legitimation (O)] is legitimate [normative evaluation (E)] because [normative standard (S)].

Translation: The **RO (O)** is legitimate because **it contributes (E)** to **human rights (S)**.

Example: "**The OSCE promotes human rights,** the rule of law, (…) and democratic processes."
OSCE Annual Report 2005

O-I-S Grammar:

The [object of legitimation (O)] is committed [expression of identity (I)] to [normative standard (S)].

Translation: The **RO (O)** is legitimate because it is **committed (I)** to **human rights (S)**

Example: "**We** have **an abiding respect** for **human rights** (…)"
CARICOM Annual Report 2015

For the coding itself, the introduced conceptualisation of legitimation translates into a legitimation grammar that is applied to each individual paragraph and allows the identification of individual legitimation statements. Recall that I understand human rights legitimation as a norm-based and generalised justification of an RO's right to rule referring to human rights. For a grammatical translation, three components need to be conversed. The RO's right to rule shall be the object of legitimation (O). A justification can take the form of either a normative evaluation (E) or the expression of an identity (I), both with reference to a normative standard (S). The latter in the present case represents the norm-based and generalised component by referring to human rights. In the dataset, normative standards (S) beyond human rights are taken into consideration following a comprehensive typology. For each paragraph, then, we determine whether it contains statements that fit one of the two legitimation grammars. Figure 1 above displays this translation from definition to grammar to exemplary statements for human rights legitimation.

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[8] We tested intercoder reliability for the identification of legitimation statements and the coding of all variables. For all steps of the coding process, we achieved a Krippendorff's α of 0.7 or higher.

The object of legitimation (O) refers to the organisational whole of an RO but can also be instantiated by representative bodies or actors, such as the entirety of Member States and the general secretariat. A normative evaluation (E) is an instance of a positive assessment of the RO, which can come in the form of positive adjectives such as 'great' or 'good'; positive verbs such as 'contribute' or 'promote'; or other affirmative formulations such as progress' or 'momentum'. The expression of an identity (I) echoes descriptions of what the organisation stands for, how it self-identifies, what it seeks to accomplish, or what normative standards guide its behaviour (Oelsner, 2013; Weldes and Saco, 2016; Barker, 2001). We distinguish between the two because such identity statements are often more descriptive and do not necessarily describe the RO explicitly positively. Finally, both the evaluations and commitments refer to a normative standard (S) that is a higher-order normative concept. To grasp such norms comprehensively, the dataset builds on a two-dimensional typology of normative standards that takes up the distinction identified in the literature between institutional dimensions (procedures, purpose, performance) and groups of norms (liberal, functional, communitarian).[9]

Thanks to induction and deduction, the typology provides a comprehensive overview of liberal, functional and communitarian norms that can be used as performance, procedure, or purpose standards. It builds on existing categorisations and overviews, such as those introduced above. Additionally, the initial scouting of the data and prior empirical knowledge of the ROs in the sample fuels the typology with standards thus far overlooked in the literature. Thanks to its two-dimensional structure, the typology neatly strikes a balance between deductive reductionism and over-boarding inductive pluralism. Though it may lack the parsimony of the few existing categorisations engaging the two key analytical dimensions of norms and institutions, this allows it to go beyond a mere laundry list of legitimation standards. Among the 27 normative themes, one can rediscover the two standards that underlie the above-mentioned conceptualisation of human rights legitimation. Accordingly, ROs can legitimate by referring to their human rights performance or their human rights purpose. On this basis, for 813 RO/years of existence, 12 242 legitimation statements were identified in 28 057 paragraphs. The subsequent section will provide an overview of the results of this coding effort for human rights legitimation.

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[9] A standard is, for example, democratic procedures or economic welfare performance whereas references to the rule of law as such constitutes a theme. Thus, human rights legitimation means self-legitimation building on the theme of human rights, either via the standards 'human rights purpose' or 'human rights performance'. Given that this distinction does not feature in detail in the analyses, I use the term themes and standards interchangeably throughout the book.

Table 1 Typology of normative themes of legitimation

Institutional domain Normative domain	Procedure	Purpose	Performance
Liberalism	• Democracy (within the RO) • Legality/ rule of law	• Democracy (within and between states) • Human rights • Legality/rule of law • Environmental protection	• Democracy (within and between states) • Human rights • Legality/rule of law • Environmental protection
Communi-tarianism	• National sovereignty • Community/ identity	• National sovereignty • Community/identity • Economic community	• National sovereignty • Community/identity • Economic community
Functionalism	• Functional capability (rational-legal bureaucracy)	• Economic welfare • Stability, peace, and security • International influence • Functional capability	• Economic welfare • Stability, peace, and security • International influence • Functional capability

Table 1 Typology of normative themes of legitimation

2.3 Regional patterns of human rights legitimation

What does the LegRO dataset reveal about human rights legitimation in general-purpose RO? In the unit of analysis of n = 813 RO/years, I identify 753 legitimation statements that refer to human rights over a total of 12 242 legitimation statements. With that, in an average RO/year, human rights legitimation occurs in almost every tenth coded paragraph. A clear majority of 576 of these constitute human rights purpose statements that is, statements where an RO legitimates by referring to human rights as an organisational purpose. Only 177 instances of human rights legitimation make reference to the performance of an RO. Even though human rights legitimation makes up only a small share of the overall legitimation of all 23 ROs, multiple observations highlight the empirical importance of this phenomenon. In the following, if not stated differently, I consider both types of human rights legitimation jointly as a case of family resemblance, where reference to either purpose or performance is sufficient to qualify for a case of human rights legitimation. Consequently, both types of human rights legitimation are simply summed up.

Figure 2 Human rights legitimation over time
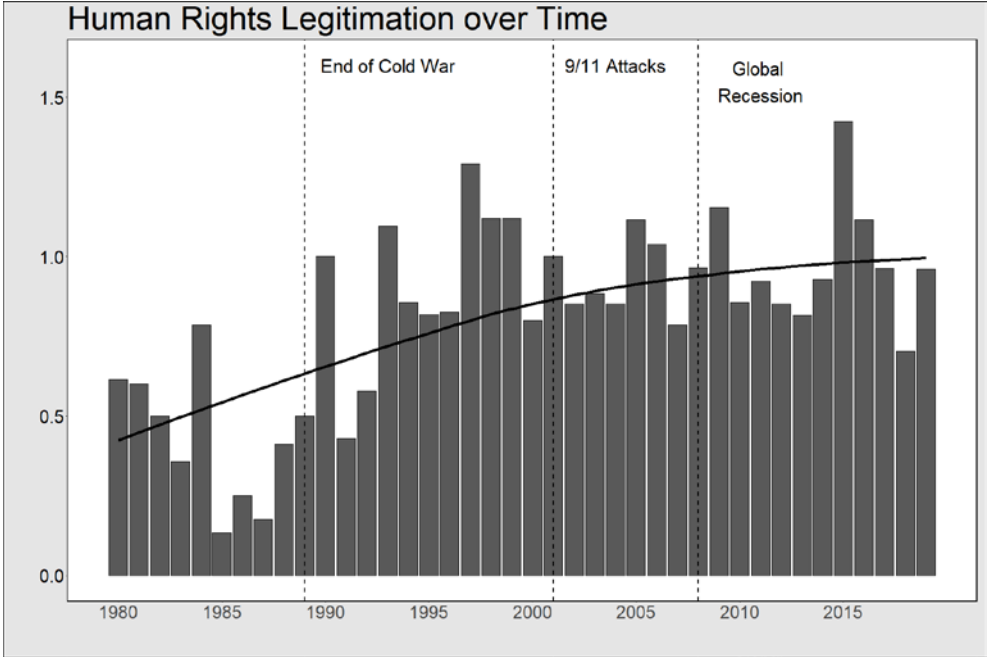
To begin with, the number of references to human rights for legitimation grew continuously both in absolute and relative terms over time. Figure 2 displays this steady increase for the count of statements. From 1980 to 2019 the absolute number of statements including human rights legitimation of all ROs per year doubled from 0.5 to over 1. I observe a similar doubling for the relative amount of human rights legitimation. Figure 3 displays the number of statements referring to human rights over all coded paragraphs per year, which is continuously on the rise. Interestingly, both in absolute as well as in relative numbers, the sharpest increases occur in the 1990s in the

aftermath of the cold war. Moreover, during this decade, both absolute and relative numbers of legitimation statements referring to human rights peak, that is, in 1993, 1997, 1998 and 1999. It is also in these years that I observe peak values for individual ROs. Indeed, on one hand, the CoE displays 15 instances of human rights legitimation in 1997. The Organisation of American States (OAS) in 1998 on the other hand refer to human rights 11 times for its legitimation.

Figure 3 Share of human rights legitimation over coded paragraphs
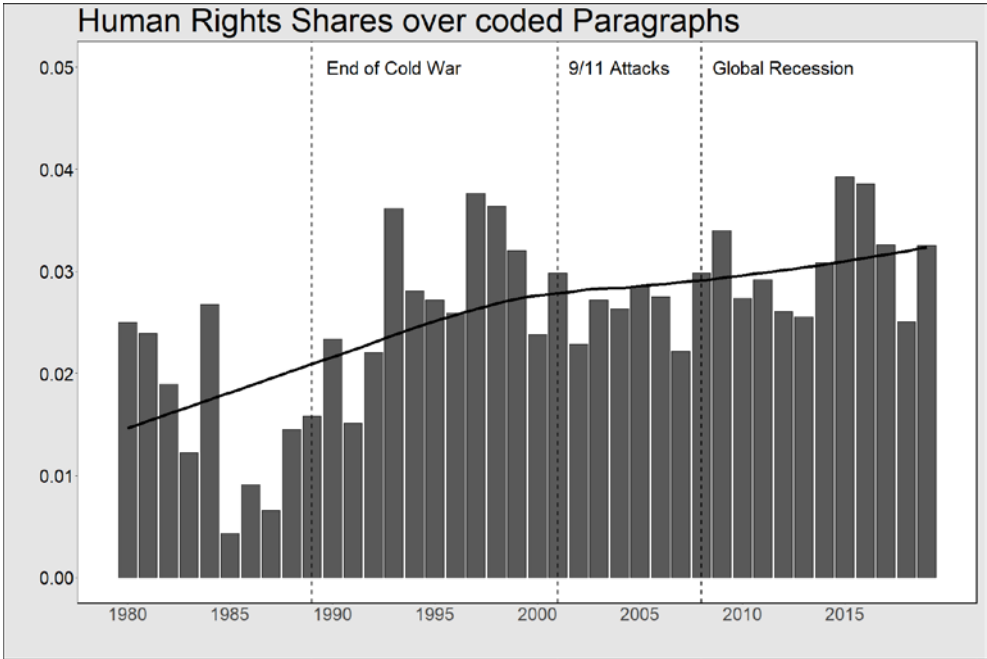
The trend of the growing importance of human rights legitimation based on these numbers continues in the subsequent decades though the curve flattens for the share of human rights legitimation over all coded paragraphs. The same holds true for the share of human rights legitimation compared to all legitimation statements in the respective year. Consequently, while the absolute number of human rights legitimation used increases continuously, the increase is less pronounced in later years, that is from 2000 onwards, given that the overall number of legitimation statements then also increases more strongly.

Figure 4 Share of human rights legitimation over all coded legitimation statements
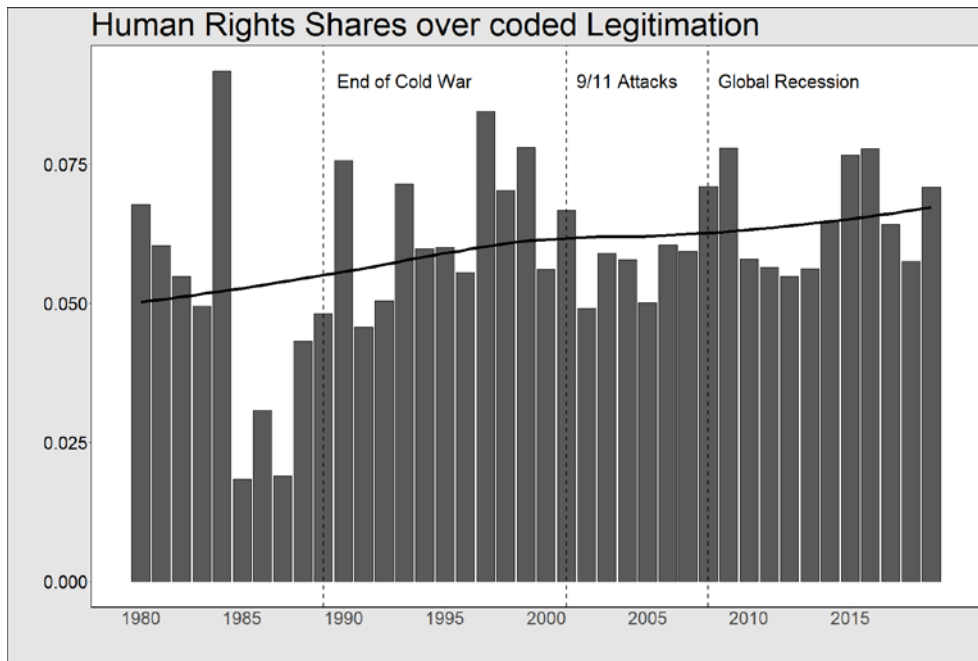
The stark increases in this period, however, are also partly driven by new ROs that appear and begin to legitimate via human rights. Whereas only 10 ROs make use of this legitimation in the 1980s, five more start doing so in the 1990s and the trend continues from that point on. By 2019, no general-purpose ROs remain that have never referred to human rights. This showcases clearly that human rights legitimation gained in importance over the course of history. Empirically, increasingly more ROs also legitimate their rights to rule on the basis of human rights, begging the of question what prompted this increase in importance.
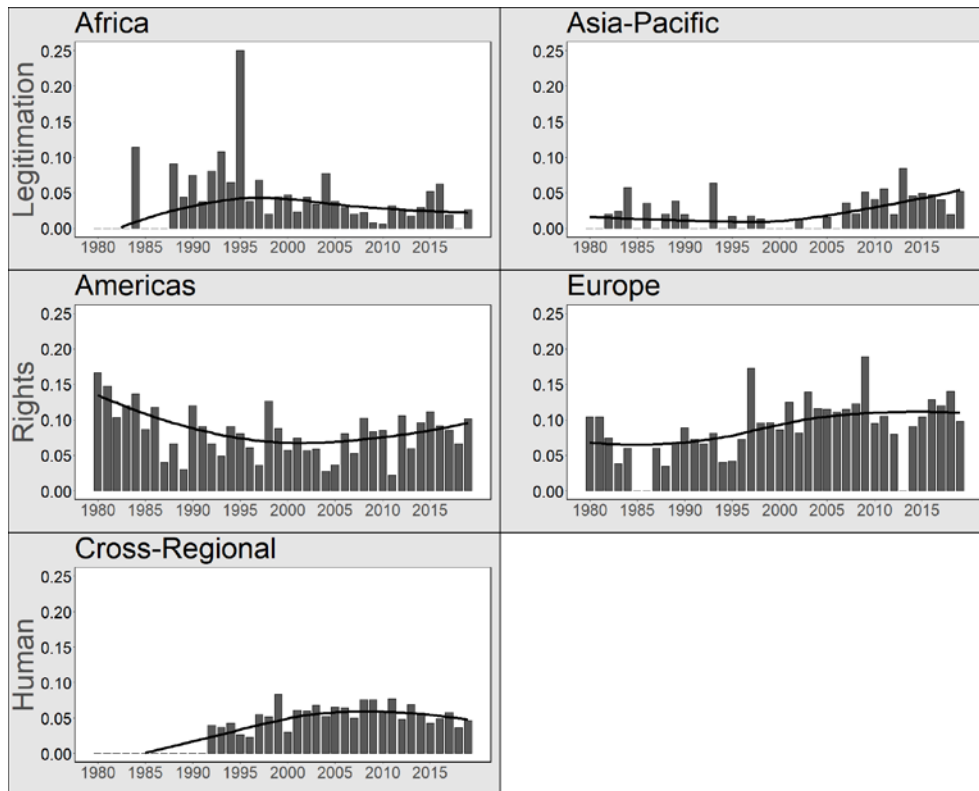
The empirical relevance of this phenomenon is also evident when examining the distribution of this kind of legitimation across the different world regions in the sample. Figure 5 displays the average use of human rights over the total legitimation for all ROs per world region. It shows clearly that ROs revert to human rights for legitimation in all four world regions, and cross-regional ROs equally legitimate via human rights. This overview of regions, however, begins to indicate striking variation in the use of this legitimation. Whereas this kind of legitimation is most prevalent and relatively stable over time in the region of Europe, other regions show diverse trends and patterns over time. In the Asia-Pacific and in cross-regional ROs, human rights seem to steadily gain in importance over time, though cross-regional ROs overall use the notion more frequently than ROs in the Asia-Pacific. In the African ROs, we observe a peak phase for human rights legitimation in the 1990s with a staggering peak in the year 1995. In later decades, however, the use of human rights legitimation significantly decreases in importance. The Americas present an interesting case since the use of human rights legitimation decreases continuously until the year 2005. Contrary to the global trend only in 2005 does human rights legitimation in American ROs start to increase again. This suggests to interesting regional variations.

Figure 6 Human rights legitimation in over ROs and time

Figure 6 Human rights legitimation in over ROs and time

Indeed, not all ROs vary to the same extent, in the same manner, or consistently over time. On the contrary, I find striking variations within the sample of the 23 general-purpose ROs. Figure 6 shows the use of human rights legitimation across all ROs. This shows well that some ROs, such as the CoE and the OAS, use it in almost every year of observation. Other ROs such as the Common Market for Eastern and Southern Africa (COMESA) and the Gulf Cooperation Council (GCC) use it only very sporadically. Then again, there are ROs, such as the Andean Community (CAN) and the Pacific Island Forum (PIF), that display a striking temporal pattern, where references to human rights for legitimation only occur highly consistently over roughly 10-year periods. Whereas CAN legitimates via human rights infrequently before and after this 10-year period, the PIF does not refer to it before this period at all. Beyond this temporal variation, ROs also strongly vary regarding the intensity to which they make use of references to human rights for their legitimation. Figure 7 displays the yearly average amount of human rights legitimation for each RO. The OSCE ranks first, with an average of over four human rights legitimation statements per year. Another five ROs use the notion more than once a year to legitimate their right to rule. The majority of ROs, though, use it less than one time each year, between 0.4 to 0.8 times yearly.

Figure 7 Human rights legitimation over ROs
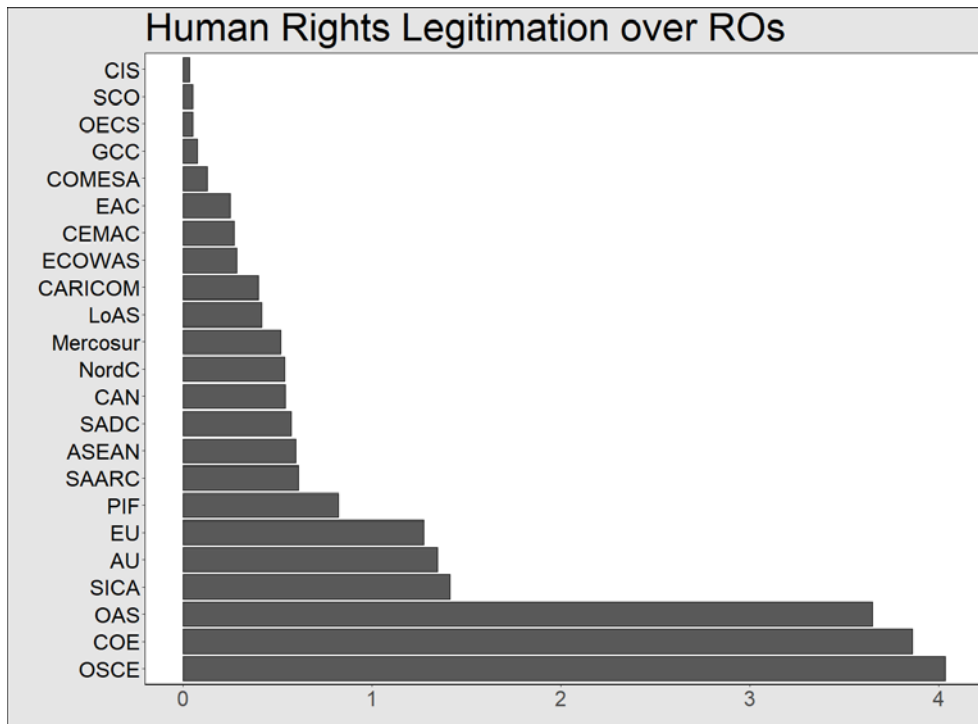
Variation is equally high when considering the share of legitimation in which ROs refer to human rights compared to their overall number of legitimation statements, as shown in Figure 8. This ranking is headed not by the OSCE, which ranks third, but by the CoE with a share of 0.26 of human rights legitimation. With that, almost every third instance of legitimation by this RO refers to human rights. Shares are also insightful for the relevance of this legitimation in those ROs that do not legitimate very often overall. Indeed, both NordC and the League of Arab States (LoAS) move up six positions in relative numbers of human rights legitimation compared to their absolute mentions. Thus, while not referring to human rights very often, this kind of legitimation makes up a significant amount of their overall legitimation compared to what the absolute numbers over all ROs indicate. Beyond these temporal and cross-sectional overviews, I contend that four broader patterns in human rights legitimation crystalise and may each be sensibly explained differently. I introduce these kinds of human rights legitimation in the following section.

Figure 8 Human rights shares of coded paragraphs over all ROs
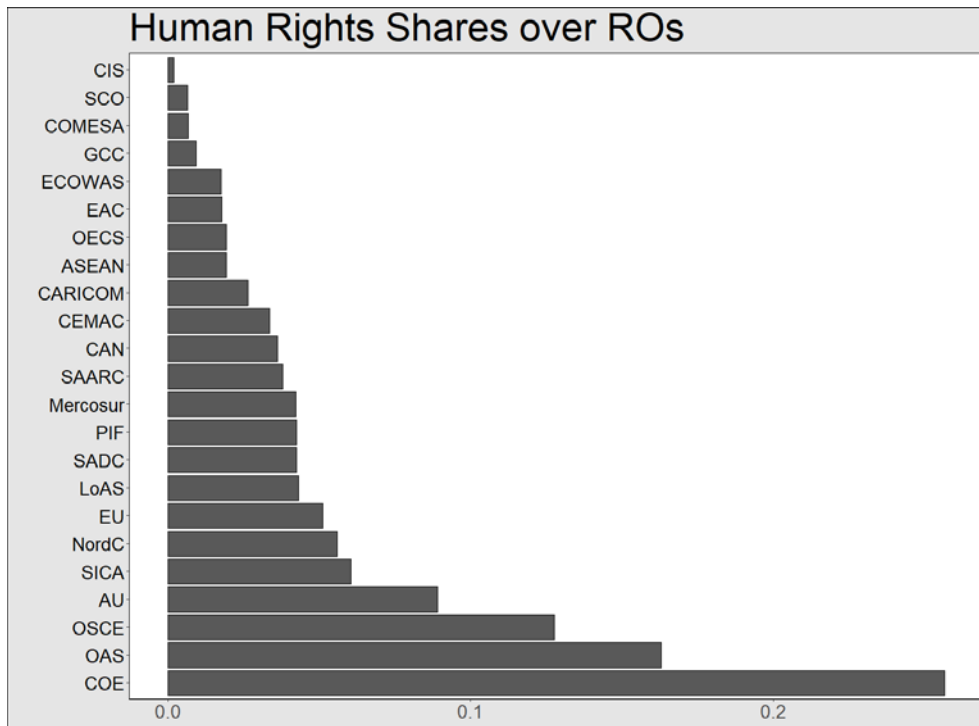
2.4 Four kinds of human rights legitimation

In the above, we saw that the relevance of human rights legitimation increased over time. First, all ROs have used it increasingly more frequently over time. Second, it matters in all world regions, and third, until 2019 all general-purpose ROs have referred to it at least once. Nonetheless, there are significant differences as to the extent to which ROs refer to this norm in their legitimation. Given the objective of this analysis – to provide explanations for the use of human rights legitimation and the variation in this phenomenon – I scout for descriptive cross-sectional patterns that may be indicative of different approaches to explain the variation. I identify four groups of ROs that display similar patterns that I comprehend as three different kinds of human rights legitimation.

The first a group of ROs that I identify (a) consistently make use of this notion for legitimation over time. This group consists of the CoE, the EU, the OAS, the OSCE and the Central American Integration System (SICA). Displayed below in Figure 9, we see that they all use human rights legitimation over the entire period of observation with only very few yearly gaps. These gaps are oftentimes due to the overall absence of data on their legitimation. Beyond their similar consistency, they also resemble one another on three additional levels. Firstly, all five stand out in regard to the intensity with which they make use of human rights legitimation. As shown above, over all ROs, a vast majority only display one instance of human rights legitimation per year. For those five, however, not merely one statement but rather two to six statements are the rule. Secondly, such human rights legitimation is accompanied by an equally consistent use of other liberal norms. Indeed, the five ROs are the top users of liberal norms of all the ROs in absolute terms.

Figure 9 Consistent human rights legitimation
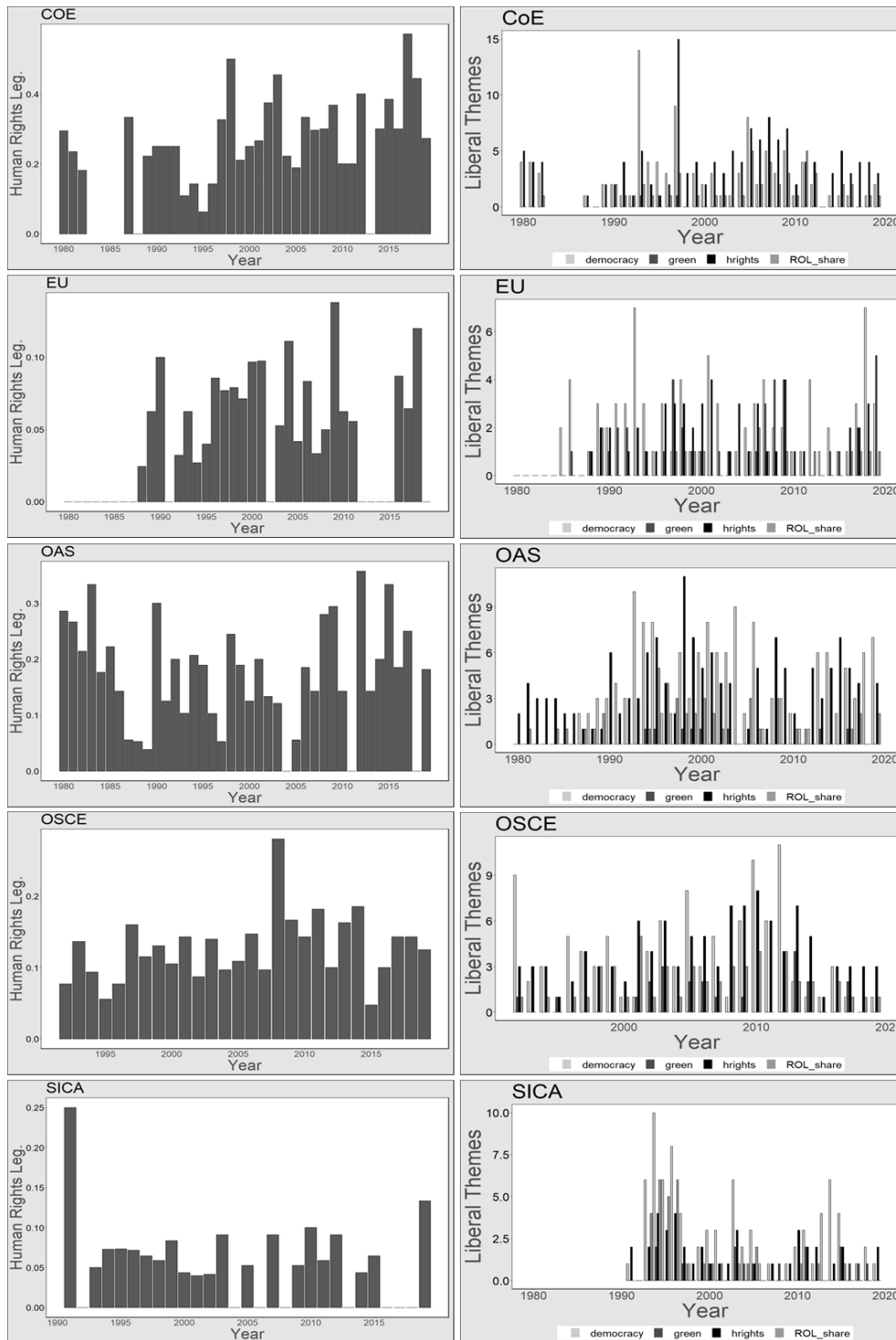
Finally, this also resonates with the broader qualitative impression of the ROs. For the CoE, the OAS and the OSCE, scholars recurrently note that the promotion and protection of human rights forms part of their core mandates (Pevehouse, 2016; Forsythe, 1991; Moravcsik, 1995, 1997; Hawkins, 2008). While less pronounced for SICA and the EU, at least the latter is certainly able to compete, considering its distinction with the Nobel peace prize. When receiving this prize, actors such as the UN General Secretary Ban Ki Moon for example strongly lauded the EU as it plays 'a

central role in helping to build peace, save lives, promote human rights (…) across the world'.[10] Consequently, I term this group of ROs as consistent in their human rights legitimation given their consistency over time, their above-average intensity in human rights legitimation and the apparent consistency with their actions and other purported liberal values and norms purported.

Figure 10 Irregular human rights legitimation
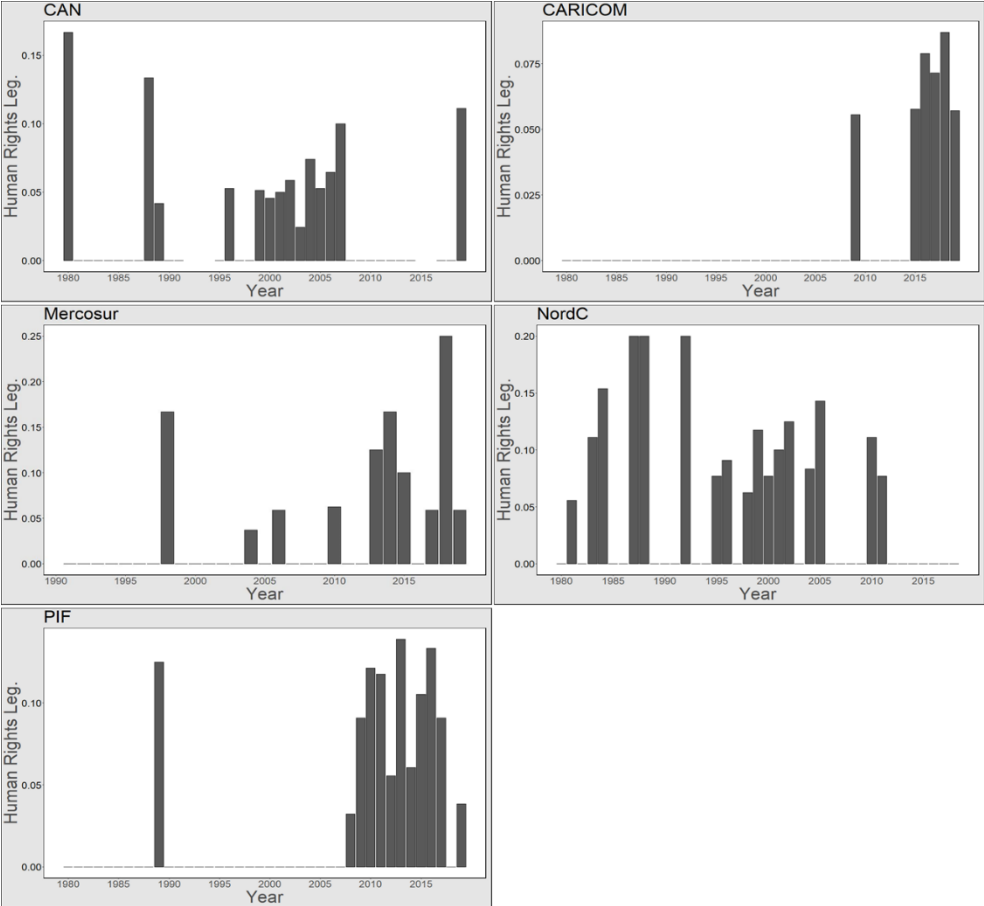
I identify a second kind of human rights legitimation in which ROs use it recurrently but in an erratic and irregular manner as shown in Figure 10. This group contains the following ROs: Mercosur, CAN, CARICOM, NordC and the PIF. These ROs equally display multiple commonalities that allows them to be grouped together. Firstly, they converge in the fact that human rights legitimation does not seem to follow a clear or consistent pattern in these ROs. All five ROs use it occasionally and at times also with a high intensity of up to five statements per year. Nonetheless, for none of these ROs does human rights legitimation occur in most of the years, nor consistently over multiple decades. The PIF and CAN show most the consistency with 10 and nine years, respectively, of consistent human rights legitimation though they also display long gaps

[10] Ki Moon, Ban (2012) *Statement by the Secretary-General on the awarding of the 2012 Nobel Peace Prize to the European Union*, 12 October 2012, available at: https://www.un.org/sg/en/content/sg/statement/2012-10-12/statement-secretary-general-awarding-2012-nobel-peace-prize-europeanm (accessed 21 April 2020).

before and after these periods. Secondly, their human rights legitimation builds strongly on statements of purpose. Whereas in consistent human rights legitimation, references to performance on human rights – that is, their concrete contributions to the protection and promotion of human rights – constitute almost half of the statements, this group of ROs only refers to performance in less than 25 per cent of all statements. Similarly, the number of references to other liberal norms is also significantly lower than in the group of ROs with consistent human rights legitimation. Thus, using it irregularly and with low intensity, it does not seem to comprise a core component of these ROs' legitimation.

Thirdly, these five ROs also display commonalities regarding the characteristics of their members. Indeed, most of these ROs' Member States form part of the broad spectrum of democracies, ranging from old established democracies such as Sweden and Norway in NordC to younger democracies such as Peru and Bolivia in CAN. Though some Member States' systems such as Colombia's democracy show severe weaknesses in their democratic procedures due to long periods of civil war, none of the Member States qualify as autocratic regimes in a narrow sense. Therefore, like the consistent human rights legitimation, such legitimation at least superficially appears to resonate with domestic norms and values. Moreover, they are all relatively small in two kinds of ways. On one hand, the cases of CAN, NordC and Mercosur are very small in regard to membership itself, with four to five Member States each. Apart from Argentina and Brazil for Mercosur, all Member States are also rather small both in population size and economic power. On the other hand, for the PIF and CARICOM, the issue of size does not relate to the number of Member States with 18 and 15 members respectively. These members are, however, predominantly small island (developing) states with extremely small populations, geographic size, and economic power. Consequently, one could surmise that such a small size also leads to a narrow focus of the ROs' agendas ROs, possibly echoing the non-core component that human rights seem to constitute in their legitimation. In light of these commonalities, I contend that similar explanations for their irregular use of human rights legitimation may apply. I term this second kind irregular human rights legitimation.

The third kind of human rights legitimation entails the largest group, with eight ROs, including ASEAN, the African Union (AU), the Economic and Monetary Community of Central Africa (CEMAC), the East African Community (EAC), the Economic Community of West African States (ECOWAS), LoAS, the South Asian Association for Regional Cooperation (SAARC), and the SADC. As displayed in Figure 11, the patterns in regard to human rights legitimation resemble those of the second group at first glance: Although all eight ROs use it multiple times over the period of observation, none uses it regularly, that is, consistently over more than a decade. A closer

look at the ROs and their use of human rights legitimation, however, also reveals striking differences to the former two groups on one hand and strong commonalities among these eight ROs on the other.

Figure 11 Divergent human rights legitimation
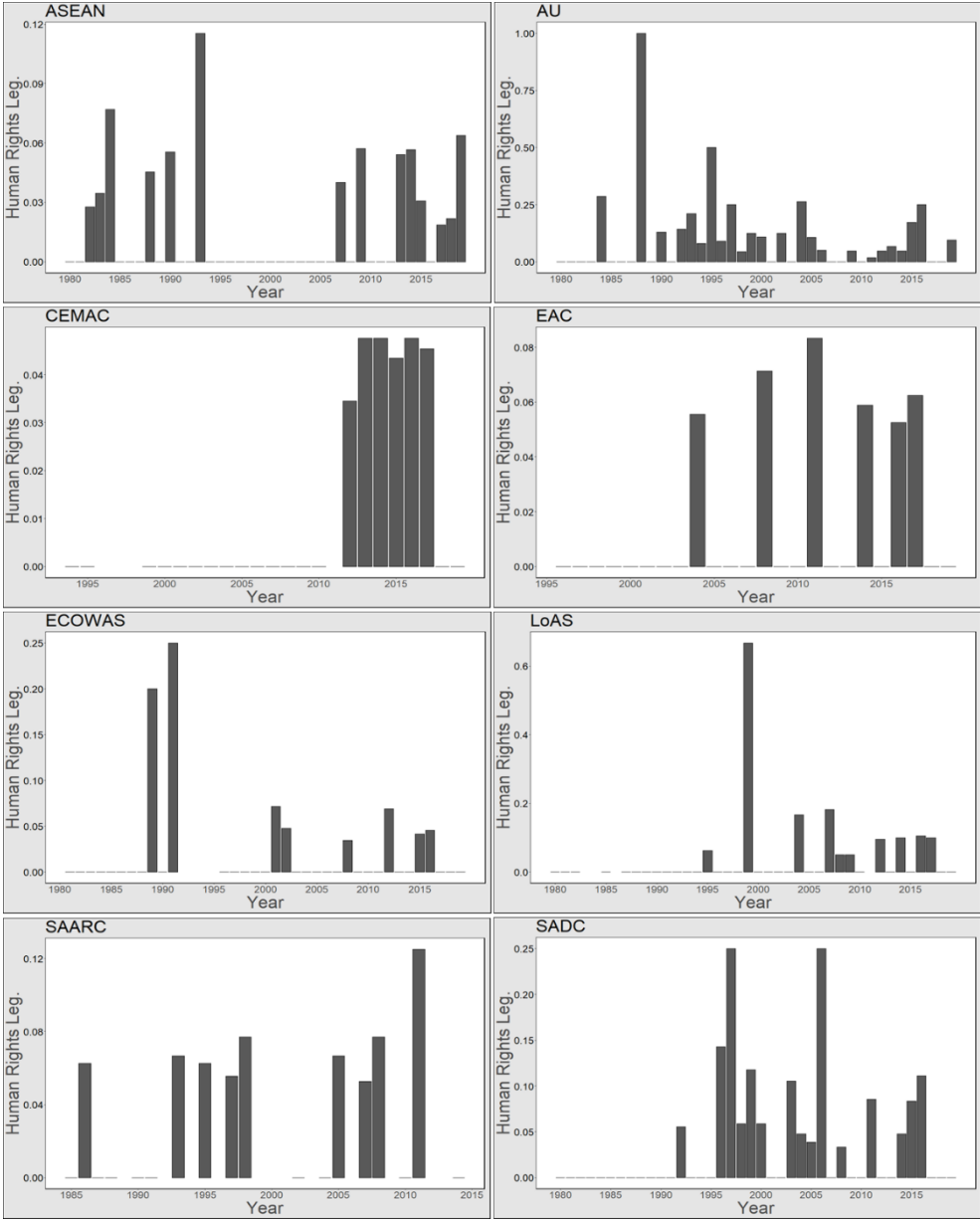
Regarding patterns in their legitimation, that is, the intensity of the human rights legitimation and references to other liberal values, these eight ROs differ strongly from the former two. With the exception of the AU, there are barely any RO/years in this group with more than one or two reference to human rights for legitimation. Similarly, this group's share of references to liberal norms beyond human rights is lowest of all three groups compared. Importantly, this cannot simply be traced back to overall lower levels in legitimation intensity. In fact, ROs such as ASEAN, SAARC and the EAC are among the top 10 ROs regarding their legitimation intensity. Conversely,

this group of ROs stands out regarding the use of human rights legitimation that refers to the performance of the RO. Indeed, half of all instances of human rights legitimation are statements in which the ROs highlight how they actively contribute to the protection and promotion of human rights.

This stands in stark contrast to the human rights records in most of these RO's constituencies. Apart from Tunisia, Ghana, South Africa, Botswana, Namibia, Cape Verde, Sao Tomé and Princípe, all Member States of these eight ROs are not considered free countries according to various scientific indicators[11], meaning that their human rights record is severely hampered. What is more, some of this group's Member States such as Saudi Arabia for LoAS, Myanmar for ASEAN or Ethiopia for the AU, are generally notorious for their disastrous human rights records or have recently made headlines because of drastic government crackdowns on human rights.

Finally, I identify commonalities concerning the geographic locations and historical backgrounds of these ROs. I note that all the ROs in this group are located in the two world regions of the Asia-Pacific and on the African continent. This is noteworthy beyond the higher potential for cultural commonalities especially concerning African ROs. Here, the overlap of membership in different ROs is particularly strong. Indeed, all members of the four smaller African ROs of CEMAC, EAC, ECOWAS and SADC are also members of the continental RO, the AU (Haftel and Lenz, 2021; Panke and Stapel, 2018). Concerning historical background, I note that these regions many ROs were also created in a postcolonial context and have subsequently built on a common interest in nation-building. Scholars have repeatedly found that concerns for sovereignty protection not only dominate but also impede further integration in these ROs (Fagbayibo, 2018; Warner, 2017; Katsumata, 2009; Barnett and Solingen, 2007; Söderbaum, 2004; Barnett, 1995). Consequently, regarding an issue area such as human rights where ceding sovereignty is key for effective cooperation to promote and protect human rights, high levels of activity in this realm appear unlikely (Hafner-Burton *et al.*, 2015; Hafner-Burton *et al.*, 2019). In light of the divergences of this group from the former two as well as this internal discrepancy in regard to talk about human rights and human rights records, I term this third group divergent human rights legitimation.

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[11] See, for example, Freedom House (2021) *Freedom in the World 2021 – Democracy under Siege*, available at: https://freedomhouse.org/sites/default/files/2021-02/FIW2021_World_02252021_FINAL-web-upload.pdf (accessed 23 December 2021); Gibney, Mark, Linda Cornett, Reed Wood, Peter Haschke, Daniel Arnon, and Attilio Pisanò (2018) *The Political Terror Scale 1976-2017* and Haschke, Peter (2018) *The Political Terror Scale (PTS) Codebook. Version 1.10*, available at: https://www.politicalterrorscale.org/Data/Download.html (accessed 23 December 2021).

Figure 12 ROs with insignificant human rights legitimation
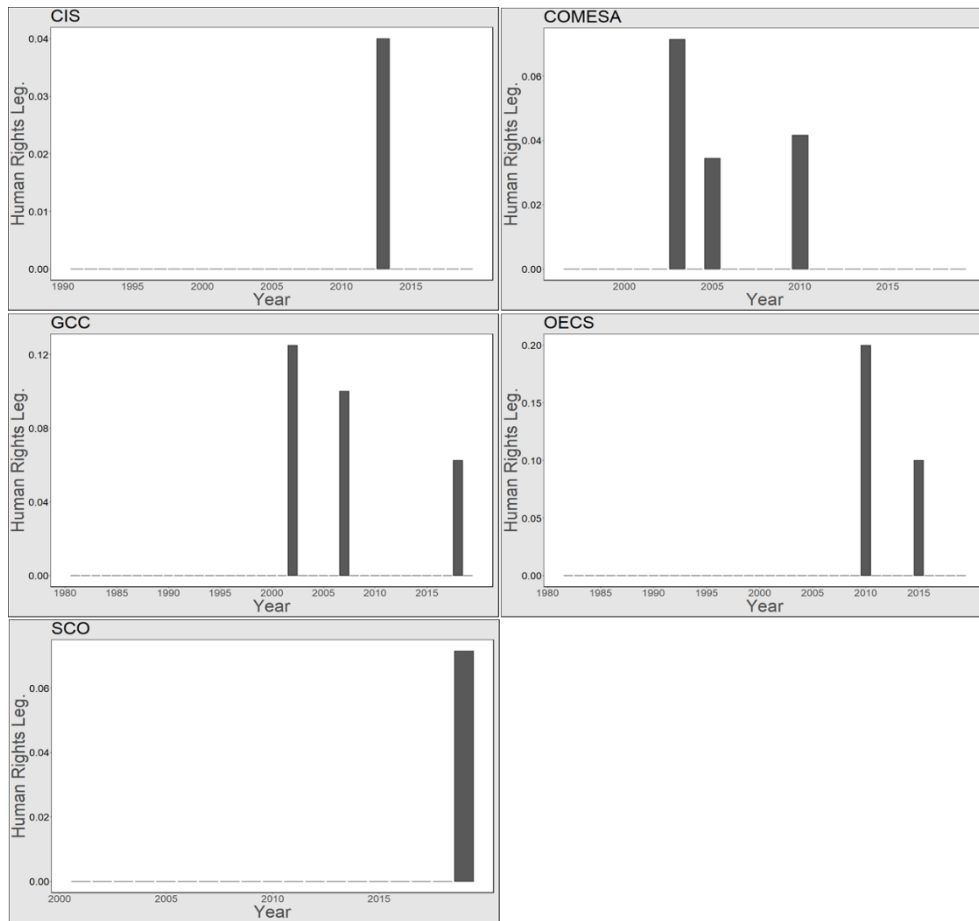
For the sake of completeness, I identify five ROs in which human rights legitimation does not matter at all. Figure 12 shows that this concerns the Commonwealth of Independent States (CIS), COMESA, the GCC, the Organisation of Eastern Caribbean States (OECS) and the Shanghai Cooperation Organisation (SCO). For all five of these ROs, human rights legitimation only occurs in isolated instances and not more than three times for the entire period of observation; hence, no patterns can be described. The instances of human rights legitimation rather appear random and arbitrary. Nonetheless, at least for three of these ROs commonalities come to the fore. Indeed, the CIS, GCC, and SCO are not only small in membership but also consist of strongly autocratic Member States, such as Saudi Arabia, China, or Belarus. Moreover, scholars have examined the extent to which this is reflected in regional integration, showcasing a strong focus on security cooperation. Some are even described in the literature as dictators' clubs (Ambrosio, 2008; Obydenkova and Libman, 2019; Debre, 2020). Consequently, the absence of legitimation via human rights does not come as a surprise. For COMESA and the OECS this does not apply. Since the focus of this analysis, however, lies in explaining the presence and use of human rights legitimation, this analysis cannot cover why these two ROs in particular do not make use of such legitimation.

Conclusion

The purpose of this chapter was to introduce this book's main concept of interest and phenomenon to explain. I examine the legitimation of ROs that refers to human rights. Thus, I began by reviewing the existing literature on legitimation and human rights to provide for a clear conceptualisation of the phenomenon. I conceive of human rights legitimation as a norm-based and generalised justification of an RO's right to rule referring to human rights. When these ROs provide insights into their goals and purpose, their core activities, what they stand for or what they embody, they engage in self-legitimation. The empirical study of human rights legitimation builds on this definition and benefits from a novel dataset on ROs' legitimation. I introduced the LegRO dataset, as well as the underlying operationalisation and measurement of legitimation. Thanks to a legitimation grammar, all key components of the definition have been translated to empirically discernible observations. With a clear understanding of what constitutes human rights legitimation, I then turned to presenting the descriptive findings for 23 general-purpose ROs from 1980 to 2019. I showcased that human rights legitimation gained in importance: Not only do all ROs use it increasingly often over time, but it also matters in all world regions. What is more, as of today, all general-purpose ROs have referred to it at least once. Yet, I also highlighted that not all ROs do so to the same extent, in the same manner, or consistently over time. In fact, I distinguish between four kinds of human rights legitimation for the present sample. I identify consistent human rights legitimation, irregular human rights legitimation, and divergent human rights legitimation, the three of which differ in their patterns of legitimation as well as different secondary characteristics of the ROs. An additional five ROs exist that basically remain silent on human rights legitimation. These variegated patterns warrant substantive explanations. I turn to this task in the next chapter by introducing theoretical approaches for explaining human rights legitimation.

Part II A BIRDS-EYE VIEW

Chapter 3   Theoretical framework: Two ideal-typical models

> 'At the core of the theory of global governance is thus the authority-legitimation link (ALL), which states that international institutions exercising authority need to nurture the belief in their legitimacy' (Zürn, 2018a, p. 89).

> 'And I have of course made the wholly unargued prior assumption that a congruence of citizens' and rulers' legitimations is something worth having, and worth preserving. But since the evidence from all societies suggests that this assumption is one which people actually hold, the onus of proof is on those who would argue to the contrary' (Barker, 2001, p. 135).

In the period of 1980 to 1989, the LegRO dataset provides a total of 65 statements in which ROs refer to human rights for legitimation. From 2010 onwards, 253 of such statements are made by the same sample of ROs. Moreover, by 2019, not one of the 23 ROs examined in this context has never referred to the notion of human rights for its legitimation. Nonetheless – despite this indisputable increase in the importance of human rights for legitimation – there are striking differences across ROs. Consider some examples. In the communiqué issued after its summit of Heads of State and Government in 2016, the League of Arab States (LoAS) expressed the following:

> We firmly desire to create an environment that is resistant to extremism by consolidating democracy, good governance and *respect for human rights*; (…). (League of Arab States Communiqué, 2016, p. 12, emphasis added)

In a similar vein, the European Union (EU) made this statement in its annual report from 2007:

> On 25 March, (…), the Presidents of the European Parliament, the Council and the Commission signed the Declaration of Berlin, citing the EU's commitment to a set of common values *including fundamental rights*, peace and freedom, democracy and the rule of law, and justice and solidarity. (European Union Annual Report, 2007, p. 11, emphasis added)

These two examples alone highlight multiple dimensions of variation. Moreover, the foci in content of these two exemplary ROs – for example, fighting extremism vs formal commitment via

a declaration – also differ strongly at first glance. The EU reifies not only a prototype and trailblazer of regional integration but is also frequently presented as standing amongst the most important defenders of human rights worldwide. LoAS, on the contrary, is frequently called out for its inability to act on and refusal to condemn gross human rights violations within its constituent region (Barnett and Solingen, 2007, 217f; but see also Sela, 2017; Harders, 2008; Sahin Mencütek, 2016).

What is more, although both make use of this kind of legitimation in general, their use differs in extent and consistency. Indeed, the EU uses human rights legitimation much more regularly, that is, in almost two-thirds of its statements. LoAS, on the contrary, refers to it only in one-quarter of all years. Furthermore, the EU legitimates via human rights more intensively – with up to four statements per year. In 1999, the League's legitimation, however, stands out with two out of three total instances of legitimation referring to human rights. This shows that the patterns of human rights legitimation vary strongly from one RO to another. Why is this the case? Why do both ROs make use of human rights for legitimation at all, and why do they do this so differently? What explains these diverse patterns of human rights legitimation? Immediate explanations for these patterns are still pending. Therefore, this chapter seeks to provide a theoretical answer for the questions raised by these illustrations.

Having presented a detailed understanding of the phenomenon as such and its diverse empirical manifestations in the previous chapter, I now turn to identifying potential theoretical explanations for this phenomenon. The goal of this chapter is thus to draft a theoretical framework that may explain the patterns identified in human rights legitimation. To do so, I first review different approaches to studying legitimation that concur on one key factor for engaging in this action: the approaches all agree on linking legitimation to authority. From this observation, two recurring views, on how authority and legitimation are linked and on how legitimacy can be established, follow, and traverse this body of literature. Drawing from these views, I conceive of two ideal-typical models for legitimation – a congruence-stability model (CS model) and an authority-change model (AC model). I describe commonalities and points of divergence regarding their simplifying assumptions and scope conditions to provide for a solid understanding of both models. A final section of this chapter is dedicated to illustrating the two models' stances on how and why actors use human rights for legitimation. The IR literature and research on human rights then also helps to corroborate these claims and allows us to deduce distinct mechanisms that lead to human rights legitimation from both models.

3.1 Legitimating for the right to rule

What does existing theory tell us about the reasons why ROs legitimate and about the variation therein? To approach this question, recall that I define human rights legitimation as a norm-based and generalised justification of an RO's right to rule referring to human rights. By implication, the concept to grasp consists of three components. First, reference to human rights makes this a norm-based claim. Second, together with the notion of 'generalised justification', this indicates the distinct character of the act of legitimating, specifically, that it is not simply descriptive communication. The preceding chapter already began to lay out those two components, leaving us with the notion of 'an RO's right to rule' as the third component of the definition, which hints at the potential purpose of this kind of communication. How can we understand an RO's right to rule, and what does it mean when the RO seeks to justify this? I contend that this relates back to a view on legitimation as a negotiation between agents and audiences over an object of legitimation, which is the RO. In said negotiation, the former seeks to maintain a mode of governance that goes beyond coercion and self-interest. In fact, building the right to rule solely on stocks of material enforcement or self-interested enforcement can be highly costly and volatile (Beetham, 1995, p. 28; Tallberg and Zürn, 2019, p. 583). In that sense seeking to secure an RO's legitimacy by legitimation is the much cheaper 'glue that links authority and power' since it 'increases the likelihood their commands will be obeyed' in a much less costly manner (Bernstein, 2011, p. 20)

Therefore, there is widespread agreement in contemporary research on legitimation that this type of RO communication thus serves to justify an authority and its right to rule. This assumption of an inherent link between authority, legitimacy and legitimation requires closer examination but is also a starting point for understanding why actors engage in legitimation. Hence, let us first consider the concept of political authority itself to make sense of this link. The most notable and most seminal of all accounts on political authority is probably that of Max Weber (1978, p. 212), who defines authority as: 'certain specific commands (or all commands) [that] will be obeyed by a given group of persons. It thus does not include every mode of exercising "power" or "influence" over other persons'. With that, political authority is distinct from pure power. Hooghe and colleagues (2017, p. 14) get to the heart of this distinction by stating that 'authority implies power, but power does not imply authority'.

Concretely, the authors distinguish between two means of the influence of a superior on its subordinate, that is, an actor B's behaviour following an actor A's interest and will. Whereas power alone implies coercing actor B into acting according to actor A's interest and will, authority allows A's interest to be pursued without the coercion of actor B. Instead, actor B follows A's will or interest because B perceives it as justified and legitimate and acts accordingly without the need for

any further motivation. While political authorities can certainly also make use of coercion, scholars agree that upholding coercion or self-interest only is too costly and inefficient (Beetham, 1995, p. 14). Therefore, to ensure low-cost compliance by its constituency and with that a well-functioning governance system, all political entities need to be vested with legitimate authority. According to Weber, this is not self-evident but requires constant effort to gain, maintain, and repair this legitimacy (Suchman, 1995, p. 572; Weber, 1978). It is in this effort, where we can observe the self-legitimation of an authority.

Originally developed for domestic authority, scholars elaborated on this same link regarding international authority. They concur that not only are IOs, hence also ROs, faced with the same situation as nation-states but claim that the issue is even more severe for international authority as there are virtually no options for coercion in this realm. IOs are rarely vested with clear and powerful enforcement mechanisms. And even if so, they can be circumvented easily by their constituency as they – the Member States – form part of both the object and the subjects of the international authority. This is particularly significant for ROs, who often dispose only few resources or weak means for coercion or providing incentives (Hurd, 2019; Zaum, 2013b; Beetham, 2013, p. 270). For ROs, it is thus of utmost importance to uphold legitimacy to remain authoritative which leads them to constantly nourish, gain, maintain or repair their legitimacy – and thus engage in the act of self-legitimating their authority (Suchman, 1995, p. 572; Franck, 1988, p. 711). Or as Reus-Smit (2007, p. 159) describes it: 'Actors making legitimacy claims is the lifeblood of the politics of legitimation, and such politics is essential to the cultivation and maintenance of an actor's or institution's legitimacy'.

Considering legitimation and legitimacy as linked to an RO's authority and right to rule is key to distinguishing this phenomenon from other forms of political communication, such as narrow evaluations of a policy or positive depictions of individual politicians. Indeed, this kind of research on public opinion examines similar issues (Hahm *et al.*, 2019; Strimling *et al.*, 2019; Chong and Druckman, 2010). Inquiring into, for example, how the mass communication of IOs can influences public opinion, how the policies of IOs are presented and framed, or what moral beliefs and arguments can change public opinion, would be difficult to distinguish from the research on legitimation if it were not for the focus on authority.

This important distinction also becomes unmistakably clear when following through with the economic analogies often drawn up to study IOs. Suggesting that the 'demand for international regimes will be in part a function of the effectiveness of the regimes themselves (…)' (Keohane, 1982, p. 354) or that new multilateral institutions are created 'to compete with existing ones' (Morse and Keohane, 2014, p. 387), scholars seem to suppose that IOs are akin to international businesses

that compete in a global market for the states as consumers. Interestingly, scholars by now also examine businesses via the lens of legitimation processes though they fall short in showcasing why such entrepreneurial organisations would need legitimacy and engage in legitimation (Suddaby and Greenwood, 2005; Vaara and Tienari, 2011). Moreover, I contend that the business-consumer relation cannot be equated to that of an authority relation between an IO and its Member States. In the former, the interaction is much shorter lived and does not allow any room for codetermination by the consumer – or rather only room enough to induce consumer decisions that are driven by anything but self-interest or coercion (manipulation).

Therefore, to talk of legitimacy and legitimation is only sensible when an authority relationship is involved. In essence, David Easton's distinction between specific and diffuse support allows us to discern when one should talk of legitimation given that authority is involved. The former – specific support – indeed may be related to both examples from public opinion research and the business simile. When politicians run a campaign to influence public opinion in favour of, for example, a specific reform package, they seek to garner specific support. When a business runs a successful marketing campaign for a product, one can observe specific support in strong sales performance. Striving for diffuse support, that is, engaging in legitimation, goes beyond this as it provides a 'reservoir of favourable attitudes' allowing the authority to pursue 'outputs to which they [the constituency] are opposed' (Easton, 1965, p. 273). On the contrary, if a consumer opposes the action of a business, they simply do not buy the product, thus withdraw specific support. This distinction corroborates the importance of authority for understanding legitimation.

Indeed, the scholarship on international relations – observing and examining the resulting phenomena of this need for legitimating an international authority – has long approached these questions normatively. Inquiries were made into what a legitimate authority should look like, what processes or institutions it needs and on what appropriate and normatively acceptable bases it should justify its authority (Pogge, 2007; Buchanan and Keohane, 2006; Held, 2000). While certainly instructive, contemporary scholarship has since move beyond this normative perspective and applies what is called a sociological or empirical lens to study legitimacy and legitimation. Instead of focusing on what legitimacy and legitimation should look like, scholars now examine and explain the empirical reality (Tallberg and Zürn, 2019; Dingwerth *et al.*, 2019a; Tallberg *et al.*, 2018a, p. 9; Rittberger and Schroeder, 2016). Nonetheless, in taking 'the perspective of the ruling institution' the point of departure of justifying an IOs right to rule persists (Hurd, 2019, p. 717). In fact, the gist of existing theory on legitimation draws from two viewpoints that both make use of this point of departure. The subsequent section is dedicated to introducing these two.

Introducing the two legitimation models

I argue that focusing on this latter aspect of legitimation, how it serves to justify an authority's right to rule, provides deeper insights into why and how actors engage in the effort of legitimation and is also instructive for human rights legitimation. Concretely, I decipher two approaches to legitimation that focus on stability in legitimation and change in legitimation, respectively. The first approach lays the focus on the necessity for normative congruence for stable legitimacy in any authority relationship and underlies most scholarship on legitimation. Accordingly, stability in legitimacy is given when congruence between the values, norms, and moral principles of the constituents (subordinates to the authority) and those values that the authority itself embodies and reflects in its design prevails. Engaging in legitimation, then, aims to showcase and maintain this congruence. The second approach forms part of a full-fledged theory of global governance though being less frequently applied in empirical analyses. It focused more strongly on how the relationship between authority and legitimacy effects changes in legitimation. In this view, legitimation seeks to (re-)establish legitimacy by justifying increases in authority via different values, norms, and moral principles. I contend that both approaches may prove fruitful in explaining human rights legitimation either in cases of stability or when there is change. In fact, given the variegated patterns of human rights legitimation illustrated in Chapter 2, the joint explanatory leverage of an approach that focuses on stability and one that highlights change may be particularly fruitful here. In the remainder of this chapter, therefore, I conceive of these two approaches as two ideal-typical models of stability and change in legitimation. For an overview, I first present each approach briefly in turn.

The first approach, on congruence and stability, has not been fully theorised for the processes of self-legitimation but is implicit in most seminal and current scholarship on legitimacy and legitimation. Lenz and Viola (2017) provide perhaps the most explicit take on this approach for processes of institutional change due to legitimacy concerns. Although seeking to promote a different approach, they observe that 'the bulk of the literature follows Beetham in the view that organisational legitimacy depends on the congruence between an organisation's features – specifically, its procedures, purpose, and performance' (ibid., p. 5). Indeed, they rightly establish that both Weber and Beetham assume that the legitimacy of an authority 'is derived from congruence between an organisation's features and the social values and norms held by actors in the organisation's constituency.' (ibid.). They subsequently deduce that legitimation can come in the form of making institutional changes to an organisation to regain legitimacy, representing the implicit change mechanism in this body of literature. By implication, if 'legitimation can be critical (…) in institutional reform', 'we must offer socially acceptable reasons (…)' when legitimating

(Goddard, 2020, pp. 84–85). This also echoes how legitimacy is conceived by sociologist in organisational theory. Concretely, they speak of 'organisational' legitimacy, when 'two value systems are congruent' (Dowling and Pfeffer, 1975, p. 122). Hence, they contend that '[o]rganisations seek to establish congruence between the social values associated with or implied by their activities and the norms of acceptable behaviour in the larger social system' (ibid.). Conceptualisations of legitimation in international relations frequently take up this idea of a need for congruence with the values, norms, and moral principles of the constituency (Hurd, 1999). For many, in the process of legitimation, agents of legitimation try to establish legitimacy by presenting the authority's action as 'desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions' (Suchman, 1995, p. 573) or by justifying it 'in terms of moral and other socially embedded beliefs' (Zaum, 2013a, p. 9).

Building on this literature, I conceive of a congruence-stability model (the CS model) to explain human rights legitimation. Although Lenz and Viola elaborate on this only as a theory of institutional change, I argue that congruence is similarly implicit in the scholarship on the processes of legitimation that do not necessarily include institutions. If legitimacy is established 'in that it reflects congruence between the behaviours of the legitimated entity and the shared (or assumedly shared) beliefs of some social groups', seeking to maintain or buttress this congruence then represents the act of self-legitimation (Suchman, 1995, p. 574). Accordingly, for this CS model, the legitimacy of an RO's authority is granted when congruence is provided between three levels. Firstly, in the institutional logic, the authority embodies values, norms, and moral principles that are also reflected in its institutional design, organisational structure, and behaviour, thus ensuring congruence on the first, internal level. Secondly, these same values, norms, and moral principles – embodied by the authority and reflected in its institutions – are also held by the core constituency of the authority. On a first level this core constituency of an RO comprises its respective Member States as a whole. Yet, this can also include state representatives, non-state actors, citizens, or other more specific groups of actors. [12] Nonetheless, this core constituency is distinct from any additional audience that falls outside of the authority relationship between ROs and their subordinates. Zaum (2013a, p. 11), for example, captures this distinction with a 'spatial metaphor'. He opposes the vertical authority relationship between an RO and its core constituency, to what 'one could call "horizontal" or "sideways"', that is 'legitimation by actors who are outside the hierarchical relationship governed by legitimacy' (ibid.). And, thirdly, the RO refers precisely to this set of

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[12] Although I do not make this contrast implicit, the characteristics and scope of the core constituency may well differ depending on the Member States regime. One may suppose that in democracies transferal of the authority-relationship between the RO and its Member States representatives is likely to be more advanced and more directly relayed downwards to, for example, citizens than in authoritarian regimes.

values, norms, and moral principles to legitimate. As a result, congruence between the authority and its subordinates – the constituency – is provided. To maintain and keep this congruence stable between all levels, then, the RO constantly engages in self-legitimation. Via its communication, the RO continuously showcases that congruence with the other two levels prevails and thus self-legitimates for congruence in their authority relationships. Contemporary scholarship on the diverse aspects of legitimacy and legitimation implicitly makes use of this congruence model, whether focusing on a specific norm, specific audiences or specific institutions (Dellmuth and Tallberg, 2020; Rocabert *et al.*, 2018; Hurrelmann *et al.*, 2016c; Ba, 2013; Symons, 2011; Bernstein, 2011).

I grasp the second approach which emphasises change in authority and legitimation, via the authority-change model (the AC model). It strongly builds on the authority-legitimation link elaborately theorised as part of Michael Zürn's 'A Theory of Global Governance' (2018a). In this mid-range theory, authority, legitimacy and legitimation make up essential components of how global governance is structured, instantiated by Zürn's definition of global governance as 'the exercise of authority across national borders as well as consented norms and rules beyond the nation-state, both of them justified with reference to common goods or transnational problems' (Zürn, 2018a, pp. 3–4). Up until now few studies have put this theoretical model to the test (Rauh and Zürn, 2020; Heupel *et al.*, 2018; Binder and Heupel, 2020). In contrast to the CS model, where authority is simply assumed, Zürn focuses much more strongly on this concept to establish a causal mechanism. Relying on a distinct understanding of authority, he claims that more authority needs more (demanding) legitimation. Moreover, he contends that 'authority relationships are based on deference', meaning that authority is exercised in a reflexive manner (ibid., p. 8). Accordingly, he suggests that those subordinated to reflexive authority accept it 'because they recognise their own limitations to autonomously understand or solve global problem' (Fioretos, Tallberg 2021, p. 103). Despite the fact that such international authorities rather utilises requests instead of commands, Zürn asserts that they still 'restrain the freedom of constituent members and therefore need to be justified with references to common goods and normative principles' (Zürn, 2018a, p. 62). Thus, this kind of authority also needs legitimation.

Zürn outlines that the reflexive authority, and the fact that actors accept this authority, relies on the fact that it is seen as more competent and knowledgeable. Subordinates or constituents believe that the international authority is more capable of solving their problems. This focus on expert knowledge only enables legitimation that is technocratic and narrow. While there might be a higher common good that is envisioned by the authority, its justifications frequently remain issue-specific and endogenous to the realm where the authority is claimed. Thus, although he distinguishes seven

different what he calls narratives of legitimation in his theory, he quickly concedes that international authority 'cannot easily make use of all these (…)' (ibid., p. 77). This is problematic as such technocratic legitimation, which commonly builds on, is unable to keep pace with the increases in international authority (ibid., p. 10). Zürn specifies: '[e]specially when the level of political authority rises, it is to be expected that the technocratic legitimation narrative is challenged. It is then considered as insufficient legitimation that hides interest and ideology'. Therefore, as the authority becomes broader and more all-encompassing, legitimation becomes more demanding. It is this mechanism that Zürn conceptualises as the authority-legitimation link, that is, the fact that more authority requires more (demanding) legitimation.

Simplifying assumptions and scope conditions

To draft up ideal types follows the idea of an 'accentuation', meaning that one or more characteristics of an approach are deliberately stretched to form a baseline for examining real-world deviations. Consequently, they do not directly fit those concrete phenomena that one may identify empirically but constitute unified analytical constructs that come close to serving as a heuristic to delineate empirical divergences (Kim, 2021). As such, they provide 'the merit of dear understandability and lack of ambiguity' (Weber, 1978, p. 6). Given the two approaches introduced above and their respective distinct foci, I contend that conceiving of these two as ideal-typical models is sensible for this kind of analysis and the variegated empirical patterns highlighted in Chapter 2. Consequently, I accentuate the core tenets of both approaches for the models. The CS model as the terms congruence and stability insinuate, emphasised that legitimation seeks to maintain congruence, accentuating thus how legitimation unfolds in cases of stability. The AC model on the contrary, emphasises that authority increases the need for a more demanding legitimation, accentuating thus how changes in legitimation occur. Beyond these rough accentuations, we need to learn more about what else constitutes these analytical constructs, what other characteristics diverge or are held stable across both models.

Therefore, I now turn to comparing scope conditions and simplifying assumptions. This not only increases our understanding of both ideal-typical sketched models but also allows us to thoroughly distinguish between the two models. Most importantly, it also paves the way for deducing observable implications and hypotheses. I assert commonalities regarding the models' view on the concepts of legitimacy and legitimation as well as how they understand the role of ROs in world politics. Divergences follow the accentuation of stability and change and relate to the models' understanding of authority, the temporal and directional emphasis, and the agents and audiences of the RO as well as the underlying theories of action.

First, Michael Zürn sets out to provide a full-fledged theory of global governance, that shall enable the explanation of a timely observation by the author: 'the complex parallelism of decline and deepening in global governance' (Zürn, 2018a, p. 3). Thus, this mid-range theory is not only broad and complex but also spelled out in detail. The congruence model, on the contrary, while recurrently made use of, cannot capitalise on such a coherent framework.[13] Nonetheless, they converge in how they conceive of legitimacy and legitimation for Michael Zürn also views legitimacy as a question of the 'acceptance' of what is seen 'as appropriate among its constituencies' and legitimation as a 'social process' where 'well-reasoned justifications' are used to produce legitimacy beliefs (ibid., p. 63-64). For their broader viewpoint on world politics and ROs, both models build on institutionalist, liberal and constructivist theories in my reading of the underlying literature. They concur on the assumptions that ROs, as much as other institutions beyond the nation-state matter and help them solve collective action problems. At the same time, however, they also acknowledge how norms, values and identities shape actions, interactions and institutions in the international realm (Rixen *et al.*, 2016; Barnett and Finnemore, 2004; Finnemore, 1996; Keohane, 1988). With that, they also agree on that fact that the international realm is not characterised by pure anarchy (Wendt, 1992). Instead, both models suppose that international authority exists and more importantly agree on the fact, that international 'authority can exist outside of states' (Lake, 2010, p. 591). Most importantly, this entails that regional governance can be vested with such authority, too.

They differ, however, in their distinct conceptualisation of authority. The congruence model would follow David Lake and argue that regarding authority, a 'distinction between domestic and international politics (…) is untenable' (ibid., p. 608). Instead, in this model domestic and international politics are understood 'as different contexts for a coherent set of generalisations (…)' (Hooghe *et al.*, 2019, p. 3), meaning that international authority is akin to domestic authority. For the AC Model, I follow Zürn who strongly opposes this assumption, as he sets out to consider the 'sui generis character of global governance […] in a field slightly obsessed with the domestic analogy' (Pouliot 2021, p. 146). Accordingly, he contends that accounts of authority stemming from the domestic realm, what he calls contractual or inscribed authority, do not appropriate to the distinct characteristics of global governance and international authority. In the AC model authority is conceptualised as reflexive, by which the authority produces requests instead of demands and with that 'an inducement to defer' (Zürn, 2018a, p. 52).

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[13] I can, therefore, only provide my reading of the literature, but I am certain that one can identify versions of this approach that diverge in one or more aspects.

This also has consequences for core assumptions on the link between authority and legitimacy. Despite agreeing that legitimacy is necessary for authority to be exercised legitimately and to ensure compliance in a less costly manner than via coercion, control and self-interest, the models differ regarding the underlying directional mechanisms and their implications for legitimation. The CS model posits a direct and vertical link between the authority and its subordinates, which is essentially an 'analogy from domestic systems' or a devolution from the domestic authority relationship to the international level (Hurd, 1999, p. 382). What was once only a state, and its people is now amended by regional authority representing the upper next level. The legitimacy of this authority then depends on a vertical up-and-down and back-and-forth of legitimation and delegitimation between these three entities. All held stable, legitimacy exists when the norms, values, and moral principle that prevail on all levels are congruent. Ideal-typically, then, the domestic authority relationship is transposed to the level of an RO, (re-)creating stability in congruence.

If the CS model has a more stable and vertical view of this relationship, then the AC model more strongly emphasised how this link plays out horizontally on one and the same level, inducing change. Indeed, Zürn argues that legitimation, or the need for it, can be explained by the 'endogenous dynamics of the global governance system' (Zürn, 2018a, p. 103). He states that authority has increased and is still increasing internationally but faces legitimation problems, which in turn can produce a decline in or a deepening of global governance. To illustrate this, Zürn elaborates four different causal mechanisms of change in global governance, two leading to decline, two to deepening. In all of them, processes, and interactions, such as contestation, politicisation, and institutional changes at the level of the international authority, endogenously lead to one of the two instances of change – deepening or decline. In the first causal mechanism, he explicitly spells out that increases in authority can lead to societal contestation, which 'takes place at the transnational level' (ibid., p. 11) and thus endogenously lead to more legitimation by the contested authority.

The different temporal and directional emphases are also instructive for the relational aspect of legitimation, namely the question of who the agent is and who the main audience is of this legitimation communication. Due to its strong focus on stability, the congruence model follows classical IR theory in assuming that states are still the key drivers, as well as the main benefactors of regional integration and thus constitute its stable core constituency (Panke, 2020; Börzel, 2016). This is not to say that such scholarship drawing from the CS model ignores the evolving research field of additional audiences, such as NGOs, the people, or private actors. Still, as the notion of secondary implies, these are often thought of as ancillary or intermediary factors for congruence;

this may be because political elites as additional audiences are still shaped by domestic politics or because the views of the civil servants within the ROs are still traced back to their domestic socialisation (Lenz and Schmidtke, 2021; Schmidtke, 2018; Suchman, 1995). Given that only a few exceptions systematically look beyond authority relationships and domestically socialised audiences for self-legitimation (Bexell and Jönsson, 2018), it appears that what ultimately counts most is congruence between the domestic and regional levels.[14]

This stands in contrast to how Michael Zürn conceptualises audiences as he transcends the authority-relationship here. His model certainly does not deny the core relevance of Member States, but privileges additional audiences at a transnational level as key for contestation and politicisation resulting in legitimation. Member states can form part of this group but do not necessarily dominate it (Scholte, 2021, p. 180; Deitelhoff and Daase, 2021, p. 124). In fact, state contestation is much more pronounced regarding the 'distributional consequences of international institutions' (Zürn, 2018a, p. 96) which I contend present less of an acute source of contestation *within* the more homogenous ROs than in global intergovernmental organisations with close to global membership (Söderbaum, 2016, p. 168; Voeten, 2017; Risse and Börzel, 2016). Instead, distributional questions on the transnational level gain relevance regarding governmental actors that are not member of a respective RO. For the norm of human rights in particular, I outline below how economic vulnerabilities matter for state contestation. Moreover, the audience of non-state actors comes to the fore when societal contestation increases as a reaction to the growing intrusiveness of authority (Zürn, 2018a, pp. 96–99). Again, I further illustrate how this audience affects legitimation at the transnational level according to the AC model.

Finally, underlying theories of action reveal different simplifying assumptions relevant to the observable implications. As already alluded to above, the two models draw from both constructivist, liberal and institutionalist theory. Regarding the motivation for actions, the applications of the CS model frequently follow constructivism as they identify 'the normative appropriateness' as its underlying logic (Lenz and Viola, 2017, p. 3). Congruence and with that legitimacy is upheld when the same norms are viewed as appropriate by all relevant actors, and the authority embodies these appropriate norms (Hurd, 1999). Nevertheless, despite the core assumption that norms and values predominantly determine behaviour and action, this approach

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[14] Recall that both approaches are theorised as ideal-typical models accentuating different aspects. For the question of audiences this accentuation is followed through to the benefit of Member States, as a whole, as the core constituency and most important audience. Consequently, this approach seemingly also turns a blind eye to domestic dynamics, excluding the possibility that different or even opposing norms, values, and moral principles matter on the domestic level of Member States. Indeed, this assumption is strongly embedded in the ideal-typical model for simplification. Yet, the case studies will provide an opportunity to shed more light on whether different domestic circumstances affect legitimation.

does not oppose the possibility of strategising, since it acknowledges 'that instrumental rationality and strategic interaction play a significant role in highly politicised social construction of norms' (Finnemore and Sikkink, 1998, pp. 910–911). Retracing the theory of action in the AC model, equally reveals a nuanced view. With regard to authority Zürn explicitly spells out the underlying logic of deference, which 'is based on the acceptance of a decision or an interpretation because it comes from a certain source (Zürn, 2018a, p. 38). To him, this makes this logic reason-based and clearly distinguishable from the logic of appropriateness. I contend, though, that his theory also follows 'some constructivist accounts' (Barnett, 2021, p. 134), which are of particular relevance for its view on legitimation. Indeed, Zürn acknowledges that authority relationships are 'embedded in and reproduce beliefs systems' and that authority serves a common good and social purpose (Zürn, 2018a, p. 267). These characteristics, as well as 'the belief in certain qualities of an authority' are necessarily also grounded in the norms and values held by relevant actors, which in turn can equally shape their actions (ibid, p. 38). Thus, I argue that the need for legitimation and the resulting decision to legitimate stems from a reason-based assessment. The distinct content of the legitimation, however, can result from considerations of normative appropriateness. What now are the implications of the two models for the act of legitimation and the mechanisms that lead actors to engaging in this behaviour? Or, more concretely, following this nuanced understanding of the CS and the AC models, how exactly would both explain *human rights legitimation*? Let us consider each model in turn.

3.2 Introducing human rights in the legitimation models

By now, I have illustrated two common approaches as to why and how ROs legitimate and translated them into two models that further illustrate core assumptions and provide starting points to further sketch out the underlying causal mechanisms for using human rights as a normative source for legitimation. Thus, I now introduce the notion of human rights to the two models and illustrate how the models explain human rights legitimation. These further clarifications then allow us to deduce three mechanisms that lead to human rights legitimation which I then break down in observable implications.

How congruence enables human rights legitimation

The congruence model views human rights legitimation as resulting from congruence between all constituencies, as displayed in Figure 13. ROs would thus use human rights legitimation to cater to the need for congruence by claiming to embody human rights and elaborating on how this is reflected in its institutions. For the CS model, I thus provide clarifications as to why and how

congruence on human rights matters. While drawing from the model's assumption, I expand it by drawing on additional secondary literature. Indeed, the CS model provides fewer model-immanent arguments to link congruence to human rights. Yet, the three levels relevant for congruence – the domestic level, the regional level, and the institutional level – are instructive for the mechanism of human rights legitimation.

Figure 13 The CS model
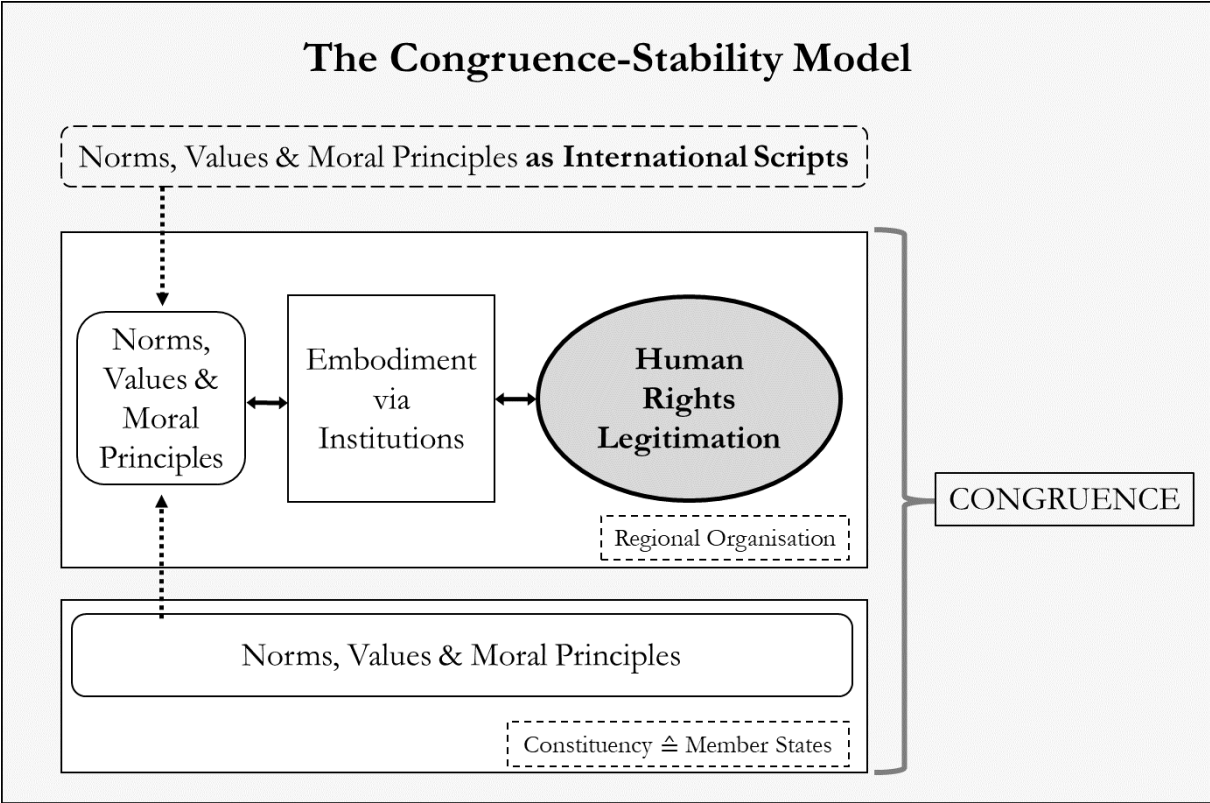
By and large, to maintain congruence regarding human rights entails that human rights matter and are considered as a relevant and powerful norm. Scholars from various fields, such as legal studies, sociology and political philosophy, agree on the power and pervasiveness of human rights in that regard (Kratochwil, 2014; Beck, 2006; Voeneky and Neuman, 2018; Forst, 1999). More precisely, for the first, the domestic level, scholars conceive of human rights as one among various available mechanisms to legitimate domestic rule (Neuman and Voeneky, 2018; Howard and Donnelly, 1986). In political theory, scholars observe that 'individual rights make up the core of modern legal orders', which allows giving 'a twofold answer to the question of legitimacy: popular sovereignty and human rights' (Habermas, 1998, p. 159). Empirically, Hurrelmann and colleagues (2016a, p. 141) provide an indication as to the relevance of this norm for legitimating domestic authority: in a study measuring legitimation communication about the domestic regime via newspaper articles in Germany, Switzerland, the United Kingdom and the United States of

America, they observe that 'the successful defence of human rights emerges as a major output criterion in all four countries'.

To maintain congruence, human rights equally need to matter on the regional level. With respect to this level, scholars note that 'there are important relationships between these organisations and (…) human rights' and that they do matter in almost all regional constructs to a certain degree. Empirically, these relationships cover a range from strong commitments and judicial enforcement via regional courts to vague and toothless pledges in exclusively declaratory international documents (Pevehouse, 2016, p. 487). Regardless of their strength, some scholars even contend that 'the regional systems are now part and parcel of the universal system for the protection of human rights and fundamental freedoms' (Smith, 2013a, p. 93). No matter their effectiveness, this shows that human rights matter regionally and might well be seen as a source of legitimacy. Furthermore, scholars also note the diverse ways in which the two mutually influence each other. Moreover, the fact that human rights matter on both levels can be seen as a result of the back and forth between Member States and ROs. On one hand, scholars found that states use ROs to lock in newly established liberal policies especially in democratising states, inter alia human rights (Poast and Urpelainen, 2018; Hafner-Burton *et al.*, 2015; Mansfield and Pevehouse, 2006; Moravcsik, 2000, 1995). On the other hand, research has also shown that ROs can indeed affect Member States' behaviour and contribute to the protection and promotion of human rights (Hafner-Burton *et al.*, 2019; Börzel and van Hüllen, 2015a; Greenhill, 2010; Goodman and Jinks, 2008).

In these analyses scholars apply different logics of actions and theoretical approaches that are also instructive for legitimation based on human rights. Oftentimes, they revert to liberal theories, such as republican liberalism or liberal constructivism, and contend that actors make rational choices and pursue certain national interests in line with social purposes, values and norms strategically on an international level (Moravcsik, 1997, p. 513). In the present case the social purposes, values and norms of concern are human rights. Recently, scholars reasoned similarly with regard to questions of legitimacy and legitimation. Tallberg *et al.* (2016), for example, illustrate institutional changes within IOs and trace them back to the interests of predominantly democratic Member States and their concerns for legitimacy. Dingwerth *et al.* (2020) similarly show how democratic legitimation becomes more important and posit that domestic regimes are determinant for this development. At times, the assumption that the liberal values of Member States are reflected in an IO's design and legitimation is also implicit in related scholarship on IO legitimacy (Duina and Lenz, 2017). Thus, as to the question of an RO's human rights legitimation, following these approaches, I contend that it can be the result of a rational choice to adapt to national interests. RO agents of legitimation know that Member States pursue national interests strategically

at a regional level and respond accordingly. When there is interest in human rights, the RO agents of legitimation would cater to this interest with the respective legitimation referring to human rights. Consequently, for the CS model human rights legitimation is sought when one can observe interest in and support for human rights domestically in an RO's Member States.

Constructivist approaches in these studies attribute the interrelations and mutual influence on human rights between the national and regional levels to processes of socialisation (Checkel, 1999; Keck and Sikkink, 1999). Goodman and Jinks (2008), for example, introduce the notion of 'acculturation' as a 'distinct social process by which international law [e.g. human rights law] influences states' (p. 747). In this context, scholars also give thought to how these socialisation processes from national to regional levels can affect legitimation. Drawing from sociological institutionalism in organisational theory and world polity approaches, constructivist scholars consider, for example, that international actors act 'in response to socially constructed norms and understandings held by the wider international community' (Finnemore, 1993, p. 593). They contend that these 'scripts' are also relevant for concerns of legitimacy and legitimation: Through adaption to and the use of those scripts the 'organisation becomes, in a word, legitimate, and it uses its legitimacy to strengthen its support and secure its survival' (Meyer and Rowan, 1977, p. 349). Applied to the question of human rights legitimation, this means, that human rights represent a relevant script for ROs, which all can and have to draw on for legitimation in order to be perceived by others as legitimate actors in the institutional environment of ROs (Drori and Krücken, 2010, p. 16; Meyer, 2010; Meyer *et al.*, 1985). Furthermore, this is in line with the assumption of congruence as states are equally affected by these scripts and the resulting normative scripts they consider relevant (Meyer *et al.*, 1997). For human rights legitimation in ROs, I deduce, therefore, that it is the result of socialisation processes on the domestic and regional levels, where the script relevant for both contains human rights. Thus, in following the script, the RO can maintain congruence in legitimating via human rights. Consequently, for the CS model human rights legitimation is sought when one can observe that the domestic and regional levels are socialised with human rights.

Lastly, the CS model also requires that congruence with the institutional design, meaning the embodiment of the respective norm in the RO, is maintained. At large, the literature introduced in the above for the regional level, as such, at the same time also speaks to this level. On one hand, much of the insights on regional human rights institutions drawing from liberal theories suggest that human rights institutions matter and are the result of the strategic domestic interest. Andrew Moravcsik asserts, for example, that one needs to examine 'domestic political self-interest of national governments' to understand why international human rights institutions are created

(Moravcsik, 2000, p. 220; but see also Moravcsik, 1995). On the other hand, socialisation processes can equally well explain the extent to which the institutionalisation of human rights occurs. Hafner-Burton *et al.* (2008), for example, show that commitments to international human rights treaties are often driven by a wish for 'external legitimation by following "global scripts"' (ibid., p. 135, but see also Greenhill, 2010; Sikkink *et al.*, 2013). In fact, this mechanism unfolds irrespective of whether the assumed motivations are drawn from liberal or constructivist theory. Consequently, put simply, the CS model suggests that human rights legitimation is sought when one can observe human rights embodied in the RO's institutional design.

As a matter of fact, I view both logics as applying on par for congruence between all three levels. Tallberg *et al.* (2020), for example, apply both logics to inquire into why IOs commit to liberal norms and find that both logics are at play and not mutually exclusive. More concretely they find that

> while global scripts account for an IO's willingness to recognise norms, they face greater problems explaining the move from talk to commitment. Instead, deep commitments to liberal norms depend on democratic memberships and permissive institutional rules, resulting in a concentration of liberal norm adoption in the democratic core of IOs. (Tallberg *et al.*, 2020, p. 638)

I argue that the same holds true for legitimation. Scholarship shows plausibly that RO legitimation based on human rights to maintain congruence can follow both a constructivist as well as a liberal logic, reflecting the behavioural reasoning of appropriateness and social construction or a rational choice-based logic that is reflective of the actor's domestic preferences. Conceiving of observable implications will thus be reflective of the two approaches.

How authority leads to human rights legitimation

The AC model views human rights legitimation as resulting from increases in authority that surpass a given legitimation on technocratic grounds. ROs would thus use human rights legitimation as a more demanding legitimation to justify their increased authority. Figure 14 provides a schematic overview of this mechanism. To grasp how the notion of human rights figures into legitimation according to the AC model, additional specifications are in order. Concretely, I clarify why and how human rights can satisfy this need for more demanding legitimation.

Figure 14 The AC model
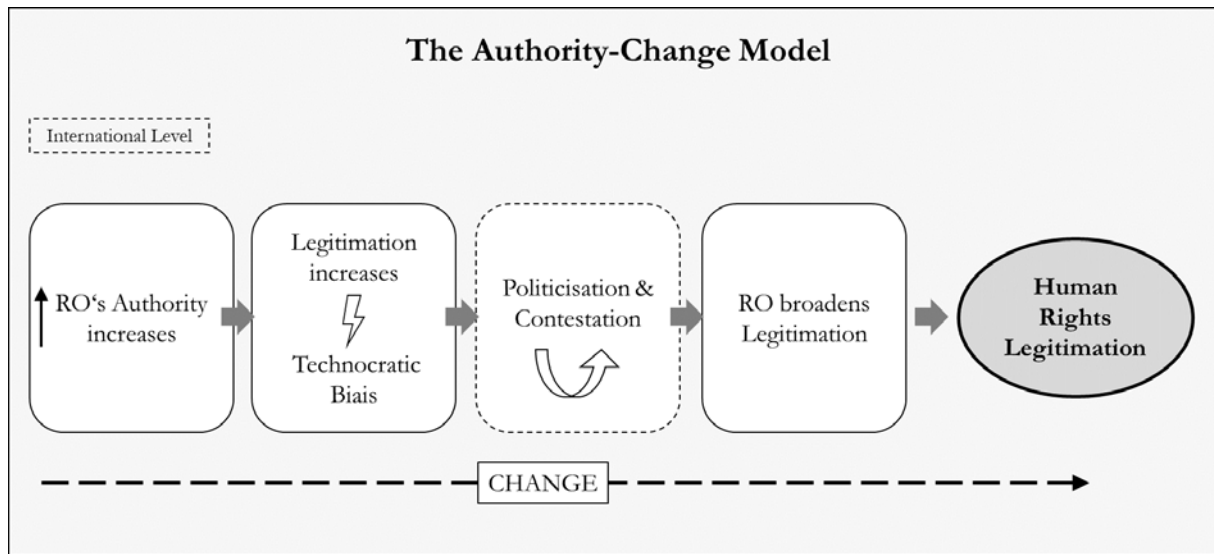
To begin with, comprehending how this model explains human rights legitimation ties back to its simplifying assumption. In fact, a final assumption should be noted: The AC model too conceives of human rights as an overarching moral principle and an international norm so pervasive that it can serve as a normative source for legitimation. In fact, since 'human rights have meanwhile attained the status of a religion for the agnostics', scholarship frequently ascribes human rights such a position or power in international relations (Kratochwil, 2014, p. 201). Legal scholars point out how the concept of 'human rights seems essential to the legitimacy of government in the modern international system' (Voeneky and Neuman, 2018, p. 14). Sociologist as well view human rights as an essential part of a modern international 'cosmopolitan age' (Beck, 2006). And political philosophers describe human rights as 'the sole recognised basis of legitimation for the politics of the international community' (Habermas, 1998, p. 162). Moreover, scholars assert that they 'tell us in a fundamental sense why such [political] orders should exist at all and what the conditions of their legitimacy are' (Forst, 1999, p. 50).

Building on this final simplifying assumption, I spell out one mechanism for the AC model. In line with its core assumption that increases in authority require more (demanding) legitimation, it is key to note that increasing authority does not require more legitimation in purely quantitative terms. Simply mustering more communication that serves the purpose of legitimation does not suffice. On the contrary, legitimation also must become more demanding since the authority to legitimate also becomes increasingly encompassing and intrusive. A technocratically biased legitimation cannot sufficiently account for this change (Zürn, 2018a, 77ff, 98). I argue, thus, that a reaction to this technocratic bias and increasing authority is to legitimate via human rights. Human rights legitimation, therefore, represents the more demanding, 'higher-level' type of legitimation

that can remedy technocratic legitimation problems. Multiple assumptions that Michael Zürn includes in his theory corroborate this claim. Firstly, he repeatedly emphasises that global governance as such is linked to ideas of social purposes or common goods and specifies that 'the provision of common goods [...] is likely to make the exercise of authority legitimate' (ibid., p. 88). This, however, cannot remain unspecific but needs 'reference to sources and procedures by means of which the public authority could indeed give the appearance of serving the common good' (Zürn, 2017, p. 273). I argue that the source for this can be human rights since in their entirety they represent by now a sophisticated system of laws, norms and values that provide detailed directives for individual behaviour or state actions and can provide regulation for manifold social relations (Donnelly, 1986; Brysk, 2018; Forsythe, 2012). Referring to human rights would help to spell out the common good envisioned by the international authority.

Secondly, Zürn outlines the need for impartiality in striving for this common good. He claims that international authorities in legitimating themselves, also need to 'display a sense of impartiality to be seen as legitimate' (Zürn, 2018a, p. 62). From a philosophical standpoint, human rights as a source are well equipped to do justice to this criterion. In their universal, most-wide spread understanding, human rights belong to each and every individual equally thanks to human dignity, that is, each individual's quality of being human (Donnelly, 2013, p. 29; but see also Pogge, 2007; Sen, 2005). Thus, they imply equal treatment of all actors, a value akin to impartiality.[15] Empirically, Zürn himself acknowledges the 'impartial' or neutral character of human rights and describes how international actors make use of this. For international NGOs such as Amnesty International for example, which largely build on the concept of human rights, he claims that their authority 'has been objectivised over time', which has not only provided it with influence but also credibility (Zürn, 2018a, p. 52). Moreover, human rights can be understood as impartial in that they nowadays form part of IO strategies on information politics using indicators where they 'govern through comparison' (Kelley and Simmons, 2021, p. 170). While not void of normative assessments, such human rights indicators allegedly compare, for example, state behaviour based on well-defined impartial standards that apply to all equally.[16] Human rights thus corroborate impartiality in legitimation.

Finally, Michael Zürn asserts that increases in authority trigger politicisation and contestation, where especially non-state actors strive to shed light on the limitations of the authority's

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[15] This does not imply that I view human rights as neutral. On the contrary, this analysis is not only aware of but also builds on the highly normative character of human rights. Normativity, however, does not preclude impartiality. Instead, normativity can be applied impartially to all relevant actors affected by the norms.

[16] Not only are indicators not void of normative assessments, but they are also frequently criticised for being reflective of power relations. For a critical discussion of human rights indicators, see, for example, Merry (2011) Still, I contend that their potential impartiality make them a powerful source for legitimation.

technocratic legitimation. As already alluded to above I contend that for this AC model, societal contestation stemming from non-state actors has more severe effects regarding the need for more demanding legitimation. Contestation from non-Member States more strongly relates to distributional questions among ROs. At any rate, Zürn not only argues that '(…) the growing demand for legitimation leads to politicisation' but also sketches that such 'increased level of politicisation leads to a broadening of narratives that are referred to in the legitimation process' (Zürn, 2018a, 98 and 168). I contend that this broadening includes human rights, especially when contestation and politicisation stem from non-state actors or are driven by distributional questions, that is, economic vulnerabilities. I outline these two observable implications in more detail in the next chapter.

At large, human rights can serve as a more demanding legitimation for regional authority because human rights help spell out the common goods or social purposes an authority aspires to in an impartial manner. More concretely, ROs would thus engage in human rights legitimation when they reach authority levels that require more demanding legitimation. Contestation and politicisation of the RO's authority renders a technocratic bias visible. To overcome this, ROs begin to refer to human rights to legitimate their authority.

We have now seen how both models view not only the mechanisms of legitimation in general but also how human rights as a normative theme for legitimation comes to play a role. Three causal mechanisms were sketched out that lead to human rights legitimation. Firstly, human rights legitimation to maintain congruence can be seen as the result of a strategic consideration of RO agents of legitimation – aware of and willing to cater to the RO's Member States domestic interests. Secondly, human rights legitimation that maintains congruence can be seen as an unconscious process in which both domestic and regional actors follow an international normative script, which leads to alignment in normative preferences and legitimation. Finally, the AC model sees increases in authority as the change maker. It claims that since technocratic legitimation no longer suffices for certain levels of authority, ROs start to revert to human rights for a higher-level, more demanding legitimation. In the next step, I present observable implications and hypothesis to be tested in the empirical section based on these three causal mechanisms. As I will detail in the last section, configurational theorising warrants the use of a qualitative comparative analysis (QCA) to test the models. I thus provide observable implications, introducing six different conditions for human rights legitimation.

Conclusion

This chapter has laid out the theoretical foundations for analysing human rights legitimation in ROs. I suggest that the research on legitimacy and legitimation of international authority can explicate this phenomenon via two distinct theoretical approaches. I expand these approaches to conceptualise two ideal-typical models explaining human rights legitimation. The first model, the CS model showcases how stability in legitimation is maintained. Accordingly, it explains human rights legitimation as resulting from a stable congruence between the norms, values and moral principles held by an authority's constituencies and those that the regional authority embodies and reflects in its institutions. This concern for congruence is perhaps driven by the strategic concerns or socialisation of all actors involved in the legitimation dynamics. The second model, the AC model emphasises changes in legitimation. Introducing an authority-legitimation link, it builds on the assumption that increasing authority requires more demanding legitimation. In my view, human rights can serve for such 'higher-level' legitimation. ROs revert to this legitimation, building on human rights, when their authority reaches a threshold that leads to levels of politicisation and contestation that their original technocratic legitimation cannot sufficiently counter. Having laid this theoretical groundwork for explaining human rights legitimation, the next chapter is dedicated to rendering these ideal-typical models' assumptions observable to then test them in a QCA.

Chapter 4   Framework for QCA: From observable implication to condition

> 'An important part of research is the dialogue that develops between the investigator's theory and the data. Generally, the character is this dialogue is shaped by the techniques of data analysis used by the investigator. While this dialogue occurs in all types of social scientific inquiry, especially in the branch I call case-oriented it is particularly rich and elaborate' (Ragin, 1987, p. xi).

Having introduced two theoretical models that represent ideal-typical views on legitimation in stability and change, they are to be put to the test. To do so, I revert to a Qualitative Comparative Analysis (QCA) which is well-suited for testing competing ideal-typical paths leading to an outcome. For this purpose, the underlying mechanisms outlined in the two models need to be operationalised to suit the research design of QCA. Therefore, I introduce six set-theoretic conditions that take up the core components of the two models, the congruence-stability model (CS model) and the authority-change model (AC model). In this section, I present each condition in turn, outline its role in the model and present its operationalisation and measurement.

4.1 Set-theoretic conditions for congruence and stability

To begin with the congruence model, recall that human rights legitimation is the result of maintaining congruence between the regional authority, what it embodies and what it reflects in its institutions and those norms held by the core constituencies of the respective authority. ROs can actively strive for such congruence, being aware of and catering to their constituencies' normative preferences, or else the process takes place autonomously because of script adoption on both levels. From this assumption and in accordance with both logics, I derive two observable implications that I conceptualise as conditions for human rights legitimation.

Condition 1: Democratic membership (DEM)

I argue that predominant democratic membership in ROs coincides with congruence on human rights reflecting the norms, values, and moral principles of its core constituency. What makes the democratic membership of an RO an observable implication of congruence? As already alluded to above, an abundance of studies exist that confirm the relevance of human rights on both the regional as well as the domestic level. For both levels, it is striking to note that this relevance is

often examined with a view to democratic regimes. On the domestic level, political theory describes human rights as a legitimating basis for democracy; quantitative scholars display that democracies perform better in human rights protection and that political participation, a key feature of democracies, improves the human rights situation (Habermas, 1998; Davenport, 1999; Mesquita *et al.*, 2005). On the regional level, scholars view democratic ROs as particularly conducive for regional human rights protection on one hand, and regional human rights institutions as chiefly beneficial for locking in domestic democratic transition on the other (Moravcsik, 2000, 1995; Hafner-Burton *et al.*, 2015; Mansfield and Pevehouse, 2006; Poast and Urpelainen, 2018). This hints at the fact that the overall overlap between democratic ROs and adherence to the concept of human rights regionally and domestically is high. Liberal theorists translate this finding to legitimation research and claim that 'the nature of the domestic regime' affects legitimation (Dingwerth *et al.*, 2019b, p. 6). As 'governments in liberal democracies work to extend the constitutive principles of democracy to global governance' (Tallberg *et al.*, 2016, p. 62), human rights, as part of these principles, would feature into the norms, values, and moral principles relevant for congruence.

Although human rights are only one among other constitutive principles of democracy, homogeneity in the RO increases the importance of these values. Homogeneity creates community, which is the presence of 'shared norms, an overarching identity, a sense of common fate' (Hooghe *et al.*, 2019, p. 130). Thus, human rights legitimation is not only linked to a simple adherence to this value but forms part of an overarching identification as a democratic state. For an RO's legitimation, this is relevant because it can prompt both logics for establishing congruence. For one, the RO is perhaps aware of this overarching identity binding together its Member States. If so, it can be certain that human rights forms part of these shared norms and can safely draw on them for its own legitimation to establish congruence with this constituency. Moreover, applying the socialisation lens, the RO is similarly socialised into adherence to this script as are its democratic Member States, and thus automatically legitimates by drawing on human rights. Thus, one would observe predominantly democratic Member States in those ROs that make use of human rights legitimation. Therefore, I hypothesise that democratic membership in ROs is a sufficient condition for human rights legitimation.

A panoply of studies exists on conceptualisations and the measurement of democracy (Coppedge *et al.*, 2016; Coppedge *et al.*, 2011). I chose to revert to one of the most common indices, which is the 'Varieties of Democracy' dataset (V-Dem). I chose V-Dem firstly because it is the most comprehensive existing dataset on democracy existing, as it covers 202 countries and semi-sovereign territories in the period 1789-2019. With 23 ROs in the sample and more than 400 cases

of membership of a state in an RO, comprehensiveness is crucial.[17] V-Dem is particularly comprehensive since it also includes most what is called microstates, such as city-states or small island states. The latter are highly relevant for ROs such as the PIF or the OECS.[18] Secondly, the measurement is also appropriate for our purposes here as it is both broad and comprehensive. The Freedom House Index measurement, for example, is too narrow as it focuses on the individual liberties and political rights that constitute a democracy, omitting procedural factors such as how the executive is chosen. Within V-Dem, I revert to an existing index categorising regimes called Regimes of the World (RoW). Conceptually, RoW draws from Robert Dahl's seminal concept of a polyarchy, as V-Dem does as well (Dahl, 1971, 1998). Using five lower-level democracy and governance indices and an additional 11 indicators from V-Dem, the authors construct a four-fold typology of regime types (Lührmann *et al.*, 2018). They distinguish between closed and electoral autocracy and electoral and liberal democracy based on existence of de jure and de facto multi-party elections, respect for the rule of law and other core liberal principles. Given the high level of aggregation, I only use the clear-cut distinction between autocracy and democracy of this index. Scores of individual Member States of ROs for autocracy and democracy were first aggregated to the RO/year level. For comparison, the share of democratic members for each RO/year was calculated.

Condition 2: Active human rights institutions (HRINS)

The second condition addresses the congruence model's take on embodiment. Given that congruence requires that an RO's institutions be reflective of the values that it embodies as well, I claim that in cases of congruence, ROs are also vested with human rights institutions. The RO is not only committed to the protection and promotion of human rights but also embodies this commitment via its institutions that can ensure respective protection and promotion. Indeed, human rights nowadays not only exist as an abstract concept in international relations but have been institutionalised internationally both in global as well as in regional governance (Sikkink, 2017; Smith, 2013c; Donnelly, 2013). Regional institutionalisation can take the form of binding commitments in regional treaties or regional bodies vested with varying degrees of authority, such as courts, advisory commissions, expert committees or working groups.

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[17] Diana Panke (2020, p. 476) claims that there are only three states – Israel, North Korea and Timor Leste – that are not members of a single RO.
[18] Polity IV and the Democracy-Dictatorship (DD) dataset both overall include significantly fewer states. In V-Dem-Dataset (version 10, 2020), however, 21 countries are still missing. This issue was resolved by substituting the missing values from the DD dataset. The small amount of those missing values as well as conceptual proximity and empirical congruence in measurement allow for this substitution (Cheibub *et al.*, 2010, p. 77; Lührmann *et al.*, 2018, p. 68).

To understand this observable implication, recall how scholars of legitimation dynamics following the CS model understand the link between institutional design and legitimation. They contend that legitimacy requires congruence between an RO's legitimation; the norms, values, and moral principles it builds on; and its institutional design. Thus, the RO's institutional design and organisational structure need to be reflective of the norms, values and moral principle that the RO claims to embody; and '[if] correspondence exists, organisational legitimacy results' (Lenz and Viola, 2017, p. 5; Tallberg and Scholte, 2018). The congruence model, thus, opposes rational choice or functionalist-based approaches to explaining IOs' institutional designs (Koremenos *et al.*, 2001; Keohane, 1988). Whereas the former contends that form follows function, meaning that an IO's design is reflective of the functional cooperation goals that it strives for, the congruence model considers legitimacy concerns as equally relevant. Both theoretical approaches referenced to grasp the causal mechanisms underlying the congruence model corroborate this view on institutions.

Liberal theories contend that states do not automatically seek to maximise preferences 'as realists and institutionalists tend to assume', but 'pursue particular interpretations and combinations' of preferences of certain powerful domestic actors (Moravcsik, 1997, p. 519). This can lead to conflict and non-rational 'suboptimal outcomes' (ibid., p. 573) or, in turn, a non-rational institutional design. In the context of legitimation, institutions that do not appear rational at first sight are, for example, those that strongly infringe on national sovereignty and can turn against Member States in cases of human rights violations. While running against rational state interest – to be sanctioned by a regional authority – creating such an institution may result from the legitimation concerns of certain powerful domestic actors (Hafner-Burton *et al.*, 2015). Similarly, constructivist scholars assert that institutional design and organisational structure need not necessarily follow a rational or functional logic but rather can also serve an RO's legitimation. Instead, it may rather reflect normative demands and ideas held about similar institutions, thus reflecting the international normative scripts that also affect legitimation as such (Meyer and Rowan, 1977; Finnemore, 1996). For both logics thus, I expect ROs to create institutions dedicated to human rights that can corroborate their legitimation based on human rights. For the liberal theorist, the RO does so as it is aware of the domestic preferences on human rights. Following a socialisation logic, ROs would create the respective institutions because they also follow the respective script institutionally when legitimating via human rights.

I note that both logics are ambiguous as to how ROs are positioned towards the effective protection and promotion of human rights. Considering how active human rights institutions relate to human rights protection, though, is instructive for why the institutions are still relevant. Supposing genuine use human rights legitimation implies sincere intentions to promote and protect

them. Creating related effective institutions is thus a sensible step for ROs. Indeed, research shows that effective and authoritative human rights institutions lead to higher levels of compliance and more effective enforcement (Hafner-Burton *et al.*, 2019; Voeten, 2017). The good performance of these institutions can also make human rights legitimation more credible. Related research shows that creating human rights institutions is costly for Member State's sovereignty, providing 'the costliest *(and therefore clearest)* signal of intent to comply with human rights rules (…)' (Hafner-Burton *et al.*, 2015, p. 24, emphasis added). Nevertheless, cases of dishonesty, meaning attempts at human rights legitimation without intrinsic intentions, also exist. Multiple case studies show that ROs create human rights institutions precisely and solely to signal a pretext commitment. While possibly successful in legitimating, there are no real ambitions to induce or enforce compliance with human rights standards (Jetschke, 2019; van Hüllen, 2015; Munro, 2009; Davies, 2013). In both cases, however, it appears that such efforts to create human rights institutions are only credibly recognised, if any kind of action can be observed (Engstrom, 2019a, p. 4; Smith, 2013a, p. 91; Rishmawi, 2010). Thus, no matter the intention regarding human right protection, I hypothesise that the existence of active human rights institutions is a sufficient condition for human rights legitimation.

To measure this observable implication, I hand-coded all 23 ROs' human rights institutions. I did so for two reasons. First, to my knowledge, no systematic assessment of human rights institutions for all ROs in the sample exists. Existing assessments of institutions merely compare two or a handful of the most prominent ROs. Second, expanding these existing assessments also does not prove useful for they focus on specific aspects that do not align with the goal of this analysis. Oftentimes, the analyses are too narrowly focused on the specific characteristics of the institutions or they brush over the institutions merely superficially (Engstrom, 2019b; Kadelbach *et al.*, 2019; Alter *et al.*, 2018; Almakky, 2015; Serrano and Popovski, 2010). Therefore, I manually coded the ROs' institutions involved with human rights. Drawing from insights in the literature, I compiled a coding approach that accounts for the theoretical assumptions of the effectiveness of these institutions. As the most relevant institutions, I consider commissions, courts and a formal, institutional commitment, that is, a mandate or commitment to human rights promotion and protection (Voeten, 2017; Smith, 2013c; Engstrom, 2019b).

In doing so, I account for differences between de facto and de jure existence and activity. A gap between the two is both theorised and observable empirically (Alter et al. 2018). To illustrate, international courts litigate on human rights despite the absence of official jurisdiction over this issue. This holds true for American and African as well as European regional courts (Franca Filho *et al.*, 2019; Gathii, 2018; Ebobrah, 2018; Spano, 2017; Canepa, 2015). Regional courts are at times

established de jure but merely exist on paper get disbanded and 'loose' authority or jurisdiction on human rights (Zongwe, 2019; Nathan, 2013; Rishmawi, 2010). It is important to include them nonetheless given the possibility of human rights legitimation that is not intrinsically motivated. Taking this into consideration, I proceed in five steps of individual binary codings, which, in sum, provide for a raw score of human rights institutions for each RO/year. Three codes map the existence of the above-mentioned formal institutions, formal commitment, courts, and commissions. Another two account for the establishment and activity of the commission and the court. This provides yearly observations ranging from zero to five for the condition of active human rights institutions to be tested in the QCA.

4.2. Set-theoretic conditions for authority and change

Based on the AC model I hypothesised that ROs with high authority that legitimate strongly, that act within a strong realm of non-state actors and that are economically vulnerable use human rights legitimation. This entails testing four conditions for the AC model. While the relationship between authority and human rights legitimation has already been spelled out in depth above, since it makes up the core of the causal mechanism, three auxiliary conditions need additional explanations. Drawing from the AC model's theoretical assumptions, I argue that these three conditions – high legitimation intensity, a strong realm of non-state actors and economic vulnerability – are reflective of the causal mechanism and would provide additional support for the claims of this model. More concretely, high legitimation intensity illustrates that the authority faces contestation and a general need for increased legitimation. A strong realm of non-state actors as well as economic vulnerability reflect the perils of strong endogenous societal contestation and politicisation by additional audiences. Since the RO is 'under perennial observation', it cannot ignore this contestation and politicisation but eventually reacts with human rights legitimation (Zürn, 2018a, p. 46). For a better overview, I introduce each condition and its conceptualisation in turn.

Condition 3: High authority (AUT)

To begin with, the most important condition for the underlying mechanism of the AC model, is authority. Authority can be defined as 'the power to make collective decisions based on a recognised obligation to obey' (Hooghe *et al.*, 2017, p. 3). It assumes that there are power relations in international relations and competition over social control. A legitimate authority is thus one main mode or social control besides coercion and self-interest (Beetham, 1995; Weber, 1978). With that, authority is distinct from power because in any authority relationship, affected actors 'choose

whether to comply' (Lake, 2010, p. 588) and may do so 'even when it is not in their immediate interests' (ibid., p. 592). Although international relations were long viewed as anarchic and exclusively reigned by power, scholars now widely agree that 'there is also authority in the world system (…)' (ibid., p. 589, but see also Kustermans and Horemans, 2022). Recently, scholars have also engaged in efforts to empirically assess such international authority (Zürn *et al.*, 2021; Hooghe *et al.*, 2017). Research now describes intergovernmental, non-governmental, judicial or epistemic authorities (Kelley and Simmons, 2021; Alter *et al.*, 2018). Interestingly, measurements agree on the observation that international authority has increased over time (Zürn *et al.*, 2021). Such international authority is prominently held by IOs, amongst those also the ROs in question here. The European Union (EU), the Andean Community (CAN) and the Council of Europe (CoE) for example are indeed described as amongst the most authoritative IOs (Hooghe *et al.*, 2017, p. 563; Hooghe *et al.*, 2019, 23f; Zürn *et al.*, 2021, p. 436). A wide variety of conceptual components are advanced to better grasp international authority, ranging from generic concepts, such as autonomy, control, and independence, to sophisticated conceptualisation such as supranationalism and pooled sovereignty (Hooghe *et al.*, 2017, p. 11).

For my purposes, three aspects are key to understanding authority. Firstly, authority varies regarding its scope. This means it can either be encompassing and broad, covering a wide range of issue areas, or narrow and restrained to technical issues that can be dealt with independently (Lenz *et al.*, 2014, p. 132). This distinction is relevant for the causal mechanism – it suggests that when an authority becomes too broad and encompassing, it reverts to human rights legitimation. Secondly, in examining regional authority, thus authority formalised in ROs, the focus lies on authority that is equally formalised, akin to Weber's legal-rational authority (Weber, 1978). Thirdly, measured authority constitutes a continuous concept, that is not defined exclusively by presence and absence. International authority can steadily increase. Distinctive features, though, allow us to theorise a threshold distinguishing between low international authority and high authority that needs increased legitimation.[19] Thus, I hypothesise that high authority, that is, formal and encompassing regional authority, is a sufficient condition for human rights legitimation.

The measurement of this regional authority is drawn from a dataset called 'Measuring International Authority' (MIA), which maps authority in IOs over a time span from 1950 to 2018. The analytical objective of this dataset is to map the evolution of international authority, referring to the ways and to the extent to which IOs can exert authority over other subordinated actors, mainly states. Theoretically, the dataset is based on a conception of authority that conceives

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[19] Thanks to the use of the QCA method, which will be further introduced in Chapter 5, calibration allows the definition of this threshold.

authority as being either the pooled authority of Member States in the form of international authority or authority from the Member States being delegated to the international authority (Hooghe *et al.*, 2017). Other efforts to gather data on international authority build on related conceptualisations. Given differences in the sample, they are, however, less suitable for the present analysis (Zürn *et al.*, 2021; Haftel and Thompson, 2006). In the MIA dataset, authority is measured by a close examination of the institutional design of ROs with respect to decision making, budgetary procedure, agenda setting, or dispute settlement. While providing scores for each of the two concepts individually, I revert to an aggregated score for authority, that is, the sum of pooled and delegated authority. This is sensible as no clear theoretical expectations for either pooled or delegated authority have been formulated.

Condition 4: High legitimation intensity (LEG)

As I outlined in Chapter 3, international authority must be perceived as legitimate and thus constantly engages in legitimation. Understood as a norm-based and generalised justification of an RO's right to rule, legitimation can also not be grasped dichotomously via absence and presence. Instead, scholars describe it as a continuous process that may change in quantity and quality (Gronau and Schmidtke, 2016; Dingwerth *et al.*, 2020; Dingwerth *et al.*, 2019a). Michael Zürn himself, for example, establishes in his theory that there are seven different what he calls narratives that international authority can draw from to legitimate. He traces such changes in quality and quantity back to, on one side, increasing authority and, on the other, the politicisation and contestation of this authority. According to Zürn, the latter phenomenon in particular is a reaction to legitimation problems that result from a technocratic bias in legitimation, as illustrated in Chapter 3.2. Although a given international authority already engages in legitimation, a threshold may be reached where simply increasing the quantity of legitimation no longer suffices. In such cases of more politicisation and contestation, an ROs and the way it acts out its authority is altered from an unpolitical matter to a matter of high political salience (Zürn, 2019, 2018a, p. 139). Whereas some scholars view the consequences of increasing authority as decisive for politicisation, for Zürn increases in authority alone already suffice (von Staden, 2021). There is agreement, though, that this can be constraining for authorities 'because it presumably implies growing legitimacy challenges for regional organisations' (Hurrelmann and Schneider, 2015c, p. 4).

Consequently, while 'the rise of political authority beyond the nation state (…) leads to politicisation' (Zürn *et al.*, 2012, pp. 71–73), the fact that an issue is politicised, renders the authority more visible and thus also increases the need for legitimation. Here, legitimation becomes more demanding, and IOs react by broadening their legitimation, which can, as I argue, result in engaging in human rights legitimation. What is more, this also implies that when human rights legitimation

is made use of the overall level of legitimation is already high. The authority increases its legitimation quantitatively first before it starts engaging in human rights legitimation. I include this observable implication in the conditions and thus hypothesise that high legitimation intensity is a sufficient condition for human rights legitimation. To grasp this condition, I draw from the same dataset that also contains the outcome as presented in Chapter 2.[20] As I outlined there the LegRO dataset is the result of a more comprehensive mapping of legitimation communication in ROs. Indeed, beyond human rights, a total number of 31 legitimation standards covering three different normative domains (liberalism, communitarianism, and functionalism) and three institutional domains (purpose, procedure, and performance) were mapped for each paragraph. Taken together, they provide an insight into the overall legitimation dynamics for each RO. Aggregating the number of all these legitimation statements mapped per paragraphs coded for each RO/year allows the calculation of what we term legitimation intensity. This legitimation intensity is used to gauge the condition high legitimation intensity for the QCA.

Besides assessing this initial reaction of the regional authority to legitimation problems, which quantitatively increases the legitimation, the model also outlines factors that lead to such legitimation problems and reinforces them. In Chapter 3, I highlight that societal contestation and politicisation are major factors in this. Indeed, Zürn elaborates in detail on the components and levels of politicisation relevant for the mechanism to unfold but remains vague with regard to the responsible agents. Although he provides a lengthy list of all 'the individuals or groups who participate in the political process, such as politicians, experts, and representatives of interest groups, or those who are in a position to organise political protests' (Zürn, 2018a, p. 141), no assumptions are presented as to who becomes relevant and how as well as at what point. Even less is made explicit for the process of societal contestation although Zürn at times also simply equates this to politicisation. Beyond state contestation, Zürn only briefly alludes to non-state actors being responsible for additional contestation (Zürn, 2018a, p. 98). Thus, I expand the AC model on this aspect for human rights legitimation and theorise two groups of agents causing societal contestation and politicisation. This allows me to better account for how the norms of human rights referenced in the legitimation can be explained. Besides, it also ties this analysis to the broader research agenda on human rights and legitimation, where 'research on audiences of GGI [global governance institutions] (de)legitimation remains underdeveloped (…)' (Bexell and Jönsson, 2018, p. 119).

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[20] Aware of the issue of endogeneity, I show in Chapter 2.3 that correlations between this condition and the outcome are limited. For more details on this, see also the correlation matrix in Annex 3.

Condition 5: Strong non-state realm (NGO)

Firstly, I contend that societal contestation and politicisation stem from the additional audience of non-state actors that have gained significant strength for human rights and in the realm of the RO. Indeed, historically, various social movements frequently politicised specific grievances and contested national and international power by availing themselves of the concept of human rights (Wheatley, 2018; Moyn, 2012; Stammers, 2009). In such efforts not only nation-states, but also IOs were targeted by the contestation and politicisation of non-state actors based on human rights (Anderl *et al.*, 2021; Della Porta *et al.*, 2007; Della Porta *et al.*, 1999; Sikkink, 1993). Recently, scholars have also started inquiring into the extent to which non-state actors, such as social movements and NGOs, are relevant for legitimation processes in 'how they ascribe and deny legitimacy to political institutions and actors' (Haunss, 2016, p. 156). Such inquiries show, for example, that non-state actors, such as domestic elites in an RO context, through contesting and politicising, can shape the legitimacy beliefs of a larger audience, such as ordinary citizens (Schmidtke, 2018).

At the same time, research suggests a link between their presence and the presence of human rights in an RO. Scholars argue, for example, that IOs catering to non-state actors, such as by granting them access, is linked to adherence to a set of liberal values (Hafner-Burton *et al.*, 2015, p. 5). Tallberg and colleagues also claim that an ROs willingness to be open, transparent, and accountable to non-state actors is due to a more general propensity to adhere to liberal values (Tallberg *et al.*, 2016, p. 62). In addition, there is also widespread agreement in contemporary research on human rights that non-state actors contribute significantly to human rights protection. Not only are they considered powerful advocates for human rights internationally (Keck and Sikkink, 1999, 1998), but their contributions, especially in ROs, have by now also been thoroughly examined (Reiss, 2019; Dietrich and Murdie, 2017; Manea, 2015). Furthermore, the pressure of non-state actors targeting states has even proved more effective than the ratification of international human rights treaties (Hafner-Burton and Tsutsui, 2005, p. 1402). Thus, the effective human rights protection on which an RO could draw for its human rights legitimation often coincides with a high presence of non-state actors in the realm of an RO.

Yet, in theory, to affect an RO's legitimation, these non-state actors need not only display strong influence on the issue of human rights, but they also need to matter in the realm of the RO. This means that linkages between ROs and non-state actors should be discernible. Contemporary research on the institutional design and legitimation of ROs indeed accord non-state actors high priority, arguing, for example, that the presence of said actors in the institutional environment of an RO is 'one of the most profound changes in the organisation of international cooperation in recent decades' (Sommerer and Tallberg, 2016, p. 247) Scholars also contend that a deep intrusion

into IO processes by non-state actors 'increases the desire for self-legitimation' of the IOs. (Ecker-Ehrhardt, 2018b, p. 535). Similarly, research has shown, that non-state actors' ability to access and disseminate information by accessing ROs increases the ROs legitimation pressures (Kahn-Nisser, 2019; Sommerer and Tallberg, 2016, p. 263). Overall, this strongly suggests that non-state actors 'should be taken into consideration in any research that wants to analyse empirical processes of legitimation' (Haunss, 2016, p. 171). Thus, I hypothesise that strong societal contestation and politicisation stem from the additional audience of non-state actors that have gained significant strength in the realm of the RO which makes them a sufficient condition for human rights legitimation.

The existing quantitative data on non-state actors in ROs do not allow us to gauge this condition easily. Scouting for systematic data on typical non-state actors in this field, such as Human Rights Watch and Amnesty International, and their relations to ROs, for example, yielded no useful results. Thus, I use proxies to measure this condition that build on its two main conceptual assumptions. Firstly, the condition builds on the assumption that there is indeed some kind of activity on human rights by non-state actors that may lead to politicisation and contestation. It is important for this language to be used by any kind of actor who is not representative of the government or the state, as this allows for the respective politicisation and contestation to resonate and to be introduced in the RO's realm. A proxy for such actors is National Human Rights Institutions (NHRIs) for which systematic data are available and were compiled for this sample. Designed after the UN Paris Principles from 1993, their accreditation at the UN ensures the independence of state and government (Pegram, 2015). Furthermore, research shows that there is not only a distinct link of these institutions to ROs but also that their activities not only resemble those of non-state actors more generally but also strongly support them (Martin, 2020; Gomez and Ramcharan, 2020; Pegram and Herrera Rodriguez, 2019; Welch, 2017). The data on these institutions are drawn from two sources. Firstly, the Global Alliance of National Human Rights Institutions, a former UN organ provides data on the accreditation of said institutions to the UN. As the Paris Principles were only introduced in 1991, previous data stems from a dataset on the presence of similar institutions, such as human rights ombudsmen or national human rights commission (Koo and Ramirez, 2009). This was used to expand for the missing years from 1980 to 1990.

The second conceptual assumption relates to addressing these non-state actors in legitimation. In fact, a link between the two that allows for politicisation and contestation is discernible when the RO addresses these actors in its legitimation. The LegRO dataset provides a variable for this called reference group, which designates a group of actors as the benefactors of an RO's activity in

its self-legitimation. Apart from states, this variable also maps references to non-state actors. I revert to this measurement to grasp the link between non-state actors and ROs for this condition.

Condition 6: Economic vulnerability (ECON)

Besides the group of non-state actors whose strong presence in the realm of an RO can result in stronger contestation and politicisation, I argue that non-Member State actors constitute an additional audience and do matter for politicisation and contestation as well because of economic vulnerabilities. This is the case not only because of the nature of international authority but also because of how human rights becomes politicised. Firstly, state actors can equally form a group of actors that contests and politicises international authority. Indeed, Zürn lays out how the reflexive authority vested in different international political authorities competes and can create indirect coercion between authorities when institutionalised or objectivised (Zürn, 2018a, p. 49). This indicates that non-Member State actors may also matter for an RO's legitimation. In fact, Zürn claims that state contestation creates hierarchies and dependencies relevant for legitimation as it 'points to the distributional consequences of international institutions and to the fact that they are power-laden' (ibid., p. 96). Such dynamics have already been examined regarding ROs. Scholars not only describe how international governmental organisations can actively and passively influence one another (Lenz, 2021b, 2013; Checkel, 1999) but also contend that such influences can create dependency or affect legitimation concerns (Lenz and Burilkov, 2017; Jupille *et al.*, 2013; Hettne, 2005). A striking example of this concerns how ROs depend on international economic flows in the form of development aid that increasingly forms part of an RO's budget. For some ROs, these funds nowadays amount to a share of more than 50 per cent of their overall budget (Stapel and Söderbaum, 2020, p. 122; Engel and Mattheis, 2020, p. 254). I contend that in a power-laden environment, this results in a legitimation contest where the powerful can more easily delegitimate the weak. Powerful state actors can more easily contest or politicise and by that work for the delegitimation of the regional authority. Considering, for example, their budgetary constraints, some ROs are highly dependent, and economically vulnerable, and thus an easy target. To these structural constraints, add that human rights are particularly prone to feature in such contestation and politicisation and in the resulting legitimation.

Indeed, scholars describe that human rights suffer from politicisation within IOs because state actors use it to achieve higher political goals and to depreciate political opponents (Terman and Voeten, 2018; Alston, 2006). Relatedly, recent scholarship on depoliticisation notes that human rights forms part of those issue areas that IOs actively seek to depoliticise and to present as neutral (Louis and Maertens, 2021). Furthermore, human rights also feature prominently in hierarchical relationships, in particular, international economic flows. Scholars expose that both states as well

as international governmental actors (IOs) have conditioned trade relations to human rights protection (Donno and Neureiter, 2018; Dietrich and Murdie, 2017; Voeten, 2017, p. 119; Donnelly, 2013, p. 198). This 'trading' of human rights is also reflected in discourse as they have become a benchmark for evaluating state behaviour and for naming and shaming human rights violations (Hafner-Burton, 2008). In economic terms, research shows that weak actors are more frequently criticised and often also receive less foreign aid, while economically powerful actors are repeatedly shielded from condemnations (Lebovic and Voeten, 2009, 2006). Aware of these structural constraints, ROs can react to such contestation and politicisation by state actors by proactively steering the conversation in their favour. I argue that human rights legitimation represents such a proactive resort: As economically vulnerable ROs are more exposed to state actor led contestation and politicisation, they counteract through human rights legitimation. Therefore, I hypothesise that economic vulnerability is a sufficient condition for human rights legitimation.

While vulnerability can be measured very differently, theorising here focuses on economic flows, dependencies, and interactions. Given the absence of systematic data both concerning ROs' budgets as well as their position in international economic flows, I revert to examining more general economic flows (Engel and Mattheis, 2020). I use two proxies to estimate this 'trading' logic of human rights and the resulting vulnerability for ROs for this condition. The first component measures the overall availability of aid in relation to aid that is attributed only with conditionality which is tied to human rights provisions. This component thus gauges the potential financial supply available beyond the RO's own membership levy. For this first component, potential external financial supply, I use the Aiddata dataset, which maps development aid flows from 1947 to 2013. Although focusing on the domestic level, all entities involved in development aid across the globe are covered. Individual states can be included as both donors and recipients in the dataset. To determine the relevance of human rights for the respective donor, congruence is assumed. By implication, I suppose that the norms, values, and interests that a donor stands for internally are also applied in its international relations. Thus, an autocratic donor, that is, an autocratic state or an IO with mainly autocratic Member States, would thus also defend and support autocratic values and interests internationally. Vice versa, liberal democracies behave in accordance with liberal values in the global sphere. Therefore, I revert to the donors' regime type to grasps its stance on human rights. I use scores of individual state donors or aggregate scores for the regime-type of IO members to distinguish between human rights donors and non-human rights donors.[21] The second

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[21] See condition 1: democratic membership (DEM) for more details on how regime types are measured. I use the same data for this condition.

component is a proxy mapping the demand for the external funding of an RO increasing its overall vulnerability.

To my knowledge, data on RO financing only exist with a theoretical focus on its autonomy towards Member States or for specific regions (Stapel and Söderbaum, 2020; Hooghe *et al.*, 2017). Neither fits the interest here. Therefore, I revert to the proxy of aggregated GDP data for each RO. When the aggregated GDP is lower, the ROs' Member States can provide fewer financial resources. Therefore, the demand for external funding, thus economic vulnerability, is higher. With both components, I create a combined score for all ROs over time, which is the demand for external funding weighted by the supply of funding by human rights donors to determine an RO's economic vulnerability. An RO that is highly vulnerable in economic terms is highly exposed to and affected by politicisation and contestation from other state actors. This last condition completes the framework of all six conditions that reflect the observable implications of the two ideal-typical models of self-legitimation.

4.3 Theoretical expectations on causal complexity

In the first sections of this chapter as well as the preceding Chapter 3, I outlined a theoretical framework that seeks to explain the variegated phenomenon of human rights legitimation from a macro-level. Via two ideal-typical models, which shall delineate the two overdrawn cases of stability and change in legitimation, I seek to find conditions that explain the patterns of human rights legitimation as described in Chapter 2. Consequently, the main objective of this first analytical part is to evaluate the theory. In using set-theoretic methods, scholars frequently advise caution, when engaging in theory evaluation and often rather discuss theoretical hunches instead of formal hypotheses as used in statistical analyses (Schneider and Wagemann, 2013, p. 295; Oana *et al.*, 2021, p. 159). They concede, however, that exceptions can be made, 'if, for instance, strong interest, strong expectations, or both exist in a particular set relation' (Schneider and Wagemann, 2013, p. 296). Due to the strong prevalence in legitimation research of these two models, I argue for an exceptional case and thus follow Patrick Mello, who defends the possibility to formulate hypotheses. Hence, I understand a hypothesis similar to 'a 'tentative answer to a research problem, expressed in the form of a clearly stated relation' (Frankfort-Nachmias and Nachmias 2008, p. 56 quoted in Mello, 2022, p. 53). In such cases, QCA scholars contend that formulating these hypotheses in set-theoretic language, meaning as sufficient or necessary conditions or configurations, is key (Mello, 2014, p. 53). Additionally, the proper treatment of the problem of limited diversity (too few empirical cases for all theoretically possible configurations of conditions)

similarly requires engaging in consideration for the directional expectations for each condition (Oana *et al.*, 2021, p. 114).

First, I contend that the models theorised above allow us to expect three different sufficient paths for human rights legitimation (cf. Table 2). Since decisive simplifying assumptions and scope conditions diverge, I understand the two models as co-constitutive, meaning that they may explain cases individually or possibly even jointly. Nonetheless, I formulate ideal-typical paths to expect. Furthermore, I do not view this analysis as immune to potentially overlooked causal factors. Therefore, all individual conditions can be viewed as INUS conditions, meaning an 'insufficient but necessary part of a condition which is itself unnecessary but sufficient for the result' (Mackie, 1965, p. 245; Schneider and Wagemann, 2013, p. 79).

Table 2 Theoretically expected paths

Theoretically expected paths

1	Congruence-stabiliy model	HRINS*DEM -> Human rights legitimation (HR)
2	Authority-change model	AUT*LEG*NGO -> Human rights legitimation (HR)
		AUT*LEG*ECON -> Human rights legitimation (HR)

Since I largely draw on contemporary research on human rights to expand the literature on legitimacy and legitimation, theorising tends towards formulating conditions that lead to the *presence* of human rights legitimation. In the words of directional expectation, all else unchanged, the presence of the condition coincides with the presence of the outcome. All these directional expectations are displayed in Table 3. For two conditions, however, formulating such clear directional expectations would be implausible considering deviant cases. Firstly, for democratic membership, the empirical evidence with cases such as the African Union (AU), Association of South-East Asian Nations (ASEAN) and League of Arab States (LoAS) using HR legitimation already contradicts this directional expectation. Indeed, research also points to strategic use of such notions by autocratic ROs (Munro, 2009; van Hüllen, 2015; Leininger, 2015; Obydenkova and Libman, 2019). The same is true for economic vulnerability. Considering the EU, which is among the most regular human rights legitimisers, it seems implausible that only economically vulnerable ROs would use human rights legitimation. Indeed, conceptualised as script-makers, scholars argue that different actors in world politics can actively make use of their strength to influence others and purport their preferred international norms (Jupille *et al.*, 2013). Thus, for both conditions formulating an unambiguous directional expectation is not sensible. Nevertheless, the inclusion of

this condition is sensible as its divergent effects might also be visible in different configurations of conditions.

Table 3 Directional expectations

Model		Condition	*Ceteris paribus,* condition leads to the presence of human rights legitimation	*Ceteris paribus,* condition leads to absence of human rights legitimation
Congruence-Stability Model	1	Democratic membership (DEM)	no expectation	no expectation
	2	Active human rights institutions (HRINS)	present	absent
Authority-Change Model	3	High authority (AUT)	present	absent
	4	High legitimation intensity (LEG)	present	absent
	5	Strong non-state realm (NGO)	present	absent
	6	Economic vulnerability (ECON)	no expectation	no expectation

Note: Table follows Hinterleitner *et al.* (2016).

Conclusion

This chapter has pursued elaborating a comprehensive theoretical frame for this first analytical part of the book by translating the two ideal-typical models introduced in the preceding chapter into set-theoretic conditions for QCA. For the CS model focusing on stability, two conditions that grasp the congruence between constituencies and the RO's institutional design were introduced. I hypothesise that the presence of democratic membership in the RO and active human rights institutions are sufficient conditions for the CS model of legitimation. For a model of change, that I term AC model building on an authority-legitimation link, four conditions figure into the QCA design. Besides high authority and high legitimation intensity, I argue that economic vulnerability and a realm of strong non-state actors are conditions for human rights legitimation following this model. To evaluate the models, I formulate theoretical expectations and three possible paths that may allow us to explain the four kinds of human rights legitimation that I identified in Chapter 2.4. The subsequent chapter puts these theoretical considerations to the test via a QCA.

Chapter 5   A QCA on human rights legitimation

'It offers the potential to build on existing quantitative approaches which already identify many relevant explanatory variables by giving specific attention to multiple conjunctural causation. The latter is especially promising since in comparative research into the protection of human rights many factors come into play and potentially contribute to the protection of human rights. (…) The proof of the pudding is in the eating. In a next step the method will be applied to existing data sets which contain information on the protection of (specific) human rights' (Marx and Soares, 2016, p. 380).

The quote above illustrates both the purpose of and innovation presented by this chapter. The chapter seeks to answer the first sub-question of the overarching research question: In view of the variegated patterns of human rights legitimation, under what conditions do ROs revert to this norm for self-legitimation? To answer this question, I revert to the method of QCA. This presents an innovative approach given that, until now, QCA has neither been applied to the research on legitimation nor to human rights despite theoretical approaches that strongly indicate causal complexity. QCA as an approach to comparison in social science makes use of set theory and Boolean algebra to establish configurations of conditions that lead to an outcome. The data on the legitimation communication of 23 ROs over the period from1980 to 2019 as introduced in Chapter 2 provides the outcome examined in this QCA. From the two ideal-typical models that cover human rights legitimation in stability and change, I derive six conditions for human rights legitimation, which were introduced in the preceding chapter – covering the RO's institutional design (high authority and active human rights institutions) as well as its internal democratic membership and external audiences (strong non-state realm and economic vulnerability). In the subsequent QCA, I thus determine necessity or sufficiency of these conditions and related configurations of conditions across ROs and over time.

The empirical analysis shows that both models provide some explanatory leverage though neither of the two is fully covered. In fact, the results indicate that both congruence and authority, thus a combination of stability and change within an RO, help in understanding why they revert to human rights legitimation. In line with that, the QCA displays conjunctural causation, equifinality and asymmetry in the solution. The condition active human rights legitimation in particular proves meaningful for many ROs though in various conjunctions. Furthermore, I label three consistent paths that lead to human rights legitimation in 12 ROs. The first path describes ROs that are economically not vulnerable and vested with active human rights institutions covering **'Self-**

containing Legitimisers', such as the OSCE, CoE and EU. The second path covers ROs such as CARICOM and the OAS which I term **'Reviving Legitimisers'**. They are democratic in membership, have active human rights institutions and high levels of authority and legitimate strongly. A third path covers ROs that are democratic, economically vulnerable and endowed with high authority and that legitimate strongly and exist in a realm of strong non-state actors. Including ROs such as Mercosur, SICA and CAN, I refer to this path as **'Signalling Legitimisers'**. Yet, the QCA also reveals some limitations that concern its low coverage and warrant theory refinement. To illustrate this, the chapter is divided into four sections. In section one, I lay out the groundwork of this approach by introducing the logic of the analysis and its usage and scope in the present analysis. This includes introducing the universe of cases and the unit of analysis. The second section takes up the conditions from Chapter 4 and calibrates them as fuzzy sets. Then, I proceed with the analysis, the core of the QCA in which necessary conditions and sufficient configurations are identified. The last section begins to reflect on the implications of the results by discussing various robustness checks.

5.1 Introducing QCA as an approach

A QCA is distinct both in its approach to comparison as well as the underlying method used. It thus requires a detailed introduction. Pioneered in social science in the 1980s by Charles Ragin (1987), it makes use of sets of cases and Boolean algebra to establish causal configurations between an outcome and conditions. Therefore, it can be distinguished from correlational models that try to establish covariation. Where correlational models seek to establish probabilities to which independent variables coincide with the dependent variable, QCA builds on the assumption of causal complexity (Mello, 2022, p. 64). In fact, QCAs is set-theoretic method analysing social reality in which 'the data consists of set membership scores' (Schneider and Wagemann, 2013, p. 6) conceiving causes as conditions and the phenomenon to explain as an outcome instead of variables. Additionally, causal complexity entails that only distinct combinations of multiple conditions can explain an outcome and that more than one of such combinations can exist which can all equally well explain the outcome but that their symmetric inversion does not automatically explain the non-outcome (Mello, 2022, p. 65; Haesebrouck and Thomann, 2021).

To conceive of the data as sets requires the process of calibration, that is, 'the process of assigning set membership scores to cases' (Oana *et al.*, 2021, p. 31), following objective external criteria. Subsequently, during the analytic moment of the QCA, necessary, and sufficient conditions for the presence of the outcome are examined. To do so, researchers first construct a truth table displaying all logically possible configurations of conditions. From the table's logical minimisation,

researchers then derive solution terms that can provide equifinal, asymmetric and multicausal configurations of conditions leading to the outcome (Mello, 2022, p. 2). Hence, this 'configurational comparative method' underlies the assumption that 'in order to enable the systematic comparative analysis of complex cases', those under examination must be considered as configurations, that is, the specific combination of factors that produces an outcome of interest (Ragin and Rihoux, 2009, xix). In the following, I make use of a large-N fuzzy set QCA building on the two most elaborate protocols recently introduced by Oana, Schneider and Thomann (2021) and Mello (2022). The latter also includes detailed reflections on the kind of questions one can answer with a QCA and on how to determine the universe of cases, and the unit of analysis as well as the outcome (Mello, 2022, p. 14). Accordingly, I discuss these questions in turn for the present analysis.

The present research question constitutes a general outcome-centred research question as it seeks to examine patterns and trends in human rights legitimation by testing two models (ibid. p. 15f). Thus, it follows perspectives on this method where theory evaluation and testing, or, more concretely, assessing the causes of effects, are seen as one core purpose of QCA (Schneider and Wagemann, 2013, p. 295; Thomann and Maggetti, 2017, p. 7; Oana *et al.*, 2021, p. 4). In light of this goal, reverting to a QCA with its distinct approach to causation is justified for three reasons.[22] Firstly, on a macro level, both the subject and the object of the analysis justify reverting to a QCA. As already alluded to, a QCA allows us to understand causality as configurational and multicausal, meaning 'that each individual case is considered as a complex combination of properties' (Berg-Schlosser *et al.*, 2009, p. 6). Thus, instead of focusing only on correlations between a few explanatory factors, it is particularly well suited to assessing how multiple factors together *in different configurations* cause one outcome (Ragin, 1987, 20f; Schneider and Wagemann, 2013, p. 3).

This is a well-suited approach when studying an IR phenomenon in ROs. In fact, considering the literature on legitimation in IOs and organisational studies, where 'multiple logics are probably at play' (Tallberg *et al.*, 2018a, p. 6), one can suppose that legitimation is a multidimensional phenomenon and shaped 'through complex processes'. Scholars on IO legitimation indeed suppose causal complexity in that, amongst others, such diverse aspects as 'political regime, economic development, and national culture' may *concomitantly* shape IOs' legitimation patterns (Tallberg and Zürn, 2019, p. 13; but see also Greckhamer *et al.*, 2013). While predominantly

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[22] When I use the term causation here, I do not assume that any identified set relation in this QCA automatically equates to causation. When working with pure observational data, scholars should be cautious with the use of causal language. Only in reverting back to the theoretical foundations of a respective set relation can one meaningfully interpret set relations and make causal suggestions (Mello, 2022, p. 118).

reverting to single-case studies focusing on situational conditions or correlational models that seek to establish probabilities and trends, existing theories suggest a different direction. Given that they strongly suggest causal complexity, testing for configuration is more sensible than trying to establish broader correlational trends.

Furthermore, despite this assessment of the underlying theory, QCA remains underrepresented in contemporary research on IOs. While over 200 published analyses in political science in general use QCA, less than 50 published QCAs can be found in international relations (Mello, 2022, p. 8). This imbalance is even more striking for ROs and human rights. For the former, the COMPASSS repository gathering all research using QCA counts only 11 studies on ROs that make use of this method. Among these, a predominance focuses on the EU. Thus, applying a QCA to this broad sample of ROs greatly expands the realm of applications of this method and contributes to broadening the perspective used in analysing ROs. For the latter, the topic of human rights, this omission is even more salient. To the best of my knowledge, virtually no studies examining facets of human rights as the outcome in a QCA exist to this day.[23] This is remarkable as scholars have already established that 'focusing on isolated factors and searching for one or two explanatory variable with most explanatory power neglects the fact that the protection of human rights can be the result of several, mutually complementary, models (or causal paths)' (Marx and Soares, 2016, p. 371). Admittedly, this study does not aim to explain human rights protection. Nonetheless, researching multiple subfields that all hint at causal complexity warrants the use of a QCA.

Secondly, I can highlight various aspects of the distinct underlying theoretical model to be tested here that warrant the use of a method that can account for causal complexity. Indeed, reverting to two ideal-typical models in and of itself calls for the use of a QCA. Concretely, I theorise how six conditions in three distinct paths can lead to human rights legitimation. On one hand, this reflects the configurational causation of a QCA, specifically, that not one single condition leads to the outcome, but a configuration of multiple conditions is decisive. All theorised paths consist of at least three conditions though none can be considered as auxiliary or intermediary. On the other hand, the models are also reflective of equifinality in a QCA, meaning that 'different causal "paths" – each path being relevant in a distinct way – may lead to the same outcome' (Berg-Schlosser *et al.*, 2009, p. 8). Given that they cover situations of stability in human rights legitimation as well as change in an ideal-typical manner, the theoretical framework itself provides for the possibility that multiple paths can lead to the outcome. I theorised two paths for the AC model, and the CS model

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[23] At the time of submission in March 2022.

entails one path – all of which can potentially individually explain the outcome. Thanks to the QCA, I can test all three paths and the related models in one analytical step.

Thirdly, a final QCA strength is that it can more flexibly account for the causal role that one individual factor – one condition – can play in leading to the phenomenon of interest. Indeed, causation is often thought of as a binary process where one factor increases the likelihood of the phenomenon of interest to materialise. According to the set-theoretic logic, this view is too myopic. On the contrary, the approach of a QCA allows for conditions to be multifinal and asymmetric in their causation. Multifinality signifies that individual conditions can both in their presence or absence constitute necessary or sufficient conditions for the outcome, depending on the respective conjunction of which they form part. Although, I only theorise how the presence of the conditions can lead to the outcome, additional theory might well suggest such multifinality. This holds true for the case of democratic membership. Not only is there empirical evidence with cases such as the AU, ASEAN and LoAS where the absence of democratic membership coincides with human rights legitimation, some research also indicates the strategic use of such notions by autocratic ROs (Munro, 2009; van Hüllen, 2015; Leininger, 2015; Obydenkova and Libman, 2019). While this may well constitute an instance of change that can be explained by the AC model alone, the multifinal causation of the condition democratic membership appears plausible.[24] Using this condition also helps to illustrate the asymmetry in causation. If the condition democratic membership in its presence and absence leads to the outcome, it is in itself asymmetric in its causation. The same can be applied to the entire solution term. A QCA assumes that the absence of the outcome cannot simply be explained by the absence of all conditions relevant for its presence. Thus, as I theorise exclusively to explain the presence of the outcome, I do not make any statement about the absence and follow this assumption.

Having laid the groundwork of why the logic of a QCA is appropriate for this usage, I turn to introducing the unit of analysis for the QCA. As established in Chapters 1 and 2, I seek to explain the variegated patterns of human rights legitimation in ROs according to the observations taken from the LegRO dataset. This dataset consists of a total of 28 ROs with yearly observations over the period from 1980 to 2019 building on qualitative coding of two documents. Given different periods of existence for individual ROs, the dataset provides for a total of 904 possible observations of human rights legitimation.[25] Analysing all cases per year as units of analysis in a QCA, would

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[24] I also account for this possibility via the directional expectations for this QCA, as formulated in Chapter 4.3. Alongside the condition of economic vulnerability, I do not formulate a directional expectation for these two conditions only.

[25] 13 ROs in the dataset were founded after the year 1980, the start of the observation period. The youngest RO in the sample is the Shanghai Cooperation Council.

result in a large-N QCA. While increasingly more common, I revert to an adaptation of the unit of analysis that reduces the number of cases to examine to one-fifth of the total number of observations. I adapt the unit of analysis to the respective term of all secretary generals (SG) of an RO. This aggregation leads to a total number of 167 cases (n = 167 RO/SG-years) included in the QCA.[26]

Term periods of SGs diverge from one RO to another. The shortest period is one year which occurs 11 times but also in ten different ROs. The longest running SG was Edwin Carrington in CARICOM with 17 years from 1993 to 2010. The term period for the SG of five years was renewed for him three times. The average period of term is at 3.9; the median is three years. In the present analysis reverting to this kind of unit of analysis is sensible for multiple reasons. First, general secretariats have received increasing scholarly attention and significantly influence an RO's mode of operation. Their term periods often relate to periods of work programmes, actions plans or reform agendas, akin to the terms of office of governments or legislative periods on a domestic level (Parizek and Stephen, 2021b, 2021a; Reinalda and Verbeek, 2014; Reinalda, 2020) Thus, they represent an innate unit of meaning that grew out of the mode of operation of each RO. Moreover, the recent research on legitimation has even demonstrated how SGs can shape the legitimation communication of ROs (Billerbeck, 2020, 2021). Aggregations following similar types of terms, such as for incumbent regimes in autocratic countries, for local political offices or cabinets terms of national governments, nowadays have become more widespread in applying set-theoretic analysis (Bank *et al.*, 2015; Vis, 2009; Paustyan, 2020).

In fact, approaches to circumscribing the phenomenon of interest by simply building on existing observational data may be misguided. For the present case, yearly observations are indeed a discretionarily conceived unit of analysis that builds on the empirical observation that many ROs publish annual reports. This is problematic for not all ROs do so to the same extent. Some RO reports are also bi- or triannual or even published quarterly. Others yet publish such reports only every two or more years. The logic works even less for the communiqués as summits take place irregularly in some ROs. For a QCA such an observational approach for determining the unit of analysis is not sensible (Mello, 2022, p. 20). Moreover, the interpretation of the results of large-N QCAs, with for example, n = 904 RO/years is often limited, especially when conditions vary only modestly for the entire period of observation. This is the case for many of the conditions used here as they trace longitudinal evolutions in the ROs and their realms. A non-negligible share of cases would remain constant over multiple years, which would limit the explanatory leverage of the

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[26] Data on the terms of SG is taken from Reinalda, Bob, Kille, K. J., and Eisenberg, J. (2020) *IO BIO, Biographical Dictionary of Secretaries-General of International Organizations*, available at: www.ru.nl/fm/iobio (accessed 01.01.2021). For a descriptive overview of this unit of analysis, RO/SG-years, see A n n e x 1.

analysis. Finally, despite extensive efforts over several years, the research group behind the dataset was unable to track down all documents. Thus, there are still some missing values in the data.[27] Any kind of aggregation to a higher unit, would allow working around these missing data.

Although this unit of analysis has many advantages, it does not fully circumvent a problem that virtually all QCAs face – the question of time. Indeed, accounting for time is a heavily debated issue in the realm of QCA scholars, with no clear-cut solution as a 'QCA does not explicitly integrate the time dimension and therefore does not allow for analysis of temporal processes.' (but see also Oana *et al.*, 2021, p. 164; Meur *et al.*, 2009, p. 161). Methodological innovation, however, has introduced ways to account for time sequences in causation, such as tQCA or time difference methods and coincidence analysis (Duşa, 2019, p. 209; Caren and Panofsky, 2005; Oana *et al.*, 2021, p. 166). In the present case, due to the still-high number of cases such approaches are likely to simply increase the complexity of the solution without adding much analytical leverage.

Nonetheless, I can account for issues such as timing and sequencing and the role of the temporal context in four ways (Schneider and Wagemann, 2013, pp. 263–274). To begin with, the approach in and of itself already provides an analysis over time as it examines similar cases at different points in time, thus accounting for temporal changes for individual cases. To control for the temporal context and its effects over such a long period of time, I included two different time-related conditions in running the QCA (Fischer and Maggetti, 2017, p. 10). In addition, I ran the initial large-N with 904 observations for the entire period and for different points in time to check for robustness. Finally, I also used novel diagnostic tools accounting for the panel data structure by checking for clusters in the solution presented below (see section 4 in this chapter). To tackle questions of sequencing and timing in the causation, this analysis will be complemented by comparative case studies that can go in depth on the temporal order of conditions or causal sequences of configurations, which is in line with the general recommendations in this field: '(…) ultimately, the combination of QCA with within-case analysis is needed in order to do justice to the complexities introduced by the temporal dimension' (Oana *et al.*, 2021, p. 164).[28] This lays the groundwork to follow the QCA presented below. Thus, I now turn to the initial analytical step preparing the QCA, namely calibrating the sets.

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[27] For a total number of 904 potential observations, we were unable to locate the required documents for 37 IO-years, resulting in missing values. While others contend that such missing data do not pose a problem in panel data and simply exclude the missing years from the analysis, I view this as problematic as it would highly skew the data (Aversa *et al.*, 2015).

[28] For further details on robustness checks ran to account for temporality see Annex 6.

5.2 Calibrating the sets

In the following, I describe the first step of a QCA, where the outcome and the conditions are calibrated. This entails that for each case, the outcome introduced in Chapter 2 and the conditions operationalised in Chapter 4 now need to be assigned to set the membership scores (Oana *et al.*, 2021, p. 28). Hence, calibration cannot be equated to measurement. Without any further information, the latter does not allow qualitative comparison as no external standards are set. Calibration instead makes qualitative differences as well as the most meaningful and relevant empirical variation visible (Mello, 2022, p. 75). Therefore, for calibration, the respective sets are defined by establishing 'plausible and consistent rules' that reflect the underlying concept in a valid manner and are based on external criteria (e.g. undisputed facts, generally accepted standards or common sense or individual expertise) (ibid., p. 76). Two different types of sets exist – conditions can be calibrated either crisp, meaning in a dichotomous set that distinguishes only between the absence and presence of a condition, or one can calibrate fuzzy sets, which allows not only distinction between kind but also degree (Oana *et al.*, 2021, pp. 29–32). Since both the raw data for the outcome and the conditions are mostly continuous and show highly diverse and scattered variation, I revert to fuzzy calibration to avoid 'a loss of empirical information' (Schneider and Wagemann, 2013, p. 25). I use both direct and indirect calibration. The former, direct calibration uses a software routine and empirical anchors to transform numerical data into sets. I prioritise this calibration when raw data are continuous to ensure the most fine-grained representation of the raw data in the sets. For indirect calibration, a set membership of degree and kind is manually assigned first and then transformed into fuzzy sets (ibid., p. 102).

As illustrated in Chapter 4, the data for all conditions were gathered on a yearly basis. As to aggregation to the unit of RO/SG-years, Table 4 gives an overview of the operationalisation and calibration of the outcome as well as the six conditions.[29] If not specified differently, I aggregate from the yearly observations to RO/SG-years by using the mean of the respective period and calibrate directly as four-value fuzzy sets. Table 4 also recapitulates the original measurement for each condition as well as the outcome. Finally, it also provides details on the skewness of each set. This empirical criterion tells us about the proportion between set membership and non-membership. Concretely, one should ascertain that there is not a pronounced majority of cases with similar membership in a set as this 'poses numerous analytics problems' (Oana, p. 47f). Thus, following a rule of thumb, I ensure that no set has less than 20% of non-membership or more than 20% of membership of all cases. The remainder of this sections illustrates the calibration for each

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[29] Further details on calibration decisions as well as background information on the underlying data can be found in Annex 3.

condition and the outcome in turn. To do so, I briefly recapitulate the measurement and then calibrate from 'fully in' to 'fully out'. I begin by calibrating the outcome. Following the above introduced models, I then calibrate the six conditions included in the QCA. For the CS model, I calibrate the conditions human rights institutions (1 – HRINS) and democratic membership (2 – DEM) which gauge the congruence between the authority, what it embodies and what it reflects in its institutions; and those norms held by the constituencies of the respective authority. I then turn to the AC model and calibrate the conditions high authority (3 – AUT) and high legitimation intensity (4 – LEG) which test the core mechanisms – the authority-legitimation link. Conditions 5 and 6, the strong non-state realm (NGO) and economic vulnerability (ECON), reflect the agents behind contestation and politicisation.

The outcome: Human rights legitimation (HRFS)

For the outcome of interest, human rights legitimation, I use data from the novel dataset LegRO on legitimation communication, as introduced in Chapter 2. For the aggregation to the RO/SG-years unit, I use the mean of the respective years on an SG's term. This is justified both conceptually and empirically. Firstly, the unit of analysis assumes that all legitimation in this period can be in part attributed to the SG's term. Thus, any individual instance, may that be a specific programme, activity or event that takes place during a term and leads to human rights legitimation, is fully attributed to this term, no matter how singular the event may be. Secondly, a comparison of the aggregated data with the data over all years reveals that the aggregation remains representative of the RO as a whole. I do not observe strong divergences for individual ROs, across all and in comparison among each other. I calibrate this condition directly into a four-value set.

Table 4 Overview of calibrations

	Name	Measurement	Aggre-gation	Skewness	Fully in = 1	Almost fully in = 0.67	Almost fully out = 0.33	Fully out = 0
					Calibration			
Outcome								
	Human rights legitimation (HRFS)	Qual. coding of RO legitimation on human rights (LegRO dataset)	mean	70/ 167 = 50.9 %	Share of human rights legitimation > 1.2	Share of human rights legitimation > 0.5 & < 1.2 (no more than two statements)	Share of human rights legitimation > 0 & < 0.5	Share of human rights legitimation = 0
Condition								
1	**Democratic membership (DEM)**	'Regime of the World'-index (V-Dem)	mean	83 / 167 = 49.7 %	Share of dem. Member State >= 0.85	Share of dem. Member State >= 0.68 & < 0.85	Share of dem. Member State > 0.14 & < 0.68	Share of dem. Member State <= 0.14
2	**Active human rights institutions (HRINS)**	5-level scale for active institutions, qual. coding (primary & secondary sources)	max.	63 / 167 = 37.12 %	Score of >= 3 for human rights institutions	Score of < 3 & > 1 for human rights institutions	Score of <= 1 & > 0 for human rights institutions	Score of = 0 for human rights institutions
3	**High Authority (AUT)**	MIA dataset, aggregation of delegation & pooling	mean	80 / 167 = 47.9 %	Authority score > 0.71	Authority score < 0.71 & >= 0.43	Authority score < 0.43 & >= 0.21	Authority score < 0.21
4	**Legitimation intensity (LEG)**	Share of legitimation over coded paragraphs (LegRO dataset)	mean	58/ 167 = 34.73 %	Leg. intensity > 0.7	Leg. intensity > 0.49 & < 0.7	Leg. intensity > 0.2 & < 0.49	Leg. intensity < 0.2
5	**Strong non-state realm (NGO)**	Qual. coding of NHRIs & non-state references	mean	72 / 167 = 43.11 %	Share of UN-accredited NHRIs > 0.3 & share of non-state references > 0.1	Share of UN-accredited NHRIs > 0.3 & share of non-state references <= 0.1	Share of UN-accredited NHRI < 0.3 & > 0	Share of UN-accredited NHRI = 0
6	**Economic vulnerability (ECON)**	AidData, OECD-Creditor Reporting System, GDP – human rights donors weighted by economic vulnerability of RO	mean	118 / 167 = 70.66 %	Weighted score < 249822640433,32	Weighted score >= 249822640433,32 & < 1713194233224,26	Weighted score >= 1713194233224,26 & < 3923520169844,42	Weighted score > 3923520169844,42

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Firstly, for arriving at a sensible calibration for 'fully in', I consider the distribution of human rights legitimation for the upper third of cases consisting inter alia of the OAS, the OSCE and the CoE. This upper 30 per cent of cases all score above a share of 1.0. Moreover, a mean of above 1.0 indicates high importance of human rights legitimation in two ways. On one hand, an RO may use human rights legitimation in more years than years in which it remains silent on this kind of legitimation. On the other hand, ROs perhaps use human rights legitimation extraordinarily strongly in one or more years. Additionally, considering the lowest cases with values above 1.0 (SICA 2000-2004 and SADC 1994-1999) is also indicative that this is a useful cut-off. Indeed, SICA which displays a value of 1.2 in the 2000-2004 period, forms part of the group of ROs with consistent human rights legitimation. Indeed, it references it in almost every year of its existence. The SADC, which scores right below with 1.16, uses human rights legitimation less regularly, with a recurring period of more than two years' absence of this notion. Thus, excluding the latter is sensible. Accordingly, I set the *anchor for 'fully in' to 1.0*.

Secondly, for the anchor to distinguish between almost 'fully in' and 'almost fully out', thus the difference in kind, I consider values that cluster around the mean and median. I observe that the mean at 0.95 is less useful for orientation due to strong outliers in human rights legitimation, such as COE 2005-2009 (6.8) and OSCE 2005-2010 (5.83). The median for all ROs is 0.36. Examining all values between the average and the median reveals that many cases cluster around 0.5. This value is also sensible for conceptual reasons as values above imply that there is more human rights legitimation than there is none across all years of a respective SG's term. Differently put, it entails that, theoretically, at least in half of all years we may observe human rights legitimation. As a consequence, this anchor allows the exclusion of cases of possible arbitrary mentions of this notion. Thus, the *anchor for difference in kind is set to 0.5*. Finally, the anchor for 'fully out' is easily justified conceptually. I consider all cases where there is no human rights legitimation at all, meaning a value of 0 as fully out of the set of ROs that legitimate via human rights. The *anchor for 'fully out' is thus set to 0*.

Condition 1: Democratic membership (DEM)

For the CS model, I first introduce the condition democratic membership to gauge the audience and agent of Member States. I use the mean of the ROs' democracy scores to aggregate to the RO/SG-years level. I do so because of the complexity of the original data used as well as the level of aggregation already undertaken to arrive at the RO level. As outlined in Chapter 4, I use 11

indicators of the overarching V-Dem dataset, providing for four different the regime types.[30] I calibrate this condition directly into a four-value set. Firstly, for 'fully in' I consider typically democratic ROs (EU, NordC) as well as those ROs that have a strong democratising mandate (OSCE, COE, OAS). For these ROs' scores, I observe a significant gap between COE 2010-2019 with 0.85, and OSCE 2005-2010, with 0.81. While less pronounced for all ROs, the gap is overall still larger than average leaps from one RO/SG-year to another. Additionally, the next value below stems from ECOWAS 2016-2017, which represents an outlier for this RO. Indeed, democratic membership in the years before are 0.65 and 0.56; the period itself also only covers two years, and values decrease again in the following years. Therefore, it is sensible to exclude this RO from 'fully in'. Thus, I set the *anchor to 0.85 for 'fully in'*.

Secondly, for the 0.5 anchor, I firstly consider values in the medium range and thus compare mean and median values for democracy. The mean is 0.54, while the median is 0.58. This slight distortion is caused by strong outliers towards 0 (explained by a high number of zeros for IGAD, GCC, SCO, and CEMAC). The cases that cluster between the two, ECOWAS, SADC and SAARC also do not reflect typical democratic ROs. Therefore, I scout for empirical gaps above these values and can identify one between 0.65 and 0.68 that distinguishes between ECOWAS and the OAS and SICA. Thus, to distinguish *in kind I set the anchor to 0.68*. Finally, for 'fully out' we consider the most prominent autocratic ROs which are the GCC, CIS, SCO and LoAS, all of which have been described in the literature as particularly autocratic or even called a 'dictators' club' (Ambrosio, 2008; Obydenkova and Libman, 2019; Debre, 2020). Values range between 0 and 0.14 for these. While the values of these ROs are all distributed continuously within this range, there is one exception for CIS, namely in the period of 1991-1997, where is the average democracy score is at 0.24. Due to this strong leap and the temporal circumstances (i.e., fall of the Iron Curtain and democratising tendencies in all ex-USSR states which make up this RO), this case seems exceptional and should not fall under the same category as all other fully autocratic ROs. Thus, I use the next lowest value that includes all the autocratic ROs and *set the anchor for 'fully out' to 0.14*.

Condition 2: Active human rights institutions (HRINS)

For the condition of active human rights institutions, I qualitatively coded different human rights institutions, as outlined in Chapter 4.[31] With this, I obtain a five-point scale for active human rights institutions, meaning that per RO/year, each organisation can thus score between 0 and 5 for its human rights institutions. For aggregation to the unit of analysis of RO/SG-years I

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[30] For more details, see Annex 4.
[31] For more details on this qualitative coding see Annex 4.

revert to the maximum value this RO takes on this scale. This builds on the assumption that any RO or rather its SG would make use of the best-case scenario of its institutional design for legitimation. Even if an institution gets disbanded during one SG's term, this could lead to high levels of human rights legitimation as the RO is likely to legitimate to avoid disbanding or to highlight more strongly that it still contributes to human rights protection (despite disbanding). I calibrate the raw score indirectly in a four-value fuzzy set following both conceptual as well as empirical reasoning. Firstly, for fully in, I set a qualitatively demanding cut-off entailing that all possible formal institutions (mandate, court, commission) exist and at least one needs to show activity. Thus, the *cut-off for 'fully in' is set to 0.67 > 3*. Secondly, the cut-off for *difference in kind is set to 0.5 > 1*. With this, ROs differ in kind and count as part of the set when they are endowed with at least two formal institutions or of one formal and active institution. Finally, a distinction between degrees of membership for the absence of HR institutions was made between *0 and 1 (0 = 0 'fully out', 1 = 0.33 'more out than in')*.

Condition 3: High authority (AUT)

The most important condition for the underlying mechanism of the AC model is an ROs high authority. For this condition, I use the MIA dataset by Hooghe *et al.* (2017). While the dataset provides values for each of its two underlying concepts – delegated and pooled authority – individually, I revert to an aggregated score for authority, that is the sum of pooled and delegated authority. This is sensible as no clear theoretical expectations for either pooled or delegated authority have been formulated.[32] I calibrate this condition directly. Comparing scores across ROs allows qualitatively defining three anchors, leading to a four-value fuzzy calibration of this condition. Firstly, for 'fully in', I examine the IO that is most prominently and most frequently considered as the 'most authoritative organisation' for orientation. For ROs this is the EU. Interestingly for the EU 1981-1992, the second full SG period included in the period of observation, there is a significant empirical gap to the next lower value, which is ECOWAS 2002-2009 at 0.66. As this latter case of ECOWAS represents a significantly different case than that of the EU, a distinction here is sensible. European integration at that point in time, however, was also just getting started: Until 1986, the EU's authority levels are also relatively low. To take this into consideration and to allow for qualitative difference within the EU, I define *0.71 as the anchor for 'fully in'*.

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[32] To be sure that this aggregation does not affect the results, I ran robustness checks with the two scores together in one QCA as well as both scores exclusively in individual QCA designs. The results are overall very similar regarding paths, consistency, and coverage (cf. Annex 6).

Secondly, to establish a difference in kind, I closely examine values around the median (0.41) and mean (0.45). I note that values change continuously except between 0.42 and 0.46. The respective ROs which display these values differ strongly. OAS 1984-1993, for example, with an authority level of 0.46, was at that point in time already an established RO and often considered among the most important ROs worldwide. Below, OECS-2003-2013 displays an authority level of 0.42. This RO is not only very small in terms of its Member States' size but also suffers from limitations of its authority due to limited resources. Thus, a distinction here sensible. Therefore, I set the *anchor to distinguish in kind to 0.43*. Finally, for 'fully out', I first examine those ROs more closely that are frequently considered very weak or low in authority (SAARC, APEC, NordC). While there is a large empirical leap around 0.18 for these ROs, this is less reflected for all ROs. I can, however, discern a significant leap in values between 0.20 and 0.23. This leads me to set the *anchor for 'fully out' to 0.21*.

Condition 4: High legitimation intensity (LEG)

The second condition to grasp the authority-legitimation link of the AC model is an RO's legitimation intensity. For measurement, I also draw on the LegRO dataset as it provides data on an RO's overall legitimation communication. This allows the calculation of a legitimation intensity for each RO/year, namely the number of all legitimation statements over all coded paragraphs per year. For this condition, I use the mean of the yearly values of an SG's term for the respective RO/SG-years. I calibrate this condition directly into a four-value set. Firstly, to determine cases that are 'fully in', I consider those ROs that reveal the strongest legitimation overall. For those, namely OSCE, SICA, ASEAN and COE, I scout for empirical gaps or apparent changes for their respective levels of legitimation intensity. I can identify such a gap between 0.69 and 0.71. Thus, I set the *anchor for 'fully in' to 0.7*.

Secondly, for the distinction in kind, I again consider the medium range of all values, meaning those around the mean (0.41) and the median (0.37). Both are indicative of legitimation that occurs in less than every second paragraph pointing at overall low levels of legitimation. I conceive of this condition, however, as high legitimation intensity. Thus, an anchor around this range is not demanding enough, and I revert to a conceptually determined anchor. With a legitimation intensity of 0.5, theoretically, at least half of all paragraphs contains legitimation, which I view as high legitimation. Therefore, I set the *anchor to distinguish in kind to 0.5*. Finally, for 'fully out', due to the absence of any further useful basis for determining this anchor, I examine the raw values underlying the shares. It seems useful to distinguish between legitimation that can seem almost arbitrary and leaves little room for normative diversity. Thus, I inspect values for legitimation intensity, that is

based on only one or two statements. The highest raw – non-aggregated – value for this is at 0.2, where the SADC in 1980 displays only one legitimation statement. For the aggregated values, this reflects the lower 20 per cent of all cases regarding their legitimation intensity. I thus revert to *0.2 for the anchor for 'fully out'*.

Condition 5: Strong non-state realm (NGO)

The condition strong non-state realm builds on a proxy that combines original data from the LegRO dataset and refurbishes existing data. On one hand, I use the notion of a reference group mapped in the dataset that includes references beyond the Member States to civil society, business, people, citizens, society and/or population as the benefactor of an RO's activity to assess whether the RO addresses these actors. Since this is also coded on a paragraph level, I use the values for each RO/year to aggregate them by means to RO/SG-years. On the other hand, I revert to NHRIs as a proxy to assess the strength of human rights-related non-state actors within a region. This information on the presence and strength of NHRIs was aggregated to the regional level of respective ROs, and a score for each RO-SG/year for the density of NHRIs was calculated. To arrive at a four-value fuzzy set calibration, I take both the relevance of non-state actors as well as their strength into account. Firstly, I contend that more than one-third of Member States need to have UN-accredited NHRIs to speak of a very strong realm of non-state actors. Moreover, the relevance of these actors for the RO needs to be high, meaning that recurring references to these actors can be observed. Accordingly, the *anchor for 'fully in' is set to > one-third of UN accredited NHRIs and > one-tenth of references to non-state actors.*

Secondly, for the distinction in degree, the same threshold for the NHRI is set, but references can occur more occasionally. This builds on the conceptual assumption that the non-state actors can feed into the ROs' legitimation even without there being explicit reference to them. Thus, I set the *anchor for difference in kind to > one-third of UN-accredited NHRIs and <= one-tenth of references to non-state actors.* Finally, for 'fully out', I further distinguish in degree between ROs with less than one third of Member States with UN-accredited institutions and those that do not have any UN accredited NHRIs at all. Additionally, references to non-state actors do not matter for 'fully out'. Therefore, full absence of NHRIs, I set the *anchor for 'fully out' >= one third of UN-accredited NHRIs.*

Condition 6: Economic vulnerability (ECON)

Economic vulnerability is the final condition that relates to the AC model grasping agents of politicisation and contestation. I measure this condition by mapping international flows of development aid that are conditioned by human rights from and towards ROs as well as their

economic strength, that is, their GDP. Thanks to the overall continuous character of the data, the yearly RO values were aggregated by mean to RO/SG-years. This condition is calibrated as a fuzzy set with three empirical anchors distinguishing between kind and degree. The anchors are defined in line with the theorising elaborated above; thus the 'fully in' set represent those ROs that are economically most vulnerable. To determine this set, I firstly consider ROs with the lowest raw values, namely OECS, CARICOM and CEMAC. Interestingly, among these, I also find NordC. While it does indeed seem weak, with only four Member States and low absolute GDPs, it still represents an exceptional case compared to the other three ROs. NordC differs because its Member States all belong to the 'West', they are themselves promoting human rights and they also do so via relatively large amounts of development aid. Thus, this RO is used as a benchmark to determine 'fully in'. To exclude this RO from the set *'fully in', I set the anchor to 249822640433.32.*

Secondly, I use the EU as a starting point to determine difference in kind. Not only does the EU deserve special treatment due to its singularity as an RO, but it also plays an important role for this condition as a donor of development aid that is oftentimes also conditioned by human rights (Donno and Neureiter, 2018; Carbone, 2010). Furthermore, the EU is known for its agenda to actively support regionalism in other world regions (Lenz, 2013; Rüland, 2001), and scholars even argue that the EU is using development aid as a political instrument to enhance its structural power (Risse, 2016, p. 92; Holden, 2009). Besides, I consider sizeable ROs, those that are particularly strong economically, or include Member States that also dispose of significant economic power, such as the OSCE, OAS, SCO, and CIS. In this group, except for CIS which is overall significantly weaker, the EU in 1980 displays the lowest value. This is used to *distinguish in kind setting the anchor to 1713194233224.26.* Finally, considering this set, I observe that with ASEAN, LoAS, Mercosur, SAARC, and the AU, it includes six ROs considered as Global South ROs whose Member States are in part still highly dependent of international financial support. They thus seem qualitatively different in the degree to which they are more vulnerable than other ROs in the set. Thus, I use them as a distinction in degree and define the set 'fully out'. Excluding them sets *the anchor for 'fully out' to 3923520169844,42.*

5.3 The set-theoretic analysis of human rights legitimation

Analytical decisions and analysis of necessity

I now turn to the analysis itself, which QCA users frequently refer to as the 'analytic moment'. In this moment, four steps requiring various analytical decisions need to be taken: Firstly, I examine necessity, which is a check for the necessary conditions for the presence or absence of the outcome.

A condition can be termed necessary for the outcome (or its absence) only when the outcome occurs in the presence of the condition (Mello, 2022, p. 51; Oana *et al.*, 2021, p. 12). Secondly, I check for necessary disjunctions.[33] The third step focuses on sufficiency by creating a truth table. Sufficiency means that a condition occurs in presence of the outcome (ibid.). The final analytical step consists of the minimisation of this truth table from which one derives a minimal solution.

To obtain sensible results, these analytical steps are guided by different parameters assessing the consistency and empirical relevance of all necessary and sufficient conditions and disjunctions presented. These parameters are called consistency (1), coverage (2), the Relevance of Necessity (RoN) (3) for necessary conditions and the proportional reduction of inconsistency (PRI) (4) for sufficiency. With the parameter of consistency (1), I assess to the extent to which the cases sharing the same manifestation (presence or absence) of a condition 'agree in displaying the outcome in question" (Ragin, 2008, p. 44). Consistency can take values between 0 and 1, the latter indicating full consistency. For necessity usually only conditions with a consistency score of 0.9 or higher should be considered. For sufficiency, values of 0.75 and higher have reached consensus among scholars as the standard minimum benchmark for presenting a solid QCA (Mello, 2022, p. 104; Oana *et al.*, 2021, p. 92). The coverage (2) reflects 'how much' a condition or combination of conditions accounts for the occurrence of the outcome (Mello, 2022, p. 108). Thus, it indicates the share of set membership scores that are covered in the QCA. The RoN (3) additionally allows one to determine the trivialness of a necessary condition. This means that it assesses whether 'there is a big difference in size between the outcome set and the condition set' (Oana *et al.*, 2021, p. 72). When the condition set is significantly bigger than the outcome set, the respective condition might be able to well explain the outcome empirically but might indicate trivialness: the more common the condition is across the entire universe of cases, the less powerful it is in explaining the outcome. Finally, the PRI (4) only applies for the analysis of sufficiency and captures whether the respective condition occurs in a simultaneous subset relation with the negation of the outcome. This is important to assess as it would imply a logical contradiction within the results (Mello, 2022, p. 111). I return to these parameters of fit in turn throughout the analysis.

Table 5 Parameters of fit for necessity

	Consistency	Coverage	RoN
ECON	0.602	0.418	0.442
HRINS	0.617	0.790	0.890

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[33] Though not part of all QCA protocols, I do so under the assumptions that cases might equally well be explained by conditions theorised for change as well as for stability.

DEM	0.638	0.602	0.712
AUT	0.668	0.626	0.722
LEG	0.577	0.714	0.849
NGO	0.571	0.610	0.762
~ECON	0.501	0.755	0.898
~HRINS	0.545	0.412	0.501
~DEM	0.442	0.423	0.638
~AUT	0.427	0.411	0.636
~LEG	0.566	0.436	0.525
~NGO	0.521	0.446	0.591

For the present analysis, no necessary conditions with satisfying parameters of fit for the presence of the outcome can be reported (cf. Table 5). Similarly, for the negated outcome, that is, the absence of human rights legitimation, no consistent and empirically relevant conditions can be identified. For necessity, I also check for disjunctions, that is, two conditions that standing alone are not necessary but in combination insufficient but necessary for the outcome (Oana *et al.*, 2021, p. 80). These so-called 'SUIN' conditions (each sufficient but unnecessary but as a factor insufficient but necessary) should follow the same parameters of fit as single necessary conditions and can be reported when there is a meaningful interpretation to be drawn. Table 6 display two disjunctions that I consider relevant to report.

Table 6 Conjunctions for necessity

		inclN	RoN	covN
1	DEM+HRINS	0.828	0.584	0.610
2	HRINS+LEG	0.809	0.748	0.713

The first disjunction, DEM+HRINS <- HRFS, entails that either the democratic membership in the RO *or* its active human rights institutions together form a possible necessary condition for human rights legitimation. Although not in line with the congruence model, which would view an 'AND'-combination and thus the presence of both conditions as sufficient for the outcome, I consider this as possibly indicative for the underlying theorising. In fact, one may argue that the presence of one of the two already reflects some degree of commitment to human rights norms. When the membership of an RO is strongly democratic or is vested with active human rights institutions as theorised above, one could assume that an interest in effectively contributing to the protection and promotion of human rights may be expected. Therefore, one may also theorise this

as reflecting a higher order necessary condition along the lines of 'genuine commitment to the norm'. The second disjunction HRINS+LEG <- HRFS, entails that either active human rights institutions or high legitimation intensity together form a possible necessary condition for human rights legitimation. Though I refrain from further interpreting this as a meaningful disjunction, I consider this disjunction as insightful for the existing research on legitimation as such. Such research often links legitimation communication to institutional design and change (Lenz and Viola, 2017), contending that the former leads to the latter or is accompanied by it. Given the fact, that these two conditions are not jointly ('AND'/*-combination) necessary but individually ('OR'/+-combination) rather contradicts this view. This disjunction displays that they can separately explain the outcome. It is important to note here, that neither disjunction reaches the adequate parameters of fit for full interpretation. Thus, I will not consider them for further steps in the analysis as properly necessary. Nevertheless, the hunches elaborated above may provide instructive insights for further inquiries.

Analysis of sufficiency

I turn to the analysis of sufficiency which also entails reporting on single sufficient conditions. Among all six conditions, the condition active human rights institutions (2 – HRINS) displays good parameters of fit – (1) consistency = 0.79, (2) coverage = 0.617, and (4) PRI = 0.726 – which is indicative of a solid sufficiency relationship. Visualising this relationship, however, reveals that a total number of 16 RO/SG-years contradicts the sufficiency claim as they are deviant cases consistency in kind. These are cases that display the relevant sufficient condition but do not display the outcome, thus strongly contradicting the set relationship (Oana *et al.*, 2021, p. 92). In Figure 15, these cases can be found in the lower-right quadrant. Given these deviant cases, condition 6 – active human rights institutions cannot be reported as a sufficient condition. Nonetheless, I find it interesting to take note of this given also that most cases that constitute deviant cases consistency in kind for this set relationship are located in the Global South.

Figure 15 XY plot for sufficiency of the condition active human rights institutions
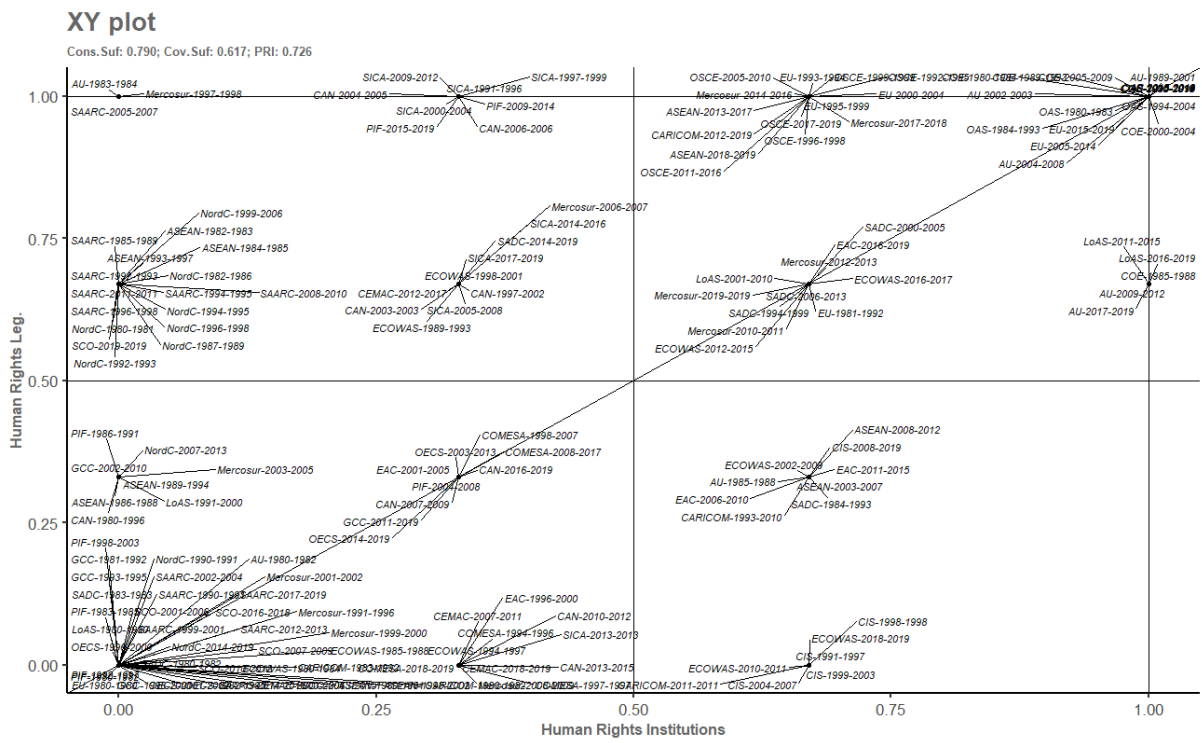
Table 7 Truth table

	DEM	HRINS	AUT	LEG	NGO	ECON	OUT	n	incl	PRI	cases
63	1	1	1	1	1	0	1	5	0.955	0.945	COE-2005-2009, COE-2010-2019, EU-2000-2004, EU-2005-2014, EU-2015-2019
61	1	1	1	1	0	0	1	7	0.944	0.935	COE-1980-1984, COE-1989-1993, COE-1994-1999, COE-2000-2004, EU-1993-1994, EU-1995-1999, OAS-1994-2004
55	1	1	0	1	1	0	1	2	0.932	0.899	OSCE-2011-2016, OSCE-2017-2019
31	0	1	1	1	1	0	1	2	0.917	0.854	AU-2009-2012, LoAS-2016-2019
59	1	1	1	0	1	0	1	7	0.914	0.879	Mercosur-2010-2011, Mercosur-2012-2013, Mercosur-2014-2016, Mercosur-2017-2018, Mercosur-2019-2019, OAS-2005-2014, OAS-2015-2019
53	1	1	0	1	0	0	1	3	0.904	0.878	OSCE-1992-1995, OSCE-1996-1998, OSCE-2005-2010
27	0	1	1	0	1	0	1	3	0.902	0.813	AU-2013-2016, AU-2017-2019, LoAS-2011-2015
62	1	1	1	1	0	1	1	1	0.880	0.778	CARICOM-2012-2019
23	0	1	0	1	1	0	1	3	0.873	0.799	*ASEAN-2008-2012*, ASEAN-2013-2017, ASEAN-2018-2019
20	0	1	0	0	1	1	1	1	0.847	0.596	SADC-2000-2005
57	1	1	1	0	0	0	1	3	0.846	0.783	COE-1985-1988, EU-1981-1992, OAS-1984-1993
19	0	1	0	0	1	0	1	1	0.832	0.673	*CIS-2008-2019*
17	0	1	0	0	0	0	1	1	0.821	0.749	OAS-1980-1983
49	1	1	0	0	0	0	1	1	0.797	0.707	OSCE-1999-1999
48	1	0	1	1	1	1	1	12	0.795	0.661	CAN-1997-2002, CAN-2003-2003, CAN-2004-2005, CAN-2006-2006, *CAN-2007-2009*, *CAN-2010-2012*, *Mercosur-2003-2005*, SICA-2000-2004, SICA-2009-2012, *SICA-2013-2013*, SICA-2014-2016, SICA-2017-2019
7	0	0	0	1	1	0	0	1	0.779	0.627	SCO-2019-2019
60	1	1	1	0	1	1	0	2	0.768	0.487	ECOWAS-2016-2017, ECOWAS-2018-2019
30	0	1	1	1	0	1	0	1	0.761	0.638	AU-2002-2003
28	0	1	1	0	1	1	0	6	0.760	0.475	EAC-2006-2010, EAC-2011-2015, EAC-2016-2019, ECOWAS-2010-2011, ECOWAS-2012-2015, SADC-2006-2013
16	0	0	1	1	1	1	0	3	0.743	0.457	CEMAC-2012-2017, COMESA-2018-2019, EAC-2001-2005
43	1	0	1	0	1	0	0	1	0.740	0.557	Mercosur-2008-2009
46	1	0	1	1	0	1	0	4	0.727	0.523	PIF-2004-2008, PIF-2009-2014, PIF-2015-2019, SICA-1997-1999
24	0	1	0	1	1	1	0	1	0.724	0.469	ASEAN-2003-2007
8	0	0	0	1	1	1	0	1	0.699	0.462	SAARC-2005-2007

26	0	1	1	0	0	1	0	4	0.697	0.508	AU-1989-2001, AU-2004-2008, ECOWAS-2002-2009, LoAS-2001-2010
18	0	1	0	0	0	1	0	3	0.690	0.451	AU-1985-1988, SADC-1984-1993, SADC-1994-1999
58	1	1	1	0	0	1	0	2	0.678	0.357	CARICOM-1993-2010, CARICOM-2011-2011
38	1	0	0	1	0	1	0	1	0.664	0.349	SICA-1991-1996
12	0	0	1	0	1	1	0	5	0.653	0.212	CEMAC-2000-2006, CEMAC-2007-2011, CEMAC-2018-2019, COMESA-2008-2017, SADC-2014-2019
44	1	0	1	0	1	1	0	4	0.629	0.302	CAN-2013-2015, CAN-2016-2019, Mercosur-2006-2007, SICA-2005-2008
4	0	0	0	0	1	1	0	2	0.629	0.248	SAARC-2002-2004, SAARC-2008-2010
36	1	0	0	0	1	1	0	3	0.573	0.208	Mercosur-1999-2000, Mercosur-2001-2002, NordC-2014-2019
42	1	0	1	0	0	1	0	3	0.501	0.168	CAN-1980-1996, OECS-2014-2019
3	0	0	0	0	1	0	0	7	0.480	0.265	SAARC-2011-2011, SAARC-2012-2013, SAARC-2014-2016, SAARC-2017-2019, SCO-2010-2012, SCO-2013-2015, SCO-2016-2018
10	0	0	1	0	0	1	0	5	0.445	0.127	COMESA-1994-1996, COMESA-1997-1997, COMESA-1998-2007, LoAS-1980-1990, LoAS-1991-2000
6	0	0	0	1	0	1	0	7	0.442	0.215	ASEAN-1980-1981, ASEAN-1982-1983, ASEAN-1984-1985, EAC-1996-2000, GCC-1981-1992, GCC-1993-1995, SAARC-1985-1989
22	0	1	0	1	0	1	0	4	0.442	0.289	CIS-1991-1997, CIS-1998-1998, CIS-1999-2003, CIS-2004-2007
34	1	0	0	0	0	1	0	22	0.431	0.211	CARICOM-1980-1982, CARICOM-1983-1992, Mercosur-1991-1996, Mercosur-1997-1998, NordC-1980-1981, NordC-1982-1986, NordC-1987-1989, NordC-1990-1991, NordC-1992-1993, NordC-1994-1995, NordC-1996-1998, NordC-1999-2006, NordC-2007-2013, OECS-1982-1995, OECS-1996-2000, OECS-2001-2002, OECS-2003-2013, PIF-1980-1982, PIF-1983-1985, PIF-1986-1991, PIF-1992-1997, PIF-1998-2003
2	0	0	0	0	0	1	0	21	0.427	0.206	ASEAN-1986-1988, ASEAN-1989-1994, ASEAN-1993-1997, ASEAN-1998-2002, AU-1980-1982, AU-1983-1984, ECOWAS-1980-1984, ECOWAS-1985-1988, ECOWAS-1989-1993, ECOWAS-1994-1997, ECOWAS-1998-2001, GCC-1996-2001, GCC-2002-2010, GCC-2011-2019, SAARC-1990-1991, SAARC-1992-1993, SAARC-1994-1995, SAARC-1996-1998, SAARC-1999-2001, SADC-1980-1982, SADC-1983-1983
1	0	0	0	0	0	0	0	2	0.415	0.174	SCO-2001-2006, SCO-2007-2009

Note: The truth tables rows emphasised in grey are part of the minimisation. Cases in *italics* are deviant cases consistency in kind. 24 rows are not displayed in the truth table because they do not contain empirical case, that is, there are logical remainders.

Next, I construct a truth table containing all possible logical configurations, as displayed in Table 7. For a QCA including six conditions, this leads to a truth table with 64 rows. Due to this high number of rows, the number of logical remainders with 24 rows for which no empirical cases exist needs consideration. I apply the Enhanced Standard Analysis in deriving the solution terms, which helps to account for this limited diversity.[34] This procedure ensures that the inclusion of logical remainders does not produce illogical or untenable counterfactuals. For purposes of minimisation, two analytical decisions were made. I minimise with a frequency cut-off of one case per row, a minimum consistency level of 0.78 and a PRI score of 0.5.[35] With a total of 15 rows included in this analytical step, I present the following intermediate solution, displayed in Table 7.

The minimisation process yields four paths for the intermediate solution displayed in Table 8.[36] The first path describes ROs that are vested with active human rights institutions and are economically not vulnerable (HRINS*~ECON). The second path covers ROs that are democratic in membership and have active human rights institutions and high levels of authority. These ROs also legitimate strongly (DEM*HRINS*LEG*AUT). The third path covers ROs that are democratic, are economically vulnerable, are vested with high authority, legitimate strongly and exist in a realm of strong non-state actors (DEM*AUT*LEG*NGO*ECON). Finally, the fourth path represents ROs that are undemocratic in membership, are vested with active human rights institutions but low authority; do not legitimate strongly but exist in a realm of strong non-state actors (~DEM*HRINS*~AUT*~LEG*NGO). Overall, this solution covers 12 ROs over 58 periods defined as RO/SG-years as displayed in Table 8.[37] Figure 16 also illustrates this graphically: cases covered are marked in dark grey and can be found in the upper-right quadrant. Cases in the upper-left quadrant are not covered by the solution. Those that figure in the lower-left quadrant do not display the outcome of human rights legitimation. A final group of cases can be found in the lower-right quadrant. Since they are covered by the solution term but do not display the outcome, they are considered deviant cases consistency in kind for sufficiency. I discuss their significance below.

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[34] Limited diversity: 24 out of 64 configurations are logical remainders (37,5 %). Details on the Enhancd Standard Analysis are reported in Annex 6.

[35] Empirically, it is also plausible to set the cut-off for consistency to 0.75 for there is a gap between the consistency of rows 28 and 16 (0.760 to 0.743, respectively). This, however, does not improve the overall solution of the QCA. Though it does slightly increase coverage by including AU 2002-2003, and SCO 2019-2019, the consistency is worse. In fact, six additional deviant cases consistency in kind would be included (ECOWAS 2018-2019; EAC 2006-2010, EAC 2011-2015, ECOWAS 2010-2011, COMESA 2018-2019, EAC 2001-2005). Given that only one more RO, the SCO, which is also not of great interest in terms of its patterns of human rights legitimation, is explained with this lower cut-off, I revert to the more conservative cut-off at 0.78.

[36] For the directional expectations, see Table 3 in Chapter 4.3.

[37] Some of these cases are not uniquely covered, that is, covered by more than one path.

Table 8 Solution and case coverage

		Intermediate Solution			
		Path 1	Path 2	Path 3	Path 4
		The "Self-containing Human Rights Legitimisers"	The "Reviving Human Rights Legitimisers"	The „Signalling Human Rights Legitimisers"	-
1	DEM		●	●	⊗
2	HRINS	●	●	●	●
3	AUT		●	●	⊗
4	LEG		●	●	⊗
5	NGO			●	●
6	ECON	⊗		●	
Consistency		0.938	0.939	0.808	0.851
PRI		0.923	0.918	0.692	0.689
Raw Cov.		0.402	0.288	0.161	0.066
Unique Cov.		0.178	0.014	0.046	0.014
Cases Covered **Uniquely Covered in Bold** *DCCK in italics*		*ASEAN-2008-2012,* **2013-2017, 2018-2019 ;** **AU-2009-2012, 2013-2016, 2017-2019 ;** *CIS-2008-2019 ;* COE-1980-1984, **1985-1988,** 1989-1993, 1994-1999, 2000-2004, 2005-2009, 2010-2019 ; EU-1981-1992, 1993-1994, 1995-1999, 2000-2004, 2005-2014, 2015-2019 ; **LoAS-2011-2015, 2016-2019 ;** **Mercosur-2010-2011, 2012-2013, 2014-2016, 2017-2018, 2019-2019 ;** **OAS-1980-1983, 1984-1993,** 1994-2004, **2005-2014, 2015-2019 ;** **OSCE-1992-1995, 1996-1998, 1999-1999, 2005-2010, 2011-2016, 2017-2019**	**CARICOM-2012-2019 ;** COE-1980-1984, 1989-1993, 1994-1999, 2000-2004, 2005-2009, 2010-2019 ; EU-1993-1994, 1995-1999, 2000-2004, 2005-2014, 2015-2019 ; OAS-1994-2004	**CAN-1997-2002, 2003-2003, 2004-2005, 2006-2006,** *2007-2009, 2010-2012,* *Mercosur-2003-2005***,** **SICA-2000-2004, 2009-2012,** *2013-2013,* **2014-2016, 2017-2019**	**SADC-2000-2005,** *CIS-2008-2019*
Solution Consistency		0.900			
Solution PRI		0.871			
Solution Coverage		0.535			

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Figure 16 also indicates that the coverage of the solution (0.535) is rather low. Nonetheless, I contend that the QCA's empirical relevance is satisfactory for three reasons. For one, this coverage reflects the overall limited occurrences of human rights legitimation. Indeed, though the use of human rights legitimation increases and starts to matter in more increasingly ROs over time as illustrated in Chapter 2, there is still a significant number of ROs that barely use it, and thus cannot be covered here. Concretely, this concerns half of all RO/SG-years and almost two-thirds of all yearly observations (lower-left quadrant). In addition, as I outline below, the solution for the negated outcome covers significantly fewer cases, which corroborates the view that the conditions as such, although in different configurations than theorised, do indeed fair relatively well in explaining the outcome. Secondly, for those ROs that make use of 'consistent human rights legitimation' as showcased in Chapter 2.4, the QCA does manage to explain most cases. In fact, for the CoE, the OAS and the OSCE, all RO/SG-years are explained. The same holds true for the trailblazer RO, the EU. For the fifth RO in the group of 'consistent human rights legitimation', which is SICA, at least the more recent periods are explained. Finally, three ROs that form part of the group of those that make use of divergent human rights legitimation can be well explained. This concerns LoAS, ASEAN and to a lesser extent also the AU. Nonetheless, I note that the cases that are best explained all stem from the Global North. Consequently, a great deal more RO/SG-years from the Global South are left unexplained. I further discuss the question of coverage and its consequences for this analysis in the subsequent chapter and take various analytical decisions accordingly for the ensuing case studies.

Figure 16 Solution plot

Figure 16 Solution plot
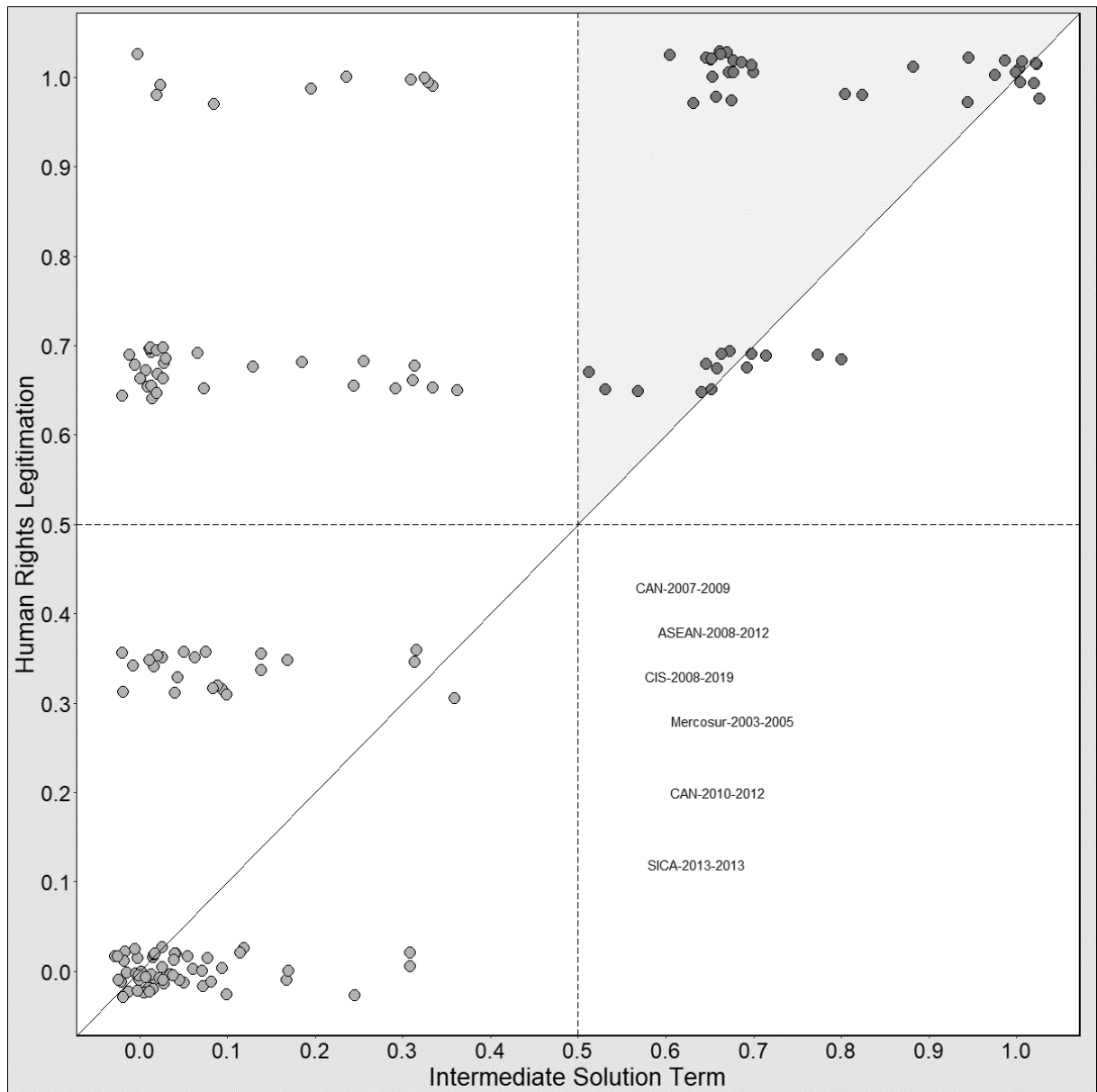
Turning to the conjunction of conditions, Figure 17 also visualises the solution with the help of a Venn diagram. This figure neatly displays three general observations regarding the two underlying models. First, I note that none of the two theorised ideal-typical models and three suggested paths are neatly reflected in the solution (cf. Chapter 4, Table 2). Given the ideal-typical character of those paths, this is in and of itself not problematic. In fact, it rather indicates that ideal-typical views on change and stability combine and may well explain the phenomenon of interest jointly. Second, while all conditions were theorised in configurations for set relation where both the condition and outcome are present, this holds true only for two conditions, strong non-state realm (NGO) and active human rights institutions (HRINS). A strong non-state realm matters in paths 3 and 4. For human rights institutions, presence even matters in three conjunctions, specifically paths 1, 2 and

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3. Considering that this latter condition almost a reaches sufficient single set relationship with the outcome, it appears that active human rights institutions provide most explanatory leverage to understand the occurrence of human rights legitimation. Third, high authority (AUT), high legitimation intensity (LEG), economic vulnerability (ECON) and democratic membership (DEM) all matter in regard to presence and absence. For the latter two, this is in line with the directional expectations, meaning that there may also be cases where human rights legitimation occurs in the absence of the two conditions. For authority and legitimation intensity, however, this is counter-intuitive for two reasons. On one hand, this refutes the AC model, as it entails that human rights legitimation can occur when neither of the two play a role. On the other hand, it is also not reflective of the congruence model since this model does not deny the relevance of authority and legitimation but does not consider it as decisive for causation. I return to this question below. For now, I turn to examining each path in turn to better grasps these individual set relations and their relation to the theorised models.

Figure 17 Venn diagram for the solution
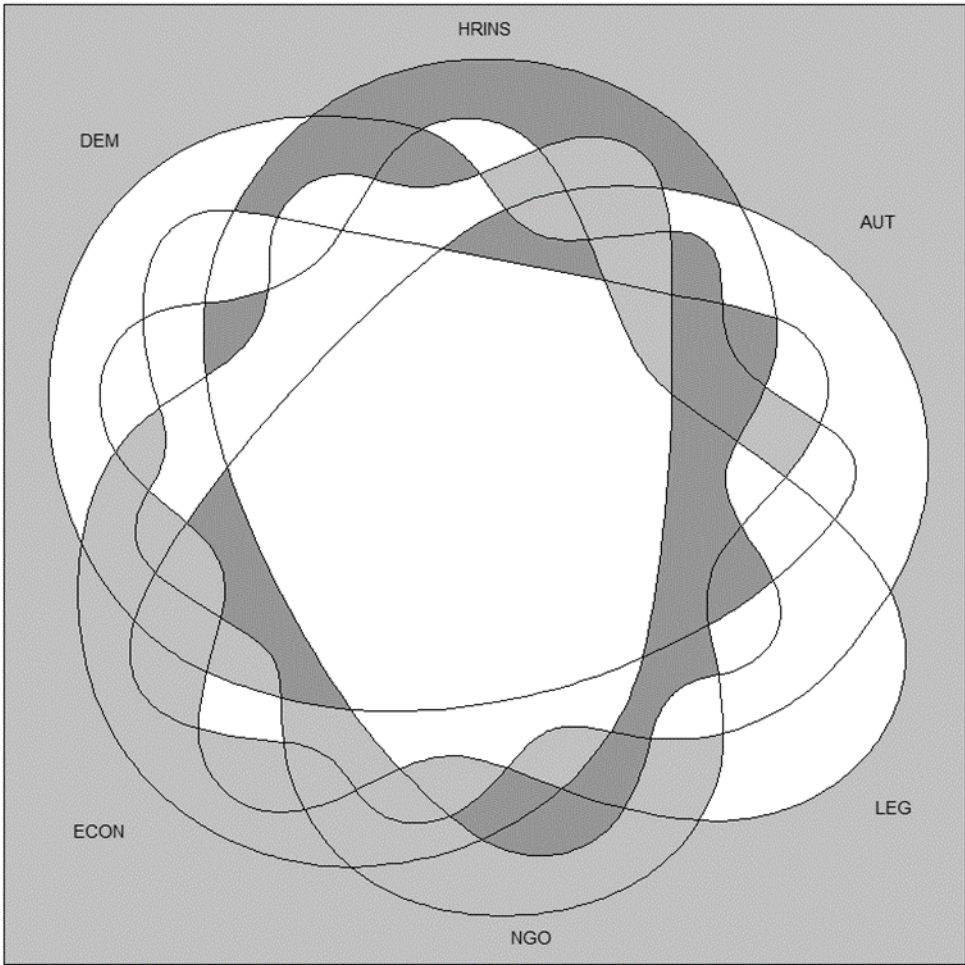
Path 1 describes what I term the **'Self-containing Legitimisers'** which covers ROs that legitimate via human rights for their own sake**.** Indeed**,** ROs are covered that are economically not vulnerable (ECON), which entails that they do not need to cater to other international actors' interests because of their own limited resources or because they receive substantive amounts of international aid, resulting in financial dependence. In turn, no contestation and politicisation stemming from this financial dependence occurs in these cases.[38] Moreover, they are also endowed with active human rights institutions (HRINS), which hints at a potentially genuine ambition of effective promotion and protection of human rights. Interestingly, for the cases that fall into this path, we can observe a predominance of typical 'Western' ROs with particularly strong human rights institutions. The most distinct ROs here are the CoE, the EU, and the OSCE. Although, not reflected in the path, the first three ROs are also democratic in membership. Consequently, the ROs display good records of human rights protections within their constituency, and their commitment to human rights is reflected in their democratic domestic regimes and the institutional design of the RO as it is vested with strong institutions dedicated to the protection and promotion of human rights. For the CoE and the OSCE the promotion and protection of human rights also forms part of its core mandate, which may also result in much talk about human rights in general. Finally, as these three ROs are strongly independent, external reasons for this use of human rights legitimation are unlikely. Overall, this suggests that human rights legitimation is driven from within the ROs.

In addition, these first three alongside the OAS form part of the group of ROs that make use of 'consistent human rights legitimation', echoing that this phenomenon is self-sufficiently driven. Mercosur may appear as a less typical case for this path. Indeed, it showcases much less consistent but rather 'irregular human rights legitimation'. In this specific case, this may, however, also be related to Mercosur's lower levels of legitimation intensity. In fact, for most years, its legitimation intensity ranges among the lower third in comparison to all ROs. Thus, human rights legitimation appears more important in this RO than at first sight. Concretely, for all years of observation, human rights are the fourth most important reference used in Mercosur's legitimation. Furthermore, all Member States are among the most democratic states in the region. Democratisation in Brazil and Argentina is also reflected in Mercosur's agenda and thus similarly hints at a rather genuine legitimation (van der Vleuten and Ribeiro Hoffmann, 2010; Gardini, 2011). This latter observation also holds true for the OAS. While Member States in earlier periods of this

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[38] This is not to say that the ROs covered are generally not constested and politcised. The condition only gauges politicisation and contestation around economic vulnerabilities that may force an RO to legitimate via human rights.

RO's existence were in part still highly autocratic, by now the great majority democratised. What is more, in the OAS, akin to the CoE and the OSCE, the democratizing agenda is even more pronounced meaning that it actively promotes democracy among its Member States (Poast and Urpelainen, 2018). Thus, for these first five ROs, I contend that human rights legitimation is mostly driven by internal motivation without the relevance of any additional audiences or external factors such as their economic vulnerability or non-state actors. This motivation is reflected in the strong institutions that in turn reinforce the legitimation claims based on human rights. In many ways, this path and the ROs it covers thus reflect the CS model, even if the condition democratic membership does not figure into the term. Put differently, those ROs use human rights legitimation simply because that is just what they do. Thus, I term this path and the ROs covered **'Self-containing Legitimisers'**.

Yet, there are three cases covered which stand out as they are highly autocratic in membership; thus, it appears dubious that the human rights legitimation is internally driven. This concerns LoAS, AU and ASEAN. The label of self-containing legitimation and my intepretation of the path do not apply well, because the latter three ROs differ too strongly from the five ROs described above. This concerns, for example, the RO's human rights institutions. Setting the CoE and the OAS and their human rights institutions on an equal footing with those of LoAS is difficult. Even if these ROs differ in degree in their set membership, it is challenging to intepret a potential mechanism with on one hand human rights institution in LoAS or ASEAN that are qualitatively often depicted as toothless, while the CoE and OAS on the other hand are endowed with the most effective and impactful human rights regimes worldwide. The same holds true for the second conjunct, the RO's economic vulnerability. Although the African Union is certainly less vulnerable than an RO made up of small developing island states such as the Pacific Islands Forum (PIF), there remains a qualitative difference regarding the EU for instance. Not only is the EU oftentimes viewed as the most influential RO worldwide, but it also provides significant amount of financial support inter alia also for the African Union (Engel, 2020). Setting their 'invulnerabilites' on an equal footing for interpretation thus does not seem sensible. The label of self-containing legitimisers thus excludes the three – ASEAN, AU and LoAS – from the interpretation.

By contrast, I find various commonalities between the three, buttressing that the QCA does not manage to cover the distinct dynamics in these cases. Not only are they all dominated by autocratic membership, but they also share a history of colonial rule, which led to a strong focus on sovereignty protection for the general purposes of these ROs (Barnett, 1995; Barnett and Finnemore, 2004; Fagbayibo, 2018; Warner, 2017; Katsumata, 2009). The latter focus on

sovereignty in particular undermines strong human rights provisions as they exist, for instance, in the CoE and EU. Besides, I also note that for all three ROs, the path only covers more recent periods. Overall, they range from 2009 to 2019. All three, however, already made use of human rights legitimation before these periods. In fact, ASEAN does so in the periods 1982-1983, 1984-1985, and 1993-1997; the AU in 1983-1984, 1989-2001, 2002-2003 and 2004-2008, and the Arab League in the period 2001-2011. For these periods, the absence of economic vulnerability is only partly given. This may be linked to a typical limitation of the QCA method – its focus on structural conditions and static set relations that cannot account for processes. Indeed, for all the cases, it would now be interesting to assess what exactly changed from one period to another to better understand *how* human rights legitimation *came to be used* in the respective ROs. I return to this issue in Chapter 6.1.

The second path in the solution represents what I term **'Reviving Legitimisers'**. The ROs covered are, on one hand, democratic in membership (DEM) and have active human rights institutions (HRINS). On the other hand, they are also vested with high levels of authority (AUT) and display a high legitimation intensity (LEG). Recalling the two models above, this configuration combines the quintessential causal mechanism theorised for each model individually. The first model, the CS model of legitimation, theorises human rights legitimation to result from congruence between the norms, values and moral principles held by an authority's constituencies and those that the regional authority embodies and reflects in its institutions. The second model, which I term AC model builds on an authority-legitimation link, meaning that increasing authority requires more demanding legitimation. Thus, when authority and legitimation pass a certain threshold, human rights enter the RO to serve as a 'higher-level' legitimation. Theorised as ideal-typical models that each focus on stability and change, this solution term hints at the fact that both mechanisms coincide or rather are even interlinked.

In essence, this path implies that in the congruent realm of an RO – when membership is democratic, implying adherence to human rights, which is, in turn, reflected in the RO's institutional design – the related legitimation only becomes explicit when authority and legitimation cross the threshold. While the thresholds are defined meaningfully via the QCA, this leads me to conclude that this may be the result of more situational events related to the RO's authority and legitimation. In fact, it may point to politicisation and contestation that were not adequately covered by the two conditions of strong non-state realm (NGO) and economic vulnerability (ECON). Considering the cases covered corroborates this view: The path covers the CoE, the EU, the OAS and CARICOM. With the exception of the CoE, none of the cases is covered fully. The earliest

period for the EU is missing, while for CARICOM and the OAS each only one period is covered, which both stand out strikingly.

On one hand, the OAS which usually displays a modest legitimation intensity, shows a significant leap with a legitimation intensity of 0.69 during this period – one-third higher than its mean legitimation intensity across all years. While authority also increases significantly throughout this period, the former decreases again strongly in the subsequent periods. This begs the question as to what led to this sudden and exceptional peak. On the other hand, for CARICOM, legitimation makes a noteworthy leap in intensity in this period, while authority increase more steadily. The timeframe of 2012-2019 also represents the one and only occasion where CARICOM reverts to human rights legitimation. Furthermore, from 2015 onwards human rights legitimation becomes strikingly consistent. Both cases thus hint at the fact that additional causal factors are not captured by the QCA. Concretely, besides their steadily growing authority, something else might have occurred that caused the RO to react with such peaking legitimation intensity and, relatedly, the appearance of human rights legitimation. While this begs for further inquiry for instance via a case study to further decipher the underlying process, I for now content myself in terming this path the **'Reviving Legitimisers'**.

I can report a third path that leads to human rights legitimation and covers ROs that I depict as the **'Signalling Legitimisers'.** Here I find ROs that are democratic (DEM), are economically vulnerable (ECON), are vested with high authority (AUT), legitimate strongly (LEG), and exist in a realm of strong non-state actors (NGO). With this configuration, I observe resemblance to the AC model, the second model theorised for this QCA. In fact, both theorised paths – AUT*LEG*NGO + AUT*LEG*ECON -> Human rights legitimation – are reflected in this solution term. I contend that this configuration, as well as the cases covered, is reflective of a signalling legitimation. Firstly, considering that they are all democratic in membership, the adherence to human rights as such is perhaps viewed as taken-for-granted or self-evident, which stands without strong contestation on this front. The coincidence with high authority and high legitimation, however, point to the fact that there is some potential for delegitimation in the RO realm. Increases in authority indeed do need to be accompanied by strong legitimation. This issue may be mostly externally driven, given the democratic membership and the presence of conditions 5 and 6 (ECON and NGO). It may not be the RO itself that wants to talk about rights but must do so because of pressure resulting from a strong non-state realm and its economic vulnerability. This, however, does not present such a strong pressure that the human rights legitimation needs

to be strong. In fact, not all RO's covered are vested with active human rights institutions, thus this cannot corroborate their human rights legitimation.

Moreover, the ROs covered display patterns of human rights legitimation similar to those described in Chapter 2. Most of them form part of the group of ROs that makes use of 'irregular human rights legitimation'. With the exception of SICA, it strongly seems like an on-and-off phenomenon that barely follows any regular pattern. The only pattern discernible is linked to an overall irregularity that I connect to the signalling character of these ROs' human rights legitimation. For Mercosur, CAN and SICA, human rights legitimation oftentimes disappears when one of the two documents used for the coding is missing.[39] Finally, all three ROs display a striking resemblence concerning the potential source of contestation and politicisation. For all ROs, I observe that cooperation agreements and the opening of negotiations with the European Union occurred in the late 1990s, which coincides with the onset of human rights legitimation in all three ROs. Given that the EU often links its trade agreements or enhancing cooperation to the respect for human rights, this may well be the source of contestation (Donno and Neureiter, 2018; Grieger, 2019). Thus, I contend that these ROs human rights legitimation is a response to external contestation and politicisation given their increasing authority but can remain highly superficial. Superficiality is possible not only since the pressure is not too high but also because the ROs democratic membership allows assuming a self-evident commitment to human rights norms. Thus, I term this path **'Signalling Legitimisers'.**

The final path the QCA reveals covers ROs that are undemocratic in membership (1 – ~DEM), are vested with active human rights institutions (2 – HRINS) but low authority (3 – ~AUT); and do not legitimate strongly (4 – ~LEG) but exist in a realm of strong non-state actors (5 – NGO). I refrain from an in-depth interpretation of this path for two reasons. Not only is the path low in its conceptual abstraction as only one condition was minimised, but it also only covers one additional case, namely the SADC between 2000-2005. The case of CIS 2008-2019 represents a deviant case consistency in kind as I will discuss in the following section. Thus, it does not provide great additional explanatory leverage for the overall patterns of human rights legitimation. Omitting this path for further interpretation also allows to qualify the observation made on the role of the AC model for the overall solution. There, I observed that high authority (3 – AUT) and high legitimation intensity (4 – LEG) are the only conditions that matter in their absence for explaining the outcome. I suggested that this refutes the AC model. Given that this path matters so little,

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[39] Recall that the outcome is measured via the qualitative coding of two documents of these ROs – the general secretariats' annual reports and the final communiqués of summit meetings.

though, I find this not to hold true when examining the solutions terms individually. The three labelled paths indeed support the relevancy of the assumptions of both ideal-typical models though in conjunctions different than theorised.

Finally, as just indicated, the solution also displays few deviant cases consistency in kind. While I assert that they do not diminish the quality of the results, common standards for running a solid QCA require transparency in discussing these cases (Oana *et al.*, 2021, p. 92). The first deviant case consistency in kind – ASEAN 2008-2012 – can be found in truth table row 23 which covers cases of ROs without democratic membership (DEM), with active human rights institutions (HRINS), with low authority (~AUT), with high legitimation intensity (LEG) and with a strong non-state realm (NGO) but without being economically vulnerable (~ECON). I decide to include this row in the minimisation because it covers key recent years for this same RO, that is 2013-2017 and 2018-2019, where it makes use of human rights legitimation. In fact, the deviant case itself contains years with human rights legitimation as well as the year 2007 right before the period covered. This reflects this RO's pattern of human rights legitimation. While there is some human rights legitimation in the 1980s and 1990s, I observe a long gap of 13 years without reference to human rights from 1994 to 2006.[40] Given that the deviant case only ranges slightly below the cut-off for 'fully in' for the outcome given the presence of two human rights statements that is co-constitutive of this trend, I include this row in the minimisation.

Second, I report a deviant case consistency in kind in row 19, which covers of ROs without democratic membership (~DEM), with active human rights institutions (HRINS), with low authority (~AUT), with low legitimation intensity (~LEG) and with a strong non-state realm (5 – NGO) but without being economically vulnerable (~ECON). CIS 2008-2019 contradicts this row's conjunction as it does not make use of human rights legitimation. This deviation can be traced back to slightly problematic data sources – for the 11 years of observation covered, only one annual report and seven communiqués form the basis of the data. Additionally, the seven communiqués are all translations, making them more prone to measurement error. Besides, the following rows still display high parameters of fit while also covering a lot of additional cases. To not lose this additional explanatory leverage, I thus consider it fair to include this row.

Thirdly, truth table row 48 contains the following four deviant cases consistency in kind: CAN 2007-2009, CAN 2010-2012, Mercosur 2003-2005, and SICA 2013. The ROs covered are democratic in membership (DEM) and are not vested with human rights institutions (~HRINS),

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but have high authority (AUT). Moreover, they display a high legitimation intensity (LEG), a strong non-state realm (NGO) and are economically vulnerable (ECON). There are multiple reasons to include this row in the minimisation despite the high number of deviant cases consistency in kind. Firstly, the row covers a significant number of cases as such, and these are also of the same ROs as the deviant cases, that is, four cases for SICA and CAN respectively. Furthermore, these ROs, although at times irregularly, often make use of human rights and other liberal norms for legitimation. For CAN, irregularity may even be traced back to measurement problems: communiqués for the years 2008-2010, and 2012-2018 are missing. In earlier periods where all documents are available, human rights legitimation is more regular. The year 2013 for SICA also represents a strong exception, both because the SG terms are usually at least two years long but also since human rights legitimation occurs in almost all years for SICA (21 out of 29 years) and also with heightened intensity.[41] Finally, this row is the only row included where cases are not vested with active human rights institutions. Given the close to sufficient set relationship between this condition and the outcome, it is worthwhile to include this row to scout for potential configuration where this condition does not play a role.

To conclude, although this research design is highly focused on explaining the presence of the outcome, for the sake of comprehensiveness, I also report the solution for the negated outcome. I minimise with an inclusion cut-off at 0.88 and a PRI of 0.65, and thereby include one deviant case consistency in kind. For row 38, covering ROs that are not democratic (~DEM), not vested with human rights institutions (~HRINS), low in legitimation (~LEG) but high in authority (AUT), economically vulnerable (ECON) and that exist in a strong non-state realm (NGO), the SADC 2014-2019 contradicts this set relation as it does make use of human rights. It also does so in the three preceding periods. I include this case because its deviation can be explained by a striking anomaly. In 2011, the SADC tribunal which had developed into a strong human rights instrument, was disbanded by its Member States, which leads to a set membership of ROs without active human rights institutions. I reckon that this controversial step led to human rights legitimation carrying on in the RO despite this institutional change. This leads to the following intermediate

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[41] Further considering the data sources, the annual reports and communiqués even reveal that the sampling process for paragraphs to include in the coding, does not capture the relevant paragraphs where human rights legitimation occurred in this specific case. Indeed, the sampling of paragraphs to code considered only introductory, synoptical or summarising sections at the beginning or end of the annual reports. In this annual report, however, SICA only introduces its 'Pilares Prioritarios', that is priority pillars, in the fourth chapter of the report on page nine, thereby outlining its commitment to human rights. Given their hidden position, these sections did not figure into our coding. Likewise, while referring to human rights via gender equality in the respective communiqué in that year, this statement is a borderline case but too close to a policy statement to count as legitimation.

solution displayed in Table 9 below. While high in consistency, its coverage is very weak, with only seven ROs and 19 periods explained.

Table 9 Intermediate solution for the absence of human rights legitimation

M1: ECON*~HRINS*~DEM*AUT*~LEG + ECON*~HRINS*AUT*~LEG*~NGO + ECON*~HRINS*DEM*~AUT*~LEG*NGO -> ~HRFS

		inclS	PRI	covS	covU
1	ECON*~HRINS*~DEM*AUT*~LEG	0.910	0.847	0.182	0.043
CEMAC-2000-2006, CEMAC-2007-2011, CEMAC-2018-2019; COMESA-1994-1996, COMESA-1997-1997, COMESA-1998-2007, COMESA-2008-2017; LoAS-1980-1990, LoAS-1991-2000; *SADC-2014-2019*					
2	ECON*~HRINS*AUT*~LEG*~NGO	0.914	0.866	0.210	0.061
CAN-1980-1996; COMESA-1994-1996, COMESA-1997-1997, COMESA-1998-2007, LoAS-1980-1990, LoAS-1991-2000; OECS-2014-2019					
3	ECON*~HRINS*DEM*~AUT*~LEG*NGO	0.888	0.792	0.098	0.043
Mercosur-1999-2000, Mercosur-2001-2002; NordC-2014-2019					
	M1	0.909	0.850	0.310	
Note: In Boolean algebra, * stands for the logical operator 'and', whereas + represents the logical operator 'or'. The tilde before a condition denotes the absence of this condition. Cut-offs for minimisation are consistency = 0.88, PRI = 0.65, and n.cut = 1 case.					

5.4 Robustness of the analysis

The QCA method has evolved substantially. The most recent innovations include running various robustness checks for a solid analysis (Mello, 2022, p. 166; Oana *et al.*, 2021, pp. 143–170). Those robustness checks, either following a standard protocol or diagnostics specific to the analysis, should check for the stability of the results when factoring in different calibration; measurements errors; changes in the sample; and geographic, temporal, or substantive clusters in the cases. In the following, I report on those robustness checks I deem most important for this analysis. Further robustness checks are annexed.[42] To begin with, I ran robustness checks that follow the standard protocol recently introduced by Oana and Schneider (2021).

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[42] This also concerns further details on the robustness checks reported here. Annex 6 provides a substantive overview of all robustness checks I ran.

They begin by checking for the sensitivity of the analysis to changes in the calibration of conditions. To do so, I calculate the lower and upper bounds for the three thresholds used for the original calibration. The broader the range between these bounds, meaning that the results would not change with a significantly different calibration, the more robust the solution. This is only sensibly applicable to continuous raw data and calibrations that build on a uniquely identifiable raw value. This is the case only for four of the six conditions, specifically democratic membership (DEM), high authority (AUT), high legitimation intensity (LEG) and economic vulnerability (ECON). The results for this test confirm the robustness of the results. Indeed, none of the four conditions does not displays any leeway for changing calibrations and the ranges for different calibrations are in parts rather narrow. The 'fully in' inclusion anchor at 0.85 for democratic membership, for example, can vary between 0.76 and 0.88. In some cases, auch as the upper bound for the inclusion of authority or the lower bound for the inclusion of the condition economic vulnerability, the determined values even go beyond the empirical relevant and measured data. In these cases, no matter where I place the threshold within the range that is conceptually plausible, the solution does not change. In other cases, however, the bounds are rather limited confirming the plausibility of the conceptualised thresholds.[43] Sensitivity ranges are also used to assess the inclusion cut-off for minimisation. Here for both the consistency threshold as well as the n-cut, the solution is unfortunately highly sensitive. Any changes would alter the results.

To assess multiple alterations regarding the analytical decisions not in isolation but within one solution, Oana and Schneider suggest a procedure of creating maximum and minimum test solutions that represent a hard test and aim to cover the entire realm of solutions as well as their minimum common denominator. Intersecting these allows one to calculate similar parameters of fit as for the original solution which provides an additional indication for the robustness of the results. For consistency, the presented original solution fares quit well, displaying a consistency close to 1 for the robust core and the overall robustness fit (RC = 0.939; RF = 0.958). The coverage of this universe of solutions, though, is less satisfying, which reflects the limited coverage of the original solution. Following this robustness protocol thus describes the robustness of this QCA as mixed: while the calibrations are robust and one can identify a neat robust core of the QCA, changes in the inclusion or exclusion of cases and truth tables rows quickly alters the results. To me, this means that the QCA manages to explain some parts and cases well while others can hardly

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[43] I provide a table with all sensitivity ranges in Annex 6.

be captures with the six conditions. Thus, it may well be that additional factors not covered by the QCA are needed to account for the phenomenon.

Aside from this protocol, I deem it important to assess the robustness of the solution regarding distinct structures in the data and sample. On one hand, this concerns the fact that cases belong to different geographic regions and periods. On the other hand, this also relates to the unit of analysis chosen for the QCA, which is a distinct construction of cases, specifically, ROs over various numbers of years. For the former, scholars developed diagnostic tools for so called clustered data structures (Garcia-Castro and Ariño, 2016; Oana and Schneider, 2018) which I apply to control for the role of regional and RO-specific clusters. This function checks for the overlap or consistency of a solution obtained from clustering the data differently, such as by ROs or by regions. Thus, it tells us in essence whether reverting to RO/SG-years as a unit of analysis, meaning to pool the subpopulation of individual ROs/years to this broader unit, does not significantly alter the results. The results show that the overall pooled consistency does not diverge from the original consistency. Similarly, most of the consistency values for each cluster and each unit in part are satisfactory. Exceptions are cases that are only weakly covered or not covered at all by the solution (Oana and Schneider, 2018, p. 527).[44]

I run the same function for the cluster of regions. The results are equally satisfactory and do not reveal any significant clusters that affect the solution across the regions. However, an issue as to coverage is revealed, which is a bias towards ROs from certain world regions. Indeed, ROs from Asia-Pacific and Africa are least explained by the RO. This also reflects an observation made in the analysis above. Overall, the QCA is strong in explaining Global North ROs but does not reach comparable explanatory leverage for ROs from the Global South. This is not only visible in the overall coverage of the QCA, that is, which ROs it manages to explain well, but also instantiated in path 1, where the presented interpretation does not account for the cases of LoAS, ASEAN and AU. I discuss how this affects the analytical leverage of the QCA in the subsequent chapter and take related decisions for the case studies that take this observation into account.

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[44] For some of the cases, the results also produce NAs. The current state of the art of this measure of robustness does not provide any details on this eventuality, but I assume that it is the result of the irrelevance of these cases for the QCA. As these are cases that are not covered by the solution, this may lead to NAs. As of now, I am still in search of expert advice and/or further insights into this.

Conclusion

In this chapter, I have trodden new methodological ground in applying the set-theoretic method of QCA to questions relating to human rights and self-legitimation. More concretely, I sought to answer the first sub-question of the overarching research question: *Under what conditions do ROs use human rights for legitimations?* The QCA revealed that both ideal-typical models theorised for this analysis provide some explanatory leverage though neither of the two is fully covered. In fact, the results show that both congruence and authority, thus a combination of stability and change within an RO, help in understanding why ROs use human rights legitimation. This strongly corroborates the assumption that this phenomenon underlies causal complexity. Indeed, the solution displays conjunctural causation, equifinality and asymmetry. Importantly, it reveals the great importance of active human rights institutions for most cases but shows that the relevance of this condition depends on other conjunctions.

What is more, I was able to label three instructive paths explaining human rights legitimation as self-containing, reviving, and signalling reflecting the different conjunctions of the models. The first path of the solution describes what I term **'Self-containing Legitimisers'**, which covers ROs that are economically not vulnerable and are vested with active human rights institutions. Strongly resonating with the idea of congruence, the ROs here make use of this notion self-sufficiently. The second path covers ROs that I term **'Reviving Legitimisers'**, because it appears that in a stable state of congruence, only rising levels of authority and legitimation led them to react with human rights legitimation. A third path covers ROs that are democratic, are economically vulnerable, are endowed with high authority, legitimate strongly and exist in a realm of strong non-state actors (NGO). I refer to this path as **'Signalling Legitimisers'** since there does not seem to be much substance to this legitimation though it still implies a change that is a reaction to high external pressures. Empirically, this is highly instructive given that two groups of ROs with distinct patterns of human rights legitimation are covered: those ROs that make use of 'consistent human rights legitimation', namely CoE, EU, OAS, OSCE, and SICA and those that make use of 'irregular human rights legitimation', namely CAN, Mercosur, and CARICOM.

Nonetheless, the QCA also reveals limitations on three levels. Firstly, the results do not perfectly reflect the theorised models. Though explicitly theorised as ideal types, this strongly corroborates that much of the empirics occurs 'in-between', requiring diligent theory refinement of the two models. Secondly, the QCA is limited in its explanatory strength due to the only slight limitations in robustness and the low coverage of the results. In the previous section, I outlined multiple

robustness checks for some of which small changes in the analytical decisions would alter not only the solution but also the cases covered. This not only underscores the need for theory-refinement but also strongly suggests the fact that there may be factors causally relevant for explaining the phenomenon that go beyond the structural nature of this method and are thus not covered by the QCA. Therefore, I deem it necessary to scout for factors beyond the models to fully account for all facets of this phenomenon.

Thirdly, as to the low coverage, this also reveals a distinct bias towards Global North ROs while neglecting ROs from the Global South. Except for Mercosur, CAN, SICA and one period for CARICOM, the QCA does not manage to provide adequate explanations for Global South ROs. Indeed, an entire group of ROs described as making use of divergent human rights legitimation in Chapter 2 is not captured. Whereas path 1 proves inadequate to explain the AU, ASEAN and LoAS, cases such as SAARC, SADC, ECOWAS and the EAC completely fall through the cracks. By and large, I consider this a fairly mixed result: despite the fact that the QCA provides consistent paths that resonate well with the underlying theory and explain a few cases very well, I find the low and biased coverage unsatisfactory. Correspondingly, I seek to remedy these mixed results in the following chapters of this book by engaging in theory refinement. Thanks to a thorough discussion of its limitations, I rigorously link two case studies to this QCA that allow me to undertake this endeavour.

Part III Zooming-in

Chapter 6   A roadmap for the case studies

> 'The quality of the protection provided for human rights varies greatly from one IO to the next. This shows that the causal link between normative necessity to legitimate political authority and the establishment of provisions to protect human rights may exist at the general level, yet the specific outcome may depend largely on differences in the availability of resources and political opportunities, and hence on normatively highly contingent factors' (Heupel and Zürn, 2017, p. 9).

> 'This is not a traditional chapter on research design and methodology. Rather than leaving you, the reader, with the impression that this project was neatly and logically conceived in its entirety—as it has been presented up to this point, hopefully—this chapter is premised instead on the idea that designing a research project is an inherently messy process. The opening quote from social psychologist Carol Dweck captures how scholars tend to present their work—as a finished whole, without discussing any of the mistakes or the struggle that went into its creation. Scholarly norms of presenting published work often mask valuable lessons on how research is actually conducted. Here, I take a more analytically transparent and reflective approach' (Cheng, 2018, p. 285). [45]

Designing a PhD project is a challenging endeavour, as it should be if one wants to do justice to the complexity of our social reality. However, in producing research output, scholars are often torn between this first requirement – reflecting complex social realities – and the presentation of neat, simple, and parsimonious explanations. Whereas social science continuously forges ahead in methodological rigour and precision in presenting research results, for example by providing enhanced clarity and transparency on what kind of explanations apply to which phenomena under what conditions, the messiness of the preceding research process largely remains in the dark. This chapter will be an attempt to allow the reader to accompany me on this messy research process. Facets of this messiness are reflected in the citations above. The first one reveals the motivation

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[45] The related quote by Carol Dweck goes: 'You never see the mistakes, or the struggle.'. I thank Viviana García Pínzon for drawing my attention to this text via her PhD thesis, see García Pinzón, V.E. (2021), "Local Order, violence, and trajectories of governance in peripheral cities in Colombia and El Salvador", PhD Thesis, Fachbereich Gesellschaftwissenschaften und Philophie, Philipps University of Marburg, Marburg, Germany, 2021.

behind this research: Existing literature seems to support the idea that a relationship between legitimation via human rights and authority vested in international organisations exists. The preceding chapters reflect the attempt to grasp this literature on a structural level in two models explaining human rights legitimation that are subsequently tested via QCA. The quote, however, also hints to the existence of distinct *processes* where resources and opportunities interplay and may lead to the outcome. This has made clear from the outset that case studies would be required to properly gauge the conjunctions deciphered by the QCA and to understand the mechanism that links them. In addition, the preceding chapter began to showcase the extent to which the results of the QCA itself are limited. Designing case studies that exclusively build on the QCA and its underlying models but do not go further thus presents difficulties. At this point the research process gets messy. For pragmatic reasons, that is, practicability, resources, time constraints, availability of data, and not surprisingly the COVID-19 pandemic, case selection for the second part of this research was undertaken before the dataset was finalised, and thus final runs of the QCA were possible. Moreover, the empirical reality under examination is not stable but subject to constant changes and new development, affecting a supposedly linear research process.

Indeed, for the Caribbean Community (CARICOM), major changes occurred in October 2021 that affected the overall assessment of this case and this research's design. Concretely, the RO had been lagging behind in publishing its annual reports since 2014 due to stark constraints in human resources. All five missing reports were only published in October 2021. At that point in time, I had already concluded data gathering, finalised the related QCA and was also finishing up the case studies. It proved, however, impossible not to take this new data into consideration since it turned CARICOM into an RO with human rights legitimation when this had previously been completely absent. In all five newly published annual reports for the years 2015-2019, the qualitative coding revealed multiple instances of human rights legitimation. Thus, I examined this most recent information on the RO more closely, inter alia by reaching out again to earlier interviewees in the CARICOM Secretariat. Resulting insights now feature in the CARICOM case study but required substantive revision of the research design.

Even though all analytical choices were – at the point in time when they were made – driven by rigorous theoretical and empirical considerations, this shows that unforeseen changes can lead to an imperfect research design which then requires significant adaptations. It also shows that, in the end, this research does not follow a classical research design such as a mixed methods design or a nested research design (Collier and Elman, 2010; Lieberman, 2005). While I do make use of a combination of large-N and small-N methods, neither method seeks to answer the same questions

nor do they unambiguously build on one another (Collier and Elman, 2010, 782). Similarly, although a back-and-forth between QCA and case studies helped to reconfigure and improve the research, such iterations do not amount to a full-fledged nested analysis (Lieberman, 2005, p. 436). Hence, this makes it all the more important to offer a transparent and comprehensible report of this process. Thus, this chapter pursues two goals in parallel. On the one hand, it serves the purpose of a methods chapter for the case studies. The goal is thus to outline how I answer the underlying research question reflected in the first quote above by Heupel and Zürn: *How do human rights come to be used for legitimation in ROs?* On the other hand, it follows Christina Cheng's suggestion to engage in retrospective reflection and provide an 'analytically transparent and reflective approach' to presenting a research design that breaks with 'the fiction that the final, published version of the research design has remained the same since the project was first conceived (…)' (Cheng 2018, p. 285f).

Thus, I first recapitulate and discuss the QCA's limitations and highlight the extent to which the subsequent case studies are connected to this marco analytical part. Although, the QCA offers instructive insights on two configurational paths that explain the outcome in some ROs, I illustrate how its limitations can be traced back to biases in the underlying theorisation and method-immanent constraints of a QCA. I then lay out that the case studies aim to take up the QCAs contributions and insights zooming in on one of its paths, while also seeking to expand on it and remedy its limitations regarding agency and temporal sequences. To do so, I design two process-tracings, one for CARICOM and the League of Arab States (LoAS) each. For both, process-tracing provides a historical narrative specifically for how human rights came to be used for legitimation in each individual case. The CARICOM process-tracing draws more closely from the two models and expands its second path of **'Reviving Legitimisers'** by asking how exactly human rights institutions, democratic membership, high levels of authority, and high levels of legitimation lead to human rights legitimation. LoAS focuses more strongly on going beyond the models by inquiring what new causes and causal mechanisms lead to human rights legitimation because the path of **'Self-containing Legitimisers'** does not manage to explain this RO sensibly. This case-centric process-tracing finds additional guidance thanks to a supplementary heuristic frame that conceives of ROs as networks. This enables greater systematisation in abstracting from the two case studies. After this scaffolding for designing the case studies, I report on additional cornerstones of the analysis, namely data collection, processing, and analysis as well as ethical considerations such as my positionality in this research.

6.1 Exhausting the QCA's contributions and limitations

Combining Large-N and Small-N methods represents a standard of quality of good research since 'increasing communication across the two approaches' holds 'great promise for scholarly progress' (Lieberman, 2005, p. 435). The challenge for such approaches then lies in how to 'blend these modes of analysis' (ibid.). It has become established in the field to combine QCA with in-depth case-specific analyses such a process-tracing which must be carried out 'on the basis of QCA results' (Schneider and Rohlfing, 2016, p. 526). Meanwhile, the guidelines, frameworks, and suggestions to do so are also manifold (ibid., Beach and Pedersen, 2018; Thomann and Maggetti, 2017; Oana and Schneider, 2018; Oana *et al.*, 2021, pp. 159-184). They all, however, barely consider the messiness of the research process but describe unambiguous proceedings that concede little flexibility and room for manoeuvre to the researcher. Given that this research is the result of this 'inherently messy process' (Cheng 2018, p. 285f), it proved difficult to follow one of these guides accurately. Thus, case selection was rather driven by the following three factors: theoretical hunches and initial clues derived from the incomplete data and preliminary analyses, pragmatic considerations such as accessibility to the field and language skills, and personal interest. New data and subsequent re-runs of the QCA alter the overall picture. Nonetheless, I can make plausible how the two cases blend with the QCA by discussing its contributions and limitations as well as the assets each case brings to the table in light of existing guides for case selection. Thus, in the remainder of this section, I first discuss weaknesses of the present QCA and in what ways it relates to general methodological issues of this type of analysis. Then, I introduce the approach to the case studies by highlighting how they take up the QCA's contributions and manage to remedy the above presented weaknesses.

Limitations of the method and theories

I venture a close look at the limitations touched on in concluding the preceding analytical chapter of the QCA. I observe four weak spots in this analysis and its results. Firstly, the theory underlying the QCA is not neatly reflected in the results. None of the two models is accurately represented in one solution term but combine in the following two. While the second path of reviving legitimisers (HRINS*DEM*AUT*LEG) may be interpreted as a combination of both models, path 3 (DEM*AUT*LEG*NGO*ECON) more strongly reflects the AC model though including democratic membership. Yet, the term is more complex than the theorised paths, and the role of congruence (presence of DEM) cannot be ruled out. Secondly, I observed that the coverage of the QCA is slightly below common methodological standards. While I consider the

results meaningful, I cannot ignore this limitation and contend that it reflects shortcomings of the two models. Indeed, given these two weak spots, it appears that the theory used is not fit to fully grasp all nuances and facets of this phenomenon. Despite providing insights on some cases and relevant conjunctions, this shows that the phenomenon of human rights legitimation can be reduced to few combinations of structural conditions with great difficulty. Instead, I find this to indicate that more than the six theorised conditions matter for this phenomenon and that especially non-structural aspects play a bigger role.

Thirdly, I indicated that the robustness of the results does not reach fully satisfying values for all checks ran. While aspects such as the robustness of the calibration and the absence of formal clusters indicate high robustness, changes in the inclusion cut-off and number of cases considered for each truth table row reveal many shaky cases (Oana and Schneider, 2021, 147). I contend that this further supports my assessment that the phenomenon simply goes beyond the theorised models and is determined by more than the six structural conditions. Indeed, I view that the high number of shaky cases in particular hint to a distinctly contingent phenomenon. Not only does this indicate that aspects beyond structure affect the outcome, but it also opens room to reconsider the role of temporality and circumstantial case specific dynamics that a bird-eye view as is a Large-N QCA cannot uncover.

Fourthly, while I have already noted limitations in coverage in general, two more nuances concerning the cases covered should be highlighted. On one hand, it cannot go unnoticed that the majority of cases covered stem from the Global North and the European region in particular. Indeed, the QCA fares particularly well in explaining the European Union (EU), Organisation for Security and Co-operation in Europe (OSCE), and Council of Europe (CoE) for all years of the period of observation, and some cases can be explained by two paths (path 1 and 2). Coverage is worse for Global South ROs: Fewer individual ROs are covered at all and of these none are covered for the entire period of observation. In addition, three of them – LoAS, the Association of South-East Asian Nations (ASEAN), and the African Union (AU) – are covered by a highly counter-intuitive path that does not allow sensible interpretation. On the other hand, an entire group of ROs, sorted according to their descriptive patterns (cf. Chapter 2.4), is not well explained by the QCA's solution. This group of ROs that make use of (c) divergent legitimation includes not only cases such as Economic Community of West African States (ECOWAS) or the South Asia Association for Regional Cooperation (SAARC) but also LoAS, ASEAN, and the AU, which fall out of their path's interpretation. Making use of human rights legitimation occasionally but highly irregularly, these RO also converge in characteristics that superficially contradict such legitimation

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(e.g, sovereignty protection, autocratic membership). None of the three paths of the QCA's solution can account for these ROs.

These weaknesses, though not substantial, require further discussion. In doing so, I assert that they do not stem from the design of the QCA as such. On the contrary, I contend that these four weak spots are on one hand linked to theoretical limitations of the two models and on the other methodological constraints of QCA. Consequently, I can remedy them with a distinct research design for the case studies. In two instances of process-tracing for the case of CARICOM and LoAS respectively will resolve the limitations of the QCA and make its contributions more knowledgeable.

To begin with, let us review the methodological constraints, that is, if the role of temporality leads to these weaker results. I already addressed that QCA's can only include time in the analysis with difficulty (cf. Chapter 5.1) and discussed certain ways of circumventing this limitation in my approach. Despite these measures, I identify problems regarding temporality. More concretely, this concerns the observation that the QCA explains the presence of human rights legitimation in LoAS from 2011 onwards and its absence before 2001 but not in the precise period of 2001-2011 when this norm started to matter. This shows that the temporal sequencing of events and processes, meaning how the phenomenon to observe came to be, cannot be grasped with the structurally focused method of a QCA. Moreover, I noted a near to necessary disjunction in the analysis, that is HRINS+LEG, indicating that either active human rights institutions or high legitimation intensity led to the outcome. This runs counter to existing research that links legitimation communication to institutional design and change (Lenz and Viola, 2017), contending that the former leads to the other or is accompanied by it. The subsequent analysis of sufficiency corroborates the relevance of the condition HRINS but cannot sensibly tell us how the two conditions are linked. In essence, this amounts to a question of infinite regress or the commonly stated 'chicken or the egg' dilemma: Which of the two comes first? Is the institution created first and then used for legitimation? Or is a new legitimation sought that is then subsequently corroborated by creating a new institution? The QCA is unable to indicate the logical order of these conditions or, put differently, unable to illustrate the course of the events.

This is unsatisfying as scholars note that 'conditions (characteristics) and outcomes emerge together over the course of the event', a process that cannot fully be accounted for by simple absence and presence (Rutten, 2021, 13). I contend that this is not only reflective of the temporality problem of the QCA but also due to its 'blackbox problem' (Meur *et al.*, 2009, p. 160). Without further insights, one simply cannot make any valid statement about how the individual conditions

are temporally and logically linked. In addition, beyond temporality, even if one knows what comes first, we do not know how they are linked: What precise mechanisms logically links two conditions and enables them to jointly induce an outcome? Some scholars dismiss this criticism as inadmissible 'because QCA simply does not aim to explain the mechanisms at work behind the variables' (Meur *et al.*, 2009, p. 160). Instead, they simply suggest that the researcher's knowledge shall allow moving beyond the QCA's minimal solution and allow for meaningful interpretation 'to determine causality' (ibid.). I find this unsatisfactory because in the end '[s]ocial science is not about regularities but about "people doing stuff"' (Rutten, 2021, p. 26). In this view, researchers need to focus precisely on 'the relationship between "structure" (social structures and institutions) and "agency" (human agency)' (ibid.), to be able to make inferential statements. I follow this view: Given the limitations of the QCA presented above, further analyses zooming in on the role of agency and temporal sequencing of the conditions is in order. With that, I assume that the QCA is instructive for further inquiring 'why the presence of a cause [condition] makes it possible for human agents to achieve the outcome but does not determine that they will' (ibid., p. 3). This focus justifies subsequent decisions for the case studies already hinted to above: More precisely, I undertake process-tracing guided by a novel heuristic frame that broadens the scope of the models with a view to agency framed as entrepreneurship.

Case selection: A remedy for the Global North bias

The QCA also reveals striking limitations regarding the cases it covers. As I have highlighted above, there appears to be a bias towards established RO's from the Global North. For a group of ROs where human rights legitimation is least intuitive, that is, the Central African Economic and Monetary Union (CEMAC), East African Community (EAC), Southern African Development Community (SADC), ASEAN, the AU, ECOWAS, LoAS, and SAARC, the QCA fails to provide any meaningful paths. Indeed, the ROs are either not covered at all or form part of a path that is highly contradictory and makes sensible interpretation impossible (path 1: HRINS*~ECON). I view this as inherent to the existing models that the QCA builds on and its epistemological limitations. In fact, I argue that both models come with a bias towards the Global North as they emanate from and apply to this part of the world. To begin with, the CS model has roots in early theories on legitimacy and legitimation of the nation-state as it views the relationship between legitimacy and authority as distinctively different in the international realm than in the domestic realm. In essence, a domestic mechanism is simply transposed to the regional realm by adding an additional layer of congruence to it. Given how seminal inquiries on legitimacy in these domestic realms, such as those of Max Weber or David Beetham as they are received in scholarly debates

today, build on former European regimes or 'Western' democracies, their analytical view is limited. Though scholars today assert that legitimacy and legitimation matter for all kinds of domestic regime types, they also highlight that dynamics may differ in the Global South with regard to the relevant norms and actors involved (Holbig, 2011; Josua and Edel, 2021; Debre and Morgenbesser, 2017; Nelson, 1992).

Few analysis have already hinted to related difference in legitimation dynamics in Global South ROs (Söderbaum *et al.*, 2021; Ba, 2013; Ambrosio, 2008). The congruence model has difficulties accounting for these differences with regard to human rights. Moreover, in expanding the congruence model and drawing from broader research on human rights, the supplementary theorising I can draw from reflects a similar bias. Much of the research used, builds on liberal IR theories, whether termed liberal republicanism, liberal constructivism, or liberal intergovernmentalism. Again, what they have in common is that their analyses build on the same pool of cases, specifically IOs and their Member States, which underlie the already highlighted source of the bias. Examining the CoE, OSCE, or the EU and its predecessors renders the analytical perspective and potential explanatory leverage necessarily narrow (Schimmelfennig, 2001; Moravcsik, 2000, 1995; Risse, 1996). This narrow lens is perhaps the reason why Global South ROs in particular are so weakly assessed by the QCA.

Similar points can be raised for the AC model. This model forms part of a theory of global governance that is much more strongly inscribed in the traditions of IR scholarship. It is this tradition that reveals the first source of bias towards the Global North for this model. Michael Barnett, in discussing parts of Zürn's underlying theory of global governance, gets to the heart of this critique when he claims that 'Zürn's version of global governance is intertwined with liberalism' (Barnett, 2021, p. 136). With this assessment, Barnett echoes a recurring critique towards main stream IR scholarship, in that it privileges 'the experiences, interests, and contemporary dilemmas of a certain portion of the society of states at the expense of the experiences, interests, and contemporary dilemmas of the large majority of states' (Ayoob, 2002, p. 29; but see also Anghie, 2006; Zarakol, 2014). By implication, this privileging does not render such theories, including the AC model, inherently irrelevant, but it does limit their explanatory value as they cannot cover all facets of international relations. In the present case, this applies for the AC model regarding Global South ROs' legitimation.

Barnett also manages to pinpoint where Zürn's theory exposes a fallacy due to this bias. Indeed, with a historical view of the evolution of global governance, Zürn sketches a route of a deepening of this system over time and derives that such deepening was in part the result of its legitimacy

(Barnett, 2021, 134f; Zürn, 2018a, 195ff). This conclusion can only be drawn when ignoring and neglecting a vast history of criticism, attempts at reforming, restructuring, and counter positioning the 'Western' global governance system by actors coming from what Barnett subsumes under the 'Third World'. Examples for this are the non-alignment movement in general or the Bandung Conference more specifically. In light of this observation, it comes as no surprise that cases covered by the QCA are limited to the Global North. For the pursuit of this analysis, this also impels me to lay greater focus on the omitted Global South ROs. With LoAS and CARICOM, I follow this logic. More so, the cases are not only weakly covered in the presented QCA, but they are also highly understudied beyond research on their legitimation patterns. Given that they are among the oldest integration movements in the Global South and the dominant ROs in their respective regions such neglect is unsatisfactory. Beyond the goal of shedding more light on legitimation dynamics in the Global South, for each case, additional criteria for selection can be sensibly applied and further tie the QCA and the case studies together.

The Caribbean Community: Making mechanisms conceivable

Choosing CARICOM as a case study is in part driven by the goal to foster research and insights on the Global South. Beyond that, CARICOM will also serve to take up parts of the QCA and make them more comprehensible. It can do so inter alia because case studies 'examine the operation of causal mechanisms in individual cases in detail' (George and Bennett, 2005, p. 21). The main objective of the CARICOM process-tracing thus lies not only in 'acquiring in depth knowledge about the cases under study', but also in providing a nuanced insight into how one of the QCA's suggested paths leading to human rights legitimation may unfold as a mechanism (Schneider and Rohlfing, 2013, p. 560). Choosing CARICOM for this endeavour – aside from it being a Global South RO – can be justified in three additional ways.

Firstly, I view CARICOM as a particularly suitable case for tracing the process leading to human rights legitimation therein, because of the path that covers CARICOM. For the years 2012-2019, this RO is covered by path 2 of the QCA describing ROs that are democratic in membership, vested with active human rights institutions and high levels of authority, and that legitimate strongly. I term this path and the respective ROs covered 'Reviving Legitimisers' as the configuration of conditions suggest that despite normative congruence in the RO, it is only when increases in authority and legitimation reach as certain threshold that the RO voices human rights legitimation. At first sight, this configuration of condition thus hints to an intriguing combination of the two models theorised above and allow us to uncover starting points to theorise the two ideal

types jointly. Zooming in on this underlying mechanism will thus provide the most traction to tie the case study not only back to the QCA's results but also to the theoretical models.

Secondly, CARICOM also represents a distinct case for this path. Aside from this RO, the path also covers time periods for the EU, CoE, and the Organisation of American States (OAS). Considering these for a process-tracing would be less instructive because all three are not uniquely covered cases. This implies causal heterogeneity, which means that the phenomenon of human rights legitimation in these cases can come about 'in various and mutually nonexclusive ways', rendering the analyses more complex and less parsimonious (Schneider and Rohlfing, 2013, p. 566). Due to this causal heterogeneity, QCA experts suggest following the 'principle of unique membership' (ibid., p. 567) for choosing cases. CARICOM does justice to this criterion as it represents a uniquely covered case or what is called a pathway case for this path 2 (Mello, 2022, p. 70; Oana *et al.*, 2021, p. 171).

Thirdly, CARICOM represents a particularly instructive case study because of its coverage by the QCA. As already alluded to, the years 2012-2019 are covered by path 2. No other RO/SG-years are covered by the QCA. For the solution for the presence of the outcome, this is due to the fact that I only observe human rights legitimation in the years 2012-2019. From 2014 onwards, however, this legitimation becomes strikingly consistent and regular. For absence of the outcome, I note though that the QCA is unable to provide for a path that covers CARICOM. Thus, this RO provides for an intriguing temporal sequence: In the preceding periods (1993-2012), CARICOM already formed part of the set of democratic, authoritative ROs that are vested with active human rights institutions but does not make use of human rights legitimation – an observation that the QCA cannot trace. With the year 2012 legitimation intensity reaches the threshold for 'fully in' and human rights legitimation occurs. A process-tracing covering this period is thus well suited to trace this change, make it comprehensible and uncover the mechanism that induced these changes leading to human rights legitimation. Thus, it may also provide exactly those insights that a QCA cannot produce. It appears that circumstantial factors in possibly distinct temporal sequences led to human rights legitimation in CARICOM. This warrants further examination in a process-tracing.

The League of Arab States: Expanding on the models

In view of the justification given beyond the Global South focus for choosing CARICOM, I specify that different logics apply for LoAS, too. Whereas I apply process tracing in a typical case for further analysing a causal mechanism to CARICOM, I proceed with process tracing in a deviant case to improve the existing theory in the case of LoAS (Schneider and Wagemann, 2013, p. 306; Schneider and Rohlfing, 2013, p. 561). Deviant cases can be understood as those that 'judged relative to some general model of causal relation' deviate from this model 'in that they are poorly explained' (Gerring, 2010, p. 655). When examining these cases, the goal is 'to probe for new – but as yet unspecified – explanations' (ibid., p. 656). Thereby, in-depth case studies using process-tracing, for example, 'have powerful advantages in the heuristic identification of new variables and hypotheses' (George and Bennett, 2005, p. 20).[46] As I have shown above, I suspect the QCA's limitation to be partly reducible to this factor: Given the structural nature of this approach and the limitations of its underlying theory, I contend that circumstantial, agency-related aspects may be missing in the QCA which still need to be uncovered. I argue that LoAS is a particularly suitable case to do so for three reasons.

To begin with, I have noted above that LoAS is among three cases for whom the interpretation of their path membership is distinctly challenging. Covered by path 1, that is, ROs with active human rights institutions and without economic vulnerability (HRINS*~ECON), LoAS together with ASEAN and the AU supposedly follows the same logic of human rights legitimation as the CoE, the OSCE, the EU, Mercosur, and the OAS. It proves difficult to properly interpret this path for all eight ROs covered given that they differ strongly. This concerns, for example, setting the CoE and the OAS and their human rights institutions on an equal footing with those of LoAS as I illustrate in Chapter 5.3. The label of self-containing legitimisers thus excludes the three – ASEAN, the AU and LoAS – from the interpretation. By implication, they can be termed deviant and warrant further investigation to identify missing conjuncts or conjunctions.

Secondly, I observe case-specific set relations and temporal sequences for LoAS which justify focusing on this case. Overall, this RO is among the weakly covered cases in this QCA. Beyond the period of 2011-2019 excluded by interpretation, this also concerns the preceding period from 2001-2011. During this time, LoAS already made use of human rights legitimation but was not

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[46] As indicated in the introduction to this chapter, the research process rendered following QCA-immanent guides to choosing cases for subsequent process-tracing impossible. Thus, the understanding of what makes a case 'deviant' here is broader than what the QCA design would suggest. Nonetheless, I draw from QCA logic to justify this case selection and discuss LoAS's role as a QCA-type deviant case in the remainder of this section.

covered as it formed part of the set of economically vulnerable ROs, thus representing a deviant case coverage following the QCA-immanent logic (Oana *et al.*, 2021, p. 171). Accordingly, this case is well suited to uncover missing conjunctions. It not only forms part of the set of RO's with active human rights institutions at this point, most of them were also created during this precise period. Interestingly, the remaining two RO/SG-years of LoAS are covered by the negated outcome solution, though set membership of active human rights institutions does not play a role.[47] Thus, I contend that precisely the 2001-2011 period where human rights legitimation first occurred may be most instructive to expand on the models and identify additional conjunctions. Given the ambiguous leverage of the condition economic vulnerability in these cases paired with the observation that active human rights institutions were present both in the covered 'deviant' and uncovered cases of LoAS, I suggest that circumstantial factor, specifically potentially missing conjuncts, or conjunctions, were overlooked but form part of the underlying mechanism for this case. Concretely, this raises the question of who created the seemingly decisive human rights institutions, at what point exactly, and for what purpose. The static and structural design of a QCA can hardly address these questions. Therefore, I contend that running a process-tracing for LoAS over this period has the highest potential for providing traction on the open questions of agency and temporal sequencing of the mechanisms that lead to human rights legitimation.

Lastly, LoAS's descriptive patterns of human rights legitimation warrant explanation: Recall that low coverage is most striking for the group of ROs that make use of (c) diverging human rights legitimation. Beyond LoAS, this group also includes the two ROs mentioned above, the AU and ASEAN but also other significant regional actors such as ECOWAS, SADC, or SAARC. All of them use human rights legitimation occasionally but highly irregularly and in contradiction with superficially observed characteristics of the RO (e.g., sovereignty protection or autocratic membership). Considering that path 1 inadequately covers LoAS, ASEAN, and the AU, it is remarkable that none of these cases can be grasped with the QCA. This is even more unsatisfying as one could view them as crucial cases or as least likely cases, that is cases where everything indicates that the outcome would not be present (Gerring, 2010, p. 659). As such, they provide a particularly hard test for the applied theory, which, as it turns out, is indeed unable to properly explain them. Thus, it will certainly prove highly instructive to shed light on these cases. Among these, I contend that LoAS stands out as the least likely case. At first sight, one would least expect LoAS to revert to human rights legitimation. With this understanding of the two case studies and

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[47] Given that the negated outcome is not the focus of the analysis, I refrain from substantively interpreting the solution terms. Absence of human rights legitimation during the period 1980-1990 and 1991-2000 is covered by the following terms: ECON*~HRINS*~DEM*AUT*~LEG + ECON*~HRINS*AUT*~LEG*~NGO.

why I chose them, I now turn to the more specific research design that underlies these case studies. I now outline how I will approach and analyse the two cases and how that fits within the theoretical lens of the QCA.

6.2 Introducing process-tracing

Process-tracing broadly speaking is defined by its 'ambition to trace causal mechanisms' (Beach and Pedersen, 2016, p. 1). To go beyond this wide definition, this section outlines my approach to process-tracing. In essence, I consider process-tracing as the endeavour to recount a process that led to an outcome of interest in as much detail as needed to understand what chain of causal mechanisms intervened. In practice, this entails that researchers collect and evaluate empirical material on the case to identify evidence that confirms or disconfirms the course of the causal mechanism (Beach and Pedersen, 2016, p. 120). Thus, compared to large-N, variation-based, or correlational research methods, that assess net effects of individual variables, this method seeks to uncover and closely examine the causal mechanisms linking potentially multiple causes to the outcome (Blatter and Blume, 2008, p. 318). Consequently, process-tracing differs from other research methods regarding what kind of inferences can be made. Using this method, scholars assume that 'some pieces of evidence are far more discriminating among competing explanations than others' (Bennett, 2010, p. 708). Process-tracing therefore does not follow a probabilistic logic for the likelihood of obtaining similar results but examines probabilities for how neatly evidence collected confirms or disconfirm a causal chain or causal configuration. Importantly, process-tracing does so within a single case, which means that researchers only focus on the 'within-case implications of causal mechanisms' linking causes and outcomes (Blatter and Blume, 2008, p. 320). In doing so, within these cases one does not simply measure values for the causes and outcomes but seeks to 'identify traces for every step between the cause and the outcome' (ibid.).

This approach and logic of inference also comes with a distinct understanding of the causal mechanism itself, sometimes referred to as distinctly 'mechanistic''. Making use of a 'machine analogy', Beach and Pedersen (2016, p. 29).outline that 'each part of the theoretical mechanism can be thought of as a toothed wheel that transmits the dynamic causal energy of the causal mechanism to the next toothed wheel, ultimately contributing to producing the outcome Y'. This view illustrates well why process-tracing is the appropriate method for approaching the cases introduced above in light of the contributions and limitations of the QCA. Firstly, it takes up the basic tenets of causation underlying the logic of a QCA, namely conjunctural causation, multicausality and equifinality. The QCA, however, does so for cross-case comparison and consequently is confined

to static and structural assessments of causation. Given the within case focus instead and its distinct way of understanding causal mechanism, process-tracing provides a unique opportunity to shed light on agency and temporal sequences of conditions contributing to the outcome. As regards to agency, following the analogy to the machine, the toothed wheels represent those entities that are 'engaging in activities', that 'are the producers of change' or that 'transmit causal forces', via movement of the wheels (ibid.). I contend that it is in these 'toothed wheels', that I can observe agency in a causal mechanism.

Again, in line with the analogy, the mechanism unfolds via one toothed wheel transmitting the process to another and possibly to yet another wheel, inscribing a temporal sequence to these events. While in its simplest form one step would follow the other, Beach and Pedersen (ibid.) clarify that 'causal forces can be nonlinear through a mechanism'. This means that, causal mechanisms can unfold in alterations, including directional changes and instances where only multiple causes together – that is, the interaction of two toothed wheels at the same time – can produce the outcome. In this view, process-tracing is akin to historical analysis but differing in that it aims at 'converting a purely historical account that implies or asserts a causal sequence into an analytical explanation couched in theoretical variables that have been identified in the research design' (George and Bennett, 2005, p. 225; but see also Blatter and Haverland, 2012, p. 81). Accordingly, process-tracing provides a distinctive opportunity for 'the temporal dimension of causality taking center stage' (Blatter and Blume, 2008, p. 321).

Although, there is agreement on these cornerstones of process-tracing, scholars specify various types of process-tracing. These range from very broad type definitions such as 'detailed narrative' and 'analytic explanation' to 'more general explanation' (George and Bennett, 2005, 210f), or research question-guided overviews (Blatter and Haverland, 2012, p. 88). Other scholars detail three types of process-tracing, namely, theory-testing, theory-building, and explaining-outcome process-tracing (Beach and Pedersen, 2016, p. 12) and provide related ways for choosing cases. In a similar vein, QCA experts also started to outline ways of selecting cases for different types of process-tracing for multi-method research in accordance with the QCA. While I already briefly introduced the selected cases and reasons for this, I now take this up to sketch the distinct approach to process-tracing I use. Indeed, instead of following one prototypical suggestion for this endeavour, the process-tracing undertaken here is fuelled by various leanings of this methodology.

To begin with, I undertake a process-tracing that seeks to provide a 'detailed narrative'. I thus follow Bennett and George (2005, p. 210).who view this as a story 'in the form of a chronicle that purports to throw light on how an event came about'. For both cases, LoAS and CARICOM, the

QCA only covers bits and pieces of the story but is unable to provide a holistic picture. Not only this fragmented view but also the limited insights existing about both cases as such lead me to view a comprehensive storyline as particularly important (Blatter and Haverland, 2012, p. 81). For both cases, I start tracing the process in the 1990s, since this marks a historical juncture for both cases as I will explain in their respective chapters. The illustrations then aim to provide for the 'temporal unfolding of situations, actions, events' in a chronological order with as much information as necessary to follow the causal mechanism up until today. In doing so, it aims to go as deep as necessary, identifying the causal mechanisms on the lowest level of analysis possible; and as dense as possible, providing for the most dense links between the elements of a causal mechanism (Blatter and Blume, 2008, p. 319).

Secondly, the process-tracing partly follows case selection criteria and related goals of the case selection proposed by QCA and process-tracing scholars. In that sense, as already alluded to above, CARICOM constitutes a 'typical' and LoAS as 'deviant' cases. Following CARICOM's QCA coverage, for the period of 2012-2019, it qualifies as a typical case for path 2, where the 'research goal is to make strong within-case inferences' (Beach and Pedersen, 2018, p. 850; Schneider and Rohlfing, 2013, p. 578). Thus, this process-tracing would ask about, how exactly human rights institutions, democratic membership, high levels of authority and high levels of legitimation lead to human rights legitimation. For LoAS from 2011 onwards, given how I interpret path 1, one may choose it as a deviant case since 'existing causal theories (X) are unable to account for the outcome (Y is present)' (Beach and Pedersen, 2018, p. 861; Schneider and Rohlfing, 2013, p. 578). Thus, this process-tracing would inquire what new causes and causal mechanisms lead to human rights legitimation.

These questions guide the process-tracing for each case study, revealing a leaning towards theory-testing oriented process-tracing in CARICOM and a tendency towards theory-building oriented process-tracing in LoAS. Aside from their definitions of cases, I also draw from Beach and Pedersen for identifying evidence for the individual steps of a mechanism. They distinguish between 'straw in the wind', 'hoop', 'smoking gun' and 'double-decisive' evidence, ordered according to the strength of evidence. Straws in the wind are the weakest type of evidence, as they weakly support the mechanism, while their absence does not disconfirm it. A hoop test that is passed also supports the mechanism but does not confirm it, when failed, however, it is strongly disconfirming. A smoking gun works in the inversed order as it can strongly confirm the

mechanism, but its absence cannot disconfirm it. Finally, double-decisive evidence can achieve both, that is, to confirm and disconfirm a mechanism (Beach and Pedersen, 2016, 102ff).[48]

Although, Beach and Pedersen (2016) propose neat guidelines to undertake both of these types of process-tracing, my approach will not fully follow these for two reasons. Firstly, the concept of typical and deviant cases is partly constructed. Considering CARICOM, the path does not reflect the original paths theorised in Chapter 4.3 which makes it impossible to simply sketch out a mechanism following from this theory. Plus, CARICOM is what is called a shaky case, meaning that it may easily contradict the theory with different analytical decisions taken in the QCA (Oana *et al.*, 2021, p. 139). While the QCA is in and of itself sound, these points render applying a classical theory-testing process-tracing difficult. For LoAS, deviance is constructed through interpretation meaning that theoretical priors exist and cannot be ignored. Even if path 1 does not fully explain LoAS, there are certainly insights to be gained from considering active human rights institutions for this process-tracing; however, it does not seem feasible within this scope to build a full-fledge theory on it. Secondly, theory-testing restrains the case study to the respective periods covered by the QCA but renders it difficult to go beyond these periods, meaning to consider previous periods sensibly. This would counteract the ambition to provide for full storylines and exclude potentially instructive earlier periods of both ROs. Thus, I retain the questions posed via this approach in the process-tracing but broaden them into a more flexible view of this method.

Thirdly, I strongly build on explaining-outcome process-tracing, which is the third of the three types introduced by Beach and Pedersen. For this type, their definitions entails that its 'ambition is to craft a minimally sufficient explanation of a particular outcome' (Beach and Pedersen, 2016, p. 18). It is, therefore, highly case-centric and seeks to assess 'what mechanismic explanation accounts for the outcome' (ibid., p. 12). In that sense, the goal is to fully explain an outcome and all the steps that led to it for one single case with 'no redundant parts being present'. This type thus has close affinities to the historical narrative variants of this method since it views causal mechanisms in a broader sense. Whereas in theory-oriented process-tracing a common goal is to 'test/build mechanisms that are applicable across a range of cases', the first and foremost goal here is to explain the case itself (ibid., p. 19). Thus, it may require 'combining mechanisms into an eclectic conglomerate mechanism', which seems more adequate to account for both cases. What it does not do, however, is view such case studies as analysis from a blank page, clean sheet, or with a

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[48] Extensive process-tracing in their view also includes formulating predictions for the types of evidence that is a test that a theorised mechanism must pass. Though I did not pass over this step, I devolve from it in that I do not lay out all predictions in the subsequent case study chapters. I do so to the benefit of legibility and to not overstretch the scope of these two chapters.

tabula rasa regarding theories. In fact, Beach and Pedersen describe the working process of explaining-outcome process-tracing as one that proceeds in multiple iterations where theory-testing and theory-building components of process-tracing combine. This implies that spelling out eclectic mechanisms and scouting for empirical evidence alternate in a 'va-et-vient', updating the model 'until it provides what can be thought of as the best possible explanation' (ibid., p. 21). I view this as highly useful for the present case, as it still allows for the review of both theorised models as well as the QCA paths while not limiting the case studies to theory-testing.

Finally, in view of the focus on agency and temporal sequence that shall emerge from the process-tracing, I make one final precision. Given the back-and-forth between empirics and theoretical priors that characterises explaining-outcome process-tracing, a final causal mechanism is made up of more systematic parts and non-systematic or case-specific aspects. While the former will resonate in part with the QCA and its underlying models, the non-systematic, case-specific will likely reflect the missing agency and temporal sequence. Thus, following classical explaining-outcome process-tracing, it may be difficult to abstract from the two case studies and generalise the respective case-specific insights on agency and temporal sequence to a wider population. Similarly, without any joint perspective on these two aspects, it is perhaps difficult to tie the insights back to the QCA. The authors of this type themselves, however, advocate not to 'draw the line between explaining-outcome and theory-building process-tracing too sharply' (Beach and Pedersen, 2016, p. 157). As a matter of fact, they clarify that such case studies also 'often point to specific systematic mechanisms that in principle can be tested in a wider population of cases or that can act as building blocks for future attempts to create generalisable causal mechanisms that can explain outcomes across the population of relevant cases' (ibid.). I view this assessment as an opportunity to introduce more systematisation from the start. In doing so, I conceive of theoretical priors to review in such process tracing as 'heuristic instruments whose function is to help build the best possible explanation for a particular outcome' (ibid., p. 19). As the QCA already hints at such missing possible explanations, namely agency and temporal sequence, I consider it useful to systematise these by introducing an additional theoretical frame to be used as a heuristic instrument in the process-tracing. I introduce these additional heuristic frames in the next section.

6.3 New heuristic frames: Networks and entrepreneurs

The above outlined at length that the case studies link to the QCA as a way to take up its contribution and to remedy its overall limitations most importantly regarding agency and temporal sequence. Thus, the following process-tracing shall deliberately focus on this question and uncover

an answer for how agency and temporal sequences affect the outcome human rights legitimation. In essence, this means inquiring how structure and agency relate. Put differently, I examine under what circumstances (temporal sequence) actors can affect change (agency) within existing structures (QCA conditions) to induce human rights legitimation.

The heuristic frame I propose to grasp this question systematically is to conceive of ROs as networks and agency as entrepreneurship. Drawing on a proposition of how to better understand the 'link between micro-action and macro-outcomes in international politics' (Goddard, 2009, p. 250), this view details how the structure in the realm of ROs can both constrain and enable entrepreneurs. This is suitable as a heuristic frame as it not only sheds light on agency via entrepreneurs in isolation but also provides ways for recirculating this back to the structure examined in the QCA. I lay out the components of this heuristic frame in turn. Table 10 also displays these components and how to apply them in legitimation dynamics. I introduce ROs as networks and agency as entrepreneurship, outline the entrepreneurs that matter, how their agency unfolds, and how change comes about in this view.

Table 10 Overview heuristic frame

Heuristic frame	… translated to legitimation dynamics
Networks	Regional organisations: object of legitimation
	Including: Agents of legitimation Audiences of legitimation (& core constituency)
Entrepreneurs /brokers	Agents of legitimation
Integrated network	Congruence: a legitimate RO
Fragmentation	Delegitimation
Cultural invention	Localisation of legitimation

To begin with, networks can be understood as 'ties among actors' relevant in all political interactions (ibid.) where the ties can relate to material interactions as well as social and cultural exchanges. This sociological view on networks builds on the insight that 'social structure, culture and human agency presuppose each other' (Emirbayer and Goodwin, 1994, p. 1413)[49]. When applied to domestic politics, networks are often thought of as coalitions where ties between

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[49] There certainly exist a vast literature on different approaches to network theory. Since the goal here, though, is only to draft a heuristic frame, engaging while this literature extensively is beyond the given scope.

'political parties, interest groups, and institutions' exist (Goddard, 2009, p. 255). In IR, assuming networks exist contradicts the widespread assumption of international anarchy. Instead, networks in IR can be 'patterns of relations among states, institutions, and non-governmental organisations', which may both be temporary and flexible or institutionalised and formal. In my conception of ROs as networks, this includes the object of legitimation, and its agents of legitimation as well as all audiences. Concretely, this concerns the RO itself meaning its internal bureaucracy in a narrow sense but also associated agencies and bodies that are most likely an RO's agents of self-legitimation. Furthermore, on the domestic level of the Member States, all actors involved with the RO, that is, government actors, other state actors or political non-state actors with empirically discernible ties to the RO, form part of the network. Finally, on the international level any partner such as other IOs, donor organisations, or non-Member States as well as potential adversaries where ties to the RO can empirically be observed form part of the network most likely as audiences.

Secondly, I grasp agency as entrepreneurship within those networks. Agents of legitimation are thus entrepreneurs understood as 'actors – who may be individuals but can also be collective actors, such as institutions – who invent or deploy ideas and information to produce significant structural change' (Goddard, 2009, p. 251). The notion of entrepreneurs is no stranger to the study of IR in general or to the study of norms in particular (Finnemore and Sikkink, 1998; Keck and Sikkink, 1998; Börzel and Risse, 2003). Constructivist scholars, for instance, suggest that 'organisations and individuals within advocacy networks are political entrepreneurs, mobilise resources like information and membership, and show a sophisticated awareness of the political opportunity structures within which they operate' (Keck and Sikkink, 1999, p. 91). This understanding of agents of legitimation as entrepreneurs reveals two important points. On one hand, here too agency is examined within networks, that is, advocacy networks. On the other hand, while indications are given as to how they act within these networks, we do not learn why it is *these* actors that matter as entrepreneurs in the networks (Checkel, 1999).

Referring to awareness of opportunity structure highlights that this may be linked to structure but does not specify it. Scholarship, indeed, oftentimes rather reverts to underscoring individual attributes for why actors can act as entrepreneurs (Goddard, 2009, p. 256; Billerbeck, 2021; Reinalda and Verbeek, 2014). A consistent view on networks and entrepreneurship as a heuristic frame conversely proposes a positional approach, claiming that 'how actors are positioned in a network facilitates their ability to act as entrepreneurs' (Goddard, 2009, p. 257). Indeed, depending on the position of an entrepreneur within it and the design of the network, they are either constraining or enabling. When the network is fragmented, revealing structural holes,

entreprenuers that are positioned close to these holes can induce change by bridging them. A fragmented system is one where not all ties are stable, but some are 'thin, informal and irregular', which may also reveal cultural breaks and discord. I compare this understanding of fragmentation with delegitimation.

The concept of delegitimation only receives scant attention in scholarly inquiring and is often just subsumed under the opposite of legitimation (Dingwerth *et al.*, 2019a; Hurrelmann and Schneider, 2015b; Schmidtke, 2018; Bexell, 2014). Tallberg and Zürn (2019, p. 587), for example, juxtapose legitimation and delegitimation as justifications versus contestations and claim that 'where actors seek to undermine the legitimacy of a political institution by challenging the appropriateness of its exercise of authority (…)', one can observe delegitimation. Furthermore, applying a discursive lens as I do here, they assert that delegitimation can come in the form of 'public statements involving a negative evaluation of IOs' (ibid., p. 589). Others focus much more strongly on actions such as withholding the institutional levy, campaigning or public protest (Söderbaum and Bäckstrand, 2018). The latter, that is, any form of public protest or observable contestation, most often by non-state actors as of now received the most attention (Gregoratti and Uhlin, 2018). Some inquiries also address the reasons for or sources of delegitimation and find that growing societal cleavages threaten the legitimacy of global governance (Hooghe *et al.*, 2018). This echoes the notion of gaps, cultural breaks and structural holes that characterise a fragmented network. These insights on the forms that delegitimation can take as well as the reasons for why it emerges feed into my understanding of delegitimation. Yet, for this analysis, the more important dimension of delegitimation is how and when the RO observes and experiences such delegitimation.

Given that I am concerned with the self-legitimation of the ROs, delegitimation only becomes relevant when the RO as a whole or individual agents within the RO take note of such delegitimation and consider it important to react. There may be criticism or protest that goes unnoticed or is not considered meaningful or threatening. On the one hand, not all criticism or protest is necessarily meant to delegitimate. On the other hand, an RO might not consider all attempts at delegitimation substantive enough to muster a reaction. As I examine the phenomenon of an RO's self-legitimation, I contend that changes in such legitimation can be a reaction to a delegitimation that is perceived as such by the RO. Empirically, I am thus interested in those instances of delegitimation manifested in the form of protest, contestation, public criticism that are taken up and pointed out by the RO itself.

In the words of the network approach, delegitimation occurs when the ties of an RO's core constituency or additional audiences become unstable and detached, and they may begin questioning its legitimacy. When perceived as such by the RO, network approaches describe potentially enabling positions for an entrepreneur, that is, an agent of legitimation. Where these structural holes become systematic, an agent of legitimation may constitute the only remaining link between all relevant actors able to bridge the gaps and avert the delegitimation.

Network approaches suggest various ways by which the agent manages to bridge the gap such as significant degrees of flexibility, diffusion, but also reverting to what is called 'cultural invention' meaning introducing a new idea. In light of the underlying question of how human rights – a potentially new idea – come to be used in self-legitimation, such 'cultural invention' may be applied. In such cases, the agency of the entrepreneurs unfolds in a combination of these three aspects. As they are positioned to bridge between structural holes, they are also positioned at the 'interstices of networks' which allows them to 'choose among norms and ideas' and make use of the most suitable one to bridge (ibid., p. 263). When making use of certain ideas, never are they entirely new to the international sphere. To be useful for bridging, however, they need to resonate with both ends of the ties in the network in need of bridging. Thus, entrepreneurs become 'culturally inventive' to allow this dual resonance. I compare these processes of cultural invention to what is often called norm localisation.

In its most general terms, localisation can be understood as the process of making something local in character or restricting it to a particular place.[50] The former aspect of 'making something local' echoes how scholars of norm diffusion understand localisation. Understanding localisation as a process through which 'external norms, which may not initially cohere with existing local beliefs and practices, are incorporated after undergoing modifications to their meaning and scope' (Acharya, 2009, p. 4), scholars inquire how international norms such as the 'responsibility to protect' or 'good governance' are adapted (Williams, 2009; Kluczewska, 2019). By now, the notion of localisation has come to be more broadly understood including, for example, strategic institutional mimicry, contestatory practices or the domestication of international policies (Rüland and Bechle, 2014; Zimmermann *et al.*, 2017; Aylwin, 2011).

My reading of localisation for now, however, builds closely on the seminal concept of 'constitutive localisation' introduced by Acharya (Acharya, 2004, 2009). He defines constitutive

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[50] See, for example, the definition of localisation according to the English Oxford Dictionary.

localisation as 'the active construction (through discourse, framing, grafting, and cultural selection) of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices' (Acharya, 2004, p. 245). His conceptualisation emphasises both the important agency exerted by local agents as well as the retainment of local norms. An international norm is not simply adopted and subsequently replaces local norms. Instead, agents adapt and modify international norms in order to enable congruence with local priors. This allows the norm to resonate with both ends of the network. As there may be a need to make human rights resonate with diverging ends of the RO's network, I scout for this localisation in the case studies. Thus, I understand localisation in legitimation as a process where norms are tied to what I subsumed under region-specific cultural features, as in any kind of local beliefs, practices or cultural priors that matter in the realm of an RO.

In optimal terms, the agent of legitimation is successful in bridging the gaps which leads to what network approaches term mobilisation. Mobilisation occurs when the introduced idea resonates well in the network as they are culturally rather harmonious. Additionally, the entrepreneur does not only have dense and numerous ties within one network but also equally strong ties across multiple networks. This allows the strongest activation of all parts of the network, which then simply incorporate the idea (ibid., p. 269). I consider this as a case where relegitimation is possible and succeeds. When unsuccessful this approach suggests that polarisation occurs. Polarisation represents a case in which the new idea does not resonate well and instead of bridging ties further 'destroys network ties' (ibid.). This can occur when the entrepreneur does not manage to introduce their ideas correctly and instead causes cultural dissonance. Furthermore, their ties to other actors may have been too 'few, sporadic and informal' (ibid.). In the language of legitimation, this is likely akin to a legitimacy crisis. Finally, these approaches also emphasise the 'transformative capacity of entrepreneurs' (ibid.). Indeed, this suggests that not only the network, where boundaries are shifted but also the actors are transformed as they develop new identities and new ways to coalesce. I consider this as a more substantive case of relegitimation.

I suggest this heuristic frame building on network approaches as a way to link agency back to structures and temporal sequence. I consider it useful to observe the ROs as evolving in the range between the ideal-typical stages of a fully integrated, congruent, and thus legitimate network versus a fully fragmented, and thus delegitimate network. Consequently, when considering ROs as networks the temporal sequence would foresee changes in the structure that causes an integrated, legitimate RO to slowly become more fragmented, or delegitimated. When fragmentation reaches a state where structural holes appear, actors within this network are enabled to act as agents of

legitimation introducing new ideas. When they successfully make ideas resonate thanks to inter alia localisation, the RO may successfully be relegitimated. In the process-tracing, this heuristic frame will find application.

6.4 Cornerstones of the case studies

Besides the use of process-tracing for the data analysis, I made use of three components of classical case studies for data collection via intensive field research: reviewing and analysing existing secondary literature, archival and web-based collection of primary documentation and semi-structured interviewing (Ruffa, 2020, p. 1143).[51] The original research plan foresaw field research for both organisations for summer 2020, 1.5 years into the research project.

This plan collapsed in March 2020 with the outbreak of the COVID-19 pandemic. While all plans were simply set on hold for a few weeks, it became clear by early summer 2020, that any kind of on-site field research was unlikely to be feasible any time soon.[52] Thus, I made the decision to revert to virtual or remote field research. While it was a novelty and challenge for me, as it was for many researchers in the social sciences who had to quickly revert to this solution, virtual field research is a common practice in other fields or a part of stand-alone disciplines such as digital and virtual ethnography and anthropology (Boellstorff *et al.*, 2012; Hjorth *et al.*, 2017; Scerri *et al.*, 2020). In these fields and disciplines, research focuses on art, music, design, gaming, and politics using any kind of online data sources, such as websites, social media, videos on YouTube, and online gaming platforms. Thus, it goes beyond my methods of conducting virtual field research, which more strongly resembles what these disciplines term 'remote' research (Postill, 2017). Whereas digital anthropologists, consider virtual field research as 'studying the Web, on the Web, through the Web'[53], the notion of remote simply entails studying offline social phenomena, 'at a distance'', 'from afar' and without 'being there' (Postill, 2017, 62f). In my case this implies that for two types of data collection, I had to revert to the Web: I exclusively collected primary data via the web, searched the ROs and related websites or other online data repositories; I engaged in semi-

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[51] I also made use of the method of participant observation on a few occasions in that I followed events online via live streaming. I do not report on this approach separately for two reasons. Firstly, the events followed ended up being of low relevance for the present analysis and insights from them are barely used. Secondly, for most events, the live streams are still available on YouTube, thus the character of these source is much more akin to regular online video material used.

[52] Wood, E. J.; Rogers, D.; Sivaramakrishnan, K.; Almeling, R (2020) *Resuming Field Research in Pandemic Times*, items, ssrc, 21 May 2020, available at: https://items.ssrc.org/covid-19-and-the-social-sciences/social-research-and-insecurity/resuming-field-research-in-pandemic-times/ (accessed 24 October 2021).

[53] Freely quoted from Magdalena Goralska at the Leibniz PhD Network Online Workshop 'DIY digital research methods' on 15 July 2021, which I co-organised.

structured interviews via video calls. This data collection, or remote field research, roughly took place from September 2020 to June 2021. As I report on this remote field work, I draw from knowledge and experiences of the aforementioned established fields as well as on the most recent interdisciplinary reflections on the COVID-19 pandemic and field research.

Collecting primary data via the web

For both cases under examination, I drew from the already collected LegRO database of annual reports of the Secretary Generals and communiqués of summit meetings of Heads of States and Governments for a more qualitative examination. Nonetheless, a key objective of on-site field research was also to consults archives and libraries of both ROs. Without this possibility, I increased efforts to identify relevant primary documentation online. Though systematic retrieval of web data is increasingly being used, for example, via web-scraping, the use of algorithms, or supported exports of social media data such as Twitter, I reverted to content-related, targeted searches due to pragmatic constraints (Beaulieu, 2017; Ecker-Ehrhardt, 2020; Bexell *et al.*, 2020). Primary documentation was consulted in five languages (English, German, French, Spanish and Arabic). CARICOM provides a general website on its activities, individual websites for most of its independent bodies and associated institutions, and a web-based news outlet called 'CARICOM Today', where reports and analyses on current events, topics or activities are shared in form of written text or videos[54]. This website also features live streams of press conferences and public events. Primary data for CARICOM was mainly retrieved from these websites. The retrieved data is slightly biased to more recent years as the website was renewed in 2011. The older version of the website, however, was retrievable in part via the Wayback Machine, an internet archive that back-ups cached websites.[55] For LoAS as well, most data was retrieved from the RO's own website, which as of now only exists in Arabic. A few English website can, however, still be accessed when disposing of or identifying the direct URL.[56] Third-party website such as the website of the Arab Center for International Humanitarian Law and Human Rights Education, the International Centre for Non-Profit Law, or the European Union provided additional resources.[57]

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[54] Cf. https://caricom.org/; https://today.caricom.org/ (accessed 9 December 2021).

[55] The Wayback Machine, available at: https://web.archive.org/, old URL entered: http://www.caricom.org/index.jsp (accessed 9 December 2021).

[56] Therefore, to a large extent I reverted to Google Translate to navigate on the website. For some specific documents and overviews, I also benefitted from help of native Arabic speakers. I thank Mona Saleh and Ahmed Nasr for their support on this.

[57] International Center for Not-For-Profit Law, available at: https://www.icnl.org/; Arab Center for International Humanitarian Law and Human Rights Education, available at: https://acihl.org/home.htm (both accessed 9 December 2021).

I made use of two more strategies for both ROs to increase the primary data I could draw from. Firstly, I made it a habit to inquire about documentation with the interviewees I engaged with. I asked for internal position papers, reports, or program plans. Some interviewees also suggested sharing documentation with me without my request. Secondly, I followed both organisations, their related bodies, and important stakeholders, for example Secretary Generals or Member State heads on various social media, such as Twitter, Facebook, and YouTube to ensure I could follow the most up-to-date debates and evolutions. For LoAS, I was also able to join a WhatsApp press group, where press releases, declarations, or statements are shared on a daily basis. Especially this latter aspect of my research was of great importance but also challenging considering the context of the pandemic. Being so remote from the field, following the RO's on social media allowed a degree of 'immersion' in the field that was necessary to fully grasp the organisations and get a 'feeling' of how they function. In hindsight, this was much more important for this data source than the collection of hard facts (Postill, 2017; Góralska, 2020, p. 50). This, however, also proved challenging as it blurred the boundaries between 'being at work' and 'off-time' and increased the risk of 'to overdo[ing] it with inhabiting one's fieldwork' (Góralska, 2020, p. 50).

Semi-structured interviews

While the use of semi-structured interviews is at first sight easiest to reproduce when doing virtual field research, I take note of a few but important challenges. Online interviews are distinct from regular face-to-face interviews (Mosley, 2013, p. 5). While online interviews allow more flexibility in time and space, accessibility is hampered and establishing a confidential rapport with the interviewees much more difficult (Góralska, 2020; Janghorban *et al.*, 2014).[58] Flexibility in time and space entails that my field research was not limited to its geographical and temporal boundaries. In nine months, weeks passed without any interviews while in others I had interviews scheduled almost every day – ranging from a Zoom call on Sunday morning with an interviewee in Kuwait, where Sundays are regular working days, to a call on Monday evening at 10.00 p.m. CET with an interviewee in Jamaica (2.00 p.m. local time).

I experienced impediments regarding accessibility for the first step in field research, which was identifying potential interviewees and getting in touch with them. Here, I relied on a mixture of purposive sampling and snowballing (Mosley, 2013, p. 18). From the literature, websites, and other

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[58] But see also Maddox, Alexia (2021) *Doing Online Interviews*, in: Lupton, Deborah (editor) 'Doing fieldwork in a pandemic' (crowd-sourced document), revised version 5 July 2021, available at: https://docs.google.com/document/d/1clGjGABB2h2qbduTgfqribHmog9B6P0NvMgVuiHZCl8/edit#, pp. 6-9 (accessed 24 October 2021).

primary data, I constructed lists with interesting interviewees for both organisations and tried getting in touch with them directly via available email addresses. Likewise, I got in touch with scholars who had done field research on the RO's themselves to inquire about useful entry points or existing contacts.[59] Initial response rates were exceptionally low. Starting with LoAS in late August 2020, it took over a month until a first interview took place. Thus, I developed my strategy in three ways. First, I also started contacting third persons, that is, individuals only indirectly involved with the RO as cooperation partners or observers. When responsive, they served as expert interviewees and were subsequently asked for further contacts within the ROs.[60] Second, I reverted to the professional networking platform 'LinkedIn' and contacted anyone there claiming to work for the respective ROs. Thirdly, I widened my list of potential interviewees and started contacting the RO via all available email channels, such as unrelated departments, or general non-personalised email addresses or contact forms. I began scouting for interviewees of CARICOM in January 2021 and applied the same wide sampling approach.

This broad and extensive approach allowed me to obtain a total of 56 interviews, 27 of which are related to LoAS, 29 stem from the CARICOM case. Aside from current and former RO employees, I also communicated with consultants, employees of related IOs, NGO, actors, and domestic political actors. Interviews were conducted in English, French, and German.[61] Table 1 provides an overview while maintaining the anonymity of all interviewees.[62]

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[59] Here, I would like to explicitly thank James Worrall, Mervat Rishmawi, and Gerda van Roozendal for their support.
[60] The different nature of these expert interviews in comparison to RO insiders' interviews is taken into consideration in the subsequent data analysis in line with current methodological discussions (see for example Soest, 2021).
[61] For one interview in Arabic, I was supported by a native Arabic speaker for translation. I thank Mona Saleh for her support here.
[62] A more detailed list can be found in Annex 7.

Table 11 Overview of interviews

RO Type of Interview	League of Arab States	Caribbean Community	Total
RO stakeholders	17	20	37
Current employee[63]	10	18	28
Former employee	7	2	9
External stakeholders	10	9	19
IO employees	6	4	10
Others (NGO staff, domestic political actors)	3	3	6
Consultants	1	2	3
	27	29	56

Indeed, for all interviewees I followed a distinct protocol to ensure an ethically correct proceeding regarding informed consent and degrees of anonymity preferred by the interviewees. I informed potential interviewees about the scope and the goals of my research project and my wish to record the exchange in advance via a written informative sheet and consent form. I also left it open to the interviewees to sign the consent form or to simply give oral consent.[64] For the latter, I repeated the information given in advance at the beginning of the interview and asked interviewees to explicitly express their consent and, if agreed upon, their authorisation to record the interview. I left it open to them to choose various videotelephony or teleconferencing tools or software; I used Zoom, Microsoft Teams, Viber, and WhatsApp Call, ordered from most frequent to least frequent.[65] In the consent form as well as when consenting orally, I left it open to interviewees to

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[63] Employees can be both employed by the RO secretariat and related or associated institutions.

[64] There is a vivid debate on ethical considerations and the usefulness of written consent forms. While they are now more frequently required by ethical review commissions and publishing houses, many scholars view this evolution sceptically as it leads to a 'securitisation' of field research that can also be detrimental both to the feasibility of the research and the security of the interview partners (anything written is more compromising than oral exchange). I see this as relevant for LoAS and its headquarters in Cairo in particular. Thus, I choose to revert to the option of leaving this open to the respective interview partner. For more detailed reflections see for example Grimm *et al.* (2020, 129ff); Peter and Strazzari (2017); Lange *et al.* (2018), Chapter 2.

[65] While personally aware of the problematic degree of data protection and cyber security that Zoom provides, I believe that reverting to a different more secure software would have significantly hampered easy accessibility to and for interviewees. Over the course of the field research, Zoom proved to be by far the most preferred tool.

choose their preferred degree of anonymity and usage of the data.[66] My default usage of the data, however, prioritises anonymity above all else. That means that as a rule I do not reveal any details about my interviewees. Only where it is necessary for comprehension or for the argument do I reveal details such as institutional affiliation or responsibilities in line with the interviewees stated preferences.[67]

I conducted all interviews following a questionnaire prepared in advance that was slightly adapted for each interview in line with their distinct role within or position towards the RO. For both ROs, I paused field research for roughly a month in March 2021 to get a first overview of the obtained data. I then undertook a second round of interviews with a slightly revised and narrower questionnaire. Recorded interviews, which make up 90 per cent of all interviews, were transcribed first with the help of the automated transcription software Sonix, though I also reviewed and edited all interviews manually. For non-recorded interviews, handwritten notes were transcribed into a protocol immediately after the interview. The data I obtained was very mixed in quality mostly due to fragile internet connections. For some interviews the quality of the recorded audio was very weak, hampering the subsequent transcription. Thanks to handwritten notes that I took during the interviews, I was able to reconstruct most ambiguous passages. As already alluded to, safety and protection of the interviewees has outmost priority in such an endeavour. While not in the field, thus less exposed to on-site safety concerns, I still took measures to protect my data. Interview data has been stored on a local device in an anonymised and password protected format. The list of interviewees and consent forms have been stored separately and have also been encrypted. Online versions of such as transcriptions in Sonix have been secured with two-factor authentication.

Data analysis

For the analysis of the data, various steps in the process combine as a result of multiple iterations between the QCA and the case studies. This allowed me to review and reconsider the collected data from multiple perspectives and led to triangulation between the different data types. Over the course of the analysis, I wrote single case memos and initial comparative studies assessing preliminary working hypothesis on both cases. Simultaneously, I constructed timelines to assess

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[66] Degrees of anonymity ranged from full identification, i.e., quoting with name to revealing the institutional affiliation to full anonymity, degrees of usage range from direct quotation to quotation after additional approval to no quotation at all. The full consent form can be found in Annex 7.

[67] The case of the Secretary General Amre Moussa represents an exception to this rule. I quote him non-anonymously. I do so, however, only with his explicit oral consent. In addition, I reckon that he is shielded from any potentially severe consequences of this research given his international reputation

chronological sequences possibly relevant for the process-tracing. Furthermore, I undertook qualitative coding of the interview data to systematise this type of data. To do so, I applied a mixture of open or pre-coding and focused coding mainly guided by the question of 'what strikes me', which allows that in all cycles of coding 'a code can emerge from data that is not only expected but even surprising, unusual, or conceptually interesting' (Saldaña, 2009, pp. 18 and 151). Finally, the data was examined with regard to the QCA and the heuristic frame, resulting in multiple iterations of rewriting and redescribing the process.

Ethics and positionality

While this research, the method of data gathering, and analysis, do not follow interpretivist or purely critical approaches, I consider it important to reflect on ethical questions and positionality. Not only do the epistemological standpoints this research builds on – post-positivism and critical realism –concede to the possibility of a researcher's position and possible biases altering the insights (Rutten, 2021; Yanow, 2011), even more importantly, a researcher's positionality can also reveal ethical dilemmas and related responsibilities towards all actors involved in the research. Field research or any kind of research that involves exchanges with individuals should always be guided by the principle 'do no harm', which means to always ensure the well-being and safety of one's partners and to prioritise this above all else. Given the importance of the insights drawn from the virtual field research under the circumstances of a pandemic, I wish to address some of these points and how I dealt with them. I consider two potential angles in this regard.

I am a white woman from Germany and come from a middle-class family of academics. I benefitted from a very good education and now have the privilege to pursue a well-funded PhD. With this positionality, I accessed two environments in the Global South. This results in asymmetries in power and proximity to knowledge production that needs to be considered while doing research. Both regions have a history of colonisation and were thus subject to the act of 'othering' throughout history, experiences whose repercussions can still be observed today (Said, 1979). These repercussions may also affect in an interview situation, in that interview partners understandably may present as sceptical towards me, do not wish to explain topics in depth because they do not expect me to understand, or fear misrepresentations and thus highlight how an issue is different without getting to the heart of the question. In an exchange with a senior official of a CARICOM body, I was told, for instance, to carefully try to understand what small means for the Caribbean and to really listen to people; only then would I fully understand the region. From my side, this required increased sensibility, and a need to showcase my prior knowledge more explicitly,

even on matters concerning the region outside of the scope of the research question. For LoAS for example, this was easier to achieve by recounting that I had spent time in the region doing research before. For CARICOM, this was more difficult given that I have neither travelled to nor done research in and on the region before. Thus, I tried to connect with interview partners over up-to-date topics and news items in the region. For the few non-regional interview partners with whom I interacted for their expert position, I also took this positionality into consideration when drawing on their views.

This positionality also involved me being in a privileged position to produce knowledge about the region while extracting resources, which are already particularly scarce, from it. In essence, who am I to make use of my interview partner's precious time for my research, when they are barely able to manage tackling their own priorities (Berenstain, 2016)? For both ROs, this issue was voiced repeatedly, that a lack of time, personnel, and resources strongly impedes their work. Thus, I did my best to ensure that I used the time they offer to me wisely, did not cause any delays, flexibly adapted to their schedules, and did not voice any additional inquiries without them first offering their help. In doing so, I was, however, treading a thin line as many interview partners were also excited about and appreciative of my interest in their work and thus strongly voiced their wish to support me.

The second angle that increased my ethical responsibility towards my interview partners but was also a source of difficulties was my geographical positionality, specifically that I was only virtually present in the field. This very strongly affected immersion into and exit from the field. The difference in immersion only posed a problem for me and the depth of my insights. As already alluded to above, I tried to remedy this mainly by engaging more strongly with the regions by following the news and social media discussions but also by watching all kinds of documentaries that went beyond my research topic. By and large, in writing up the results, I do not find these impediments to have affected the validity and strength of this research. For the question of exit, ethical considerations were much more important. Indeed, scholars have a responsibility to verify the well-being and safety of research partners in the field not only during the field work but also afterwards, that is, when physically leaving the field (Grimm *et al.*, 2020, p. 70; Wackenhut, 2018, p. 252). My exit, however, took place each time a Zoom call was over, or put differently I could never ascertain the situation on the ground as such because I never accessed and experienced the field physically. This gap entailed that I always had limited understanding of the situation on the ground. In the case of LoAS, where staff members live and work in a highly authoritarian context, this was particularly problematic. Indeed, one interviewee only agreed to an exchange when they

were outside of the country. When I found out about this, I became much more cognisant this gap much more strongly than before, and it increased my sensibility for the context in which I was researching. For the research output, this confirmed my intentions to full anonymisation of all interviewees even if some agreed to other proceedings.

Conclusion

This chapter builds the bridge between the macro view on the phenomenon of human rights legitimation and the zooming in undertaken by the subsequent case studies of CARICOM and LoAS. To do so, I first paused to properly discuss contributions and limitations of the QCA as they guide further inquiries in the case studies. I showed that the QCA is limited in its ability to explain the outcome regarding temporal sequences of conditions and possible agents that set the bits and pieces of the models in motion as well as the potential differences for ROs of the Global South. In addition to shedding light on the underlying causal mechanism of one key QCA path, the case studies provide remedies for these limitations. While deliberately examining two ROs from the Global South, the case studies also manage to do so with the distinct approach of process-tracing, which is particularly well suited to grasp agency and temporal sequences. Introducing a supplementary heuristic frame for the process-tracing that conceives of ROs as networks and agency as entrepreneurship helps to systematise insights from both cases. With that at hand, I aim to wrap up the two case studies by providing starting points for further theory-building.

Chapter 7   The Caribbean Community: Reviving its legitimation

> 'The Caribbean Community and its Member States have, over the years of its existence and their independence, been quite concerned with human rights nationally and universally. Jamaica, under the Premiership of the late Rt. Excellent Norman Washington Manley is credited as being the first country (while still a colony) to impose economic sanctions against apartheid South Africa. Caribbean writers, musicians, scholars have all participated in the global and regional drive to improve the promotion and protection of human rights. The turbulent period of the nineteen seventies and eighties were precisely about countries attempting alternative development models in order to tackle "persistent poverty" and reduce, if not eliminate the difference between the "haves" and the "have nots"' (McDonald, 2005, p. 1).

This short account about the Caribbean Community (CARICOM), its Member States, and the region itself makes a vivid claim about how the notion of human rights is no stranger to this small world region. Contemplating its contemporary history, anti-slavery movements, decolonisation, and regional integration, struggles over and respect for human rights have contributed to shaping this region. The Caribbean consists of small island states and coastal developing countries in the Americas that share a colonial history and democratic present. After gaining independence from their colonisers – Great Britain for the majority, France and the Netherlands for Haiti and Suriname, respectively – all Member States of CARICOM were quick to establish parliamentary democracies. Regarding human rights, observers of this region concur that 'compared to many other developing countries, the human rights record of the Commonwealth Caribbean countries on the whole remains reasonably more satisfactory' (Kant, 2005, p. 161; but see also Griffith and Sedoc-Dahlberg, 1997b).

This appraisal of the region has long stood in contrast with assessments of the region's most prominent regional integration project, CARICOM. Until 2015, there was virtually no talk about human rights in this RO. In fact, human rights do not appear to play a major role in CARICOM. Assessments of CARICOM's institutional design with regard to human rights are mixed and do not match those of established human rights regimes, for example, the neighbouring Organisation of American States (OAS). Furthermore, over the course of history, it has been criticised for remaining silent on human rights violations in the region (Payne, 2008, p. 198; Helfer, 2002;

Johnson, 2019). However, from 2015 onwards, all its annual reports suddenly start to contain very prominent and unambiguous commitments to human rights, stating that ' the community works together (…) so as to (…) realise (…) full employment and full enjoyment of human rights (CARICOM Annual Report, 2015, p. 6). This sudden change immediately raises a question: *how did human rights come to be used for legitimation in this RO?*

This first case study of CARICOM seeks to answer this question by linking the solution term of the QCA covering this RO with process-tracing. More concretely, it asks how exactly the path of **'Reviving Legitimisers'**, namely the mechanism linking the conditions of human rights institutions, democratic membership, high authority, and high levels of legitimation, unfolds and leads to human rights legitimations. I seek to tackle this question by employing a heuristic frame that conceives of ROs as networks and agents of legitimation as entrepreneurs. I show that human rights legitimation occurs when the network of CARICOM reaches a critical degree of delegitimation. Agents of legitimation perceive this delegitimation as critical when the people in CARICOM, part of its core constituency, deprecate it for its implementation gap. The agents of legitimation –the RO's Heads of Government – react as entrepreneurs by reviving what the RO originally embodies for its self-legitimation. They are rightly positioned to bridge this delegitimation in promoting a more coherent legitimation that now includes human rights. This reflects that congruence did indeed reign in this network and simply needed revival. To make this argument, I first provide an overview of CARICOM as a network and of the role of human rights therein. I then briefly sketch this RO's legitimation dynamics which provide insights for the organisation as a whole, beyond its human rights legitimation. Next, I discuss the insights of the QCA for this RO in light of the heuristic frame of networks and entrepreneurs, laying out how CARICOM slowly transforms from congruence to delegitimation inducing change. Then, I turn to process-tracing and suggest a three-step historical narrative of how human rights have come to be used in CARICOM from 1990 to today. I conclude by summing up the results.

7.1 Introducing CARICOM: A small RO with a diverse legitimation

CARICOM is an RO of 15 small island states and coastal South American countries that emerged in a region marked by its colonial past (Payne, 2008; O'Brien, 2011). Bounded by the related decolonising struggles, original integration initiatives tried to seize the moment to create a Caribbean federation. While contributing to the emergences of a regional identity often condensed under the notion of Pan-Caribbeanism, such deep levels of integration did not materialise and cooperation was long confined to the economic sector (Robinson, 2020; Braveboy-Wagner, 2009,

p. 138). Accordingly, CARICOM's integration was largely driven by functional economic pressures and a common concern for national sovereignty. The latter was also a shared interest to increase the small states' leverage in foreign policy (Axline, 1978; Ribeiro Hoffmann, 2020). This is also reflected in this RO's founding treaty, the Treaty of Chaguaramas, which established CARICOM in 1973. Article 4 outlines the objectives of economic integration by establishing a common market, coordination of foreign policies, and 'the promotion of greater understanding among its peoples and the advancement of their social, cultural and technological development' (CARICOM Treaty, 1973, p. 4). These goals continue to determine regional integration in the Caribbean to this day (Girvan, 2018; Braveboy-Wagner, 2008).

CARICOM's network structure is also strongly influenced by its core goals of integration. This concerns the relevant objects, agents, and audiences for legitimation. CARICOM's highest decision-making body is the conference of Heads of Governments, which usually meets twice a year and makes decisions based on unanimity (Payne, 2008, p. 195; Hooghe *et al.*, 2017, p. 329). A Community Council of Ministers formed by all Member States representatives responsible for CARICOM Affairs serves as the main executive organ and is supported by five additional content specific councils – finance and planning, foreign and community relations, human, and social development, national security and law enforcement, and trade and economic development. This institutional design 'has been based on an almost exclusively intergovernmental model', and therefore, CARICOM's Heads of Government hold a central position in this network and may function as key agents of legitimation (O'Brien, 2011, p. 647; Goddard, 2009, p. 257). Simultaneously, given the RO's objectives, for example, on Foreign Policy coordination, the Heads of Government also constitute a relevant audience of legitimation for the entire CARICOM bureaucracy, that is, its Secretariat. This bureaucracy and its Secretary General may be equally central in this RO's network. For CARICOM, it functions as the principal administrative organ. Thereby, its authority is highly limited and the treaty provisions 'confine it to an administrative, policy-advisory and coordinating role' (Payne, 2008, p. 203). As such, it remains to be empirically observed whether it constitutes a significant object and an agent of legitimation.

CARICOM is distinctly complex in design as much of its diverse scope of activities is covered through what are called community or associate institutions. There are a total of 29 additional bodies that are linked to CARICOM functionally or by association, such as the regional universities of the West Indies and Guyana, the Caribbean Development Bank, or the Caribbean Court of

Justice (CCJ). Given that they are 'separate legal entities with their own governance arrangements'[68], their position within the network is difficult to determine (Onnis, 2015, p. 140; Byron, 2014). Yet, oftentimes they are strongly driven by CARICOM's Member States (CARICOM Treaty, 2001, p. 14). Institutions like the Caribbean Disaster Emergency Management Agency, the Caribbean Public Health Agency, and the Caribbean Community Climate Change Centre continuously gain in importance, as they tackle the most urgent problems the region faces – climate change and most recently the COVID-19 pandemic (Chattu and Chami, 2020; Byron, 2014). The former is certainly the most pressing issue for the region due to rising sea-levels, coastal erosion, stronger tropical cyclones, and drinking water shortages (UNFCCC, 2005). However, on the level of the RO itself, observers assess that 'there is comparatively little initiative taken by the region itself when it comes to climate change, partly because of a critical lack of resources and capacity' (Bishop and Payne, 2012, p. 1546). Indeed, for Caribbean regional integration, resource scarcity alongside persistent reluctance of its Member States to relinquish national sovereignty, are often mentioned as the main hindering factors for integration (Hoffmann, 2020; O'Brien, 2011; Bravo, 2005). Resources scarcity is also a reason that some CARICOM Member States continue to depend on their former colonisers. Despite the geographical distance, these actors continue to form part of its wider network. Besides intense trade flows and development aid that connect them, cultural, societal, and, for some, even administrative ties persist. For instance, the region – with the exception of Haiti – shares its main coloniser's language: English (Lewis *et al.*, 2018).

While human rights do not form part of CARICOM's original mandate, they still play an important role in this network more generally. The revised founding treaty contains initial hints to the role of human rights, stating in its preamble that these revisions were to 'further the Charter of Civil Society adopted by the Conference of Heads of Government on 19 February 1997 reaffirming the human rights of their peoples (…)' (CARICOM Treaty, 2001, p. 2). This charter does indeed represent a dedicated human rights institution in this RO but assessments of it are mixed. Although it exceeds classical human rights charters thanks to its strong emphasis on civil society, many observers assert that it can hardly be considered an effective human rights institution. (Interview 41, but see also van Roozendaal, 2010, p. 142). Strikingly, the CCJ, CARICOM's dedicated institutions for dispute settlement, began adjudicating on human rights despite the absence of an explicit mandate on the matter (Caserta, 2020, p. 127). While this is certainly an important indication of how human rights matter in this RO, the CCJ is not a dedicated human rights court

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[68] Caribbean Community, *INSTITUTIONS*, available at: https://caricom.org/institutions/ (accessed 29 November 2021).

and is perceived in the region as functionally distinct from CARICOM (Caserta, 2018; Kocken and van Roozendaal, 2012 but see also Interviews 40 and 48).

Moreover, despite this indication that human rights matter in this RO, its limited institutional foundation for working on human rights is surprising. The democratic character of its Member State already bear potential for congruence between the domestic and regional levels on human rights. What is more, it thwarts tackling functional pressures in the region where a rights-based approach may prove sensible. On the one hand, this concerns the HIV endemic which relates to the right to health, the strong prevalence of domestic violence infringing on women's rights and the regional threat posed by illicit drug-trafficking (Lacey *et al.*, 2021; Figueroa, 2008; Kant, 2005; Griffith and Munroe, 1997). Most importantly, the region's most pressing threat, that is the perils of climate change, are increasingly framed under the notion of human rights (Caney, 2017; Manou *et al.*, 2017). Indeed, very recently the United Nations Human Rights Council passed a resolution declaring 'that having a clean, healthy and sustainable environment is a human right'[69]. On the other hand, CARICOM is active in diverse policy fields and issue areas related to human rights concerns. Committed to sustainable development goals, its work focuses on social development through the Council for Social and Human Development (COHSOD), including education, gender equality, health, and youth empowerment. More recently, CARICOM also started to advocate for the rights of indigenous people and engage in reparations claims towards its former colonisers (Atiles-Osoria, 2018). All these activities would be very well-suited for engaging in human rights and communicating about it. I find that these observations beg the question: why did it take until 2015 for its legitimation to also include the notion of human rights?

Despite these diverse issue areas in which CARICOM's activities could be framed in terms of human rights, the notion has played virtually no role in this RO's self-legitimation. Until 2015, human rights legitimation occurred only once according to the mapping of RO's legitimation communication introduced in **Chapter 2**. In this single statement, the community's 'positive record of human rights' is lauded (CARICOM Communiqué, 2009). However, I observe a sudden change in 2015. From this year onwards all annual reports contain the following three legitimation statements on human rights:

> Our Vision
>
> A Caribbean Community that is integrated, inclusive and resilient; driven by knowledge, excellence, innovation, and productivity. A Community where every

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[69] United Nations – UN News (2021) *Access to a healthy environment, declared a human right by UN rights council*, 8 October 2021, available at: https://news.un.org/en/story/2021/10/1102582 (accessed 9 December 2021).

citizen is secure and has the opportunity to realise his or her potential *with guaranteed human rights* and social justice; and contributes to, and shares in, its economic, social and cultural prosperity. (…)

Our Mission

The Community works together to deepen integration and build resilience so as to: (…) - Realise our human potential as defined by the Ideal Caribbean Person, *full employment and full enjoyment of human rights.*

Our Core Values

(…) We have an *abiding respect for human rights*, the rule and law, and take action to ensure social and economic justice for the people of the Community. (CARICOM Annual Report, 2015, pp. 6–7, emphasis added)

Contextualising these statements regarding CARICOM's broader patterns of legitimation further corroborates how stunning this change is. In fact, according to the LegRO data CARICOM is a very average legitimiser. The Caribbean RO legitimates with an annual mean intensity of 15 legitimation statements, that is the share of legitimations statements over coded paragraph displayed in Figure 18. This is very close to the mean legitimation intensity per year for the entire sample, that is, 15.3 legitimation statements per RO/year. It does, however, legitimate more strongly than the League of Arab States, the second case study examined in the following chapter. Additionally, this legitimation intensity remains relatively stable over time until 2015. Thereafter, its legitimation intensity is significantly higher than in all previous years. The year 2015 is also the year with the highest legitimation intensity where CARICOM legitimates in almost every coded paragraph.

Figure 18 CARICOM legitimation intensity over time
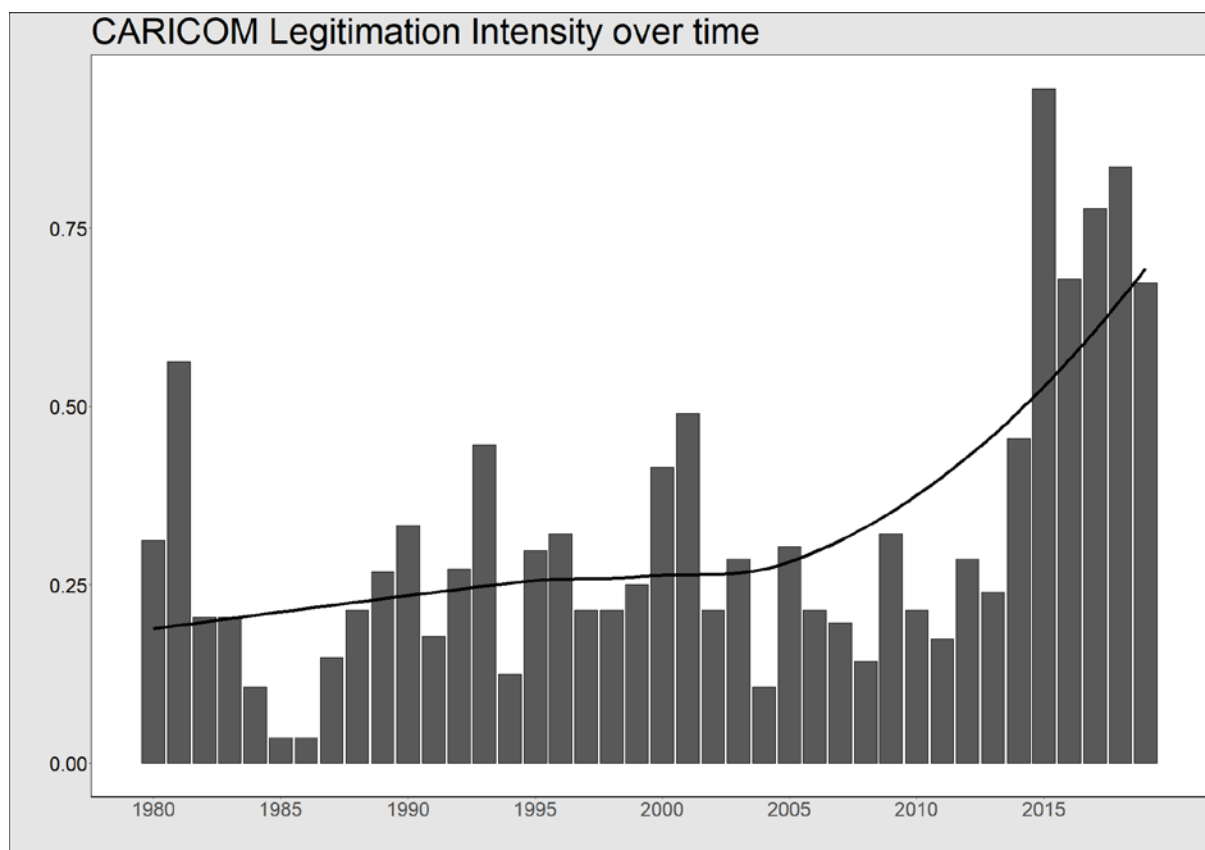
Themes referenced in CARICOM show proof of high diversity compared to the entire sample of ROs. In fact, all normative themes coded are raised more than once in CARICOM's legitimation. Figure 19 displays the share of the 12 most important normative themes referenced in CARICOM. Despite this high diversity, certain norms such as economic welfare, functional capability, international influence, community, and democracy are used more regularly and consistently. Predominance of functional norms, especially those referring to economic welfare reflect CARICOM's initial integration agenda as highlighted above. A noteworthy number of legitimation statements also build on the RO's external recognition. Together with reference to this RO's international influence, this legitimation can be traced back to CARICOM's mandate on foreign policy coordination – as small island states it is essential to join forces and cooperate on foreign policy to make their voices heard, that is, to garner external recognition and more international influence. Other justifications building on the ROs functional capabilities, economic welfare, and community also resonate with CARICOM's main goals and challenges. CARICOM claims, for example, that the 'sheer necessity of survival has dictated this common approach to the Community's share concerns' (CARICOM Annual Report, 1982, p. 1) or that within CARICOM an 'unremitting effort of collective self-reliance was maintained and the mechanisms of integration

strengthened' (CARICOM Annual Report, 1981, p. 1). Finally, in line with the themes highlighted the organisation as a whole is the most important focus of the legitimation instead of individual institutions or the entirety of Member States.

Figure 19 Normative themes in CARICOM
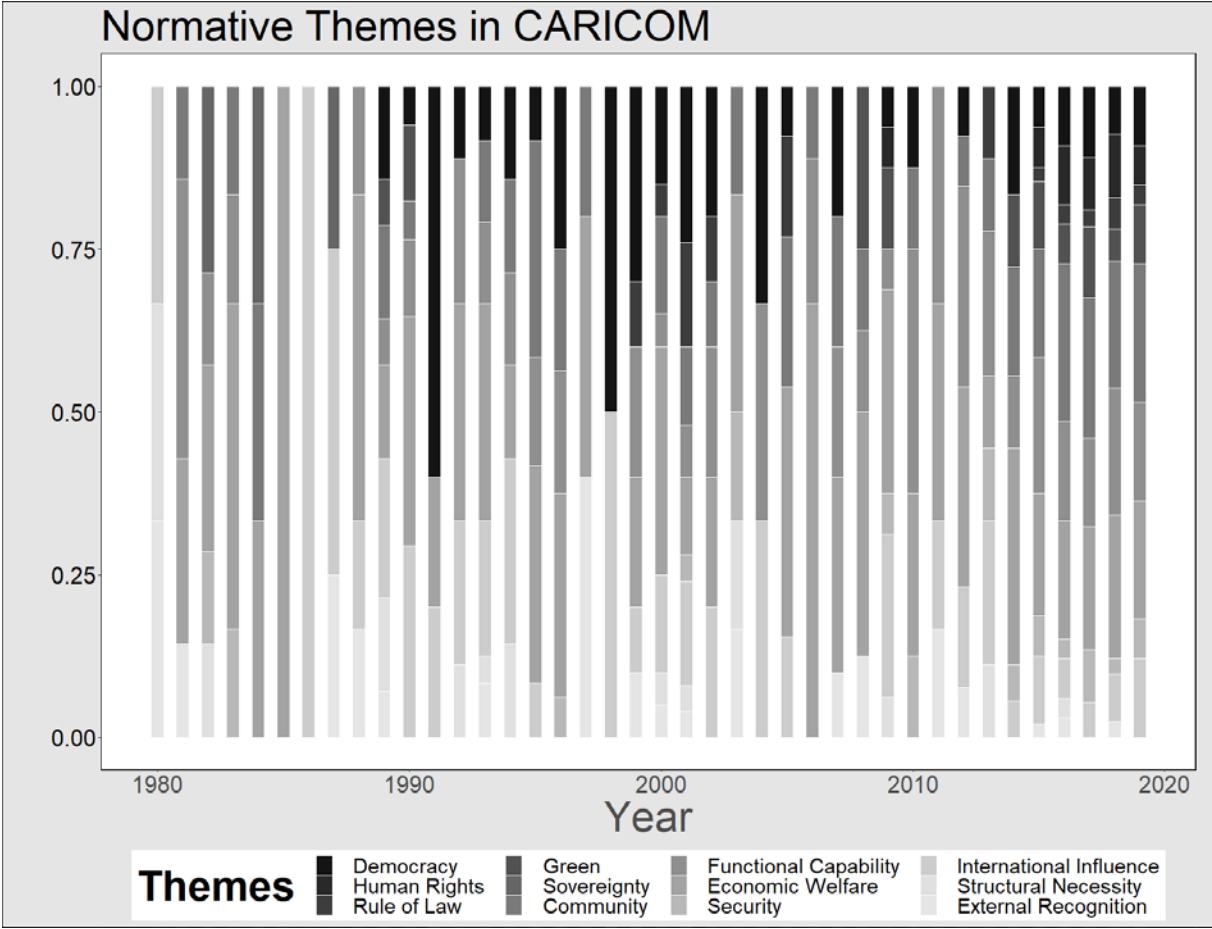
The core characteristics of the RO are reflected with this legitimation. This concerns, for instance, the role of legitimating via a political or economic community. Whereas a Caribbean identity and pan-Caribbeanism fuels legitimation via a political community, its Member States are also united by the goal to develop the region sustainably considering the threats posed by climate change. This latter issue is also reflected in the emergence of legitimation that builds on environmental protection first used in 1989. Indeed, this kind of legitimation represents the second most important liberal legitimation after references to democracy. Given these patterns in CARICOM's legitimation, it appears that they reflect core concerns and topics of the region: With CARICOM, I examine a regional economic RO that focuses strongly on functional areas of cooperation even though it can build on congruence given its democratic tradition. As its legitimation clearly instantiates, it also hints to a potentially purposive character of this kind of communication. None of this changed substantially over the course of the observation period, yet

human rights legitimation only appears in 2015. This increases the urgency of this chapter's guiding question: What exactly happened in the run up to 2015 that led this RO to include the notion of human rights in its legitimation?

7.2 What the models and the QCA explain

Prima facie congruence: Democracy and human rights institutions

Counter to what one might expect from an RO like CARICOM, it only starts to legitimate by referring to human rights in 2015. According to the QCA ran in Chapter 5 for CARICOM for the period of 2012-2019, the conjunction of democratic membership, active human rights institutions, high authority, and high levels in legitimation is sufficient. This means that CARICOM forms part of what I term 'Reviving Legitimisers', which entails that in a congruent realm of an RO – when membership is democratic, implying adherence to human rights, which is in turn reflected in the RO's institutional design – the related legitimation only becomes explicit when authority and legitimation rise distinctively. As previously indicated, at first sight, CARICOM constitutes a typical case for the CS model given general adherence to liberal values. While this leads to the question of why congruence alone does not explain it, the QCA suggests that rises in authority and legitimation are telling. As the CS model contends that congruence suffices for human rights legitimation, while the AC model views changes in authority and legitimation as the sole link, there are possibly other connections between the four conditions which may explain what led to this change from a state of stability. To understand this better, I review the four conditions regarding the heuristic frame introduced in the Chapter 6. In this view, change in legitimation, here delegitimation, occurs when not all relevant audiences are sufficiently linked and addressed. Then, agents of legitimation acting as entrepreneurs can emerge, introduce a new idea, and thereby induce change. Thus, I assess the extent to which CARICOM's congruence proves to be persistent or whether there is delegitimation in relation to these four conditions.

I already noted that Member States of CARICOM are widely democratic (cf. Chapter 7.1.). In addition, scholars often diagnose the existence of a strong democratic tradition in the region. Indeed, according to set membership in the QCA, CARICOM always belongs to the set of democratic ROs, though raw values are continuously increasing. In the 1980s, observers described the Caribbean as ranking fourth among democratic regions after Western Europe, Anglo-America, and the South Pacific. They also argue that the anglophone Caribbean in particular, due to its colonial past as former British colonies, exhibit long democratic traditions and deep roots of

'formal institutions, political behaviour, and cultural values of democratic governance' (Griffith and Munroe, 1997, p. 82). Indeed, most of the Caribbean constitutions form part of the Westminster model of parliamentary democracies, including broad provisions on fundamental rights (O'Brien, 2020; Ghany, 2020, 57f). That this factor is worthy of note and distinguishes the region from others, also forms part of the conscience and self-image of many interviewees. One senior staff member of CARICOM recounts:

> One of the things that we have going for us as a community is our formal democracy and the transition from one government to another government which tends to be very, very smooth. There are no recent records of violence associated with elections. So, in terms of some of our partners, particularly, for example, in certain areas in Latin America, in certain areas on the African continent, we're held in quite high regard in terms of how our democracies or our democratic systems work in that respect. (Interview 43 but see also interviews 23, 32, 50).

Furthermore, CARICOM also displayed activities akin to the assumptions of liberal theory, where the RO represents a tool to lock in newly established democracies or promote democracy. Indeed, CARICOM has shown some support for democratisation in Guyana and Suriname over time. It has also proved reactive to threats of the Haitian democracy in the 1990s and 2000s culminating in the suspension of Haiti's membership in 2004 (Manigat, 2018, p. 123; Griffith and Sedoc-Dahlberg, 1997a, p. 250; Will, 1997, p. 68; Barrow-Giles and Yearwood, 2020). These aspects would lead one to believe that CARICOM states are among those that have also internalised human rights. If states or rather state representatives such as Heads of Government were to act as agents of legitimation, CARICOM should then display a congruent legitimation on this basis. Yet up until 2015, this was not the case. Thus, I ask whether there also instances of incongruence that reveal divergence and potential for instability regarding these norms? Indeed, I identify four instances of divergence that are instructive for why this condition in isolation does not lead to human rights legitimation.

Firstly, the democratic and liberal character of a vast majority of CARICOM Member States needs qualification due to the persistence of capital punishment. In fact, 13 CARICOM Member States are retentionists or only abolitionists in practice which means that the death penalty is still legal and still practiced – even if very rarely (Burnham, 2020).[70] While one can easily think of other liberal democracies that are retentionist – the most prominent example being the United States of America – retaining the death penalty presents a divergence from congruence. This is the case since

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[70] With the exception of Dominica who abolished it for all crimes in 1966 and Haiti who abolished it for all crimes in 1987, all other 13 Member States still retain the death penalty in law (see for example https://www.amnesty.org/en/what-we-do/death-penalty/, accessed 11 November 2021).

capital punishment strongly contradicts core human rights provisions, such as the right to life and physical integrity. Secondly, I note that efforts on democracy promotion are functionally limited by resource constrains and by an aversion to intervene domestically. Electoral observation missions for example function by invitation, meaning that CARICOM delegation only observes an election when invited by the respective country. Moreover, those missions do not build on a normative mandate but are only supposed to provide technical support (see for example Interviews 35 and 43, but see also CARICOM Election Observation Missions Handbook).

Thirdly, CARICOM has not always pushed as unambiguously for democratisation. Guyana, for example, is a founding member of CARICOM and has therefore, from the beginning, sat at the table with these democracies. However, it is a state that has long displayed strong autocratic tendencies and a highly instable democratic system (Helfer, 2002, p. 1903; Singh, 2008; Will, 1997). Similarly, in 1995 with the accession of Suriname, yet another not fully democratic state joined without reservations (ibid., but see also Sikkink and Lutz, 2001; Payne, 2008, p. 270). In both cases, human rights violations were a recurring problem that was long left unaddressed by CARICOM. A contemporary example of inaction concerns recent events in Haiti – the assassination of President Jovenel Moise. Here CARICOM's reaction was also confined to declaratory statements of support and admonitions to safeguard Haitian democracy.[71] Since Haiti did not show any sign of reaction to these offers, CARICOM did not take any concrete action. I contend that these examples of divergences highlight how congruence may only be given at a shallow level. Thus, legitimation building on human rights requiring strong congruence may not be possible because of these divergences. Due to these examples, CARICOM may be hesitant to legitimate via human rights to avoid being called out for hypocrisy or 'cheap talk'. It may deter the RO from touching upon or addressing related matters, not least drawing from them for its legitimation.

Relatedly, the assumptions of the CS model conceive of human rights norms as being embodied in the RO's institutional design. CARICOM forms part of the set of ROs vested with active human rights institutions from the period of 1993-2010 and onwards. This coding builds on two distinct institutions in CARICOM. One is the CARICOM Charter of Civil Society that received mention in its Revised Treaty of Chaguaramas. In a phrase in the preamble, the RO makes its commitment to human rights and their protection explicit by stating: 'Recalling further the Charter of Civil

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[71] CARICOM Today (2021) *Statement by Heads of Government of the Caribbean Community on Assassination of Haitian President Jovenel Moise*, 8 July 2021, available at: https://today.caricom.org/2021/07/07/statement-by-heads-of-government-of-the-caribbean-community-on-assassination-of-haitian-president-jovenel-moise/ (accessed 30 November 2021); CARICOM Today (2021) *Suriname President says CARICOM must do all it can to assist Haiti*, 23 August 2021, available at: https://today.caricom.org/2021/08/18/suriname-president-says-caricom-must-do-all-it-can-to-assist-haiti/ (accessed 30 November 2021).

Society adopted by the Conference of Heads of Government on 19 February 1997 reaffirming the human rights of their peoples' (CARICOM Treaty, 2001). The second is the CCJ established in 2005, which was quick to start adjudicating on matters pertaining to human rights. Already in 2006, the CCJ decided on the case Joseph and Boyce vs. Barbados, corroborating the unruly procedures that had taken place in their legal procedures leading to capital punishment (Caserta and Madsen, 2018, p. 161). Observers contend that this 'constitutes the first step of the CCJ towards gaining authority over human and fundamental rights in the AJ [appellate jurisdiction]' (Caserta, 2020, p. 126, 2018). Additional judgements on matters relating to the rights of indigenous people and rights and freedoms concerning gender identities and sexual orientation have further strengthened this authority, which would lend itself to legitimation based on human rights as was observed for other international courts (Squatrito, 2019, p. 318).

Yet, for the object of legitimation in question, CARICOM as a whole, insights from the interviews suggest that both institutions cannot serve as legitimation. To begin with, interviewees make qualifications for the position of the CCJ in the RO's network. While they acknowledge the relevance of its judgements and their contributions for the region, they do not see the CCJ as part of the RO's network of legitimation. More concretely, both interviewees at the CCJ and at the CARICOM Secretariat emphasise the functional distinction between the two institutions. In this view, despite being a CARICOM body, the CCJ is functionally independent and autonomous and thus cannot constitute an institution CARICOM as a whole and its General Secretariat more specifically can build on for their legitimation (Squatrito, 2019, p. 315 but see also Interviews 39, 40, 48). Indeed, the CCJ engages in its own strategic communication exclusively aimed at increasing its own legitimacy (Squatrito, 2021). Similarly, for the commitments in CARICOM's revised treaty referring to the Civil Society Charter, interviewees believe that the Charter does not represent a strong commitment to human rights because it is not equivalent to an international treaty and thus lacks bindingness. Moreover, voluntary commitments and foreseen measures to integrate the Charter in other regional and national jurisdictions have barely been implemented. Hence, interviewees perceive it as 'more of an aspiration than an obligation' (Interview 41 but see also interviews 38, 42, 48 and Berry, 2014, p. 93). Others do not even seem aware of the existences of this document. The Charter also hardly receives mention in CARICOM's publications. This insignificance of the Charter may come as a surprise. Indeed, while scholars also take note of the lack of bindingness and the need for integration in other regional and national jurisdictions, they laud it for setting out 'wide-ranging rights' or for representing 'a notable step' (Hinds, 2019, p. 82).

I argue that this ties in neatly with the precisions provided for the condition democratic membership above. These insights insinuate that even if congruence is present, absence of any additional pressure may lead to a status quo where legitimation via human rights is simply not required. Congruence between the audiences and the object of legitimation comes close to self-evidence and does not require being made explicit. Applying the network idea, the RO is thus integrated or 'culturally homogenous', interactions 'are imbued with similar story sets, consensual rules of interaction, and shared understandings' (Goddard, 2009, p. 259). By implication, it is also easier not to raise the issue in cases of potential divergences, such as those outlined under the condition of democratic membership. When implicit congruence is given and widely accepted, the risk of raising issue, which bear potential for delegitimation, is bigger than opting for silence and maintaining the status quo. I assert that this status quo and implicit congruence reigns in CARICOM for most of the observation period despite absence of human rights legitimation.

Delegitimation despite authority and legitimation

The empirical evidence, however, indicates that there must have been change for CARICOM to start making use of human rights for legitimation in 2015. According to the QCA, the presence of high levels of authority and legitimation coincides with this change and form part of the sufficient conjunction leading to human rights legitimation in CARICOM. What do these conditions and their conjunction tell us about changes in this RO's network? Is it indicative of delegitimation in the network to which the agents of legitimation react? Let us review the conditions more closely.

Interestingly, measurement and calibration of the condition of authority already assigns CARICOM to the set of authoritative ROs starting in 1993. Formal authority in CARICOM increases steadily over the period of observation which is a result of two major episodes of reform. The first begins in the early 1990s with the publication of a review report of the 'West Indian Commission', which included a plethora of suggestions to reform the RO to keep up with the changes in the international landscape (Brewster, 1993, p. 30). Proposals to reform CARICOM were partially taken up from 1993 onwards through multiple individual protocols and amendments to the founding treaty. In a final overhaul, the collection of these reforms was gathered in the Revised Treaty of Chaguaramas adopted in 2001 (Braveboy-Wagner, 2009, p. 141; Payne, 2008, p. 272). These reforms included less demanding majority rules for making decisions in the Community Council or more competences vested in the Secretary General such as the ability to mobilise external resources, and they indeed increased the RO's authority in this period (Hooghe

et al., 2017, pp. 332–333). A second institutional change in 2005 further increased its authority. In this year, the CCJ was inaugurated and began to hear cases, though its formal establishment dates back to the 2001 Revised Treaty of Chaguaramas (Caserta and Madsen, 2018). As a result, authority scores were highest for the period in question – 2012-2019 – which is when I also observe human rights legitimation.

Nevertheless, reassessing this formal coding of authority reveals facets that nuance the theorised link of high authority leading to such legitimation of the AC model. To begin with, the increasing authority of CARICOM thanks to the CCJ cannot be linked to human rights legitimation as interviewees assert their functional distinctiveness. Furthermore, formal authority in CARICOM needs qualification since structural factors constrain the RO in fully exercising its authority. Firstly, the RO's authority faces limitations in effectively implementing decisions and programs, which is often described as an 'implementation gap' both in the literature and by interviewees (O'Brien, 2011; Bravo, 2005; Bishop, 2014 and see for example interviews 31, 36, 48). There is a consensus that these problems originate from the domestic level, where Member States are either unwilling to cede national sovereignty in implementing certain decisions or uncapable of doing so given the resource constraints that pervade the region and the RO (Payne and Bishop, 2010). In fact, these resource constraints also strongly affect CARICOM's capacities, and resources have only been further diminishing over time. The region itself is already strongly limited in resources due to its size. Only around 18.5 million people live within the CARICOM region; for comparison, the Arab League's constituency comprises 423 million people. This leaves both CARICOM and its Member States administrations with a significantly smaller pool of human resources to draw from (van Roozendaal, 2010).

Interviewees also repeatedly report budget cuts and reduction of the staff affecting the RO's operations. One interview partner recount: 'There have been some delays and issues (…) We have now one third less [staff] than we should have' (Interview 48). Other senior officials of CARICOM also describe how their limited resources hinders them systematically from working on relevant topics for the different issue areas CARICOM is active in (Interviews 23 and 34). CARICOM Member State leaders themselves also acknowledge the resulting problems. The Prime Minister of Barbados Mia Mottley, for example, at the Opening Session of the 31st Inter-Sessional Meeting of the Conference of Heads of Government describes that:

> the CARICOM Secretariat, which keeps us together, is now functioning with 30 million Eastern Caribbean dollars less than it did 10 years ago. The CARICOM Secretariat is now functioning with 40 people less than it did 30 years ago. But we demand more of them against the challenges that I identified at the outset of my

speech. And we therefore need to ask ourselves whether we have the appropriate governance and funding models to ensure the sustainability of this family movement that is so vital to our being able to bring prosperity to our citizens.[72]

These aspects render effective usage of the RO's formal authority difficult. By implication, CARICOM's formally high authority may not require very strong legitimation as the above theorised model of change and its authority-legitimation link would suggest. While CARICOM's formal authority did increase on paper, this is empirically inconsequential and may not warrant an increase in legitimation. On the contrary, I contend that in this distinct case that the authority's inconsequentiality demands more legitimation by the RO: in light of the 'implementation gap', audiences in the network may begin to question the use of this RO, find it to be delegitimated by this inconsequentiality, which in turn would require increasing legitimation.

Against expectation of the AC model, this inversed link between an inconsequential authority and legitimation is reflected in the RO's set membership for the condition of high legitimation intensity. This is important to note since this condition figures in the conjunction that explains human rights legitimation in CARICOM. I already briefly alluded to the stark increases in legitimation intensity in the late 2010s in Section 7.1. Concretely, Figure 18 displays that from 2015 onwards more than every second paragraph includes statements that serve to legitimate this RO's right to rule. Even if earlier years also display minor peaks in its legitimation intensity, the years 2015-2019 stand out, as they exceed all previous years in their legitimation intensity. This is instructive as it does not mirror the temporal sequence of increases in authority. Though legitimation intensity peaks slightly at a value of 0.44 in 1993, when the 'Time for Action' Report was published and at a value of 0.49 in 2001, when the Revised Treaty of Chaguaramas was adopted, surrounding patterns are highly volatile and hence do not reflect the trend of steadily increasing authority. Thus, the strongly increasing legitimation intensity from 2015 onwards appears to be at the very least a strikingly tardy reaction to the increasing authority. Finally, the change in 2015 is also remarkable as it comes abruptly and does not reflect a steady increase. More precisely, in the preceding ten years legitimation intensity ranges between 0.14 to 0.45. In 2015 CARICOM's legitimation intensity is 0.94 meaning that the value more than doubled from one year to another. This buttresses the relevance of high legitimation intensity for explaining human rights legitimation in the case of CARICOM. Conversely, it strongly challenges the role of the

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[72] Mia Mottley (2020) *We are Family - Remarks by the Honourable Mia Amor Mottley, QC, MP, Prime Minister of Barbados, at the Opening Session of the 31st Inter-Sessional Meeting of the Conference of Heads of Government of the Caribbean Community, at the Lloyd Erskine Sandiford Centre, Barbados*, 18 February 2020, available at: https://caricom.org/we-are-family-hon-mia-mottley/ (accessed 23 October 2021).

authority-legitimation link underlying the AC model for understanding this phenomenon. In fact, I contend that this is indicative of an evolution that is determined by more than the increases in authority. The contrasting trends in authority and legitimation intensity indicate that factors that go beyond this relationship need consideration. If this is a sign of delegitimation, it cannot only be reduced to increases in authority. This again raises the question of what exactly occurred in the run up to the year 2015 to lead to such striking changes.

Beyond the core of the authority-legitimation link, the AC model underlying the QCA suggest two more factors for understanding this phenomenon. With the conditions' strong non-state realm and economic vulnerability, I theorise two mechanisms for politicisation and contestation that result from increasing authority which may also allow us to understand the changes of 2015. Yet, the solution term covering CARICOM does not indicate a sufficient relationship between conjunctions of these conditions and the outcome. What can we learn from the implied irrelevance of these conditions? In what follows I review the conditions strong non-state realm and economic vulnerability as they may provide further insights to better grasp how human rights came to be used for legitimation in CARICOM.

Who is not addressed: Economic vulnerability and strong non-state realm

To begin with, CARICOM forms part of the set of economically vulnerable ROs over the entire period of observation. It represents almost a prototypical organisation for this set. Recall that Member States of CARICOM are rather small states, specifically, small island (developing) states and coastal developing countries. What is more, all Member States are economically comparatively weak. The UN qualifies one Member States as among the least developed countries, while 13 more form part of a grouping of small island developing countries considered as particularly vulnerable. In the respective UN grouping these vulnerabilities are summed up to 'factors like small population size, remoteness from international markets, high transportation costs, vulnerability to exogenous economic shocks and fragile land and marine ecosystems mak[-ing] SIDS particularly vulnerable to biodiversity loss and climate change because they lack economic alternatives'.[73] For CARICOM, this translates into the already highlighted precarious availability of resources. While the conditions' value for economic vulnerability surprisingly shows a modest decrease, secondary literature and interviewees report that CARICOM's precarity of resources has increased. This relates both to the budget and staff cuts over recent years as well as to donor dependence. Many interviewees report

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[73] Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (2020) *About Small Island Developing States*, available at: https://www.un.org/ohrlls/content/about-small-island-developing-states (accessed 23 October 2021).

that the lack of staff and resources oftentimes constrains their work (e.g., interviews 23, 33, 34, 43). The same holds true for donor dependence. While in 1989, still less than two thirds of the budget stemmed from donors[74], observers report that by 2016 'almost half of CARICOM's budget (52 per cent) is financed by external donors' (Hoffmann, 2020, p. 193). As a result, economic vulnerability and related dependence on external actors is high.

According to the AC model, this vulnerability may lead to human rights legitimation for human rights have become a politicised subject of international development cooperation and oftentimes conditional to financial support that is so sorely needed in the Caribbean. In the CARICOM case however, qualitative insights indicate that this mechanism does not apply. First, international cooperation is well-established and functions without constraining conditionalities. CARICOM for example, has already received regular financial support by the European Economic Commission in the 1980s (CARICOM Annual Report, 1980, p. 10, 1983, p. 32; CARICOM Communiqué, 1988, p. 3). This cooperation has increased continuously over time and was further institutionalised in the 1990s and early 2000s via the creation of the CARIFORUM, the Caribbean sub-organisation of the African, Caribbean and Pacific Group of States, the ACP group, the subsequent Cotonou Agreement and the 2008 EU-CARIFORUM Economic Partnership Agreement (Carbone, 2020, 527f; Bishop *et al.*, 2013). Ever since, the European Union has become 'one of the leading donors to CARICOM and related initiatives in the economic fields' (Hoffmann, 2020, p. 196).

Most importantly, for many years this cooperation was strongly functional, focusing on technical support and skill trainings (see for example CARICOM Annual Report, 1994, p. 24). According to EU sources, exclusive cooperation on human rights was never envisioned but rather implicit in joint activities on security, civil society, health, or women's empowerment (Interviews 25, 28, 50). Relatedly, EU officials and other European cooperating partners working in the Caribbean also do not perceive human rights as a pressing topic in the region. Despite awareness of factors such as the death penalty, restrictions for LGBTIQ* individuals, gender-related and domestic violence, the human rights situation – also in comparison with other world regions – was widely viewed as acceptable and as no reason for ceasing cooperation or introducing conditionality to financial support (Interviews 24, 25, 28, 32, 50). Any other international cooperation partners who may have exerted pressure did not receive any significant mention at all. Under these circumstances, CARICOM's human rights legitimation seemingly does not respond to contestation

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[74] In 1989, five millions dollars of donor support was acquired compared to 11 Million dollars of member state contributions to the budget (CARICOM Annual Report, 1989, p. 66).

and politicisation by these actors and does not strive to cater to additional audiences, here the international cooperation partners to remedy its economic vulnerability.

Aside from the relationship to international cooperation partners that theoretically induces politicisation and contestation, I theorise the same for the condition of a strong realm of non-state actors. Given how non-state actors shape agendas and actions on human rights internationally and how deeply they intrude into the realms of both IOs and ROs, I presume that their pressure can also incentivise ROs to legitimate based on this norm. In the above however, I did not introduce any non-state actors as relevant for CARICOM's network. Indeed, such actors seem to play a minor role in this RO. Set membership of CARICOM reflects this. Coding for the condition of strong non-state realm assigns CARICOM to the set of absence of a strong realm of non-state actors. This is due primarily to the fact that NHRIs in the Caribbean, which are meant to grasp the strength of non-state actors still do not exist in some Member States or are not accredited with the UN. Thus, they do not fulfil criteria of independence and autonomy. This reflects how existing literature as well as interview partners assess the role of non-state actors across the region. CARICOM and its Member States support non-state actors only to a limited extent (Bowen, 2013). In a detailed assessment of civil society in the Caribbean, Hinds (2019, p. 185) contends that 'Civil society and CSOs have supported and built Caribbean societies even when their states have failed to do so, either wilfully or due to the constraints and vulnerabilities that define Caribbean statehood'.

Similarly, inquiring whether the RO actively addresses these non-state actors, the assessment is mixed. On one hand, references to other audiences than its Member States occur rather frequently for CARICOM. While interviews also disclose high importance of reaching 'the people' as such (Interviews 31, 49, 52, 54), scholars find that the ways in which CARICOM addresses non-state actors leaves 'much space for misunderstanding in light of the inchoate use of terms', complicating effective interactions (Hinds, 2013, p. 26). Moreover, despite reforms introduced through the Revised Treaty of Chaguaramas, CARICOM still does not provide for many institutionalised or routinised cooperation and collaboration with NGOs (Hinds, 2019, pp. 88–90; van Roozendaal, 2010; Interviews 25; 32). Scholars also note that some of the most pressing human rights issues in the region, such as the death penalty, have been addressed foremost by international non-state actors, with little active engagement of local non-state actors (Helfer, 2002). Thus, though other actors beyond the Member States are potential addressees for CARICOM, explicit contestation, and politicisation over human rights in this realm has not taken place. Therefore, I conclude that CARICOM's human rights legitimation in the late 2010s is not driven by this mechanism: when

CARICOM legitimates via human rights it does not react to politicisation and contestation from a strong realm of non-state actors.

Altogether, reviewing these conjunctions and remaining conditions, I draw three conclusions that steer the process-tracing. Firstly, the reigning congruence in the region as instantiated in the QCA by democratic membership and active human rights institutions indicates that there may be much more potential for divergences than discernible at first sight. While prima facie a liberal and democratic region, I observe multiple instances of instable congruence that may inhibit human rights legitimation. Secondly, the image drawn from the condition of active human rights institutions tells a story of self-evidence. Given that congruence is unmistakable while other issues are more pressing, there is no need to explicitly address human rights for legitimation. Thus, by only interpreting the role of these conditions based on the models, I cannot clearly decipher their mechanistic role. Process-tracing scrutinises changes in these conditions or concerning congruence that may hint at delegitimation. Thirdly, the resource constraints of this RO transgress the QCA's conditions and seem to reveal a problem that goes beyond its human rights legitimation while possibly having an effect on it. Building on the assumption that legitimation requires concrete substance, it may not be an easy legitimation to put forward – even if congruence reigns – when no further resources can be dedicated to human rights. I bear this in mind in tracing the processes below.

7.3 Process-Tracing: Three instances of delegitimation

Considering the insights gained from reviewing the QCA, the next sections engage in a process-tracing as outlined in Chapter 6.2. This method seeks to recount a process that leads to an outcome of interest in as much detail as needed to understand what chain of causal mechanisms intervened. In the above, I gathered hints as to what extent conditions of the QCA's solution term – DEM*HRINS*AUT*LEG – potentially matter. While legitimation appears to matter irrespective of increases in authority, the link for democratic membership and active human rights institutions did not yet become fully clear. Thus, I review the process from the onset of the emergence of said institutions in the 1990s. Starting at this critical historical juncture, three instances of delegitimation crystalise over time, which allow us to recount a detailed narrative and help to decipher what steps unfolded for human rights legitimation to come to be used in this RO. The heuristic frame of ROs as a network supports scouting for delegitimation that agents of legitimation acting as entrepreneurs can seize to deploy ideas, here human rights. Thus, in the process-tracing further attention needs be given to two questions: First, when, and how exactly does delegitimation occur

in the RO that by default does not disprove congruence? Second, which other actors appear as agents of legitimation and how do they react to the delegitimation? Roughly, I seek to find evidence for delegitimation and, consequently, a perceived need and dedicated ambition to legitimate. Evidence for the emergence of an entrepreneur who re-introduces human rights and thereby induces change may also be found.

The West Indian Commission and the Charter of Civil Society

I identify a first instance of delegitimation in the 1990s resulting in broad reform of the RO and institutionalisation of human rights. Yet, this first instance did not lead to human rights legitimation for no agent of legitimation was present to take up the role as an entrepreneur to make use of human rights. This instance relates to the CARICOM Charter of Civil Society as a potential human rights institution that could induce human rights legitimation. Since interviewees assert that it did not serve for legitimation, I trace the process of its emergence and establishment to understand what was missing for this to constitute a mechanism leading to human rights legitimation.

The origins of this charter can be traced back to a reform process introduced by a commission to review the RO and the region as a whole. This 'West Indian Commission' was mandated by the CARICOM Heads of Government through the Grand Anse Declaration from 1989 to find ways to advance the goals of CARICOM through public consultations. The subsequent final report entitled 'Time for Action, Report of the West Indian Commission' published in 1993 contained 529 pages with hundreds of suggestions 'of what should be "adopted", "initiated", "reaffirmed", etc. especially by CARICOM governments' (Brewster, 1993, p. 30). Among these suggestions the report also claimed that 'We must enlarge our functional cooperation. We must tackle our social issues together. We must make our own people aware that all this means better governance at home: hence the Charter of Civil Society' (West Indian Commission, 1994, p. xxxiv). In line with the heuristic frame, I expect evidence on four levels for human rights legitimation to come to fruition: First, the circumstances suggest a need for such legitimation, describing CARICOM as delegitimated. Second, there would be indications of such delegitimation such as lost ties to an audience. Third, there would be evidence that the Charter as such serves the purpose of legitimation. Lastly, for human rights legitimation to ensue, an entrepreneur may emerge that seizes the moment.

To begin with, the circumstances do indeed reflect a potential need for legitimation. There is straw in the wind evidence for this as the review commission was a reaction to changes resulting from the end of the Cold War that affected the region economically and politically. The Heads of

Government 'agreed that it was imperative for the region to act in concert to meet the challenges inherent in the new situation' (CARICOM Communiqué, 1993, p. 1) and were 'eager to prepare the Region for entry into the 21th century' (CARICOM Annual Report, 1993, p. 4). CARICOM Heads of Government may have perceived these changes or unpreparedness to react to them as a threat to the ROs legitimacy, and thus potential cause delegitimation. More importantly, the report itself also suggests that it serves as a reaction to internal challenges that may threaten the RO's legitimacy, such as the already mentioned 'implementation gap'. The report makes the following assessment:

> Given the seriousness, which must be our basic assumption, what the system recommended does is to provide machinery to fill the implementation gap that has to date frustrated much CARICOM action. It is the very least that CARICOM can put in place if the integration is to go forward (West Indian Commission, 1994, p. 482).

The recurring problem of CARICOM's limited capacity to implement its goals was thus tackled with this reform. The potential for delegitimation of the RO as a whole did not concern the Member States themselves. While aware of the 'implementation gap', it was not perceived as a substantive problem but rather something that was feasible to overcome jointly. This is already visible in the run-up to creating this commission. In fact, Heads of Government emphasised that they 'act[ed] in concert' (CARICOM Communiqué, 1993, p. 1), aimed to create 'structures of unity' (ibid., p. 7) and presented themselves optimistically. In the Grand Anse Declaration itself they pronounce for example:

> (…) we, the Heads of Government of the Caribbean Community, inspired by the spirit of cooperation and solidarity among us are moved by the need to work expeditiously together to deepen the integration process and strengthen the Caribbean Community in all of its dimensions to respond to the challenges and opportunities presented by the changes in the global economy. (CARICOM Grand Anse Declaration, 1989).

To use the network approach, this straw in the wind evidence rather hints to strong integration rather than fragmentation, as they are all on the same page in facing burgeoning external challenges. Yet, this only concerned the Member States or more narrowly the state representatives, here instantiated by the Heads of Government. Indeed, observers at that time noted that the review commission failed to properly engage all sections of CARICOM societies. One observer contends: 'I am not sure then that it can truly be said that the commission has stimulated a 'public forum on the future'" (Brewster, 1993, p. 30). Similarly, one observer noted that the regional media 'expressed disappointment at the limited nature of the participatory process recommended' (Moore, 1994, p. 167). Nonetheless, the report was positively welcomed by the wider public and observers noted

that 'most of these recommendations are unobjectionable; indeed, make good sense" (Brewster, 1993, p. 30). Broadly speaking, the commission's work and report was widely perceived as successful and 'assumed an unprecedented visibility becoming almost a political phenomenon' (Moore, 1994, p. 155). Thus, even if the impetus resulted from potential for delegitimation, the origins of this Charter rather instantiate a moment of legitimation for this RO.

This also holds true for the Charter itself for in the report it is notably framed as serving the purpose of legitimation. In introducing the idea of a charter, the report states that 'We must have *credibility* at home if we are to build a larger Caribbean home. And, of course, we must do all this for our own sake – as a duty to ourselves.' (West Indian Commission, 1994, p. xxxiv, emphasis added). More to the point, the report also sets out later that:

> We attach much importance to this proposal for a Charter of Civil Society. CARICOM needs normative moorings; we have found widespread yearning for giving the Community a qualitative character – values beyond the routine of integration arrangements themselves can be judged and to which they can be made to conform. The Charter can become the soul of the Community, which needs a soul if it is to command the loyalty of the people of CARICOM. (West Indian Commission, 1994, p. 496).

This indicates that the Civil Society Charter was indeed set out to provide this RO with an opportunity to legitimate itself. The preceding process in implementing the report and the Charter, however, did not follow suit. In fact, in the aftermath of the report's presentation, delegitimation increased due to CARICOM's Member States voicing criticism towards what was inscribed in the report. They raised concern, for example, 'about encroachment on sovereignty' (Moore, 1994, p. 167). Additionally, many of the key recommendations, such as installing a novel executive organ, a CARICOM commission, were not implemented. The now existing CARICOM Charter of Civil Society also does not reflect the ambitions of the report. Although it does include wide-ranging human rights provisions, it does not provide for the proposed 'deepened level of integration' or any options for drawing 'advisory opinion' from its contents as suggested by the report (West Indian Commission, 1994, p. 496)[75]. While this hints to stronger delegitimation of CARICOM as a whole and thus opportunities for an entrepreneur, this process fails this hoop test as no agent of legitimation acting as an agent appears to seize the moment. As already alluded to above, the Civil Society Charter does not seem to represent a reference document, neither right after its adoption nor today. No agent of legitimation stood out to advance the Charter for the RO's legitimation.

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[75] See also Comissiong, David (2020) *Need for CARICOM charter of civil society*, 15 August 2020, available at: https://jamaica-gleaner.com/article/commentary/20200815/david-comissiong-need-caricom-charter-civil-society (accessed 3 December 2021).

Consequently, the Charter and human rights as such were not strongly taken up in subsequent publications following its adoption and no human rights legitimation ensued at that time.

Mia Mottley, capital punishment and a draft convention

The above-described episode highlights that delegitimation is not all that is needed for human rights legitimation to take place. Despite being democratic and becoming formally vested with human rights institutions, at that point in time human rights legitimation did not ensue. Ostensibly, an agent of legitimation and her agency were missing. Only a few years later, a second instance in relation to human rights reveals equal potential for legitimation. Tracing this process however shows that despite the presence of an agent of legitimation, no human rights legitimation succeeded because the agent was unable to bridge between diverging audiences. This instance begins in March 2005 when the Legal Affairs Committee of CARICOM agreed to commission a study 'to formalise the most suitable arrangement to provide for the protection of Human Rights in the Caribbean' (CARICOM Office of the General Counsel, 2005, p. 1), which included the objectives to review CARICOM's existing institutional framework, namely the Revised Treaty of Chaguaramas, and the Charter of Civil Society, to provide a report reviewing other existing regional human rights provisions and to 'draft relevant provisions to provide for the protection of Caribbean Human Rights' (ibid.). This consultancy undertaken by Sheldon McDonald, a Caribbean Lawyer who had previously been involved in CARICOM as advisor on the Caribbean Single Market Economy and the CCJ. His reports, including a draft human rights convention were presented to the Legal Affairs Committee in September 2005. What led to this event and why did neither the human rights convention materialise nor human rights legitimation ensue? Again, I inquire about the circumstances that may suggest a need for such legitimation as well as evidence for delegitimation. I also scout for evidence that the draft convention was meant for legitimation and that an agent of legitimation emerged that seized the moment.

To begin with, I can detect smoking gun evidence that this initiative can be viewed in light of a perceived need for legitimation. The terms of reference for the related consultancy state concretely, that 'it is crucial that the Region harmonises its human rights law and in particular its approach to the death penalty. The common thread in the experience of Member States has been the review of capital cases by the relevant human rights organisations.' (ibid., p. 1). The latter phrase in particular hints to potential criticism that confronted CARICOM's Member States, to which they then sought to react. In what follows, one discovers unambiguously that the troubling topic is CARICOM's retentionist stance on capital punishment. Indeed, precisions given note 'that the Caribbean had a

record of respect for Human Rights but due to the application of the death penalty, the Caribbean is seen in a bad light' (ibid.).

Straw in the wind evidence corroborate this assessment. On one hand, I observe that scholarly attention for the striking retention of the death penalty in the region increased at that time (Burnham, 2005; Helfer, 2002; Birdsong, 1999). Some scholars note that the establishment of the CCJ increases the need for harmonisation and a joint position on this matter (Pollard, 2004). On the other hand, international attention given to the issue also increased throughout the late 1990s and early 2000 (Mc Gann and Sandholtz, 2012; Neumayer, 2008); global coalitions lobbying for its abolition were established.[76] Partly, this pressure was also directly targeting the region and CARICOM stakeholders: the incumbent Barbadian Prime Minister Mia Mottley, for instance, received a letter from Amnesty International in August 2002, addressing her as a the then Attorney General of Barbados. In the letter, they criticised a legal reform that would enable Barbados to revive the death penalty more easily and 'urge[d] the Government of Barbados to embrace the international trend away from the use of capital punishment and join the majority of the world's nations who have turned their backs on the use of the death penalty'.[77]

Moreover, the Member States of CARICOM were unable to deter such potential criticism by referring to international instruments as others could do. Indeed, only four Member States have ratified more than ten United Nations Human Rights instruments. The same holds true for the continental regional human rights regime. Only three CARICOM Member States are full members of the OAS human rights regime and accept the jurisdiction of the Inter-American Human Rights Court. More importantly, scholars observe that pressures from the OAS concerning the death penalty were mounting in the early 2000s, adding to an already difficult relationship of Caribbean states to this RO (Braveboy-Wagner, 2009, p. 76; Fraser, 2006, pp. 223–225). I qualify this as evidence strongly suggesting a need for legitimation for the organisation as a whole. Even if retaining capital punishment constitute an issue of national jurisdiction, the evidence indicates that CARICOM was often under scrutiny and remained the object of legitimation.

I also note that the drafting process and the ambition to adopt a binding human rights treaty were publicised. In its 2005 annual report the CARICOM Secretariat reports:

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[76] For example, the 'World Coalition Against the Death Penalty'', an alliance of hundreds of NGOs worldwide was established in 2002. See for example World Coalition (2020) *Presentation and History*, available at: https://worldcoalition.org/who-we-are/presentation-history/ (accessed 1 December 2021).

[77] Amnesty International and Irene Khan (Secretary General) (2002) *Open letter to the Attorney General and people of Barbados*, AI Index: AMR 15/005/2002, 27 August 2002, available at: https://www.amnesty.org/en/wp-content/uploads/2021/06/amr150052002en.pdf (accessed 1 December 2021).

> A proposed revision of the Charter of Civil Society was presented at the Eight Ordinary Meeting of the Legal Affairs Committee (LAC). The LAC proposed adoption of a Human Rights Treaty, which would incorporate some provisions of the Charter and a consultant was subsequently hired to advise on and draft an appropriate instrument. (CARICOM Annual Report, 2005, p. 25).

Outlining these precise goals may hint to the ambition to legitimate with reference to this reform. Overall, this indicates that the consultancy and subsequently the potential adoption of a convention were driven by concerns for legitimation towards an additional audience. In the region, however, the issue was perceived as troubling or delegitimating. In fact observers note that instead of pushing for its abolition, many politicians in the region were 'keen to carry out executions in order to increase their popularity with their electorates' (Knowles, 2004, p. 304). Insights from the interviews corroborate this assessment. Accordingly, popular opinion remains in favour of capital punishment because of the high crime rates in the region. One interviewee recounts, for example:

> And of course, there is a lot of violence. People feel unsafe. The criminal justice system doesn't work, certainly not properly and people feel threatened. And so, that's the reason why they still urge the politicians to have the death penalty executed. It gives a feeling of security; it doesn't happen because of all these judicial pronouncements. But the point is this, politicians are not really willing to say anything bad about the death penalty because this is what people want. (Interview 42).

Another interviewee also neatly sums up how this is distinct to the Caribbean region:

> You have to take context in the developed world into consideration. In the developed world, you would see something as brazen as 'just abolish it' (…) But in the Caribbean, we have a little more… (…) Nobody is being killed. Nobody, you know, is after you. When you are put on death row, you're not going to be executed. And so, in a way, they're seeing that just having the law there, is not doing any harm. (…) So, in a way, we look at it more of: it's there to deter. And so, if you look at sentencing practices in the Caribbean, you'll see that nobody's being executed. And so, to me, it's just a respect for culture that, the developed world have their way and we should be allowed to have our way." (Interview 41).

Most interestingly, some interviewees also raise this issue when asked about the striking absence of communication from CARICOM on human rights. One interviewee surmises, 'Possibly because of history behind this? And I guess the issue in relation perhaps to the death penalty that was ever so prominent in the region.' (Interview 54 but see also interviews 25, 52). In light of this evidence, delegitimation seems to have taken place for CARICOM. Whereas the people and state representatives remain in favour of capital punishment, an additional audience pushes for its abolishment. This is taken up within CARICOM via this draft initiative. What remains is the

question of who seized the moment. Who made use of this delegitimation to exert agency and how does the agent manage to bridge the divergence between audiences?

Again, the primary data and interviews provide clear evidence. Smoking gun and straw in the wind evidence hint to the fact that current Prime Minister of Barbados, and former Attorney General, Mia Mottley, was the driving force behind this initiative. Both the terms of reference for the consultancy as well as meeting protocols state the following:

> At the Sixth Meeting of the Sub-Committee on Harmonisation of Laws, 22 March 2005, held in St. Ann, Jamaica, the Chairperson, Ms. Mia Mottley, Deputy Prime Minister, Minister of Home Affairs and Attorney General, Barbados, identified an urgent need for a CARICOM Human Rights Treaty. (CARICOM Office of the General Counsel, 2005)

Likewise, an interviewee, who is a senior legal professional, claims 'that the Prime Minister Mia Mottley of Barbados was a driving force behind the idea of a regional human rights treaty' (Interview 39). An interviewee involved in the consultancy corroborates this view (Interview 41). All three accounts can be seen as evidence that strongly supports the exceptional agency of Mia Mottley, though its absence would not eliminate this factor as false. Circumstantial evidence, that this was not an isolated instance of strong agency shown by Prime Minister Mia Mottley corroborate this further. In fact, many interviewees also refer to her as a potential change-maker in the region, stating that 'the Prime Minister of Barbados Mia Mottley is a "Macher", she gets things done'[78] (Interview 42, but see also interviews 32, 51, 52). She has also shown decisive initiatives later on, for example, with regard to threats of election fraud in the Guyana 2020 general elections (Barrow-Giles and Yearwood, 2020) or by initiating reform in the RO via a 'CARICOM review commission of the economy' (Interview 51 but see also CARICOM Commission on the Economy, 2020)[79]. Hence, she shows great potential for acting as an agent of legitimation.

Furthermore, she not only displays the necessary agency in this process but also introduces an idea that may produce political change through what I term localisation. This builds on the idea of 'cultural invention' in network approaches, according to which 'actors can combine together divergent symbols and norms, and introduce novel ideas (…)' (Goddard, 2009, p. 264). In legitimation, I suggest, this can come in the form of localisation for ideas are tied back to region-

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[78] The interviewee – Dutch national – is proficient in German and deliberately used the term 'Macher" which translates to 'doer' in English.

[79] See also Mottley, Mia (2020) *Statement By The Chair Of The Caribbean Community (Caricom), The Honourable Mia Amor Mottley, Prime Minister Of Barbados On The Electoral Crisis Following Guyana's General And Regional Elections 2 March 2020*, 24 June 2020, available at: https://caricom.org/statement-by-the-chair-of-the-caribbean-community-caricom-the-honourable-mia-amor-mottley-prime-minister-of-barbados-on-the-electoral-crisis-following-guyanas-general-and-regional-electi/ (accessed 9 December 2021).

specific cultural features that allow the idea to 'resonate within a network' (ibid., p. 268). Indeed, when considering the option to have a convention on human rights, this idea is not 'entirely new' – given the existence of the Charter of Civil Society. Mia Mottley does, however, ensure that these ideas 'resonate with an audience', here the core constituency. This localisation helps to bridge the divergence between the core constituency and the additional audience pressuring the region due to the death penalty (ibid., p. 264).

More concretely, she foresaw an 'indigenous treaty' to be crafted 'that treats to our own issues and reflects our own culture while respecting the universal rights as they are outlined by the Human Rights Declaration' (CARICOM Office of the General Counsel, 2005, p. 1). From the accounts of those tasked with the consultancy, it is evident that this localisation mainly concerned dealing with the problem of the death penalty sensibly. An interviewee involved in the consultancy recounts, for instance, that 'the real basis for that, it had to do with the whole issue surrounding the death penalty' (Interview 41). Sheldon McDonald (2005, p. 3), the consultant himself, also relates in the final report that 'at the top of the list is the matter of the retention of judicially sanctioned executions –the death penalty' and recalls Prime Minister Mia Mottley's reasoning and ambition for commissioning this consultancy at the Legal Affairs Committee meeting in 2005:

> 'An indigenous Treaty …[needed]…to be crafted,..[one]…that treats to our unique issues and reflects our own culture while respecting the universal rights as they are outlined by the…[Universal Declaration on Human Rights and other international instruments.]" (McDonald, 2005, p. 1)

He reiterates the need for an indigenous treaty and – on the face of it – implements this need in his draft. I provide multiple types of evidence for how this localisation is mustered. The interviewee involved in the consultancy, for instance, strongly underscores how their consultancy approach was sensitive to cultural features and seeking to incorporate regional views. She recalls that McDonald described his approach to his exchanges with various stakeholders as follows:

> He said, look, I am not here to come to tell you what to do. What I've done is, I've looked at the best practices around the world. And so, I've drafted pursuant to that. However, I am here to hear your opinion in terms of what you feel about what is represented and what is reflected here. (Interview 41)

She goes on to explain that 'he would have gone through consultations. And so, it's based on these consultations with various stakeholders that he would try to craft a treaty that is reflective of what the people want or what would be the predominant view based on his consultations.' (ibid.). Furthermore, the report and the draft itself reveal instances were ideas resonate with 'material found in existing networks' (Goddard, 2009, p. 264). While the draft in and of itself is very broad

and encompassing, containing 22 articles pertaining to specific rights and freedoms including the most recent innovations, for example, on environmental rights, it makes some noteworthy qualifications. This concerns, again, the question of the death penalty, where the draft commentary clearly states, '[t]hat decision is for the policymakers, the Consultant having had no brief thereon' (McDonald, 2005, p. 62). In addition, article IX of this draft charter on 'Right to Life, Liberty and Security of the Person' does not clearly prohibit the death penalty but includes the provision that 'derogation from this rights [sic] shall be strictly in accordance with due process of law'(McDonald, 2005, p. 78). This allows application of the death penalty, as a commentary by the consultant on this article further illustrates. There he recommends adding the following provisions:

> The Member States and other Parties to this [Convention][Charter], undertake, as appropriate, to review, consultation with civil society, the circumstances under which the death will be applied, and also to continuously review the applicability of that sanction (ibid.).

This aptly demonstrates that the consultancy and the resulting draft took region-specific cultural features into account in applying human rights to the region to ensure resonance within the network.

Nonetheless, despite this effort at localisation human rights legitimation did not materialise. The drafting process lost momentum and did not lead to an adoption of the treaty. According to an interviewee, the topic and the draft treaty were last on the agenda in the Legal Affairs Committee in 2012 and has not been raised since. It also never received any mention in CARICOM publications accessible to the public beyond its 2007 annual report. Thus, I assert that localisation may not have been successful due to the absence of sufficient flexibility. Indeed, at that point Mia Mottley was not yet centrally positioned in the network and her influence and resources were limited. In 2005, she was only the Attorney General of Barbados and in that function chairing the Legal Affairs Committee. This committee's role within CARICOM, however, is exclusively confined to counselling and advice-giving. Moreover, interviewees report that the funding for the consultancy was limited, and no additional funds were foreseen for this matter. Moreover, discussions stalled because Member States did not thoroughly comment on the draft. Thus, Mia Mottley, in chairing this Committee, was not in the right position to 'manipulate existing ideas and information' and bridge the gap between audiences (Goddard, 2009, p. 263). With that, yet another instance of delegitimation passed without resulting in human rights legitimation.

A strategic plan and the advent of human rights legitimation

Finally, a last instance in relation to human rights relates to reform plans of CARICOM in the early 2010s. This instance concludes with human rights legitimation in 2015. Tracing this process highlights that delegitimation reached a critical degree to which agents of legitimation reacted by reviving what the RO originally embodies and stands for, thereby providing a more coherent legitimation. It is in this reviving legitimation that human rights appeared, and congruence became refreshed. What was the process that led to this revival? In the following, I scout for an increased need for legitimation and hints at delegitimation. I also inquire whether an agent of legitimation was rightly positioned and seized the moment and whether the resulting legitimation took the form of a revival.

To begin, I identify evidence for a need for legitimation and high delegitimation in CARICOM's network. Firstly, there is widespread consensus that CARICOM suffers from an increasing legitimacy deficit because of what interviewees frequently term an implementation gap (Hinds, 2019, p. 9; Thiery, 2015, p. 367 but see also interviews 25, 31, 34, 36, 52). While the work of the Secretariat and its bodies and institutions are not necessarily perceived negatively, implementation is often seen to be hampered on the domestic level because of resource constraints or sovereignty concerns. Where Member States prove unable or unwilling to further integrate, CARICOM is held accountable. Interviewees recount that CARICOM fails to inform the wider public about this issue and thus receives most of the blame. One interviewee describes, for example:

> That's definitely a weakness in the structure. They have not given to CARICOM secretariat the kind of power as well to sanction and to insist on action. So, there is no power within the institution to enforce decisions. And that is, and I think that's why sometimes you see the ebb and flow, which is what people complain about, why the decisions seem to take so long to be implemented (…) But I think that CARICOM endures and will continue to endure even if it may not be as well known, because we don't do enough good public relations on ourselves. (Interview 34)

A different interviewee also diagnoses that this bad reputation is the result of people looking to the wrong culprit – instead of attributing the blame to inactive Member States, CARICOM is blamed for the implementation gap (Interview 31). This view is echoed in regional media. One Guyanese journalist, for instance, claims that '(…) the way the resources of the Caribbean Community are being utilised by its heads is a cause for concern' and that CARICOM's 'biggest problems (…) is the lack of coordination'. He goes on to say 'CARICOM seems to be having much difficulty in implementing those aspects of agreements and resolutions that are implementable, or

they are just downright not being implemented at all.'[80] While this has been an ongoing criticism towards CARICOM, the problem worsened and led to delegitimation between CARICOM and its people. In fact, some interviewees report that criticism, unawareness, and lacking knowledge about CARICOM's activities and capacities as such increases the problem. They state, for instance:

> So, I think a part of it is maybe a little bit of a lack of awareness in terms of the link between CARICOM and its agencies and also the fact that perhaps we're expecting more from the Secretariat than it is set up to do. (…). Because it's like people out there are interested in bread-and-butter issues. They're not interested, not in terms of all these abstract policies and that sort of thing (Interview 25).

> Most people would not know what CARICOM is, what it stands for. What do they do? Most of the people don't know what it is (Interview 30).

In the late 2010s, in the midst of the global economic crisis, Member States' awareness of this implementation gap in CARICOM and the need to address it arose. At the 2009 opening ceremony of the thirtieth meeting of the Conference of Heads of Governments, Grenada's Prime Minister Tillman Thomas showed concern for the people:

> There is no doubt that there are some critical decisions needed at this time in our Region's development. I urge an urgent approach to these issues, with a view to moving us forward as a region and as a people. Time, ladies and gentlemen is not on our side. Our people are becoming increasingly concerned about the future. We must ensure that concern does not turn into anxiety.[81]

On the same occasion, the Guyanese President Bharrat Jagdeo's evaluation addressing his equals was even sharper, including hints to underlying reasons that echo the illustrations above:

> I am sure that at some point in time you would have encountered disenchantment at the slow pace of our integration movement and, in some quarters, a fear that we may be going nowhere. This disquiet has been made all the more acute recently by the global financial crisis which has impacted on [sic] our economies and threatens our future. (…) Some of our achievements are well known, but others less so, perhaps as a result of an ineffective communication strategy. On this note, it is critical that the story of the birth and development of our integration process, as well as our vision for

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[80] Guyana Chronicle (2013) *CARICOM appoints Change Facilitation Team to move itself forward: – Lack of coordination by CARICOM heads remains Region's biggest problem*, 8 August 2013, available at: https://guyanachronicle.com/2013/08/08/caricom-appoints-change-facilitation-team-to-move-itself-forward-lack-of-coordination-by-caricom-heads-remains-regions-biggest-problem/ (accessed 5 December 2021).
[81] Thomas, Tillman (2009) Remarks Delivered by The Honourable Tillman Thomas, Prime Minister, Grenada, at the Opening Ceremony of the Thirtieth Meeting of the Conference of Heads of Government of the Caribbean Community, 2 July 2009, Georgetown, Guyana, available at: https://caricom.org/remarks-delivered-by-the-honourable-tillman-thomas-prime-minister-grenada-at-the-opening-ceremony-of-the-thirtieth-meeting-of-the-conference-of-heads-of-government-of-the-caribbean-community-2-5-j-2/ (accessed 5 December 2021).

the future and our strategy to achieve it, are fully understood and embraced by our people, if they are to stay the course on the journey that is still before us.[82]

Jagdeo not only described the implementation gap, but also diagnose ineffective communication towards the people. Such assessments then translate into CARICOM's internal processes. Indeed, CARICOM's Member State leaders emerged as agents of legitimation in this situation of delegitimation and undertook the task of inducing change in manifold ways. First, this was already reflected in the final communiqué of this thirtieth regular meeting in 2009. Therein, Member States agreed to establish a task force dedicated not only to considering the global economic crisis but also tackling governance issues (CARICOM Communiqué, 2009). According to its 2010 annual reports, such a task force, or a 'Reconstituted Intergovernmental Task Force", was subsequently established (CARICOM Annual Report, 2010). Additionally, in the same year they then also agreed to establish 'a special committee to conduct a review of several proposals on governance structures' in order to ensure that the Secretariat was 'appropriately structured and resourced to be able to carry out its functions effectively' (CARICOM Press Release, 2010). Finally, again in 2010 Heads of Government also commissioned an independent study accomplished by a consultancy to review CARICOM's overall governance structure (Landell Mills Development Consultants, 2012; CARICOM Annual Report, 2012). Although, the sheer number of initiatives, commissions, and committees appears to be an imbroglio of reform, all the above adds up to robust straw in the wind evidence that delegitimation was perceived and a need for legitimation identified. Additionally, soon thereafter the imbroglio disperses, and a clearer reform program emerges.

Indeed, the 2012 consultancy report titled 'Turning Around CARICOM: Proposals to Restructure the Secretariat' provides the strongest impetus and most concrete guidance to pursue reforms. It echoes the assessment of CARICOM's problems, such as frustration over too slow progress, weak or weakening governance structures, and an overall economic downturn, and provides a detailed account on conditions under which CARICOM can recover, concrete steps to take, and measures to implement 'for CARICOM to be turned around successfully' (Landell Mills Development Consultants, 2012, p. 8). Among these concrete suggestions, the report also notes that 'it is essential that CARICOM develop a five-year Strategy to deliver a limited set of priorities' (ibid.). Following the publication of this report, CARICOM Heads of Governments immediately

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[82] Jagdeo, Bharrat (2009) CARICOM at Crossroads: Finding the Way Forward: Address delivered by his Excellency Bharrat Jagdeo, President, Guyana, on the Occasion of the Opening of the Thirtieth Meeting of the Conference of Heads of Government, Georgetown, Guyana, available at: https://caricom.org/caricom-at-a-crossroads-finding-the-way-forward-address-delivered-by-his-excellency-bharrat-jagdeo-president-guyana-on-the-occasion-of-the-opening-of-the-thirtieth-meeting-of-the-conference-of-h-2/ (accessed 5 December 2021).

set out to follow this suggestion. At their 23rd inter-sessional meeting in March 2012, they tasked the Secretary General with recruiting change facilitators that would jointly 'facilitate improving regional governance and implementation' with other members of the Secretariat and the Bureau of the Conference, that is the Incoming, Incumbent and Outgoing Chairpersons of the Conference of Heads of Government, (Communiqué 2012b, p. 2). Importantly, this grouping was also responsible for drawing up 'the outline of a five-year strategic plan' (ibid.). The subsequent 'Strategic Plan for the Caribbean Community 2015 – 2019: Repositioning CARICOM' was presented at the 35th regular meeting of the Conference of Heads of Government in July 2014.

I find that this Strategic Plan instantiates a revival of what the RO stands for and embodies, that is, the revived legitimation of the RO as a whole as the object of legitimation now also including human rights. Indeed, it includes a renewed CARICOM vision and mission as well as renewed core values, which include references to human rights. Following an introduction to the international and regional context, the outline of the 'Strategic Framework' begins with these three sections in the exact same wording as in the annual reports examined to map this RO's legitimation (CARICOM Strategic Plan, 2014, p. 7). Strikingly, from 2015 onwards a newly introduced two-pager can be found at the beginning of CARICOM's annual reports where this vision, mission, and core values are reiterated. Earlier reports, specifically those from 1996 to 2008, also include a mission statement. Made up of only one sentence that referred to a 'viable, internationally competitive and sustainable Community with improved quality of life for all', this mission did not only omit reference to human rights, it was also far less encompassing and ambitious than the more recent one (CARICOM Annual Report, 2005).[83] The latter of these mission statements is composed of two elaborate pages with various solemn commitments and lofty goals referring inter alia to democracy, good governance, integrity and unity, which I assert clearly follows the logic of the legitimation I seek to identify. From 2015 until 2019, this legitimation including human rights appears under the headline of a 'Strategic Plan for the Caribbean Community 2015-2019: Repositioning CARICOM'.

Yet, this does not provide an explanation for why and how these mission and vision statements now appear in all of CARICOM's annual reports, thus in its constant legitimation, and why the notion of human rights was only now introduced to this legitimation. To the former, comparison between the 2014 and 2015 annual reports is insightful and corroborates explanations from

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[83] Mission statements of one sentence were found in all annual reports available from 1996 to 2008. Though they showed some inconsistencies in the text displaying slight differences in formulations, none of the statements included human rights nor were they equally broad and ambitious as the 2015 mission and vision.

CARICOM Secretariats' communications department responsible for drafting the reports. Indeed, a senior official claims that they 'wanted the reports to reflect the fact that there was a particular focus' given to CARICOM in 2015 with the adoption of the Strategic Plan. The Strategic Plan hints 'to the ways forward for the development of a community as a whole' and 'some of it is embodied in the vision and mission statement'. Accordingly, the structure of the report is supposed to fully reflect this strategic plan and the related revival (Interview 56). Indeed, from 2015 onwards not only the vision, mission and core values are taken up in the report. In all substantive sections ranging from economic integration to security cooperation to governance, the specific strategic goals taken from the plan are frontloaded before the reporting on individual items. But what brought human rights to the fore, in an RO where talk about this notion had previously been virtually absent?

Figure 20 CARICOM logo with tagline

According to the same senior official, human rights form part of this vision and mission because 'human rights were always an important element of the community's work in the sense of the community's outlook' (ibid.). Interestingly, the interviewee refers to the Charter of Civil Society in this context and explains that 'the tagline for CARICOM's promotion is "CARICOM – a community for all" providing opportunities for all its people to excel in their various pursuits', which to him seems to naturally include a commitment to human rights (ibid. and see tagline in Figure 20). Subsequently, he also describes human rights as 'enshrined in the objectives of the community' – inter alia via the Charter of Civil Society and that they are 'foundation principles of the work of the community'. I assert that this also echoes the purpose that the drafters of the 'Time for Action' Report foresaw for this Charter, describing that it shall 'become the soul of this community' (West Indian Commission, 1994, p. 496 but see also this Chapter 7.2).

Yet, the striking absence of references to human rights in other publications and at earlier occasions as well as the seeming irrelevance of the Charter in the ROs day-to-day business is striking. In inquiring about this, the interviewee stresses that the lack of talk about it 'ought not to be seen as reflecting lack of prominence or a side-lining of the issue' (Interview 56). Instead, he suggests three factors for why no more legitimation than referring to it in a vision and mission is possible or needed. Besides the fact that resources are constrained, he considers the lack of talk to

be the result of an overall satisfactory human rights situation and that other more pressing issues warrant the ROs' attention. He reports, for instance, 'with it not presenting any particular challenges, the need to direct those resources in that direction really doesn't arise' (ibid.). This resonated with hints by other interviewees that no dedicated person exists within their structures or CARICOM to champion this notion and communication about it. One interviewee, a senior official, recounts for example that they cannot afford to introduce a legal human rights framework to their work as no additional trained personal can be hired for this purpose (Interview 23). In a similar vein, a senior official in the Secretariat responsible for cultural affairs and the CARICOM reparations commission suspects that 'we don't have anybody in the secretariat per se who is a human rights specialist. So, in other words, you don't have someone with that area of specialty that is making that connection in everything that's going on.' (Interview 34). Together, I argue, this evidence adds up to strong straw in the wind evidence that human rights entered CARICOM's legitimation because it aimed to revive its legitimation by more strongly highlighting what this ROs stands for and what it embodies.

What remains to be assessed is who the key agent of legitimation was. I find clear evidence that this action was driven by CARICOM's Heads of Government who sought to legitimate CARICOM as a whole as the object of legitimation towards its core constituency. First, the reform process as described above was largely Member State driven. This is also reflected in its drafting process, in the way it was presented and received, and in the final plan. While the drafting process builds on various forms of consultations and is described as 'stakeholder-driven', both key informants and change drivers, listed first as contributors to the plan, were almost exclusively current or former Member State representatives, such as former Prime Ministers, Foreign Ministers or Ambassadors (CARICOM Strategic Plan, 2014, p. vi). The incumbent Secretary General Irwin LaRocque confirms this assessment when publicising this process in various speeches. Therein, he reiterates both that Heads of Governments were initiators but also confirms that state representatives were among the key stakeholders consulted and that they 'defined the Plan's key areas of intervention' (CARICOM Annual Report, 2014, p. vi; LaRocque, 2015, p. 3, 2014, p. 2, 2013, p. 1).

This assessment resonates with descriptions of the process in the media. Not only is the initiative clearly attributed to the Conference of Heads of Government, but state representatives

also spearheaded the list of stakeholders consulted.[84] Finally, and most importantly, a footnote in the Strategic Plan reveals that the sections of interest, most notably CARICOM's vision was developed by Member State representative. In fact, it states: 'Vision Statement developed through consultation among Member States Change Drivers on 9 April 2014' (CARICOM Strategic Plan, 2014, p. 7). Recall that those Change Drivers were not only state or even government representatives such as Ambassadors or senior bureaucrats of all 15 CARICOM Member States. More importantly, they were also directly appointed by the Heads of Governments, which buttresses the argument that they had a key influence on this reform (CARICOM Annual Report, 2014, p. 2). I contend that this is smoking gun evidence that the Member States and its governments were the entrepreneurs and agents of legitimation that brought human rights to the table in this RO's legitimation.

Finally, it is important to note that this legitimation addresses CARICOM's core constituency and not any additional audiences that were relevant in the previous instance. The strategic plan itself and its presentation as well as wider actions of CARICOM that followed this plan showcase that no audience other than its core constituency were of concern. Indeed, the plan addresses the people in that they are viewed as the main beneficiaries instantiated by assessment such as the following:

> Let us all recommit ourselves to the further strengthening of our integration movement and in doing so, build a resilient Community that provides a safe and prosperous life for all its people (CARICOM Strategic Plan, 2014, p. iii).

> (…) we will need to ensure that this Plan succeeds in carrying us further along the road to sustainable growth and development and an improvement in the lives of the people of our Community (CARICOM Strategic Plan, 2014, p. v).

Subsequently, the Secretary General also stressed the need for smooth implementation of the plan because CARICOM's people, recalling the problem that laid at the origins of this reform process: '(…) [w]e cannot approach implementation of the Strategic Plan for our development as if it were business as usual. The people of the Region will hold all of us accountable for the success or failure of its implementation' (LaRocque, 2016, pp. 5–6). He also contends that thanks to the Strategic plan '[t]he people of the Region should therefore more readily feel the difference that integration makes in their lives' (CARICOM Annual Report, 2014, p. vi). The Strategic Plan also

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[84] Godfrey, Mike (2013) *CARICOM pleased with member consultations*, The Bahamas Investor, 14 August 2013, available at: https://www.thebahamasinvestor.com/2013/caricom-pleased-with-member-consultations/ (accessed 7 December 2021); Singh, Rickey (2014) *Marketing of Caricom's strategic plan*, Jamaica Observer, 6 September 2014, available at: https://www.jamaicaobserver.com/columns/Marketing-of-Caricom-s-strategic-plan_17483551 (accessed 7 December 2021).

includes the goal of 'Strengthening the CARICOM Identity and Spirit of Community' (CARICOM Strategic Plan, 2014, p. 31), that entails inter alia enhancing public information and awareness, promoting an identity and a CARICOM brand, and so forth.

Interviewees frequently refer to such activities and changes when reporting on how CARICOM sought to improve its image. As examples for this, they mention the launch of an additional news website called 'CARICOM today' in 2014 'to show this community at work, essentially' (Interview 47 but see also CARICOM Annual Report, 2014, p. 5); campaigns on social media, where CARICOM aims to increase public engagement and ownership by promoting interaction via the hashtag #IAMCARICOM[85] or increased engagement with the public through the Youth Ambassador program, awards, social media campaigns, or workshops (CARICOM Annual Report, 2016, 21ff; CARICOM Annual Report, 2015, 17ff, but see also interviews 49, 52, 54). This also includes the promotion of an 'Ideal Caribbean Person', a definition of how CARICOM conceives of such a person, which is used to refine and promote the CARICOM identity. Here too, interviewees corroborate that CARICOM actively builds on such a Caribbean identity for legitimation stating for example that 'they've always preached "one Caribbean", you know that we are all from one Caribbean, meaning that we want to see ourselves as one no matter if from Trinidad, Barbados or Guyana, we are all one region.' (Interview 33, but see also interviews 31, 34, 35, 41, 49). CARICOM's growing efforts in engaging in strategic communication that seeks to improve its public image clearly focuses on an audience within the region, namely its core constituency. A senior staff member in the communications department also relates this back to the Strategic Plan and neatly sums it up as follows:

> Yes, it's been a complaint from people in the community for a while. So, in 2015 and 2016 we developed a communication strategy. So, we do have a strategy which seeks to deal with this (…) Through public information, public education, public relations, and advocacy. That has sort of driven the approach that we have taken. A lot of it is about the level of implementation and the response to the complaints (…). I think that there's an awareness of the need to reduce the implementation deficit and to increase the level of implementation. So that people are seeing more of the benefits of the community. But we try to ensure that where there are achievements that people are aware of those achievements (Interview 47).

Thus, given the insights from all three instances traced, I contend that the process of how human rights come to be used CARICOM unfolds as follows: CARICOM is an RO that is in and of itself committed to human rights in that this forms part of its own, its peoples', and its Member

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[85] Nurse, Michelle (2020) *I AM CARICOM Campaign Launch*, CARICOM today, 25 March 2020, available at: https://today.caricom.org/2020/03/24/i-am-caricom-campaign-launched/ (accessed 11 November 2021).

States' identity as liberal, democratic states and societies. However, in light of its limited resources and the ongoing presence of more urgent and more pressing issues to tackle as an RO, CARICOM does not muster a continuous discourse on the notion of human rights per se. While manifold areas of CARICOM's work touch upon these issues, no extra effort is made to link these to human rights. There is neither a need nor are there the resources to do so.[86] Thus, human rights only come to the fore in times of critical delegitimation. Because of resource constraints and sovereignty concerns paired with the circumstances of a global economic crisis, CARICOM is increasingly delegitimated. CARICOM's people become increasingly detached because of its persistent and worsening implementation gap. In this context, CARICOM's Heads of Government prove reactive and make use of their position as entrepreneurs. They drive a reform process which also entails working on CARICOM's overall public image and outlook. Vesting CARICOM with a renewed vision, mission, and core values they revive and properly outline what the RO stands for and what it embodies. This includes strong commitments and adherence to human rights which then figures in this RO's self-legitimation as it continuously presents this vision, mission, and its core values.

Conclusion

This chapter has sought to examine how human rights legitimation came to be used in CARICOM. In the broader frame of this book, this served to further decipher how the path of reviving legitimisers revealed by the QCA unfolds in detail. The QCA suggests that CARICOM's human rights legitimation over the period of 2012-2019 can be explained by a conjunction of the conditions of democratic membership, active human rights legitimation, high authority, and high legitimation intensity (DEM*HRINS*AUT*LEG -> HRFS). The chapter examines this conjunction further via a case study that combines the insights of the QCA with process-tracing. The latter asked more concretely how the mechanism linking the conditions of democratic membership, active human rights institutions, high level of authority, and legitimation unfolds and leads to human rights legitimations. With the help of the heuristic frame that conceives of ROs as networks and agents of legitimation as entrepreneurs, I reviewed the conditions regarding their explanatory leverage for a mechanistic explanation. In three instances of delegitimation in the ROs

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[86] The extent of the problem of resources constraints is probably best illustrated by how I learn about CARICOM's human rights legitimation. In fact, the vision, mission, and core value statements have figured for long on this RO's website but did not figure in our coding until late autumn 2021. Up until then CARICOM had not published its annual reports from 2015 to 2019. In interviews, I inquired for reasons of them not being publish. The senior official in the communications department told me that the delay in publishing was due to the constraints in human resources in his department. When I discovered them by coincidence and discussed with the senior official again about the appearance of human rights legitimation in these annual reports, he confirmed this reason again.

network, I traced the process of which one led to human rights legitimation. In doing so, I was able to show that human rights legitimation occurs when the network of CARICOM reaches a critical degree of delegitimation. Agents of legitimation perceive this as critical when CARICOM's core constituency views the RO as delegitimated due to its implementation gap. The Heads of Government as entrepreneurs react to this by reviving what the RO embodies for its legitimation. They are rightly positioned to bridge this delegitimation in promoting a more coherent legitimation that now also includes human rights thereby reflecting congruence in the region.

Chapter 8 The Arab League: Brokering its legitimation

> 'We firmly desire to create an environment that is resistant to extremism by consolidating democracy, good governance and respect for human rights; expanding the participation of women and promoting youth to harness their energies, capabilities and vitality to promote Arab societies and assume decision-making posts to enhance their e [sic] and involvement in society; and fortifying youth with knowledge and awareness to prevent them from falling into the trap of organisations involved in violence and illegal immigration'(League of Arab States Communiqué, 2016, p. 5).

The statements above stems from the League of Arab States (LoAS), an RO in North Africa and the Middle East. Drawn from the Declaration of Nouakchott, the communiqué of its 27th summit of Heads of State and Government in July 2016, it constitutes an instance where LoAS committed to a diverse set of liberal values, human rights amongst them. Following the above-introduced understanding and operationalisation of human rights legitimation, this statement forms part of the coded statements for this ROs. It thus represents an instance of legitimating LoAS on the basis of human rights. Only three years later at a summit between LoAS and the European Union (EU) in Cairo, exchanges on human rights between these two ROs reflected a different tone. At the final press conference of this summit, a local journalist raised the question whether the topic of human rights was discussed between LoAS and EU representatives. The incumbent Secretary General Ahmed Aboul Gheit reacted calmly, hinting at exchanges about philosophical concepts of human rights. The Egyptian president and host of the summit Abdel Fattah Al-Sisi, however, countered this dismissively. Emphasising values of non-interference, he did not openly reject the values of human rights, but firmly rebuffed any European commentary on this issue by stating:

> (…) [y]ou are not going to teach us about humanity. We have our own humanity, and we have our own values. We have our own ethics, and you have your own values and ethics. And we respect it. So, you should respect our ethics and values as we respect yours.[87]

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[87] Welt News Channel (2019) EU und Arabische Liga: Eklat am Ende des Gipfels auf offener Bühne, 25 February 2019, available at: https://www.youtube.com/watch?v=6lk7BY7_Zv8 (accessed 24 October 2021); Middle East Eye (2019) Things get awkward over human rights at the EU-Arab League Summit, 27 February 2019, available at: https://www.youtube.com/watch?v=UvP0apooaxE (accessed 24 October 2021).

These two statements about human rights by LoAS reflects the discrepancies and tensions that transverse this RO and its use of human rights legitimation. As shown in Chapter 2.4, LoAS belongs to the group of ROs that make use of divergent human rights legitimation. Indeed, there are neither parsimonious explanations for the fact that a strongly autocratic RO is making use of human rights to legitimate itself, nor has the QCA provided any plausible paths to explicate this phenomenon. This raises the question: *how did human rights come to be used for legitimation in this unlikely RO?*

This second case study of LoAS seeks to answer this question by expanding on the results of the QCA with process-tracing. More concretely, it asks what new causes and mechanisms lead to human rights legitimation in this RO given that the type of **'Self-containing Legitimisers'**, that is ROs with active human rights institutions and absence of economic vulnerability (HRINS*~ECON), cannot account for the outcome in this case. I seek to tackle this question by employing a heuristic frame that conceives of ROs as networks and agents of legitimation as entrepreneurs which thereby helps in assessing how agency and structure relate. I show that human rights legitimation occurs when an agent of legitimation, that is, its secretary general, acts as an entrepreneur and manages to broker the new norm of human rights to this network at a time of delegitimation on the verge of a legitimacy crisis. As part of a broader reform, human rights legitimation must bridge a gap between diverging audiences, that is, the RO's Member States and an additional audience identified by the agent. Therefore, to make the new norm resonate among all actors in the network, localisation ensues. To make this argument, I first provide an overview of LoAS as a network and the role of human rights therein. I then outline the RO's self-legitimation dynamics, which are not only insightful for the organisation as a whole beyond its human rights legitimation but also provide starting points to inquiring why human rights have come to the fore in its legitimation. In the second section, I review the insights from the QCA for this RO and illustrate in detail why they cannot account for the outcome. I also reconsider the remaining four conditions of the QCA's framework in light of the new heuristic frame to scout for starting points for process-tracing. The third section undertakes this process-tracing by providing a four-step historical narrative of how human rights come to be used in the Arab League from 1990 to today. I conclude by summing up the results.

8.1 Introducing the League: Weak institutions and strong identity

LoAS or the Arab League is a general-purpose RO that stretches over North Africa and the Arab Peninsula and is comprised of 22 Arab states. Founded in 1945, it is among the oldest existing

regional integration movements. At the same time, it is often described as among the weakest (Pinfari, 2009, p. 1). Nonetheless, LoAS continues to be an important actor in the region (Fawcett, 2019, p. 298; Mohamedou, 2016). This is mainly due to its historical origins. It was founded in a postcolonial region and in a setting of nation-building, which is still strongly reflected in the RO (Maddy-Weitzman, 1993, p. 23; Sela, 2017, p. 172). This background is instantiated by its unique membership criterion of being an Arab nation as well as in the two original objectives of this organisation. Its first core goal is to reinforce the sovereignty of all Arab states, many of which had been newly established (Ibrahim, 2018; Macdonald, 1965). The second goal strongly focuses on the conflict between Israel and Palestine as LoAS claims to be the main protector and defendant of the rights (to self-determination) of the Palestinian people (Halliday, 2007, p.62). Building on this Arab solidarity and its Arab membership criterion, LoAS strongly identifies as reflecting 'Arabness', describing itself as the 'House of Arabs'. Though scholars assess that this joint Arab identity has lost some of its political pull, given that 'today's Arabism is more deeply rooted in domestic politics, emphasizing the social and cultural links of a Pan-Arab regional identity' (Ryan, 2014, p. 119), strong functional incentives favour deeper integration. Indeed, according to its founding documents, it also seeks to cooperate on 'economic and financial matters' and peace and security (League of Arab States Treaty, 1945, 1950). Yet, this RO's institutional design has barely changed over time, which is why it is still perceived as weak or just a 'loose confederation of independent and sovereign Arab states' (Hooghe *et al.*, 2017, p. 642).

This weak institutional design is also reflected in how the Arab League's network is structured, meaning who the relevant objects, agents, and audiences of legitimation are. The Council of the Arab League is the most important body of the organisation. Formed exclusively by high-level state representatives, the council and its issue-specific sub-council take the most important, though non-binding decisions of LoAS, almost exclusively by unanimity (or a two-third majority only for procedural questions). Similar procedures apply to the annual summits of heads of state and government summits which have gradually superseded the council meetings in importance (Pinfari, 2012, p. 2). A general secretariat functions as an administrative body and is vested with little room for manoeuvre and independent agenda-setting powers, though individual secretary generals have stood out thanks to individual capacities (Worrall, 2017, 49). Minor changes in the 2000s reformed the Economic and Social Council and created a Peace and Security Council as well as an Arab Parliament (ibid., p. 44). However, as of today, all three institutions have yet to display significant activity and impact. Scholars are thus led to conclude that Arab leaders continue to be 'reluctant to delegate power to a supra-state organisation'(Dakhlallah, 2012, p. 401). Unwilling to provide the

League's bodies with more autonomy, power, and resources it needs to work well, a recurring diagnosis for this organisation is that it 'was designed to fail' (Barnett and Solingen, 2007, p. 182). Consequently, the Member States continuously take up a central position in this network and constitute both the main agent and audience of legitimation (Goddard, 2009, p. 257). Beyond the RO as a whole, its bureaucracy, mainly the general secretariat, constitutes a relevant object of legitimation given the strong dominance of the Member States and the resulting institutional weakness.

Against expectations, given a first look at the Arab League's Member States, human rights have increasingly come to matter in this network. We can observe this in the creation of different human rights institutions in the RO. Starting in its early years, the League created a Permanent Arab Committee of Human Rights under the Economic and Social Council in 1968. Despite a broad mandate including the drafting of human rights treaties and formulating an Arab position on human rights issues, it is widely perceived as a political body. This is because all members of the commission are state representatives and its work has remained strongly biased towards the Israeli-Palestinian conflict (Almakky, 2015, p. 146; Rishmawi, 2015). Institutionalisation proliferated in the 1990s and early 2000s, with the introduction, subsequent revision, and ratification of an Arab Charter for Human Rights and an Arab Committee (often referred to as the Charter Committee) overseeing the implementation of this Charter (Rishmawi, 2012). The first discussions about creating a court in the Arab League system date back to the 1950s, though initial drafts for a court with the potential to adjudicate on human rights were not circulated until the late 2000s (Rishmawi, 2013, p. 488). A statute for a human rights court was adopted in 2014, but has yet to be established (Quilleré-Majzoub and Majzoub, 2015a). Assessments of these institutions are decidedly mixed. While the revised 2004 Charter was lauded as a significant step forward compared to the initial 1994 Charter, it is still not fully compliant with international standards and includes claw-back clauses for ratifying states. Despite the formal existence of a peer-review mechanism similar to the United Nations Universal Periodic Review, the Charter Committee is widely perceived as toothless (Rishmawi, 2010; Quilleré-Majzoub and Majzoub, 2018; Zerrougi, 2011). Additionally, departments dedicated to human rights or women's rights[88] exists within the general secretariat though they too display limited activity. This paints an ambiguous picture of the relevance of human rights for this RO's activities.

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[88] The official title of the latter is Women, Childhood and Family Department.

Nonetheless, the RO engages with human rights discursively: In 1995, it started to make frequent use of human rights legitimation. While not using it every year, LoAS is now positioned among the most regular human rights legitimisers compared to all other ROs (cf. Figure 21). Researchers examining human rights talk in the Arab League, however, concur on the dishonest or instrumental nature of such references and actions, describing it as lip-service or window-dressing (Wajner and Kacowicz, 2018; van Hüllen, 2015; Zerrougi, 2011). I contend that these assessments are myopic and overlook more complex dynamics legitimation based on human rights. A closer look at LoAS' overall self-legitimation as well as the interview data allows us to paint a more nuanced picture.

Figure 21 Legitimation of LoAS compared
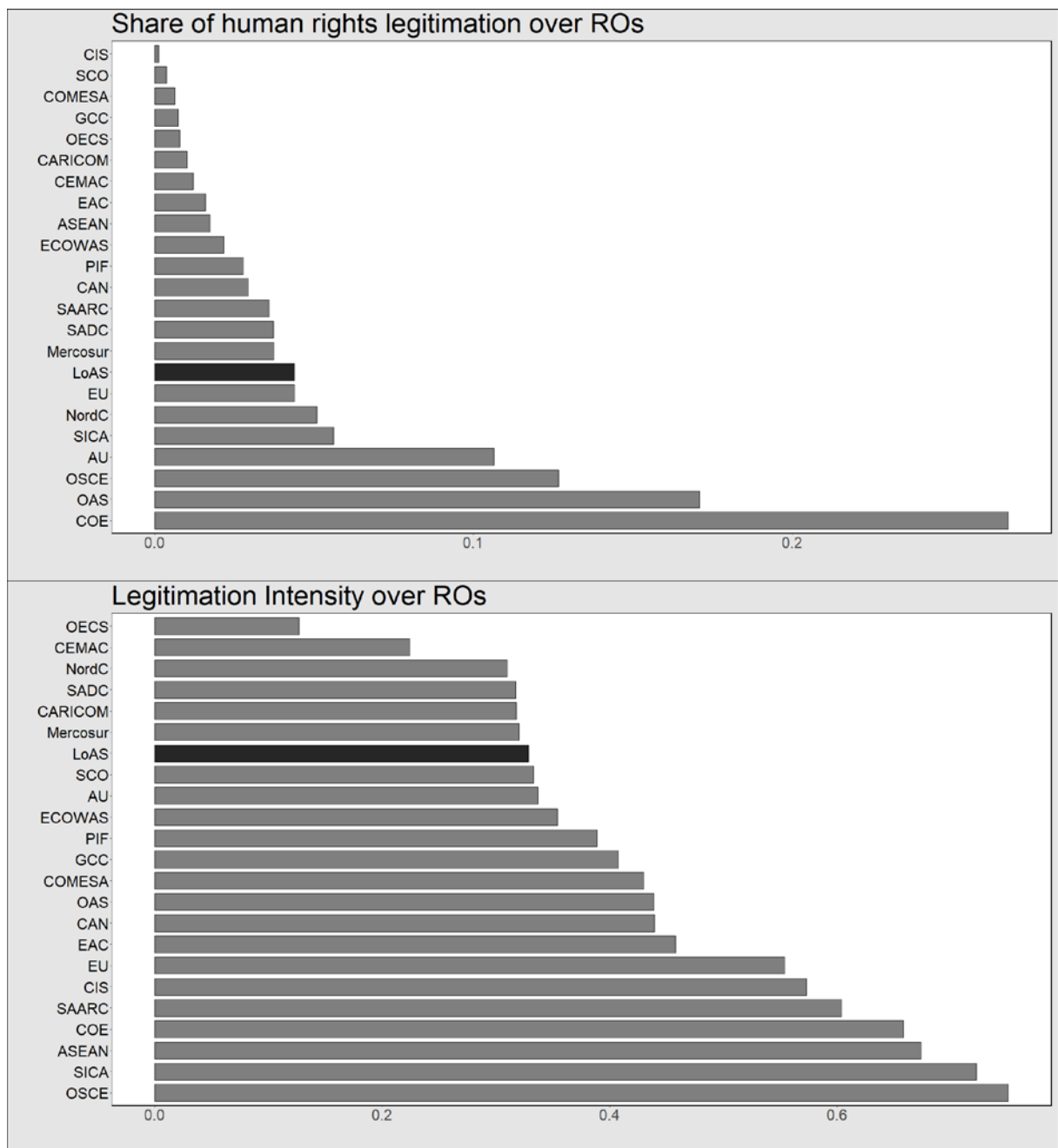
Overall, LoAS is not a strong legitimiser, meaning that its legitimation intensity remains consistently low over the entire period of observations.[89] This is also reflected in a strong inconsistency of the themes used in its self-legitimation. The different kind of themes referenced in its legitimation usually vary strongly from one year to another.[90] Still, over the entire observation

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[89] The few years displaying exceptionally high legitimation intensity may result from flawed data sources: for the Arab League, barely any annual reports were trackable.

[90] Recall that the notion of themes, which I introduced in Chapter 2.2, refers to the different norms, values, and moral principles used to underpin a legitimation statement. The LegRO dataset provides 27 of such standards or themes.

period, themes revolving around a political community, meaning references to a common identity as Arab nations as well as security and economic concerns, dominate and reflect the core goals of this RO and resonate with its key agent and audience – the RO's Member States. For the themes 'political identity', for example, the Arab League is the most frequent user among all ROs in the sample, emphasising that they are determined

> to establish the best relations between our sisterly states through bringing closer the points of view, bridging the gaps between the divergent opinions, and emphasizing that the Arab-Arab relations are based in their essence and basis on the rule of Arab solidarity as the best way and the right way to achieve the interests of the Arab people and states. (League of Arab States Communiqué, 2014, p. 1)

For human rights legitimation, the dataset provides a total of 14 legitimation statements by LoAS. While seemingly low in absolute numbers, LoAS is in the middle range compared to all other ROs in the sample, while it is in the lower third regarding its overall legitimation intensity (cf. Figure 21). What is more, LoAS neatly instantiates temporal and cross-sectional patterns of this variegated phenomenon. Though, human rights have gained in importance over time for legitimation for this RO, shown by the increase in the number of statements, it still uses human rights highly irregularly, which is indicative of the group of ROs that make use of divergent human rights legitimation. Furthermore, noteworthy differences in *how exactly* this RO refers to human rights are illustrative for explaining this phenomenon. Firstly, I note that such legitimation goes beyond the textual references coded in the dataset. Other key agents in the organisation, such as, its secretary generals also make use of this notion to legitimate the RO. For instance, at the opening session of the conference establishing the Arab Court of Human Rights in 2013, Secretary General Nabil Elaraby claimed that:

> Recent events have shown the need to hear the voices of Arab people demanding change and reform, the combating of corruption and the development of good governance in advancement of social justice and the preservation of human dignity and basic rights agreed to by the international community, as reflected in international human rights treaties to which several Arab states are party and which are an integral part of their national legislation.[91]

Likewise, his predecessor Secretary General Amre Moussa articulated: 'Member States of the League of Arab States believe, as all others, that economic and social development is indispensable for the maintenance of international peace and security. Respect for human rights is being

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[91] Quoted in Rishmawi, M. (2015) *The League of Arab States - Human Rights Standards and Mechanisms. Towards Further Civil Society Engagement: A Manual for Practitioners*, available at: https://www.opensocietyfoundations.org/publications/league-arab-states-human-rights-standards-and-mechanisms (accessed 16 November 2021).

promoted by the League.' (Moussa, 2012, p. 108). Finally, for a more recent example, LoAS celebrated its annual 'Arab Human Rights Day' in March 2021 to mark the entry into force of its Human Rights Charter. On that occasion, the General Secretariat published a press release including the following statement:

> On Tuesday, March 16, 2021, the League of Arab States, along with the Arab nation and the human rights family, will celebrate the 'Arab Human Rights Day," which marks 13 years since the entry into force of the 'Arab Charter on Human Rights" as a reference and pivotal legal instrument in the human rights system, a document that consolidates the national identity of Arab countries and the spirit of belonging to the Arab civilisation with noble human values.[92]

All these statements can be viewed as additional instances of legitimating the Arab League by referencing human rights.

Secondly, interview data corroborates the legitimating nature of such claims. A group of interviewees that are working in the Arab League on issues related to but not directly on human rights reads such statements as genuine commitments and aspirations as they are convinced that 'this is what they [members of LoAS] believe should happen' (Interview 10, but see also interviews 12, 14, 15, 55). Some interviewees also reiterate such legitimation and utter their legitimation statements akin to those coded. One interviewee notes, for instances:

> One could say that the texts or strategies or action plans emanating from the Arab League may have no impact. I tell you, think again. If, when we talk about human rights, I give you the example of a strategy that has an immediate impact, believe me that it is the same thing in a lot of other subjects. (Interview 14)

Thus, there is a group of actors within the Arab League that accepts those statements as credible legitimation for the organisation. In part, these actors also accept this legitimation as they are aware of the limitations of the Arab League. They contend that talk on human rights is meaningful but difficult as Arab League bureaucrats must deal with the structural and contextual limitations of the organisations. Here interviewees distinguish between the Arab League's Member States and the bureaucracies, that is, the General Secretariat. Within the Secretariat, interviewees recurringly acknowledge that there is sincere support for and willingness to promote human rights. Therefore, even if small in numbers, the coded references to human rights embody a legitimation based on this norm that resonates within the RO and beyond. Nonetheless, former staff members – both directly and indirectly working on human rights – especially view such human rights legitimation

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[92] General Secretariat of the League of Arab States (2021) *Arab Human Rights Day, 16 March 2021, Statement of the General Secretariat of the League of Arab States*, 16 March 2021, available at: http://www.lasportal.org/ar/Dynamic/Pages/DynamicSubjectDetails.aspx?RID=57 (accessed 8 November 2021).

rather critically. Confronted with the human rights legitimation we coded, some depreciate such enunciations as lip-service or contend that '[t]here's no political will (…)' to implement actual human rights protection (Interview 5 but see also interviews 11, 17, 19, 22). Oftentimes, this lack of political will is attributed directly to LoAS Member States. Thus, they do not seem to constitute the core object of legitimation via human rights.

Thirdly, I note that there are diverse recurring themes that coincide with the legitimation statements. For one, human rights are often mentioned alongside other liberal values or values included in human rights, such as good governance, women's rights, or political participation. Other recurring themes are social and economic development, security, education, and the rights of the Palestinian people. This is notable as it reflects a general trend in the work of the Arab League on human rights such as that of the Permanent Human Rights Committee. Secondly, it is striking that the statements refer to some of the League's institutional structures as is the case in the following statement:

> The adherence of our states to the humanitarian principles and noble values of human rights in their comprehensive and integrated dimensions and their [our states] clinging to what is contained in the different international covenants and charters and the Arab Charter on Human Rights adopted by the Tunis Summit, and the consolidation of the freedom of expression, thought and belief, and guaranteeing the independence of the judiciary. (League of Arab States Communiqué, 2004, p. 2)

The Arab Parliament or an Arab plan for education regarding human rights principles during the period 2009-2014 also received mention. While the latter reveals the educational ambitions of the Arab League in this matter, references to institutional structures not only indicates a link between the legitimation and these institutions but may also strengthen the claim. This is important to note since the overall character of the legitimation is more aspirational and future-oriented than based on to concrete actions and outcomes. In total, there are only two performance statements, that is, statements that focus on the results an RO achieves or its realised goals.[93] Recapitulating these patterns of legitimation in the Arab League will help to elucidate why human rights have come to be used in this RO. It is thus important to retain that this legitimation meaningfully resonates within the RO and echoes other important themes of the RO. Moreover, throughout the analysis, we will get back to the distinction between legitimation of the bureaucracy and its Member States, for these first assessments of the League's legitimation point to the potential relevance of this distinction.

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[93] Recall the distinction of legitimation statements as procedural, performance or purpose statements as introduced in Chapter 2.2. Annex 2 provide further details and examples for this distinction.

8.2 Why the QCA does not explain human rights legitimation

Self-containment and congruence contradicted

LoAS makes use of human rights legitimation to an extent that surpasses many other ROs in the sample and in a manner that raises even more questions. As already alluded to the QCA only provides an unsatisfactory explanation. It suggests that this RO forms part of a path I term self-containing legitimisers. This denomination entails that in a congruent realm the RO self-sufficiently makes use of this kind of legitimation. Clearly, congruence does not reign in LoAS regarding human rights. Yet, there are also other aspects concerning the two conditions and the assumptions of the two ideal-typical models that highlight how weakly the QCA manages to explain this case. This section serves to discuss these points in turn and decipher insights that fuel the subsequent process-tracing.

To begin with, the QCA only weakly explains the overall phenomenon. None of the two models for human rights legitimation provides a clear, sufficient explanation for this RO. While two periods are covered by one consistent path of the QCAs reported solution term, the interpretation of the path does not apply well for LoAS: The League is covered from 2011 to 2015 under Secretary General Nabil Elaraby as well as from 2016 to 2019 under Secretary General Ahmed Aboul Gheit via the path of self-containing legitimisers. In these periods, according to the QCA, human rights legitimation can be explained by the presence of a configuration of active human rights institutions and absence of economic vulnerability which strongly builds on assumptions of the CS model, that is, congruence of norms, values, and moral principles between all involved in the legitimation dynamics. Concretely, it assumes that these ROs self-containingly use human rights legitimation simply because this is just what they do. For cases like the Council of Europe (CoE), the Organisation of American States (OAS), or the EU, that are also covered by this path, this assessment has great validity. It appears much more difficult to apply this lens to the Arab League.

Firstly, this is the case because the autocratic predominance in membership strongly contradicts the underlying assumption of congruence. Considering LoAS' Member States, this model's assumption that human rights legitimation results from a pursuit for congruence between the norms, values, and moral principles held by an authority's constituencies – the Member States – and those that the regional authority embodies does not hold. Indeed, autocratic regimes and dire human rights records dominate throughout the entire period of observation. Three Member States, Syria, Libya, and Yemen, by now have suffered from over ten years of Civil War. Similarly marked by Civil War, Somalia was considered a failed state for a long time. The eight monarchies of LoAS

only partially fare better, ranging from the rather liberal Morocco and Jordan to Saudi Arabia which is likely the regions' most notorious autocracy and perpetrator of human rights violations. The League's republics score equally badly, with as infamous Egypt whose human rights record seems to deteriorate each day. Finally, Lebanon and Tunisia, two countries that were often played to the gallery as strongholds of liberalism in the region, recently also have been withering dramatically (see for example Human Rights Watch, 2021). More concretely, in 2017 only five of the 22 Member States scored better than three on the 'Political Terror Scale', meaning that in all other countries 'civil and political rights violations have expanded to large numbers of the population'.[94] Similarly, in 2020 only one member, namely Tunisia, was classified as 'free' by Freedom House while a majority scored as 'unfree' (Freedom House, 2018, p. 26). The existence of human rights legitimation and related human rights institutions, then, is rather reflective of strong incongruence between the values reflected by the League and its key constituency, the Member States. This echoes the above-suggested need to distinguish between the Member States as an agent, object, and audience of legitimation as well as other agents, objects, and additional audiences.

Yet, the second condition that assesses congruence is present in this RO. In fact, the condition of active human rights institutions has been present from 2001 onwards and explains human rights legitimation in this path according to the QCA. As already hinted at above, the Arab League is vested with diverse institutions that are dedicated to the promotion and protection of human rights. For this condition, the ratification of a human rights charter, the establishment of the Arab human rights commission and its activity as well as the de jure creation of an Arab human rights court were coded. Interestingly, with such a human rights regime, this RO figures among the more sophisticated ones on paper compared to that of the OAS or the African Union (AU). The relevance of these institutions, however, is still difficult to assess. Given their limited functionality, scholars debate whether, they are empty and meaningless institutions or better than nothing and admissible attempts (van Hüllen, 2015; Rishmawi, 2010; Quilleré-Majzoub and Majzoub, 2015b; Vitkauskaite-Meurice, 2010). Thus, it appears dubious that they were created to corroborate human rights legitimation claims self-sufficiently or autarkically as the path would suggest.

Still, they appear significant to the employees and are recurringly cited as meaningful institutions. One interviewee claims that: 'I do believe in them; I also studied the charter, and I was more

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[94] The 'Political Terror Scale' is a large-N data-gathering project established in the 1980s, coding three kinds of reports on HR abuses (Human Rights Watch, Amnesty International, US State Department) in currently over 200 countries in order to aggregate state terror mainly based on violations of civil and political rights, for more information see Gibney, Mark, Linda Cornett, Reed Wood, Peter Haschke, Daniel Arnon, and Attilio Pisanò (2018) *The Political Terror Scale 1976-2017* and Haschke, Peter (2018) *The Political Terror Scale (PTS) Codebook. Version 1.10*, available at: https://www.politicalterrorscale.org/Data/Download.html (accessed 23 December 2021).

optimistic than pessimistic. (…) So, I do believe that they matter' (Interview 11). These assessments corroborate that at least within the RO itself, congruence reigns in that the legitimation communications via human rights reflects the institutional embodiment of the RO via its human rights institutions. Nonetheless, the temporal dimension does not fit the QCA's results. Most institutional change and progress occurred in the period 2001-2011, thus a period not covered by the QCA. Instead, only the ensuing periods are covered. This means that I will have to reconsider this conjunction regarding the temporal sequencing and the agency involved focusing on this period. Who introduced these institutions and for what purpose? And to whom exactly are they meaningful for legitimation? Put more abstractly, how does the structure of human rights institutions relate to agency of agents of legitimation in the Arab League?

Interestingly, this conjunction also suggests that human rights legitimation is conditioned by the absence of economic vulnerability. For the cases covered by this path, for example, the Organisation for Security and Co-operation in Europe (OSCE), the CoE, and the EU, this certainly holds true and is indicative of the self-sufficient and autarkical nature of its legitimation as there is – theoretically – no need to cater to additional audiences. But what does this condition reveal regarding the Arab League? I concede that absence of economic vulnerability had limited ability to account for the outcome in LoAS, though this is predominantly linked to unsatisfactory measurement. As illustrated above, economic vulnerability is measured by assessing the dependence on international economic aid via its availability and conditioning to human rights as well as the regional economic strength measured via the GDP (cf. Chapter 4 and Annex 4). By the year 2011 the Arab League ranked in the upper third of ROs in this sample and was part of the set of economically non-vulnerable ROs. This does, however, obscure the fact that the region was economically vulnerable due to the political circumstances of the Arab Uprisings that swept the entire region. Given internal turmoil that affected at least nine Arab League Member States, recurring regime changes and three civil wars with the subsequent increase in migration movements, the region saw its economic resilience decrease (Beck, 2015; Beck and Richter, 2021). The GDP, however, while subject to strong fluctuations, has remained significantly high to reach the relevant threshold of calibration and thus does not reflect this circumstantial idiosyncrasy. Indeed, external international actors may have had concrete demands for institutional change, to which especially the most fragile and economically vulnerable domestic regimes had to react. Consequently, I shall reassess this condition substantively in a process-tracing, scouting for the potential relevance of audiences beyond the Member States who can affect its legitimation because of economic vulnerabilities.

Limited authority, delegitimation and internal turmoil

In the above, I reviewed the conjunction suggested by the QCA for explaining human rights legitimation and the related underlying core assumption of congruence as in the CS model. While not deciphered by the QCA, the second ideal-typical model, the AC model and its remaining conditions may provide explanatory leverage or at least further insights for the process-tracing. To begin with, the AC model for human rights legitimation assumes that increasing authority needs more demanding legitimation for which ROs with high legitimation at one point also build on human rights. This argument does not apply well in the Arab League for two reasons. Firstly, authority and legitimation in LoAS only increases rather modestly.[95] While authority values of ROs like the Association of South-East Asian Nations (ASEAN) quadrupled over the period of observation from a value below 0.05 to 0.38, the League's authority only increased by 0.19. Additionally, this slight increase does not coincide with increases in legitimation in general or in human rights legitimation in particular. For its legitimation intensity, I already outlined above that legitimation remains consistently low, that is, below the average of all ROs. Secondly, many interviewees reveal that the League's formal authority is empirically even less meaningful. Indeed, interviewees assert a near to complete absence of any real power and possibilities to make a change, which is viewed as constraining and as decreasing the League's legitimacy. When asked about the effectiveness and meaning of the League's human rights institutions, one interviewee states: 'Yes, effective as far as *the countries* allow them to be. So, the problem is nothing of the League. (…) It is a one-way flow of power and authority and choices withing LAS.' (Interview 3, emphasis added). A second interviewee commenting on the current situation in the region even links this to the League's legitimacy:

> But I think that the image of the Arab League is losing credibility (…). And actually, the people are not putting the blame on the Arab countries *that are causing this situation*, but they are blaming the Arab League. We don't have an army, we are not like the European Union, we are not like NATO. But the blame always goes to the Arab League and the failure is attributed to the Arab League, and not to the Arab states. (Interview 17, emphasis added).

In fact, the interviewee describes the problem not as high authority that is not legitimated, but rather as too little authority that preventing any effective actions and subsequently rendering the League illegitimate. This challenge is often traced back to the League's Member States unwillingness

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[95] Recall that I measure the condition high authority with data from the MIA-dataset on delegated and pooled authority.

to concede more sovereignty to the RO (Barnett, 1993). Again, the dual role of Member States as object and audience of legitimation appears to matter to a great deal.

Finally, the condition NGO also only weakly explains the outcome. Though, the set relationship of the League asserts increasing empirical relevance of non-state actors in the RO's realm, which adequately reflects real-world changes, I spot various contradictions. Both components of the condition, the strength of non-state actors measured via national human rights institutions and the references by the RO to non-state actors slowly start to increase in the 2000s and reach significant thresholds from 2011 on. Thus, it is only in these latter two periods that the Arab League is indeed part of the set of a strong realm of non-state actors. Non-state actors remain rather weak in the region until the late 2000s, having gained prominence only during the 2011 Arab Uprisings (Pinfari, 2016, p. 13; Samad, 2007; Yom, 2005). The Arab League also did not show any interest in these actor a for long time (Almakky, 2015, p. 155; An-Na'im, 2001). In contrast to what the QCA suggest, however, peaks of engagement between LoAS and non-state actors occurred under the Secretary General Amre Moussa, thus in a period not covered by this path. Not only did he engage them in various summits or conferences, but he also introduced a civil society department (Interview 11, 19), which runs counter to former attitudes to these actors in the League, as one interviewee contends: 'This is one of the things that we attribute to Amre Moussa personally (…), working with civil society was a taboo in the Arab League before Amre Moussa. It was as if it was a dirty word or something to say civil society' (Interview 11). Non-state actors formulating precise institutional demands towards the Arab League were, however, not dominating the interaction. For the period after the Arab Uprisings, this engagement, however, changed again. Not only was action by non-state actors targeting their domestic regimes much more directly, the League itself also lost in appeal for non-state actors as it appeared more and more dysfunctional, or as one interviewee puts it: '(…) mainly after the crisis in Syria in 2011, the whole region and the Arab regional regime, I won't say collapsed, but was divided. (…) Due to the regional context, we lost contact (…), we are not engaged anymore.' (Interview 53). This shows that the link between human rights legitimation and a strong realm of non-state actors is not completely nonsensical and that they matter to some extent in this network. Yet, the QCA's results do not manage to assess the nuanced temporal dynamics that this mechanism has taken, underlining the necessity to reassess the role of agency in engaging with structure, here the regional context.

To sum up, this review of the QCA's theoretical assumptions and results show that diverse aspects need to be reconsidered to grasp the process that leads to human rights legitimation in the case of the Arab League. Concretely, I contend that the idea of congruence needs to be reassessed

and strongly nuanced regarding the objects and audiences of legitimation between which congruence is sought and accomplished given that active human rights institutions matter, while democratic membership is absent. This may hint to the fact that agents of legitimation found ways to bridge between diverging audiences. Furthermore, it highlights the strongly conflictual dual role of the RO's Member States as object and audience of legitimation, which will be refined via the process-tracing. I also found indications that audiences beyond the Member States matter, which warrants reconsidering non-state actors and economic vulnerabilities overlooked by the QCA. Additionally, temporal sequences and the relation between agency and structure remain blurry for multiple conditions and will need reconsideration via the process-tracing. Finally, and most importantly, this review also indicates where to start with when engaging in this process-tracing. I showed that much of what is relevant for the conditions already happened in the early 2000s, a period where human rights legitimation takes off but is not covered by the QCA. Departing from this period may thus be more sensible to understand how human rights have come to be used in this RO. I, therefore, begin the process-tracing by assessing the status quo and circumstances under which the League of Arab States entered this millennium.

8.3 Process-tracing: A four-step sequence

After reviewing previously hypothesised explanations and how they cannot fully account for the outcome, I turn to illustrating the process traced via the method of process-tracing. This method aims at crafting 'a minimally sufficient explanation of a particular outcome' (Beach and Pedersen, 2016, p. 18). For this, I reassess the indications from the review above, as well as the concepts of the new heuristic framework of RO's as networks and agents of legitimation as entrepreneurs to identify evidence for a mechanism according to process-tracing. In a back-and-forth between data and the heuristic framework, I arrive at a four-step temporal sequences of mechanisms linking the outcome with its causes. I show that human rights legitimation occurs when an agent of legitimation, that is, its secretary-general acts as an entrepreneur and manages to broker the new norm of human rights to this network at a time of delegitimation on the verge of a legitimacy crisis. As part of a broader reform, human rights legitimation must bridge the gap between the RO's Member States, and an additional audience identified by the agent via localisation. In brief, the related process can be described as follows:

I contend that the process begins in the 1990s, when the League is experiencing strong delegitimation. At the same time, a conducive international context for human rights and the EU's inter-regional agenda is creating room for manoeuvre and preparing the ground for subsequent

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legitimation. A second step constitutes the arrival and activities of the Secretary General Amre Moussa. As he enters the Arab League, he becomes its most important agent of legitimation and acts as an entrepreneur. He sets out to reform it and to step up cooperation with the EU which he identifies as an additional audience. It is with this ambition that he introduces human rights legitimation to the RO. In the third step explaining human rights legitimation, I observe how the agent of legitimation manages to bridge the gap between the audience of Member States and the EU by localisation, where the norm is linked to region-specific cultural features. Yet, legitimation is only met with increasing cooperation by the EU in the context of the Arab Uprisings. While those events further contribute to legitimating the Arab League via human rights, this is only lasting for the bureaucracy. The current status quo shows that the Member States took control again as agents and objects of legitimation, which is why talk about human rights is viewed in part as highly instrumental. The League's general secretariat and bureaucracy nevertheless still builds on legitimation via human rights. Let us consider this process in detail and examine each building block and mechanism in turn.

Human rights as a relevant norm: International and Arab context

To begin with, before the period in which human rights legitimation becomes most prevalent, I note that the Arab League experienced strong delegitimation on the verge of a legitimacy crisis. Internationally, the Arab League is perceived as irrelevant and notoriously weak, internally, divisions between Member States and a paralysed bureaucracy echo this delegitimation. Both in primary data and secondary literature, I identify hoop evidence for this observation. On one side, interviewees perceive inactivity and internal division to dominate this period, as they state, for example, that 'the period of Ahmed Asmat Abdel-Meguid[96] was just a period of trying to save the institution' (Interview 17) or that, with the Kuwait War, this period 'was not the best time of Arab solidarity' (Interview 27 but see also interviews 4, 19, 55). Scholars support this perspective, as they describe the Iraqi invasion of Kuwait decreasing trust between the leaders of Arab states, threatening the League's existence, driving 'the last nail into the coffin of pan-Arabism' (Dakhlallah, 2012, p. 409; Tripp, 2003; Aarts, 1999; Al-Marashi, 2008). These events caused any legitimation built on joint Arab solidarity and its functional capabilities to lose its pull, or as one interviewee neatly puts it: 'A regional organisation requires a minimum of common interests; of long-term common interests. Unfortunately, that is not the case anymore' (Interview 11). Subsequently, the

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[96] Ahmed Asmat Abdel-Meguid was the incumbent Secretary General of the Arab League between 1991 to 2001.

event of 9/11 also generally affected the reputation of the region and thereby also contributed to a delegitimation of LoAS internationally (Harders, 2008; Barnett and Solingen, 2007, p. 215).

Yet, two contextual factors provide for a conducive network structure for subsequent activity of an agent of legitimation on human rights. Firstly, I contend that the general international context of the 1990s was conducive, as it was a period when human rights were evolving to become a relevant international norm. Interestingly, this coincides with the first mentions of human rights legitimation in the Arab League in 1995 and 1999. Straw in the wind evidence corroborates the claim that this temporal coincidence is a sufficient component of this mechanism. Indeed various scholars claim that the end of the Cold War marked a 'victory' for liberal, western values and an accelerated international proliferation of human rights norms along with it (Fukuyama, 2006; Sikkink and Lutz, 2001; Ikenberry and Deudney, 1999). That these should enter regional integration, too, was also made particularly explicit at that point in time, namely at the Vienna UN World Conference on Human Rights in 1993. The final declaration explicitly states that '[r]egional arrangements play a fundamental role in promoting and protecting human rights' and that it 'endorses efforts under way to strengthen these arrangements' (United Nations World Conference on Human Rights, 1993, p. 12).

While this is only sufficient for the mechanism, hoop evidence hints to the fact that the Arab League and its Member States were reactive to this evolution as we lack any other meaningful explanations for why they should engage with human rights. On one hand, scholars observe a 'human rights turn' taking off in the region in the 1990s, when autocratic regimes showed modest engagement with international human rights norms (Hosseinioun, 2018; Gränzer, 2008; Alhargan, 2012). On the other hand, both scholars and primary data claim that the initial draft and subsequent adoption of an Arab Charter on Human Rights in 1994 'came as part of the PACHR's (permanent Arab commission on human rights [sic]) preparations for the 1993 World Human Rights Conference in Vienna' (Hunaiti, 2020, p. 21; but see also An-Na'im, 2001, p. 714). Indeed, a member of the subsequently established Charter committee corroborates this view in a study on the historical development of the Arab Charter (Younes, 2017). An interviewee and member of the second drafting group of experts also describes this process as follows: 'Even the adoption of the first charter of human rights followed this logic. It is true that the League adopted its first human rights charter in 1994, but not one Member States ratified it. (…) The need to adopt a charter abode to international conjunctures' (Interview 18). This latter smoking gun evidence effectively shows that at the time the Arab League and its Member States recognised that human rights had become a relevant norm that needed to enter its regional agenda. Yet, the fact that no substantive

changes, such as further institutionalisation in the Arab League followed can serve as a counterfactual that this was not driven by intrinsic commitment to the norm for subsequent legitimation. Furthermore, these first erratic instances of human rights legitimation targeting an international audience were not lasting and did not avert strong delegitimation. Nonetheless, it presents a conducive network structure for the agent of legitimation to build on subsequently.

Secondly, a sufficient component of the mechanism interestingly hints to the relevance of additional audiences as alluded to above. In fact, the EU is positioned in a conducive way to be identified by the agent of legitimation as an additional audience. This immediate regional neighbour to LoAS has by now become an active supporter of regional integration worldwide. While the EU has already started to establish interregional relations in other world regions via development programs or political cooperation agreements, for example, with the EAC, SADC, ASEAN or the Andean Community in the 1960s and 1970s, its interactions with LoAS region have remained focused on bilateral or sub-regional multilateral relations, for example, the Global Mediterranean Partnership or cooperation with the Gulf Cooperation Council's Member States (Lenz, 2021b, p. 26; Rüland, 2001; Holden, 2009; Khader, 2013). This weak cooperation record was unsatisfactory for the League as hoop evidence indicates. Two policy studies commissioned by the 'Europe and Euro-Arab Cooperation Department' of the Arab League for example reveal that these relations experienced a down-turn at the end of the 1980s, despite the League's persistent interest of in deeper cooperation. (Hassan *et al.*, 2014; Ghoneim *et al.*, 2014) Indeed, the reports also suggest general interest in such cooperation as well as awareness of the potential of such cooperation that goes beyond material benefits (ibid.). A former LoAS employee working on EU-LoAS relations describe this situation as follows: 'This is what I just mentioned that the Arab League tried through its office in Brussels, through its previous heads of departments with the European Union. They tried on several occasions to have a certain structured cooperation, a meeting but they failed.' (Interview 17).

Amre Moussa, the European Union and human rights

It is in these circumstances – a delegitimated RO but a conducive network structure – that a new agent of legitimation appears and seizes the moment to introduce a new norm for legitimation. This constitutes the next step in this process' sequence. In 2001, Amre Moussa, former Egyptian Foreign Minister, took office as the new Secretary General of the Arab League and as an agent of legitimation acted as an entrepreneur. Indeed, with his ascent, major changes occurred in the Arab League' legitimation that were driven by the Secretary General's agenda, including increasing

human rights legitimation. Concretely, he identified the League's European counterpart, the EU as an additional audience of legitimation and in doing so explicitly included human rights as a one of the relevant norms for legitimation. In doing so, he managed to broker this norm to this new audiences as well as the original audiences and bridged gaps between these diverging audiences in the network. For the latter point, this entails efforts at localising the norm to make it amenable to Member States. This step in the sequence is highly important as earlier attempts at explaining this phenomenon – the QCA and its focus on structural factors – were unable to account for such agency. Indeed, Moussa's agency in the Arab League is exceptional. I can provide diverse evidence, namely straw in the wind, hoops, and smoking guns for the individual parts of this causal sequences. I highlight his entrepreneurship, how he identified the EU as an audience and how human rights then had to figure in the related legitimation.

To begin with, there is strong agreement both in primary data and secondary literature that Amre Moussa was a unique actor in the recent history of the Arab League and had decidedly more agency and room for manoeuvre than other SGs. This qualifies him as an agent of legitimation that act as an entrepreneur. Under normal circumstances, the Arab League's intergovernmental design ascribes prime authority to determine the agenda to the Member States (Worrall, 2017, p. 44). Scholars contend, however, that secretary generals are also potential agents. With a vaguely defined mandate, often long terms in office and distinct personal capacities, they have 'a degree of flexibility and agency' (ibid., p. 49). While this can be viewed as hoop evidence, a necessary but insufficient condition, the following observations qualify as smoking gun evidence. In fact, this room for manoeuvre proves highly significant for the League's Secretary General, Amre Moussa. Scholars observe that the Arab League 'emerged from the shadows in the early 2000s, with the appointment of a high-profile Secretary General, signalling a renewed commitment to multilateralism.' (Dakhlallah, 2012, p. 410; but see also Worrall, 2017, 49, 160ff). Among the interviewees, that is, former and current employees as well as external stakeholders, there is also a strong consensus on the extraordinary role of Amre Moussa and that his term brought the League up to speed again:

> The Secretary General is the symbol of this organisation, and the Charter of the League does not give him a lot of authority. Amre Moussa is different story. He did not abide by the book. (…) He was a very influential politician all around the globe. He maintained very good relationships with the different leaders. He was smart enough not to oppose Member States as well as not to give the impression that he is just a tool for the Member States. (Interview 1)

> There is one historical moment in the League's history. It is Amre Moussa, that was the golden age of the League (Interview 3)

> As well, they felt that the Arab League is not really a very active organisation, as I told you. Until Amre Moussa came. When Amre Moussa came in 2001, things changed. He was able to change the image of the Arab League in the eyes of the Europeans in general. So, they were keen to have a cooperation. (Interview 17)

Among his accomplishment, interviewees note his strong networking skills, which allowed him to reintegrate the Arab League at the international stage and his charisma, which enabled him to rally support among the League's employees, government officials and the people as well as his reform agenda for the League. Adding to these qualities, which are necessary for an entrepreneur, he also benefitted from a unique network position thanks to the conducive context shown above. In fact, it was his reform agenda that he managed to implement that included human rights and related legitimation.

Exchanges with the Secretary General himself provides additional insights that can count as smoking gun evidence for how he viewed his role as an agent at the time and why he engaged in reform and relegitimation. For one, he concurs with view relegitimating the Arab League was necessary and desirable as he claims that he 'would be capable of doing something in the Arab League, awakening the Arab League, dynamizing it, introducing certain dynamism into the work of the Arab League' (Interview 55). He explains that he also had a 'negative impression' of the League because as an RO it was not 'in [his] eyes doing what a regional organisation should do' (ibid., but see also Barnett and Solingen, 2007, 215f). When asked about the contents of his reform agenda and about human rights, he contends that he wanted 'to move from a one issue organisation to different issues to address the situation in the Arab world' and '[a]s for human rights, I wanted the issue of human rights to be discussed in the League, in the councils of League, to have a debate about it, to start talking about.' (ibid.). Inquiring about his reasons for this, he notes, that 'it's a question of how to manage things correctly. And regional organisations will have to have a wider scope of all issues that have to do with the well-being of the people' (ibid.). These elaborations allow for the conclusion that Amre Moussa was driven by a strong sense of legitimation via a reform agenda that included human rights and aimed at rendering the League more akin to other ROs. Indeed, he not only vigorously supported but also internally pushed for the re-drafting and subsequent adoption of an Arab human rights charter and the related commission during his term, he also created a civil society department, pushed for the creation of an Arab parliament, and re-structured the human rights department under the social sector. Besides, discussions for drafting an Arab human rights court were revived under his term (Youssef, 2017, p. 237; Rishmawi, 2013, p. 488; Rishmawi, 2005, p. 362 but see also interviews 5, 11, 18, 19, 27).

Having illustrated why SG Amre Moussa became an agent of legitimation in the Arab League and included human rights in this relegitimation agenda, it rests to show how he identified the EU as an additional audience. Considering the EUs prior activities on promoting regional integration in other world regions only represents straw in the wind for why the EU might be taken into consideration in the first place. The question remains: why did the Arab League address this audience with human rights at that point in time? While Moussa considers the EU to be a relevant interlocutor, his intentions and the relation to human rights are less clear. It appears that beyond being seen as legitimate by the EU – the reason for addressing them in the first place – he also hoped to boost the League's legitimacy via any resulting cooperation with the EU. In fact, when asked about it, he claims: 'I thought cooperation with the European Union is a must. (…) I thought that the European Union is the most successful regional organisation, so that opens doors. I wanted in fact to cooperate with them. I wanted them to help the Arab League in several fields' (Interview 55). This certainly shows that the SG not only sees cooperation with the EU as highly beneficial but also views this RO as a reference point. What is more, there is various straw in the wind evidence for the mechanism that Moussa's relegitimation was directed at the EU as an additional audience.

Indeed, several interviewees explicitly claim that the reforms on human rights were dedicated to an international, 'Western' *and* European audience. They state, for example, that after the delegitimation of 9/11, 'the reaction of the SG at that time, Amre Moussa, was that he did indeed want to show that the Arab League has something to say with regard to human rights.' (Interview 18 but see also interviews 1, 11, 22). Some even claim that initiatives to revise the Arab Charter of Human Rights also had 'Western', UN *and* EU origins and that Moussa simply responded to and took up these demands (Interview 19). Others contend that Moussa's reform agenda was a general attempt to follow the model of the EU, as it is seen as the most successful RO (Interview 5 but see also interview 1). Still others observe an intensification of the relationships between the Arab League and the European Union under Amre Moussa's term and perceive this as particularly positive. One senior staff member of the League, for instance, describes this intensification as follows: 'I think what triggered it, is a mutual desire on both sides to deepen the dialogue and cooperation. And we were lucky to have Amre Moussa as the Secretary General at the time (…) and I think from that onward, the momentum came' (Interview 27). Vice versa, a former senior staff member working on EU-LoAS relations claims that Amre Moussa was among the main reasons why the EU became interested in LoAS again (Interview 17). Finally, professional companions of the SG corroborate his interest in the EU (Interview 45). Moreover, while his

intentions remain obscure, he not only views this cooperation as positive, but also perceives it as a personal success, stating that 'it was not that easy to get the consent of the European Union. They were oppositions in the European Union towards the Arab League. But I consistently insisted that this should be the case and I succeeded in that' (Interview 55). Finally, and most notably, external observers indeed view the work of Amre Moussa in intensifying relations with the EU, as an act of relegitimating the RO:

> So, I think the cooperation has a value for them as well. It puts them on the map in Europe as well. (Interview 22).

> And it's not only about the EU. If I am able, as a Secretariat of the League of Arab States to have relations with the EU, relations with China, relations with the African Union etc., I become a credible organisation. (Interview 44).

These latter assessments represent straw in the wind evidence for this sequence in the mechanism though also lend support for a rivalling assumption that international cooperation of any kind and with any organisation was sought. Yet, scouting for potential cooperation partners beyond the EU provides strong counterfactuals. For the United States of America, a prominent actor in the region, scholars assess that barely any multilateral cooperation via the League exist. Even more relevant, the agent of legitimation, Secretary-General Amre Moussa views cooperation rather sceptically, as one scholar describes: 'Moussa was politely suggesting that the United States mind [sic] its own business and [sic] not force reforms at a pace that Arab League members do not want and do not welcome.' (Kalpakian, 2007, 223; but see also Ferabolli, 2014, p. 72). For other partners such as Russia, China, or India, it seems unlikely that human rights would be sought to legitimate towards these audiences. Hence, I contend that targeting the EU more directly was key for human rights legitimation. The EU did lend itself to this due to its own interest in diffusing regionalism, its proximity to the region, and its role as a trailblazer in regional integration. Furthermore, it was indeed Amre Moussa who set the tone and agenda for this cooperation and related legitimation of the Arab League via human rights.

Localising human rights for the Member States

Plausibility of this mechanism is high, but strongly contradicts the observed incongruence between the regional and the domestic level. During Amre Moussa's term, a great majority of Member States was highly autocratic and human rights did not seem to be of great importance. How was it possible to legitimate via human rights towards this audience and the EU at the same time? Indeed, to fully grasp the mechanism, it is necessary to scout for a concomitant step in this sequence where this incongruence is remedied. I contend that the norms are brokered to the

audience of Member States via localisation. Localisation means that they are tied to region-specific cultural features that resonate with the Member States. This allowed Amre Moussa to bridge the gap between the two diverging audiences.

To begin with, I can identify evidence for ways in which legitimation was successfully sought towards the League's Member States. I note that the investiture of SG Amre Moussa already made legitimation towards the Member States possible. The SG himself as well as secondary literature and other interviewees suggest that Member States were generally more supportive of the League thanks to Moussa personally, which I count as hoop evidence for this step in the process. This is further illustrated by increases in budgetary commitments and higher levels of internal compliance, namely by Member State representatives working under the SG (Worrall, 2017, p. 95; Barnett and Solingen, 2007, 251-220, but see also for example Interviews 1, 5, 11, 19). Amre Moussa, for example, claims that: 'they welcomed me as Secretary General of the Arab League. If you get back to that session you will see that the heads of state and kings expressed a lot of positive feelings (…). All of them sent money a priori and up front, and outside of the shares in the budget.' (Interview 55).

On the topic of human rights, however, there was an awareness that it would not be easy to pass this by the Member States, both from the side of the SG and other staff members. The former, for instance, concedes:

> I know how difficult, how complicated the issue is and I know the positive points and the negative points of talking about human rights or involving human rights in political debates. But my point was that the time has come for the Arab League to be seized with human rights, with the issue of human rights. Later on, we will, or I planned to put it in the right perspective. But first of all, it has to be part of the debate. (ibid. but see for example also interviews 6, 10, 14, 15, 18, 19).

Employees similarly observed this difficulty and concurred that intra-regional discrepancies also pose problems 'because Member States are extremely diverse' and 'have lots of differences' (Interviews 4, 10 and 12, 19). They equally assert that while using human rights legitimation, concessions needed to be made as the actual work on human rights was limited. Interviewees show great awareness that any implementation always depends on the respective Member States' readiness to collaborate and not everything is possible (Interviews 18, 44, 53). This ties back to the institutional limitations outlined above – the possibilities for the General Secretariat are often limited by the Member States' unwillingness to further integrate and allow for deepened cooperation. An interviewee neatly sums up what this means for the bureaucracy: 'So human rights is rather a very difficult issue to handle. In such a situation like the League of Arab States is in, the

League is doing what is humanly possible on the issue, let us say.' (Interview 10, but also interview 53). This echoes the complex role of states as agents and audiences for legitimation: Their share of the agency of legitimation limits the bureaucracy's ability to manoeuvre regarding legitimation via human rights while also brokering this norm to the states as a relevant audience. Yet, this brokering towards Member States was possible thanks to localisation.

How, then, does localisation unfold? As alluded to above the content of the legitimation statements already reflects region-specific cultural features. Human rights are, for example, frequently tied to socio-economic development and focus on social and economic rights. An interviewee recalls that referencing the UN Sustainable Development Goals facilitates work on human rights (Interviews 14, 44, 45, 53). On the contrary, civil, and political rights as well as new generations of human rights, such as those relating to sexual orientation and gender identity, are not the focus of the Arab League's view on human rights and rather detrimental to human rights work (Interview 14). An interviewee describing the Arab Human Rights Charter for instance puts this as follows:

> And then in point B, it says this should not contradict culture, which means you have restrictions (…) and it's idled. (…) Definitely, when it comes to social and economic rights, there is more room than the political rights and civil rights. On civil rights, it's very traditional, it's about religion. Political rights are very strict, while on social and economic rights they can be more open. (Interview 53)

This is also in line with the focus on security in the Arab League's human rights legitimation, where they state for example that they

> will continue in fighting terrorism, eliminating its causes, and working to eliminate the outlaws of the times, within a comprehensive strategy that is aware of the centrality of solving regional crises, strengthening the values of democracy, respect for human rights (…) (LoAS Com 2017, p. 3)

Indeed, it is a recurring phenomenon in this region in particular to sacrifice civil and political human rights to the benefit of security concerns in the face of alleged international terrorism[97] (Hoffmann, 2004; Josua, 2019, p. 3).

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[97] This topic has long history in the Arab region. This agenda, frequently pushed by Egypt and its exemplary legislations and vague definition of terrorism, was strengthen and codified by the League of Arab States with the Arab Convention for the Suppression of Terrorism adopted in 1998. Ratified by all Member States, while it also including protective provisions referring to human rights, it is still widely criticised as a serious threat to civil and political rights (Josua, 2019). The incumbent Egyptian president Abdel Fattah Al-Sisi even perverts the notion by framing the fight against terrorism as a human right.

This resonates with how current staff members working on human rights describe and legitimate their own work. I evaluate this as straw in the wind evidence. One senior staff member, for example, strongly emphasises the need to promote education and a culture of human rights first to establish an overall agreement on the understanding of this notion by stating that the objective 'is to reinforce the culture of human rights' and that 'one has to promote the culture first and then talk about reinforcing human rights so that everyone agrees and is talking about the same thing' (Interview 14). This also reflects the SGs view to start the debate first and then 'put it in the right perspective' (Interview 55 but see also above). He recounts that there are certain topics that should not be included or should receive less attention in his work, for example, civil and political rights as well as LGBTIQ* rights. Alternatively, he describes linking the work on human rights to social development and the sustainable development goals as particularly fruitful. This is also in line with the foci of the legitimation statements described above in the Section 8.1 of this chapter. He also stresses the technical and apolitical character of his work on human rights and strongly distinguishes between work undertaken by the Secretariat and by the League as representing its Member States (Interview 14): 'I deal with human rights at the technical and legal level, not at the political level (…) The work of the League as a regional organisation and its secretariat should not be confused with the situation in some member countries of the Arab League' (ibid.). This strongly reiterates that human rights are used in a distinct manner in legitimating the League, that is, the norm is localised according to region-specific cultural features. This localisation acts as a broker of this newly introduced norm to the League's Member States. That put aside, it also showcases that this certainly does not serve to legitimate the Member States, but the RO as a whole, perhaps even more importantly, the bureaucracy.

A concrete example of how actors localise the norm of human rights to broker them to the Member States is the drafting process of an 'Arab Convention to Combat Violence Against Women and Children'. In working on this draft convention, which was introduced to the League by a coalition of women members of parliament of the region, a member of this coalition frequently emphasised the need for such a charter to be reflective of the uniqueness of the region itself. In order to discuss and subsequently improve women's rights in the region, it is necessary to put a stronger focus on conflict zones and rights of refugees and migrants:

> We want to focus more on our priorities and on what's happening in this region. You know, there is conflict inside a lot of countries in the Arabic world and in the Istanbul

convention[98] there is no talk about refugees and women in conflict situations. So, we
in this Arabic convention, we focus more on these things. (Interview 6)

Such region-specific features were also highlighted when pitching the idea to the Member States. One member of the coalition, for example, shows awareness of having to make this effort of localisation towards Member States and describes this as follows:

> We talked in governmental bodies, so we had to be careful with our language and show
> respect towards the states. But we tried to make use of a plea that builds on the human
> being but not exclusively, in creating a link between human rights and development
> (…), especially regarding women's rights. We explained to them that the respect for
> human rights is inherent to social stability, development, and progress. (Interview 18)

Yet again, I note that linking the cause to social development was conducive to convincing Member States of the cause.

Interestingly, the localisation via region-specific cultural features is not only perceived as constraining but as advantageous for certain endeavours. Indeed, the coalition members deliberately choose to advocate for human rights via the Arab League for they saw this as particularly beneficial for their concerns. Since mediating this effort through the Arab League makes it an 'Arab' initiative, they expected Member States to be more accepting of the matter. One interviewee, for example, claimed that the relevance of an Arab identity is high because the organisation's 'Arabness' makes working on human rights through it more promising and potentially fruitful. This observation resonates with the League's more general purposes and legitimation (cf. section 8.1). They describe that such actions benefit from the label of being an 'Arab' initiative. Without it, they recount, they expect and frequently experience scepticism by state actors towards 'foreign' agenda or projects. Going through the Arab League thus brings the advantage of introducing an 'Arab' project, as one interviewee states:

> We have a lot of initiatives that happen with other actors, the UNESCWA, the UN,
> the EU and whenever you have the emblem of the Arab League on all these initiatives,
> the Member States are usually happier because they know that it passed through the
> Arab League (Interview 12).

This once again corroborates the extent to which the norms of human rights were localised and linked to region-specific cultural features to circumvent opposition by the League's Member States. Thanks to this approach, it was possible to broker human rights legitimation to this diverging audience

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[98] The interviewee refers to the Council of Europe Convention on preventing and combating violence against women and domestic violence, which is a human rights treaty of the Council of Europe signed in 2011 in Istanbul, Turkey.

As alluded to above, human rights legitimation came as part of a broader reform program of the Arab League driven by the Secretary General Amre Moussa. This reform also included institutionalising human rights, which were also accompanied by localisation. Here, Amre Moussa yet again played a decisive part. A first step in the institutionalisation is the revision of the 2004 Arab Charter on Human Rights. While the final draft presented to the permanent Arab human rights commission was widely compliant with standards of international human rights law and welcomed by regional civil society, the commission made some final changes to the draft that diminished its quality (Rishmawi, 2013, p. 488). There was also opposition by Member States towards this project (Interview 19). Amre Moussa himself lobbied with them for its adoption. In this regard, an interviewee recounts an exchange between a state representative from a Gulf State and the Secretary General Amre Moussa. The former showed reluctance because 'it is not for anyone to teach us about human rights' (Interview 18) seemingly fearing an international or 'Western' agenda. According to the interviewee, Moussa replied that the opposite was precisely the intention, meaning that it was an opportunity to showcase their own stance on human rights or as he put it: 'We must be really on top, and we must adopt things that are even more advantageous for human rights than the other texts already adopted.' (ibid.).

While the interviewee claims that this – adopting even higher standards – did not materialise, this anecdote can count as straw in the wind evidence. Moreover, scholars also claim, that the charter is reflective of region-specific cultural features ostensibly introduced to appease the Member States (Rishmawi, 2010; Zerrougi, 2011; Quilleré-Majzoub and Majzoub, 2018, but see also interviews 16, 19, 53). Appeasing Member States was also achieved by re-shuffling the Secretariat's internal structure. According to an interviewee, SG Amre Moussa initially had wanted the human rights department to stay under the political sector. Allocation to the social sector apparently served to align this topic more closely to social development, a move also visible in the RO's legitimation as outlined in Section 8.1. This made the legitimation more amendable to Member States (Interview 19) and again constitutes an example of how human rights were localised in the Arab League.

Brokering legitimation, but towards whom?

By the end of the 2000s, which is also a period when measured legitimation statements cluster strongly, human rights legitimation seemed to have attained a status quo: Key stakeholders of the bureaucracy talked about it, and there was activity by the RO on the matter with solid support by the staff and broad acceptance by Member States. Human rights legitimation was driven by the

agent of legitimation Secretary General Amre Moussa as well as the bureaucracy and served to legitimate the RO as a whole. Yet, the EU did seem responsive as cooperation between the two ROs did not increase as Secretary General Amre Moussa had wished. However, to stop here would cut the story short and brush over a sequence that complicates matters further. In fact, the historic events of the so-called Arab Uprisings, which started in December 2010 and the subsequent region-wide popular unrest, revolutions, regime changes, and civil wars led to a crumbling of this status quo and substantive changes in the legitimation dynamics and the RO's network. This concerns the agent, the object, and the audience of human rights legitimation.

To begin with, the Arab Uprisings represent a breakthrough for legitimation towards the EU. Although, some interviewees already highlight the creation of the EU-LoAS liaison office in Malta in 2008 following the first EU-LoAS Foreign Affairs Minister meeting as a first success – mainly for the Arab League – this merely represents a starting point for subsequent engagement (Interview 22). Indeed, it took the Arab Uprisings to make additional steps in the cooperation. An interviewee recalls: 'So we had our first senior official meeting in Brussels in September 2011, immediately after the Egyptian revolution, maybe six, seven months' (Interview 17). She continues to recount the exchanges with EU officials concerning their interest in stepping up cooperation at that point in time and narrates: 'So he [an EU official] answered me that there are three points. The first one is the Arab Spring. The second one is Amre Moussa. And the third important one is the ministerial council resolution on Libya, which, you know, gave the coverage for the intervention in Libya.' (ibid.). Amre Moussa himself supports this claim and describes legitimation towards the European Union as successful in hindsight because it led to an intensification of these inter-regional relations. Interestingly, the concrete action on Libya is also frequently cited as a turning point for the Arab League, as it called for interferences in Libya and with that their renunciation of a formerly strong guiding principle of the RO, the principle of non-interference in the name human rights and humanitarian principles (Wester, 2020, p. 156; League of Arab States Resolution, 2011). Linking this event to legitimation, scholars even claim that 'issuing sanctions against a LoAS Member State for matters relating to human rights and democracy—even though these norms may have only been evoked as a rhetorical legitimation strategy—certainly created an official precedent (…)' (Debre, 2020, p. 2; but see also Beck, 2015; Wajner and Kacowicz, 2018).

This unprecedented step of the RO can thus be seen as legitimation of the RO. Relatedly, I have identified various indications that it increased its legitimacy and lead to a further intensification of EU-LoAS relations. In fact, five events and projects represent hoop evidence for this intensification. Firstly, the second ministerial meeting in 2012 and the resulting Cairo Declaration

not only set up a structured political dialogue but also included references to human rights as well as more concrete declaration of intent to jointly work on it (European Union-League of Arab States Foreign Affairs Ministerial Meeting, 2012). Secondly, the newly invested Secretary General Nabil Elaraby became the first LoAS SG to be invited to speak at the EU's monthly Foreign Affairs Ministers meeting (Hassan *et al.*, 2014). Thirdly, ever since annual meetings are supposed to take place between the EU's Political and Security Committee (PSC) and the permanent representatives of the LoAS. Fourthly, a crisis room under LoAS General Secretariat for performing effective crisis-related early warning, co-funded by the European Union and the UNDP, was inaugurated in Cairo in 2012. Finally, a dialogue program called El-Hiwar[99] took off in 2013 that included trainings, sectoral meetings, and workshops between the European commission and LoAS Secretariat on various topics such as migrations, civil society, mediation and peacebuilding, and the media. Most importantly, it also includes various cooperation formats on human rights. This latter form of cooperation proved to be most lasting as it was renewed for another three years in 2019. Interestingly, I again observe an important distinction being drawn between the Secretariat and the Member States. This concerns, for example, cooperating partners in the context of the program dialogue who report on difficulties in working with the League on the topic of human rights. Concretely, they concur that these difficulties are mostly due to Member States' opposition and reluctance to the topic (Interview 44). The interviewee explains that the Member States delimit the red lines for cooperation, while 'the secretariat, that is very aware of the limits (…) is continuously trying to push these limits a little bit more.' (ibid.). Again, the object of legitimation is rather the bureaucracy and perhaps partially also the RO as a whole but less so its Member States.

In any case, I note that this seeming legitimation of the Arab League towards the EU is also reflected in scholarly research. First publications on the Arab League following the Arab Uprisings all paint this RO in an uncommonly positive light, describing a 'rebirth' (Sahin Mencütek, 2014) of the organisation, that the 'Arab League comes alive' (Maddy-Weitzman, 2012) or that '[n]ow, LoAS receive higher regional and international attention, for it is expected to take a stance, get engaged and even deliver solutions.' (Isaac, 2015, p. 164). Subsequent developments, however, are strongly indicative of the fact that in the end only the bureaucracy is left to be legitimated via human rights. While we identify human rights legitimation until the year 2017, it seems that this is driven by different logic. Later analyses of the League's activity during the Arab Uprisings and subsequent

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[99] El Hiwar is Arabic for Dialogue.

evolutions have mostly described these as power politics as resulting from the geopolitical interests of individual Member States.

Indeed, it seems that the Gulf States, headed by Saudi Arabia, have been trying to gain unprecedented influence in the region, which leads scholars to diagnose that '[i]n the wake of the Arab Uprisings, the Arab League and the GCC became a mere foreign policy tool of Saudi Arabia' (Beck and Richter, 2020, p. 71; Hinnebusch, 2020; Darwich, 2020; Beck, 2020; but see also Heibach, 2021). This most recent view on LoAS is widely echoed by interviewees. When discussing possible organisational changes, a former senior staff member pronounces doubt about the likelihood of positive change and states: 'We're not in control, we are a tool.' (Interview 5). A different former senior staff member even describes that they 'watched – sadly – the gradual collapse of the Arab League system' in the wake of the Arab Uprisings (Interview 11). In retrospect, the references to human rights to justify the interventions in Libya and Syria are viewed with scepticism or as pretence. Similarly, assessments of the first EU-LoAS summit in Cairo in 2019 are mixed. Although, the summit's final statement also included joint commitment to 'the upholding of all aspects of international human rights law', the agent of legitimation no longer seems to be the Secretariat (European Union-League of Arab States Summit, 2019). In fact, some LoAS staff members surmise that this summit was mainly driven by and served to legitimate the Egyptian regime. Only external interviewees perceived it as a success for both ROs as a whole (Interviews 17, 20, 44, 45). Therefore, I contend that in this most recent period, human rights legitimation is rather sought by the agents that are the League's Member States for the sake of their own legitimation.

It would, however, be too narrow and myopic to conclude with such a grim picture. It seems that legitimation based on human rights also carries on, at least internally, for the League's General Secretariat. Aside from the EU, interviewees indeed echo that work on human rights in the Secretariat is still meaningful. One interviewee, for instance, insists strongly on the fact that 'one should never deny the efforts of all the technocrats, those working in the back because (…) there are so many people responsible who are really in favour of progress on human rights issues and women's rights' (Interview 18). Initiatives that are still being pushed in the Arab League, such as the draft 'Arab Convention to Combat Violence Against Women and Children', show that human rights legitimation by the Arab League is meaningful to others. This is instantiated by how the Arab League is described in this context: '(…) we try to use our tool. This is the regional tool. This is our tool in the region, and we need to use it. I know all the things about the Arab League, but

nothing is perfect.' (Interview 6).[100] Finally, instances of legitimation by the Secretariat also persist until today. A recent example for this is a press release published for the yearly UN International Human Rights Day on 10th December 2021. This statement includes for example claims such as: '(…) the Arab League reaffirms its continued work to protect human rights (…)' or '(…) among the obligations of states parties to the Arab Charter of Human Rights is to ensure effective equality in the enjoyment of all the rights (…)".[101] Consequently, Amre Moussa's efforts at introducing human rights to the League and the subsequent brokering to allow legitimation towards two diverging audience, have had lasting effects.

Conclusion

This chapter sought to examine human rights legitimation in the Arab League by asking what new causes and causal mechanisms lead to this kind of self-legitimation. Given the unsatisfactory explanation provided by the QCA, the goal was to expand on these results with process-tracing. I began the analysis by reviewing the limited insights of the QCA that suggested active human rights institutions and absence of economic vulnerability as a sufficient conjunction for this case (HRINS*~ECON). I showed that the interpretation of this path does not fit the Arab League case given the striking incongruence between norms, values, and moral principles on the domestic and on the regional level. Nonetheless, this provided starting points for the process tracing concerning the role of the Member States as agents, objects, and audiences of legitimation, the importance of agency and temporal sequence in general, and regarding this RO's human rights institutions. Building on these insights and the heuristic frame that conceives of ROs as networks and agents of legitimation as entrepreneurs, I then examined the process that took place in LoAS. In spelling out a four-step mechanism, I showed that human rights legitimation occurs when an agent of legitimation, that is, its Secretary General, acts as an entrepreneur and manages to broker the new norm of human rights to this network at a time of delegitimation on the verge of a legitimacy crisis. Internal turmoil in the 1990s led to this delegitimation but coincided with a conducive network structure, namely a favourable international context and the emergence of a potential new audience, the EU. The then Secretary General Amre Moussa knew to seize the moment and brokered human rights legitimation as part of a broader reform. Admittedly, in using human rights legitimation he

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[100] At the time of submission, this draft convention was discussed in the Permanent Arab Human Rights Committee and awaited submission to the Economic and Social Council for initial adoption.
[101] League of Arab States (2021) *Statement of the General Secretariat of the League of Arab States on International Human Rights Day*, 9 December 2021, available at: http://www.leagueofarabstates.net /ar/news/Pages/NewsDetails.aspx?RID=3225 (accessed 17 January 2022).

had to bridge the gap between diverging audiences, the RO's Member States and the additional audience, the EU. Brokering this new norm and making it resonate among all actors in the network, was made possible thanks to localisation, that is, linking the norm to region-specific cultural features. Even though, most recent development, particularly the Arab Uprisings, once again changed the network and its legitimation dynamics, human rights and related legitimation still matter in this RO. Amre Moussa successfully brokered this norm to LoAS with lasting effects. Thus, I term this type of legitimation a brokering legitimiser. I will use the next chapter to engage in abstraction from this case as well as the other three paths from the QCA to suggest a first attempt at a cohesive framework including four types of legitimisers.

Part IV Drawing to a close

Chapter 9   Theory-refinement: Four types of legitimisers

> 'Causal inference thus becomes a process whereby each conclusion becomes the occasion for further research to refine and test it' (King *et al.*, 1994, p. 33).

The QCA ran in this book points to the existence of three paths of human rights legitimisers. **(1) Self-containing Legitimisers** make use of consistent human rights legitimation because human rights are just what they do. Thanks to strong institutions on human rights and the absence of economic vulnerabilities, I assert that their legitimation is mostly driven by internal motivation, without relevance of additional audiences. **(2) Signalling Legitimisers** make use of irregular human rights legitimation because of politicisation and contestation by additional audiences that require a superficial response. Despite increases in authority, sending a mere signal is possible thanks to the ROs' democratic membership, as this signal appears to be a non-contradictory and credible commitment. The final path suggested by the QCA – **(3) Reviving Legitimisers** – was further examined via process-tracing in the case of the Caribbean Community (CARICOM) that legitimates irregularly. The process-tracing uncovered a path that captures ROs where perceived delegitimation leads to a revival of what the RO stands for, that is, the norms, values, and moral principles it embodies. Finally, the second process tracing in the case of the League of Arab States (LoAS) exposes the existence of a legitimiser that I term **'Brokering' (4)**. Here, I assert that the RO uses divergent human rights legitimation because it must overcome strong delegitimation by addressing an additional but diverging audience.

In this chapter, I synthesise the insights from the QCA and the process tracing to begin constructing coherent refinements for existing theory on why ROs legitimate via human rights by introducing four types of legitimisers. To do so, I engage in abstraction and reformulate the above-presented results along the lines of an attempt at typological theorising. On the one hand, this concerns the two paths deciphered only from the QCA for self-containing and signalling legitimisers and revisiting them in view of the heuristic frames. This allows expanding of the two

paths beyond the two models with regard to agency and temporal sequencing. On the other hand, I take up the two additional cases examined in depth in the process-tracing. For the path of reviving legitimisers, I nuanced the insights from the QCA. The path of brokering legitimisers newly emerged from a case that was not covered by the QCA. In re-examining them, I distinguish between case-specific aspects that explain the phenomenon and those that may be generalised. Thus, I also showcase on what aspects the types converge and on which points they diverge and become selective. To do so, I first recap key assumptions of the ideal-typical models conceived for the QCA and show the extent to which they do not hold true. Next, I specify all four types in detail, considering the heuristic frame and the resulting refinements. I complete this chapter by clarifying the status and scope that I stipulate for the four types of human rights legitimisers and by sketching plausibility probes of these types for other ROs.

9.1 Synthesis: How congruence tells part of the story

To begin with, the results of the QCA showed that both ideal-typical models are empirically not reflected without any qualifications. None of the two models, their ideal-typical paths or related theorised mechanisms leading to human rights legitimation are reflected unambiguously in the QCA. The same holds true for both case studies carried out in the second part of this study. This raises the question of what exactly these results indicate on the explanatory leverage of the mechanisms that the models suggest. What do we learn about how congruence relates to human rights legitimation? To what extent do increases in authority explain the use of human rights legitimation? First, I find that congruence does matter, even if not always in absolute terms. On the contrary, congruence matters in degrees relative to the object legitimated, the agents behind the legitimation and the audiences addressed. I understand congruence as a state of stability in an RO's network where norms, values, and moral principles held by the constituency of an RO, reflected, and embodied in the RO and used in its legitimation, are congruent. Here, congruence concerns the stance on human rights. In that sense, this brings back the idea of an integrated network following the heuristic frame introduced in Chapter 6.3. Accordingly, a network is integrated or congruent when 'there are few breaks, or structural holes – actors share a dense system of social and cultural relations' (Goddard, 2009, p. 259). Figure 22 displays how the paths relate to congruence or deviate from it to different degrees.

Figure 22 Pathways to human rights legitimation
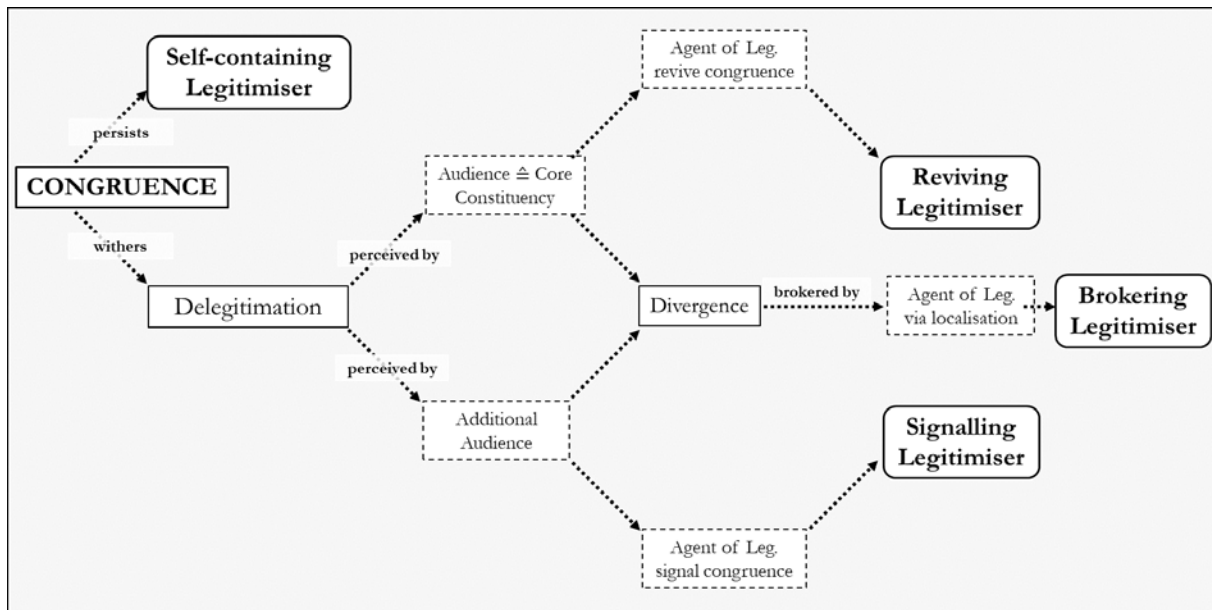
First, for self-containing legitimisers, congruence constitutes the most important factor for explaining human rights legitimation. In the QCA, as I illustrate amply in Chapter 5.3, this type relates to the conjunction of HRINS*~ECON, meaning that the ROs covered are bestowed with active human rights institutions and are economically not vulnerable. However, in interpreting this path drawing from the cases plausibly covered, I show that democratic membership is a defining feature. As a result, congruence between the object of legitimation, its core constituency and main audience – the Member States – is high. Aside from this observation, no other conditions except the absence of economic vulnerability are required in this conjunction to explain the phenomenon. The latter condition, as it is relevant in its absence, suggests that no other actors matter for the legitimation. Hence, no relevant breaks or structural holes affect this networks' stability. Thus, it is only because congruence reigns that these ROs legitimate via human rights. It appears that such norms, values, and moral principles are part and parcels of the respective ROs identity and their resulting legitimation. Without the presence of any agents or audience that beg to differ and warrant divergent legitimation, the RO simply legitimates in a self-containing manner via human rights, which reflects the high level of congruence reigning in this network.

Second, for signalling legitimisers, congruence also matters but to a lower degree. In the QCA, I show that this path consists of the conjunction DEM*AUT*LEG*NGO*ECON, which describes ROs that are democratic (DEM), are economically vulnerable (ECON), are vested with high authority (AUT), and that legitimate strongly (LEG) and also exist in a realm of strong non-state actors (NGO). Concretely, I argue that this implies a signalling use of human rights

legitimation as it presents a response to contestation and politicisation given increased authority without institutional grounding. Whereas the path illustrated above assigns the high importance of active human rights institutions for the presence of congruence, this condition proved irrelevant for this path. Indeed, all ROs covered are not endowed with any dedicated institutions on human rights and do not display much action or talk about human rights beyond the legitimation we coded. Oftentimes refined to declaratory statements committing to various norms beyond human rights, I view such legitimation as superficial or a mere signal. Yet, the ROs are all democratic, which resonates with the assumptions of congruence but does not result in the respective legitimation. Instead, the presence of economic vulnerability and a realm of strong non-state actors suggests that structural holes may emerge, and additional audiences may become relevant that the ROs need to cater to. Consequently, congruence between the core of this RO's network, the constituency and the RO's embodiment is less important for its legitimacy. On the contrary, at least some congruence needs to be established with regard to the additional audiences that may demand human rights. Here, it seems to suffice, however, to revert to a signal. Thus, congruence matters but less than for the path of self-containing ROs. If it were not for the additional audience, congruence would not lead to human rights legitimation.

Third, for the path of reviving legitimisers, congruence also does matter, though most circumstantially. The QCA describes this path as those ROs who are democratic in membership (DEM) and have active human rights institutions (HRINS). Additionally, they are also formally vested with high levels of authority (AUT) and display a high legitimation intensity (LEG). Building on additional insights from the process-tracing in CARICOM, I argue that in this path, human rights legitimation constitutes a reaction to delegitimation. As a reaction, human rights are included in the RO's legitimation as a refresher for showcasing what they stand for and what they embody. Thus, by and large, congruence does reign in these ROs but is only revived in the legitimation when the circumstances demand it. Here, it is important to note that congruence reigns only between the core of the network, which is also where structural holes emerge that warrant a reaction. This concerns the RO and its core constituency thus no additional audience matters.

Finally, the fourth type of brokering legitimisers emerged from the case study of LoAS. Interestingly, congruence also matters for this path, though, as a result of resolved divergences. The RO legitimates via human rights to overcome a time of delegitimation during which its originally congruent legitimation does not suffice anymore to remain legitimate. Making use of a new norm that is human rights, legitimation is first sought towards a new additional audience which results in divergences concerning the original audience. Via localisation, is it possible to bridge the

structural holes between these diverging audiences and re-establish congruence between all relevant actors.

The role of congruence in all four types also hints at a contingent relationship between legitimation and institutions. In Chapter 6.1, I worked out that although the QCA strongly suggests that human rights institutions and legitimation are linked, the concrete sequencing of causation cannot be determined. Combining the case studies and the heuristic frame allows for refinements on this matter. First, for self-containing legitimisers, I assert that institutions and legitimation are codeterminant, but both already emerge from the RO's original mandate. To effectively promote and protect human rights, related institutions are required. Since this is part and parcel of what the RO does, it also legitimates based on this norm, including also references to its institutions. For reviving legitimation, the institutions exist before related legitimation is sought. Still, in the first place, the institutions were not created with an eye to legitimation but rather formalised or institutionalised an existing commitment to the norm. Instead, for brokering legitimisers, the institutions were created as part of a broader reform program that aimed at relegitimating the RO. Thus, in this case, the kind of legitimation an RO pursues constitutes a driving force for creating new institutions. Finally, the type of signalling legitimisers also tells us that legitimation can occur without being underpinned by related institutions. By and large, this underscores that important links exist between legitimation and institutions. Though shedding more light on different facets of this relationship, I find the determinants of legitimation to be highly contingent and circumstantial.

In sum, this shows that congruence does indeed matter for all human rights legitimisers and is ultimately sought in all four. With regard to congruence, self-containing legitimisers can be conceived of as the prototypical status-quo type from which all others deviate. Signalling (2) constitutes a deviation in that congruence on human rights is only superficially emphasised for an additional audience. In (3), congruence is constantly present but must be revived as a reaction to deviation. In (4), congruence is re-established in brokering the norm in question to two diverging audiences, the RO's core constituency and an additional audience. These deviations from congruence also insinuate that stability and integrated networks are not always a given. Instead, changes occur that may also lend support for the AC model and its authority-legitimation link.

Except for the case of self-containing, where no changes but highly consistent human rights legitimation can be observed, the three other cases all speak to the AC model in different ways. The signalling type comes closest to reflecting the AC model. Not only do authority and legitimation intensity increase, the two origins of politicisation and contestation, an RO's economic

vulnerability and its strong non-state realm also matter. In the case of a reviving dynamic, only the factor of heightened levels of legitimation intensity plays a role in change. Strikingly, instead of increases in authority, the fact that the RO's authority remains inconsequential forces it to react. This strongly contradicts the AC model. In a similar vein, changes in cases of brokering legitimation are also not the result of increasing authority but of important agency paired with a similar level of inconsequentiality. As a result, this model has only limited ability to account for the changes in human rights legitimation.

9.2 Refinements beyond the two models

As an alternative, in Chapter 6.2, I introduce an approach that conceives of ROs as networks and agents of legitimation as entrepreneurs improving the handle on how structure and agency relate. In concrete terms, this entails solving the question of who affects change and how. To this, the heuristic frame would respond that any change occurs when a network moves from being integrated to experiencing fragmentation. Such a change means that ties between actors within the network wither and breaks and structural holes emerge (Goddard, 2009, p. 259), which I translate to different degrees of delegitimation of the RO. Concretely, a fragmented RO experiences delegitimation when it perceives that structural holes between the object of legitimation and important audiences emerge. This can concern the ROs core constituency or additional audiences. I assert that all three types of human rights legitimisers, in which I observe change, display these varying degrees of delegitimation. To begin with, I described above how contestation and politicisation due to economic vulnerability and a strong non-state realm is a defining feature of signalling legitimisers. In my view, the potential for delegitimation results from this. Whereas other scholars often confound contestation, politicisation, and delegitimation (Rauh and Zürn, 2020, p. 587; Zürn, 2018a), I argue that delegitimation can be the result of the former two, though what counts here is when and how the RO perceives this delegitimation. Consequently, the case of signalling legitimisers presents a case in which ROs run the risk of delegitimation by additional audiences, which they circumvent by signalling human rights in their legitimation. When an RO is a reviving legitimisers, I also observe a reaction to perceived delegitimation. Here, this is not driven by any additional audiences but results from withering ties and emerging structural holes between the RO and its core constituencies. In fact, the Member States themselves perceive this delegitimation and react. Lastly, the same occurs in cases of (4) brokering legitimisers. Yet, I assert that delegitimation is more encompassing in this case, given that congruence withers between the core of the network as well as additional audiences.

Agents of legitimation refined

When delegitimation occurs, network approaches establish that entrepreneurs are perhaps rightly positioned to react in a way that allows them to avert further emergence or growth of structural holes, bridge existing gaps and overcome the delegitimation. Also described as brokers, these actors are rightly positioned as 'they maintain ties with actors who would otherwise remain unconnected' (Goddard, 2009, p. 257). Importantly, in their role as entrepreneurs, they can 'invent or deploy ideas and information' but 'also alter ideas and identities' (ibid., pp. 251-252). Here, I argue that the entrepreneurs represent those key agents of legitimation that introduce the idea of human rights to the legitimation of the ROs. For signalling legitimisers, I assert that such agents stem from within the RO, given that the legitimation constitutes a response to an additional audience from outside the RO. Expanding on the QCA, I expect state actors such as high government officials to act as agents. This builds on the design and character of ROs covered by this path, namely the Andean Community (CAN), the Common Market of the South (Mercosur) and the Central American Integration System (SICA). All three are often described as strongly intergovernmental in design and built on consensus decision-making by state representatives (Lenz, 2021a; Hooghe *et al.*, 2017). Even if the potential for competition with other agents, such as a regional parliament or a court, may formally exist, scholars observe that these institutions are manifestly weak and bypassed by the Member States (Alter and Helfer, 2018). Additionally, all three ROs are only vested with particularly slim bureaucracies (Braveboy-Wagner, 2009, 122f; Lenz, 2012).

Aside from these empirical observations that corroborate this refinement, I also identify a conducive position for state actors conceptually. On the one hand, they can best assess whether congruence within the RO and for the core constituency is still given. On the other hand, they are also rightly positioned to oversee what additional audiences matter and are closest to hearing their demands. Along the lines of the heuristic frame, state actors thus may be the only agents with the potential to be rightly positioned to act as entrepreneurs and to respond accordingly. In the case of reviving legitimisers, the process-tracing highlighted how Heads of Government function as key agents of legitimation. Thus, I assert that this path resembles the previous one concerning the agents. Finally, in the case of brokering legitimisers, the agent cannot be the same as in the two previous types, given that the Member States constitute one of the diverging audiences towards whom new legitimation is sought. Instead, the process-tracing revealed that agency stems from within the RO, for example, its bureaucracy. In the examined case, the RO's Secretary General took up this role.

All agents converge on how well-positioned they are in the network as this enables them to induce change. This significantly refines existing research on legitimation with regard to the drivers of this action and their underlying reasons. Indeed, analyses examining self-legitimation often do not open the black box of who are the actors behind legitimation but rather consider them to be state actors by default or deliberately choose to focus exclusively on specific actors (Billerbeck, 2021, 2020; Bassiri Tabrizi and Kienzle, 2020; Dingwerth and Witt, 2019, p. 41; Tallberg and Zürn, 2019, p. 589). This refinement showcases how distinct agents can induce changes in an RO's legitimation, here introducing human rights to it. In that sense, I concur with the suggestions of a network approach that agency depends on structure but can also affect structure when rightly positioned. Contrastingly, I do not fully reject insights from norm entrepreneurship as network approaches do. Certainly, this is not a story of 'heroic figures', of powerful actors simply pursuing their interest, or of leaders mobilizing particularly successfully (Goddard, 2009, 251f).

Still, being rightly positioned implies personal attributes and entrepreneurial characteristics that support an agent's ability to induce change. This matters greatly for agents of legitimation. Therefore, I follow the view that such agents need to be vested with a 'sophisticated awareness of the political opportunity structures within which they operate' to first identify when and how a change in legitimation is necessary and feasible (Keck and Sikkink, 1999, p. 91). Second, they must also have a 'high status within the organisation', which I contend also relates to a significant degree of room for manoeuvre, autonomy and influence (Billerbeck, 2021, p. 27). Clearly, low-level staff members in a marginalised department of an ROs bureaucracy would not be able to act as an agent of legitimation. Third, this influence importantly concerns a 'unique access to material, informational, and communication resources' to be able to effectively implement changes in legitimation (ibid.). Given that legitimation is disseminated predominantly through communication, the latter is of particular importance. Especially for bureaucracies, which may be lower in status than state actors, this is crucial. Scholars describe, for example, that 'their strategic location in the communication networks of their IOs and the fact that their position affords them platforms from which they can make their views known' can be an asset which is also highly important for agents of legitimation (Reinalda and Verbeek, 2014, p. 598). Few empirical studies have paid attention to these agents. Those that do also emphasise the extent to which agents act like entrepreneurs highlight, for example, that their ability to 'establishment of alliances with other actors, particularly non-governmental and other international organisations' was key to induce norm change (Witt, 2019b, 127). I concede that these thoughts also only provide a starting point to further shedding light on the role of agents as they only constitute one building block of this

framework. While further empirical research should pay greater attention to their role and capacities, these insights already provide a valuable refinement to existing theory.

Refinements for audiences of legitimation

Alongside the distinct role of agents, the different types I outline above also point to how audiences matter for the use of a distinct norm for legitimation. Yet, as already alluded to, the CS model provides little room for any additional audiences to matter. Similarly, the AC model, though suggesting vague ways of how non-state or other governmental actors may affect legitimation dynamics, does not offer clear assumptions as to how this agency and structure relate. Yet, the empirical insights presented in this book strongly contrast this and paint a more complex picture. For self-contingent legitimisers, recall that no additional audiences than the ROs core constituency matter for congruence to remain stable. For signalling legitimisers, an additional audience comes to the fore and is subsequently catered to. In the case of reviving legitimisers, though no additional audience carries weight, catering to the audience of the core constituency requires a more coherent legitimation. Finally, but most importantly, in the case of brokering legitimisers I identify two diverging audiences, the RO's core constituency and an additional audience, to whom the agents must broker a legitimation that manages to cater to both.

I find that this illustrates the contingent role of the audience. In fact, their role for causation can hardly be determined simply by focusing on formal or informal ties to the RO or by considering a predefined set of audiences, as is often the case in existing empirical analyses. Indeed, for the question of self-legitimation, existing research is often narrowly focused on 'who receives and responds to (de)legitimation practices around global governance' (Bexell and Jönsson, 2018, p. 132), thus an approach that emphasises the audiences' perspectives instead of concentrating on how agents engage with audiences. I argue that a change in perspective is warranted, as the empirical insights amply illustrate. Indeed, for the case of human rights legitimation, who addresses whom, under which circumstances, and in what ways is crucial to understand how this norm enters an RO's legitimation. In the case of reviving legitimisers, the agents target the same audiences as before and react to delegitimation by simply reconfiguring their legitimation which entails reviving what the RO stands for. Despite delegitimation, it appears deliberate that no other actors are targeted. In what concerns signalling legitimisers, I observe a case of responding to demands of an additional audience, though it appears that the agents still command significant room for manoeuvre concerning the depth of the legitimation. Whereas all three other paths corroborate existing assumptions that legitimation is backed up by institutions buttressing the claim, in cases of

signalling the RO and its agents of legitimation leave it at a purely communicative legitimation. Lastly, when using brokering legitimation, the agent of legitimation even identifies an additional audience deliberately without any identifiable solicitation by this audience, for example, by formulating demands or expressing grievances. Additionally, for long, this audience does not show any sign of reaction to this legitimation.

This indicates that how audiences come to matter for human rights legitimation is highly contingent and circumstantial.[102] Indeed, I concur with Bexell and Jönsson (2018, p. 129) that audiences 'rather are generated in the course of those processes'. They also suggest a distinction between audiences that are 'targeted' or 'self-appointed', which echoes my assessment that the agents of legitimation codetermine what audiences matter. Whereas 'self-appointed audiences' are those that advance their views on an RO or raise demands towards it deliberately, 'targeted audiences' are those that an RO aims at, that is, those whom the RO wishes to address with its legitimation. Offering only a conceptual distinction, Bexell and Jönsson acknowledge that further research is necessary. What is more, their conceptual distinction remains too superficial, especially with regard to the circumstances under which agents decide to target a new audience or respond to a self-appointed audience. At first sight, the label of 'targeted audiences' fits the relation between agents and audiences in the case of brokering legitimation. To overcome strong delegitimation, the agent seeks to address an additional audience beyond its core constituency with new legitimation that now also includes human rights. Yet, the agent does so deliberately, possibly expecting greater benefits from addressing this audience but – and this is an important observation – without reacting to any kind of explicit critique stemming from this targeted audience. This brings a new facet to the table as existing research on audiences seems to build on the implicit assumption that no matter which audiences are targeted, the agents always 'choose to respond to *critique*' (Bexell *et al.*, 2021, p. 491, emphasis added). While acknowledging that not all critique matters and that agents indeed have leeway to determine what critique concerns them and is subsequently catered to, they leave no room for the possibility that an audience can matter and be targeted without ever voicing anything towards the RO. Especially in the case of brokering legitimisers, I outlined how targeting the European Union (EU) as an additional audience was deliberate and did not occur as a reaction to critique. This constitutes an important refinement of existing theory on legitimation.

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[102] This does not, however, hold true for the RO's core constituency. In light of the existing authority relationship between the two, RO and core constituency, I consider it plausible to assume that they always constitute an audience of legitimation, though the extent to which an RO need to seek pro-active self-legitimation towards it may differ.

The label of 'self-appointed audiences' helps to grasp the role of audiences in the case of signalling legitimisers. In this case, the conditions of economic vulnerability and strong non-state realm indicate that an additional audience put pressure on the RO, which in turn reacted by signalling human rights in its self-legitimation. Yet again, the concept is not telling on why the audience appoints themselves as an audience and why the agents react. Suggestions such as that audiences may be "materially affected" or have "broader normative concerns" is as much as we learn about the reasons for audiences to address an RO (Bexell and Jönsson, 2018, p. 130). Similarly, leeway for how to deal with audiences' critique is only accorded in the case of targeted audiences. I find this to neglect the interactive nature of this legitimation dynamic that the type of signalling legitimisers indicates. I assert that an agent of legitimation here reacts in a distinct manner to an additional audience that raises demands towards the RO in a self-appointed manner. Instead of deep legitimation, including also institutional underpinnings, the agents can leave it at a signalling of this norm in an irregular manner. As a result, the self-appointed audience turns into a targeted audience.

At this point, I concede that I can only propose interpretation for why the agents react in case of signalling legitimisers. Given that this type emerged from the QCA and was not further examined in a case study, no procedural case-specific insights exist to draw from for further theorising. Still, in Chapter 5.3, I observed that all cases covered by this type of legitimiser begin using human rights legitimation at a time when cooperation with the European Union was initiated or intensified inter alia to conclude Free Trade Agreements between the regional blocks. Thus, I contend that material advantages may have been a reason to respond to this additional audience's demand. While the EU need not necessarily constitute the additional audience on its own, at this point in time, it may have been of greater importance for the ROs to be generally seen in a good light and not to be criticised too vividly. This may be the reason why the agents of legitimation responded to additional audiences. What is more, this materialistic interpretation echoes theoretical assumptions for the condition of economic vulnerability, where international economic flows cause vulnerabilities for certain ROs, thereby increasing the need to cater to additional audiences via human rights. Similarly, we already saw in the case of brokering legitimisers how the EU can play a decisive role in engaging human rights legitimation.

Localising in legitimation

Lastly, I also present a type where audiences stand out because the core constituency and an additional audience are addressed simultaneously but diverge with regard to their preferred norms,

values, and moral principles. I observed this incongruence in the case of the League of Arab States yielding the type of brokering legitimisers. In this case, the agent of legitimation is confronted, on the one hand, with a domestic audience and core constituency of authoritarian Member States towards whom functional and communitarian norms, building on security concerns, sovereignty protection and an Arab identity long sufficed for successful self-legitimation. On the other hand, when this legitimation loses its pull, an agent of legitimation sets out to legitimate towards an international audience, predominantly the EU, with a liberal agenda including also human rights. These new ideas introduced in an RO's legitimation diverge from those that are held by the core constituency, which could turn into a source of conflict for the RO. To avoid this, the RO employs an approach in legitimating that allows it to broker the norm to the diverging audiences simultaneously. I term this distinct use of a norm in an RO's legitimation *localisation*. When localising in legitimating, an RO ties the norm to region-specific cultural features in order to make the new norm resonate within the network. This allows speaking to an international audience simultaneously while not antagonising the core constituency.

As indicated in Chapter 6, the notion of localisation strongly draws from existing research on norm diffusion, describing how local agents react to diffusion by adapting norms selectively in accordance to local normative priors (Acharya, 2009; but see also Berger, 2017; Ingiyimbere, 2017). Localisation in legitimation follows a similar logic. While the compliance literature observes this phenomenon mainly in focusing on how states 'publicly conform to global norms without privately accepting them' – a phenomenon they call acculturation (Goodman and Jinks, 2008, p. 748), scholars of localisation examine these processes less pessimistically. Instead of superficial talk about a norm, localisation in norm diffusion implies complex acts of 'selection, borrowing, and modification in accordance with a pre-existing normative framework to build congruence' (Acharya, 2004, p. 268). Acharya coined the term 'constitutive localisation' for this phenomenon of norm diffusion, which I build on to describe how norms are adapted in a localising legitimation. Acharya applies his concept of localisation to Asian regionalism and showcases that it leads 'local actors to develop new institutions and/or modify existing ones' (ibid., p. 145). While he acknowledges that the result of localisation, that is, a change in the regional institutional design, can also serve the purpose of increasing an RO's legitimacy, I assert that the process of self-legitimation itself follows this logic. To legitimate an RO, agents may adapt, select, borrow, or modify international norms in line with region-specific cultural features, what Acharya describes as cognitive priors, and incorporate them in their legitimation communication.

In the present empirical case, localisation in legitimation is less of a process of selection or borrowing but, most importantly, of modifying how the norms of human rights are used in addressing the core constituency of Member States. Indeed, human rights are localised as part of other new liberal norms, such as democracy or civil society participation that enter the RO in the case of LoAS. Thus, little selection takes place. Similarly, the norms appear to be lasting in the RO and do not disappear from the RO's legitimation again. Instead, they are introduced to the RO in tying it to region-specific cultural features, for example, an Arab identity or the RO's security concerns, thus legitimating via a 'locally modified foreign norm' (ibid., p. 253). The link to the Arab identity in particular constitutes a clear-cut example for what Acharya describes as 'a sense of uniqueness' of certain deeply engrained regional values and identities (ibid., p. 17). We saw how the mere reference to 'Arabness' was sufficient to make a norm resonate locally. Thus, in line with the assumption of 'constitutive localisation', the cognitive prior does not disappear and is not replaced by the localised legitimation. As a nuance for the process of localisation in legitimation, I propose that the region-specific cultural features to which a norm is then linked may often form part of an RO's original or former legitimation.

Acharya also draws our attention to local agency via his concept of constitutive localisation, as he asserts that local agents both choose the norms to localise and persuade others to accept the localised norms and thereby restore congruence. This stands in contrast to prior diffusion research, where local agents are often simply referred to as norm-takers or norm-recipients (ibid.). This notion strongly insinuates a passive reaction to a norm that is offered to or even highly suggested to these agents. Consider also its antonym – norm-makers – which underlines this unidirectional perspective further (Checkel, 1999). My insights on localisation in legitimation reflect how this unidirectional perspective is faulty, as I also illustrate the important role of individual agents in localising international norms for legitimation.

Indeed, the empirical observations made for LoAS suggest a highly deliberate, proactive process where one agent decided to reach out for new norms, introduced them to the RO and localised them for legitimation. Proactivity is also reflected in the original concept of network approaches that I draw from conceptually. Indeed, with the notion of 'cultural invention', Goddard (2009) accredits those actors engaging in the brokering with distinct abilities. This allows going beyond Acharya's take on agency as it illustrates who exactly the agents are that undertake the localisation. From the network approach, we can learn that such agents show themselves aware of being in the right position and exert agency via localisation in the right moment – proactively. Though Acharya suggests that a condition for localisation is that 'some insider proponents recognise the potential

of an external norm to contribute to the legitimacy and efficacy of extant institutions without undermining them significantly' (Acharya, 2009, p. 18), we do not learn when and how it may come to this. For localisation in legitimation, we learned that severe perceived delegitimation may constitute a trigger. The RO's original legitimation loses its pull, and an additional audience is sought to be addressed.

This also underscores important capabilities of the agents as Goddard describes, for example:

> (…) brokers have a unique ability to invent entirely new ideas, yet ensure that they will still resonate with extant networks: because they combine existing symbols, the ideas are novel but seem somewhat familiar at the same time. (Goddard, 2009, p. 265)

It strongly showcases that there is more to localisation than simply adopting and adapting an international norm. In related approaches on localisation, such agents are also termed '(knowledge) broker' or 'translator', which to me are suitable to emphasise the intermediary position of this agent of legitimation and their proactive effort to broker the norm to two diverging audiences (Merry, 2006, 40, 48). Indeed, anthropologists make use of these terms in describing how human rights are 'remade in the vernacular', meaning translated to local culture to make use of it for local activism (ibid., p. 39). Likewise, underscoring the importance of 'their knowledge of both sides of the interchange' (ibid., p. 48), the notion of brokering also echoes that localising in legitimation is not a disinterested process that does not follow a higher goal. On the contrary, successfully brokering the norm simultaneously to both audiences are of great importance to ultimately achieve legitimation towards both.

I argue that introducing the notion of localisation to the study of legitimation contributes to refining its rigid view on the underlying norms. Although few scholars point to the fact that norms may 'serve as a container that each organisation fills differently' (Dingwerth and Witt, 2019, p. 60; but see also Rittberger and Schroeder, 2016, p. 589), research on self-legitimation has so far essentially neglected assessing what agents mean in practice when referring to a distinct norm. Even if few studies indicate that different meanings exist, they are often not the focus of analysis (Mende, 2021). Theorising on legitimation dynamics needs refinement in this regard, for the differences in meaning can affect what different audiences can be addressed with or prove reactive to the same legitimation.

TYPES	1 Self-containing	2 Signalling	3 Reviving	4 Brokering
QCA conditions				
DEM	●	●	●	
HRINS	●	⊗	●	●
AUT		●	●	
LEG		●	●	
ECON	⊗	●		●
NGO				
Heuristic Frame				
Fragmentation/Delegitimation		●	●	●
Agents			●	●
Additional Audience		●	⊗	●
Localisation				●

To conclude, Table 12 displays the four types outlined above regarding all conditions and components of the heuristic frame to provide a comprehensive overview of these findings. This study contributes to existing research by refining it on four levels. I highlight that congruence always matters but to varying degrees depending on audiences and agents of legitimation. I refined it in showing that delegitimation constitutes a reason for changing legitimation though this occurs in different ways depending on who the audiences are. I also illustrate that audience can matter differently and that, in the end, the agents' views on audiences determine who is addressed. Regarding agents, I provide a first assessment of who and how different actors within an RO can

change legitimation and make use of human rights therein. Finally, I introduce the notion of legitimation via localisation to existing research that sheds light on how norms may matter and be used for legitimation with different meanings, allowing to bridge also between diverging audiences.

9.3 Typological theorising and plausibility probe

At the heart of this book thus lies the introduction of four types of legitimisers that differ regarding the mechanisms that lead to the phenomenon of interest – human rights legitimation. Given that I do not denominate the four types jointly as any kind of typology, I ought to specify the status and scope of the types, that is, what they can explain and what they do not show. The notion of a typology in and of itself may already insinuate diverging ambitions. They can be purely descriptive, meaning that they combine multiple characteristics or dimensions of a phenomenon differently to illustrate what different types of, for example, governments in nation-states, exist (Collier *et al.*, 2010; Behnke *et al.*, 2010, p. 114; Elman, 2009). For both methods applied in this book – QCA and process-tracing – creating a typology constitute a major epistemological goal that is often envisioned in applying these approaches (Mello, 2022, p. 17, 158; Schneider and Wagemann, 2013, pp. 7–9; George and Bennett, 2005, Ch. 11). For QCA and process-tracing, a resulting typology's ambition often remains exclusively descriptive. They can, however, also have explanatory ambitions, that is, explain the occurrence of a distinct phenomenon 'based on an explicitly stated theory' (Elman, 2005, p. 296). As such, a typology allows choosing the most suitable cases for comparisons to test the underlying theory.

Yet, the four types I present above do not exclusively test one specific theory. Instead, they also provide thick descriptions of the outcome but more importantly also uncover refinements to existing theory. Therefore, I rather consider this attempt to circumscribe all types comprehensively as an effort of typological theorising, which allows to

> identify recurring conjunctions of mechanisms and provide hypotheses on the pathways through which they produce results, provide more contingent and specific generalisations for policymakers and allow researchers to contribute to more nuanced theories (George and Bennett, 2005, p. 8).

Hence, typological theories specify the pathways through which different types relate to specified outcomes. I view the types of human rights legitimisers to follow this line of thought. Thanks to the mix of methods combining QCA and process-tracing and the thick descriptions of the outcome in Chapter 2, the description of the four types thus allowed to outline 'how different combinations of independent variables [conditions] interact to produce different levels or types of

dependent variables [outcome]' (ibid., p. 46). While the four types do yet not constitute a full-fledged theory for human rights legitimation, they suggest not only conditions for the phenomenon of interest to occur, but also describe how they operate and interact jointly to cause the outcome and allow for contingent generalisation in different circumstances.

Additionally, instead of a full typology, where all combinations and conjunctions of conditions circumscribe the property cells and define individual types, typological theorising allows drawing our attention to the most important or most common and empirically salient types. (ibid., p. 235 but see also Bennett, 2001). Indeed, I content that especially those types derived from the QCA where I apply process-tracing, allow 'emphasizing the general, help [us] clarify what is historically and contextually specific when we examine the historical record' (Büthe, 2002, p. 481). Thanks to the focus of providing a detailed historical narrative in the case studies, I can detail 'every step of the causal process' and 'can contextualise these steps in ways that make the entire process visible rather than leaving it fragmented into analytical stages' (ibid., p. 486). Here, I assert that the distinct temporal sequence and mechanism linking individual conditions as displayed in Table 12 and Figure 22 that explain why RO use human rights for legitimation may well also apply for other ROs under similar circumstances beyond those ROs examined.

Yet, to strengthen my argument, I conclude this chapter by proposing examples that allow making these refinements plausible beyond the cases examined here. When engaging in 'historical modelling', scholars do, indeed, suggest that uncovering multiple narratives as 'plausibility probes' allow us to make 'more plausible that it [the narrative] has captured the central, generalisable dynamics rather than unique elements of a particular case' (ibid., p. 489). Along these lines, the remainder of this section probes the plausibility of the types by sketching such narratives for individual cases not covered in this book before. This also allows us to gauge the extent to which these findings may be generalised.

First, for the type of self-containing legitimisers, consider the example of the Council of Europe (CoE). Founded in the aftermaths of World War II in 1949, this general-purpose ROs is not only one of the oldest ROs but is also among the largest ones in membership size with 47 Member States (Hooghe *et al.*, 2017, p. 522; Panke *et al.*, 2020, p. 104; Panke, 2020). According to the underlying data of legitimation communication, human rights constitute this RO's most important theme for legitimation in absolute terms. Moreover, this RO uses human rights legitimation most consistently over time and displays the highest share of human rights legitimation across all ROs (see Chapters 2.3 and 2.4). The QCA suggests that this RO represents the type of self-containing legitimisers as described above. I find various indications in the existing literature that corroborate

this. First, scholars describe 'its core activities as promoting and protecting democracy, human rights, and the rule of law' (Bond, 2012, p. 6), which echoes this type's proposition that respective ROs legitimate via this norm because this is simply what they do. Second, scholars also evaluate these activities on human rights, affirming that the CoE is endowed 'with a particularly high profile in human rights' (Hooghe *et al.*, 2017, p. 522). Others go even further, lauding this RO as the 'world's most successful formal arrangement for international human rights enforcement' (Moravcsik, 2000, p. 249). Indeed, the European Convention on the Protection of Human Rights and Fundamental Freedoms is often described as pioneer work, being most detailed and distinct in its 'effective enforcement mechanism' through the European Court of Human Rights (Smith, 2013b). Such positive assessments regarding its work on human rights indicate that this RO may indeed draw much of its legitimation from this issue area. I argue that such success hints at strong congruence within this ROs network. Third, in closely examining this regime, scholars do indeed observe congruence or, as Moravcsik (1995, p. 173) puts it, 'most notably an elite or popular consensus in favour of human rights'. This is not to say that no contestation or politicisation targets this RO, that delegitimation never occurred or that no additional audiences matter at all for this RO's legitimation communication. Yet, I argue that these anecdotal insights allow making it plausible that congruence dominates this RO and presents the main driver explaining why this RO legitimates via human rights.

Second, for the type of signalling legitimisers, I suggest considering the case of the South Asian Association for Regional Cooperation (SAARC). Founded in 1985, this South Asian RO has eight members and a small policy portfolio resembling that of CAN and Mercosur, all being characterised as small and selective ROs (Panke *et al.*, 2020, 80, 98). SAARC also bears a resemblance to these ROs in its use of human rights legitimation, which is highly irregular, appearing and disappearing from one year to another. Strikingly, the share of legitimation that refers to human rights compared to the overall legitimation intensity is also similarly high for all three ROs. Aside from these similar descriptive patterns, additional indications suggest that SAARC's human rights legitimation follows the logic of signalling. First, no dedicated human rights institutions exist to corroborate the legitimation, as is also the case in CAN and Mercosur (Dhaliwal, 2008). Additionally, even if, according to the QCA, it does not form part of the set of ROs with democratic membership, SAARCS's most powerful Member State India, is the most populous democracy on the globe and may allow for signalling to suffice for legitimation towards additional audiences. Indeed, while no longer the case in recent years, SAARC forms part of the set of economically vulnerable ROs in earlier years, which coincides with its human rights legitimation and indicates the relevance of an

additional audience. Concrete instances of legitimation also corroborate that we may be observing a case of signalling. In its Summit Communiqué of 1997, SAARC notes, for example:

> "The Heads of State or Government taking note of the 50th Anniversary of the Universal Declaration of Human Rights, reaffirmed their commitment to the further promotion of human rights and fundamental freedoms by strengthening the respective national institutions in South Asia in this field. The Leaders agreed that tolerance and mutual accommodation, combined with the strengthening of participatory governance, constituted the foundation for the sustainable economic and social development of the SAARC region" (SAARC Communiqué, 1998, p. 14)

The fact that this UN anniversary constitutes an occasion to legitimate via human rights, I argue, gives clear indications of a mere signalling attempt when using human rights legitimation. I find that these anecdotal insights help make plausible that signalling dominates this RO and presents the main driver for why this RO legitimates via human rights.

Third, I turn to the type of reviving legitimisers examined via the case study on the Caribbean Community. I suggest that the case of the Pacific Island Community (PIF) helps to make this type plausible. This general-purpose ROs resembles CARICOM not only regarding its average membership size and broad policy scope. In fact, the two ROs share key characteristics and challenges as most Member States are small island states highly vulnerable to being affected by climate change. Moreover, the PIF displays stunningly similar patterns in human rights legitimation. Virtually silent on this notion for most of the observation period, it started to legitimate via human rights suddenly in 2008. Importantly, it does so with elevated intensity from 2010 onwards with up to four legitimation statements referring to human rights. In addition, those statements stem from a newly introduced vision and mission statement at the very beginning of its annual reports (see, for example, PIF Annual Report, 2010, p. 1). Aside from this remarkable similarity in legitimation patterns, this change also comes at a time when PIF experienced a crisis. Scholars observe, for instance: "Like other regional organisations, the PIF has seen its share of crises. The most severe one, up until recently, occurred in 2009" (Köllner, 2021, p. 2). The trigger for this crisis was a military coup in Fiji, whereupon democratic forces in Fiji failed to restore democracy. Fiji was subsequently suspended from PIF. This was the first time in this RO's history that it departed from its strong principle of non-intervention. The crisis further evolved when Fiji began to organise a new regional initiative, the Pacific Islands Development Forum, in 2010. Introduced as a reaction to the suspension, it sought to develop new modes of regional governance, and from the onset, had an ambivalent role towards the original PIF (Tarte, 2016). These events certainly constitute an important cause for increasing its legitimation by reviving what the ROs stands for, including also

human rights. Thus, I assert that these anecdotal insights make it plausible that reviving its legitimation presents the main driver for why this RO legitimates via human rights.

Lastly, I turn to the type of brokering legitimisers and outline that the Association of Southeast Asian Nations (ASEAN) helps to make this type plausible. ASEAN is a general-purpose RO of average size and has received considerable scholarly attention (Hooghe *et al.*, 2017, p. 430; Panke *et al.*, 2020, p. 83). Occasionally making use of human rights legitimation, this RO is among those that the first type of the QCA – self-containing legitimisers – does not manage to gauge sensibly, as is the case for LoAS. Interestingly, aside from the size and policy scope, both ROs converge on the importance they attach to the principle of sovereignty and non-intervention as well as the existence of a regional identity (Pan-Arabism and the 'ASEAN Way') that also fuels these ROs' communication (Foong Khong and Nesadurai, 2007; Barnett, 1998). Strikingly, scholars showcase that this idea of an 'ASEAN Way' also appears in the RO's legitimation dynamics and is used for self-legitimation (Acharya, 2009, p. 79; Ba, 2013). Scholars make a similar observation with regard to ASEAN's human rights regime, claiming, for example, that parts of its human rights charter 'continue to reflect the normative elements of the "ASEAN way"' (Doyle, 2014, p. 74; but see also Davies, 2021; Manea, 2015, p. 88). Likewise, scholars also trace the emergence of these institutions back to ASEAN's concerns to maintain a good international reputation (Jetschke, 2015; Katsumata, 2009). I reckon that this is strongly indicative of similar dynamics of localisation as observed for LoAS, where an additional audience is also catered to. Thus, I claim that these anecdotal insights make it plausible that brokering its legitimation to two diverging audiences explains why this RO reverts to human rights for legitimation.

Conclusion

This chapter sought to recapitulate and synthesise the findings of this book in order to outline refinements of existing theories on legitimation. While all legitimation is ultimately driven by a pursuit for congruence, I identified four different types of legitimisers. Self-containing legitimisers make use of consistent human rights legitimation because human rights are just what they do. Signalling legitimisers make use of this legitimation since low degrees of delegitimation allow them to respond by sending a mere signal. Reviving legitimisers captures ROs where perceived delegitimation leads to a revival of what the RO stands for, that is, the norms, values, and moral principles it embodies. Finally, for brokering legitimisers, I assert that the RO uses localisation in legitimation because it must overcome strong delegitimation by addressing diverging audiences. Aside from sketching out four different processes of how a norm comes to be used in self-

legitimation, the four types of human rights legitimisers uncovered via the QCA and process-tracing suggest refinements on three levels. First, I draw attention to the role of agents of legitimation as decisive entrepreneurs to introduce a new norm to an ROs legitimation and determine which audiences are addressed. Second, I showcase that audiences that shall be addressed also determine the legitimation though their relevance is highly contingent. Thirdly, I introduce the concept of 'localisation' to the study of legitimation, highlighting how norms used in legitimation are modified and linked to region-specific cultural features to improve resonance with various audiences. By and large, I understand the four types and the related refinements as an attempt at typological theorising. Thus, by probing the plausibility of these types in four additional cases, I strengthen my argument that similar conditions and mechanisms may also explain human rights legitimation in other ROs.

Chapter 10   General conclusion

> '(…) observance of basic human rights is undoubtedly now part of how legitimacy is established across the world (…)' (Moyn, 2018, p. 111).

ROs make a consistent effort to establish their legitimacy – they engage in self-legitimation. They claim that they act on human rights. They voice their commitment to this norm, or that human rights form part of what the RO stands for or embodies, whether that concerns social and economic rights, women's rights, or the right to free speech. Nowadays, human rights not only constitute core norms in world politics but are also a recurring and coining feature of the legitimation communication used by international actors such as ROs. While existing research has shed light on questions of why and how actors comply with human rights or create institutions to protect human rights, little is known about the reasons why ROs revert to this precise notion for legitimation. This book provides initial responses to this question.

For this purpose, I presented novel empirical data on RO's legitimation communication showing that human rights legitimation varies strongly from one RO to another. Not all ROs use human rights to legitimate to the same extent, in the same manner, or consistently over time. Dissimilar ROs such as the Council of Europe (CoE), building on a strong mandate on human rights as well as the authoritarian League of Arab States (LoAS), display this kind of legitimation. This raises the question of why such unalike ROs use human rights for legitimation. I examined the phenomenon of human rights legitimation which I understand as a norm-based and generalised justification of an RO's right to rule referencing human rights, in 23 ROs over the period of 1980 to 2019. I analysed in what ways, under what conditions and through which process human rights come to be used in ROs by combining the use of QCA with process-tracing in the Caribbean Community (CARICOM) and LoAS.

This chapter serves to conclude this research. I begin by summarising the key findings that respond to the three sub-questions of why ROs legitimate via human rights raised in Chapter 1. A second section discussed this research's contributions and implications regarding its methodological approach, its empirics and for existing theory and future research.

10.1 Key findings

WHY DO REGIONAL ORGANISATIONS LEGITIMATE VIA HUMAN RIGHTS?

Ultimately, all ROs use human rights legitimation because they strive for congruence. When norms, values, and moral principles purported and embodied by the RO are congruent with those

of its core constituency and all relevant audiences, I observe human rights legitimation. Concretely, I argue that the degree of congruence combines with different degrees of delegitimation stemming from the distinct constellation of agents and audiences of legitimation. I instantiated those degrees and constellations amply in the preceding Chapter 9 via four types of human rights legitimisers that vary not only in their patterns of legitimation. In introducing the four types, I propose nuanced theory refinements and engage in an attempt at typological theorising. Indeed, the four types provide insights on the different processes that lead to human rights legitimation differing with regard to the degrees of congruence and delegitimation and the role of audiences and agents. **'Self-containing Legitimisers'** constitute a congruent status quo between the RO and its core constituency where consistent legitimation referring to human rights occur in a self-contained manner. **'Signalling Legitimisers'** irregularly refer to human rights for legitimation as a signal to respond to demands of additional audiences. **'Reviving Legitimisers'** experience delegitimation towards their core constituency and legitimate via human rights by reviving what the RO embodies. **'Brokering Legitimisers'** experience strong delegitimation on the verge of a legitimacy crisis, but an agent of legitimation manages to broker a new norm – human rights – to two diverging audiences.

HOW DO REGIONAL ORGANISATIONS USE HUMAN RIGHTS FOR LEGITIMATION?

Overall, the legitimation via human rights increasingly gained in importance, meaning that over time more ROs use this notion for legitimation and with greater intensity. While some use it highly consistently and with great intensity over the entire period of observation, others display a highly irregular, volatile, and inconsistent use of it. The third group of ROs display human rights legitimation with similar irregularity despite strong superficial divergences regarding those RO's profiles. Few ROs also remain largely silent on human rights legitimation.

UNDER WHAT CONDITIONS DO REGIONAL ORGANISATIONS USE HUMAN RIGHTS FOR LEGITIMATION?

This research showed that human rights legitimation occurs under conditions of congruence: The four types derived from this research partly stem from the QCA that sought to reveal necessary conditions and sufficient conjunctions for human rights legitimation. Building on two ideal-typical models that explain legitimation according to existing literature, six conditions were tested in the QCA: democratic membership (DEM), active human rights institutions (HRINS), high authority (AUT), high legitimation intensity (LEG), strong non-state realm (NGO), economic vulnerability (ECON). The QCA reveals three consistent paths: The first describes self-containing legitimisers, which covers ROs that are economically not vulnerable and vested with active human rights

institutions. Strongly resonating with the idea of congruence, ROs here self-sufficiently make use of this notion targeting only its core constituency. The second path covers ROs that are democratic in membership and endowed with active human rights institutions. I term these reviving legitimisers because it appears that in a stable state of congruence, only rising levels of authority and legitimation led them to react with human rights legitimation. A third path covers ROs that are democratic and economically vulnerable, that are endowed with high authority, that legitimate strongly, and exist in a realm of strong non-state actors (NGO). I refer to this path as signalling legitimisers since it does not require a strong institutional basis for this legitimation and only signals a response to a demand by an additional audience.

The insights corroborate my claim that in the long run, congruence matters most for legitimation via human rights. Firstly, human rights institutions constitute the most important condition for human rights legitimation as they feature in two QCA paths and equally matter in the last type (brokering legitimiser) deciphered from the case studies. When an RO reflects congruence in that it embodies human rights in its institutional design, legitimation via human rights can be sought. Only where congruence between the domestic and regional level is relatively stable, and delegitimation is only mild does a legitimation via human rights suffice without the presence of related institutions (signalling legitimisers). Besides, said congruence is also reflected in the condition democratic membership that matters for three QCA paths, that is, the types self-containing, reviving and signalling legitimisers.

Aside from the insights on conditions for human rights legitimation derived from the QCA, the case studies allowed us to nuance their role further. The QCA, for example, also provided indications that additional audiences aside from an ROs core constituency, such as non-state actors (NGO) or international economic cooperation partners (ECON) are relevant conditions to explain whether an RO legitimates via human rights. Apart from their role for signalling legitimisers, I was able to illustrate, thanks to the case study on LoAS, that cooperation with the European Union (EU) represented an important incentive to legitimate via human rights. As a deliberately targeted additional audience, this international economic cooperation partner was key for human rights legitimation in LoAS. Similarly, both case studies helped to disentangle the link between institutions and legitimation. For reviving legitimisers – given that congruence reigns – the institutions preceded the legitimation and were not introduced only for the purposes of legitimation. Yet, when human rights legitimation was sought, the institutions were used to fuel the legitimation. In brokering legitimisers, however, congruence did not reign but must be built and brokered to diverging audiences. In this case, the institutions were created to support this brokering and helped

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to successfully manage to bridge between diverging audiences. This also corroborates my claim that degrees of congruence and delegitimation determine the process.

Finally, the QCA, in combination with the case studies, strongly underscored what conditions do not matter for human rights legitimation. In the AC model, I theorised that higher authority needs a more demanding legitimation, for which an RO can make use of human rights. My findings contradict this theoretical assumption. While the condition appears in two QCA paths – reviving and signalling legitimisers, the case studies reveal that this condition was not decisive. On the contrary, rather the absence of de facto authority or its inconsequentiality, that is, strong impediments to implement policies and enforce decisions, proved to be a reason for delegitimation, most importantly in CARICOM but also in LoAS. Thus, it was not because of their formally increased authority but rather because of their inability to fully exert this formal authority that the ROs started to legitimate via human rights.

How do human rights come to be used for legitimation in ROs?

This study showed that human rights came to be used for legitimation in ROs when agents of legitimation strive to maintain, revive, signal, or broker congruence. I made this observation thanks to two case studies where I traced the process of how the ROs began to use human rights for legitimation. The case studies allowed to further shed light on these processes by focusing on how agency and structure relate. I observed two processes that differ with regard to the role of agents and audiences.

In CARICOM, I further spelt out how the type of reviving legitimisers unfolds. In this case, congruence did reign: the RO was in and of itself committed to human rights; it formed part of its own, its peoples' and its Member States' identity as liberal, democratic states and societies. However, in light of its limited resources and continuous presence of more urgent challenges to tackle as an RO, CARICOM did not muster a continuous communication on the notion of human rights per se. Even if manifold areas of the work of CARICOM touched upon human rights, no extra effort was possible to link these to human rights and legitimate accordingly. Neither was there a need nor were there the resources to do so. Instead, they only entered its legitimation in times of critical delegitimation. In the 2010s, CARICOM was increasingly delegitimated because of an 'implementation gap' paired with a global economic crisis. To this, CARICOM's Heads of Government proved reactive and made use of their position as agents of legitimation. Driving a reform process, including also this RO's overall public image, they vested CARICOM with a renewed vision, mission, and core values. In doing so, they revived what the RO stands for and what it embodies. This includes strong commitments and adherence to human rights, which was

then reflected in this RO's self-legitimation wherein it continuously presented this vision and mission, as well as its core values.

In LoAS, I observed the type of brokering legitimisers. I outlined that human rights legitimation occurs when an agent of legitimation, that is, its Secretary General, acted as an entrepreneur. He managed to broker the new norm of human rights to this network at a time of delegitimation on the verge of a legitimacy crisis. Concretely, internal conflicts in the 1990s led to this delegitimation but coincided with a conducive network structure: at this time, the international context was in favour of human rights, and with the EU, a potential new audience emerged. The incumbent Secretary General Amre Moussa seized the moment and brokered human rights legitimation as part of broader reform. In using human rights legitimation, he bridged a gap between diverging audiences, namely the RO's Member States, and the EU as an additional audience. Brokering this new norm and making it resonate among all actors in the network was made possible thanks to localisation, which means tying it to region-specific cultural features.

This showed that human rights come to be used in an RO if congruence withers and resulting delegitimation is particularly conducive so that an agent can seize the moment and legitimate towards a core constituency, an additional audience or both at the same time to salvage congruence. Beyond the structural components, these insights illustrate the complex relationship between agents and audiences of legitimation. Importantly, I stress that the agents of legitimation play a decisive role in determining the content of legitimation. In addition, I find that relevant agents need not necessarily be determined by their formal position within the RO. While certainly not irrelevant, the more important factor enabling them to act as an agent of legitimation is if they are rightly positioned at the right moment in time – when congruence withers and delegitimation ensues – and manage to seize that moment. What is more, these agents are not only key to determining that human rights enter in the RO's legitimation but also command more room for manoeuvre in defining relevant audiences and in their way of addressing them. In a similar vein, I also find that the role of audiences is highly contingent. Crucially, I showed that what audiences are addressed can affect the content of an RO's legitimation. Yet, there is not one audience that always requires human rights legitimation or that is always addressed whenever ROs revert to this legitimation. Instead, when congruence only matters with regard to the RO's core constituency, no additional audience matters. Then again, the agent's role in defining audiences indicates that audiences can actively or passively affect the process of how human rights legitimation come to be used. For signalling legitimisers, their interest in the RO increases threats of delegitimation and results in a

signalling use of human rights for legitimation. In ROs that are brokering legitimisers, an additional audience is deliberately targeted.

This latter type reveals an additional important insight about legitimation dynamics in ROs: the norms, values, and moral principles held by different audiences can diverge and render salvaging congruence impossible at first sight. Yet, with localisation, agents of legitimation seem to have found a remedy. Via localisation, an agent can manage to broker a new norm – human rights – to the diverging audiences. He manages to do so, that is, make this norm resonate among all actors and audiences by tying a norm that is used for legitimation to region-specific cultural features. This constitutes a final key finding from the case studies on how RO use human rights for legitimation.

10.2 Methodological innovations

This book contributes to existing research thanks to its methodological innovations on three levels. First, to the best of my knowledge, it constitutes the first set theoretic analysis of a research question related to human rights and to research on legitimation. In both of these subfields of IR, where this method, in general, remains underrepresented, QCA has not received application despite various theoretical indications that causal relationships may be much better understood via deterministic and mechanistic approaches than probabilistic and correlative ones. The findings presented above corroborate this assumption because they show that the combination of different degrees of delegitimation, agents, and audiences lead to human rights legitimation. On the contrary, the results do not suggest that variation of one single factor, such as more authority, more delegitimation or better institutions, explain the phenomenon, that is, lead to more human rights legitimation or render human rights legitimation more likely.

Second, I provide a rigorous application of mixing macro- and microanalytical methods as suggested by the methods literature. Indeed, combining QCA with process-tracing is usually highly recommended but less frequently implemented in practice. My approach of doing so advances existing standards of this approach as it breaks with the implicit requirement of presenting a linear research process. Being highly transparent on the research process, I show that this still allows me to maintain a high level of methodological rigour while also providing rich findings enabling me to refine existing theories. In addition, this analysis constitutes a case in point for a type of new research approaches advocated for in comparative regionalism as it manages to go beyond 'the tension between regional specialisation and idiographic analysis (case and area studies) and more comparative and nomothetic analysis' (Lombaerde *et al.*, 2010, p. 752). In combining quantitative

and qualitative approaches, I can zoom in on case-specific patterns, but also manage to gauge the extent to which their relevance transcends regional particularities (ibid., p. 744).

At last, I contribute to very recent methodological debates sparked by the COVID-19 pandemic. Given the sudden and radical hiatus of all mobility, researchers were confronted with important questions on how to continue conducting research. Especially when planning to carry out extensive field research, all plans initially came to a halt. I find my study to be an exemplary case of research conducted in spite of the pandemic. Reverting to 'remote' or 'virtual' field research, my empirical insights and findings instantiate that rich and innovative in-depth case studies involving qualitative interviewing can also be conducted rigorously 'from home' and as 'desk research'. Though I cannot probe how the case studies would have improved thanks to being 'on site', I did not experience substantive problems affecting the validity or strength of my results. I certainly do not wish to insinuate that all field research can be conducted 'virtually' – think, for example, of remote, offline communities, vulnerable groups or ethnographic methods used where deep immersion to the field is important. Still, I find this to be an invitation to reconsider when field research is really necessary. Especially when researching global phenomena involving extensive travelling, in the future, researchers may ponder more intensively if and when the ecological costs begin to outweigh the added value of travelling abroad.

10.3 Empirical contributions

Empirically, this study contributes to existing research on three levels. First, I can speak to the question of whether human rights matter in world politics. My research answers this question in the affirmative. They do matter as a moral baseline and normative yardstick to evaluate the right to rule, the role, and the actions of ROs worldwide. Quantitatively, I showed that by now, almost no RO in the sample has never referred to human rights for legitimation. In addition, human rights have gained importance in regional legitimation dynamics as the number of references to this norm has increased relatively and in absolute terms. By 2019, the number of ROs that use human rights legitimation is more than thrice as high. Qualitatively, the two case studies also show that such legitimation is more than cheap talk. Whereas with CARICOM, I observed a case where a strong commitment to this norm is always present but does not result in legitimation, LoAS reveals even greater qualitative nuances. I noted that legitimation exceeds mere window-dressing given that various actors and audiences perceive truthfulness to prevail in its legitimation even if conceptions of human rights may differ. This is also an important finding beyond research on regional integration. In fact, we may expect to observe similar dynamics in legitimation in global IOs,

international non-state actors but also for how states legitimate themselves internationally. Human rights may nowadays constitute an international norm to which all international actors exercising different degrees of authority may need to speak. Given their rise in importance, it may prove difficult for international actors to simply ignore this norm.

Secondly, my research can speak to the question of the role of human rights in ROs. Thanks to rich quantitative data on 23 ROs, their legitimation via human rights as well as their institutions dedicated to human rights, scholars more generally interested in these topics may build on this research as a valuable resource. This also applies more strongly to the insights from the two case studies, where I uncovered intriguing case-specific dynamics and most recent evolutions that had yet to be documented. In addition, the case studies showcased that it is worthwhile to look beyond the standard human rights ROs such as the CoE or the Organisation of American States (OAS), or the other few prominent ROs (e.g. the Association of Southeast Asian Nations or the African Union) that are typically the focus when considering human rights in ROs. Developments in minor ROs such as CARICOM may be equally significant and instructive.

Thirdly, and in that line of thought the case studies also contribute to filling empirical gaps in the literature on ROs and legitimation more generally. As is often the case in IR literature, in-depth analyses and case studies often favour global IOs or the most prominent ROs that are located in the Global North. Beyond the balanced sample of 23 ROs examined in the macroanalytical part, especially the case studies shed light on two ROs that are often overlooked. For CARICOM, scholars often only focus on its political economy or its exceptional role as a small RO in world politics, while virtually no study on its legitimation dynamics exists. For LoAS, recent inquiries often favour the field of security studies and LoAS's role in the Arab Uprisings, which frequently result in analyses that only illustrate this RO's deficiencies. Yet, no study focused exclusively on its legitimation dynamics. Beyond filling an empirical gap, this focus also contributes to shedding light on distinct features and challenges that may also transverse other Global South ROs. Indeed, both case studies showcase that formal institutional design and policies are only one side of the coin. Instead, the mode of operation and level of implementation of these ROs is often significantly hampered by dire resource constraints and concerns for national sovereignty – dynamics that are much less pronounced in Global North ROs such as the EU.

10.4 Theoretical implications

Yet, I view this research most important contributions and implications to concern theoretical and conceptual questions of studying legitimation dynamics in IOs. Four points stand out. First,

with the four types of legitimisers, I offer novel insights into four different processes of how a distinct norm can come to be used in an RO's legitimation. Given that references to different norms constitute the core of how the action of self-legitimation functions, a greater understanding of what happens when an RO takes up a distinct norm for this purpose is a key contribution to this research agenda. Certainly, these four types do not constitute a full explanatory typology but rather an attempt at typological theorising. Thus, they cannot simply be generalised to any norm, any RO, and any context. Nonetheless, they do provide a fertile starting point to understand why and how ROs take up a specific norm in their legitimation. In addition, the four types strongly suggest that it matters what an RO talks about in its legitimation. For the use of a distinct norm in legitimation communication, different agents and audiences of legitimation become relevant.

Second, the core of this research tests two dominant theoretical assumptions underlying much of the existing analyses on legitimacy and legitimation. On the one hand, I assessed the extent to which the pursuit of congruence determines how ROs legitimate. On the other hand, I tested the extent to which increases in regional authority affects the way ROs legitimate, that is, warrant a 'higher-level' legitimation via human rights. I find that much of an RO's legitimation is indeed the result of a constant effort to maintain, revive, signal, or broker congruence. This buttresses that to gauge legitimation, researchers need to examine norms, values, and moral principles as such but, more importantly, investigate those that are held by all actors involved in the struggle over an RO's legitimacy.

This also constitutes an important insight for research on norms and norm diffusion in IR more generally. For one, my insights stress that those norms that matter in an RO, for example, in its activities and policies, for its Member States, or because of existing institutions, are often also reflected in an RO's legitimation. Then again, I find that norms used in legitimation diffuse. We saw that ROs take up the notion of human rights inter alia because other international actors made use of it for legitimation or because they assumed others wished to hear the norm. Theoretically, this also has implications for studying other international actors and their legitimation. It suggests that international actors cannot form their legitimation communication in isolation. They are not only influenced actively by the demands of various audiences in their legitimation and forced to cater to different degrees; a more passive interaction where agents take up norms from other contexts to legitimate – considering that this helps their legitimation claim – is also possible.

In these processes of diffusion, the EU again seems to play a decisive role, as has been shown, for example, for RO's institutional design (Lenz, 2021b). Further research may examine more closely the extent to which the EU' legitimation diffuses to other regions when its related

legitimation patterns are emulated or enter other ROs by force due to economic dependence of the EU. In addition, we may observe such diffusion of legitimation also for nation-states, global IOs as well as non-state actors. Notwithstanding this general potential for diffusion of legitimation communication, my findings are indicative of potential difference between international actors. For global IOs, localisation of international norms in legitimation certainly matters to a much less degree given that no parsimonious region-specific cultural features are brought to the table. For state actors, diffusion may affect them less actively given how strongly foreign policy can be determined by government actors vested with great potential to act as agents of legitimation. For international non-state actors, such as regional networks of civil society organisation, however, localisation also may strongly affect how norm diffuses to these actors' legitimation.

I find less support for the widespread assumptions that more authority requires more demanding legitimation. While the macroanalytical take via QCA points to some relevance for authority in conjunction with other conditions, the case studies nuance the underlying mechanisms in important ways. In these cases, instead of changes in authority, changes in congruence drove the inclusion of human rights in their legitimation. Concretely, the case studies corroborate an inversed dynamic for the role of authority. Instead of the increased authority, the absence of the latter in concrete terms or the lack of its effective implementation rather raises problems and brings about a need for legitimation. Instead of being criticised for and having to legitimate its intrusiveness, the problem seems to rather lie in the inconsequentiality of the ROs' formal authority. I acknowledge that this is likely more pronounced for ROs in the Global South where resources are often scarce, or to the very least particularly noticeable for the two ROs examined in the case studies. Still, it draws our attention to the concept of authority and hints at the need to refine how we conceptualise it in studying legitimation. The mere formal view on authority underlying this analysis seems too narrow to grasp all the facets by which authority may affect legitimation. Instead, this research indicates that more attention shall be given to the (in-)consequentiality of the regional authority, meaning the extent to which an RO can make use of its formal authority in practice. Scholars have begun to dedicate more research to cases where IO authority exceeds the original mandate and formal rules and its consequences (Heldt and Schmidtke, 2017; Johnson, 2014). In what ways the opposite – the inability to execute formal authority – matters, is yet to be made the centre of scholarly attention in studying legitimation dynamics. In light of impasses in global institutions such as the WTO's Doha Round or the UN Security Council understanding the effects of inconsequential authority on legitimation dynamics is also crucial for scholarship on IOs.

In a similar vein, this research provides insights on the relationship between legitimation and institution. For long often the centre of attention in research on legitimacy and legitimation, the role of institutions has proved highly contingent in the four types of legitimisers introduced. Overall, they lend support for the wide-spread assumption that institutions are not only created for functional purposes but may also serve the goal of legitimating the organisation as a whole. In the case of brokering legitimisers, we even saw how this purpose is prioritised to the detriment of the functionality of the respective institutions. Furthermore, instead of adapting the institutions to the RO's needs in terms of efficiency, which is often the case in diffusion, the RO's localisation in legitimating rather erodes the institution. Yet, one insight stands out: a delegitimation or legitimacy crisis need not necessarily be followed by changes in the RO's institutional design. Where other scholars conceive of a deepening or decline of global governance as a response to contestation, politicisation and delegitimation, the cases of reviving and signalling legitimisers illustrate, how simple discursive adaptations suffice to remedy these challenges (Zürn, 2018a; Lenz and Viola, 2017). This questions the wide-spread assumption that legitimation dynamics constitute a key change-maker in the ROs institutional evolution.

Beyond this test, the analysis also touches upon core concepts of legitimation dynamics in IOs, such as agents and audiences of legitimation. Via the four types that I sketched for how human rights can come to be used in legitimation, I shed light on four distinct constellations of how agents and audiences of legitimation relate and affect an RO's legitimation. This shows not only that both are important factors for understanding why an RO legitimates via a distinct norm but also that it is often their interrelation that determines when and how a distinct norm comes to the fore. This has two important implications for future research. For one, it shows that studying legitimation dynamics with a predefined list of relevant agents and audiences when aiming for a holistic understanding of the process may be difficult. This certainly does not apply if distinct aspects or actors are the focus of the analysis of legitimation. When considering normative dynamics and the processes of delegitimation and relegitimation, however, distinct but varying constellations and interactions between agents and audiences may need very broad attention. In addition, these insights substantiate the extent to which both agents and audiences of legitimation are highly contingent and circumstantial: only because an audience is important at one point and addressed with the notion of human rights does not necessarily vest the audience with an enduring role in an RO's legitimation dynamics. Multiple additional audiences may appear, others may disappear and become irrelevant, others may only matter for a distinct norm used for legitimation. Another important insight concerns the fact that agents have significant room for manoeuvre in identifying

and addressing these additional audiences. Beyond the perspective on audiences that can be self-appointed or targeted, the agents of legitimation may also deliberately locate an additional audience with neither any links to the RO nor less any demands being formulated towards it.

Lastly, I see an important contribution of this research in the introduction of the concept of localisation to the study of legitimation. Describing the concept of localisation also has broad implications for studying ROs more generally. Localisation elucidates the phenomenon that norms are not simply incorporated in the respective RO's legitimation but undergo similar processes of making the norm resonate with local priors as scholars have shown for research on norms in regionalism more generally. Instead of just referring to any international norm, agents of legitimation engage in the effort of tying this norm back to region-specific cultural features, such as a regional identity, recurring challenges, or historically grown features. Whereas this allowed – in the case of the Arab League – to make a new norm resonate between diverging audiences, I also found indications that the lack of or unsuccessful localisation hampered the use of human rights legitimation in the Caribbean Community. Given the persistence of the Death Penalty, human rights have long neither been strongly frontloaded nor substantiated by strong institutions. As such, the concept of localisation constitutes an important contribution to research on legitimation that has often times mirrored the Eurocentric theorising in comparative regionalism and IR research (Lombaerde *et al.*, 2010, p. 741; Acharya and Buzan, 2007). While not discarding seminal theorising, localisation allows to stress local norms and values as well as local agency instead of assuming simple translation of mechanisms from the most prominent ROs or global IOs to ROs from the Global South. Yet, this is not to say that localisation is essentially a Global South concept – on the contrary, I find it plausible to assume that one may also find occasions of localisation in ROs from the Global North.

Future research need not only remain sensitive to this phenomenon when researching how a distinct norm is used for legitimation to avoid a too narrow angle on the matter. Instead, researchers should also dedicate more attention to localisation in legitimation as such. The concrete circumstances under which ROs make use of it, the concrete mechanisms through which this unfolds as well as the consequences of localisation still remain largely in the dark and warrant further research. Regarding the circumstances, a strong regional identity and a postcolonial background possibly form important scope conditions for localisation because it may render differentiation and dissociation from certain 'Western' actors and values much more important. Existing research on ROs and regionalism already draws our attention to various ways in which regional priors, concepts and identities play a role in regional integration. In other world regions,

concepts such as 'Panafricanism', 'Bolivarianismo' or 'the ASEAN way' could potentially also fuel the legitimation of different ROs while reflecting region-specific cultural features (Campbell, 2018; Kocken and van Roozendaal, 2012; Domínguez, 2007; Foong Khong and Nesadurai, 2007; Barnett, 1998). As such, localisation perhaps constitutes a facet of legitimation that is distinct to regional integration and applies much less for global organisations or institutions.

Regarding mechanisms, it remains to be seen what types of norms are localised in what ways or if one and the same norms are localised differently in various contexts. For the consequences of localisation, researchers may inquire if a different local view on a norm is also reflected in related policies and activities of the RO. While localisation of the concept of human rights is certainly also linked to a vivid debate about the universality or relativity of human rights, this may also be an important aspect to examine for other norms and helps to distinguish further between genuine commitments and cheap talk. In a time where gaps and divergences in world politics only seem to widen and grow bigger, and formerly thought of established norms that govern international relations and world politics are being outrightly rejected, it becomes ever more important to understand what international actors mean in practice when talking about a norm to know on what grounds cooperation is possible.

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ANNEX

A1 Sample of regional organisations in LegRO dataset

Acronym	Name	General-purpose/task-specific	Included in QCA	Inception (years in sample)	No of SG-years
Africa					
AU	Organisation of African Unity/African Union	General-Purpose	Yes	1963 (40)	9
CEMAC	Central African Economic and Monetary Union	General-Purpose	Yes	1994 (26)	4
COMESA	Common Market for Eastern and Southern Africa	General-Purpose	Yes	1994 (26)	5
EAC	East African Community	General-Purpose	Yes	1996 (24)	5
ECOWAS	Economic Community of West African States	General-Purpose	Yes	1975 (40)	10
IGAD	Inter-Governmental Authority on Development	Task-Specific	No	1986 (34)	
SACU	Southern African Customs Union	Task-Specific	No	2002 (18)	
SADC	Southern African Development Community	General-Purpose	Yes	1980 (40)	7
Asia-Pacific					
ASEAN	Association of Southeast Asian Nations	General-Purpose	Yes	1967 (40)	11
GCC	Gulf Cooperation Council	General-Purpose	Yes	1981 (39)	5
PIF	Pacific Island Forum	General-Purpose	Yes	1973 (40)	8

SAARC	South Asia Association for Regional Cooperation	General-Purpose	Yes	1985 (35)	13
SCO	Shanghai Cooperation Organisation	General-Purpose	Yes	2001 (19)	6

Americas

CAN	Andean Pact/Andean Community	General-Purpose	Yes	1969 (40)	9
CARICOM	Caribbean Community	General-Purpose	Yes	1968 (40)	5
Mercosur	Common Market of the South	General-Purpose	Yes	1991 (40)	12
OAS	Organisation of American States	General-Purpose	Yes	1951 (40)	5
OECS	Organisation of Eastern Caribbean States	General-Purpose	Yes	1982 (38)	5
SICA	Central American Integration System	General-Purpose	Yes	1952 (40)	8

Europe

EFTA	European Free Trade Association	Task-Specific	No	1960 (40)	
EU	European Union	General-Purpose	Yes	1952 (40)	7
NordC	Nordic Council	General-Purpose	Yes	1952 (40)	10
COE	Council of Europe	General-Purpose	Yes	1949 (40)	7

Cross-Regional

APEC	Asia-Pacific Economic Cooperation	Task-Specific	No	1991 (29)	
CIS	Commonwealth of Independent States	General-Purpose	Yes	1991 (29)	5
LoAS	League of Arab States	General-Purpose	Yes	1945 (40)	5
OAPEC	Organisation of Arab Petroleum Exporting Countries	Task-Specific	No	1968 (40)	
OSCE	Organisation for Security and Co-operation in Europe	General-Purpose	Yes	1992 (28)	6

A2   Details on human rights legitimation: Extract from the LegRO codebook

As described above, the data for human rights legitimation stems from a larger data-gathering effort within the research project "Sources and Consequences of Legitimation Strategies of Regional Organisations (LegRO)". Following the rules of the "LegRO-Codebook on the Legitimation of Regional Organisations", human rights legitimation was coded based on the idea of a legitimation grammar underlying a legitimation statement. The follow is an extract from the respective codebook and outline the description of how to identify the theme human rights:

'122   HUMAN RIGHTS PURPOSE

An RO is legitimate because it aims to establish, advance, or protect human rights. This standard is explicitly framed in terms of rights. It includes democratic/political rights, economic rights, and references to individual freedom and liberty.

This excludes standards of democracy purpose and other purpose standards, which are not framed in terms of rights.

Keywords: the right to …, democratic rights, human rights, non-discrimination, people's rights, gender equality, economic rights, political rights, individual rights, freedom, liberty, freedom of the press

132   HUMAN RIGHTS PERFORMANCE

An RO is legitimate because it contributes to protecting human rights. This standard is explicitly framed in terms of rights. It includes democratic/political rights, economic rights, and references to individual freedom and liberty.

This excludes standards of democracy performance and other performance standards, which are not framed in terms of rights.

Keywords: contribution to: democratic rights, human rights, non-discrimination, people's rights, gender equality, economic rights, political rights, individual rights, freedom, liberty, freedom of the press'

A3 Descriptive statistics of the LegRO dataset and human rights legitimation

Descriptive statistics for all RO/years

Statistic	N	Min	Max	Mean	St. Dev.
No of RO/years	1120	-	-	-	-
RO/years - Existence[103]	974	-	-	-	-
No of Paragraphs	32 675	5	56	36.14	13.5
Availability of AR	672	-	-	-	-
Availability of Coms	786	-	-	-	-
No of Legitimation Statements	13 950	0	65	14.32	12.054
Share of LS	-	0.000	1.471	0.385	0.286
Human Rights Leg	768	0	15	0.789	1.547
Share of Human Rights Leg	-	0	1	0.042	0.087
Liberal Statements	2609	0	28	2.679	3.892
Share of Liberal Statements	-	0	1	0.136	0.167
Human Rights Purpose	585	0	11	0.601	1.260
Human Rights Performance	183	0	4	0.188	0.527
Human Rights Purpose Share	-	0	1	0.032	0.074
Human Rights Performance Share	-	0	0	0.010	0.031

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[103] For 28 ROs over 1980-2019, N = 1120 is the total number of possible observations. Multiple ROs were however only created after the year 1980 and thus figure in the dataset with less than 40 years of observation. RO/years – Existence reports on this difference.

Descriptive statistics on Human Rights Legitimation for General-Purpose ROs

Statistic	N	Min	Max	Mean	St. Dev.
No of RO/years	920	-	-	-	-
RO/years - Existence	813	-	-	-	-
No of Paragraphs	28 057	0	56	34.51	16.25
Availability of AR	548	-	-	-	-
Availability of Coms	652	-	-	-	-
LS	12 242	0	65	15.058	11.930
Share of LS	-	0.000	1.471	0.404	0.286
Human Rights Leg	753	0	15	0.926	1.651
Share of Human Rights Leg	-	0	1	0.049	0.093
Liberal Statements	2449	0	28	3.012	4.099
Share of Liberal Statements	-	0.000	1.000	0.153	0.174
Human Rights Purpose	576	0	11	0.708	1.347
Human Rights Performance	177	0	4	0.218	0.564
Human Rights Purpose Share	-	0	1	0.038	0.080
Human Rights Performance Share	-	0	0	0.011	0.034

A4 Operationalisation, measurement, and calibration for the QCA

Table 13 Raw QCA data

RO_SG/years	Hrights	Econm	LS_sharem	Demm	HRins	Authm	NHRIS	Non-state
ASEAN-1980-1981	0	95581101125	0,716	0	0	0,045	1,667	0,109
ASEAN-1982-1983	1	92246987618	0,828	0	0	0,08	1,667	0,221
ASEAN-1984-1985	1	1,08207E+11	0,495	0	0	0,08	2	0,124
ASEAN-1986-1988	0,333	1,26048E+11	0,39	0,056	0	0,08	2	0,1
ASEAN-1989-1994	0,25	2,08024E+11	0,385	0,167	0	0,095	2	0,163
ASEAN-1993-1997	0,6	5,30501E+11	0,436	0,146	0	0,164	2,333	0,074
ASEAN-1998-2002	0	5,59256E+11	0,446	0,264	0	0,26	3,267	0,093
ASEAN-2003-2007	0,2	9,58938E+11	0,737	0,18	2	0,3	3,333	0,211
ASEAN-2008-2012	0,4	1,87861E+12	0,893	0,18	3	0,38	3,333	0,304
ASEAN-2013-2017	1,6	2,35494E+12	1,098	0,2	3	0,38	3,333	0,334
ASEAN-2018-2019	2	2,81099E+12	1,057	0,15	3	0,38	3,333	0,333
AU-1980-1982	0	1,70424E+11	0,091	0,048	0	0,35	16,667	0,167
AU-1983-1984	2	1,29165E+11	0,195	0,051	0	0,35	16,667	0,5
AU-1985-1988	0,25	1,60545E+11	0,087	0,064	3	0,375	16	0,229
AU-1989-2001	1,615	3,84895E+11	0,362	0,192	4	0,569	16,744	0,364
AU-2002-2003	2	5,93674E+11	0,636	0,241	4	0,85	17,267	0,292
AU-2004-2008	1,8	1,18271E+12	0,368	0,349	5	0,862	17	0,174
AU-2009-2012	0,75	1,82175E+12	0,545	0,359	5	0,87	17,167	0,181
AU-2013-2016	2,5	2,12827E+12	0,464	0,411	5	0,87	17,333	0,287
AU-2017-2019	0,667	1,78883E+12	0,298	0,37	5	0,87	17,333	0,242
CAN-1980-1996	0,357	1,03939E+11	0,256	0,741	0	0,515	1,667	0,065
CAN-1997-2002	0,833	2,76136E+11	0,587	0,867	1	0,627	1,667	0,191
CAN-2003-2003	1	2,66408E+11	0,932	0,8	1	0,66	1,667	0,098
CAN-2004-2005	2	3,61342E+11	0,719	0,8	1	0,66	1,667	0,14
CAN-2006-2006	2	2,9926E+11	1,107	1	1	0,66	1,333	0,226
CAN-2007-2009	0,333	4,0187E+11	0,51	1	1	0,66	1,333	0,059

CAN-2010-2012	0	5,67896E+11	0,507	1	1	0,66	1,333	0,154
CAN-2013-2015	0	6,19551E+11	0,042	1	1	0,66	1,333	0
CAN-2016-2019	0,333	6,0735E+11	0,212	0,938	1	0,66	1,333	0,139
CARICOM-1980-1982	0	7270419409	0,36	0,707	0	0,37	3,444	0,074
CARICOM-1983-1992	0	8720181032	0,18	0,9	0	0,37	4	0,104
CARICOM-1993-2010	0,056	40309689268	0,265	0,942	2	0,528	4,463	0,278
CARICOM-2011-2011	0	71505566402	0,174	0,929	2	0,64	4,667	0,375
CARICOM-2012-2019	1,625	73205939262	0,543	0,929	2	0,64	4,667	0,525
CEMAC-2000-2006	0	33696311682	0,092	0	0	0,75	2	0
CEMAC-2007-2011	0	78239708434	0,079	0	1	0,754	2	0
CEMAC-2012-2017	1	82532730345	0,609	0	1	0,76	2	0,222
CEMAC-2018-2019	0	84065238009	0,071	0	1	0,76	2	0
CIS-1991-1997	0	3,9673E+11	0,692	0,242	2	0,196	3,571	0,278
CIS-1998-1998	0	3,3031E+11	0,692	0,091	2	0,32	3,667	0,278
CIS-1999-2003	0	3,62024E+11	0,644	0,091	2	0,368	3,667	0,292
CIS-2004-2007	0	1,03246E+12	0,571	0,145	2	0,38	3,417	0,312
CIS-2008-2019	0,083	1,94458E+12	0,464	0,102	2	0,38	3	0,188
COE-1980-1984	4,333	1,71329E+12	0,613	0,952	5	0,74	7	0,094
COE-1985-1988	0,5	2,73463E+12	0,092	0,964	5	0,74	7	0
COE-1989-1993	2,8	4,93432E+12	0,579	0,984	5	0,742	8,133	0,101
COE-1994-1999	4,5	9,52248E+12	0,632	0,912	5	0,785	13,667	0,189
COE-2000-2004	3,6	1,14773E+13	0,512	0,88	5	0,89	16,267	0,05
COE-2005-2009	6,8	1,90526E+13	0,953	0,908	5	0,89	18,2	0,426
COE-2010-2019	3,2	2,00107E+13	0,625	0,852	5	0,898	18,333	0,18
COMESA-1994-1996	0	69252957891	0	0,183	1	0,69	6,667	0
COMESA-1997-1997	0	90619460739	0,231	0,316	1	0,69	6,333	0
COMESA-1998-2007	0,2	2,16607E+11	0,38	0,161	1	0,813	6,233	0,172
COMESA-2008-2017	0,1	5,48641E+11	0,46	0,19	1	0,82	6,5	0,187
COMESA-2018-2019	0	6,13411E+11	0,627	0,125	1	0,82	6,667	0,109
EAC-1996-2000	0	47487127919	0,745	0,35	1	0,238	2,667	0,295
EAC-2001-2005	0,2	58521760537	0,65	0,225	1	0,73	2,667	0,209
EAC-2006-2010	0,2	1,10564E+11	0,296	0,368	3	0,73	2,867	0,041
EAC-2011-2015	0,4	1,73884E+11	0,332	0,378	3	0,73	3	0,176
EAC-2016-2019	0,5	2,16497E+11	0,22	0,194	3	0,73	3	0,112

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ECOWAS-1980-1984	0	65825314507	0,179	0,026	0	0,23	5,267	0,095
ECOWAS-1985-1988	0	49663033987	0,366	0,062	0	0,23	5,333	0,122
ECOWAS-1989-1993	0,667	53154199861	0,093	0,138	1	0,23	5,333	0
ECOWAS-1994-1997	0	79575475509	0,179	0,344	1	0,328	5,333	0
ECOWAS-1998-2001	0,5	1,06644E+11	0,326	0,312	1	0,412	5,333	0,076
ECOWAS-2002-2009	0,25	2,81893E+11	0,474	0,563	3	0,669	5,042	0,356
ECOWAS-2010-2011	0	5,04113E+11	0,348	0,567	3	0,72	5	0,299
ECOWAS-2012-2015	0,75	6,25355E+11	0,438	0,65	3	0,72	5	0,088
ECOWAS-2016-2017	0,5	5,37253E+11	0,393	0,833	3	0,77	5	0
ECOWAS-2018-2019	0	6,0255E+11	0,267	0,7	3	0,82	5	0
EU-1980-1980	0	1,71319E+12	0,213	1	0	0,64	3	0
EU-1981-1992	0,5	2,55921E+12	0,454	1	2	0,707	3,722	0,214
EU-1993-1994	1,5	4,70435E+12	0,656	1	2	0,74	4	0,39
EU-1995-1999	2,4	8,90988E+12	0,667	1	2	0,762	5	0,277
EU-2000-2004	2,2	9,81098E+12	0,628	1	2	0,854	5,667	0,202
EU-2005-2014	1,2	1,63799E+13	0,562	1	5	0,896	8,933	0,235
EU-2015-2019	1,4	1,58909E+13	0,616	0,986	5	0,92	9,333	0,448
GCC-1981-1992	0	1,1032E+11	0,558	0	0	0,28	2	0,419
GCC-1993-1995	0	1,90794E+11	0,505	0	0	0,28	2	0,575
GCC-1996-2001	0	3,12847E+11	0,366	0	0	0,287	2	0,411
GCC-2002-2010	0,222	7,59924E+11	0,292	0	0	0,29	2	0,496
GCC-2011-2019	0,111	1,39962E+12	0,317	0	1	0,29	2	0,366
LoAS-1980-1990	0	2,09871E+11	0,249	0	0	0,56	6,394	0,07
LoAS-1991-2000	0,3	4,51178E+11	0,269	0	0	0,56	6,933	0,133
LoAS-2001-2010	0,6	1,24857E+12	0,279	0,033	3	0,796	7	0,253
LoAS-2011-2015	0,75	2,36522E+12	0,321	0,124	4	0,91	7	0,231
LoAS-2016-2019	0,75	2,29194E+12	0,502	0,06	4	0,91	7	0,652
Mercosur-1991-1996	0	6,79021E+11	0,323	0,875	0	0,198	1,333	0,056
Mercosur-1997-1998	1,5	1,21123E+12	0,223	1	0	0,39	1,667	0,421
Mercosur-1999-2000	0	9,97526E+11	0,337	1	0	0,39	2	0
Mercosur-2001-2002	0	7,87544E+11	0,216	1	0	0,415	2	0,083
Mercosur-2003-2005	0,333	9,55363E+11	0,512	1	0	0,473	2	0,096
Mercosur-2006-2007	0,5	1,66468E+12	0,337	1	1	0,49	2	0,147
Mercosur-2008-2009	0	2,2079E+12	0,203	1	1	0,49	2	0,042

Mercosur-2010-2011	0,5	3,08671E+12	0,315	1	3	0,49	2	0,083
Mercosur-2012-2013	0,5	3,42635E+12	0,227	0,857	3	0,49	2,333	0,312
Mercosur-2014-2016	1,333	2,83309E+12	0,347	0,857	3	0,49	2,333	0,117
Mercosur-2017-2018	1,5	2,72853E+12	0,338	0,857	3	0,49	2,333	0,338
Mercosur-2019-2019	1	2,46321E+12	0,378	0,714	3	0,49	2,333	0,118
NordC-1980-1981	0,5	1,68261E+11	0,337	1	0	0,11	1,667	0,139
NordC-1982-1986	0,6	1,52854E+11	0,283	1	0	0,118	1,667	0,229
NordC-1987-1989	0,667	2,99977E+11	0,183	1	0	0,18	1,667	0,2
NordC-1990-1991	0	4,08036E+11	0,297	1	0	0,18	1,667	0,458
NordC-1992-1993	0,5	4,15757E+11	0,203	1	0	0,18	1,667	0
NordC-1994-1995	0,5	5,64425E+11	0,332	1	0	0,18	1,667	0,433
NordC-1996-1998	0,667	7,32187E+11	0,348	1	0	0,18	1,667	0,272
NordC-1999-2006	1,125	9,06584E+11	0,361	1	0	0,18	1,667	0,249
NordC-2007-2013	0,286	1,50661E+12	0,253	1	0	0,18	1,667	0,308
NordC-2014-2019	0	1,42679E+12	0,347	1	0	0,18	1,667	0,188
OAS-1980-1983	3	1,938E+12	0,225	0,386	5	0,42	9,667	0,175
OAS-1984-1993	2,4	3,92352E+12	0,331	0,682	5	0,464	10,667	0,266
OAS-1994-2004	5,091	1,16106E+13	0,686	0,901	5	0,58	11,333	0,271
OAS-2005-2014	3,4	2,03184E+13	0,366	0,892	5	0,65	11,367	0,528
OAS-2015-2019	4	2,38493E+13	0,431	0,876	5	0,65	11,333	0,456
OECS-1982-1995	0	1048276878	0,066	0,974	0	0,36	1,976	0
OECS-1996-2000	0	3012243076	0,055	1	0	0,36	2	0
OECS-2001-2002	0	3363275980	0,107	1	0	0,36	2	0,083
OECS-2003-2013	0,091	4756399026	0,164	1	1	0,425	2	0,132
OECS-2014-2019	0,167	6186581646	0,266	1	1	0,6	2	0,05
OSCE-1992-1995	2,5	1,28964E+13	0,802	0,751	3	0,305	18,333	0,125
OSCE-1996-1998	3	1,93682E+13	0,58	0,744	3	0,41	18,444	0,026
OSCE-1999-1999	3	2,03092E+13	0,411	0,75	3	0,41	19	0,304
OSCE-2005-2010	5,833	3,46074E+13	0,891	0,808	3	0,41	20,944	0,204
OSCE-2011-2016	4,333	3,74692E+13	0,826	0,772	3	0,41	21	0,09
OSCE-2017-2019	3	4,06876E+13	0,516	0,735	3	0,41	21	0,359
PIF-1980-1982	0	1,05105E+11	0,274	0,833	0	0,15	2	0,067
PIF-1983-1985	0	98107431489	0,102	0,875	0	0,15	2,333	0
PIF-1986-1991	0,167	1,75634E+11	0,183	0,721	0	0,15	2,444	0,063

PIF-1992-1997	0	3,53987E+11	0,249	0,868	0	0,238	3,056	0,079
PIF-1998-2003	0	4,59926E+11	0,425	0,805	0	0,375	4,389	0,059
PIF-2004-2008	0,2	8,8952E+11	0,578	0,8	1	0,584	4,667	0,2
PIF-2009-2014	3	1,43498E+12	0,558	0,744	1	0,59	4,667	0,215
PIF-2015-2019	2,6	1,42565E+12	0,607	0,733	1	0,59	4,667	0,447
SAARC-1985-1989	0,5	1,87327E+11	0,694	0,257	0	0,02	2,333	0,256
SAARC-1990-1991	0	2,33284E+11	0,271	0,143	0	0,02	2,333	0,4
SAARC-1992-1993	1	2,51219E+11	0,268	0,357	0	0,02	2,333	0,2
SAARC-1994-1995	1	3,71245E+11	0,286	0,429	0	0,02	2,333	0,281
SAARC-1996-1998	1	5,25212E+11	0,369	0,429	0	0,02	2,333	0,1
SAARC-1999-2001	0	6,00367E+11	0	0,429	0	0,02	2,333	0
SAARC-2002-2004	0	7,52936E+11	0,44	0,286	0	0,02	2,333	0,163
SAARC-2005-2007	1,5	1,20002E+12	0,583	0,185	0	0,027	2,444	0,234
SAARC-2008-2010	0,5	1,71139E+12	0,274	0,5	0	0,03	2,667	0,187
SAARC-2011-2011	1	2,13553E+12	0,286	0,5	0	0,03	2,667	0,375
SAARC-2012-2013	0	2,106E+12	0	0,438	0	0,03	2,667	0
SAARC-2014-2016	0	2,4771E+12	0,155	0,458	0	0,03	2,667	0,179
SAARC-2017-2019	0	3,16251E+12	0	0,5	0	0,03	2,667	0
SADC-1980-1982	0	10742525511	0,4	0,125	0	0,19	3,333	0
SADC-1983-1983	0	7437812803	0,417	0,125	0	0,19	3,333	0
SADC-1984-1993	0,1	19457221974	0,345	0,172	2	0,202	3,359	0,401
SADC-1994-1999	1,167	1,38527E+11	0,215	0,408	2	0,35	4,167	0,197
SADC-2000-2005	1	2,53666E+11	0,436	0,36	2	0,37	4,944	0,274
SADC-2006-2013	0,75	5,45216E+11	0,384	0,584	3	0,64	4,708	0,158
SADC-2014-2019	0,5	5,61234E+11	0,188	0,448	1	0,64	5	0,091
SCO-2001-2006	0	2,43748E+12	0,388	0	0	0,23	2	0,062
SCO-2007-2009	0	5,76982E+12	0,192	0	0	0,29	2	0,111
SCO-2010-2012	0	8,98755E+12	0,345	0	0	0,29	2	0,277
SCO-2013-2015	0	1,14504E+13	0,321	0	0	0,29	2	0,048
SCO-2016-2018	0	1,29079E+13	0,31	0	0	0,29	2	0,085
SCO-2019-2019	1	1,48307E+13	0,5	0	0	0,29	2	0,071
SICA-1991-1996	2,5	35818779986	0,925	0,694	1	0,372	2	0,295
SICA-1997-1999	1,667	63080244351	0,88	0,722	1	0,57	2	0,102
SICA-2000-2004	1,2	74433687407	1,025	1	1	0,57	2,333	0,243

SICA-2005-2008	0,5	1,10474E+11	0,327	0,857	1	0,57	2,333	0,026
SICA-2009-2012	2	1,54538E+11	0,607	0,714	1	0,585	2,333	0,05
SICA-2013-2013	0	1,81255E+11	0,5	0,75	1	0,59	2,667	0,048
SICA-2014-2016	1	2,07222E+11	0,625	0,75	1	0,59	2,667	0,061
SICA-2017-2019	0,667	2,41012E+11	0,504	0,75	1	0,59	2,667	0,327

Table 14 Calibrated values / Fuzzy data

RO-SG/years	HRFS	DEM	ECON	HRINS	NGO	LEG	AUT
ASEAN-1980-1981	0	0.024	0.963	0	0	0.959	0.006
ASEAN-1982-1983	0.67	0.024	0.963	0	0	0.991	0.009
ASEAN-1984-1985	0.67	0.024	0.962	0	0	0.518	0.009
ASEAN-1986-1988	0.33	0.032	0.961	0	0	0.266	0.009
ASEAN-1989-1994	0.33	0.057	0.954	0	0	0.256	0.011
ASEAN-1993-1997	0.67	0.052	0.915	0	0	0.365	0.028
ASEAN-1998-2002	0	0.094	0.911	0	0.33	0.39	0.093
ASEAN-2003-2007	0.33	0.061	0.82	0.67	1	0.97	0.149
ASEAN-2008-2012	0.33	0.061	0.445	0.67	1	0.997	0.339
ASEAN-2013-2017	1	0.068	0.298	0.67	1	1	0.339
ASEAN-2018-2019	1	0.053	0.188	0.67	1	1	0.339
AU-1980-1982	0	0.031	0.957	0	0	0.017	0.255
AU-1983-1984	1	0.031	0.96	0	0	0.048	0.255
AU-1985-1988	0.33	0.034	0.958	0.67	0	0.016	0.324
AU-1989-2001	1	0.065	0.935	1	0.33	0.214	0.812
AU-2002-2003	1	0.084	0.905	1	0.33	0.886	0.988
AU-2004-2008	1	0.141	0.744	1	0.33	0.225	0.989
AU-2009-2012	0.67	0.148	0.464	1	1	0.683	0.99
AU-2013-2016	1	0.188	0.365	1	1	0.435	0.99
AU-2017-2019	0.67	0.156	0.475	1	1	0.124	0.99
CAN-1980-1996	0.33	0.743	0.962	0	0	0.085	0.71
CAN-1997-2002	0.67	0.962	0.947	0.33	1	0.796	0.888
CAN-2003-2003	0.67	0.889	0.948	0.33	0.67	0.998	0.918
CAN-2004-2005	1	0.889	0.938	0.33	1	0.961	0.918
CAN-2006-2006	1	0.996	0.945	0.33	1	1	0.918

CAN-2007-2009	0.33	0.996	0.933	0.33	0.67	0.57	0.918
CAN-2010-2012	0	0.996	0.909	0.33	1	0.559	0.918
CAN-2013-2015	0	0.996	0.9	0.33	0.67	0.01	0.918
CAN-2016-2019	0.33	0.989	0.902	0.33	1	0.056	0.918
CARICOM-1980-1982	0	0.615	0.969	0	0	0.211	0.309
CARICOM-1983-1992	0	0.978	0.969	0	0	0.041	0.309
CARICOM-1993-2010	0.33	0.989	0.967	0.67	0	0.093	0.738
CARICOM-2011-2011	0	0.987	0.965	0.67	0	0.039	0.901
CARICOM-2012-2019	1	0.987	0.964	0.67	0.33	0.679	0.901
CEMAC-2000-2006	0	0.024	0.967	0	0.67	0.017	0.967
CEMAC-2007-2011	0	0.024	0.964	0.33	0.67	0.015	0.968
CEMAC-2012-2017	0.67	0.024	0.964	0.33	1	0.842	0.97
CEMAC-2018-2019	0	0.024	0.964	0.33	0.67	0.014	0.97
CIS-1991-1997	0	0.084	0.934	0.67	0	0.945	0.042
CIS-1998-1998	0	0.039	0.942	0.67	0	0.945	0.187
CIS-1999-2003	0	0.039	0.938	0.67	0.33	0.896	0.304
CIS-2004-2007	0	0.051	0.797	0.67	0.33	0.758	0.339
CIS-2008-2019	0.33	0.041	0.424	0.67	1	0.435	0.339
COE-1980-1984	1	0.991	0.5	1	0	0.849	0.963
COE-1985-1988	0.67	0.993	0.204	1	0	0.017	0.963
COE-1989-1993	1	0.995	0.014	1	0	0.777	0.964
COE-1994-1999	1	0.982	0	1	0.33	0.88	0.977
COE-2000-2004	1	0.97	0	1	0.33	0.576	0.992
COE-2005-2009	1	0.981	0	1	1	0.998	0.992
COE-2010-2019	1	0.952	0	1	1	0.869	0.993
COMESA-1994-1996	0	0.062	0.965	0.33	0	0.007	0.939
COMESA-1997-1997	0	0.121	0.963	0.33	0	0.067	0.939
COMESA-1998-2007	0.33	0.056	0.953	0.33	0.33	0.246	0.982
COMESA-2008-2017	0.33	0.065	0.912	0.33	1	0.426	0.984
COMESA-2018-2019	0	0.046	0.901	0.33	1	0.872	0.984
EAC-1996-2000	0	0.142	0.966	0.33	0.33	0.973	0.071
EAC-2001-2005	0.33	0.077	0.965	0.33	1	0.904	0.959
EAC-2006-2010	0.33	0.154	0.962	0.67	0.67	0.122	0.959
EAC-2011-2015	0.33	0.161	0.957	0.67	1	0.167	0.959

EAC-2016-2019	0.67	0.066	0.953	0.67	1	0.061	0.959
ECOWAS-1980-1984	0	0.027	0.965	0	0	0.041	0.064
ECOWAS-1985-1988	0	0.033	0.966	0	0	0.222	0.064
ECOWAS-1989-1993	0.67	0.049	0.966	0.33	0	0.017	0.064
ECOWAS-1994-1997	0	0.138	0.964	0.33	0	0.041	0.202
ECOWAS-1998-2001	0.67	0.119	0.962	0.33	0.33	0.159	0.442
ECOWAS-2002-2009	0.33	0.346	0.947	0.67	0.33	0.459	0.925
ECOWAS-2010-2011	0	0.35	0.919	0.67	1	0.192	0.955
ECOWAS-2012-2015	0.67	0.459	0.899	0.67	0.67	0.37	0.955
ECOWAS-2016-2017	0.67	0.934	0.914	0.67	0.67	0.272	0.973
ECOWAS-2018-2019	0	0.586	0.903	0.67	0.67	0.094	0.984
EU-1980-1980	0	0.996	0.5	0	0	0.057	0.901
EU-1981-1992	0.67	0.996	0.245	0.67	0	0.41	0.948
EU-1993-1994	1	0.996	0.018	0.67	0	0.911	0.963
EU-1995-1999	1	0.996	0	0.67	0.33	0.923	0.97
EU-2000-2004	1	0.996	0	0.67	1	0.874	0.989
EU-2005-2014	1	0.996	0	1	1	0.733	0.993
EU-2015-2019	1	0.995	0	1	1	0.854	0.994
GCC-1981-1992	0	0.024	0.962	0	0	0.722	0.118
GCC-1993-1995	0	0.024	0.955	0	0	0.551	0.118
GCC-1996-2001	0	0.024	0.944	0	0	0.221	0.128
GCC-2002-2010	0.33	0.024	0.872	0	0.33	0.118	0.133
GCC-2011-2019	0.33	0.024	0.653	0.33	0.33	0.148	0.133
LoAS-1980-1990	0	0.024	0.954	0	0	0.08	0.797
LoAS-1991-2000	0.33	0.024	0.927	0	0.33	0.096	0.797
LoAS-2001-2010	0.67	0.029	0.718	0.67	0.33	0.105	0.979
LoAS-2011-2015	0.67	0.046	0.296	1	1	0.153	0.994
LoAS-2016-2019	0.67	0.033	0.316	1	1	0.543	0.994
Mercosur-1991-1996	0	0.967	0.889	0	0	0.155	0.043
Mercosur-1997-1998	1	0.996	0.733	0	0	0.062	0.369
Mercosur-1999-2000	0	0.996	0.808	0	0.67	0.175	0.369
Mercosur-2001-2002	0	0.996	0.866	0	0.67	0.058	0.45
Mercosur-2003-2005	0.33	0.996	0.821	0	0.67	0.576	0.612
Mercosur-2006-2007	0.67	0.996	0.524	0.33	1	0.175	0.653

Mercosur-2008-2009	0	0.996	0.341	0.33	0.67	0.051	0.653
Mercosur-2010-2011	0.67	0.996	0.138	0.67	0.67	0.145	0.653
Mercosur-2012-2013	0.67	0.956	0.093	0.67	1	0.065	0.653
Mercosur-2014-2016	1	0.956	0.184	0.67	1	0.189	0.653
Mercosur-2017-2018	1	0.956	0.205	0.67	1	0.176	0.653
Mercosur-2019-2019	0.67	0.644	0.269	0.67	1	0.242	0.653
NordC-1980-1981	0.67	0.996	0.957	0	0	0.175	0.014
NordC-1982-1986	0.67	0.996	0.958	0	0	0.109	0.015
NordC-1987-1989	0.67	0.996	0.945	0	0	0.042	0.034
NordC-1990-1991	0	0.996	0.933	0	0	0.124	0.034
NordC-1992-1993	0.67	0.996	0.932	0	0	0.052	0.034
NordC-1994-1995	0.67	0.996	0.91	0	0	0.168	0.034
NordC-1996-1998	0.67	0.996	0.878	0	0	0.191	0.034
NordC-1999-2006	0.67	0.996	0.835	0	0.33	0.213	0.034
NordC-2007-2013	0.33	0.996	0.602	0	0.33	0.083	0.034
NordC-2014-2019	0	0.996	0.64	0	1	0.189	0.034
OAS-1980-1983	1	0.167	0.426	1	0	0.064	0.467
OAS-1984-1993	1	0.508	0.05	1	0	0.166	0.588
OAS-1994-2004	1	0.979	0	1	0.33	0.94	0.829
OAS-2005-2014	1	0.975	0	1	1	0.22	0.91
OAS-2015-2019	1	0.968	0	1	1	0.354	0.91
OECS-1982-1995	0	0.994	0.969	0	0	0.013	0.282
OECS-1996-2000	0	0.996	0.969	0	0	0.012	0.282
OECS-2001-2002	0	0.996	0.969	0	0	0.02	0.282
OECS-2003-2013	0.33	0.996	0.969	0.33	0	0.035	0.485
OECS-2014-2019	0.33	0.996	0.969	0.33	0	0.094	0.857
OSCE-1992-1995	1	0.774	0	0.67	0	0.988	0.158
OSCE-1996-1998	1	0.751	0	0.67	0.33	0.779	0.433
OSCE-1999-1999	1	0.771	0	0.67	0.33	0.309	0.433
OSCE-2005-2010	1	0.902	0	0.67	0.33	0.996	0.433
OSCE-2011-2016	1	0.83	0	0.67	0.67	0.991	0.433
OSCE-2017-2019	1	0.72	0	0.67	1	0.59	0.433
PIF-1980-1982	0	0.934	0.962	0	0	0.1	0.023
PIF-1983-1985	0	0.967	0.963	0	0	0.019	0.023

PIF-1986-1991	0.33	0.67	0.957	0	0	0.043	0.023
PIF-1992-1997	0	0.963	0.939	0	0	0.08	0.071
PIF-1998-2003	0	0.898	0.926	0	0.33	0.341	0.324
PIF-2004-2008	0.33	0.889	0.84	0.33	0.33	0.773	0.835
PIF-2009-2014	1	0.753	0.636	0.33	0.33	0.721	0.843
PIF-2015-2019	1	0.716	0.641	0.33	0.33	0.838	0.843
SAARC-1985-1989	0.67	0.091	0.956	0	0	0.946	0.004
SAARC-1990-1991	0	0.051	0.952	0	0	0.098	0.004
SAARC-1992-1993	0.67	0.147	0.95	0	0	0.095	0.004
SAARC-1994-1995	0.67	0.202	0.937	0	0	0.112	0.004
SAARC-1996-1998	0.67	0.202	0.916	0	0	0.227	0.004
SAARC-1999-2001	0	0.202	0.904	0	0.33	0.007	0.004
SAARC-2002-2004	0	0.104	0.873	0	1	0.377	0.004
SAARC-2005-2007	1	0.063	0.737	0	1	0.787	0.005
SAARC-2008-2010	0.67	0.273	0.501	0	1	0.1	0.005
SAARC-2011-2011	0.67	0.273	0.363	0	1	0.112	0.005
SAARC-2012-2013	0	0.21	0.372	0	0.67	0.007	0.005
SAARC-2014-2016	0	0.23	0.265	0	1	0.032	0.005
SAARC-2017-2019	0	0.273	0.127	0	0.67	0.007	0.005
SADC-1980-1982	0	0.046	0.968	0	0	0.286	0.039
SADC-1983-1983	0	0.046	0.969	0	0	0.322	0.039
SADC-1984-1993	0.33	0.059	0.968	0.67	0	0.186	0.045
SADC-1994-1999	0.67	0.185	0.96	0.67	0.33	0.058	0.255
SADC-2000-2005	0.67	0.149	0.95	0.67	1	0.367	0.309
SADC-2006-2013	0.67	0.372	0.913	0.67	1	0.253	0.901
SADC-2014-2019	0.67	0.22	0.91	0.33	0.67	0.044	0.901
SCO-2001-2006	0	0.024	0.276	0	0.33	0.263	0.064
SCO-2007-2009	0	0.024	0.004	0	0.33	0.046	0.133
SCO-2010-2012	0	0.024	0	0	1	0.187	0.133
SCO-2013-2015	0	0.024	0	0	0.67	0.153	0.133
SCO-2016-2018	0	0.024	0	0	0.67	0.138	0.133
SCO-2019-2019	0.67	0.024	0	0	0.67	0.535	0.133
SICA-1991-1996	1	0.562	0.967	0.33	0	0.998	0.314
SICA-1997-1999	1	0.675	0.965	0.33	0.33	0.996	0.813

SICA-2000-2004	1	0.996	0.964	0.33	1	0.999	0.813
SICA-2005-2008	0.67	0.956	0.962	0.33	0.67	0.161	0.813
SICA-2009-2012	1	0.644	0.958	0.33	0.67	0.838	0.836
SICA-2013-2013	0	0.771	0.956	0.33	0.67	0.535	0.843
SICA-2014-2016	0.67	0.771	0.954	0.33	0.67	0.869	0.843
SICA-2017-2019	0.67	0.771	0.951	0.33	1	0.549	0.843

Table 15 Descriptive statistics of the raw data

Statistic	N	Min	Max	Mean	St. Dev.
Human rights leg.	167	0	7	0.891	1.244
Econ vulnerability	167	1,048,276,878.000	40,687,607,242,111.000	3,031,152,207,221.000	6,655,529,459,760.000
Leg. intensity	167	0.000	1.107	0.414	0.234
Democratic members.	167	0	1	0.546	0.377
Human rights ins.	167	0	5	1.503	1.671
Authority	167	0.020	0.920	0.453	0.258
NHRINS	167	1.333	21.000	5.122	5.035
Non-state reference group	167	0.000	0.652	0.186	0.143

Table 16 Overview of skewness for all sets

Sets: Outcome & conditions		Skewness of sets (Cases > 0.5)
Human rights legitimation		80/ 167 = 50.9 %
1	High authority	80 / 167 = 47.9 %"
2	High legitimation intensity	58 / 167 = 34.73 %
3	Strong non-state realm	72 / 167 = 43.11 %
4	Economic vulnerability	118 / 167 = 70.66 %"
5	Democratic membership	83 / 167 = 49.7 %
6	Active human rights institutions	63 / 167 = 37.72 %"

Details on conditions

Condition 1: Democracy (DEM)

Table 17 Regime classification taken from Lührmann et al. (2018)

Autocracy		Democracy	
Closed autocracy	**Electoral autocracy**	**Electoral democracy**	**Liberal democracy**
No *de-facto* multiparty, or free and fair elections, or Dahl's institutional prerequisites not minimally fulfilled		*De-facto multiparty, free and fair elections, and* Dahl's institutional prerequisites minimally fulfilled	
No multiparty elections for the chief executive or the legislature	*De-jure* multiparty elections for the chief executive and the legislature	The rule of law, or liberal principles not satisfied	The rule of law, and liberal principles satisfied

Condition 2: Active human rights institutions (HRINS)

Table 18 Overview of Handcoding of human rights institutions

Score	Indicator	Question (if one of the questions can be answered with yes, the score is 1)
1 / 0	Mandate	Does the founding treaty (with amendments in the respective year) mention human rights promotion and protection as a core purpose/objective of the RO? OR Is there a treaty/charter/declaration of the RO explicitly dedicated to human rights?
1 / 0	Court	Is there a regional court with exclusive formal authority on human rights (a Human Rights Court)? OR Is there a regional court with extensive jurisdiction that includes a mandate on human rights?
1 / 0	Court activities'	Is the human rights court active and/or de facto established? OR Is there any other jurisdictional institution adjudicating on human rights?
1 / 0	Commission	Does the RO dispose of a formal human rights commission? (i.e. a body providing advisory opinions, making recommendations, advancing human rights legislation by interpreting a charter and engaging in human rights promotion via education and information that is independently authoritative, in that it is not subordinated to another core body of the RO)

| 1 / 0 | Commission activities' | Is the human rights commission active and/or de facto established?

OR

Is there any other authoritative institution active on human rights or exclusively dedicated to human rights? |

Conditions 5: Relevant non-state actors (NGO)

Extract from the LegRO Codebook

Step 2.2: Reference group (RG)

Reference group denotes the collective that is mentioned in a legitimation statement as the *benefactor* of an RO's activity. Similarly, we code the actors that are mentioned as being involved in the RO's work or decision-making. Legitimation object and reference group can be the same. We distinguish the following groups:

State(s)

Civil society/business

People/citizens/society/population

doubt (group-discussion and recoding)

<u>Positive Example:</u> "And it is incumbent upon us to use that assistance in ways that maximise the benefits of development and that those benefits reach all our people." (PIF 1995 AR, p. 3)

Our default category is "state" (RG0). That is to say that we code RG0 if states are either explicitly mentioned as the benefactor or if neither "civil society/business" (RG1) nor "people/citizens" (RG2) are explicitly mentioned. If both RG1 and RG2 are explicitly mentioned, we code this as RG2. To avoid multiple codings, the reference group is coded for a full paragraph.

Legitimation standards highlighting human rights (see below) do not automatically imply RG1 or RG2. To be coded as such, a specific rights-holding group, such as "women's rights" or "migrant rights" has to be explicitly mentioned.

Table 19 Overview of coding for National Human Rights Institutions

Score	Description
2 = A	NHRI is accredited with A at the UN – fully compliant with Paris Principles
1 =B	NHRI is accredited with B at the UN – partially compliant with Paris Principles (or other formerly existing statuses at UN)
0.5 = C	NHRI exists according to UN. It is however not accredited at the UN but was reviewed and/or accreditation was withdrawn OR

	NHRI exists according to Koo and Ramirez 2009
0 = X	No NHRI present according to both data sources.

A5   Details on QCA results

Deviant cases consistency in kind

Figure 23 Deviant case consistency kind in row 23 – ASEAN 2008-2012
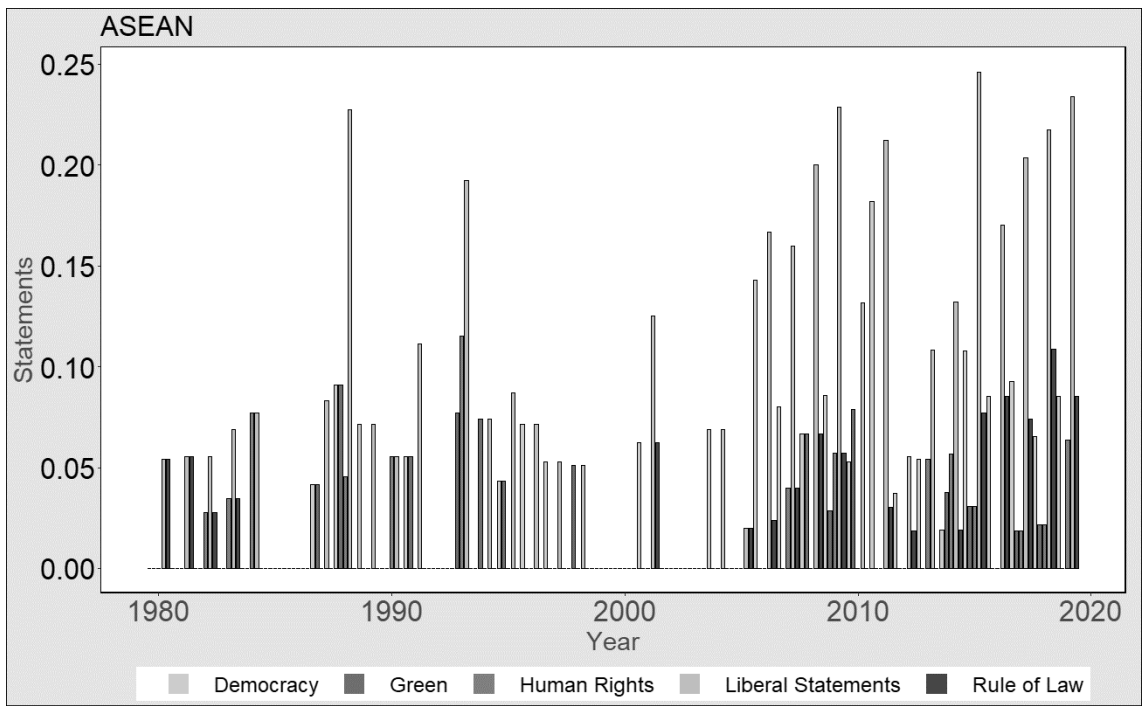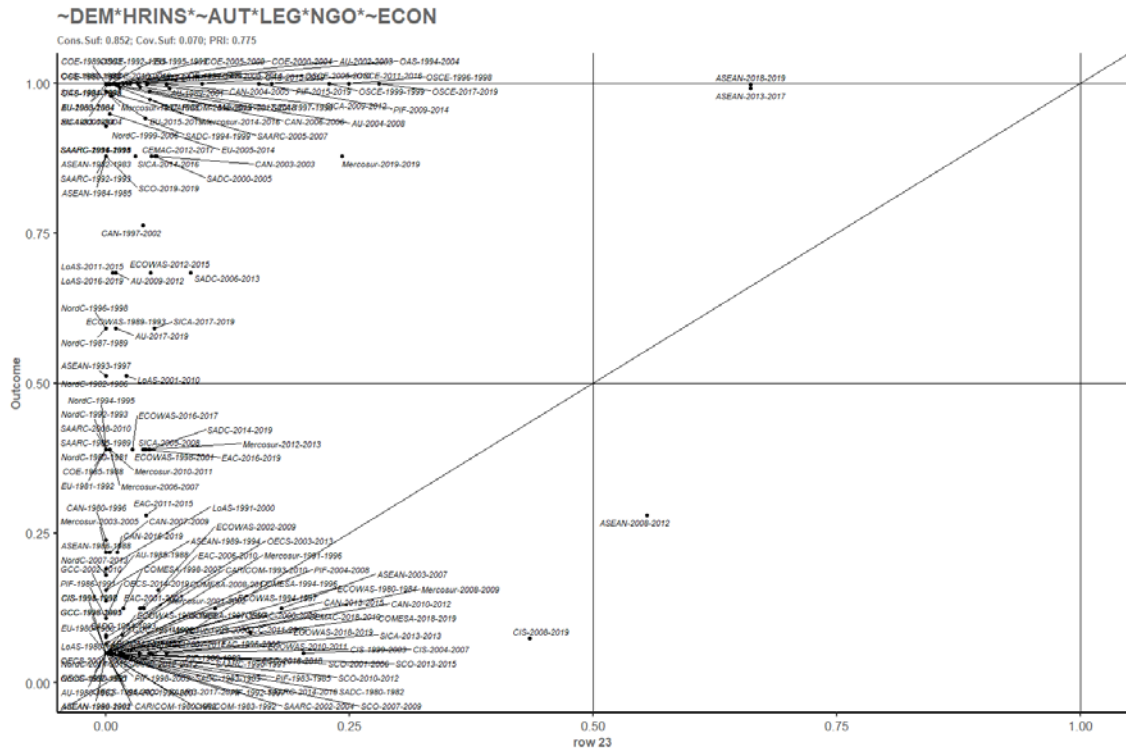
Figure 24 Deviant case consistency in kind in row 19- CIS-2008-2019

~DEM*HRINS*~AUT*~LEG*NGO*~ECON

Cons.Suf: 0.832; Cov.Suf: 0.045; PRI: 0.673
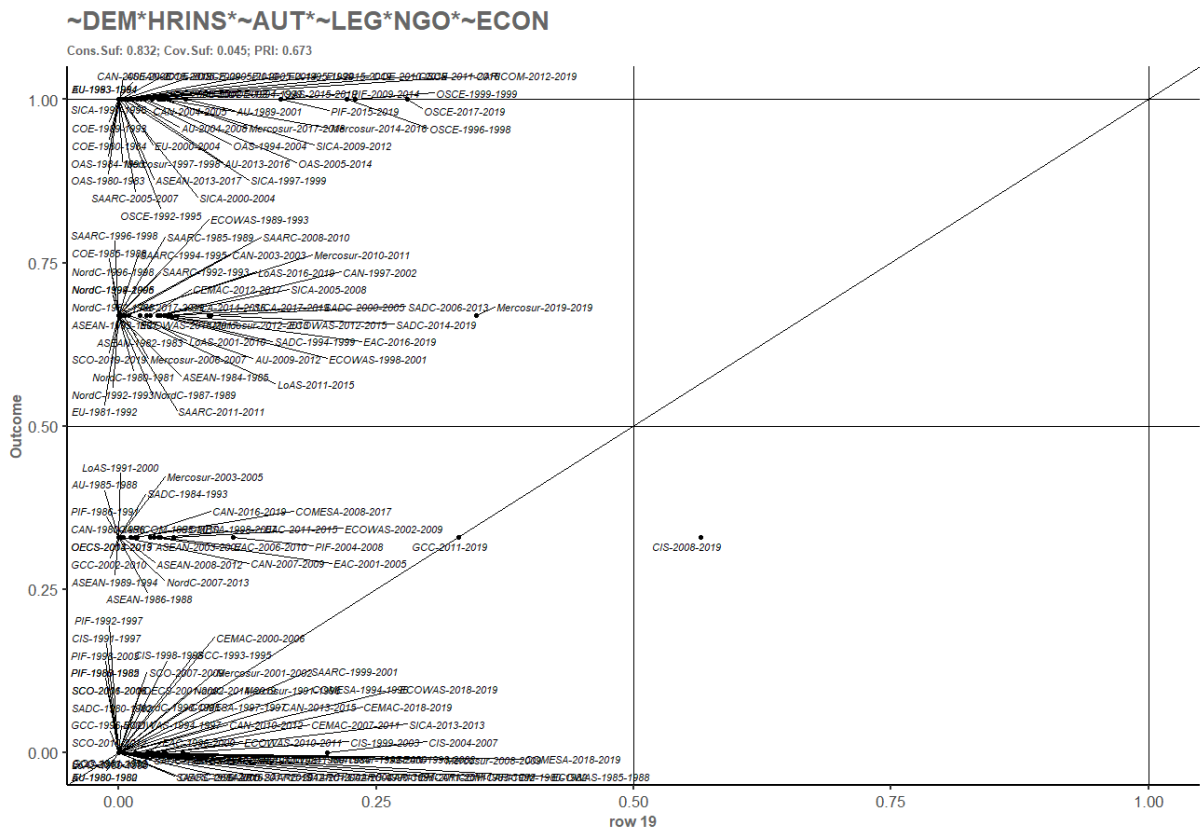
Figure 25 Deviant cases consistency in kind in row 48

DEM*~HRINS*AUT*LEG*NGO*ECON

Cons.Suf: 0.795; Cov.Suf: 0.142; PRI: 0.661
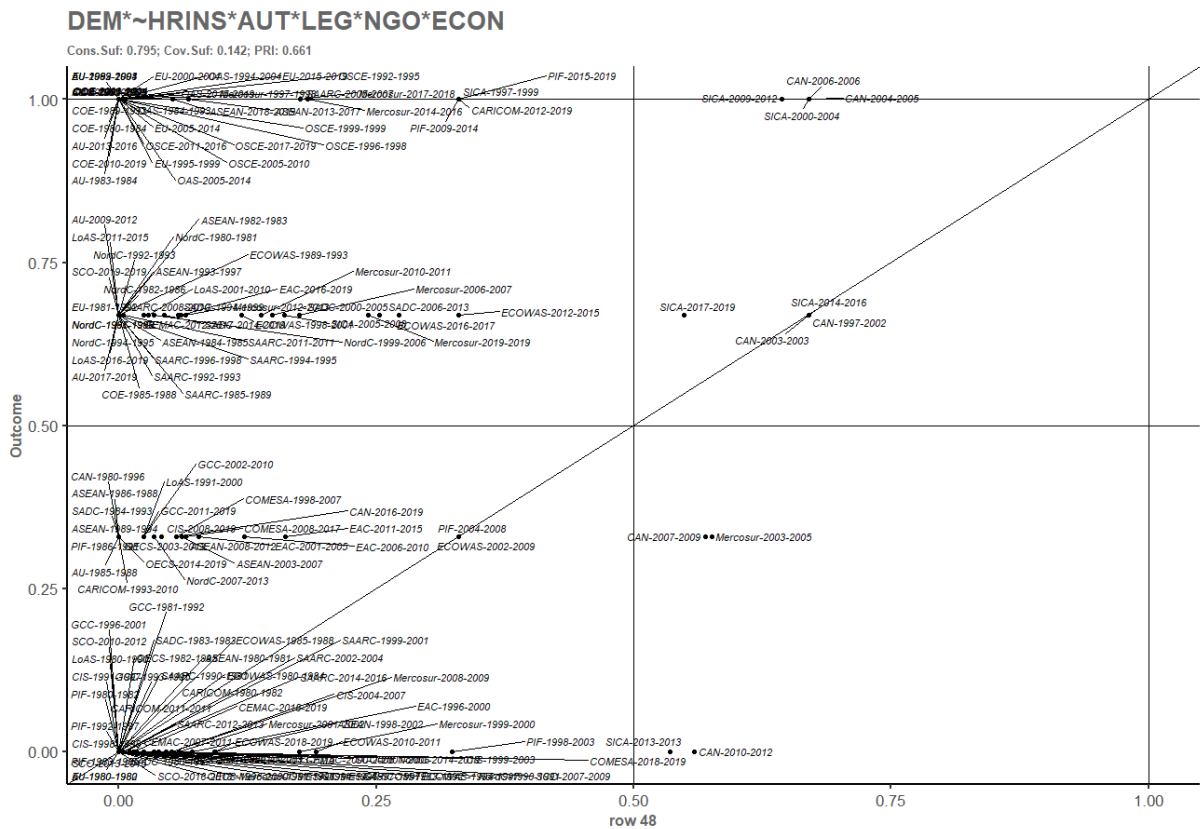
Additional visualisations of the original solution

Figure 26 XY-Plot for Path 1
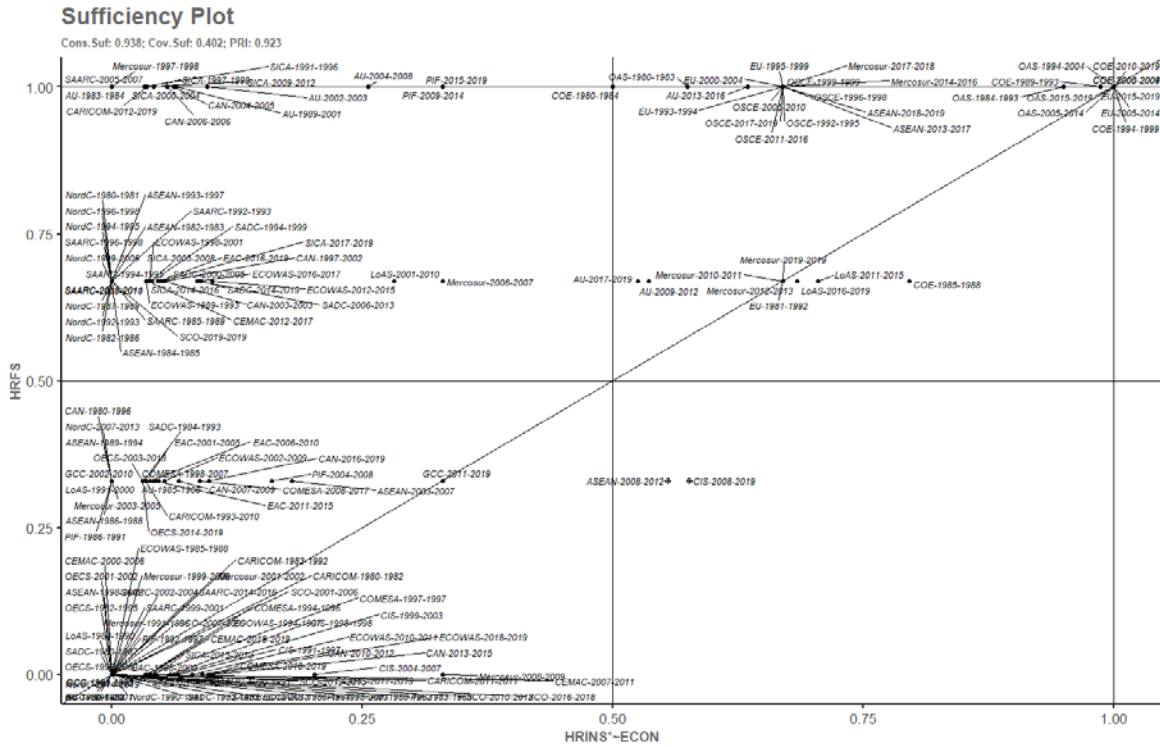
Figure 27 XY plot for path 2
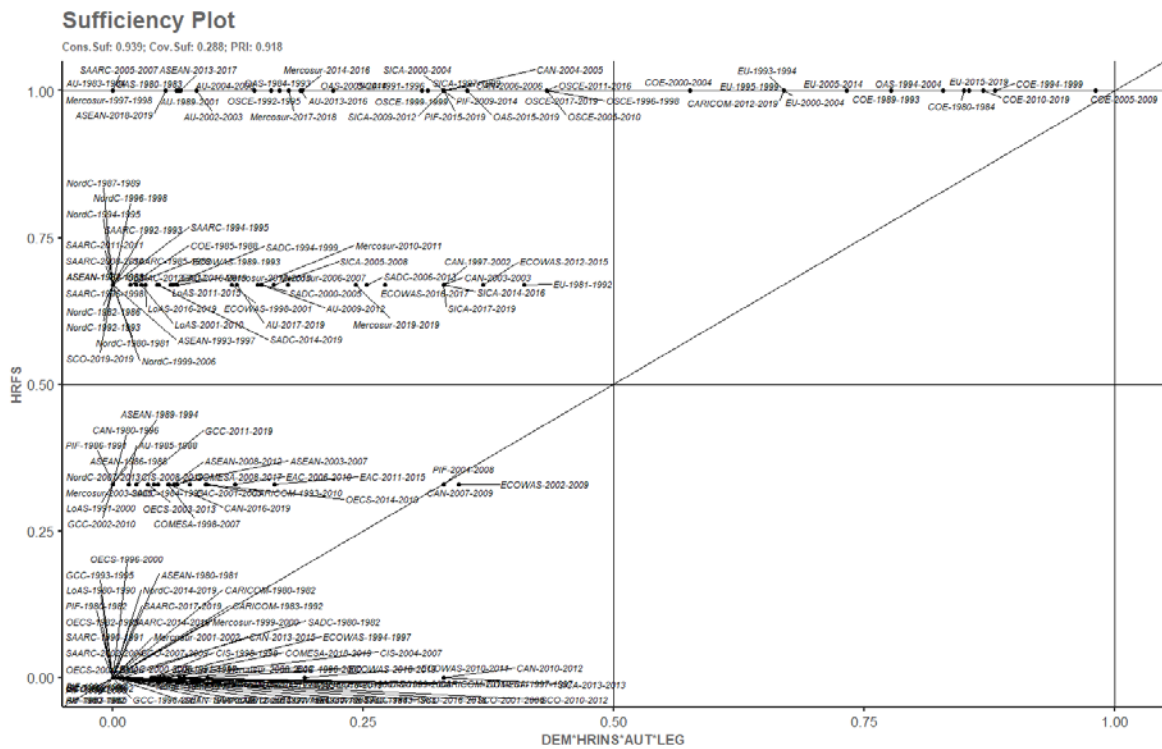
Figure 28 XY plot for path 3
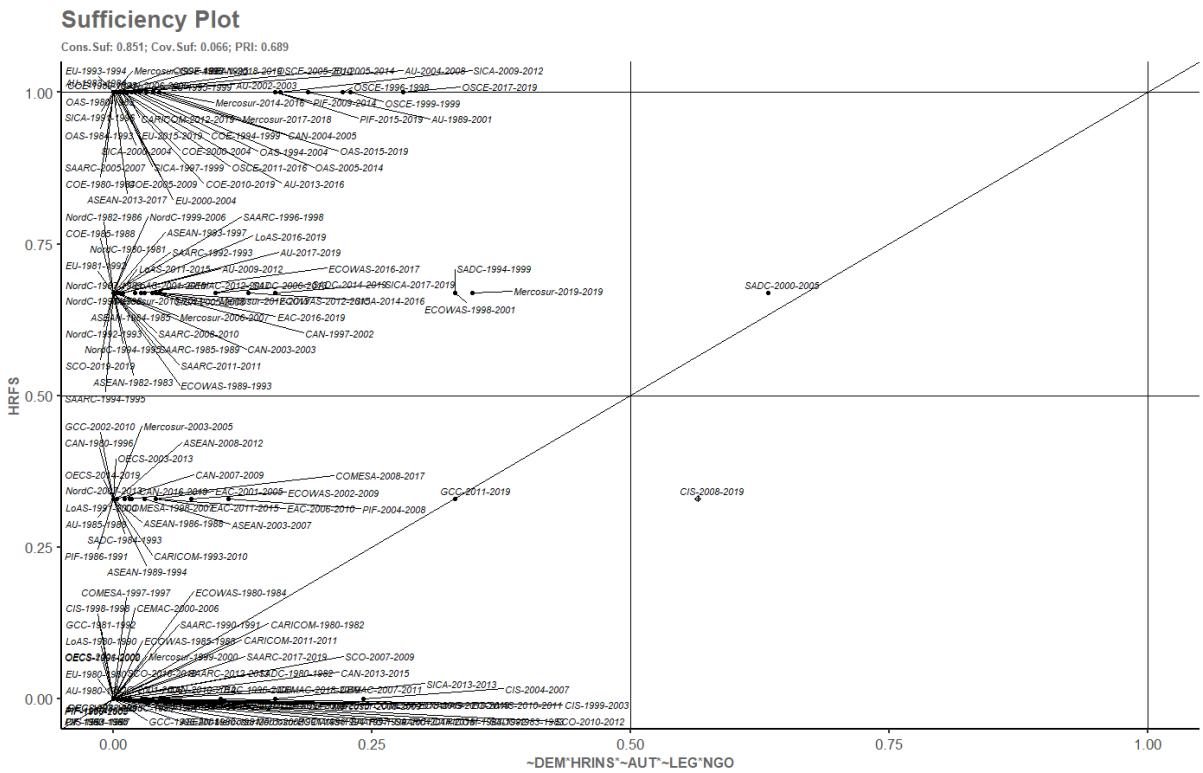
Figure 29 XY plot for path 4
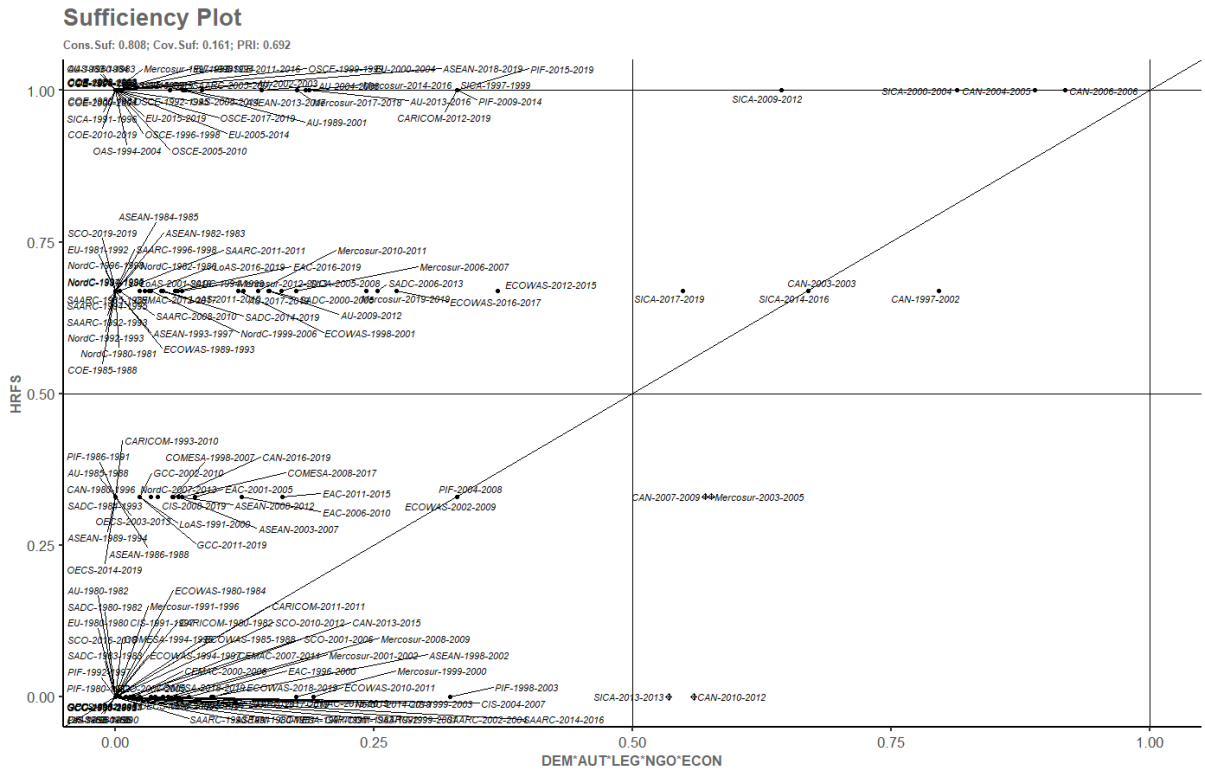
Figure 30 XY plot for the solution

Sufficiency Plot

Cons.Suf: 0.900; Cov.Suf: 0.536; PRI: 0.871
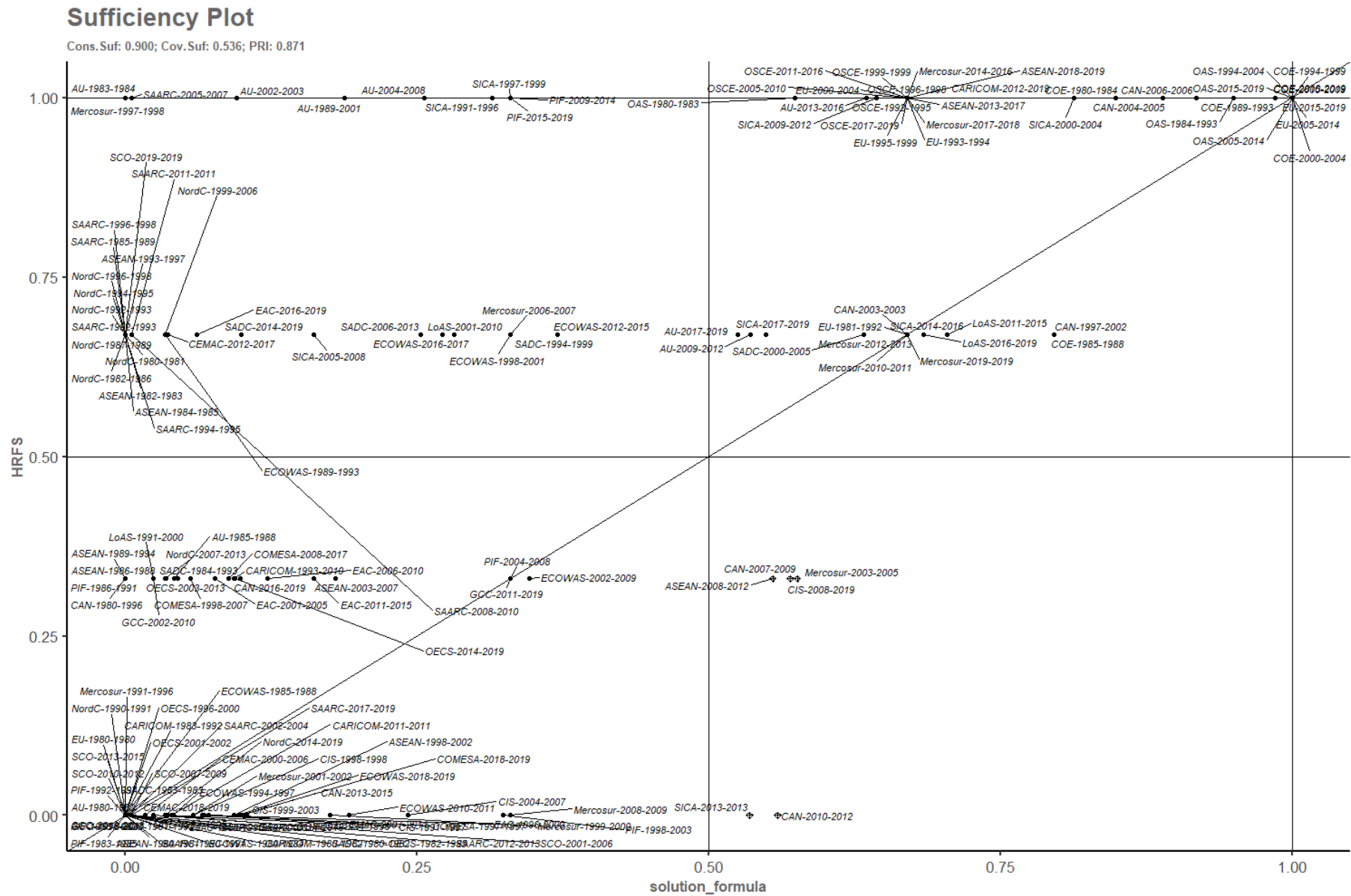
Figure 31 Radar chart for the solution

Solution Formula
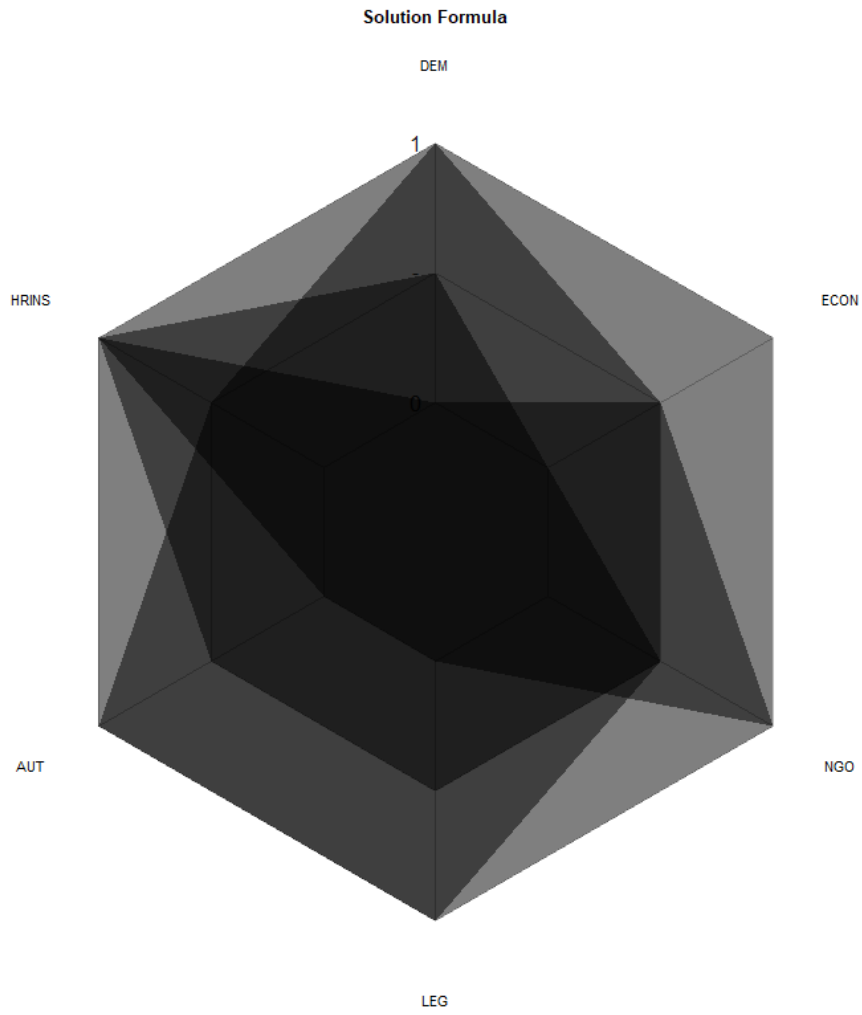
Table 20 Prime implicants

	17	19	20	23	27	31	48	49	53	55	57	59	61	62	63
HRINS*~ECON	x	x	-	x	x	x	-	x	x	x	x	x	x	-	x
DEM*HRINS*LEG	-	-	-	-	-	-	-	-	x	x	-	-	x	x	x
DEM*LEG*NGO	-	-	-	-	-	-	x	-	-	x	-	-	-	-	x
HRINS*~AUT*~LEG*NGO	-	x	x	-	-	-	-	-	-	-	-	-	-	-	-

A6   Robustness checks

Enhanced standard analysis

A first robustness test entails comparing the different possible solutions obtained. For this analysis, this is particularly significant because of the limited diversity and the directional expectations underlying the minimisation to the intermediate solution. One third of the truth table rows are not covered by empirical cases. Thus, to ensure robust results despite limited diversity and for obtaining an adequate solution that goes beyond the distinction of conservative, parsimonious and intermediate, scholars introduce a protocol called Enhanced Standard Analysis (ESA) for obtaining a solution formula. The objective of performing an ESA is to arrive at a solution that does not include untenable assumptions (Schneider and Wagemann, 2013, p. 209). The main step when undertaking an ESA is to ensure exclusion of all logical remainder rows that lead to untenable solutions. Three sources of assumption that turn out untenable can be identified and will be examined for the above presented analysis.

Firstly, one needs to ensure that there are no contradictory statements of necessity (Oana *et al.*, 2021, p. 122). As I cannot report any solid necessary condition, neither for the presence nor the absence of the outcome, no untenable assumptions can result from this. Secondly, one should examine whether there are contradictory simplifying assumptions in comparison with the negated outcome. This fallacy is possible when one includes the same logical remainder rows in the minimisation for the outcome and its negation. Intersecting the parsimonious solutions for the occurrence and non-occurrence of the outcome allows to check for this possible contradiction. For my analysis, there are no contradictory simplifying assumption to report. Finally, one needs to consider the possibility of there being combinations that simply cannot exist, that is, impossible remainders. Depending on conditions and calibrations, one could run a QCA where certain conjunctions in truth table rows are simply impossible to observe empirically. This would apply in my analysis, for example if I were to include to individual conditions for democratic and autocratic membership. An RO could not possibly be part of both sets, being predominantly democratic and autocratic at the same. Such logically contradicting logical remainder rows would need to be excluded from minimisation. This problem does, however, not apply here. Thus, simply reporting the intermediate solution with the directional expectations represents a robust result according to the ESA. Below I display the parsimonious and conservative solution for comparison.

QCA robustness test protocol

These robustness test follow, as far as possible Oana and Schneider (2021), and Oana, Schneider and Thomann (2021). I discuss the implications of these robustness checks in chapter 5.4 and subsequent consequences in chapter 6.1.

They begin by testing the robustness of individual analytical decisions by calculating their sensitivity range, meaning the range of possible thresholds to choose from within which the presented solution is not affected.

Table 10 illustrates these sensitivity ranges for the calibration decisions the consistency cut-off and the n-cut for the truth table minimisation chosen.

Table 21 Sensitivity ranges of four conditions, inclusion cut and N-cut

Condition	Exclusion			Crossover			Inclusion		
	Lower	*Threshold*	*Upper*	*Lower*	*Threshold*	*Upper*	*Lower*	*Threshold*	*Upper*
AUT	0.21	0.21	0.39	0.4	0.43	0.43	0.44	0.71	1.37
LEG	0.2	0.2	0.37	0.4	0.49	0.49	0.6	0.72	0.73
ECON	3 923 520 169 844.42	3 923 520 169 844.42	NA	1 713 194 233 224.27	1 713 194 233 224.27	1 813 194 233 224.27	-50 177 359 566.68	249 822 640 433.32	449 822 640 433.32
DEM	0.14	0.14	0.67	0.68	0.68	0.71	0.76	0.85	0.88
Incl. Cut	0.78			0.78			0.79		
N-Cut	1			1			1		

Given that this only represent the effects of individually altered analytical decision whereas a QCA's solutions is the result of the interplay between these decisions, they suggest constructing maximum (maxTS) and minimum test solutions (minTS). In these test solutions multiple alterations of the analytical decisions are incorporated as once, representing "a space of possible solutions", ranging from a common denominator, i.e. the area of agreement of a minimum of all alternative solutions (minTS), to the entire area of possible solutions (maxTS) (Oana and Schneider, 2021, 6f). Representing thus a hard case for the original solution, comparison between these three allows to assess robustness of the former. In my case I construct a minTS with a very narrow inclusions cut-off for consistency for truth table minimisation, and a maxTS with a more inclusive outcome calibration. Table 11 displays the analytical decision for minTS, maxTS and the presented solution.

	Incl.Cut	N.Cut	PRI	HRFS calibration
minTS	0.84	1	0.78	c(0, 0.5, 1.2)
Solution	0.78	1	0.5	c(0, 0.5, 1.2)
maxTS	0.78	1	0.5	c(0, 0.43, 0.95)

Intersecting these three solutions allows to calculate parameters of fit for the robust core and the overall robustness fit of the solution. The former represents the robustness of the solution with regard to the minimum test solutions, i.e. that part of the original solution that "is supported by all the robustness tests performed by the researcher. The robustness fit on the other hand compares the original solution, to the robust core and both tests' solutions in order to assess "how well the RC fares in comparison to the IS", thus my original solution and subset relations with the other two. Similar to the parameters of fit for the original QCA, they can range between 0 and 1, the latter indicating perfect set-relationship. The results below that consistency for these two measures is close to 1, thus rather satisfying. It implies that the results remain rather consistent despite changes in analytical decisions. The coverage score (Cov.Suf and RF_cov) are less satisfying as they are far below 1. This, however, also reflects the overall weak coverage of the original solution. In chapter 6, I discuss remedies to this issue.

Robust Core: Cons.Suf = 0.939, Cov.Suf = 0.379, PRI = 0.924

Robustness_Fit: RF_cons = 0.958, RF_cov = 0.708, RF_SC = 0.679
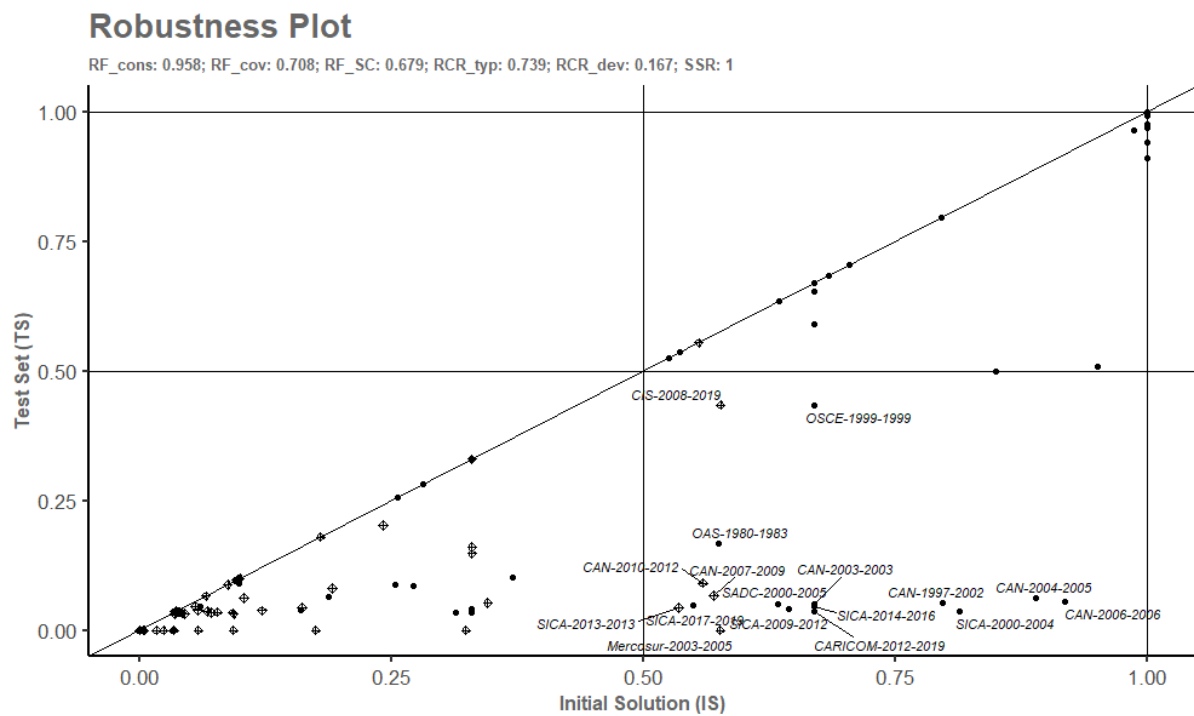
This robustness plot displays the intersections of the solutions graphically. Cases in the upper rights and lower left quadrant are robust over all solutions. Cases in the lower right quadrant are shaky cases, either a shaky typical case for those who display the outcome (filled out circle, e.g. SICA 2000-2004), the ones with the crossed circle represent shaky deviant cases consistency. The high numbers of these cases represent a significant violation of the robustness of the solution, which again reflects the fact that despite high consistency of the overall results, this QCA does not fare well in explaining a lot of individual cases. This factor is partially remedied by the case study on the CARICOM 2012-2019 case. In-depth analysis of this case might prove instructive as to why this is a shaky case. When drawing inferences from this case, this factor will be reflected upon.

Cluster analysis

Results for cluster analysis of the cluster: ROs

Consistencies:						
			~ECON*HRINS	DEM*HRINS*AUT*LEG	ECON*DEM*NGO*AUT*LEG	~DEM*NGO*HRINS*~AUT*~LEG
Pooled			0.938	0.939	0.808	0.851
Between	ASEAN	(11)	0.892	1.000	0.723	1.000
Between	AU	(9)	1.000	1.000	1.000	1.000
Between	CAN	(9)	0.669	0.834	0.791	0.924

Between	CARICOM	(5)	0.660	0.952	1.000	1.000
Between	CEMAC	(4)	0.334	0.450	0.340	0.326
Between	CIS	(5)	0.342	0.194	0.313	0.362
Between	COE	(7)	0.980	1.000	NaN	1.000
Between	COMESA	(5)	0.441	0.500	0.722	0.675
Between	EAC	(5)	0.828	0.856	0.856	0.857
Between	ECOWAS	(10)	0.594	0.764	0.792	0.886
Between	EU	(7)	1.000	1.000	NaN	1.000
Between	GCC	(5)	1.000	1.000	1.000	1.000
Between	LoAS	(5)	0.971	1.000	1.000	1.000
Between	Mercosur	(12)	0.918	0.951	0.712	0.992
Between	NordC	(10)	NaN	NaN	0.667	NaN
Between	OAS	(5)	1.000	1.000	NaN	1.000
Between	OECS	(5)	1.000	1.000	NaN	NaN
Between	OSCE	(6)	1.000	1.000	NaN	1.000
Between	PIF	(8)	1.000	1.000	0.754	1.000
Between	SAARC	(13)	NaN	NaN	0.384	NaN
Between	SADC	(7)	1.000	1.000	1.000	1.000
Between	SCO	(6)	NaN	NaN	0.000	NaN
Between	SICA	(8)	0.864	0.866	0.855	0.761
Within	1980	(12)	1.000	1.000	NaN	NaN
Within	1981	(2)	1.000	1.000	NaN	NaN
Within	1982	(3)	NaN	NaN	NaN	NaN
Within	1983	(4)	NaN	NaN	NaN	NaN
Within	1984	(3)	1.000	1.000	NaN	NaN
Within	1985	(4)	0.850	1.000	NaN	NaN
Within	1986	(2)	NaN	NaN	NaN	NaN
Within	1987	(1)	NaN	NaN	NaN	NaN
Within	1989	(4)	1.000	1.000	1.000	1.000
Within	1990	(2	NaN	NaN	NaN	NaN
Within	1991	(4)	0.334	0.883	1.000	NaN
Within	1992	(4)	1.000	1.000	NaN	NaN
Within	1993	(4)	1.000	1.000	NaN	NaN
Within	1994	(7)	0.966	0.974	1.000	1.000

Within	1995	(1)	1.000	1.000	NaN	1.000
Within	1996	(6)	0.952	0.859	0.000	0.890
Within	1997	(4)	0.704	0.908	0.888	1.000
Within	1998	(5)	0.593	0.818	0.295	1.000
Within	1999	(5)	0.915	0.889	0.135	0.689
Within	2000	(5)	1.000	1.000	0.982	1.000
Within	2001	(5)	1.000	1.000	0.562	1.000
Within	2002	(4)	1.000	0.963	0.991	1.000
Within	2003	(4)	1.000	1.000	0.812	1.000
Within	2004	(4)	0.702	0.940	0.964	0.399
Within	2005	(6)	1.000	1.000	1.000	1.000
Within	2006	(4)	1.000	1.000	1.000	1.000
Within	2007	(4)	0.650	0.956	0.584	0.108
Within	2008	(5)	0.483	0.765	0.770	0.594
Within	2009	(3)	1.000	1.000	1.000	1.000
Within	2010	(5)	0.907	0.660	0.156	0.185
Within	2011	(6)	0.961	0.945	1.000	1.000
Within	2012	(5)	1.000	1.000	0.994	1.000
Within	2013	(5)	0.901	0.429	0.319	0.058
Within	2014	(6)	1.000	1.000	0.959	1.000
Within	2015	(3)	1.000	1.000	1.000	1.000
Within	2016	(5)	0.985	1.000	1.000	1.000
Within	2017	(5)	1.000	1.000	0.994	1.000
Within	2018	(4)	0.743	0.254	0.254	0.006
Within	2019	(2)	1.000	1.000	1.000	1.000

Distances:

	~ECON*HRINS	DEM*HRINS*AUT*LEG	ECON*DEM*NGO*AUT*LEG	~DEM*NGO*HRINS*~AUT*~LEG
From Between Pooled to	NaN	NaN	NaN	NaN
From Within	NaN	NaN	NaN	NaN

			~ECON*HRINS	DEM*HRINS*AUT*LEG	ECON*DEM*NGO*AUT*LEG	~DEM*NGO*HRINS*~AUT*~LEG
to Pooled						
Coverages:						

Pooled			0.402	0.288	0.161	0.066
Between	ASEAN	(11)	0.347	0.046	0.046	0.006
Between	AU	(99	0.323	0.115	0.113	0.036
Between	CAN	(9)	0.089	0.394	0.816	0.022
Between	CARICOM	(5)	0.052	0.573	0.248	0.010
Between	CEMAC	(4)	0.054	0.036	0.036	0.045
Between	CIS	(5)	1.000	0.124	0.124	1.000
Between	COE	(7)	0.923	0.742	0.000	0.005
Between	COMESA	(5)	0.204	0.182	0.182	0.051
Between	EAC	(5)	0.098	0.254	0.254	0.099
Between	ECOWAS	(10)	0.104	0.368	0.362	0.159
Between	EU	(7)	0.825	0.707	0.000	0.003
Between	GCC	(5)	0.500	0.036	0.073	0.500
Between	LoAS	(5)	0.693	0.046	0.056	0.014
Between	Mercosur	(12)	0.612	0.165	0.218	0.081
Between	NordC	(10)	0.000	0.000	0.014	0.000
Between	OAS	(5)	0.905	0.327	0.000	0.016
Between	OECS	(5)	0.095	0.196	0.000	0.000
Between	OSCE	(6)	0.670	0.367	0.000	0.124
Between	PIF	(8)	0.308	0.372	0.372	0.160
Between	SAARC	(13)	0.000	0.000	0.003	0.000
Between	SADC	(7)	0.100	0.183	0.168	0.386
Between	SCO	(6)	0.000	0.000	0.000	0.000
Between	SICA	(8)	0.046	0.354	0.527	0.083
Within	1980	(12)	0.358	0.304	0.000	0.000
Within	1981	(2)	1.000	0.613	0.000	0.000
Within	1982	(3)	0.000	0.000	0.000	0.000
Within	1983	(4)	0.000	0.000	0.000	0.000

Within	1984	(3)	0.491	0.106	0.000	0.000
Within	1985	(4)	0.426	0.020	0.000	0.000
Within	1986	(2)	0.000	0.000	0.000	0.000
Within	1987	(1)	0.000	0.000	0.000	0.000
Within	1989	(4)	0.362	0.287	0.022	0.063
Within	1990	(2)	NaN	NaN	NaN	NaN
Within	1991	(4)	0.025	0.236	0.018	0.000
Within	1992	(4)	0.286	0.068	0.000	0.000
Within	1993	(4)	0.352	0.381	0.000	0.000
Within	1994	(7)	0.509	0.441	0.014	0.092
Within	1995	(1)	0.670	0.670	0.000	0.004
Within	1996	(6)	0.286	0.185	0.000	0.095
Within	1997	(4)	0.033	0.247	0.375	0.016
Within	1998	(5)	0.085	0.174	0.174	0.348
Within	1999	(5)	0.401	0.185	0.020	0.137
Within	2000	(5)	0.478	0.470	0.262	0.176
Within	2001	(5)	0.317	0.106	0.106	0.062
Within	2002	(4)	0.089	0.249	0.264	0.052
Within	2003	(4)	0.158	0.257	0.639	0.020
Within	2004	(4)	0.205	0.344	0.584	0.069
Within	2005	(6)	0.654	0.446	0.029	0.014
Within	2006	(4)	0.191	0.330	0.550	0.054
Within	2007	(4)	0.101	0.500	0.552	0.006
Within	2008	(5)	0.450	0.101	0.104	0.211
Within	2009	(3)	0.340	0.303	0.420	0.123
Within	2010	(5)	1.000	0.607	0.083	0.007
Within	2011	(6)	0.571	0.222	0.079	0.129
Within	2012	(5)	0.280	0.375	0.262	0.044
Within	2013	(5)	0.652	0.128	0.128	0.005
Within	2014	(6)	0.313	0.246	0.336	0.103
Within	2015	(3)	0.777	0.513	0.110	0.065
Within	2016	(5)	0.385	0.180	0.180	0.037
Within	2017	(5)	0.573	0.318	0.254	0.147
Within	2018	(4)	0.670	0.053	0.053	0.000

			~ECON* HRINS	DEM*HRINS* AUT*LEG	ECON*DEM* NGO*AUT*L EG	~DEM*NGO *HRINS*~AU T*~LEG
Within	2019	(2)	0.500	0.181	0.181	0.259

While the overall results are satisfying, I note here that I cannot fully account for the NaN yet. I assume that they are due to the low coverage or no coverage at all for those cases. Besides, within consistency cannot be meaningfully interpreted as not all ROs cover all years, which also explains – I assume – the high number of NaN for the within consistency.

Results for cluster analysis of the cluster: Regions

Consistencies:						
			~ECON* HRINS	DEM*HRINS* AUT*LEG	ECON*DEM* NGO*AUT*L EG	~DEM*NGO *HRINS*~AU T*~LEG
Pooled			0.938	0.939	0.808	0.851
Between	Africa	(40)	1.000	1.000	1.000	1.000
Between	Americas	(44)	1.000	1.000	0.987	1.000
Between	Asia-Pacific	(43)	1.000	1.000	1.000	1.000
Between	Cross-r.	(16)	0.905	1.000	1.000	0.656
Between	Europe	(24)	1.000	1.000	1.000	1.000
Within	ASEAN	(11)	1.000	1.000	1.000	1.000
Within	AU	(9)	1.000	1.000	1.000	1.000
Within	CAN	(9)	1.000	1.000	0.969	1.000
Within	CARICOM	(5)	1.000	1.000	1.000	1.000
Within	CEMAC	(4)	1.000	1.000	1.000	1.000
Within	CIS	(5)	0.342	1.000	1.000	0.362
Within	COE	(7)	1.000	1.000	NaN	1.000
Within	COMESA	(5)	1.000	1.000	1.000	1.000
Within	EAC	(5)	1.000	1.000	1.000	1.000
Within	ECOWAS	(10)	1.000	1.000	1.000	1.000
Within	EU	(7)	1.000	1.000	NaN	1.000
Within	GCC	(5)	1.000	1.000	1.000	1.000
Within	LoAS	(5)	1.000	1.000	1.000	1.000
Within	Mercosur	(12)	1.000	1.000	1.000	1.000
Within	NordC	(10)	NaN	NaN	1.000	NaN
Within	OAS	(5)	1.000	1.000	NaN	1.000
Within	OECS	(5)	1.000	1.000	NaN	NaN

			~ECON* HRINS	DEM*HRINS* AUT*LEG	ECON*DEM* NGO*AUT*L EG	~DEM*NGO *HRINS*~AU T*~LEG
Within	OSCE	(6)	1.000	1.000	NaN	1.000
Within	PIF	(8)	1.000	1.000	1.000	1.000
Within	SAARC	(13)	NaN	NaN	1.000	NaN
Within	SADC	(7)	1.000	1.000	1.000	1.000
Within	SCO	(6)	NaN	NaN	1.000	NaN
Within	SICA	(8)	1.000	1.000	1.000	1.000

Distances:

		~ECON* HRINS	DEM*HRINS* AUT*LEG	ECON*DEM* NGO*AUT*L EG	~DEM*NGO *HRINS*~AU T*~LEG
From Between to Pooled		0.017	0	0.002	0.066
From Within to Pooled			NaN	NaN	NaN

Coverage

			~ECON* HRINS	DEM*HRINS* AUT*LEG	ECON*DEM* NGO*AUT*L EG	~DEM*NGO *HRINS*~AU T*~LEG
Pooled			0.402	0.288	0.161	0.066
Between	Africa	(40)	0.229	0.227	0.214	0.145
Between	Americas	(44)	0.411	0.347	0.437	0.057
Between	Asia(Pacific	(43)	0.225	0.088	0.123	0.055
Between	Cross-r	(16)	0.694	0.291	0.030	0.128
Between	Europe	(24)	0.631	0.516	0.006	0.003
Within	ASEAN	(11)	0.389	0.046	0.063	0.006
Within	AU	(9)	0.323	0.115	0.113	0.036
Within	CAN	(9)	0.133	0.473	1.000	0.024
Within	CARICOM	(5)	0.079	0.603	0.248	0.010
Within	CEMAC	(4)	0.162	0.079	0.105	0.138
Within	CIS	(5)	1.000	0.641	0.397	1.000
Within	COE	(7)	0.942	0.742	0.000	0.005
Within	COMESA	(5)	0.462	0.365	0.253	0.076
Within	EAC	(5)	0.119	0.297	0.297	0.115
Within	ECOWAS	(10)	0.175	0.482	0.457	0.179
Within	EU	(7)	0.825	0.707	0.000	0.003
Within	GCC	(5)	0.500	0.036	0.073	0.500
Within	LoAS	(5)	0.714	0.046	0.056	0.014

Within	Mercosur	(12)	0.667	0.174	0.306	0.082
Within	NordC	(10)	0.000	0.000	0.020	0.000
Within	OAS	(5)	0.905	0.327	0.000	0.016
Within	OECS	(5)	0.095	0.196	0.000	0.000
Within	OSCE	(6)	0.670	0.367	0.000	0.124
Within	PIF	(8)	0.308	0.372	0.494	0.160
Within	SAARC	(13)	0.000	0.000	0.007	0.000
Within	SADC	(7)	0.100	0.183	0.168	0.386
Within	SCO	(6)	0.000	0.000	0.042	0.000
Within	SICA	(8)	0.054	0.408	0.616	0.109

Temporality

In introducing the QCA in chapter 4, I already discussed the problematic relation of set-theoretic analysis to covering temporal evolutions. Besides, the case studies that provide a particularly strong insight into temporal sequencing of the conditions, I present two additional robustness checks to grasp this issue further.

Firstly, I include a temporal condition in the original QCA to assess potential effects of differences in the respective temporal context. It aims at controlling for more general global trends and changes. A binary code, thus a crisp condition was introduced that maps whether the global context was generally conducive or hindering for human rights legitimation. In doing so I follow scholars in IR looking at broader trends and evolutions in the global sphere and pointing to key event, i.e. critical junctures in IR that may have a broader impact on actions and relations in IR (Fukuyama, 2006; Rixen *et al.*, 2016; Zürn, 2018a). The first period ranges from the start of the observation period to the end of the Cold War. I code this time period as not conducive to human rights legitimation, as the global agenda was strongly dictated by the competition between "the West" and "the East". The second period, contrastingly, was coded as conducive to human rights legitimation. Ranging from 1991 to 2000, this period was marked by the putative victory of "the West" over the collapsing Soviet Union. A liberal agenda, including higher focus on democratisation, good governance, the rule of law and of course human rights, dominated the global sphere. The third period coded as hindering from 2001 till 2007, captures a change triggered by the events of 9/11. Consequently, due to a "War on Terror", one could witness globally an increase in infringements on human rights, legislation affecting procedural rights and a subordination of individual freedoms to the benefit of security violating basic human rights norms (Ishay, 2005). Stretching until 2007, the fourth period starts with the international financial crisis in 2008. Until 2016, the agenda is dominated by an increase in attention to and demands for socio-economic rights. Facing grave recessions, local and international social movements protested for better protection of these rights, reactions of international actors and with that attempts for legitimation, would more likely react to these demands, rendering the context more conducive for human rights legitimation. Finally, the more recent period is introduced by the Brexit and the 2016 presidential elections in the USA, two national events with major international repercussions, namely marking the rise of populism on a global scale (followed by successful campaigns e.g. of Rodrigo Duterte on the Philippines and Jair Bolsonaro in Brazil). Within this period, one can observe not only a roll-back in progressive legislation protecting human rights but also increase in right-wing extremism, violence and discrimination affecting human rights (Alston, 2017). Thus, this final period is coded as not being conducive to human rights legitimation.

Period	Context	Conduciveness to human rights leg.	Crisp calibration
1980 – 1989	Cold War	not conducive	0
1990 – 2000	Post-Cold War	conducive	1
2001 – 2007	War on Terror	not conducive	0
2008 – 2015	International economic crisis and its aftermath	conducive	1
2016 – 2019	Rise of Populism	not conducive	0

For the QCA including this condition, I cannot report any necessary conditions, conjunctions, or single sufficient conditions. I minimise with a frequency cut-off of one case per row, a minimum consistency level of 0.86 and a PRI score of 0.6. Below, I display the intermediate solution for this QCA.

I view these results as prove of the robustness of my QCA for three reasons. Firstly, I contend that the model ambiguity and the little degree of logical reduction, i.e minimisation to less complex solution terms, shows that the temporal context does not add explanatory leverage to the solution but rather simply complicates the analysis. Secondly, key relationships such as the coincidence of HRINS*~ECON or HRINS*LEG*DEM which matter in the original solution term are also partially reflected, which supports the robustness of the original set-relation. Thirdly, it is interesting to note that in these solutions temporality only matters in its absence, thus when the international environment was not conducive to human rights legitimation. Given that this contradicts my theoretical assumption, I view this as another indicator that the original solution is robust with regard to the temporal context. It appears that this does not play a role for the set-theoretic mechanism underlying this phenomenon.

```
From C1P1, C1P3:

M1:   ~ECON*HRINS*DEM*LEG + ~ECON*HRINS*AUT*NGO + ~ECON*HRINS*DEM*AUT*~TEM1 + ~ECON*HRINS*LEG*NGO*~TEM1 +
 ECON*DEM*AUT*LEG*NGO*~TEM1 + ECON*HRINS*~DEM*~AUT*~LEG*NGO*TEM1 -> HRFS

                              inclS   PRI   covS   covU   cases
-------------------------------------------------------------------------------------------------------
-----------------------
1            ~ECON*HRINS*DEM*LEG  0.959  0.951  0.233  0.050  123; 120,121; 125; 124; 44,46; 47,48,7
3,74,112; 49,76; 50,75,77
2            ~ECON*HRINS*AUT*NGO  0.943  0.925  0.264  0.065  20; 19,86; 87; 18; 98,99,113; 95,96,97,
114; 49,76; 50,75,77
3        ~ECON*HRINS*DEM*AUT*~TEM1  0.966  0.956  0.133  0.020  45,72,111; 98,99,113; 44,46; 49,76
4        ~ECON*HRINS*LEG*NGO*~TEM1  0.937  0.913  0.080  0.005  11; 87; 125; 49,76
5       ECON*DEM*AUT*LEG*NGO*~TEM1  0.891  0.783  0.083  0.057  23,24,25,26,92,167
6  ECON*HRINS*~DEM*~AUT*~LEG*NGO*TEM1  0.872  0.660  0.038  0.020  151
-------------------------------------------------------------------------------------------------------
-----------------------
                              M1  0.935  0.913  0.444


From C1P2, C1P4:

M1:   ~ECON*HRINS*DEM*LEG + ~ECON*HRINS*AUT*NGO + ~ECON*HRINS*DEM*AUT*~TEM1 + ~ECON*HRINS*LEG*NGO*~TEM1 +
 ECON*HRINS*~DEM*~AUT*NGO*TEM1 + ECON*DEM*AUT*LEG*NGO*~TEM1 -> HRFS

                              inclS   PRI   covS   covU   cases
-------------------------------------------------------------------------------------------------------
------------------
1            ~ECON*HRINS*DEM*LEG  0.959  0.951  0.233  0.050  123; 120,121; 125; 124; 44,46; 47,48,73,74,1
12; 49,76; 50,75,77
2            ~ECON*HRINS*AUT*NGO  0.943  0.925  0.264  0.058  20; 19,86; 87; 18; 98,99,113; 95,96,97,114;
 49,76; 50,75,77
3        ~ECON*HRINS*DEM*AUT*~TEM1  0.966  0.956  0.133  0.020  45,72,111; 98,99,113; 44,46; 49,76
4        ~ECON*HRINS*LEG*NGO*~TEM1  0.937  0.913  0.080  0.005  11; 87; 125; 49,76
5  ECON*HRINS*~DEM*~AUT*NGO*TEM1  0.781  0.559  0.049  0.023  151
6     ECON*DEM*AUT*LEG*NGO*~TEM1  0.891  0.783  0.083  0.057  23,24,25,26,92,167
-------------------------------------------------------------------------------------------------------
------------------
                              M1  0.920  0.894  0.447
```

Secondly, I run a large-N QCA for all RO/years instead of reverting to the RO/SG-years to assess if there are important yearly clusters that the original QCA neglect. In this test I also include a second temporal condition that provides for a different view on how context may matter. This condition maps the role of individually important event with regard to human rights legitimation. Following the idea of agenda punctuation (Lundgren *et al.*, 2018), this builds on the theoretical assumption that international events relating to human rights could function as triggers for ROs facilitating human rights legitimation. Therefore, a list of the most prominent international event on human rights, e.g. the adoption of the United Nations Convention against Torture in 1984 or the Vienna UN World Conference on human rights in 1993 was drawn up and included as a dummy condition.[104] Generally speaking, the results of this QCA are weaker than but do not strongly contradict those presented in the original solution, thus corroborating the robustness of the results: First, I can report on a similar necessary disjunction for this large-N QCA than for the original solution, that is HRINS + LEG, though again with slightly weaker parameters of fit.

		inclN	RoN	covN
1	HRINS+LEG	0.849	0.634	0.532

Below I present the intermediate solution of this large-N QCA. I minimise with a frequency cut-off of one case per row, a minimum consistency level of 0.75 and a PRI score of 0.5. Both the consistency as well as the coverage of this solution are weaker than the original solution. Nonetheless, here I also observe commonalities that corroborate the original solution's robustness. First, this solution covers the same cases that are best covered by the original solution, that is the CoE, OSCE, EU and OAS, indicating again that the explanatory leverage of the original solution is highest for the Global North ROs. More strikingly, the large-N QCA does not cover any Global South RO, which to me confirms the importance of subsequently laying the focus on Global South ROs via the case studies (I elaborate on this aspect in more detail on Chapter 5.2). Second, in both paths I observe those paths covering the respective cases in the original solution reflected. Indeed, the conjunction in path 1 of DEM*HRINS*LEG can also be found in path 2 of the original solution (DEM*HRINS*AUT*LEG). The conjunction HRINS*~ECON of this QCA's second path is discernible in path 1 of the original solution. Thus, this solution does not strongly diverge from the original solution. Finally, I also find that temporality seemingly does not play such an important role. Although part of the second solution term, many of the cases are not uniquely covered indicating that they can also well be explained without considering this condition. Besides, cases covered also range over the entire period of observation not revealing specific temporal clusters.

Intermediate solution:

isHRFS <- minimise(ttHRFS include = ?, details=TRUE, show.cases=FALSE, dir.exp = (AUT, NGO, HRINS, LEG), row.dom=TRUE)

M1: DEM*HRINS*LEG*~ECON + HRINS*~NGO*~ECON*TEM -> HRFS

		inclS	PRI	covS	covU
1	DEM*HRINS*LEG*~ECON	0.848	0.830	0.313	0.242
2	HRINS*~NGO*~ECON*TEM	0.872	0.857	0.102	0.032
M1		0.845	0.827	0.345	

Cases

---

[104] The list builds to a large extent on a collection of notable events by Micheline Ishay (2005). Further noticeable, international events were drawn from UN databases.

1	DEM*HRINS*LEG*~ECON	COE1980, COE1981, COE1993, COE1995, COE1999, COE2001, COE2006, COE2008, COE2009, COE2010, COE2011, COE2012, COE2014, COE2015, COE2016, COE2018, COE2019, EU1993, EU1995, EU1999, EU2000, EU2001, EU2002, EU2004, EU2005, EU2006, EU2009, OAS1993, OAS1995, OAS1999, OAS2000, OAS2001, OAS2014
2	HRINS*~NGO*~ECON*TEM	COE1989, COE1990, COE2000, OAS1990, COE1980, COE1981, COE1993, COE1995, COE1999, COE2001, COE2006, EU1993, EU1995, EU1999, OAS1980, OAS1981, OAS1984, OAS1985, OAS1989, OAS1993, OAS1995, OAS1999, OSCE1995, OSCE1999, OSCE2000, OSCE1993, OSCE2001, OSCE2006, OSCE2009

Condition Authority

Measurement for the condition authority consists of two different components – delegated and pooled authority – that are both based on two individual subordinate concepts and measurements of authority. While individually distinct, I aggregate the score for the purposes of this analysis as hypothesizing was based on the high order concept of authority and not on individual mechanisms of delegation or pooling. To assess the robustness of the results, however, it is worthwhile to run analyses both components individually. I can report that these checks did not diverge strongly from the reported analysis and results. Overall, neither pooling nor delegation were relevant as single necessary or sufficient condition or disjunctions for both the presence and absence of the outcome. I present both solutions in the tables below. For pooling, I can also note that all relevant paths are similarly displayed in the solution. Similarly, deviant cases consistency in kind are also the same as for the original solution presented. Cases covered are also roughly the same although coverage is slightly weaker for this solution

Intermediate Solution with Pooling| incl.cut= 0.8, pri.cut = 0.59, n.cut = 1**:**
isHRFS <- minimise(ttHRFS, include = ?, details=TRUE, show.cases=FALSE, dir.exp = POO, NGO, HRINS, LEG), row.dom=TRUE)

M1: ~ECON*HRINS + HRINS*DEM*POO*LEG + ECON*DEM*POO*LEG*NGO -> HRFS

		inclS	PRI	covS	covU
1	~ECON*HRINS	0.938	0.923	0.402	0.195
2	HRINS*DEM*POO*LEG	0.933	0.911	0.281	0.014
3	ECON*DEM*POO*LEG*NGO	0.821	0.702	0.154	0.039
M1		0.905	0.878	0.515	

Cases		
1	~ECON*HRINS	OAS-1980-1983, **CIS-2008-2019, ASEAN-2008-2012**, ASEAN-2013-2017, ASEAN-2018-2019, AU-2013-2016, AU-2017-2019, LoAS-2011-2015, AU-2009-2012, LoAS-2016-2019, EU-1981-1992, Mercosur-2010-2011, Mercosur-2012-2013, Mercosur-2014-2016, Mercosur-2017-2018, Mercosur-2019-2019, EU-1993-1994, EU-1995-1999, COE-1985-1988, OAS-1984-1993, OSCE-1999-

		1999, OAS-2005-2014, OAS-2015-2019, COE-1980-1984, COE-1989-1993, COE-1994-1999, COE-2000-2004, OAS-1994-2004, OSCE-1992-1995, OSCE-1996-1998, OSCE-2005-2010, COE-2005-2009, COE-2010-2019, EU-2000-2004, EU-2005-2014, EU-2015-2019, OSCE-2011-2016, OSCE-2017-2019
2	HRINS*DEM*POO*LEG	COE-1980-1984, COE-1989-1993, COE-1994-1999, COE-2000-2004, OAS-1994-2004, OSCE-1992-1995, OSCE-,1996-1998, OSCE-2005-2010, COE-2005-2009, COE-2010-2019, EU-2000-2004, EU-2005-2014, EU-2015-2019, OSCE-2011-2016, OSCE-2017-2019 CARICOM-2012-2019,
3	ECON*DEM*POO*LEG*NGO	CAN-1997-2002, CAN-2003-2003, CAN-2004-2005, CAN-2006-2006, **CAN-2007-2009**, **CAN-2010-2012,** SICA-2000-2004, SICA-2009-2012, **SICA-2013-2013**, SICA-2014-2016, SICA-2017-2019

As we can see below, the same holds true for the solution including delegation. Paths 1, 3 and 4 represent those that are also proposed be the original solution. Interestingly though, two more paths form part of this solution. Path 5 is similar to path 4 in the original solution, thus also not very instructive for interpretation. Path 2, however, provides additional leverage for explaining autocratic ROs with the conjunction ~ECON*~DEM*LEG*NGO. While certainly interesting, it does not include the condition delegation, indicating that these slightly different results are not primarily due to the role of delegation but rather due to different truth table row constellations and different minimisation. This is also reflected in the fact that consistency of this solution is slightly lower, while coverage is higher. Given the absence of theoretical assumptions on the role of delegation, I consider this a passed robustness check and a sensible original solution to interpret.

Intermediate Solution for Delegation| incl.cut= 0.77, pri.cut = 0.5, n.cut = 1**:**
minimise(ttHRFS, include = ?, details=TRUE, show.cases=FALSE, dir.exp = (DEL, NGO, HRINS, LEG), row.dom=TRUE)

M1: ~ECON*HRINS + ~ECON*~DEM*LEG*NGO + HRINS*DEM*DEL*LEG + ECON*DEM*DEL*LEG*NGO + HRINS*~DEM*~DEL*~LEG*NGO -> HRFS

		inclS	PRI	covS	covU
1	~ECON*HRINS	0.938	0.923	0.402	0.160
2	~ECON*~DEM*LEG*NGO	0.815	0.709	0.119	0.015
3	HRINS*DEM*DEL*LEG	0.930	0.904	0.263	0.009
4	ECON*DEM*DEL*LEG*NGO	0.813	0.699	0.164	0.048
5	HRINS*~DEM*~DEL*~LEG*NGO	0.888	0.796	0.066	0.017
M1		0.887	0.853	0.552	

Cases

1	~ECON*HRINS	OAS-1980-1983, **CIS-2008-2019, ASEAN-2008-2012,** ASEAN-2013-2017, ASEAN-2018-2019, AU-2013-2016, AU-2017-2019, LoAS-2011-2015, AU-2009-2012, LoAS-2016-2019, COE-1994-1999, COE-2000-2004, EU-1993-1994, EU-1995-1999, COE-2005-2009, COE-

		2010-2019, EU-2000-2004, EU-2005-2014, EU-2015-2019, COE-1985-1988, OAS-1984-1993, OSCE-1999-1999, OAS-2005-2014, OAS-2015-2019, COE-1980-1984, COE-1989-1993, OAS-1994-2004, OSCE-1992-1995, OSCE-1996-1998, OSCE-2005-2010, OSCE-2011-2016, OSCE-2017-2019, EU-1981-1992, Mercosur-2010-2011, Mercosur-2012-2013, Mercosur-2014-2016, Mercosur-2017-2018, Mercosur-2019-2019
2	~ECON*~DEM*LEG*NGO	SCO-2019-2019, **ASEAN-2008-2012,** ASEAN-2013-2017, ASEAN-2018-2019, AU-2009-2012, LoAS-2016-2019
3	HRINS*DEM*DEL*LEG	COE-1994-1999, COE-2000-2004, EU-1993-1994, EU-1995-1999, COE-2005-2009, COE-2010-2019, EU-2000-2004, EU-2005-2014, EU-2015-2019, CARICOM-2012-2019
4	ECON*DEM*DEL*LEG*NGO	CAN-1997-2002, CAN-2003-2003, CAN-2004-2005, CAN-2006-2006, **CAN-2007-2009**, **CAN-2010-2012**, **Mercosur-2003-2005**, SICA-2000-2004, SICA-2009-2012, **SICA-2013-2013,** SICA-2014-2016, SICA-2017-2019
5	HRINS*~DEM*~DEL*~LEG*NGO	**CIS-2008-2019,** SADC-2000-2005

A7 Details on qualitative interviewing

Overview of all Interviews

1	LoAS	22.09.2020	English	Recording
2	LoAS	01.10.2020	English	Recording
3	LoAS	13.11.2020	English	Recording
4	LoAS	19.11.2020	English	Recording
5	LoAS	20.11.2020	English	Recording
6	LoAS	21.11.2020	English	Recording
7	LoAS	27.11.2020	English	Recording
8	LoAS	27.11.2020	English	Recording
9	LoAS	30.11.2020	Arabic with translator	Retrospective Protocol
10	LoAS	02.12.2020	English	Recording
11	LoAS	03.12.2020	English	Recording
12	LoAS	06.12.2020	English	Recording
13	LoAS	08.12.2020	English	Recording
14	LoAS	14.12.2020	French	Recording
15	LoAS	22.12.2020	French	Recording
16	LoAS	04.01.2020	English	Written exchange
17	LoAS	05.01.2020	English	Recording
18	LoAS	06.01.2021	French	Recording
19	LoAS	08.01.2021	English	Retrospective Protocol
20	LoAS	13.01.2021	English	Recording
21	LoAS	18.01.2021	English	Recording

22	LoAS	18.01.2021	English	Recording
23	CC	12.02.2021	English	Recording
24	CC	15.02.2021	English	Recording
25	CC	17.02.2021	English	Recording
26	CC	20.02.2021	English	Recording
27	LoAS	22.02.2021	English	Recording
28	CC	22.02.2021	German	Retrospective Protocol
29	CC	23.02.2021	English	Recording
30	CC	26.02.2021	English	Recording
31	CC	27.02.2021	English	Recording
32	CC	01.03.2021	German	Recording
33	CC	02.03.2021	English	Recording
34	CC	12.03.2021	English	Recording
35	CC	13.03.2021	English	Recording
36	CC	13.03.2021	English	Recording
37	CC	19.03.2021	English	Recording
38	CC	19.03.2021	English	Recording
39	CC	19.03.2021	English	Recording
40	CC	26.03.2021	English	Recording
41	CC	02.04.2021	English	Recording
42	CC	14.04.2021	English	Recording
43	CC	17.04.2021	English	Recording
44	LoAS	19.04.2021	English	Recording
45	LoAS	19.04.2021	German	Recording
46	CC	27.04.2021	English	Recording
47	CC	03.05.2021	English	Recording
48	CC	03.05.2021	English	Recording

49	CC	04.05.2021	English	Recording
50	CC	05.05.2021	English	Retrospective Protocol
51	CC	06.05.2021	English	Recording
52	CC	13.05.2021	English	Recording
53	LoAS	19.05.2021	English	Recording
54	CC	21.05.2021	English	Recording
55	LoAS	23.05.2021	English	Recording
56	CC	26.10.2021	English	Recording

Standard Consent Form

GIGA

German Institute for Global and Area Studies
Leibniz-Institut für Globale und Regionale Studien

GIGA – Leuphana University Lüneburg – LegRO Project

Interview consent and data processing statement

If you consent to being interviewed and to any data gathered being processed as outlined below, please print and sign your name, and date the form, in the spaces provided.

The interviews are conducted as part of a PhD Project at German Institute of Global and Area Studies (GIGA) and Leuphana University Lüneburg. The interviewer is Swantje Schirmer, Research Fellow in the LegRO project – **'Sources and Consequences of Legitimation Strategies of Regional Organizations'** at GIGA.

- All data will be treated with utmost care following the guidelines stated in the GIGA Ethics Policy and will be stored securely.
- Interviews will be recorded and transcribed by the interviewer only. Copies of interview tapes and transcripts will be confidential and stored in an anonymised format.
- Data collected may be processed manually and/or with the aid of computer software.
- Please indicate, by signing and dating the form below that you consent to being interviewed for the purposes of this research. **You may withdraw your consent at any time.**
- Please indicate below, by ticking one of the boxes each, whether you are willing to be identified, and whether your words may be quoted directly, in the dissertation as well as reports and publications arising from this research.

  Identification:

  ☐ I may be identified.

  ☐ I may **not** be identified but my institutional affiliation or employer may be identified.

  ☐ I may **not** be identified.

  Usage:

  ☐ My words may be quoted.

  ☐ My words may not be quoted.

  ☐ Other precisions: _____

If you consent to being interviewed and to any data gathered being processed as outlined above, please print and sign your name, and date the form, in the spaces provided below.

Please print your name:...

Signature:... Date: ....