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# Rights in the mandate and work of international organisations

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## ABSTRACT

The normative output of international organisations is rarely legally binding as such. Yet, agendas and operational policies of international organisations have implications for both states and individuals. The current special issue explores the variety through which international organisations engage with human rights. The contributions of the special issue all approach this question from the perspective of the mandate and work of individual organisations. While on the one hand the engagement of organisations with human rights is defined by the institutional law of the organisation, it is also determined by administrative processes, normative frames and professional culture. In exploring the variety by which human rights become part of the work of organisations, the contributions raise questions ranging from conceptual endorsement of a rights-based approach, to performing organisation-specific functions and practical implementation, to staff emancipation. All of these aspects, the special issue shows, can be crucial for understanding the human rights endorsement (or lack of it) of international organisations.

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Human rights; Mandate;  
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## 1. Introduction

International organisations have become an indispensable tool for structuring inter-state cooperation. The institutionalisation of global governance, or the ‘move to institutions’, is one of the success stories of the last century.<sup>1</sup> The amount of organisations, by any definition, far outnumbers states. As put in one of the classics (if not ‘the classic’) of international institutional law already in 1995: it may be impossible to imagine contemporary international life without organisations.<sup>2</sup> Not only are international organisations autonomous actors and international legal subjects, agendas and operational policies of organisations guide states to an unprecedented extent. International organisations may even gradually be outgrowing the confines of state consent,<sup>3</sup> generating counter-reactions such as withdrawing from, resisting, and badmouthing organisations.<sup>4</sup>

The institutionalisation of human rights can largely be regarded a process of legalisation.<sup>5</sup> Human rights law as a discipline of public international law, at heart, consists of a

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set of legally binding instruments defining the human rights of individuals as well as corresponding obligations of states, and establishing procedures and institutions for enforcing those rights. In this view, the interpretation and implementation of rights is predominantly the domain of treaty monitoring bodies and regional courts. As state obligations are enforced by judicial actors, human rights are infused with a perception of being non-political. Yet, human rights are also more than an international legal framework. To quote Susan Marks: 'To refer to human rights in the twenty-first century is to refer to a worldwide social movement, area of governmental and intergovernmental activity, field of professional practice, and multidisciplinary terrain of academic enquiry'.<sup>6</sup> International organisations are a central part of this movement and practice.

Along with offering a venue for cooperation, organisations uphold, promote and implement particular aspects of the international politico-legal system.<sup>7</sup> The normative output of international organisations is rarely legally binding on members in strictly formal terms, and can only be squeezed into the boxes of the sources of law doctrine with some difficulty.<sup>8</sup> International organisations are, after all, predominantly political actors. Nevertheless, through the political weight of organisations, their acts can assume great normative significance for both members and the global order at large.<sup>9</sup> The legal significance of the work products of international organisations, and their effectiveness in terms of inducing compliance, in other words, is not a simple matter of determining whether or not they are legally binding sources of international law. Current expansion of global regulation often comes in other forms than formal law, with international organisations among the foremost drivers of this development.<sup>10</sup>

In 1997 the UN General Assembly declared as a point of reform for the entire UN the mainstreaming of human rights into all activities of all actors within the UN system.<sup>11</sup> Although this interlinking has since been confirmed time and again,<sup>12</sup> it remains safe to say that human rights are still far from mainstreamed in international organisations at large. While there may be generic agreement that international organisations have to respect human rights, overall engagement has been regarded as one of 'idiosyncratic' reluctance,<sup>13</sup> showing broad variation in success.<sup>14</sup> This special issue explores the variety through which international organisations engage with human rights. The contributions all approach this question from the perspective of the mandate and work of individual organisations. The contributions raise questions from the level of conceptual endorsement of a rights-based approach, to performing organisation-specific functions and practical implementation, to staff emancipation. All of these aspects, the special issue shows, are equally important for understanding the human rights endorsement (or lack of it) of international organisations. By illustrating the variety by which human rights can become part of the work of organisations, the special issue also taps into a discussion on the nature of human rights protection and the role of various participants in the practice of protecting and promoting rights.

## 2. Human rights as responsibility

International organisations have an ambivalent relationship to human rights. Perhaps the most common way to frame this relationship is to focus on the human rights responsibilities of organisations. Along with the increased authority of organisations in international governance, a mismatch has grown out of the autonomy of organisations and

the possibilities of holding them accountable.<sup>15</sup> While it is clear that international organisations are ‘bound by any obligations incumbent upon them under general rules of international law, under their constitutions or under international agreements to which they are parties’,<sup>16</sup> most human rights treaties are not open to international organisations, which turns interest to finding traces of customary law or general legal principles in the body of human rights law.<sup>17</sup>

The discussion on the human rights responsibilities of international organisations has been particularly prominent concerning international economic/financial institutions.<sup>18</sup> The reason for this is undoubtedly the great political impact of the acts of these organisations. However, human rights concerns have also arisen from the field operations and institutional policies of other international organisations.<sup>19</sup> While at least skeletal human rights obligations for organisations can be constructed, problems also attach to dividing responsibility between member states and the organisation,<sup>20</sup> and immunities of organisations.<sup>21</sup> This preoccupation with the responsibilities of international organisations is certainly important, if only for developing the practices of organisations.<sup>22</sup> A case can also be made that avenues for asserting accountability for human rights violations are also important for maintaining (or perhaps even increasing) the acceptance of organisations as legitimate fora of international cooperation.<sup>23</sup>

But a focus on the responsibility/accountability of organisations reveals only part of the ambivalence at play. As Oestreich points out, such a focus misses the question of what organisations *ought to be doing*: ‘It fails to ask where their comparative advantage lies in terms of other forms of international action, and what we ought to be asking IGOs to do’.<sup>24</sup> Many organisations do perform crucial functions for the protection and promotion of human rights. This function is most apparent in the case of organisations such as the ILO or UNICEF, both of which explicitly work to promote rights as constituted through the treaty-based protection system.<sup>25</sup> In a broader sense also the UN at large can be claimed to have a responsibility to promote rights,<sup>26</sup> which it fulfils for example through embedding rights in its broad range of activities.

For other institutions such as the World Bank, IMF, FAO, and AIIB (all discussed in this special issue) the endorsement of human rights is less prominent.<sup>27</sup> The AIIB adopts human rights as a guiding principle but provides very little content as to what it means in terms of particular rights.<sup>28</sup> The FAO adopts a rights-based approach in respect of the right to food, yet acknowledges its insufficiency for ensuring food security.<sup>29</sup> The World Bank and the IMF seem to be on track of increasingly embedding rights-based concerns in their policy-making. Yet, as to the World Bank this is a fairly recent development still looking to take shape, while the IMF prefers the language of social protection/social spending.<sup>30</sup>

### 3. Organisations as an object of research

The organisations discussed in this special issue can be categorised in various ways. First of all, a dividing line runs between the UN acting in various capacities and other autonomous organisations. Another dividing line runs between financial and other organisations. All of the organisations that are the interest of this special issue constitute intergovernmental organisations. Out of these, the UN is the organisation with the broadest mandate, and various parts of the UN system are discussed in the contributions.

The UN is a key actor in facilitating treaty-making processes, as exemplified through the role of the UN Human Rights Council in the legalisation of corporate human rights responsibilities (*Mares*). The UNICEF was established by the UN General Assembly as a subsidiary organ (*Delamonica, Walther*). Apart from being a 'Fund' in the UN System, UNICEF also has partial legal personality, providing it with an autonomy not too dissimilar from intergovernmental organisations.<sup>31</sup> The FAO, World Bank, and IMF are independent international organisations, yet at the same time specialised agencies of the UN (*Yeshanew, Engström*). The AIIB is the only organisation without a link to the UN system (*Creutz*).

The special issue sets out to discuss the engagement of organisations with human rights through their 'mandate and work'. The broad expression 'mandate and work' is used to indicate that while organisational engagement with human rights is on the one hand defined by the institutional law of the organisation, it is also determined by things such as administrative processes, normative frames and professional culture.<sup>32</sup> The two notions are also related. Mandate defines the area where an organisation is entitled to work and the aims it should pursue. The work of an organisation is undertaken by performing the tasks conferred upon it. The work of any organisation can take various forms. Yet, the scope of all of its activities is defined by its mandate.

The restrictive effect of the mandate is part of the functional nature of intergovernmental organisations. This functional nature is present in various ways in constituent instruments. It is present in the presumption that intergovernmental organisations are limited in all their tasks to the pursuit of their individual aims and purposes, as defined in the constituent instrument. It also means that organisations can only exercise powers that are conferred upon the organisation for pursuing those aims. Another expression of the restrictive effect is the inclusion of explicit safeguards that protect what members perceive as their sovereign sphere, from interference by the organisation.<sup>33</sup> But the functional nature of organisations also has an enabling side, liberating the organisation from the restrictive wording of its constituent instrument. Expansion of competence or 'mission creep' is an acknowledged feature of organisations. Such 'creep' can take various forms. The sphere of action of an organisation can expand through redefining the aims and objectives of an organisation or the powers conferred upon it. Such 'creep' can also emerge through reinterpreting the thresholds that limit the acts of organisations. In other words, the relationship of an international organisation to human rights need not be static.

Both aspects of the functional nature of organisations are illustrated in the contributions of this special issue. For some organisations, such as the World Bank, an expansive interpretation of its mandate has enabled engagement with rights (or, in the case of the IMF – social protection). Such endorsement may even become a model for other organisations (such as the AIIB).<sup>34</sup> This demonstrates that if only there is support among its constituents, even organisations that do not have an explicit rights-promoting mandate can endorse rights in their policy-making.<sup>35</sup> At the same time, because of the limiting function of the mandate, that endorsement will always be partial (except, perhaps, for the UN in its most general sense). This becomes problematic if the expectations towards an organisation exceed its mandate, or if the tools by which to promote rights are dysfunctional. In extension this also means that each organisation brings its own practices, functions (as well as dysfunctions), and preferences to the

human rights practice. An institutionalisation of human rights, in other words, also pluralises and potentially fragments the regime of rights. As a process of ‘vernacularization’, this entails both a ‘localization’ of rights in the particular social settings where an organisation acts, but also a ‘translation’ of rights into the language and organisational culture of the organisation.<sup>36</sup> By analyzing the process of translating rights in particular institutional contexts, particular organisational policies, and operational mechanisms, the articles of this special issue shed light on this complex interplay of the specificity of individual organisations and the universal aspirations of the human rights practice.

#### 4. Organisations in human rights practice

Human rights now organise much of the normative discourse in world politics and has developed in international law, international institutions, foreign policies of states, and activities of non-governmental organisations. While the norms at the heart of this practice are widely shared, there are differences among these participants concerning the exact scope and content of human rights norms, and how to balance among rights or between rights and other values.<sup>37</sup> These differences also manifest themselves as a dispute over who is a legitimate participant in the human rights practice.

For some organisations ‘participant status’ is explicitly spelled out through reference to the treaty-based protection regime. Many organisations also adopt a ‘human rights-based approach’, which can mean different things in the operational policies of individual organisations.<sup>38</sup> Other organisations may be hesitant to engage with the language of human rights, instead preferring a ‘social approach’. There are many good reasons for upholding a legal approach to human rights.<sup>39</sup> But the legalisation of human rights can also be criticised for excluding other useful insights and overshadowing other implementation methods.<sup>40</sup> This can lead to what has been called the ‘footnote’ phenomenon.<sup>41</sup> Some international organisations may, in this view, be performing essential functions for promoting human rights, but are nevertheless discredited.<sup>42</sup>

The ‘footnote’ phenomenon not only discredits many forms of human rights practice but also overlooks the limits of the judicial paradigm. As Van den Meersche argues: In the gradual conversion from concerns of deprivation and political injustice to the language of legality, those aspects lost in ‘the dark’ appear to be the most relevant and urgent.<sup>43</sup> Eventually something of how human rights are constituted and promoted in global policies, how they are institutionalised (in societies and in organisations), and how they function both as goals and mechanisms of political change seem to get lost in an overly narrow picture of legitimate participants in the human rights practice.<sup>44</sup>

The special issue invites the reader to pose the question whether and under what circumstances the range of functions that organisations perform, can be considered as implementation or even enforcement of human rights. The special issue subjects the various mechanisms through which organisations engage with human rights to critical analysis,<sup>45</sup> and each author will add his/her take on what rights-promotion mean into the mix.

#### 5. On the special issue

An increasing appreciation of normative pluralism in international law, an ever-expanding role of international organisations in that process, and a diversifying conception of

human rights practice, warrant paying attention to the role of rights in the mandate and work of international organisations. The articles in this special issue bring together insights of both academics and civil servants with long-standing experience with organisations through professional careers, academic research, or both. Uniting all articles is a critical approach to how rights enter into and are promoted in the policy-making of organisations. How are rights endorsed, and what is the conception of rights endorsed? What are the means by which the organisation engage with human rights in their policy-making, and to what effect? What are the consequences of the endorsement, and what concerns arise? Taken together, the contributions illustrate the futility of looking for a singular answer to where exactly human rights ‘happen’. The diversity of functions and tasks, institutional structures and policy tools, not to mention particular institutional cultures, all affect whether, where and how human rights become part of organisational policy-making.

As to the individual articles, the contribution by *Radu Mares* engages with international law-making in the strongest sense of the term. The article discusses the role of the UN in the context of the ongoing push to regulate transnational corporations through the adoption of a multilateral treaty. In exploring what he calls the ‘regulatory ecosystem’ around transnational corporations, the article asks whether there is complementarity or conflict among on-going regulatory initiatives. In contextualising the process of legalisation of corporate human rights responsibilities, Mares illustrates how the current development can in itself be seen as growing out of a disappointment with non-legislative initiatives. The article examines the treaty design emerging from the working group tasked with drafting a treaty, and the role of the concept of due diligence in particular. Expanding the reach of human rights to transnational corporations is long awaited, and the UN may be the only organisation capable of orchestrating such a process. Still, such a broad mandate is no automatic guarantee for success, Mares warns.

The article by *Sisay Yeshanew* turns focus to institutional collaboration in the UN system, in investment in agriculture, rural development and food systems. The FAO, with which he has long professional experience, promotes public and private investment in collaboration with the World Bank (among others). As Yeshanew shows, these two organisations have their respective normative and operational tools that apply to investment. The extent to which human rights form part of these tools varies significantly. By contrasting the approaches of the two organisations, he identifies factors that both facilitate and inhibit the application of human rights in this collaboration. In so doing, the article illustrates the impact of the mandate of the two organisations and their collaborative framework on their operational procedures, and by extension, on the application of a rights-based approach to investment.

In her article on the AIIB, *Katja Creutz* engages in a discussion on the rights-promoting role of a category of organisations that by tradition have a controversial track-record to this effect. The AIIB is a newcomer to the group of actors providing multinational development lending. The article departs from an idea of ‘anticipatory institution-building’ as a motivational force for embracing human rights and explores whether and to which extent this transforms into considerations of human rights protection in the processes and policy-making of the Bank. The article analyzes the AIIB’s protection framework and its implementation through a comparative approach, and by looking at selected AIIB projects. Creutz finds that the AIIB’s framework still suffers from infancy problems

both conceptually as well as in terms of implementation. While concluding that the jury may still be out regarding the role and impact of rights in the AIIB context, she identifies several circumstances that cast a shadow on a rights-promoting role of the AIIB.

Turning to another financial institution, *Viljam Engström* takes on the ‘social awakening’ of the IMF. The IMF is one of the most recent (and perhaps unlikely) organisations to adopt a social protection policy. The article by Engström sets out to identify how social protection is conceptualised in the IMF. While social protection undoubtedly brings the IMF within and makes it an actor in ‘protection discourse’, the article asks whether this could also be thought of as a move towards a rights-based approach. The article finds that whereas the mandate of the IMF sets limits on its engagement, at least on a conceptual level the IMF social protection framework seems to reflect many elements of a rights-based approach. The politically powerful position of the Fund renders its conception of rights-based concepts such as ‘vulnerable groups’ of high importance. This development also brings the IMF ever closer to the process of regime interaction by which rights are defined and implemented.<sup>46</sup>

UNICEF is one of the organisations discussed in this special issue with the clearest human rights promoting mandate. *Enrique Delamonica* sets out to discuss measurement of child poverty as one of the core tasks of UNICEF. By building on the analytical framework of Sally Engle Merry, the article contextualises a critical debate on human rights measurement. Central to his analysis of child poverty measurement are the notions of vernacularisation and paradox of measurement. By discussing the evolution of child poverty measurement over 20 years, Delamonica demonstrates not only how the tool as such has developed, but also how this development has revealed problems with the practice. He identifies several limitations that attach to measuring child poverty. These relate to the conception of rights as universal and inalienable, as well as to concepts such as ‘quality of life’ and ‘well-being’. A rights-promoting mandate, the article shows, can only be fulfilled with functioning tools, which should be subject to constant critical reassessment.

*Cornelia Walther’s* article is inspired by a long career within UNICEF. Her article discusses the role of institutional culture and staff motivation for reaching the goals of an organisation. Organisations, as Walther points out, are as effective and influential as the assortment of their staff. In the article, she invites us to think outside the box, in order to escape the restrictive hold of institutional culture. Neither the mandate, nor operational tools, can deliver results in case individuals working in organisations are not dedicated to social change. Walther takes the reader on a trip to explore what it is to be part of the world, and presents a paradigm for understanding and improving individual and collective existence in organisations. Walther’s message is highly relevant for all the discussions of this special issue. Whether the aim is to unite behind a treaty, to develop a ‘culture of protection’, or to improve on the operational working methods and tools, these can only become reality through the aspirations of all those involved.

## Notes

1. As expressed by David Kennedy, ‘The Move to Institutions’, *Cardozo Law Review* 8, no. 5 (1987): 841–988.
2. H.G. Schermers and N. Blokker, *International Institutional Law: Unity within Diversity* (The Hague Kluwer Law International, 1995), 3.

3. Gerd Droesse, *Membership in International Organizations: Paradigms of Membership Structures, Legal Implications of Membership and the Concept of International Organization* (The Hague: TMC Asser Press, 2020).
4. Jan Klabbers, 'Transforming Institutions: Autonomous International Organisations in Institutional Theory', *Cambridge International Law Journal* 6, no. 2 (2017): 106.
5. Gerd Oberleitner, *Global Human Rights Institutions: Between Remedy and Ritual* (Cambridge: Polity Press, 2007), 18.
6. Susan Marks, *A False Tree of Liberty: Human Rights in Radical Thought* (Oxford: Oxford University Press, 2019), 3.
7. See José E. Alvarez, *International Organizations as Law-makers* (Oxford: Oxford University Press).
8. Jan Klabbers, 'The Cheshire Cat That Is International Law', *European Journal of International Law* 31, no. 1 (2020): 269–83.
9. See e.g. Daniel D. Bradlow, 'Should the International Financial Institutions Play a Role in the Implementation and Enforcement of International Humanitarian Law', *University of Kansas Law Review* 50, no. 4 (2002): 711, '... in any country in which the IMF and World Bank are actively engaged, they have become an influential voice in the policy-making process of that country'. Also see Ian Johnstone, 'Lawmaking Through the Operational Activities of International Organizations', *George Washington International Law Review* 40, no. 1 (2008): 87–122; Philipp Dann and Michael Riegner, 'The World Bank's Environmental and Social Safeguards and the Evolution of Global Order', *Leiden Journal of International Law* 32, no. 3 (2019): 537–59.
10. José E. Alvarez, *The Impact of International Organizations on International Law* (Leiden: Brill Nijhoff, 2017), 351–2 and footnote 19 with examples. Also see Richard Collins, *The Institutional Problem in Modern International Law* (Bloomsbury, 2016), at 225–8.
11. Renewing the United Nations: A Programme for Reform, UN Doc. A/51/1950 (July 14, 1997), paras 78–9.
12. For an overview, see e.g. Sisay Alemahu Yeshanew, 'Mainstreaming Human Rights in Development Programmes and Projects: Experience from the Work of a United Nations Agency', in *Human Rights-Based Change: The Institutionalization of Economic and Social Rights*, ed. Maija Mustaniemi-Laakso and Hans-Otto Sano (London: Routledge, 2017), 87–90.
13. Arnaud Louwette, 'Exploring International Organizations' Idiosyncratic Reluctance to Human Rights', *ESIL International Organizations Interest Group Forum* (October 5, 2018), <https://igioesil.blog/2018/10/05/exploring-international-organisations-idiosyncratic-reluctance-to-human-rights/> (accessed December 16, 2021).
14. Joel E. Oestreich, *Power and Principle: Human Rights Programming in International Organizations* (Washington, DC: Georgetown University Press, 2007).
15. Monika Heupel, Gisela Hirschmann, and Michael Zürn, *International Organisations and Human Rights: What Direct Authority Needs for its Legitimation* (Cambridge: Cambridge University Press, 2017); This discussion is by no means new, see e.g. H.G. Schermers, 'Liability of International Organizations', *Leiden Journal of International Law* 1, no. 1 (1988): 3–14.
16. *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, Advisory Opinion (December 20, 1980), I.C.J. Reports 1980, para. 37.
17. See e.g. Olivier de Schutter, 'Human Rights and the Rise of International Organizations: The Logic of Sliding Scales in the Law of International Responsibility', in *Accountability for Human Rights Violations by International Organizations*, ed. Jan Wouters et al. (Antwerp: Intersentia, 2010), 51–125.
18. For some contributions to the debate, see e.g. Celine Tan, 'Mandating Rights and Limiting Mission Creep: Holding the World Bank and the International Monetary Fund Accountable for Human Rights Violations', *Human Rights & International Legal Discourse* 2, no. 1 (2008): 79–116; Sigrun Skogly, *Human Rights Obligations of the World Bank and the IMF* (London: Cavendish, 2001); Mac Darrow, *Between Light and Shadow: The World Bank, The International Monetary Fund and International Human Rights Law* (Oxford: Hart,

- 2003); Willem van Genugten, *The World Bank Group, the IMF and Human Rights: A Contextualized Way Forward* (Antwerp: Intersentia, 2015).
19. Guglielmo Verdirame, *The UN and Human Rights: Who Guards the Guardians?* (Cambridge: Cambridge University Press, 2011).
  20. International Law Commission, Articles on State Responsibility for Internationally Wrongful Acts (UN Doc A/56/10 2001).
  21. Michael Singer, 'Jurisdictional Immunity of International Organizations: Human Rights and Functional Necessity Concerns', *Virginia Journal of International Law* 36, no. 1 (1995): 53–166; Niels Blokker, 'International Organizations: The Untouchables', *International Organizations Law Review* 10, no. 2 (2014): 259–75.
  22. See e.g. Sanae Fujita, *The World Bank, Asian Development Bank and Human Rights: Developing Standards of Transparency, Participation and Accountability* (Cheltenham: Edward Elgar, 2013) summing the critique.
  23. Gudrun Monika Zagel, 'International Organisations and Human Rights: The Role of the UN Covenants in Overcoming the Accountability Gap', *Nordic Journal of Human Rights* 36, no. 1 (2018); Monika Heupel and Michael Zürn, *Protecting the Individual from International Authority: Human Rights in International Organizations* (Cambridge: Cambridge University Press, 2017).
  24. Oestreich, *Power and Principle*, 200.
  25. ILO Convention No. 102 (Convention Concerning Minimum Standards of Social Security, 1952) being characterised as the 'foundation of international social security law', ILO, 2011 General Survey Concerning Social Security Instruments in Light of the 2008 Declaration on Social Justice for a Fair Globalization; UNICEF's Mission Statement on its part provides that UNICEF is 'guided by the Convention on the Rights of the Child'; for a historical account, Philip Alston, 'The United Nations' Specialized Agencies and Implementation of the International Covenant on Economic, Social, and Cultural Rights', *Columbia Journal of Transnational Law* 18, no. 1 (1979): 79–118.
  26. From which many authors derive the human rights responsibilities of all UN-related institutions and organisations. See e.g. Skogly, *The Human Rights Obligations*; Darrow, *Between Light and Shadow*.
  27. See e.g. Monika Heupel, 'Human Rights Protection in World Bank Lending: Following the Lead of the US Congress', *Protecting the Individual*: 241–72 and Theresa Reinold, 'Human Rights Protection in IMF Lending: Organizational Inertia and the Limits of Like-minded Institution-building', *Protecting the Individual*: 273–92, who demonstrate how the World Bank and the IMF have incorporated subsistence rights in their policy-making; on the WHO, see B.M. Meier and W. Onzivu, 'The Evolution of Human Rights in World Health Organization Policy and the Future of Human Rights through Global Health Governance', *Public Health* 128, no. 2 (2014): 179–87; on the FAO see Carolin Anthes, *Institutional Roadblocks to Human Rights Mainstreaming in the FAO: A Tale of Silo Culture in the United Nations System* (Springer, 2020); and Oberleitner, *Global Human Rights*, 103–51.
  28. See AIIB, Environmental and Social Framework (2016).
  29. FAO, Social Protection Framework: Promoting Rural Development for All (2017).
  30. Dann and Riegner, 'The World Bank's'.
  31. Rudolf Bernhard, *International Organizations in General Universal International Organizations* (Elsevier, 1983), 293.
  32. Galit A. Sarfaty, 'Why Culture Matters in International Institutions: The Marginality of Human Rights at the World Bank', *American Journal of International Law* 103, no. 4 (2009): 647–83.
  33. A prominent example being UN Charter Article 2(7), but also the World Bank 'political prohibition clause'.
  34. On how the World Bank human rights endorsement has served as a model for other investment and development banks, Dann and Riegner, 'The World Bank's'.
  35. Furthermore, as Van den Meerssche illustrates, both positions can be articulated in plausible and 'valid' in international legal terms, Dimitri Van Den Meerssche, 'A Legal Black Hole in

- the Cosmos of Virtue – The Politics of Human Rights Critique Against the World Bank’, *Human Rights Law Review* 21, no. 1 (2021): 80–107.
36. As Koskeniemi puts it; in a process of mainstreaming, rights can be made to support various objectives, Martti Koskeniemi, ‘Human Rights Mainstreaming as a Strategy for Institutional Power’, *Humanity* (2010); also see Van Den Meerssche, ‘A Legal Black’.
  37. Beitz, *The Idea*, 1–10.
  38. See Oestreich, *Power and Principle*.
  39. Morten Broberg and Hans-Otto Sano, ‘Strengths and Weaknesses in a Human Rights-based Approach to International Development – An Analysis of a Rights-based Approach to Development Assistance Based on Practical Experiences’, *The International Journal of Human Rights* 22, no. 5 (2017): 664–80; Margot Salomon and Colin Arnott, ‘Better Development Decision-making: Applying International Human Rights Law to Neoclassical Economics’, *Nordic Journal of Human Rights* 32, no. 1 (2014): 44–74.
  40. Julie Fraser, *Social Institutions and International Human Rights Law Implementation: Every Organ of Society* (Cambridge: Cambridge University Press, 2020), 87.
  41. Saladin Meckled-García and Başak Çali, ‘Lost in Translation. The Human Rights Ideal and International Human Rights Law’, in *The Legalization of Human Rights: Multidisciplinary Perspectives on Human Rights and Human Rights Law*, ed. Saladin Meckled-García and Basak Çali (Routledge, 2005). Some even claim that human rights need saving by institutionalizing it further, beyond the treaty system. Eric Posner, *The Twilight of Human Rights Law* (Oxford: Oxford University Press, 2014).
  42. Such an elevation of the legal approach generates a clash especially with the economic/ financial regime. See e.g. M. Hertig Randall, ‘Human Rights Within a Multilayered Constitution: the Example of Freedom of Expression and the WTO’, *Max Planck Yearbook of United Nations Law* 16 (2012). The underlying logic is that human rights are recognised for all based on the inherent human dignity of all persons, while an economic agenda has a utilitarian or consequentialist approach, Sarah Joseph, *Blame it on the WTO?: A Human Rights Critique* (Oxford: Oxford University Press, 2011), 36–7.
  43. Van Den Meerssche, ‘A Legal Black’.
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