

# The “Super-Network”: Fostering Interaction Between Human Rights and Climate Change Institutions

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This paper contributes to understanding unique forms of actor constellations and their tactics in fostering institutional interaction. It explores interaction processes between the human rights and the climate regime, and more specifically, the incorporation of human rights in the 2015 Paris climate agreement. During the Paris negotiations, an inter-constituency alliance comprised of environmental movements, human rights organizations, gender activists, indigenous peoples’ representatives, trade unions, youth groups, and faith-based organizations successfully lobbied for the incorporation of rights principles into the new climate instrument. I argue that this alliance can be grasped as a “super-network”, a network above several individual transnational advocacy networks (TANs), that works across policy fields and uses information, symbols, stories, and accountability and leverage politics to foster interaction between a source institution (human rights regime) and a target institution (climate regime). By employing a package approach, which reiterates a core message of common principles that individual networks have agreed on, the “super-network” changed the practices of governments in international negotiations and fostered inter-institutional interaction. Empirically, my research is mainly based on expert interviews and participatory observations at the strategic meetings of TANs at three different climate negotiations in Warsaw (2013), Paris (2015), and Bonn (2017), including follow-up Skype interviews with key experts between 2013 and 2020.

**Keywords:** transnational advocacy networks; institutional interaction; human rights; climate change; Paris Agreement

## Introduction

In today’s complex world, emerging institutional arrangements are never isolated but embedded in a web of already existing institutions originating in different policy fields. Thus, overlap, conflict, and cooperation between institutions are at the heart of many studies in international relations. The research programme of institutional interaction analyses how the development or effectiveness of one institution (source institution) affects another institution (target institution) (Gehring & Oberthür, 2006, 6; Oberthür & Prozarowska, 2013). It explores connections between policy fields and the causal mechanisms explaining regime interaction. But who are the agents behind inter-institutional relations? Who fosters interlinkages between regimes from different policy arenas? And what are the politics and dynamics behind these interaction processes?

So far, our knowledge of actors and actor constellations initiating interaction between source and target institution is still limited. In previous studies, the focus has clearly been on analyzing overlap, conflict, and cooperation between governmental institutions (e.g. Kent, 2014, Keohane & Victor, 2010; Oberthür & Gehring, 2006). Even though non-governmental actors play an important part in shaping international institutions, there is still a gap in understanding their role in institutional interaction. Therefore, I address the following research question in this paper: which forms of non-governmental actor constellations initiate institutional interaction and how do they foster interaction processes?

In line with earlier studies by Orsini (2013, 2016), who investigates the influence of “multi-forum” non-state actors on regime complexes, this article will reveal new insights in this strand of research by shedding light on the tactics employed by Transnational Advocacy Networks (TANs) (Keck & Sikkink, 1998) fostering institutional interaction through commitment (Gehring & Oberthür, 2009). I argue that new forms of collaborative TANs, so-called “super-networks”, build a network above several individual networks, combine their strengths and work across policy fields, exchange crucial information, and use symbols, stories, and accountability and leverage politics towards state governments. By employing a package approach, which repeats a core message of common principles and values that are shared across all individual networks, such a super-network can foster institutional



interaction. The term “super-network” reflects new empirical insights from novel forms of TANs (Keck & Sikkink, 1998) that are emerging in and across various policy fields, including climate change, human rights, biodiversity politics, and nuclear disarmament.

The objective of this paper is to explore these actor constellations, as well as the politics and dynamics behind institutional interaction, focusing on the specific interlinkages between the human rights and the climate regime. This paper contributes to the special issue on institutional complexity by adding a social constructivist actor perspective to the rational choice-oriented study of institutional interaction and by exploring new forms of non-state actor constellations fostering these interaction processes. It also reveals the tactics of actor networks transporting norms from one regime (human rights) into another (climate policy), creating a regime complex, i.e. a loosely coupled set of institutions (Raustiala & Victor 2004).

TANs can be grasped as communicative structures, in which a range of activists guided by principled ideas and values interact. These ideas and values are central to the networks and they determine criteria for evaluating whether particular actions and their outcomes are just or unjust (Keck & Sikkink 1998, 1). TANs create new linkages, multiply access channels to the international system, make resources available to new actors, and help to transform practices of national sovereignty by changing governmental policies. Within these networks, international and local civil society organizations (CSOs), foundations, the media, churches, trade unions, academics, and even members of regional or international organizations collaborate. This means several CSOs build a TAN and several TANs collaborate in a “super-network”. The overall objective of TANs and super-networks is to change the policies of states and international organizations (ibid: 9). In order to do so, they revert to a range of tactics, i.e. their ideational power (Orsini, 2013), including information politics, symbolic politics, leverage politics, and accountability politics (Keck & Sikkink, 1998, 16-25).

My paper focuses on institutional interaction between the human rights and the climate change regime. The case study I investigate comprises the advocacy activities of the *inter-constituency alliance* for incorporating human rights in the 2015 Paris Agreement. I have selected to investigate this as a unique, politically relevant, and significant case to study. It is unique because it demonstrates how a new form of transnational advocacy network, a super-network – operating above individual networks and comprised of human rights organizations, including civil society and international organizations (IOs), like the OHCHR and UNICEF, environmental movements, religious actors, representatives of indigenous peoples, youth activists, gender groups, trade unions, and land rights organizations – is built. It is politically relevant because the super-network has influenced governmental decision-making at the 2015 Conference of the Parties (COP) where member states of the United Nations Framework Convention on Climate Change (UNFCCC) negotiated a new climate agreement. It is significant because the super-network has initiated and fostered further institutional interaction between the human rights and climate change, resulting in the incorporation of human rights in the preamble of the 2015 Paris Agreement.

Empirically, the research for this paper is based on 20 expert interviews and participatory observations at the strategic meetings of the inter-constituency alliance, the Human Rights and Climate Change Working Group (HRCCWG), and other TANs at three different COPs, i.e. COP 19 in Warsaw, COP 21 in Paris, and COP 23 in Bonn (hosted by the Fiji Islands), including follow-up Skype interviews with key experts between 2013 and 2020. These key experts are representatives of the inter-constituency alliance, and I interviewed at least two experts from each constituency, the two initiators/coordinators of the inter-constituency alliance and its OHCHR and UNICEF representatives. The interviews conducted were semi-structured in-depth expert interviews (Witzel & Reiter, 2012), and I evaluated them using a qualitative content analysis (Mayring, 2014). I also draw on a content analysis of primary documents and data, comprising policy documents of member organizations of the inter-constituency alliance, strategy papers of the HRCCWG, UNFCCC outcome agreements, twitter campaigns relating to #Stand4Rights used by the inter-constituency alliance during the Paris negotiations, information circulated via the email lists of the inter-constituency alliance and the HRCCWG, and conference calls.

This paper is structured in the following way: I will first elucidate my analytical framework integrating insights on institutional interaction and on transnational advocacy networks. Second, I will introduce the case study on the Human Rights and Climate Change Working Group as the main initiator of the inter-constituency alliance fostering the incorporation of human rights in the 2015 Paris Agreement. I will then move on to explain how exactly TANs foster institutional interaction between the human rights and the climate change regime. Finally, I will reflect on how the inter-constituency alliance built in Paris is different from other networks and why understanding these new forms TANs is relevant for the study of institutional interaction and institutional complexity, before I conclude.

## Analytical Framework

For developing a better understanding of institutional interaction, the micro-macro link (Buzan, Jones & Little, 1993), i.e. the mechanisms at play between the micro level of actors and the macro level of institutions, needs to be further established. Here, constructivist scholarship highlighting the mutually constitutive character of actors and structures might be able to enrich rational choice-oriented institutionalist theories, that is scholarship on institutional interaction. In this piece, I aim to combine these two approaches, which have previously remained disconnected from each other, to build an analytical framework that helps to understand the underlying dynamics and politics of interaction between the human rights and the climate regime.

### *Institutionalization, Institutional Interaction, and Interplay*

In International Relations (IR) scholarship, institutions are grasped as rules and practices prescribing behavioral roles, constraining activity, and shaping expectations (Keohane 1989: 3), and as functional entities managing complex issues (Zürn & Faude, 2013, 123). *Institutionalization* can be understood as the process toward establishing sets of rules and practices to guide the behavior of state and non-state actors. Increased institutionalization processes have, in the past, led to “material and functional overlaps between international institutions” resulting in fragmentation (Zelli & van Asselt, 2013, 1). An arrangement of overlapping and non-hierarchical institutions governing an issue area can develop into a regime complex, i.e. a loosely coupled set of institutions (Raustiala & Victor, 2004; Keohane & Victor, 2010, 3-4; Abbott, 2014). Decision-making in fragmented regime complexes can be a challenge as certain institutional arrangements often are initially made for a single sector only but then turn out to be relevant for others as well. Those who make decisions, however, are often only trained in one sector and are solely familiar with structures, processes, and actors in their own policy field.

Institutionalization of human rights in the climate regime can best be explained with insights from scholarship on institutional interaction (Young, 2002; Oberthür & Stokke, 2011). Institutional interaction means that the institutional development or effectiveness of one institution becomes affected by another institution (Gehring & Oberthür, 2006, 6; Oberthür & Prozarowska, 2013). Interaction between source and target institution can be understood as the cause and the consequence of political decisions within respective institutions (Oberthür & Gehring, 2009). Interplay management is a key term grasping intentional efforts by actors and actor constellations addressing or improving institutional interaction (Oberthür & Pozarowska, 2013, 103). This involves governance decisions on institutional complexes, in which structural elements and agency are interlinked (Oberthür & Pozarowska, 2013, 13).

One focus in the literature on institutional interaction is the identification of causal mechanisms of influence exerted from one source institution to a specific target institution (Gehring & Oberthür, 2006, 6-7). These first comprise *cognitive interaction*, or learning. Here, the source institution has insights that it feeds into the decision-making process of the target institution (Gehring & Oberthür, 2009, 133). Second, *interaction through commitment* means that the member states of a source institution have agreed on commitments that might be relevant for the members of the target institution as well. If there is an overlap of membership and issues to be dealt with, the commitments made in the source institution can lead to differing decision-making in the target institution (Gehring

& Oberthür, 2009, 136). With increasing institutionalization processes, norms and standards in one policy field might also affect another, leading to overlaps and fragmentation (Zelli & van Asselt, 2013). Interaction through commitment is particularly important for understanding interaction processes between the human rights and the climate regime.

Third, *behavioral interaction* comes into play if the source institution has obtained an output initiating behavioral changes that is meaningful for the target institution. In cases like this, the initiated changes in behavior can foster further behavioral changes (Gehring & Oberthür, 2009, 141-144). And fourth, *impact-level interaction* is based on a situation of interdependence, in which a “functional linkage” (Young, 2002) between the governance objectives of the institutions can be observed. If the source institution obtains an output that affects the objectives of the source institution, this impact can also influence the objectives (and effectiveness) of the target institution (Gehring & Oberthür, 2009, 143-144).

#### *Actors, Actor Constellations and Transnational Advocacy Networks*

So far, our knowledge on actors and actor constellations initiating and/or fostering institutional interaction is still limited. I argue that research on transnational advocacy networks (Keck & Sikkink, 1998) provides useful insights that help us understand how unique actor constellations use established norms in one policy field to motivate (more powerful) IOs and their member states in a different policy field to change their policies accordingly.

TANs are usually comprised of civil society actors, including, but not limited to, non-governmental organizations, media actors, representatives of churches and faith-based groups, foundations, and trade unions. Individual state actors and international organizations can also organize in TANs (Keck & Sikkink, 1998, 9). TANs mobilize around common objectives. Based on certain ideas and values, such as human rights or environmental standards, they evaluate whether policies are just or unjust – and consequently lobby for change.

TANs create new linkages, multiply access channels to the international system, make resources available to new actors, and help to transform practices of national sovereignty by changing inter-governmental decisions and policies. In order to do so, they revert to a range of tactics, i.e. their ideational power (Orsini, 2013). Keck and Sikkink (1998, 16-25) have developed a typology of tactics TANs use in order to initiate policy change. In this context, they highlight (1) *information politics* understood as strategically using information, (2) *symbolic politics* as drawing on symbols and stories to highlight a situation to a target audience that might be geographically distant, (3) *leverage politics* as network actors being able to gain moral or material leverage over state actors and IOs, and (4) *accountability politics* referring to formerly adopted norms and policies of governmental actors and obligations to comply with them (Keck & Sikkink, 1998, 16-25).

In this article, I use established insights on the politics of transnational advocacy to explain important dynamics of institutional interaction between two different regimes. Figure 1 illustrates the analytical framework highlighting the role of TANs in the interaction between institutions.

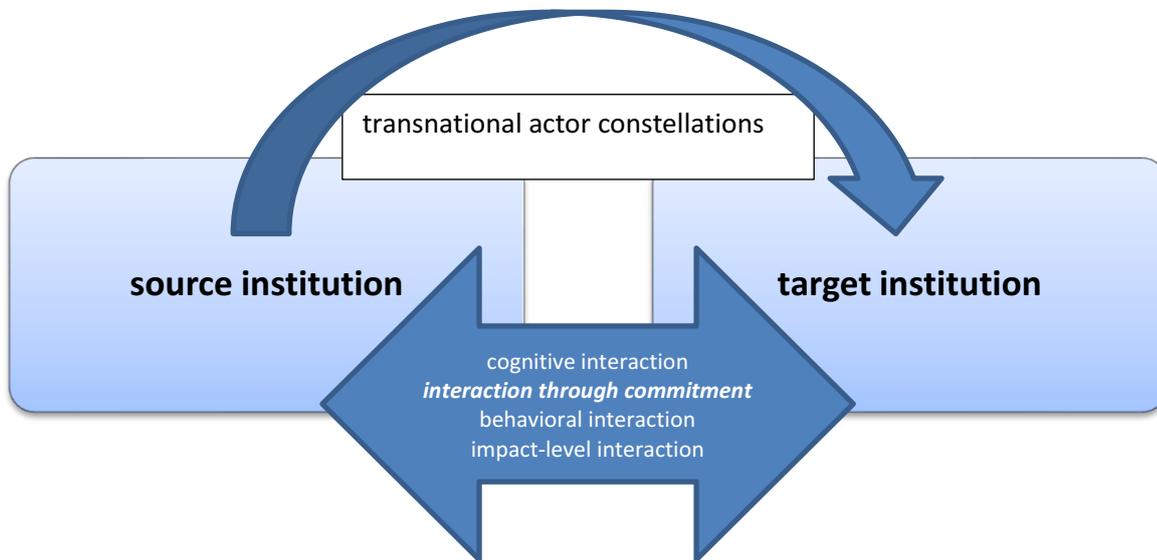


Figure 1 Analytical Framework (Source: Own compilation based on Gehring & Oberthür, 2009)

### Case Study: Transnational Human Rights Advocacy in the Climate Arena

My empirical research departs from the work of one particular TAN, the Human Rights and Climate Change Working Group (HRCCWG), that aims at institutionalizing human rights in the climate regime. The HRCCWG initiated collaboration between seven different constituencies building the inter-constituency alliance in Paris 2015. The activities of the working group are inspired by two main links between human rights and climate change. First, climate change impacts, like droughts, flooding, changes in precipitation, and extreme weather events can adversely affect social rights, like the rights to health, food, water and sanitation, adequate shelter or, in extreme cases, the right to self-determination and the right to life. Second, international climate policies, like projects under the Clean Development Mechanism (CDM) or the Reducing Emissions from Deforestation and Forest Degradation (REDD+) scheme, have previously led to human rights infringements on the ground. When, under the roof of these policies, local population groups cannot enter their ancestral lands anymore or are relocated, territories are flooded, and communities lose access to the river they need for fishing and agricultural purposes, social, cultural, and indigenous peoples' rights are at risk (Schapper & Lederer, 2014).

The HRCCWG can be described as a hybrid link of predominantly civil society and some state actors operating at various scales – from the local to the global (Interview Indigenous Rights Organization, COP 19 in Warsaw, 16 November 2013). Among the network's members are prominent international CSOs, such as the Center for International Environmental Law (CIEL), Earthjustice, Friends of the Earth and Carbon Market Watch, Human Rights Watch, and Amnesty International, local CSOs from various developing countries, gender advocates, indigenous peoples' representatives, academics, and representatives from IOs, as well as single actors from state delegations (Interview Human Rights Watch, COP 21 in Paris, 8 December 2015). IOs operating within the HRCCWG (and within the entire inter-constituency alliance) were the Office of the High Commissioner of Human Rights (OHCHR) and UNICEF. Membership in the network is rather informal: participants can be present at one negotiation meeting but miss the next one (Interview Coordinator HRCCWG, COP 19 in Warsaw, 17 November 2013).

Since 2010, the HRCCWG has initiated and contributed to several rights institutionalization processes in the climate regime, including adding rights references in the Cancun Agreement demanding that all climate action should be in accordance with human rights (UNFCCC, 2010) and reviewing the modalities and procedures of the CDM with a focus on procedural rights for those affected by CDM policies, like access to information, transparency, participation in decision-making and access to justice (Kuchler, 2017). Demands for strengthening procedural rights in projects under the framework of the Sustainable Development Mechanism (SDM) are brought forward by the HRCCWG in the negotiations as well. More broadly speaking, the Human Rights and Climate Change Working Group has also made important contributions to the 16 Framework Principles on Human Rights and the Environment published by the UN Special Rapporteur on Human Rights and the Environment in 2018 (OHCHR, 2018). Specifically referring to climate change, the framework principles formulate states' human rights obligations in the face of environmental challenges and have been understood as a precursor to adopting an international human right to a healthy environment (Atapattu & Schapper, 2019).

In this article, I will particularly focus on the incorporation of the commitment to respect, protect and consider human rights in the preamble of the Paris agreement (UNFCCC, 2015). Even though the HRCCWG as part of the entire inter-constituency alliance had unsuccessfully advocated for including rights in article 2 of the Paris climate agreement determining the objective of the accord, rights references in the preamble are still meaningful due to two main reasons. First, this is the first time human rights have been incorporated in a binding environmental instrument (Knox, 2015; Atapattu & Schapper, 2019) and this is considered to be an important step in institutionalizing human rights in the climate regime (Interview Quaker United Nations Office, 16 March 2020, via Skype). Second, there is now increasing evidence that the Paris Agreement, including its human rights reference, is used for climate litigation (Adelman, 2020; Wegener, 2020), e.g. in the "The People's Climate Case", in which ten families tried to compel the European Union to substantially reduce greenhouse gas emissions (Climate Case, 2020).

### *The "Super-Network"*

In preparation for the negotiations of a new climate instrument, two key actors within CIEL, the leading coordinating CSO within the Human Rights and Climate Change Working Group, brought together different constituencies to discuss ideas for a common advocacy strategy. As both had personal ties to other constituencies and previous experiences with cross-constituency coordination, they had the idea of bringing most constituencies together to discuss their advocacy plans in light of the prospect that a new climate agreement would be passed in Paris (Interview Initiator Inter-constituency Alliance, 26 March 2020, via Skype).

The constituencies at the UNFCCC negotiations are clustered groups of officially registered CSOs sharing certain interests and acting as observers in the process. As of 2014, the UNFCCC Secretariat reported more than 1,600 admitted CSOs organized into nine constituencies, including environmental CSOs (ENGO), business and industry (BINGO), indigenous peoples' representatives (IPO), youth groups (YOUNGO), women and gender (WOMEN AND GENDER), and trade unions (TUNGO,) as well as research and independent organizations (RINGO). Participation in a constituency comes with several advantages: it allows observers to make interventions at certain points in the course of the state negotiation process, it facilitates the use of focal points for better coordination with the UNFCCC Secretariat, and it enhances flexible information-sharing (UNFCCC, 2014). Opportunities for civil society to engage through constituencies and be granted official speaking time demonstrates that environmental and climate politics can be regarded as unique policy fields facilitating advanced institutional mechanisms for access and participation (Bäckstrand, 2012).

At the initial meeting discussing a common CSO strategy prior to the start of the Paris negotiations, some officially registered constituencies, including ENGO, IPO, YOUNGO, WOMEN and GENDER, and TUNGO, as well as other organized networks that are not officially registered constituencies but are observers to the UNFCCC process, like faith-based organizations and the lands working group (climate land ambition and rights alliance, CLARA), decided to establish the new inter-



constituency alliance. The alliance comprises different layers of organization ranging from the individual initiators who are representatives of one civil society organization (CIEL), which is organized in a transnational advocacy network (the Human Rights and Climate Change Working Group) and encourages several networked constituencies (ENGO, IPO, YOUNGO, WOMEN and GENDER, TUNGO, CLARA, and faith-based groups) to collaborate and speak with one voice. One of the key initiators of the inter-constituency alliance described its emergence highlighting the idea of formulating a common message:

“We tried to see if we could do some collective planning; like identify what are the next steps and who wants to do what [...] but what people seemed really interested in was the idea of having, first of hearing each other, and then having one unified message that we could all use.” (Interview Initiator Inter-constituency Alliance, 26 March 2020, via Skype.)

This means representatives of the constituencies themselves came up with the idea of aligning their advocacy strategy and formulating one key message; this was not planned or encouraged by the initiators. Communicating one key message across such a diverse range of networks is unprecedented and unusual. Previously, human rights groups would, for example, rather focus on protecting human beings (anthropocentric perspective), whereas environmental actors would prioritize ecosystem integrity (ecocentric perspective). Nevertheless, the alliance managed to draft one key message with seven principles – reflecting the priorities of the seven participating constituencies and their overlapping interests – using a broad human rights framework (Interview Representative of Indigenous Peoples’ Caucus, 8 April 2020, via Skype). These principles included human rights (HRCCWG), indigenous peoples’ rights (IPO), gender equality (WOMEN and GENDER), intergenerational equity (YOUNGO), just transition of the workforce (TUNGO), food security (CLARA), and ecosystem integrity (ENGO). One main reason for this unity among otherwise often diverse networks was the unique opportunity to shape the next climate agreement and integrate crucial civil society concerns (Interview Brahma Kumaris World Spiritual University UN Representative, 20 March 2020, via Skype). Focusing on one key message did not necessarily mean that the above-mentioned contradictions were overcome but that there was a consensus on what to focus on during the 2015 Paris negotiations.

During the Intersessionals (pre-negotiations) in Bonn in June 2015, the alliance managed to lobby for all seven principles to be placed in the operative part of the negotiation text in Article 2. This was quite meaningful because Article 2 was to determine the objective of the Paris Agreement. Including human rights in this Article would have required states to acknowledge that the agreement’s purpose is the protection of basic rights in the face of a changing climate (Interview CARE, WOMEN and GENDER, COP 23 in Bonn, 8 November 2017). Two days before the final text was adopted, state representatives moved human rights to the preamble of the agreement. On 12 December 2015, the states unanimously adopted the Paris Agreement including human rights as part of its preamble, although a number of states, including the USA, Saudi Arabia, Norway, the African states, and others, opposed this over longer periods of the negotiation process. Thus, the Paris Agreement is the first legally binding climate instrument containing human rights (Carazo, 2017: 114). The key sentence of the preamble of the 2015 Paris Agreement now reads:

“[...] Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity” (UNFCCC, 2015).

The remaining principles the inter-constituency alliance advocated for, i.e. just transition of the workforce, ecosystem integrity and food security, became part of the agreement’s preamble as well.

### *Tactics of the Inter-constituency Alliance*

During the Paris negotiations, the super-network met once a week to refine their collective strategy and to share information across the constituencies. They exchanged insights on which state actors were receptive to human rights arguments and could introduce relevant key passages into the negotiating text or which governmental delegation was opposed to the use of rights language. The alliance then decided what network or individual CSO had established good personal relations and could approach the respective state delegation to advocate for human rights in the new climate instrument.

What was new in Paris was the package approach. Whoever engaged in any advocacy meetings with state delegates, reiterated the entire message including all seven principles. An interviewee from the WOMEN and GENDER constituency described this as an approach uniting civil society at the negotiations:

“We were telling the parties: ‘you can’t just pick which right to push forward; it’s either all or none’. It was also a way to say: ‘don’t try to divide us, because we are united’. (Interview CARE, WOMEN and GENDER, COP 23 in Bonn, 8 November 2017).

Besides these weekly meetings with all participating constituencies, the alliance heavily relied on the advocacy activities of each individual network or CSO and their relationships with key governmental actors, which they had established over a period of many years. National ties also played a role here: French observers had often established meaningful personal relationships with French negotiators or observers from Chad had good chances to address representatives from the Republic of Chad.

Awareness-raising in relation to human rights and bringing local concerns regarding climate change and climate policies to the international negotiation table constituted an important part of the lobbying activities. This proved to be crucial because climate negotiators often were not aware of the fact that many climate policies have adverse consequences for human rights and indigenous peoples’ rights at the local level. And as the negotiators are not necessarily trained in the field of human rights, they are also often uninformed about the rights commitments their own government has made.

“A negotiator on CDM [Clean Development Mechanism] is very likely to have absolutely no idea what we’re speaking about when you raise the human rights issue. It is just not his field, he might come from the wrong department. [...] People have no idea what the human rights obligations of their countries are. [...]” (Interview CIEL, COP 19 in Warsaw, 17 November 2013).

More awareness on adverse human rights impacts of climate policies has been created over the last years, and especially in Paris, but highlighting the link between both policy fields remains one of the most important advocacy activities.

CSOs and networks frequently work with case studies emphasizing the adverse effects of climate change and climate policies on local people from Asia, Latin America, and Africa (Interview Environmental Think Tank, COP 19 in Warsaw, 16 November 2013). At the negotiations, representatives from civil society present case studies during so-called side events (Interview Indigenous Rights Organization, COP 19 in Warsaw, 16 November 2013) that run parallel to the closed meetings of state parties and are accessible to all governmental delegations and non-state observers. Locally affected people themselves sometimes present cases on problematic rights situations. International civil society partners sponsor some of them so that they are able to join international meetings and articulate their experiences and corresponding demands. In this way, relevant networks in cooperation with their partners – affected civil society – feed local claims into the international negotiation process. A Human Rights Watch representative summarizes the objective of transporting local claims to the international negotiation table:

“[...] these won’t be the most disadvantaged people that will make it to these international negotiations. So I think this is also what we are trying to do with our work generally but also in



this context is bringing the voices of those that are not usually being heard to the international negotiations” (Interview Human Rights Watch, COP 21 in Paris, 8 December 2015).

To understand adverse local rights impacts of climate policies is crucially important as it creates moral leverage for those countries that have ratified these human rights and are now funding these policies, like European states engaged in CDM or REDD+ projects (Interview Environmental Think Tank, COP 19 in Warsaw, 16 November 2013).

Raising awareness on local human rights implications of climate change and climate policies, informing state delegates of already existing rights commitments, and exchanging information about relevant actions of state delegations and their receptiveness to rights arguments, as well as formulating one priority human rights message were the most important tactics employed by the super-network.

### Transnational Advocacy Networks Fostering Institutional Interaction

The interplay between the human rights and the climate regime we can observe in this case study is institutional interaction through commitment (Gehring & Oberthür, 2009, 136). Standards agreed to in the source institution, the human rights regime, become relevant in the target institution, the climate regime, as well. Commitments made in the human rights arena led to different decisions in the climate regime and affected the outcome of the 2015 Paris Agreement. Even though states agreed to comply with human rights standards in a different policy field, they are still obliged to adhere to these norms when it comes to establishing and implementing climate policies as highlighted by an OHCHR representative:

“We think this is an issue of consistency and policy coherence that it is important that these two legal frameworks are brought together and in fact should complement each other. So the international human rights framework is a legally binding commitment made by the states and we think that commitment should be recognized in the context of environmental laws and we’re pushing hard to see that be the case.” (Interview OHCHR, COP 21 in Paris, 10 December 2015).

Keck and Sikkink’s typology of tactics helps us to understand how institutional interaction between the human rights and the climate regime was initiated even though many state representatives and climate negotiators were not aware of the link and/or opposed to incorporating human rights in a climate instrument. The tactics of transnational advocacy networks, in particular of the super-network, help explain the politics behind this regime interaction: at the climate negotiations, different TANs use information on adverse local rights impacts of climate change and climate policies to criticize existing state practices and to highlight the need to institutionalize human rights in climate instruments. The inter-constituency alliance exchanged information on states that are receptive to rights arguments to refine their advocacy and lobbying strategy (*information politics*). At the side events, TANs encouraged local actors to share their cases and stories from home countries to raise awareness of the situation of the target group of climate instruments (*symbolic politics*). These cases are presented as instances of climate injustice in which local population groups who have contributed little to greenhouse gas emissions and have few resources to adapt cannot fully enjoy their human rights due to climate impacts or experience rights infringements as a consequence of climate policy implementation. This creates moral leverage over states that have historically contributed to emissions and that are financing climate policies in developing countries (*leverage politics*). Moreover, TANs persuade states to vote for an incorporation of human rights into climate agreements and procedural rights into climate policies. Mechanisms of persuasion (and discourse) function according to a logic of appropriateness (March & Olsen, 1998, 951) (or a logic of arguing) and are particularly successful with (often liberal democratic) state governments (Risse & Ropp, 2013, 16) that have already legally committed to human rights, understanding them as part of their state identity, e.g. European states like France, Sweden, and Ireland (*accountability politics*). Actively engaged and in favor of rights institutionalization are also those states that are pressured from above through TANs and from below through domestic civil society organizations. These often are Latin American countries with strong CSO movements representing



local communities' and indigenous peoples' concerns. Among them are Mexico, Peru, Costa Rica, Guatemala, and Uruguay. Also in favor of rights institutionalization are small island states, such as the Maldives, Kiribati, or Samoa, that fear severe climate change consequences for the citizens living in their territory.

Some states (together with CSOs, IOs and other actors of the human rights regime) also try to pressure less democratic states to vote in favor of rights institutionalization. Another mechanism applied is naming and shaming, e.g. through a joint Amnesty International and Human Rights press release widely circulated on social media labeling Saudi Arabia, the United States, and Norway “human rights deniers” in addressing climate change (Amnesty International & Human Rights Watch, 2015). Another example is Annex I countries claiming that they will not fund climate policies with adverse right affects anymore, such as REDD+ and CDM programs. Thus, they use negative incentives or sanction mechanisms that function according to a logic of consequences (March & Olsen, 1998, 949; Risse & Ropp, 2013, 14).

The package approach used by the inter-constituency alliance has not yet been discussed in IR scholarship and can enhance our current knowledge of transnational advocacy. Employing a broad human rights framework, the alliance managed to integrate seven different networks with seven corresponding principles. Trade union networks, for instance, in the past often voiced concerns about jobs being at risk in the face of green economy transition and therefore demanded just transition processes. Indigenous peoples, in contrast, prioritized the protection of natural resources and heritage sites over the creation of new jobs. This new form of cooperation across constituencies empowered civil society towards state governments:

“[...] the fact that a trade unionist who is coming from Illinois to a climate conference and suddenly hearing the indigenous peoples' representative saying: ‘Oh remember, indigenous peoples' rights only make sense in the context of just transition for workers’. That is something that was incredibly empowering and motivating and feeling that no matter what the UNFCCC does, we have already reached a degree of solidarity that is unusual and is powerful.” (Interview Initiator Inter-constituency Alliance, 26 March 2020, via Skype.)

By repeating the entire message package consistently throughout the negotiations and as a united super-network, civil society gained strengths, changed decision-making in the context of the Paris Agreement and fostered institutional interaction between the human rights and the climate regime (*package approach politics*).

Figure two displays TAN's tactics in fostering institutional interaction between the human rights and the climate regime.

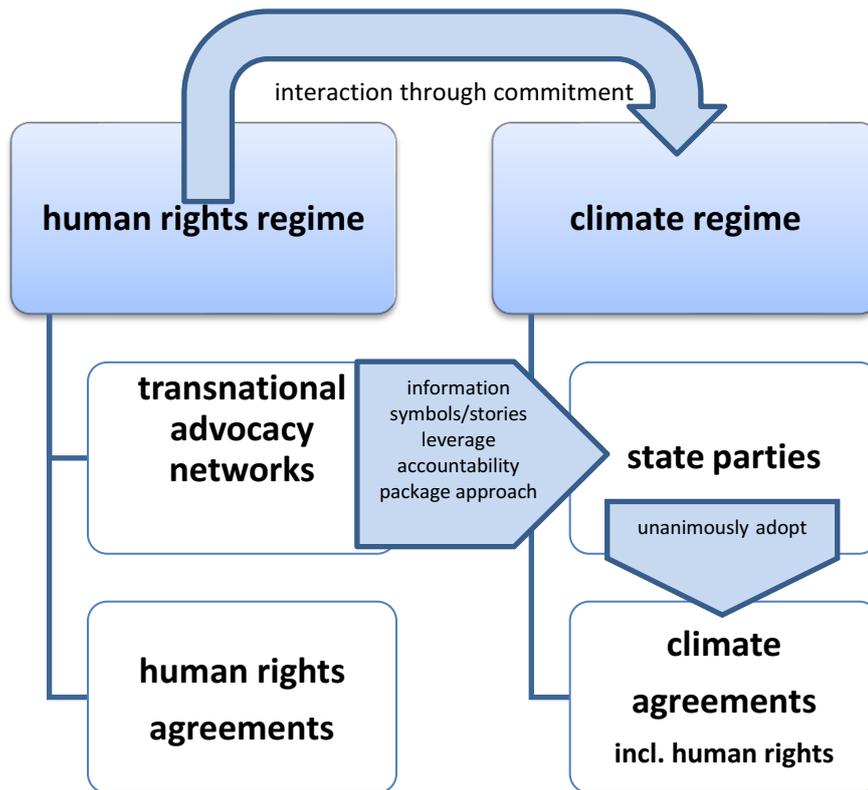


Figure 2 Institutional Interaction between the Human Rights and the Climate Regime (Source: Own compilation)

### What Is New – And Why Is This Relevant For The Study Of Institutional Complexity?

This case study demonstrates how transnational advocacy networks built and mobilized the inter-constituency alliance as a super-network with a view to incorporate various principles under the umbrella of a human rights framework into the new 2015 climate instrument. This leads to the creation of a new regime complex, in which the norms of one source regime (human rights) become relevant for a target regime (climate policy).

The super-network described in the empirical case study is unique and different from Keck and Sikkink's (1998) definition of TANs as it works across a number of issue areas, including organizations concerned with intergenerational equity, land issues, environmental problems, the situation of indigenous peoples, workers' concerns, gender aspects, and human rights. In contrast to Keck and Sikkink's original work on TANs, where networks center their work around either values, e.g. human rights, women's rights, or environmental protection (1998), the super-network operates across constituencies and integrates a number of issues.

Although objectives and methods of the individual TANs participating in the 2015 inter-constituency alliance are usually quite diverse, and sometimes even contradictory, network members understood the context of the Paris negotiations as an opportunity to advocate for common core principles they had agreed on. The unique mobilization structure of seven TANs in the super-network meant that different networks could combine their strengths and expertise, exchange valuable information, agree on overlapping objectives and refine their tactics. Then they could go back into their individual networks to lobby and interact with the respective state representatives they had built relationships with over many years. As the entire alliance spoke with one voice and promoted common rights principles, their influence was much stronger than in previous negotiations and changed the decision-making of states, in particular of those who were opposed to include rights in the agreement, like the USA, Saudi Arabia, or several African states (Human Rights Watch, 2015).

Rights protection was highlighted as important by raising awareness to the adverse local impacts and unintended consequences that international governmental climate policies, like the CDM

or REDD+, can have. At the same time, the alliance made governmental negotiators who are usually only trained in their own field aware of already existing human rights obligations of the international community that respective countries had ratified. By doing this, and by making concrete suggestions for the negotiation text, including references to existing human rights commitments, the super-network fostered institutional interaction through commitment. By advocating for an incorporation of human rights in the preamble of the Paris agreement, the alliance also advanced further institutionalization processes between the human rights and the climate change regime, creating a new regime complex. They urged states to take human rights, as a part of the new climate instrument, seriously in the following negotiations of the implementation guidelines, the so-called Paris rulebook (CIEL et al., 2017). With the postponed COP 26 in Glasgow to be held only at the end of 2021, there will be delayed negotiations on the San Jose principles, also known as article 6 principles, defining standards for the creation of carbon markets. After COP 25, human rights have not yet been included in article 6, but amendments are still to be negotiated and the alliance is trying to influence governments to incorporate human rights safeguards into these principles (HRCCWG, 2018).

Developing a better understanding of these new forms of TANs helps to explain the dynamics behind institutional interaction. This means there are not only causal mechanisms of interaction between a source and a target institution, such as interaction through commitment<sup>1</sup>, as elaborated by Gehring and Oberthür (2006, 2009), but there are also politics (i.e. information, symbols/stories, accountability, leverage, and package approach) behind the interaction link. This adds to the study of institutional complexity as it contributes a multi-level perspective on adverse local rights impacts of climate policies and how they are used by transnational actors in the global climate arena to advocate for change. The unique interaction patterns between civil society has fostered institutional interaction between two different regimes. This brings a micro-perspective of actors (and local impacts) into play that is yet missing in many studies on institutional interaction and connects it with the macro-perspective of structures (and regime overlap). It also links rational choice-oriented regime studies with social constructivist work on norm-guided actors, actor constellations, and networks. This study contributes to Orsini's (2013, 2015) work on "multi-forum" non-state actors and helps close a research gap by illuminating the role of non-state actors and transnational advocacy networks in the state-focused study of institutional interaction.

The inter-constituency alliance investigated for this paper is not the only "super-network" active in international negotiations. Other examples are the Convention on Biological Diversity (CBD) Alliance bringing together different TANs active from various policy fields for common objectives in the CBD negotiations or the International Campaign Against Nuclear Weapons (ICAN) uniting youth groups, peace organizations, trade unions, women's networks, health advocates, and others behind the common aim of eliminating nuclear weapons. Their role in institutionalization processes and institutional interaction needs to be further investigated.

## Critical Discussion and Conclusion

In this paper, I have argued that we learn more about the dynamics of institutional interaction by understanding new forms of Transnational Advocacy Networks that foster interaction (through commitment) and further institutionalization processes. Empirically, this paper focuses on examining interactions between the human rights and the climate change regime, and the activities of a new form of alliance, a so-called "super-network", for incorporating rights principles in the 2015 Paris Agreement. Making use of the political context and opportunities to participate in the negotiations of a new climate instrument, various TANs, including indigenous, environmental, youth, religious, trade union, land rights, and human rights groups, organized themselves in the inter-constituency alliance. Combining strengths and expertise and sharing valuable information, the alliance agreed on a package

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<sup>1</sup> In this case study, we mainly learn about interaction through commitment (as the inter-constituency alliance refers to human rights agreements that have already been ratified by member states of the UNFCCC). Behavioral and impact-level interaction will only become relevant after the Paris agreement is implemented.



approach with core principles to advocate for and influenced governmental decision-making. By making use of tactics, such as information politics, symbolic politics, leverage politics, and accountability politics, the inter-constituency alliance persuaded and pressured states to incorporate human rights in the 2015 Paris Agreement. This case demonstrates how local impacts and experiences play a role in institutional interaction and thus adds a multi-level actor perspective to the study of institutional complexity. It also contributes to understanding the role of non-state actors and actor constellations in influencing governmental decision-making to advance further institutionalization processes at the intersection of two regimes.

Two aspects concerning the formation of TANs at the COP in general, and the inter-constituency alliance in specific, have to be viewed critically. First, the hybridity of TANs makes them dynamic and flexible but also comes with a major disadvantage. Many CSOs are crucial in one negotiation but cannot participate in the next one. This means, in every new negotiation the respective network may miss out on expertise or relationships with state representatives that individual CSOs had established during previous years (Interview Representative of the HRCCWG, COP 19 in Warsaw, 17 November 2013). Lacking continuity and consistency hamper the success of these alliances.

Second, for the formation of the inter-constituency alliance, TANs have used the unique political context around the 2015 Paris negotiations, in particular the opportunity to contribute to a new climate instrument, to advocate for commonly agreed principles. They were able to mobilize and successfully build a strong alliance among very diverse CSOs that usually pursue different, sometimes even competing, objectives. Different network representatives emphasize that with the Paris negotiations, unprecedented forms of civil society cooperation have been initiated that remain to be relevant in the future (Interview Representative of Indigenous Peoples' Caucus, Saami Council, 12 March 2020 via Skype). But even though the different constituencies continue a dialogue, the super-network lost its momentum, unique mobilization structure, and unity behind a common aim after the Paris negotiations. Thus, the text for the implementation guidelines, which was subject to the following negotiations, has so far remained relatively weak from a human rights perspective – although negotiations on amendments are still ongoing (Interview Initiator Inter-constituency Alliance, 26 March 2020, via Skype.) This demonstrates that strong mobilization and successful network-building to foster institutional interaction, as we could observe in the case of the inter-constituency alliance, only work under unique political opportunity structures.

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