

Research 2020 | M. Joel Voss

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My research agenda consists of two separate but connected streams, both of which use approaches from international relations and international law. The first stream examines questions related to the development and especially contestation of international human rights norms. This research agenda is beginning to have an impact on the field by helping scholars and practitioners better understand the processes behind norm contestation, particularly concerning the human rights of LGBTI persons. This research agenda is also contributing to the development of theories of norm contestation. Norm contestation is important because it is at the heart of how or if norms develop and has been understudied until recently.

My second research stream examines the institutional design and effectiveness of global human rights institutions, particularly the UN Human Rights Council. Research within this second stream is impacting the field by illustrating novel approaches to old questions concerning institutional design. Research within the first primarily uses qualitative methods including elite-level interviews with norm entrepreneurs in Geneva, Switzerland while research within the second stream uses quantitative methods including network analysis.

Taken together, my work is becoming an important part of the study of international human rights within the United Nations system.

Stream 1 - Norm Development and Contestation

The majority of my scholarly activity focuses on norm contestation. Research on norm contestation is important to the field of human rights because it not only shows that norms, which are standards of appropriate behavior, may rise and fall but also examines the process behind norm adoption, retrenchment, or rejection. Traditionally, research on norms just assumed that norms evolved over time. However, this not the case. The following section will describe my research on norm contestation.

“Contesting Sexual Orientation and Gender Identity at the UN Human Rights Council” was published in the March 2018 issue of Human Rights Review (Springer). Human Rights Review is a leading interdisciplinary journal on human rights research. Human Rights Review is double-blind peer reviewed. The article looks at how opponents of human rights norms attempt to contest and derail the processes of norm advancement. Norm entrepreneurs have made significant strides in advancing SOGI resolutions at the UN Human Rights Council. However, these advancements are being fiercely contested. This paper examines the development of SOGI at the Council including how states advance and contest SOGI and the extent to which their positions are mutable. Resolution 32/2 of 2016, which created an independent expert is the central focal point of the paper. Qualitative, elite-level interviews and content analysis of documents and statements are used to provide an in-depth analysis of how states advocate their positions on SOGI. The paper finds that framing is the primary tool used by states. Both proponents and opponents claim their positions are universal and adhere to prior law while the other group is relativist and revisionist. The paper further finds that although

advancements have been made, deadlock is imminent until Member States' domestic legislation changes.

“Contesting Family at the United Nations Human Rights Council” was published in *Religion and Human Rights* (Brill) in August 2019. *Religion and Human Rights* is an impactful journal for international law scholars. *Religion and Human Rights* is double-blind peer reviewed. There is general agreement that families are considered an important building block of society. However, in international fora, there is significant disagreement about what constitutes family. This article discusses the development of the Protection of the Family initiative at the UN's primary human rights body, the UN Human Rights Council. This article uses Protection of the Family resolutions at the Council to build upon theories of norm contestation in international relations and international law. Elite-level interviews and participant observation of Council meetings on the four Protection of the Family resolutions adopted at the Council show that both advocates and opponents of Protection of the Family argue that their positions adhere to universal rights and prior law while their opponents are revisionist. In addition, the article illustrates a series of new strategies adopted by advocates of Protection of the Family that may be used in other resolutions to advance human rights agendas.

“The Use (or Misuse) of Amendments to Contest Human Rights at the UN Human Rights Council” crosses both areas of my research. The development of international human rights norms and law is an often-contentious process. Despite significant gains from recent research on the development and implementation of human rights law, little research has focused on strategies of contestation prior to final outcome documents like resolutions, declarations, or treaties. Amendments to UN Human Rights Council resolutions are a form of contestation, particularly validity contestation that happens prior to the passage of Council resolutions. This paper examines the use of amendments by states using descriptive statistics from Council proceedings from 2006 through 2018 as well as case studies on women's rights and civil society space to illustrate how states use amendments to frame their positions. Amendments are increasingly being used by states from the Global South to contest the validity of potential human rights norms at the Council. The long-term impacts of the use of amendments is an often overlooked but important part of the Council's ability to promote and protect rights. This paper was published in *Human Rights Review*, Volume 20, Issue 4 in 2019.

“Contesting Human Rights and Climate Change at the UN Human Rights Council” is another paper on contestation. This paper appears in the March 2020 issue of the *Journal of Human Rights and the Environment* (Elgar). *JHRE* is double-blind peer reviewed. This paper is important as a stepping stone to the next stage of my research, which will be discussed at the end of this narrative. Climate change is one of the defining problems of our time. The relationship between climate change and human rights is beginning to receive increased attention by stakeholders, including the UN and its primary human rights body, the Human Rights Council. Discussions on the relationship between climate change and human rights are hotly contested. This paper is concerned with how states advocate for or against climate change and human rights at the Council. Participant observation on climate change resolutions from 2006-2019 through UNWebTV archives are used to illustrate how states frame climate change. Although passed without a vote, significant contestation occurs over the content of each resolution. During explanations of the vote, Member States make some form of three claims. The first focuses on equity and development. The second frames human rights and climate change as either a problem for undermining human rights or as a responsibility of states to protect human rights when responding to climate change. The final argument revolves around the mandate of the Council to discuss climate change as a human right. The paper helps shed light on both theories of norm con-

testation and strategies used in advocating for a relationship between human rights and climate change.

“The Global South and Norm Advocacy at the United Nations Human Rights Council” is forthcoming at the *Journal of Minority and Group Rights* (Brill). JMGR is double-blind peer reviewed. The piece went through the revise and resubmit process at *Human Rights Law Review* but was ultimately rejected by the editor. Critics of the UN Human Rights Council commonly focus on the perceived negative role that states from the Global South play in Council proceedings. These 'western assessments fail to consider the Global South's role in advancing their human rights preferences in Geneva. This work surveys the Global South's norm advocacy at the Council from 2006 through 2018. We argue that there are three primary reasons the Global South advances human rights - in response to internal, long-term systemic issues, international, long-term-systemic issues, and cultural differences between regions. Our article includes data categorizing all thematic resolutions into these three categories and then describes the Global South's role in promoting their human rights agendas by examining a case study from each category. We find that the Global South is very active in human rights promotion but chooses to focus on human rights that differ from the Global North.

I have two invited, peer-reviewed pieces for the Oxford Research Encyclopedia on LGBT Politics and Policy. These works were published in February and March 2020. Each of these works included original research and both were approximately 19,000 words each. "Sexual Orientation and Gender Identity in International Institutions" describes the development (including opposition) of LGBTI rights within the United Nations and its Specialized Agencies. The paper finds that protections and benefits offered to LGBTI individuals within the United Nations vary significantly. This variation is in part a reflection of the nature of the specific institution. For example, institutions that reflect states' interests like the General Assembly have offered fewer protections while those that reflect individual expert opinions offer more protections. The second piece, "Europe's Supranational Courts and LGBT Rights" which took a substantial amount of work since I the reviews requested that I learn over four new areas of theoretical research (which I will now use in some of my future work), follows legal developments and strategies within the European Court of Human Rights and the European Court of Justice. The paper finds that European Courts readily protect LGBTI rights except regarding family matters. The Courts allow a very large margin of appreciation over family matters and this, in turn, has led to widespread variation in protections within European states.

"Backlash Against Sexual Orientation and Gender Identity at the UN Human Rights Council" is currently under contract for an edited volume, "Politics of LGBTQ Equality: Marriage and Beyond" with the University of Kentucky Press. This piece is peer reviewed. This paper came out of an invited conference hosted by the University of Pittsburgh European Studies Institute and should be published in the Spring of 2019. "Backlash" examines specific strategies adopted by states that are contesting LGBTI resolutions at the United Nations. The paper finds that opponents of LGBTI rights have a number of different strategies, both inside the Council (and UN) and outside of normal procedures at the Council to counter SOGI advocates and are using the strategies to fight a multi-front battle against SOGI. Practically, this means that the battle for sexual orientation and gender identity rights at the UN is just beginning. The paper makes a significant contribution to understanding mechanisms available to opponents of norms at the UN, which is an understudied part of the human rights literature.

Finally, "Contesting Human Rights Defenders at the United Nations Human Rights Council" has received a revise and resubmit at the *Journal of Human Rights Practice*, which is one of the leading

journals for human rights practitioners. JHRP (Oxford) is double-blind peer reviewed. This article was presented at Midwest Political Science Association meeting in 2019 and will be presented at the University of Dayton's Human Rights Conference in fall 2019. Human rights defenders are facing shrinking spaces. Backlash against defenders is occurring in states across the world. At the United Nations Human Rights Council, there also exists significant contestation over the term "human rights defenders" and their role in human rights promotion and protection. Proponents of human rights defenders are introducing resolutions to protect defenders. These resolutions are facing significant contestation at the Council including lengthy debate on resolutions and record-setting numbers of amendments by opponents. This paper uses theories of contestation from international relations to examine how Member States both advocate for and against human rights defenders at the UN's primary human rights body, the UN Human Rights Council. Case study analysis on resolutions including participant observation as well as elite-level interviews are used to examine strategies used by Member States. The paper finds that several strategies are used by both groups to contest both the validity and application of human rights defenders. Opponents and proponents frame their positions in terms of adherence to international law and rules of procedure while claiming the other group are "revisionists" acting in bad faith. The Council acts both as a first and last resort for the protection of defenders. The implications of attacks on defenders at the Council may have important ramifications for both the promotion and protection of the work of defenders going forward.

In addition to these papers that have either been published last year or are under review, my work on norm contestation also includes early stage working papers on contesting the rights of women and the development and contestation of business and human rights frameworks at the UN Human Rights Council. These papers should be submitted to journals in the Fall of 2020.

Stream 2 - Institutional Design and Efficacy

The second research stream uses quantitative data on state characteristics and voting at the UN Human Rights Council to examine Council efficacy and efficiency. The continued cultivation, including the gathering and coding, of two unique data sets is pivotal to this research agenda. The first data set consists of all Council resolutions on country-specific situations and includes over 15,000 observations. The second data set includes all resolutions on thematic issues and includes over 32,000 observations. Both data sets include over 30 categories to help scholars better understand state voting on the Human Rights Council. For example, state-level information is included on which states introduce a particular resolution, how states vote on a resolution, and for country-specific resolutions, target characteristics. In the thematic data set, additional information is included on the theme of the resolution, for example, "civil," "political," or "economic" rights. As mentioned above, my peers are now using this data in their own papers.

There has been a significant amount of research in the United Nations on how states vote. However, this research has two deficiencies. First, most of the research is on the UN General Assembly, which is structurally very different from the UN Human Rights Council. Secondly, authors generally have a theoretical bias in how they define voting blocs. Meg Osterbur and I are writing a paper using network analysis to test previous explanations for bloc voting but this time at the UN Human Rights Council. Importantly, this is a purely network analysis paper. We are not testing pre-existing theories of IR. I have finished the introduction, literature review, and data sections for our paper. Meg is currently using my data set on country voting to do the network analysis. This paper, titled, "Discovering

Networks at the UN Human Rights Council" was presented at the MPSA and APSA annual meetings in 2018 and has a revise and resubmit at Global Governance (Brill). Global Governance is double-blind peer reviewed and a leading journal in IO research.

In addition to the networks paper, I have several other working papers in different stages of development. Understanding state voting is helpful for international relations theory and human rights advocates. First, it helps us better understand what drives a state's foreign policy. Secondly, it helps predict areas of agreement and disagreement. Finally, it helps us better understand if the Council is "better" at fulfilling its mandate than its predecessor, the Commission on Human. The paper seeks to advance my research agenda by looking at which macro-level state characteristics, such as regime type, level of democracy, or level of human rights abuse, best predicts state voting on resolutions. "Naming and Shaming Countries in the United Nations Human Rights Council" uses my original data set on country-situations and statistical models, particularly ordered logistic regression. The paper finds that a substantial gap exists in how democracies from Global North and Global South and non-democracies vote on the Council. This finding suggests that democracy or region alone do not sufficiently determine voting outcomes. Instead, it is apparent that voting preferences shift based on the interaction of both region and regime type. This paper will be submitted to Review of International Organizations in late 2020. The paper is being reworked and will be co-authored with Meg Osterbur. Meg is doing a more sophisticated data analysis. I have finished writing the introduction, theory, and data background information.

The two previous papers on voting at the Council suggest regionalism remains a consistently strong explanatory variable. These findings, coupled with interviews during my dissertation research, lead me to explore the role so-called "emerging" democracies from the Global South play during Council proceeding. "Emerging Democracies" seeks to explain why the interaction effect between regime type and regional affiliation is such a strong explanation for outcomes at the UN. This work is particularly interested in the differences that exist between Global North and Global South democracies. The paper's very preliminary findings suggest that the constructivist theory of acculturation is the best explanation for the differences in preferences between Global North and Global South democracies and non-democracies. The target journal for this article is International Interactions. However, this paper is not currently a priority and may be pushed to 2021.

The previous three papers use data on voting outcomes on country-specific resolutions at the Council. Country-specific resolutions are those resolutions that only focus on a specific state. For example, the human rights situation in Sudan or North Korea. However, the Council's mandate is to also promote human rights standards that apply to all states. These types of resolutions are called, "thematic" and include issues like, the human right to water or the right to be free from torture. My most recent paper on state voting at the Council excludes country-specific resolutions in order to see if states vote differently regarding thematic resolutions. "Thematic Resolutions in the UN Human Rights Council: Sincere Commitment or Strategic Deflection" asks, "how has the transition from the United Nations Commission on Human Rights (CHR) to the United Nations Human Rights Council (HRC) affected voting outcomes on thematic resolutions?" The paper finds that the transition from the CHR to the HRC has had little real impact on voting outcomes. Problems that plagued the CHR, like a proliferation of mandates and regional bloc voting continue to plague the Council. The paper finds that the primary difference between the voting outcomes is the level of engagement by Western states, particularly the United States. The paper further suggests that unless significant reform occurs, little will in terms of human rights standard-setting at the United Nations. This paper was to be presented

at the 2015 American Political Science Association's Annual Meeting, at the 2016 International Studies Association's Human Rights meeting, and the Academic Council on the United Nations 2016 meeting. Given feedback at these conferences, my goal is to substantially rework this paper and submit it in 2020. The target journal is Foreign Policy Analysis or Review of International Studies. However, this paper is also not a priority and has been shifted to 2021.

The last two years have been significant for my research. My work is being cited as some of the most important work in constructivist literature on norm contestation, particularly regarding LGBTI human rights. On top of my publications, I have several late-stage working papers. Taken together, my research shows the scholarly, advocacy, and policy communities that the United Nations Human Rights Council is an effective institution in promoting and protecting human rights, albeit with room for improvement. My research is also beginning to illustrate how human rights norms are developed and contested. The global human rights agenda of the United Nations significantly impacts the lives of billions of people, and is therefore a critical area for continued research pertaining to the development and diffusion of global human rights norms.

The Future

My work on constestation is wrapping up. I plan to submit papers on contesting women's rights and business and human rights in the fall of 2020. The spring of 2021 will be used to begin the foundations for the next step for my research. Understanding how norms are contested and developed is of critical importance. However, the United Nations and many human rights stakeholders are shifting focus to how norms are implemented at the national and local level after they have been agreed upon at the UN. My future research builds upon my contestation and institutional design work and is set to examine how local actors implement international norms (or how local actors contest international norms). The first step is applying for summer funding to travel to the Maldives and Seychelles to do elite-level interviews with individuals who are pivotal, in the case of the Maldives, for getting climate change on the agenda of the Human Rights Council and who have been reluctant to discuss climate change policies in the case of Seychelles. It is important to note that due to budget constraints caused by COVI-19, my research focus may need to shift.

My future research will be relevant for international norms literature and for bridging the gap between international and local policy making.