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ANALYTICAL ESSAY

Contested Facts: The Politics and Practice of International Fact-Finding Missions

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International organizations (IOs) dispatch fact-finding missions to establish epistemic authority by objectively and impartially assessing contested facts. Despite this technocratic promise, they are often controversial and sometimes even fuel international disputes that challenge the epistemic authority of the dispatching organizations. Although the twenty-first century has witnessed a proliferation of United Nations (UN) commissions of inquiry, they have received surprisingly little attention in international relations (IR) scholarship. How can we explain this trend and the successes and failures of fact-finding missions, which sometimes even backfire on the IO authority? Drawing on IR theories of delegation, epistemic authority, and IO field operations as well as public international law scholarship on commissions of inquiry, this article develops an analytical framework for studying the delegation, implementation, and dissemination of fact-finding missions. It theorizes how and under what conditions international fact-finding missions close or widen credibility gaps and thus help to establish, maintain, or weaken the epistemic authority of IOs. The article illustrates this framework with a case study of the Ad Hoc Working Group on the Human Rights Situation in Chile, sent by the UN Commission on Human Rights in 1974 to investigate allegations of human rights violations and torture. The conclusion outlines a comparative research agenda on international fact-finding missions for IR that contributes to the study of knowledge production in IOs and the enforcement of international norms.

Las organizaciones internacionales (OOII) envían misiones de investigación de los hechos con el fin de establecer la autoridad epistémica mediante la evaluación objetiva e imparcial de los hechos controvertidos. A pesar de esta promesa tecnocrática, estas misiones resultan, con frecuencia, controvertidas y, a veces, llegan incluso a alimentar disputas internacionales que desafían la autoridad epistémica de las organizaciones las enviaron. A pesar de que el siglo XXI ha sido testigo de una gran proliferación en materia de comisiones de investigación de las Naciones Unidas (ONU), estas han recibido una atención sorprendentemente moderada dentro del ámbito académico de las relaciones internacionales (RRII). ¿Cómo podemos explicar tanto esta tendencia como los éxitos y fracasos de las misiones de investigación, los cuales, a veces, resultan incluso contraproducentes para la autoridad de las OOII? Este artículo desarrolla, sobre la base de las teorías de delegación en el ámbito de las RRII, así como de la autoridad epistémica, de las operaciones de campo de las OOII,

y la bibliografía en materia de derecho internacional público sobre comisiones de investigación, un marco analítico para estudiar la delegación, la implementación y la difusión de las misiones de investigación de los hechos. El artículo teoriza acerca de cómo y bajo qué condiciones las misiones internacionales de investigación de los hechos cierran o amplían las brechas de credibilidad y, en consecuencia, ayudan a establecer, mantener o debilitar la autoridad epistémica de las OOII. El artículo ilustra este marco de trabajo con un estudio de caso sobre el Grupo de Trabajo ad hoc para la investigación de los derechos humanos en Chile, que fue enviado por la Comisión de Derechos Humanos de la ONU en 1974 para investigar las denuncias de violaciones de los derechos humanos y de tortura. La conclusión de este artículo describe una agenda de investigación comparativa en materia de misiones internacionales de investigación de los hechos para el ámbito de las RRII que contribuye al estudio de la producción de conocimiento en las OOII y a la aplicación de las normas internacionales.

Les organisations internationales (OI) organisent des missions d'enquête pour établir l'autorité épistémique en évaluant de façon objective et impartiale des faits contestés. Malgré cette promesse technocratique, elles sont souvent controversées et parfois même, alimentent des désaccords internationaux qui remettent en question l'autorité épistémique des organisations à l'origine de ces missions. Bien que les commissions d'enquête des Nations unies (ONU) aient proliféré au vingt-et-unième siècle, les relations internationales (RI) ne leur ont étonnamment dédié que peu de travaux de recherche. Comment expliquer cette tendance et les réussites et échecs des missions d'enquête, qui parfois se retournent même contre l'autorité des OI ? En se fondant sur les théories de RI sur la délégation, l'autorité épistémique et les opérations de terrain des OI, ainsi que la recherche en droit international public sur les commissions d'enquête, cet article soumet un cadre d'analyse pour l'étude de la délégation, de l'application et de la diffusion des missions d'enquête. Il théorise comment et sous quelles conditions les missions d'enquête internationales resserrent ou élargissent des écarts de crédibilité, et ainsi permettent d'établir, de maintenir ou d'affaiblir l'autorité épistémique des OI. L'article illustre ce cadre à l'aide d'une étude de cas du groupe de travail spécial sur la situation des droits de l'Homme au Chili, envoyé par la Commission des droits de l'Homme de l'ONU en 1974 pour enquêter sur des allégations de violations des droits de l'Homme et de torture. La conclusion présente un programme de recherche comparative sur les missions d'enquête internationales pour les RI qui contribue à l'étude de la production du savoir dans les OI et l'application des normes internationales.

Keywords: international organizations, fact-finding, Chile

Palabras clave: organizaciones internacionales, investigación, Chile

Mots clés: organisations internationales, enquête, Chili

Introduction

International organizations (IOs) are dispatching fact-finding missions more frequently than ever before. International fact-finding missions are groups of experts mandated by IOs to investigate a conflict situation, ideally on the ground, by establishing credible facts and ascertaining allegations of norm violations.¹ More than half of all United Nations (UN) fact-finding missions have been deployed in the last decade (Becker 2022, 583–84). One of the most recent examples is the

¹I use the terms “fact-finding mission” and “commission of inquiry” interchangeably.

Independent International Commission of Inquiry on Ukraine, mandated by the UN Human Rights Council (UNHRC). The commission adopted its second report in March 2023, detailing evidence of numerous violations of human rights and humanitarian law committed primarily by Russian forces (UNHRC 2023). Fact-finding missions have become a central practice through which IOs produce knowledge and claim their epistemic authority to apply and ultimately enforce international norms. Yet international relations (IR) scholars have paid little attention to the politics and practice of international fact-finding missions (Kim 2019, 99–100; but see Heaven 2017; Allen 2020; Andrá 2022). This article outlines ways to close this research gap.

Despite the promise of impartial knowledge production, international fact-finding mandates, procedures (including cooperation on country visits), and reports can fuel controversies—sometimes even backfiring on IO attempts to establish epistemic authority. The controversial UNHRC mission to the Gaza strip arguably failed to overcome disputes over Israeli military attacks in 2009 as well as the polarization in the council (Chinkin 2011). Fact-finding missions into the use of chemical weapons in Syria have caused deep divisions within the Organisation for the Prohibition of Chemical Weapons (OPCW) (Notte 2020). Today's fact-finding missions must operate in the context of vast amounts of publicly available information, orchestrated disinformation campaigns, and a general backlash against international institutions (Leander 2014). This exacerbates the “credibility gap” that international fact-finding missions have always faced: the one that exists between expert knowledge and doubts about the trustworthiness of the producers of that knowledge (Franck and Cherkis 1967, 1484). The “technocratic utopia” (Steffek 2021) of IOs—which sees the provision of knowledge and expertise by IOs as a vital source of their autonomy and authority in itself—is under pressure (Haas 1992). In this climate of increasing mistrust against and politicization of knowledge production, IOs and their agents are struggling to assert themselves as trustworthy.

This article proposes a three-pronged framework for studying international fact-finding missions and their impact on the recognition of epistemic authority, defined as the claim to provide objective and impartial knowledge. Drawing on IR theories of delegation, epistemic authority, and IO field operations, as well as public international law (PIL) scholarship on commissions of inquiry, this framework theorizes several arguments about the link between the *delegation* of fact-finding missions by IOs, the *implementation* of their mandates, and the *dissemination* of their findings on the one hand, and the epistemic authority of IOs on the other. More specifically, this framework and its underlying arguments are guided by three broad research questions: (1) how do the mandating body, the content of the mandate, and the mandate holders affect the trustworthiness of the mission? (2) Under what conditions is the implementation of the mandate—depending on access to the field, sources, and participation—more likely to produce credible facts? (3) Are normative-legal frameworks, which also establish accountability for norm violations, less likely to be accepted than factual-scientific frameworks, which focus on objective and value-free assessment? For each track, the article discusses the sometimes competing explanatory factors in IR and PIL scholarship for the (unintended) consequences of international fact-finding missions and links them to insights from research on human rights reporting, expertise, and on-the-ground activities of IOs.

I illustrate this framework with the historical case of one of the first UN fact-finding missions: the Ad Hoc Working Group on the Human Rights Situation in Chile (hereafter: Ad Hoc Group). This fact-finding mission was dispatched by the UN Commission on Human Rights (UNCHR) in the aftermath of Pinochet's coup d'état and led to a “path-breaking on-site visit by the Working Group in 1978” (Alston and Knuckey 2016, 19). The Ad Hoc Group provided the UN with facts about the allegations against Chile. The UN used these facts as the basis for its decisions against Chile and to legitimize them. Throughout the process, the Ad Hoc Group and the UN struggled for recognition of their epistemic authority in the

human rights situation in Chile. The Ad Hoc Group is a useful illustrative case because, as a critical juncture in the UNCHR's approach to fact-finding missions and special procedures, it has generated rich debates about the purpose and prospects of international fact-finding missions (see [Domínguez-Redondo 2017](#), 27; [Kelly 2018](#), 165–66; [Eckel 2019](#), 268).

The article proceeds in three steps. The next section situates fact-finding missions as a salient but understudied phenomenon in world politics and discusses existing research in IR and PIL. The article then conceptualizes fact-finding missions as a practice to claim epistemic authority and introduces a framework for studying the delegation, implementation, and dissemination of fact-finding missions. It illustrates this framework with a historical case study of the Ad Hoc Working Group on the Human Rights Situation in Chile. The conclusion outlines avenues for a comparative research agenda on fact-finding missions and related knowledge-production mechanisms in human rights, humanitarian law, arms control, and other issue areas.

Situating International Fact-Finding Missions

International fact-finding missions are ad hoc expert bodies dispatched by an IO or international agreement tasked with ascertaining the facts of a particular situation in light of international norms, and to mediate in conflict situations ([Alston and Knuckey 2016](#), 5; [Hellestveit 2015](#), 368; [Becker and Nouwen 2019](#), 823–24). Their purpose is to provide impartial knowledge in international disputes and to overcome political polarization ([Franck and Cherkis 1967](#), 1483). Thus, the central—though not only—goal of international fact-finding missions is to establish credible facts, as is also stated in the UN General Assembly's (UNGA) Declaration on Fact-Finding ([UNGA 1991](#); see also [OHCHR 2015](#)). However, the facts found by these missions are often contested. Ideally, these missions conduct country visits, but they require the consent of the target state, which is often a major obstacle. They also—and some argue increasingly—make pronouncements on international law (see [Becker 2022](#), 586–88). While their reports are not legally binding ([Harwood 2019](#), 14), quasi-judicial bodies and informal decisions can also help to enforce international norms ([Lesch 2023](#)). Their reports become important resources for IOs to respond to allegations of norm violations and escalating conflicts ([Hellestveit 2015](#), 382), and international (and national) courts can use them as evidence ([Devaney 2016](#), 93–112). Like other informal lawmaking mechanisms ([Lesch and Reiners 2023](#)), they can contribute to norm development ([Le Moli 2020](#)).

In addition to international fact-finding missions, understood here as collective, ad hoc commissions dispatched by an IO, several other international mechanisms seek to establish facts, truth, and knowledge. An early example of UN field missions other than peacekeeping are the periodic visits under the UN Trusteeship Council reporting system. Although rarely used, international courts conduct site visits as part of their fact-finding process. The standing International Humanitarian Fact-Finding Commission, established by the Additional Protocols to the Geneva Conventions, was first activated in the Ukrainian conflict in 2017. Individual UN special rapporteurs regularly conduct country visits, and some human rights treaty bodies have also established on-site inquiry mechanisms. The UN Security Council (UNSC) mandates panels of experts to monitor its sanctions regimes and conducts “visiting missions” to gather information and mediate conflicts.

Perhaps the most closely related mechanisms are truth commissions, which are tasked “to construct comprehensive accounts of political violence” ([Zvobgo 2020](#), 609). Despite their common goal of establishing facts and truth, they can be distinguished along several lines, though any distinction must take into account that both concepts have evolved over time. For example, they typically differ in terms of the mandating authority and the applicable law: fact-finding missions are

mandated by IOs and apply international law. Truth commissions—although sometimes internationalized—are established by national authorities and apply national law (Harwood 2019, 11; Kochanski 2020, 116–17). They also differ in terms of their broader objectives: truth commissions usually contribute to restorative justice processes (Ben-Josef Hirsch 2014, 821, 824). Fact-finding missions have primarily an investigative function to report facts—although they can also be used for (soft) enforcement and accountability mechanisms (see below). Finally, they may differ in terms of timing and methods. Fact-finding missions are usually mandated to investigate ongoing conflict situations. As part of broader transitional justice processes (Salehi 2022, 70), truth commissions can reconstruct the truth with more hindsight and based on broader forms of knowledge than the evidence-based approach of fact-finding missions (Salehi 2023, 10).

The remainder of this section provides an overview of international fact-finding missions and discusses how IR and PIL scholarship have studied these missions.

Overview

International fact-finding missions can be traced back to the Hague Conventions of 1899 and 1907 and the League of Nations. Although fact-finding missions by the UN and other international as well as regional organizations are not a new phenomenon, their use has increased dramatically, especially in the last two decades. Not only have they expanded into additional issue areas, but they have also diversified their methods and broadened their mandates, ranging from monitoring to inquiries, and to quasi-adjudication.

Under the Hague Conventions and the League of Nations, commissions of inquiry were closely linked to the settlement of disputes between states. The few Hague commissions of inquiry dealt mainly with very specific incidents, such as those between ships at sea. The League of Nations inquiries dealt mainly with territorial disputes (for concise overviews, see e.g., Franck and Cherkis 1967, 1492–95; Herik 2014, 519; Becker 2022, 567, 571). Whereas the parties to a dispute established these missions under the Hague framework, the League of Nations was authorized to dispatch international fact-finding missions of its own. Formally established with a “pure” fact-finding mandate, these commissions had already assumed an informal role as arbitrators or quasi-adjudicators (Herik 2014, 512, 518; Becker 2022, 592, 602).

The UN Charter explicitly grants formal authority to establish fact-finding missions only to the UNSC (Herik 2014, 523; Hellestveit 2015, 373). From a legal perspective, other UN organs, including the Secretary General, the General Assembly, the Commissions on Human Rights, the Human Rights Council, and the High Representative for Human Rights, are vested with implied powers to mandate fact-finding missions (Herik 2014, 525–27; Hellestveit 2015, 374–76). Since 1960, the UN has authorized 78 fact-finding missions (see Table 1). The UNHRC, by far the most active UN body since its establishment in 2006, has adopted almost forty such missions. This is in stark contrast to the practice of its predecessor, the UNCHR, which only mandated a total of six fact-finding missions between its establishment in 1946 and its dissolution in 2005. As I will discuss in the case study on Chile, the UNCHR has long shied away from even discussing country-specific norm violations, let alone sending its own envoys to investigate them.

Several other IOs also dispatch fact-finding missions. The International Labour Organization, founded in 1919, is a long-standing example of conducting rather successful fact-finding missions (Franck and Fairley 1980, 332–44). Bilateral and multilateral arms control have a long tradition of on-site inspections to monitor compliance (Abbott 1993). In 2014, the OPCW sent a first fact-finding mission to Syria to investigate the use of chemical weapons, quickly moving from a mandate to establish the facts of the use of such weapons to the attribution of responsibility,

Table 1. UN fact-finding missions by mandating body and decade.

	1960s	1970s	1980s	1990s	2000s	2010s	2020s	Total
UN General Assembly	1	1	0	2	0	1	0	5
UN Security Council	0	1	0	5	2	1	0	9
UN Commission on Human Rights	0	1	1	3	1	-	-	6
UN Human Rights Council	-	-	-	-	5	26	7	38
UN Secretary General	0	0	0	2	5	1	0	8
UN High Commissioner for Human Rights	-	-	-	1	10	1	0	12
Total	1	3	1	13	23	30	7	78

Own compilation based on UN Library: <https://libraryresources.unog.ch/factfinding/> (last accessed May 12, 2023). Note that the UN Commission of Human Rights was replaced by the UNHRC in 2005/6; the Office of the UN High Commissioner for Human Rights was established in 1993.

breaking new (but controversial) ground for the OPCW (Koblentz 2019). Even the World Health Organization (WHO), which typically relies on state reporting for knowledge production (Hanrieder 2020, 535), has taken the unprecedented step of sending a fact-finding mission to Wuhan, China, to gain firsthand insights into the origins of the SARS-CoV-2 virus (WHO 2021). At the regional level, the Inter-American Commission on Human Rights has a rich record of fact-finding missions (Becker 2022, 574). Other examples include missions mandated by the Council of the European Union to investigate the conflict between Russia and Georgia in 2008 and the African Union’s Commission of Inquiry on South Sudan in 2013. For both organizations, these were “firsts” in terms of dispatching fact-finding missions (Grace 2017, 66–67).

Existing Literature

Despite the proliferation of international fact-finding missions, IR scholarship has yet to systematically study them. This is surprising because international fact-finding missions have been identified as a central feature of UN peace initiatives (Clayton, Dorussen, and Böhmelt 2021, 173), IR scholars have shown considerable interest in international courts and tribunals as attempts to implement international prosecution (e.g., Sikkink 2011, 21–23), and fact-finding is a crucial part of formal and informal norm enforcement mechanisms (Lesch 2023, 4–5). Existing IR scholarship on international fact-finding missions has taken three directions, focusing on their proliferation, their practice, and their critical evaluation. In what follows, I discuss each of these directions and link them to related IO and norm scholarship before turning to PIL scholarship on fact-finding missions and situating my own approach in this literature.

First, from a constructivist perspective, Kim (2019, 99–100) argues that the increasing use of fact-finding missions follows an emerging international norm, similar to the diffusion of truth commissions (see, e.g., Ben-Josef Hirsch 2014). It could also be seen as a consequence of prosecution norms, which have increasingly shaped international responses to norm violations since the 1990s (Deitelhoff 2009; Sikkink 2011; Fehl 2023). Moreover, constructivists have developed a rich body of research on how nongovernmental organizations (NGOs) report on human rights violations to induce compliance through learning and socialization processes (Keck and Sikkink 1998). Rationalists have focused on the politics and effects of naming and shaming at the UN (Lebovic and Voeten 2006; Hafner-Burton 2008) and on the conditions under which domestic courts use human rights reports as evidence (Lupu 2013). However, these scholars have not explicitly focused on international fact-finding missions, nor have they examined how their reports might differ from NGO human rights reports (see also Kim 2019, 100). This scholarship has still to

take up the study of fact-finding missions in comparison to other related mechanisms, which are at the heart of its research agenda, including the questions of when IOs adopt fact-finding mandates and how they use their reports.

Second, practice-based work has mapped a “community of fact-finding practice” and shown how training, mutual learning, and standardization have led to the technocratization and depoliticization of fact-finding (Heaven 2017), yet it stops short of examining the implementation of these practices and their effects. In conflict studies, the on-the-ground aspect of human rights reporting has been emphasized with regard to NGO fact-finding (Bake and Zöhrer 2017) and other forms of country visits (Bliesemann de Guevara 2017) as a means of performing authenticity. This scholarship provides important insights into the study of international fact-finding missions. From a slightly different angle, there is research on country visits by UN special rapporteurs (Gaer 2017; Hoffmann 2023) and the independence of experts on sanction-monitoring panels (Niederberger 2020). And while there is a growing body of scholarship on IO activities that implement, change, and contest IO mandates on the ground (e.g., Howard 2008; Autesserre 2014; Sending 2015; Honig 2019; Kortendiek 2021; Witt 2022), this literature has not yet included the study of fact-finders.

Third, critical perspectives have questioned the contingent effects of international fact-finding missions. Drawing on critical legal studies to examine the history of commissions of inquiry on Palestine, Allen (2020) questions their ability to improve the situation of those who are supposed to be protected by international norms. From this perspective, international fact-finding missions are part of a broader organized hypocrisy in human rights (see Cronin-Furman 2022). Taking a Foucauldian perspective, Andrä (2022) demonstrates how the commission of inquiry on the Balkan Wars (1912–13), established by the Carnegie Endowment for International Peace, sought to disseminate “scientific knowledge” to delegitimize war as an instrument of international politics. Bonacker (2022, 14–15), writing about visiting missions under the UN trusteeship system, argues that visits to territories under its administration constituted a bureaucratic, apolitical form of governance. From a slightly different angle, science and technology studies focus on the plurality of experts and the contestation of expertise, for example, in UN missions to investigate the use of chemical weapons (Leander 2014). This scholarship shows how fact-finding missions are entangled with power politics, hierarchies, and international rule. It links fact-finding to knowledge production and its ambiguous effects but says less about the conditions for successfully establishing credibility.

PIL scholarship has developed a large body of literature that is closely linked to practical experiences and lessons learned (Alston and Knuckey 2016, 6). Overall, this scholarship has mainly addressed procedural and legal issues, the close links between commissions of inquiry and international politics, and the shift toward accountability mechanisms (Becker and Nouwen 2019, 820–21). Although this literature has recently suggested several arguments for the success and failure of commissions of inquiry (Becker and Nouwen 2019, 831–39), it has also called for more theory-driven and systematic empirical research (Alston and Knuckey 2016, 3; Becker and Nouwen 2019, 820–21). Moreover, PIL tends to neglect the difficulties that arise in the contested processes of knowledge production to establish credible facts, usually turning quickly to legal issues (Chinkin 2011, 475–76). As Krebs (2017, 102) recently noted in discussing this literature, “[C]redibility is typically assumed, or treated as a prerequisite for fact-finding mechanisms [but] it is rarely discussed or studied as a dependent variable, influenced by the message content, its language, delivery, and source” (see also Mégret 2016). The same goes for IR research that treats knowledge as a commodity for IOs to cash out their autonomy and authority (see also Kortendiek 2021, 325).

In sum, this scholarship has focused on the practice and effects of international fact-finding missions, but it has paid less attention to why and how IOs mandate

them in the first place. While principal-agent accounts offer several explanations for this delegation (Hawkins et al. 2006), they have not yet taken up the study of fact-finding missions (for arms control inspections, see Thompson 2020). One reason for this may be that this scholarship tends to focus more on headquarters politics and intergovernmental bodies and less on field operations than constructivist IO studies (but see Honig 2019). The next section follows an integrative approach to principal-agent and constructivist theories (Nielson, Tierney, and Weaver 2006) to explain the politics of establishing international fact-finding missions and their knowledge production practices, which are key to understanding how fact-finding missions enhance or undermine the epistemic authority of their senders.

IOs, Epistemic Authority, and Fact-Finding Missions

IOs are created through an act of delegation by which states grant them a certain degree of agency and autonomy (Barnett and Finnemore 2004, 22–23; Hawkins et al. 2006, 7–8). However, their authority is based on more than this formal act and depends on its recognition (Avant, Finnemore, and Sell 2010, 9–10; Sending 2015, 24–27). Authority connotes the “ability to induce deference in others” (Avant, Finnemore, and Sell 2010, 9). As recent relational approaches emphasize, IOs have to claim their *de jure* authority, *act* on it in practice, and *receive* recognition of their *de facto* authority (Alter, Helfer, and Madsen 2016, 6–7; Liese et al. 2021, 356–57). Authority can be exercised both at the headquarters of IOs and in the field (Kortendiek 2021, 325–26; Witt 2022, 627). Through their activities in the field, IOs can extend their authority beyond their original mandates (on “mission creep,” see Hall 2016; Littoz-Monnet 2020). When IOs intervene in international conflicts by sending fact-finding missions, they claim their *de jure* authority and seek to translate it into *de facto* authority by establishing credible facts on the ground. But whether they induce deference by gaining recognition for their factual findings as credible is an open empirical question. Before outlining a three-pronged framework for exploring the links between credibility, knowledge production, and authority in relation to fact-finding, a few words on how IOs in general can claim and maintain epistemic authority are in order.

In this article, I focus on epistemic authority based on knowledge and expertise that is seen as objective and neutral, linking it to the promise of depoliticization—which is in itself open to contestation (Haas 1992). Knowledge production and claims to epistemic authority can fail. Following Barnett and Finnemore (2004, 29–30), I understand *information* as raw data, *knowledge* as information imbued with meaning, and *expertise* as specialized or professional knowledge. IOs rely on various mechanisms to produce knowledge, such as providing statistics on specific issue areas (Barnett and Finnemore 2004, 24–25), monitoring and verification mechanisms (Zürn, Binder, and Ecker-Ehrhardt 2012, 91–92), and expert reports, often drawing on local knowledge (Bueger 2015, 11–13; Martin de Almagro 2021, 702–3). This extends to international fact-finding missions, which “are regularly established in situations of epistemic uncertainty and contestation in an attempt to settle disputed ‘facts’ by providing, what is seen by some, an authoritative reading of events” (Heaven 2017, 357). In this context, *facts* are credible knowledge *about* specific events or actions that is recognized because it is based on reliable sources, procedures, and actors. Facts can become *evidence* of something (noncompliance, crimes, etc.) when they are linked to normative attributions and (legal) accountability. Ideally, therefore, international fact-finding missions are tools for IOs to claim, maintain, and potentially expand their epistemic authority—or, if they fail, to lose it.

Based on this literature, I suggest that the recognition of epistemic authority depends on three factors: the actors, processes, and outcomes of knowledge production. Recently, scholars have revisited early IR debates on expert-based

Table 2. Explanatory factors and arguments for trustworthy and credible fact-finding missions.

	Explanatory factor	Argument
Delegation	<i>Mandating body</i>	Less politicized bodies are more likely to establish trustworthy fact-finding missions.
	<i>Mandate content</i>	Open and balanced mandates are more likely to establish trustworthy fact-finding missions.
	<i>Mandate holder</i>	Fact-finders from neutral states and/or lawyers are more likely to be perceived as trustworthy.
Implementation	<i>Locale</i>	Information gathering on-site is more likely to establish credible facts.
	<i>Source</i>	Reliance on neutral sources is more likely to establish credible facts.
	<i>Participation</i>	Fair participation of all parties to the conflicts is more likely to establish credible facts.
Dissemination	<i>Objectivity</i>	Factual-scientific statements are more likely to be perceived as credible.
	<i>Normativity</i>	Normative-legal frames are more likely to be contested and to undermine credibility.

knowledge production (Boswell 2017; Littoz-Monnet 2020; Eijking 2023) and unpacked the multiple practices of knowledge production in world politics that underpin the epistemic authority of IOs (Bueger 2015; Kortendiek 2021). They ascribe a crucial role to the actors who transform information into knowledge and the processes by which they do so (Haas 1992, 11; Barnett and Finnemore 2004, 24). The procedural and actor-centered study of knowledge production is linked to a relational and recognition-based approach to epistemic authority. It has been argued that epistemic authority is more likely to be recognized because it is less prone to politicization than other forms of authority (Zürn, Binder, and Ecker-Ehrhardt 2012, 91). However, recent years have shown that the provision of knowledge and expertise alone is no longer sufficient to gain recognition. As Herold et al. (2021, 671) point out, the “fact that one possesses specialized knowledge does not necessarily mean that others know this and that they trust the source.” In other words, IOs are under increasing pressure to prove the credibility of knowledge producers, production, and products—the trustworthiness of their epistemic practices.

In the remainder of this section, I outline a three-pronged framework that helps to unpack the question of the credibility and trustworthiness of international fact-finding missions along several explanatory factors and arguments: the delegation by an IO, the implementation of the mandate, and the dissemination of its findings (Table 2).²

While each level is distinguished for heuristic purposes, the following discussion shows how they are closely intertwined and always open to contestation. The study of delegation, implementation, and dissemination sheds light on the causes and consequences of closing and widening credibility gaps that influence the impact of international fact-finding missions. This framework helps to identify the conditions under which the results of international fact-finding missions are translated into epistemic authority and, conversely, when they tend to fuel controversies instead of taming or even overcoming disputes over contested facts.

²This builds on early (Franck and Cherkis 1967) and recent (Becker and Nouwen 2019) calls for systematic research on commissions of inquiry in PIL (see also Chinkin 2011, 485–86).

Delegation

The establishment of international fact-finding missions is based on an act of delegation. As an IO agent, the fact-finding mission receives its authority from the dispatching organization, the principal, on whose behalf it acts with a certain degree of discretion (Hawkins et al. 2006, 7–8). Why do IOs, and which IOs (and their sub-organs), decide for or against delegating epistemic practices to a fact-finding mission in the first place? Principal-agent theories suggest a logic similar to the act of delegation from states to IOs: faced with external challenges and demands for conflict resolution, the IO turns to specialized actors to enhance the credibility of future decisions (Hawkins et al. 2006, 13–19). As Boswell (2017, 19) notes, knowledge can serve different purposes for an IO. On a functionalist level, they need knowledge to implement their mandates; on a legitimacy level, they use knowledge to justify their decisions and policies (see also Eijking 2023, 3). In other words, IOs mandate fact-finding missions because they need objective and impartial knowledge to implement their policies and norms, and/or because they seek to legitimize themselves and their actions as authorities in a given issue area.

The decision to send a fact-finding mission is shaped by negotiations between state, non-state, and IO actors within and outside the organization who seek to frame conflict situations as a problem of contested facts, to garner support for a fact-finding mission, or to obstruct its establishment (similarly on “shadow politics” of judicialization, Alter, Hafner-Burton, and Helfer 2019, 454–55). In this context, some see fact-finding missions as a good alternative to peacekeeping missions because they are less intrusive, while others see them as a weak substitute for UNSC inaction (Becker and Nouwen 2019, 833). Looking beyond intra-organizational explanations and drawing on insights into the effects of NGO coalitions (see, e.g., Keck and Sikkink 1998; Reiners 2022), the delegation to fact-finding missions is more likely when NGO networks push for their adoption, which may also strengthen their design (for this argument on truth commissions, see Zvobgo 2020). In sum, this literature suggests that IOs mandate fact-finding missions when other means have been exhausted or are not viable, when IOs need knowledge to act on their authority or to legitimize themselves, and/or when civil society actors mobilize for such a mission.

In the next step, fact-finding mandates can be unpacked by focusing on the delegating *authorities*, the *content* of the mandate, and their agents or mandate *holders*. In short, a central argument in the literature is that the less politicized the mandating body, the more balanced the mandate, and the more independent and impartial the mandate-holders, the more likely it is that missions will succeed in producing credible facts that are accepted as authoritative findings.

Mandating Body

Does it make a difference which IO adopts the mandate for a fact-finding mission? PIL scholarship has argued that the UNSC is better positioned to garner cooperation and succeed in addressing international conflicts than the more politicized UNHRC, deploring the shift in practice toward the latter (Frulli 2012, 1332). Farrell and Murphy (2017, 37) note that it remains to be tested whether supposedly less politicized international bodies are more likely to establish successful fact-finding missions. A principal-agent approach would suggest that politicized bodies are more likely to delegate to experts in order to facilitate conflict resolution through the provision of expert knowledge (Hawkins et al. 2006, 16–17). In the field of human rights, for example, less politicized bodies, such as the human rights treaty bodies, are more successful in inducing compliance than the highly politicized UNHRC (Carraro 2017). This suggests that the trustworthiness of fact-finding missions and the credibility of their findings is a variable of the degree of politicization of the delegating body and the perception of other advocates of such a mission.

Mandate Content

Similar to other IO agents, such as peacekeeping missions, the mandate is a crucial factor, as it outlines their “marching orders” (Hellmüller, Tan, and Bara 2023, 2), which also reflect the political origins of international fact-finding missions. Due to their ad hoc nature, they almost by definition single out individual countries or conflict situations (Franck and Fairley 1980, 312). Fact-finding missions established without the consent of the target state “are particularly vulnerable to accusations of bias or politicization” (Harwood 2019, 64; see also Kim 2019, 107). Closely related to selectivity is the perception of the impartiality of fact-finding mandates. Two aspects stand out: whether the mandate authorizes fact-finding missions to investigate all sides of a conflict, and whether the mandate is framed in a biased way, for example by “already stating that human rights violations have occurred” (Vries 2022, 499). The epistemic task of gathering information and establishing credible facts is already imbued with normative attributions because “it is the norms that tell us what facts one is looking for” (Mégret 2016, 35). These arguments suggest that non-selective, broad, and balanced mandates are more likely to be perceived as trustworthy, resulting in credible fact-finding reports.

Mandate Holders

The agents acting as the IO’s envoys are crucial to the credibility of the mission as a whole, as it “typically invests a high degree of faith in the finder of facts” (Mégret 2016, 29). When the mandate holders are appointed, they are supposed to assume the role of independent and impartial experts without political bias (Franck and Cherkis 1967, 1487; Heaven 2017, 359). Like the judges of international courts (Voeten 2008, 417–18), expert members of human rights treaty bodies (Carraro 2019, 826; Reiners 2022, 29–30), and IO bureaucrats (Barnett and Finnemore 2004, 21), fact-finders are supposed to distance themselves from incentives related to their personal backgrounds, and to treat similar cases and actors under equal scrutiny (Mégret 2016, 31). Similarly, studies of IO authority argue that the recognition of epistemic authority and credible knowledge production depend on perceptions of depoliticization, impersonality, and technocracy (Barnett and Finnemore 2004, 21; Liese et al. 2021, 360).

In addition to the absence of national loyalties, the professional backgrounds and reputations of fact-finders can shape the likelihood of cooperation and the struggle to have their reports recognized (Franck and Cherkis 1967, 1523). In the human rights treaty bodies, for example, international lawyers are less likely to be criticized than experts from other professions (Carraro 2019, 839). After a shift away from diplomats and government representatives in the staffing of fact-finding missions to international lawyers (Chinkin 2011, 490; Alston 2013, 61), the community of fact-finders today can be said to be interdisciplinary in nature (Heaven 2017, 338–39). Based on different training and professional networks, they are likely to “draw from different sources of evidence” (Reiners 2022, 60). A focus on composition and professional backgrounds allows for further research questions about the competition between different professions, such as diplomats and international lawyers or chemists and arms control experts (Sending 2015, 34–35; Leander 2014, 28), the role conflicts of individual envoys (Niederberger 2020), and the impact on the unanimity among each mission (Franck and Cherkis 1967, 1524). While the professionalization of fact-finding may contribute to its “de-politicization” (Heaven 2017, 358), it may also induce short-term, career-oriented incentives that could undermine impartiality (see, e.g., Seabrooke and Sending 2020). This suggests that the credibility of fact-finding missions increases with the impartiality of the mandate holders, depending on their personal and professional backgrounds.

Implementation

International fact-finding missions have a growing set of techniques at their disposal to produce knowledge and establish facts. While fact-finding mandates are ideally implemented in the field, they also include the collection of evidence by third parties, the hearing of witnesses, and, more recently, the use of technologies such as satellite imagery or social media (Alston and Knuckey 2016, 9; Heaven 2017, 341). Recognition of these practices is particularly important because they usually take place against the backdrop of competing recollections of the same facts (Mégret 2016, 37). Although recognition varies across institutions and professional fields (see Sending 2015, 24–25), and IOs often privilege certain types of “evidence-making” over others (Litzo-Monnet and Uribe 2023), the literature discusses three central factors that shape the trustworthiness and credibility of fact-finding in the implementation phase: the *locale* where it is primarily conducted, either on- or off-site; the *sources* of knowledge production, such as witness and/or perpetrator testimony and (forensic) expert reports; and the *participation* of the parties to the conflict. In short, a central argument in the literature is that fact-finding missions are more likely to produce credible facts if they conduct on-site visits, hear both victims and perpetrators, and involve all parties to the conflict equally. Conversely, remote information-gathering techniques, unbalanced reliance on sources, and the exclusion of accused states are more likely to fuel conflicts.

Locale

What distinguishes fact-finding missions from many other epistemic practices conducted by IOs is their ambition to enter the field and to visit the sites of alleged norm violations themselves (Lesch 2023, 4–5). But “On-site admission, essential to the authority and trustworthiness of fact-finding, is in most cases subject to the will of the state in question” (Hellevest 2015, 390). The conditions under which IO envoys are allowed to conduct country visits are determined by the legitimacy of the sending IOs, as well as their agents and mandates (see above; for a similar discussion with regard to UN special rapporteurs, see Gaer 2017). The politicization of the sending IO, the impartiality of its envoys, and the objectivity of the mandate are likely to shape the willingness of target states to cooperate.

The on-site visit itself is considered an essential part of a fact-finding mission, and a key factor in establishing credible facts. Similar to human rights reporting by NGOs, the underlying rationale is to go “on-site, talking to those involved and affected, and ideally also visiting the scenes of abuses” (Bake and Zöhrer 2017, 87). Perhaps more important than the objective expertise of the fact-finders is their performance on the ground, which underpins the authenticity of fact-finding reports based on *having been there* (see Bliesemann de Guevara 2017, 73–74). Beyond the potential performative effects of field visits, it is often assumed that the fact that mandate-holders have gotten as close as possible to the actual events and actions they are supposed to investigate enhances the credibility of their reports. As Sending (2015, 55) argues, such an “ethnographic sagacity,” that is, the “ability to deploy local knowledge,” is a prerequisite for international authority. A focus on on-site visits also opens up a broader understanding of the exercise of authority by linking it to the relations with and reception by societal and sub-state actors, the ultimate subjects of authority (Witt 2022; see also Becker and Nouwen 2019, 835). In contrast to the argument that in situ fact-finding will enhance epistemic authority, PIL scholars of international courts have cautioned that site visits can only provide “snapshots,” obscuring the full factual picture (Becker and Rose 2017, 240), and that “breaking the distance from the scene [. . .] might lead to a politicization of the case” (Benatar 2012, para. 21). Similarly, IR scholarship on country visits by IO delegations has shown that the short time spent in (usually a limited number of) sites can also be seen as a weakness, for example by NGOs that have spent much

more time in the field (Hoffmann 2023, 17–18). Comparing the outcomes of fact-finding missions with and without access to the field will improve our understanding of the effects of field visits, including in relation to other IO epistemic practices.

Sources

The implementation of fact-finding mandates and their recognition are shaped by the sources on which they rely. In addition to site visits, these include testimony, mainly from victims but also from perpetrators, and the use of forensic expertise. Whether on-site or off-site, fact-finding, particularly in the human rights field, usually relies heavily on the use of victim testimony as a source of information (Alston and Knuckey 2016, 12). The burden of witness testimony increases when field visits are not possible, which also creates problems with witness selection. Furthermore, scholarship on truth commissions argues that their legitimacy increases when the testimonies of victims *and* perpetrators are taken into account (Zvobgo 2019, 94). A more fundamental critique concerns the general utility of testimony in the proceedings of international tribunals, arguing that forensic evidence and expert testimony are more reliable sources than witnesses (Combs 2010). The increasing reliance of international fact-finding missions on different types of evidence and the use of new technologies (see Alston and Knuckey 2016, 11–15) provide ample room to test which types of sources are considered to be more credible.

Participation

Unlike judicial proceedings, fact-finding missions do not rely on standardized procedures for the admission of evidence. The role that the target state, as the “responding government,” can play in the production and cross-examination of witnesses often differs. This procedural issue has been a constant point of criticism in PIL scholarship (Franck and Cherkis 1967, 1524; Franck and Fairley 1980, 317). In IR, the lack of transparency and equal participation by the subjects of authority is also seen as one of the main reasons for contestation (Zürn, Binder, and Ecker-Ehrhardt 2012, 90; Dingwerth et al. 2019; Zimmermann et al. 2023, 25–26). Against this background, fact-finding missions providing for more channels of participation by target states and NGOs should be more likely to receive recognition.

Dissemination

Fact-finding missions report back to the dispatching IO, which usually includes communicating their findings to a wider international audience. Similar to other knowledge production processes, these reports are “tools through which IOs claim expertise” (Martin de Almagro 2021, 702; see also Littoz-Monnet 2020; Eijking 2023). Fact-finding reports record their factual findings and, ideally, how they were established as credible information. This may, for example, relate to the use of particular interrogation techniques or the use of specific weapons. In addition, these reports implicitly or explicitly make normative and legal attributions about these findings, identifying them as norm violations and even, as noted above, increasingly establishing accountability. Framing interrogation practices as an act of torture already marks them as a norm violation, and identifying responsible individuals and states establishes accountability.

The reception of fact-finding mission reports within the organization, its decision-making bodies, and the broader international discourse is a key indicator of whether fact-finding missions have been able to establish *de facto* epistemic authority. This can happen at three levels: socially, fact-finding reports can become important reference points in broader “information politics” (Keck and Sikkink 1998, 18–19; Kim 2019, 100). Politically, the reports return to the sending IO, which can take further action by adopting resolutions and decisions. Legally, the reports may also be referred to or used by international and national courts in their

proceedings. Depending on the purpose and audience, the perception of fact-finding reports is likely to vary, but in any case, their epistemic authority ultimately rests on the recognition of the established facts as credible.

Objectivity

With the adoption of the report, the sending IO's attempt to claim epistemic authority comes full circle, as the credibility of the information gathered as valid facts is put to a recognition test (Sending 2015, 28–29). In addition to the actor- and process-related factors discussed above, the recognition or non-recognition of fact-finding reports is influenced by how the reports are presented. Depending on the social, political, or legal “use” of fact-finding reports, they are evaluated differently. Keck and Sikkink (1998, 18), for instance, argue that NGO reports have to strike a delicate balance between “credibility and drama” for successful campaigns. For legal purposes, reports have to meet specific procedural norms and standards of proof (Lupu 2013, 481–82; Devaney 2016, 99–112). Regarding the recognition of the authority of the sending IO, it can be assumed that the “greater the appearance of depoliticization, the greater the authority associated with the expertise” (Barnett and Finnemore 2004, 25). From this perspective, an ideal fact-finding report would focus on presenting facts in an almost scientific manner in order to establish epistemic authority (see Perez 2015, 397).

Normativity

IR scholars view legalization as a counterweight to politics (Abbott et al. 2000), suggesting that a legal framing of fact-finding reports would be more likely to gain recognition. In contrast, PIL scholars have argued that legal frames and a move toward accountability undermine the authority of fact-finding missions.³ Observing a general shift away from de-escalating conflicts through fact-finding, Herik (2014, 536) notes that “contemporary human rights commissions rather aim to stir, to evoke action, to opine, and to condemn.” Linking this finding to the recognition of fact-finding missions, Krebs (2017, 113–14) argues that legal framings are “ineffective in creating a shared history, *disseminating an authoritative account of contested facts*, and mobilizing domestic attitudes to condemn in-group offenders” (emphasis added).⁴ An important research question is whether fact-finding missions that are more committed to a purely factual mandate are more likely to establish epistemic authority than those that conclude with legal attributions and accountability.

This section has outlined several arguments about when and how international fact-finding missions succeed or fail in establishing epistemic authority that still need to be systematically tested as a first step in developing an analytical framework for a comparative research agenda on international fact-finding missions.

The Ad Hoc Working Group On the Human Rights Situation in Chile

In 1975, the UNCHR dispatched the Ad Hoc Working Group on the Human Rights Situation in Chile. After providing a brief background and outlining the case selection strategy and methods, I analyze how the delegation, implementation, and dissemination of the Ad Hoc Group affected the epistemic authority of the UN in this case of contested facts.

³Similarly, Perez (2015, 398) has demonstrated that the hybridization of different forms of authority in transnational scientific institutions (RSIs) can “diminish the epistemic trustworthiness of RSI output—its level of scientificity—because it reduces the extent to which this output meets the conditions of “proper” scientific work.”

⁴Krebs (2017) distinguishes between moral and legal frames.

Background

In 1973, the military coup in Chile led by Augusto Pinochet violently ended the socialist presidency and the life of Salvador Allende. By decree, a four-man military junta led by Pinochet took control of the country, beginning more than sixteen years of military rule. The months and years that followed were marked by the violent persecution of political opponents and the imprisonment of thousands throughout the country. While the military and police forces carried out this first wave of repression, the creation of the *Dirección Nacional de Inteligencia* (DINA)⁵ in 1974 institutionalized mechanisms of repression, including the systematic use of violent interrogation techniques (Ensalaco 2000, 55). Estimates put the number of dead or disappeared at more than 3,000 and the number of torture victims at tens of thousands (Ensalaco 2000, 46; Eckel 2019, 246).

Early on, Pinochet's junta found itself on the docket of a "Court of World Opinion" (Ensalaco 2000, 98). Several international actors—including a mission of the Inter-American Commission on Human Rights, various NGOs such as Amnesty International and the International Commission of Jurists, and the International Committee of the Red Cross—had already provided ample information about the human rights situation in Chile (Ensalaco 2000, 104; Clark 2001, 51–52; Hawkins 2002, 57–58). Despite this information, the allegations of human rights violations at the UN and their factual basis remained highly contested. Contested facts and epistemic uncertainty characterized the debates, compounded by the polarizing East-West dynamics of the Cold War. The UNCHR, the body formally responsible for human rights issues, struggled to respond.

Soon after its establishment in 1946, the UNCHR had adopted a resolution ruling out the addressing of violations of human rights in order to avoid politicization (Lauterpacht 1950, 229–30). The UNCHR rejected its authority to address human rights violations in UN member states and instead focused primarily on norm development and diffusion (Lebovic and Voeten 2006, 863–64). Departing from this policy, the UNCHR adopted the 1235 and 1503 procedures in 1967 and 1970, respectively, which reasserted the UNCHR's authority to address human rights violations through public and confidential investigations and studies (Lebovic and Voeten 2006, 864). Yet this formal authority still had to be translated into practice. It was first put to the test when the human rights situation in Chile began to dominate international agendas, leading to the establishment of the Ad Hoc Group that visited Chile in 1978.

Case Selection and Method

I use the Ad Hoc Working on the Human Rights Situation in Chile as a historical case study to illustrate the framework developed above. While a single-case study cannot substitute for a comparative analysis and systematic testing, focusing on a "critical case" is useful for the further development of theoretical heuristics (Flyvbjerg 2016, 229–30). The Ad Hoc Group is a critical case of international fact-finding missions for two main reasons. It was the first fact-finding mission established by the UNCHR after the adoption of the new 1235 and 1530 procedures. While the UNCHR and other UN bodies had previously mandated similar expert committees (Jensen 2016, 241–42; Franck and Cherkis 1967, 1469–1505),⁶ the Ad Hoc Group was the first UNCHR fact-finding mission not mandated in the context of racial discrimination, which had previously been the only exception to

⁵In 1977, DINA was replaced by the *Central Nacional de Informaciones*.

⁶Note that the UN Library lists the Ad Hoc Group on Chile as the first UNCHR fact-finding mission, while it catalogs the Commissions of Experts on South Africa (1967) and Israel/Palestine (1971) as UN Special Procedures; the UN Secretary-General mandated a fact-finding mission to Malaysia in 1963, and the UN General Assembly sent a fact-finding mission to Vietnam in 1969 (see also table 1).

allow for greater latitude in responding to norm violations (Ramcharan 2009, 93). Indeed, the “organization had never previously taken such resolute or persistent action against any country, with the exception of South Africa,” including an unprecedented field visit to Chile (Eckel 2019, 268). On an institutional level, the Ad Hoc Group “signalled a radical change of direction” for the UNCHR (Domínguez-Redondo 2017, 27). Not only did it set a precedent for future missions, but it also led to the institutionalization of the UN special procedures regime (Ramcharan 2009, 125–26; Kelly 2018, 165–66).

A historical case study of such a critical juncture, rather than a more recent one such as the commissions of inquiry on Syria or Ukraine, allows for a unique perspective on how UN decision-makers and the members of the commissions themselves perceived the notion of IO fact-finding and its prospects. Because mandates, procedures, and reports were less routinized, I expected more intense and substantive debates at the time of this precedent than today, which would also allow for a critical assessment of contemporary arguments in IR and PIL scholarship on fact-finding.

The following analysis is based on archival research at the UN, secondary literature, including accounts of the actors involved, and historical studies of human rights. The empirical analysis focuses primarily on who the relevant actors were, what resources they had at their disposal, how they carried out their mandate, and with what result or outcome. To analyze the procedural and substantive dimensions of its implementation, the analysis concentrates on the group’s first progress report and considers follow-up reports to track developments over time—for instance, in the case of the long-delayed on-site visit. Although the reports address a range of human rights violations, the article focuses on allegations of torture as one of the core charges against the Pinochet junta.

Delegation

Beginning in 1973, a combined UNCHR agenda item addressed “the study of situations which reveal a consistent pattern of gross violations of human rights” under the 1235 and 1503 procedures, allowing for NGO statements (Jensen 2016, 246–47). These new UN procedures, combined with the heated debate following Pinochet’s coup, opened the space for the dispatch of a UNCHR fact-finding mission. The desire for a fact-finding mission was driven by the demand for credible facts as a precondition for the UN to make decisions on the sweeping allegations against the Chilean regime, pushed by NGO actors seeking to establish the authority of the world organization.

During the first UNCHR session after Pinochet’s coup, several states and NGOs pushed for UN action to protect human rights and confronted the Chilean delegation with the allegations. Chile responded that a lack of information was the main reason for the misperception of the human rights situation in Chile (Jensen 2016, 247–48). The facts themselves were contested. At this point, the roles of the Dutch delegate, Theo van Boven, and Amnesty International’s legal advisor, Frank Newman, were crucial. Similar to other NGO-government relations at the time (Srivastava 2022), Newman and van Boven, along with other delegates such as Antonio Cassese (Italy), urged the UNCHR to conduct its own investigation (UNCHR 1974, 166–68). Arguing for a fact-finding mission to Chile, they built on the recently adopted 1253 procedure to allow for public UN action (Boven 2000, 97).

These efforts paid off in 1975, when the UNCHR adopted by majority vote its mandate for the Ad Hoc Working Group on the Human Rights Situation in Chile (UNCHR 1975b). An agreement became possible after a group of African and Asian countries proposed a moderate resolution that the Eastern bloc could also agree to (Kelly 2018, 160). Yet even Western states were concerned about the selective approach, focusing on a single country, that would shape the debates about the group. The broad, international civil society campaign in the wake of the coup

(Clark 2001) and the coalition between government delegates and NGO representatives at the operational level underscore the influence of NGO networks on decisions to dispatch fact-finding missions. However, the polarized debates within the UNCHR could never be completely overcome. UN members continued to debate whether the Ad Hoc Group was a promising model (UNGA 1978b, para. 2) or a dangerous precedent in singling out individual countries and overstepping norms of non-interference (UNGA 1977a, para. 44).

The mandate of the Ad Hoc Group was to “inquire into the present situation of human rights in Chile on the basis [...] of a visit to Chile and of oral and written evidence to be gathered from all relevant sources” (UNCHR 1975a, 66 at para. 1). Cassese emphasized that only a “thorough, impartial, and objective study” could “reveal the extent to which the Chilean authorities were living up to the basic principles of the Universal Declaration of Human Rights.” On the basis of such a factual assessment, the UNCHR could then decide “if the allegation of gross violations of human rights were well founded” (UNCHR 1975d, 47). Indeed, Chile itself favored such an approach “as an attempt to seek the truth without prejudice” (UNCHR 1975c, para. 79). The Chilean plea, surprising to many, stimulated growing support for the deployment of a UN fact-finding mission and underscored the appeal of establishing a factual and impartial basis for addressing the dispute (Eckel 2019, 267). The rather open framing of the mandate has to be seen in the context of already-adopted UN resolutions calling on Chile to comply with human rights. It underlines the functional demand for knowledge and the urge to legitimize further UN decisions on the human rights situation in Chile.

The members of the Ad Hoc Group were recruited from the diplomatic delegations to the UNCHR. The commission appointed the Pakistani delegate Ghulam Ali Allana as chair. Leopoldo Benites (Ecuador), Adboulaye Biéye (Senegal), Felix Ermacora (Austria), and M.J.T. Kamara (Sierra Leone) completed the group. The professional backgrounds of the group were diverse: Allana had extensive diplomatic experience as a Pakistani delegate to several international conferences and organizations; Biéye and Ermacora were lawyers with national and international careers; Benites was a social scientist, a former Ecuadorian ambassador, and then a UN diplomat; Kamara was a social worker from Sierra Leone. The solemn oath to exercise their mandate “impartially” underscores the goal of dissociating their mission from the political debates at the UN (UNGA 1975c, Annex II, Rule 4). The mandate holders had to distance themselves from their political mandates and assume the roles of independent experts.

Implementation

From May 20 to 24, 1975, the Ad Hoc Group held constitutive meetings in Geneva and established its rules of procedure (UNGA 1975c, para. 21). These rules, drafted on the assumption of Chilean cooperation, stated that the Group “may visit any place within Chile as it may decide for the purpose of gathering information relevant” (UNGA 1975c, Annex II, Rule 17). On July 7, 1975, the group convened in Lima, Peru, to travel to Santiago de Chile. At the last moment, however, the Chilean authorities withdrew their consent to the country visit (UNGA 1975c, para. 33). After several communications between Chilean representatives, UN officials, and members of the group (UNGA 1975c, paras. 40–62), the visit had to be postponed. It was not until 1978 that Chile granted access to the Ad Hoc Group, not least because of growing pressure from the United States under the Carter administration (Vargas Viancos 1990, 40).

Back in 1975, the members of the group decided to improvise and gather information from other available sources (UNGA 1975c, para. 33). The Ad Hoc Group heard eighty-three witnesses in Geneva, Caracas, Paris, and New York (UNGA 1975c, para. 35), followed by further testimonies taken in Europe and the Americas in 1976

and 1977 (UNGA 1976a, para. 27, 1977, para. 20). In general, the Group did not explicitly invite specific individuals, nor did the Chilean authorities or others officially present witnesses: “The persons heard were those who sought to be heard” (Shelton 1980, 22). These included Chileans who had left the country, those who had recently visited Chile, and those who spoke on behalf of domestic civil society organizations (UNGA 1975c, para. 35). The 1975 progress report made special mention of a group of thirty-seven witnesses, interviewed in Caracas, who “were in a certain way organised” (UNGA 1975c, para. 36). Since they had come directly from Chile with government authorization, Ermacora (1976, 150) considered them to be “witnesses for the ‘defence’”. Nevertheless, as he lamented, these hearings could not compensate for the fact that there was no procedure for producing (or corroborating the statements of) witnesses, nor was there any possibility of cross-examination (Ermacora 1976, 151). In the absence of Chilean cooperation, Ermacora (1976, 150) was highly skeptical that the group could accomplish more than an act of information gathering, as opposed to “‘fact-finding’ in the legal sense.” What was to become a feature of human rights fact-finding was its distinction from “judicial process, including not only its decorum but also, most importantly, its procedure” (Mégret 2016, 29). This procedural issue was also a sticking point in the ongoing disputes with Chile, and a persistent challenge to the epistemic authority of the group and the UNCHR.

When the field visit finally took place in 1978, the group was able to gather more “objective and balanced information from all relevant sources,” including from Chilean authorities (UNGA 1978, para. 27). Since Allana had decided to stay behind to facilitate Chilean approval and Benites could not travel due to health problems, only a group of three arrived in Chile (UNGA 1978, para. 24). They were accompanied and assisted by the UN Human Rights Division, by then headed by van Boven (UNGA 1978, para. 46). During the sixteen-day visit, the group heard testimony, met with members of civil society organizations, held meetings with government, ministry, intelligence, and judicial officials, and visited prisons and detention centers (UNGA 1978, paras. 29–41). The visit allowed the Group to consider further information, although it did not always receive the cooperation it requested. In the resulting report, the Group corroborated its findings with the most detailed examination of individual cases to date. This included the examination of documents provided by the Chilean government and medical expert reports on signs of torture (UNGA 1978, paras. 337–346).

From the outset, the Chilean role in the fact-finding process was uncertain. The terms of reference stated that Chile could “present any observation or comments on either report to the organ to which the report is submitted” (UNGA 1975c, para. 26, and Annex II). But Chile was not a formally responding government, as Ermacora (1976, 149–50) noted, drawing on his experience with the European Commission on Human Rights: there were not “two parties (UN and Chilean Government) or three parties (UN, Government, and alleged victims) with a conciliatory body above them.” For Ermacora (1976, 149), the rules of procedure did “not succeed in resolving all the difficulties arising in a confrontation between an international body of inquiry and a sovereign state.” The question of how Chile should and could participate in the investigation would shape the performance, perception, and recognition of the entire fact-finding process as Chile continued to contest it.

Soon after the Ad Hoc Group began its work, Chile challenged “the objectivity and methodology of international organizations” (Ropp and Sikkink 1999, 179; see also Eckel 2019, 269–70). There was a dispute over what information should count as fact. The Chilean delegation challenged the group’s procedures, calling to take “the accused country’s defence into account” (UNGA 1975a, para. 59) and protesting that “any report on human rights produced without the participation of the country being investigated lacks legal validity” (UNGA 1975e, para. 120). The group, by contrast, emphasized that it had considered “all the information reaching

it, in particular the information provided by the Government of Chile” (UNCHR 1977, para. 45). Nonetheless, Chile denounced this information as “untrue” and “false”: the events described “never occurred, except in the imagination of politically biased persons, which the Working Group and later this resolution accepted without any analysis” (UNGA 1975e, para. 123). The controversies within the Working Group concerned the focus on testimony on the one hand, and the procedural fairness of international fact-finding missions on the other—questioning the credibility of procedures and findings.

The Ad Hoc Group’s approach to the selection of witnesses, the participation of Chile, and the on-site visit shaped the struggles for recognition of the UN’s epistemic authority. Political tensions between Chile and the UN peaked in 1977, and Chile at times continued to reject the Ad Hoc Group as a form of undue interference. But by 1978, the year of the site visit, the contestation of Chile and its allies of the Ad Hoc Group and related UN resolutions had subsided (Zimmermann et al. 2023, 47–48). Although the eventual facilitation of the on-site visit has to be understood in a broader political context, the Ad Hoc Group used it to validate its information as fact by visiting places of detention, hearing at least some of those allegedly responsible, and obtaining reports from forensic experts. To a certain extent, this allayed Chilean concerns. For the majority of UN members, the fact-finding mission would provide the credible facts they sought to make decisions about Chile’s human rights record.

Dissemination

The Ad Hoc Group documented and disseminated the results of its fact-finding mission in a series of reports to the UNCHR and the UNGA. The reports were based on detailed accounts of their observations, including visual illustrations. In New York and Geneva, as Ermacora (1976, 154) noted, it was up to the dispatching bodies to use the factual findings to develop an opinion and arrive at a judgment—something the Group did not formally do. However, the Ad Hoc Group had also identified the international norms that guided its inquiry. The normative assessments in its reports and the UN resolutions based on them were intended to give effect to the UN’s authority in the field of human rights. In the Chilean view, it was precisely this normative—or even legal—conclusion that particularly overstepped the UN’s authority.

On the factual level, the Ad Hoc Group established facts—also obtained in the field in 1978—which formed the basis for the assessment of the allegations against Chile. The report listed methods that the group understood to be “forms of torture [. . .] common to several cases,” including but not limited to the use of electricity, rape and other sexual abuse, beatings, and stress positions (UNGA 1975c, para. 193). In the 1976 report, this list was expanded to include the violent use of water and various forms of physical injury (UNGA 1976a, para. 315). The group found it “beyond any reasonable doubt” that the methods used by Chilean security forces constituted ill treatment and torture (UNGA 1978, para. 166). The use of “beyond any reasonable doubt” in the 1978 report is the first example of a standard of proof that would become part of many future fact-finding missions (Le Moli 2020, 652–53). The Ad Hoc Group used it as a benchmark for establishing credible facts, linking the factual findings to normative evaluations.

On a normative level, the Ad Hoc Group relied on the Universal Declaration of Human Rights and the recently adopted international human rights covenants as “a kind of internal law of the UN” (Ermacora 1976, 149; see also UNGA 1975c, para. 22 (c)). This included the interpretation of the torture prohibition as a non-derogable norm, further specified in light of the Standard Minimum Rules for the Treatment of Prisoners and the 1975 UN Declaration on Torture (UNGA 1975c, para. 185; UNCHR 1976, para. 127). The Ad Hoc Group identified poor prison conditions,

physical abuse during interrogation, and psychological pressure as the three categories of ill treatment in Chile (UNGA 1975c, para. 192). The group expressed its “profound disgust,” explicitly stated that “such acts are forbidden by international law even under an emergency situation,” and that they constitute an “affront to the elementary moral standards of mankind” (UNGA 1975c, para. 195). The Ad Hoc Group used the *facts* of interrogation techniques and detention conditions as *evidence* of norm violations. In 1976, the group concluded that an “institutionalized practice of torture” as a systematic pattern of government policy existed in Chile (UNGA 1976a, paras. 311, 516–517). This normative-legal framing in particular was contested by Chile, which claimed that the Group lacked evidence and did not take into account the broader situation of civil war, during which respect for human rights might diminish (UNGA 1975e, para. 124; 1976b, 50). Thus, even this early UNCHR fact-finding mission made statements about international law and findings of non-compliance—something that, as discussed above, is mainly associated with more recent commissions of inquiry.

The UNCHR and the UNGA used each of the reports as a basis for condemning Chilean human rights violations in their resolutions (Vargas Viancos 1990). In 1975, the UNGA expressed “its profound distress at the constant flagrant violations of human rights, including the institutionalized practice of torture” (UNGA 1975d, para. 1) and called upon the Chilean authorities to ensure the “full respect of article 7” (the torture prohibition) of the International Covenant on Civil and Political Rights (UNGA 1975d, para. 2(b)). From 1977 onwards, resolutions no longer used the term *institutionalized torture* and acknowledged the overall improvement of the situation. Nevertheless, after receiving the report of the field visit, the UNGA expressed its grave concern that violations of the prohibition of torture were still taking place. The resolutions—adopted by a majority vote—translated the factual findings into normative decisions. In other words, the UNCHR and the UNGA not only claimed epistemic authority but also sought to confer normative authority on the allegations against Chile. This claim did not go unchallenged. Chile and several other Latin American countries continued to contest the selective approach and the role of the UNGA as a “judicial body” or “would-be tribunal” that inappropriately treated Chile as an “accused prisoner” (UNGA 1976c, para. 4, 1974, para. 18, 1975b, para. 17). In addition to criticizing the fact-finding mission, Chile and its allies also challenged the role of the UN bodies in New York and Geneva, which they perceived to be making unwarranted judgments. Chile’s accusation that the UN acted like a court and its criticism of the fact-finding reports show that the normative or even legal framing of its findings fueled rather than tamed controversies over contested facts.

From the UN’s perspective, the Ad Hoc Group fulfilled its primary function: to produce the knowledge and establish the credible facts needed to make an informed decision about the allegations of human rights violations against Chile. At least at this functional level, the group helped the UN to translate its claims to epistemic authority into *de facto* authority. Closely related to this, the fact-finding reports were also important sources for legitimizing UN decisions. A majority of UN member states deferred to the findings of the Ad Hoc Group and relied on them in their resolutions to put international norms into effect. While the reports by the Ad Hoc Group shifted the debate to a common point of reference, complete deference to the authority of the UN in the sense of full acceptance of the findings of the Ad Hoc Group was difficult to achieve. The human rights situation improved only slowly in the long process of moving toward democracy (Ropp and Sikkink 1999, 193; Hawkins 2002, 129). Illustrating the differences between fact-finding missions and truth commissions discussed above, this process included the creation of the National Commission on Truth and Reconciliation in 1990 “to make an official accounting of the past” amid ongoing tensions between the military and the transition government—but explicitly without the goal of legal accountability (Ensalaco 2000,

183–84). The production of knowledge in fact-finding and truth commissions was a key factor in how the UN and other actors engaged with Chile under Pinochet.

Toward a Comparative Research Agenda

IOs dispatch fact-finding missions in order to establish epistemic authority. This epistemic practice has often been overlooked in IR scholarship. This article proposed a three-pronged framework to shed light on (1) the act of *delegating* a fact-finding mission, (2) the *implementation* of the mandate, and (3) the *dissemination* of its findings for use by other international actors. The case study of the UNCHR's fact-finding mission to Chile has illustrated that even in highly polarized debates, the promise of objective knowledge production is strong, that on-site visits can help to establish credible facts, and that normative and legal framings of these findings are more likely to be contested. This concluding section outlines three partly overlapping avenues for a comparative research agenda, including mechanisms other than fact-finding missions.

First, future research should conduct a comparative analysis of UN fact-finding missions to systematically assess the competing arguments outlined in this article. This should be based on the variation in delegating authorities, especially the UNHCR versus the UNSC, the professional and personal backgrounds of the mandate holders, the implementation of the mandate—especially comparing cases with and without access to the field—and the final reports with respect to the question of whether a normative-legal framing is more likely to generate controversy than a factual-scientific framing. Importantly, this should also consider cases of non-adoption after a fact-finding mission has been proposed, as in the case of the human rights situation in Uganda in the late 1970s (Eckel 2019, 211–12). In addition, fact-finding missions should be compared over time: how have routinization, professionalization, and innovation affected the practice of fact-finding missions? While witness interviews remain key to information gathering, newer fact-finding missions may also rely on social media accounts or forensic evidence, such as satellite imagery, as in recent commissions of inquiry on Myanmar, Syria, and Ukraine. Finally, the alleged shift in accountability should be systematically tracked and examined to determine whether fact-finding missions actually contribute to the prosecution of international crimes.

Second, future research should compare international fact-finding missions with related mechanisms such as country visits by UN-thematic and country-specific rapporteurs, human rights treaty bodies, and the UNSC. Are countries more likely to cooperate with special rapporteurs than with international fact-finding missions, and if so, why? The system of country visits by special rapporteurs is much broader and is thus likely less selective than the ad hoc dispatch of fact-finding missions (Gaer 2017). Is this more regularized approach less prone to contestation? Though only occasionally used, the Committee against Torture and other human rights treaty bodies also conduct on-site visits as part of their inquiry procedures. Since the human rights treaty bodies are perceived to be less politicized, it can be assumed that their fact-finding mechanisms are more likely to be recognized. Looking beyond human rights issues, the various forms of fact-finding missions, the production of expert knowledge, and country visits by the UNSC should be examined more closely, as the legal literature considers the UNSC to be more authoritative in mandating such mechanisms. For example, the UNSC makes good use of its “visiting missions,” which are arguably less intrusive than a fact-finding mission but also aim to gather information on the ground.

Third, future research should compare fact-finding missions in the fields of human rights, humanitarian law, and peace and security law with commissions in other areas of world politics, notably inspections under arms control regimes. This will shed light on the question of whether scientific facts about the production or

use of certain weapons systems are less susceptible to dispute than cases concerning human rights violations. The inspections of the International Atomic Energy Agency (IAEA) have shifted from *monitoring* compliance to *inquiring* into alleged non-compliance (Weichselbraun 2020). How has this shift affected the (epistemic) authority of the IAEA? How does its commitment to and perception of on-site inspections differ from that of human rights fact-finding missions? If a more scientific approach to fact-finding is more likely to establish epistemic authority, this has important implications for international fact-finding more broadly. Several fact-finding missions by the UN and the OPCW into the use of chemical weapons in Syria can provide further comparative insights. These missions began with a fact-finding mandate but shifted to accountability mechanisms. The resulting hybridity of the fact-finding missions has been identified as one of the reasons for the deterioration of cooperation at the OPCW (Notte 2020, 224). In addition to several arguments echoing the criticism of procedures in the Chilean case, and in particular the challenging of off-site procedures (Notte 2020, 215), Russia launched disinformation campaigns that fueled controversies among OPCW members (Koblentz 2019, 590–91). As the OPCW struggles to establish its epistemic authority, it appears to be more polarized today than it was before the first fact-finding mission on Syria was mandated.

This comparative research agenda on international fact-finding missions will advance recent scholarship on the politics of expertise, knowledge production, and evidence-making in both IR and international law. It will contribute to our understanding of how IOs respond to contestation and contribute to norm enforcement in various issue areas, including but not limited to human rights, humanitarian law, and arms control.

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