

Human Rights in a Globalizing World: The Paradox of Empty Promises¹

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The authors examine the impact of the international human rights regime on governments' human rights practices. They propose an explanation that highlights a "paradox of empty promises." Their core arguments are that the global institutionalization of human rights has created an international context in which (1) governments often ratify human rights treaties as a matter of window dressing, radically decoupling policy from practice and at times exacerbating negative human rights practices, but (2) the emergent global legitimacy of human rights exerts independent global civil society effects that improve states' actual human rights practices. The authors' statistical analyses on a comprehensive sample of government repression from 1976 to 1999 find support for their argument.

INTRODUCTION

The protection of basic human rights is one of the most pressing and yet most elusive goals of the international community. Before World War II, international law protecting human rights was sparse. States limited their

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international legal obligations to declarations of intent and to a small number of treaties and conventions.² Adoption of the 1945 UN charter and the Universal Declaration of Human Rights three years later, however, provided a window of opportunity for states, international organizations, and civil society actors and organizations to place human rights on the international legal agenda. Today, these efforts have culminated in the creation and expansion of a worldwide system of international law designed to identify and protect a growing number of basic human rights.

For many scholars and activists alike, states' increasingly global legal commitments to protect human rights signal a fundamental shift in the structure of international society. The vast majority of states today bind themselves to an international regime designed to protect the fundamental rights of virtually every child, woman, and man through law. As a growing number of nations voluntarily join this regime, the regime itself is expanding to incorporate new core human rights (see table 1). These treaties supply various monitoring bodies that work to improve governments' practice in the specified areas of human rights by collecting and disseminating information, often with nongovernmental activists' cooperation.

Yet, government violation of human rights is epidemic. Figure 1 compares the percentage of available international human rights treaties that the average state has ratified and the percentage of states reported to be repressive, over time. It is clear that (1) the average state has ratified a steadily increasing percentage of available human rights treaties, creating a world space characterized by the rapid and nearly universal acceptance of international human rights law, while (2) the percentage of states reported to repress human rights has grown over time, although the increase has tapered off in recent years.

This rising gap between states' propensity to join the international human rights regime and to bring their human rights practice into compliance with that regime challenges the efficacy of international law and questions the authenticity of states' legal commitments to protect the lives of their citizens. There are many examples. Guatemala ratified its first global human rights treaty protecting women against discrimination in 1982, a period in which the government was reported to practice extensive political imprisonment, execution, and political murder and detention for political views. By 1992, the government had ratified all six of the most important human rights treaties (reviewed in table 1), extending its commitments to protect all citizens from violations of civil, political, economic,

² Examples include the formal prohibition of the slave trade by the Treaty of Vienna (1815) and the General Act of Brussels. Created in the aftermath of the destruction caused by World War II, the United Nations (UN) system and its member states laid the foundation for the first concerted efforts to protect the human rights of *all* people.

TABLE 1
INTERNATIONAL HUMAN RIGHTS TREATIES

Treaty	Name	Monitoring Body	Year Adopted	Year in Force	Party States*
CERD	International Convention on the Elimination of All Forms of Racial Discrimination	Committee on the Elimination of Racial Discrimination	1965	1969	157
ICESCR	International Convention on Economic, Social, and Cultural Rights	Committee on Economic, Social, and Cultural Rights	1966	1976	144
ICCPR	International Convention on Civil and Political Rights	Human Rights Committee	1966	1976	147
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women	1979	1981	167
CAT	Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment	Committee against Torture	1984	1987	124
CRC	Convention on the Rights of the Child	Committee on the Rights of the Child	1989	1990	191

SOURCE.—Office of the United Nations 2001.

* As of 2001.

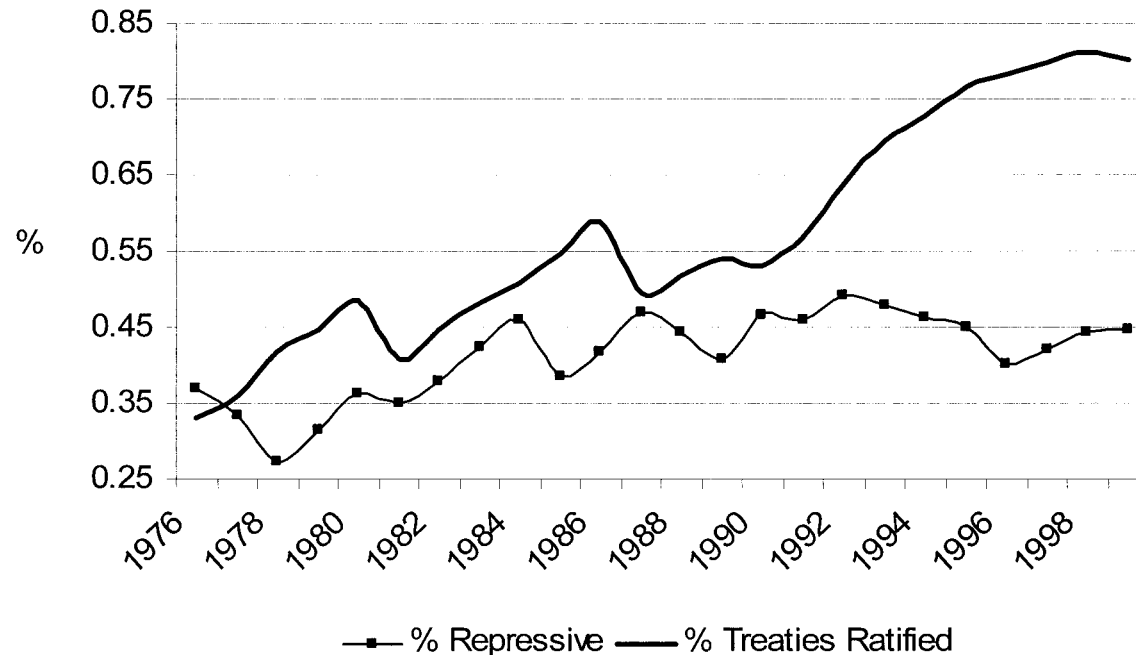


FIG. 1.—Human rights treaty ratification versus human rights practice over time. *% treaties ratified* measures the percentage of available international human rights treaties the average state has ratified in a given year. The data on ratification are described in detail in the section on data. *% repressive* measures the percentage of states reported to repress human rights in a given year. We identify a repressor as any state that has scored a value of 1, 2, or 3 on our standards-based measure of repression, fully described in the section on data.

social, and cultural rights; to insure freedom from torture and protection for racial minorities and children. Human rights practices remained unchanged, as violations reached an extreme in 1994 and 1995. Iraq is another germane example. When the government ratified its first global treaty in 1970, committing to the elimination of all forms of racial discrimination, human rights violations were common. By 1994, the government had ratified five of the six core treaties protecting human rights. In that same year, Amnesty International reported that repression had become extreme, systematic, and population-wide (Amnesty International 1994).³ What good are international human rights treaties if they do not improve human rights practices?

Scholars of international relations, particularly within the realist and neoliberal traditions, expect this compliance gap between states' commitment to international law and states' practices. These mainstream international relations perspectives often regard the growing legalization of human rights principles as epiphenomenal (Mearsheimer 1994/1995); or, they assume that states only comply with the principles of international law when it is in their national interest and when international institutions are designed to enforce observance of law (Downs, Rocke, and Barsoom 1996). In short, the rationalist tradition has led scholars to expect that the human rights regime has little impact on actual human rights practices. Treaties are simply not designed to make ratifying governments accountable for their commitments.

Many scholars of international law and constructivist scholars of international relations argue forcefully to the contrary: states generally try to comply with the principles of international law that they endorse (Henkin 1979). The international human rights regime is no exception. International organizations and nongovernmental actors can teach and socialize government leaders to adopt new practices (Finnemore 1996a). International pressures contributed to the decline in forced disappearances in Argentina (Keck and Sikkink 1998, pp. 103–10), ratification of international human rights treaties led to reduction of legal barriers for Koreans in Japan (Iwasawa 1986), and the CAT has changed the way the Israeli government interrogates suspected terrorists (Ron 1997). These stories abound in the literature (Risse, Ropp, and Sikkink 1999; Lutz and Sikkink 2000; Clark 2001), suggesting that institutionalization of global human rights can have a direct and positive impact on state practices.

The problem in the current research is clear: theoretical expectations point in both directions, and systematic empirical evidence to support either side is rare. Furthermore, the tendency to isolate the two core aspects of the compliance process has led scholars to overlook the larger

³ Iraq has not yet ratified or signed the CAT.

picture. Concern about the direct effects of formal treaty ratification has led to a pessimistic preoccupation with the apparent gap between ratification and domestic practices. Belief that international civil society advocates can encourage better practices has led to a more optimistic preoccupation with the nature of activism.

We draw on the insights of rational institutionalism in international relations and the world society approach in sociology to explain these seemingly contradictory findings and to reconcile the two competing predictions. Our core argument is that global institutionalization of human rights has been a double-edged sword. On the one hand, global human rights treaties supply weak institutional mechanisms to monitor and enforce regime norms, offering governments strong incentives to ratify human rights treaties as a matter of window dressing rather than a serious commitment to implement respect for human rights in practice. Moreover, these international agreements may at times provide governments with a shield for increasingly repressive behaviors after ratification, as treaty ratification confers on them human rights legitimacy and makes it difficult for others to pressure them for further action. As external pressures decrease, governments often spiral into worse repression after ratification, and the human rights legal regime remains powerless to stop this process. On the other hand, human rights advocates regularly mobilize around these treaties, leveraging the emergent legitimacy of human rights as a global norm of appropriate state behavior to pressure states to improve actual human rights practices.⁴

In effect, we explain the impact of human rights treaties as a “paradox of empty promises.” As nation-states make formal legal commitments to symbolize human rights compliance even while they are in violation, this process of “empty” institutional commitment to a weak regime paradoxically empowers nonstate advocates with the tools to pressure governments toward compliance. Our approach thus stands in sharp contrast to current theoretical views, none of which examine the two processes in the same model and therefore fail to explain the paradoxical impacts of global human rights institutions on local practices.⁵

⁴ In this study, we use the term “institution” to refer to broad normative expectations, rules, and practices built around international legal and organizational structures (March and Olsen 1998). Thus, “institution” includes, but is not limited to, international treaties.

⁵ Daniel Thomas’s (2001) recent work is a notable exception and proposes a similar argument. It examines the effect of the Helsinki Final Act in 1975 on subsequent political developments in socialist states using qualitative techniques and claims that governments’ participation in international human rights agreements tends to be an “empty” commitment, but that nonstate actors can take advantage of the pledge to pressure the government and produce political changes.

In the following pages, we place our theoretical approach within the context of current perspectives explaining government repression of human rights. Then, we assess the empirical merits of our argument using time-series analyses of human rights practices covering a wider time frame than any existing work: from 1976 to 1999. Our data enable the first thorough investigation of the state of post-Cold War human rights politics and provide the foundations for a comparative analysis of government repression across eras.⁶ Throughout, we focus on how global forces shape government repression of the most basic human rights: the rights to security of the person.⁷

THEORIES

In this section, we consider competing theoretical perspectives on compliance with international law. We discuss how our approach better explains the double-edged compliance dynamic of international human rights treaties, and we review the contributions of existing cross-national empirical studies of human rights to identify appropriate control variables for our empirical analyses.

Theories on General Compliance in International Relations and International Law

The question of whether international human rights law affects government human rights practice implies a broader political question concerning state compliance. Most political scientists emphasize the role of state power, national interests, and domestic bargaining, arguing that governments comply with international law only when it is in their interest. For some, international law is epiphenomenal to state power: when states comply with their legal obligations to protect human rights, it is purely coincidence. States' behavior is motivated by self-interest, and this interest is determined by the structure of the international system of power (Waltz 1979). International human rights agreements are nothing more than tools

⁶ We note that a few recent studies include data in the post-Cold War period. For example, Richards et al. (2001) examines the effects of foreign economic penetration on government repression using a sample of 43 nation-states from the period 1981–95. Similarly, Apodaca (2001) tests hypotheses about the impact of economic globalization during the period 1990–96. For an overview, see Hafner-Burton (2005).

⁷ We focus on these rights because they are the cornerstone of human dignity—the rights to be free from murder, torture, or other cruel, inhuman, or degrading treatment or punishment; from prolonged detention without charges; from disappearance or clandestine detention; and from other flagrant violations of the right to life and liberty of the person.

created by powerful liberal states to further their own interests, and there is little reason to expect these agreements to change states' behavior, especially when they lack solid mechanisms of enforcement (Hafner-Burton in press).

For others, international legal regimes can influence state behavior in important ways: regimes facilitate cooperation among sovereign states by providing coordination and commitment mechanisms that identify state obligations and provide a means of enforcement. Nevertheless, states join and comply with regimes only when it is in their rational self-interest to do so (Keohane 1984; Downs et al. 1996). Thus, although the international human rights regime may encourage state cooperation and circumscribe government repression of human rights, the pool of states that commit to these institutions should be rather limited in the first place, and compliance will heavily depend on the design of the regime.

Still others suggest that state compliance with international law is a function of state preferences determined by domestic political bargaining: political institutions, interest groups, and state actors determine whether governments commit to international law and whether states comply with those commitments in the long term (Moravcsik 1997). International human rights agreements are institutions resulting from such collective bargaining games (Moravcsik 2000). Since the configuration of political interests and power within and around the state change over time, ratification of human rights treaties does not necessarily translate into compliance with them. Whether states actually comply with their commitments to these agreements depends on the domestic mobilization of actors supporting compliance and is therefore difficult to predict *ex ante*.

These mainstream approaches in international relations emphasize power and interest as the motivating factors for states and expect treaty ratification to have little consequence, direct or indirect, on local human rights practices. Although they have never been systematically tested, we expect that the rationalist arguments about the direct effects of treaty ratification have merit.⁸ As we will argue below, the human rights regime is not designed to supply its members with strong institutional tools to enforce compliance. States are not ignorant of this flaw, and government leaders are aware that the regime's weak and various monitoring bodies have no means to enforce law (Cleveland 2001). We therefore expect to see a gap between ratification and behavior because governments have incentives to ratify human rights agreements they have neither the intention nor the capacity to implement (Hafner-Burton, Tsutsui, and Meyer 2004). However, we argue that a key problem with these approaches is that they are blind to the positive institutional effects of the international

⁸ See Hafner-Burton in press.

human rights regime on local practices that operate not through the treaty system, but through nongovernmental actors. Indeed, they ignore nongovernmental actors entirely and produce overly cynical expectations about the effect of the human rights regime.

Other theoretical approaches in the relevant literature make different predictions. Constructivist scholars of international relations emphasize the ways in which international organizations can socialize or teach states to accept the goals and values embedded in international law. Drawing on their key assumption that state interests are defined in a context of internationally held norms—norms that are often embedded in international law and carried by governmental as well as nongovernmental actors—constructivists have argued that states comply with international law when government elites can learn to accept and incorporate shared norms and values that structure international political life (Finnemore 1996a; Keck and Sikkink 1998; Risse et al. 1999). International organizations not only constrain states' behavior through legal sanctions applied to international law, they also socialize states to accept new norms and values, such as the human rights enshrined in international law today.

Scholars of international law often predict that states tend to comply with their commitments to international treaties. One of the most influential legal models today, presented by Chayes and Chayes (1995), suggests three reasons to expect state compliance. First, organizational inertia makes compliance a less costly and more attractive option in the absence of strong reasons for noncompliance. Second, international treaties result from extended negotiations that reflect the national interests of member states; and those, in turn, reflect domestic bargaining. Because governments only ratify treaties when their national interests are reflected, they are predisposed to comply with the treaties they choose to join. Finally, well-documented normative effects of law on individuals can be applied to behavior of national governments (Kratochwil 1989; Young 1979). Just as people tend to follow laws when there is no incentive to behave otherwise, states tend to comply with treaties when there is no significant obstacle to compliance.

Yet the global trend summarized in figure 1 contradicts these arguments insofar as they fail to disentangle two key dimensions of compliance dynamics—formal treaty systems and nongovernmental activism. Drawing from both rationalist and world society approaches, we propose for the first time a sociological argument that distinguishes between treaty systems and nongovernmental actors to explain the complex compliance dynamics surrounding human rights treaties.

The World Society Approach

In the last decade or two, normative and cultural dimensions of international politics have attracted growing attention in the social sciences. A line of theory called neoinstitutionalism in sociology has had an unmistakable influence on this trend. Originally developed in organizational studies, neoinstitutionalism refers to a theoretical approach that pays special attention to cognitive, cultural, and normative dimensions of organizational reality (Meyer and Rowan 1977; Meyer and Scott 1992; Scott 2000). It challenges the assumption of purposive rationality in organizational behavior and argues that organizations routinely follow taken-for-granted models and standards regardless of their functional utility. Legitimacy is a core element in this approach, as organizations are thought to enact scripts composed of standardized elements deemed legitimate in their environments. This institutionalization tends to reduce variety among organizations, as most of them conform to accepted standards.

As researchers have built on the initial effort by Meyer and Rowan (1977), this theoretical approach has influenced many areas of social scientific research (Thomas et al. 1987; Powell and DiMaggio 1991; Meyer et al. 1992; Soysal 1994; Finnemore 1996b; Katzenstein 1996; Jacobson 1998; Berkovitch 1999; Boli and Thomas 1999). Its application to the study of international political processes, often called the world society approach or the world polity perspective, has been particularly influential. Among the topics of such research are waves of decolonization, diffusion of female enfranchisement, promulgation of school curriculum (Meyer et al. 1992), and expansion of a world environmentalism regime (Meyer, Frank et al. 1997). This line of research explicates how global standards and taken-for-granted models circumscribe national politics. The core argument is that models and norms that are institutionalized at the world level acquire assumed status over time and influence policy makers at the national level. As many governments organize and restructure their national polities around global models and standards of appropriate behavior, a growing number of states share isomorphic (or convergent) political and social structures that are harmonious with the international model (McNeely 1995; Meyer, Boli et al. 1997; Boli and Thomas 1999). This tendency for states to converge around similar domestic structures has only increased with the rising integration of states into international society.

While the prediction of isomorphic outcomes is often limited to organizational forms and policy adoption, the literature points out the likelihood of decoupling between policies and practices; that is, formal policy changes are often nominal and do not have the intended effects on the actual practice (Meyer and Rowan 1977; Brunsson 1989; Meyer, Boli et

al. 1997; Krasner 1999). In the case of ratification of international treaties, the world society approach predicts that the policy decision to ratify is often a symbolic gesture to signal that the government is not a deviant actor, and does not necessarily lead to compliant practices with the treaty. In other words, ruling elites might ratify a treaty to gain legitimation in international society, putting little effort into aligning their behavior with the treaty provisions. Thus, the act of treaty ratification is often loosely coupled with the relevant practice, especially when the treaty does not have an effective enforcement mechanism and national governments are left in charge of domestic implementation—this is the case with many international treaties. When the legitimacy of a treaty grows to the extent that nonratifying states look like deviants, governments are more likely to ratify without the willingness and capacity to comply with the provisions, thus increasing the likelihood of decoupling.

Like the national approach in international relations, research in the world society approach has tended to emphasize this decoupling process, highlighting the lack of effects of global models on actual practice. In an effort to explain the paradoxical compliance dynamics, we extend this approach to the study of human rights and make two core predictions.

THE ARGUMENT

First, we extend the concept of decoupling to the institutional processes and historical contingencies around global human rights politics. These have created fertile grounds for what we call “radical decoupling,” wherein treaties have an effect opposite to what are intended. We argue that international human rights treaties lack the mechanisms of enforcement that provide governments with the incentives not to defect from their policy commitments (Hathaway 2002; Downs et al. 1996, Tsutsui and Wotipka 2001). This dual nature of the regime—state legitimation without enforcement—may at times lead governments to use global laws as a shield for increasingly violent domestic behaviors.

The human rights regime was principally constructed to identify and classify which rights are globally legitimate, to provide a forum for the exchange of information regarding violations, and to convince governments and violators that laws protecting human rights are appropriate constraints on the nation-state that should be respected. Over the years, the regime has proven increasingly competent in supplying the instruments necessary to collect and exchange information on human rights violations and to disseminate that information on a global scale.⁹ Despite

⁹ The major treaties furnish UN committees that provide a formal reporting and oversight function.

this informational capacity, the regime supplies no formal enforcement mechanisms to provide or disrupt valuable exchange with a target state (Cottier 2002; Goodman and Jinks in press). Treaties offer no material, legal, or political rewards in exchange for better practices, and they cannot directly punish violators by withholding valuable goods. At best, the legal instruments of the regime directly influence practices by supplying repressors with information and legitimating motivations to internalize new norms of appropriate behavior (Hafner-Burton in press). As we will show, this form of direct influence is weak and often ineffective.

This enforcement problem has only been aggravated by the historical fact that most of the core human rights treaties came into force during the Cold War, a time when many governments perceived ratification of these treaties as politically inconsequential under the umbrella of a superpower that was likely to defend or ignore their domestic policy choices regarding human rights. Thus, the international human rights regime long provided opportunities for governments to gain international legitimacy by endorsing human rights principles without actually implementing human rights practices at home (Müllerson 1997). Many governments had claimed their support of human rights ideas, either in denouncing the Axis powers in World War II or in fighting for independence from colonizers, and by their own rhetoric, were put in a position to endorse human rights treaties (Lauren 1998).

As a growing number of states gained the legitimating benefits of ratification and yet failed to comply with those commitments, this simple gap between policy and practice led to a more severe and radical decoupling. Treaty ratification led to the possibility of a negative relationship between policy and practices.¹⁰ Governments, armed with growing information that commitment to the regime would not lead to serious enforcement but would grant them legitimacy in the eyes of other states, were now free to hide domestic human rights practices behind the veil of international law. Repressive practices could be exacerbated after ratification, while the treaty regime would be powerless to effect change.

This possibility of radical decoupling leads us to expect two observable implications: ratification of international human rights treaties will either have (1) no direct positive effect on domestic practices or (2) a negative effect, as repressive governments ratify more agreements and spiral into a greater degree of violence that the treaty regime is powerless to stop.

¹⁰ Some empirical studies have presented supportive evidence for this argument. In cross-national data analyses, Camp Keith (1999) found no relationship between ratification of the ICCPR and human rights practices, while Hathaway (2002) reports a negative impact of treaty ratification on governments' human rights practices in some instances.

This negative effect may be direct—when governments purposively use commitment to the treaty regime as a means to shield their worsening human rights practices from external state scrutiny—or indirect—when the treaty regime has no capacity to stop a ratifying state from increasing repression, but the treaty regime is not itself a cause of the behavior.

Second, we contend that this empty promise is often paradoxical. In spite of the institutional gap between human rights treaties and governments' incentives to comply, states' rapid and widespread commitments to the global human rights regime have led to the simultaneous elevation of human rights principles that change governments' behavior by way of normative pressures. As a growing number of states have ratified human rights treaties, the ideas codified in these treaties have gained nearly taken-for-granted status in global politics. This process has been helped by the activities of nongovernmental actors, working through international nongovernmental organizations (INGOs) who diffuse and promote human rights principles worldwide (Tsutsui and Wotipka 2004). This growing legitimacy of human rights principles has led to two consequences.

First, INGOs increasingly leverage global human rights norms as a lobbying tool to pressure national governments to improve their human rights practices (Ron 1997; Keck and Sikkink 1998; Tsutsui 2004). INGOs, such as Amnesty International and Human Rights Watch, have been particularly active in publicizing human rights violations to pressure repressive governments. Domestic groups also reach out to external actors to publicize violations in their state. For example, Chilean activists, with the help of Amnesty International and other groups, sought to publicize forced disappearances committed by their government (Clark 2001, pp. 73–74), and human rights groups in Indonesia exchanged information with the International Commission of Jurists and other international organizations to campaign for the release of political prisoners (Jetschke 1999, pp. 140–41).

Second, the legitimacy of human rights principles makes target governments vulnerable to potential embarrassment and loss of legitimacy in international society resulting from noncompliance with international human rights law. In the new global political environment characterized by growing awareness of human rights principles, it has become increasingly inappropriate, if not impossible, for national governments to dismiss accusations of human rights violations as interference in their domestic affairs. Although it is still difficult for international bodies to prosecute domestic violations legally, bad publicity generated by nongovernmental actors often compels governments to address their domestic human rights problems (Risse et al. 1999; Keck and Sikkink 1998).

Thus, in effect, civil society provides the enforcement mechanism that international human rights treaties lack, and can often pressure increas-

ingly vulnerable governments toward compliance. Government ratification of international law does not improve human rights practices alone, but a country's linkage to international civil society (through INGO memberships) can and does influence governments to change their human rights practices for the better. If a state has a tight link to global civil society, international nongovernmental actors are more likely to recognize and report on violations in the state. Domestic actors in tightly linked states tend to have greater awareness of the rights they are entitled to and are more likely to find ways to publicize their problems and pressure the government to address them. Thus, states that are more embedded in international civil society (i.e., that have a greater number of memberships in INGOs) are more likely to respect the human rights of their people.¹¹

In sum, we draw upon the insights of rational institutionalism in international relations and the world society approach in sociology. We argue that the expansion of the international human rights regime has created a global context in which (1) governments are likely to ratify human rights treaties even when they are not prepared to comply with the treaty provisions, thus generating radical decoupling between policy and practice, and often exacerbating human rights violations in the short term. However, (2) increasing legitimacy of human rights principles proffered by world civil society places pressure on governments to improve their human rights practices whether they have ratified the treaties or not. Hence, we expect that treaty ratification is likely to have either no significant effect or a negative significant effect on human rights practices, but that countries' links to international society have a paradoxical positive impact.

To be sure, we agree with mainstream international relations theory that treaties have weak institutional mechanisms of enforcement and are therefore not likely to have a direct positive effect on human rights behaviors. Our argument differs from these mainstream international relations theories as we predict that ratification will often be observed to have a negative relationship to human rights practices, exacerbating repression, but that practices are positively influenced by linkage to international society. We differ from the constructivist and international law arguments, as we sort out two dimensions of the international human rights regime that are confounded in this literature—the treaty system

¹¹ It is worth noting that the effect of international civil society reaches many countries whether the government has ratified human rights treaties or not. The core process is a main theme pursued by Durkheim ([1895] 1982, [1912] 1995). Collective rituals, ceremonies, and norms commonly penetrate the activity of people and groups whether or not they individually subscribe to the principles involved. The theme is picked up and given great emphasis in the work of Randall Collins (1992).

and INGO linkage—and predict the former to have no effect or a negative effect, and the latter a positive effect.

Theories on Human Rights Practices

In the last few decades, several comparative studies have emerged that explore the many factors shaping local human rights practices. From the seminal studies of McKinlay and Cohan (1975) and Strouse and Claude (1976) to the sophisticated pooled time-series analysis of Poe, Tate, and Camp Keith (1999), these comparative studies specify a variety of factors necessary to explain government violation of human rights, factors that we include in our empirical analysis and describe in the following section.

Economic factors.—Many studies on human rights practices examine the effects of economic development. Mitchell and McCormick (1988, p. 478) proffer the “simple poverty thesis,” a commonly accepted view that lack of economic resources creates fertile ground for political conflict, in many cases prompting governments to resort to political repression. In an advanced economy where people are likely to have fewer grievances, political stability is often achieved more easily, reducing the likelihood of human rights violations (Henderson 1991). This hypothesis finds support in several additional studies (Mitchell and McCormick 1988; Park 1987; Poe and Tate 1994; Poe et al. 1999; Pritchard 1989).

Political factors.—Various studies find that democracies are less likely to commit human rights violations than autocracies. Jeane Kirkpatrick (1979) argues that left-wing totalitarian regimes are most likely to commit human rights violations because they have almost complete control over their citizens’ lives, and Howard and Donnelly (1986) contend that the protection of human rights requires a liberal state regime that respects the “substantive conception of human dignity.” Henderson (1991) also claims that democratic governments are more responsive to their citizens than autocratic governments, and hence more likely to accommodate the demands of their citizens without violent conflict. Variations in reasoning notwithstanding, these scholars all argue that democratic states are less likely to repress human rights. A number of subsequent studies confirm variations of these predictions, pointing to the positive effects of democracy on human rights practices (Mitchell and McCormick 1988; Poe and Tate 1994; Poe et al. 1999).

Several studies also identify a relationship between involvement in warfare and human rights violations. Early research established a strong connection between state participation in international warfare and an increase in domestic political violence (Rasler 1986; Stohl 1975). In times of international warfare, governments are more likely to exert strong controls over citizens and therefore are often willing to use force to main-

tain their domestic power (Poe and Tate 1994; Poe et al. 1999). In times of civil war, governments also tend to be more coercive, defending their authority against internal challenges to the state.

Demographic factors.—Finally, Henderson (1993) argues that population pressure can lead to resource stress, increasing the likelihood of governments' use of repression. When a state experiences rapid population growth, lack of resources quickly becomes a serious problem, thus pressuring the government to head in an authoritarian direction. Subsequent studies report that population size also affects political repression; states with a larger population are more likely to violate human rights (Poe and Tate 1994; Poe et al. 1999).

Global factors.—In addition to these domestic factors, scholars identify a small number of global factors that may influence government repression. Two notable sets of studies examine the impact of external economic factors on human rights.

Mitchell and McCormick (1988) introduce a Marxist argument drawing on Chomsky and Herman's contention that capitalist states, driven by economic interests, favor political stability in developing nations and thus fortify existing regimes even when government repression is endemic (Chomsky and Herman 1979). As developing Third World governments receive economic support from capitalist nations whose primary goal is to maintain favorable conditions for investment, the likelihood of human rights violations increases. Drawing on this analysis, Mitchell and McCormick (1988) hypothesize that economic ties with the United States and other advanced capitalist states encourage human rights violations in the periphery. In their exploratory data analysis, they find some support for this hypothesis—that is, a large number of governments with bad human rights records are economically dependent on capitalist states.

Meyer (1996), by contrast, examines the impact of multinational corporations (MNCs) on human rights practices. His regression analyses lend some support to "the engines of development thesis," which contends that MNCs promote both socioeconomic rights and civil and political rights. MNCs' effects on economic and social rights are direct, promoting development and hence improving quality of life. MNCs also indirectly improve political rights insofar as they promote the expansion of a politically stable urban middle class, thus enhancing stability and political tolerance in the larger society. Smith, Bolyard, and Ippolito (1999) report contradictory findings, however, cautioning scholars that the optimistic outlook on the roles of MNCs may not be warranted.

We build on these valuable efforts to understand the domestic and global economic causes of government repression. In doing so, we seek to fill in a key aspect of global human rights politics missed by all of the

extant quantitative literature—namely, the influence of the global human rights regime and civil society.

EMPIRICAL ANALYSIS

Our basic aim in this section is to test our hypotheses:

HYPOTHESIS 1.—Ratification of human rights treaties has had no direct positive effect on states' compliance in practice and may even have a significantly negative effect, corresponding to increasing repression.

HYPOTHESIS 2.—Linkage to international civil society has had a positive effect on states' human rights behavior, decreasing repression.

To test these hypotheses we broaden a classic study by Poe, Tate, and Camp Keith (1999) seeking to explain state variation in government repression. Because both state ratification of human rights treaties and state repression of human rights vary across states and across time, the authors' comprehensive sample offers an ideal starting point for our empirical analysis. Additionally, an emerging and important body of quantitative literature relies heavily on the Poe et al. study. We therefore build upon their data in order to encourage the comparison of our findings on the impact of international treaties to previous explanations of government repression.

Although we borrow some data from Poe et al., we update these pooled cross-national time-series data to include the post-Cold War period, and we introduce new variables measuring state participation in international society across 153 states for the years 1976 to 1999. These data allow us to assess the impact of state ratification of human rights treaties across a greater range of space and time than previous studies, while simultaneously controlling for the possibility that state compliance with international law may vary a great deal across different types of states.

Analysis

In order to determine the impact of global legal and civil society institutions on states' human rights practice, we build a single model of the data-generating process which we estimate throughout the following analyses using ordered probit appropriate to the ordinal structure of our dependent variable (Long 1997):

$$Y_{it} = \alpha + \beta_Y Y_{it-1} + \beta_P Z_{it} + \beta_X X_{it} + \mu_{it}, \tag{1}$$

where Y is the observed level of government repression of human rights, the β s are matrices of parameter estimates, i and t are subscripts representing the state and the year of the observation, α is the intercept term,

and μ is the stochastic term. We consider two main groups of substantive variables to test our theory. Z is a matrix of international legal and civil society variables that we offer to test our paradox theory, while X is a matrix of all other control factors that scholars before us argue influence repression of human rights. We review these groups of variables in detail below. In words, equation 1 asserts that repression of human rights for every state in every observed year is some function of that state's past experience of repression, human rights treaty ratification, INGO memberships, a series of control variables, an intercept, and a stochastic term.

We begin by testing the two core propositions of our theory: (1) whether state ratification of international human rights treaties affects state compliance with human rights norms, and (2) whether state linkage to INGOs affects human rights behavior. Accordingly, in model 1, the Z -matrix includes state treaty ratification and INGO memberships, and the X -matrix includes the GDP(log), trade, democracy, and population(log):

$$\begin{aligned} \text{Government repression of human rights}_{it} = & \\ & \alpha + \beta_{y-1}(\text{past practice}_{it}) \\ & + \beta_{z1}(\text{state treaty ratification}_{it}) \\ & + \beta_{z2}(\text{INGO memberships}_{it}) \\ & + \beta_{x1}(\text{GDP}[\log]_{it}) \\ & + \beta_{x2}(\text{trade}[\log]_{it}) \\ & + \beta_{x3}(\text{democracy}_{it}) \\ & + \beta_{x4}(\text{population}[\log]_{it}) \\ & + \mu_{it}. \end{aligned}$$

Even though we offer directional hypotheses—specifically, that ratification of international human rights treaties will lead to no change or to worse human rights behavior, while linkage to international civil society will lead to better human rights behavior—we perform two-tailed tests for each proposition in order to consider the opposing hypotheses offered by many political scientists. We control for other factors most human rights scholars believe shape government repression in order to understand whether international human rights treaties, as well as international civil society, affect government repression *above and beyond* the explanations that prevail in today's literature.

In models 2–7 we look at the precise nature of state treaty ratification in more detail. In order to do so, we disaggregate our composite state

treaty ratification variable reported in model 1 into several new component variables and examine whether state ratification of six core UN treaties affects government compliance with human rights norms. In order to do so, we add several new variables into the Z -matrix, and we describe these data in the following section.

Finally, we consider a range of alternative arguments set forth by human rights scholars by modifying the X -matrix. In models 8 and 9, we test whether state occurrence of civil or international war may explain government compliance with human rights norms. In model 10, we examine potential effects of state age, testing whether older and more established nations are more likely to respect the rights of their citizens.¹² In model 11, we consider the possibility that our findings are an artifact of the ending of the Cold War, while in model 12, we estimate fixed effects for time in order to ensure that the effects of individual years in our sample do not account for our findings.¹³ (We thus alter eq. [1] to incorporate time-varying intercepts: α_t .) In all cases, we include a lagged dependent variable (except fixed effects), report Huber/White standard errors in place of the traditional calculations, and cluster on state in order to address problems posed by heteroscedasticity that are common to our data (Beck and Katz 1995).¹⁴

Data

Human rights (Y).—In order to estimate our models, we measure government repression of the security of the person, and we do so as a composite of a state's level of murder, torture, forced disappearance, and political imprisonment every year.¹⁵ Specifically, we follow other scholars of human rights in the use of a standards-based ordinal scale of repression drawn systematically from U.S. State Department (and, secondarily, from

¹² We would like to thank one of our *AJS* reviewers for bringing this variable to our attention.

¹³ Several colleagues have aptly suggested that we include a world-level count measure of state ratification to all international human rights treaties over time in order to consider the effects of gaining human rights legitimacy over time. We do not include such a measure in our final table of findings because this variable performs the same structural function as fixed effects for time, which we do include as the standard control for world-level variance over time. However, we did compute and estimate the proposed world legitimacy variable in place of fixed time effects and find no significant differences in effects between the two measures.

¹⁴ By clustering we assume that our observations are independent across different states (or clusters) but not necessarily within a state over time.

¹⁵ Other scholars that have examined personal integrity rights include, among many: Cingranelli and Pasquarello (1985), Stohl and Carleton (1985), McCormick and Mitchell (1988), Poe (1991), Gibney, Dalton, and Vockell (1992), and Hafner-Burton (in press).

Amnesty International) annual human rights reports using content analysis.¹⁶ We code the following five ordinal values of the dependent variable as illustrated in figure 2 below and described in appendix A:

1. $Y = 5$ (rare repression).—Where states are under secure rule of law, political imprisonment and torture are rare, and political murder is extremely rare.
2. $Y = 4$ (limited repression).—Where imprisonment for nonviolent political activities is limited, torture and beating are exceptional, and political murder is rare.
3. $Y = 3$ (widespread repression).—Where political imprisonment is extensive, execution and political murder may be common, and detention (with or without trial) for political views is acceptable.
4. $Y = 2$ (extensive repression).—Where the practices of level 3 are expanded to a large segment of the population, murders and disappearance are common, but terror affects primarily those who interest themselves in political practice or ideas.
5. $Y = 1$ (systematic repression).—Where levels of terror are populationwide and decision makers do not limit the means by which they pursue private or ideological goals.

Many of these data result from collaboration among a number of prominent human rights scholars. We have substantially updated existing data, where available, using methods of content analysis consistent with the collection of previous data.

Paradox of empty promises (Z).—We introduce eight new variables on state ratification of international human rights law and state membership in INGOs that we have collected from primary and secondary sources on international agreements and associations. These measures are summarized in table 2 below.

With respect to international human rights treaties, we consider the following six core treaties (detailed in table 1): the ICCPR, the ICESCR, the CAT, the CRC, the CEDAW, and the CERD. We offer several different measures of state treaty ratification in order to test the proposed hypotheses.

We first calculate an ordinal count variable *treaty* measuring the total number of these treaties a state has ratified in a given year. We use this variable in our base model (model 1). A score of zero indicates that a

¹⁶ In a recent study, Poe, Carey, and Vazquez (2001) analyze the differences in human rights reporting between the U.S. State Department and Amnesty International in order to determine whether there are any apparent biases between the two sources. The authors find that Amnesty International's tendency to report on human rights in nations with the most egregious records has declined over time, and that Amnesty and State Department reports have become increasingly similar over time.

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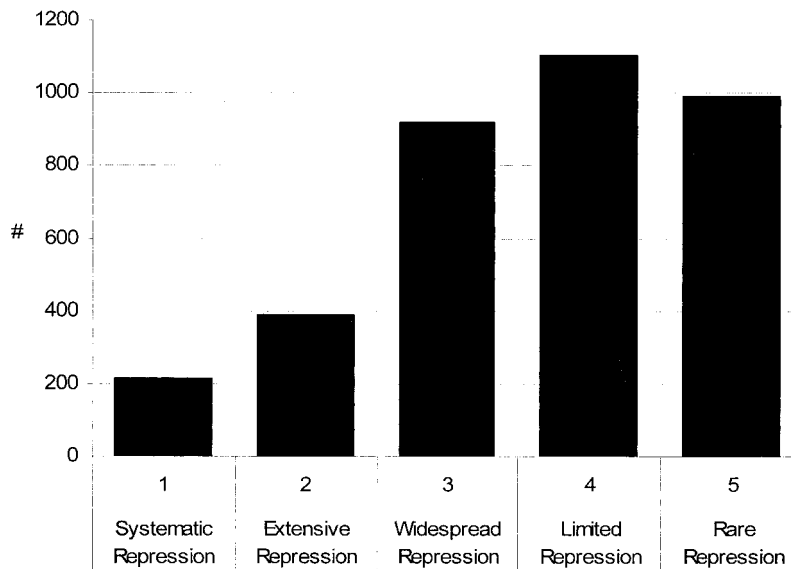


FIG. 2.—Dependent variable: repression of human rights (country-year observations). The solid bars represent the number of state-years observed in the pooled cross-sectional time-series data for each of the five measured levels of state respect for human rights.

state has ratified none of the core human rights treaties, while a score of six indicates that a state has ratified all of the core human rights treaties.¹⁷

We also disaggregate the *treaty* variable into its constituent components and code six separate indicators that capture the length of time since a state has ratified each of the six international human rights treaties.¹⁸ We call these variables ICCPR, ICESCR, CAT, CERD, CEDAW, and CRC, respectively.

Finally, we offer a count measure of country membership in INGOs in a given year (i.e., the number of INGOs citizens of a state have membership in).¹⁹ These measures were collected from data available in the Yearbook of International Organizations, an annual publication of the Union of International Associations.

¹⁷ We also measure and examine whether the average duration of state treaty ratification—the total number of years that a state has ratified an agreement—affects government compliance with human rights norms. The results are consistent in sign and significance with state ratification level of international human rights treaties (model 1).

¹⁸ We also perform analyses using dummy variables to capture ratification as opposed to the length of membership.

¹⁹ See Yearbook of International Organizations, <http://www.uia.org/website.htm> and <http://www.hrweb.org/legal/undocs.html>.

TABLE 2
VARIABLE DESCRIPTIONS: PARADOX OF EMPTY PROMISES

Variable	Content	Model	Mean	Minimum	Maximum
Treaty	Count of ratification of all six treaties: ICCPR, ICESCR, CAT, CERD, CEDAW, CRC	Model 1	1.88	0	6
ICCPR	Duration since ratification of ICCPR	Model 2	.34	0	33
ICESCR ...	Duration since ratification of ICESCR	Model 3	.35	0	33
CAT	Duration since ratification of CAT	Model 4	.16	0	15
CERD	Duration since ratification of CERD	Model 5	.45	0	39
CEDAW ...	Duration since ratification of CEDAW	Model 6	.27	0	27
CRC	Duration since ratification of CRC	Model 7	.2	0	19
INGO	No. of INGOs in which citizens of a state hold membership	Models 1–7	495.17	0	3,127

Control factors (X).—We follow other human rights scholars in the use of World Bank measures of gross domestic product at market value and trade (as a percentage of GDP), and we log both accordingly. These measures are conventional data collected from the World Bank and require little comment. We also employ measures of democracy and past levels of government repression.²⁰ In particular, we cull data from the Polity IV project and operationalize democracy based on institutional characteristics. Most important for our purposes, five primary institutional features distinguish democracies from autocracies: the competitiveness of the process for chief executive selection, the openness of that process to social groups, the level of institutional constraints placed on the chief executive's decision-making authority, the competitiveness of political participation, and the degree to which binding rules govern political participation (Jagers and Gurr 1995). This measure ranges from -10 (most autocratic) to 10 (most democratic).

Throughout the analysis, we consider a wide variety of additional variables that have been included in previous studies on government repression. These data include state involvement in civil or international war (Correlates of War project), state population in a given year (culled from the World Bank), as well as state age and additional data collected by Poe et al. (1999). Although we do not include all possible additional control variables into our model for theoretical reasons, we *do* report any significant effect these variables have on our model of government repression in the footnotes.

Results

Table 3 below displays our major findings. Two outcomes are striking. First, *state commitment to the international human rights legal regime does not automatically translate into government respect for human rights*. States that ratify a greater number of human rights treaties are not more likely to protect human rights than states that ratify a small number of treaties. To the contrary, model 1 suggests that ratification is frequently coupled with noncompliance behavior and that state commitment to the

²⁰ Although both development and democracy are often claimed as a basic human right, we follow others in the important conceptual distinction between level of national development, systems of state governance, and state repression of basic rights to be free from murder, torture, forced disappearance, and arbitrary imprisonment. See in particular Apodaca (2001).

TABLE 3
 POOLED CROSS-SECTIONAL TIME-SERIES ANALYSIS ON STATE HUMAN RIGHTS PRACTICE, 1978–99

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7
GDP per capita (log) ...	.112** (.035)	.139*** (.033)	.138*** (.034)	.116** (.036)	.136*** (.033)	.109** (.037)	.117** (.036)
Democracy .....	.025*** (.006)	.022*** (.005)	.023*** (.005)	.022*** (.006)	.021*** (.005)	.024*** (.006)	.024*** (.006)
Population (log)	-.27*** (.047)	-.284*** (.045)	-.283*** (.045)	-.27*** (.047)	-.275*** (.044)	-.261*** (.049)	-.262*** (.049)
Past practice	1.46*** (.063)	1.47*** (.064)	1.47*** (.064)	1.46*** (.064)	1.48*** (.064)	1.45*** (.063)	1.45*** (.063)
Trade (log) .....	.02 (.072)	.024 (.069)	.026 (.07)	.038 (.068)	.01 (.067)	.045 (.072)	.049 (.069)
INGO .....	.0003** (.0001)	.0002* (.0001)	.0002* (.0001)	.0004** (.0001)	.0002* (.0001)	.0003** (.0001)	.0002** (.0001)
Treaty	-.069** (.02)						

ICCPR		-.012*						
		(.005)						
ICESCR			-.013*					
			(.006)					
CAT				-.063***				
				(.012)				
CERD					-.005			
					(.004)			
CEDAW						-.032***		
						(.009)		
CRC							-.064*	
							(.017)	
<i>N</i> observations	2,058	2,042	2,042	2,042	2,058	2,058	2,058	
Log likelihood	-1,543.7	-1,537.2	-1,536.5	-1,529.9	-1,550.6	-1,542.3	-1,546.2	

+ $P < .10$.

* $P < .05$.

** $P < .01$.

*** $P < .001$.

international human rights legal regime at times leads to radical decoupling, exacerbating human rights abuse.²¹

This finding is remarkably consistent when we disaggregate overall commitment to the human rights regime and examine ratification of specific UN treaties (models 2–7). In no instance does state ratification of any of the six core UN human rights treaties predict the likelihood of government respect for human rights. Rather, state ratification of all six treaties has a *negative* effect on signatories' behavior: treaty members are more likely to repress their citizens than nonratifiers.²² Together, these findings draw a troubling picture: *international human rights treaties do little to encourage better practices and cannot stop many governments from a spiral of increasing repressive behavior, and may even exacerbate poor practices.*²³ We use predicted probabilities to unpack these negative effects further in appendix B.

Second, state linkage to international civil society poses a strong counterforce to this radical decoupling: *states whose citizens belong to a greater number of INGOs are more likely to protect the rights of their citizens.* The consistency of this effect across models indicates that the general institutional effect of global civil society is quite stable. Although we find that institutionalization of global human rights has no systematically positive impact through the treaty system, we also find that global human rights norms, embedded in the treaties and proffered by international civil society, do contribute to real improvements in human rights practices.

Table 3 also confirms that our estimates are consistent with the general findings of the human rights literature on key variables. Democracies are better protectors of human rights—in keeping with a vast majority of human rights scholars (Henderson 1991; Mitchell and McCormick 1988; Poe and Tate 1994; Poe et al. 1999)—as are states with a higher level of

²¹ It is possible that these findings may reflect that a number of the core treaties institutionalize norms that fall outside of the category of basic human rights examined here. However, both the CAT and the ICCPR explicitly recognize the core rights to life, liberty, and security of the person captured by our dependent variable, obligating ratifying states to protect these rights. Evidence presented in table 3 demonstrates that states that ratify these two treaties are significantly more likely to repress the rights of their citizens than nontreaty members. This finding is consistent with a previous study of CAT (Hathaway 2002), which also shows a negative effect of treaty ratification. A previous study of ICCPR shows a noneffect of treaty ratification (Camp Keith 1999), while our finding shows a negative effect. We also note that when we include fixed time effects, the effect remains negative but loses significance.

²² When we add the post–Cold War dummy and fixed time effects in models 11 and 12, the effects of treaties become less significant but remain negative.

²³ We cannot, however, distinguish here between a direct negative effect—where ratification itself provides incentives for further repression—and an indirect negative effect—where ratification has no effect on state practices that are already spiralling toward greater violence.

openness to the international economy (Meyer 1996; Richards, Gelleny, and Sacko 2001) and with higher levels of economic development. Consistent with current research in the field, one of the most important predictors of repression is state history of repression (Apodaca 2001; Poe et al. 1999).

In table 4 we verify that our findings are robust across a number of alternative explanations for government repression of human rights.²⁴ Although civil war *does* strongly encourage state repression, this effect is over and above our findings that states ratifying international human rights law tend not to comply in practice. International war and state age, by contrast, have no effect on government repression whatsoever, leaving our results unchanged. Finally, historical era does seem to make a difference, although our substantive results are largely consistent when we include fixed effects for time. States in the post–Cold War world are less likely to comply with their commitments to the international human rights regime, a phenomenon possibly explained by the emergence of a great number of new and relatively weak states.²⁵

Considered together, these findings offer strong support for our argument.²⁶ There is no evidence to suggest a systematically positive correlation between official governmental acceptance of an international law to protect human rights and the actual behavior of government elites to protect those rights. More disturbing is evidence to suggest that the ratification of human rights treaties may actually hide worsening state compliance with human rights norms enshrined in those treaties, at least in the short term. On the other hand, evidence also suggests that linkage to global civil society improves human rights practices. Even though treaties often do not directly contribute to improvement in practice, the norms codified in these treaties are spread through INGOs that strategically leverage the human rights legal regime to pressure governments to change their human rights behavior.

²⁴ We considered a number of additional control variables to test the robustness of these findings. They did not change our findings and are therefore not reported here. Moreover, we considered a number of alternative measures for the variables we have reported here.

²⁵ In order to consider the possibility of a selection effect, we lagged all independent variables by one year and reran the model. We found that the lagged model is substantively identical to the model we report in table 3. We repeat this lag over several years to ensure robustness. In order to consider the possibility that the Cold War effect was produced by a bias against human rights practices by leftist governments (Poe et al. 2001), we included a dummy variable measuring whether a government was ruled by a leftist regime. The new variable was insignificant and did not change our substantive results.

²⁶ The findings are not an artifact of multicollinearity, and the correlation matrix is available from the authors upon request.

TABLE 4
 POOLED CROSS-SECTIONAL TIME-SERIES ANALYSIS ON STATE HUMAN RIGHTS PRACTICE
 WITH ADDITIONAL INDEPENDENT VARIABLES, 1978–99

	Model 8	Model 9	Model 10	Model 11	Model 12 ^a
GDP per capita (log) .....	.092* (.037)	.1** (.035)	.121** (.036)	.092* (.038)	.074 ⁺ (.041)
Democracy .....	.028*** (.007)	.022*** (.006)	.026*** (.006)	.027*** (.006)	.027 ^f (.006)
Population (log)	-.262*** (.047)	-.267*** (.05)	-.279*** (.048)	-.256*** (.049)	-.257*** (.052)
Past practice	1.4*** (.067)	1.45*** (.048)	1.46*** (.064)	1.44*** (.065)	
Trade (log)	-.002 (.083)	.024 (.079)	-.003 (.072)	.077 (.075)	.082 (.077)
INGO .....	.0004** (.0001)	.0005** (.0001)	.0004** (.0001)	.0004** (.0001)	.0005*** (.0001)
Treaty	-.065** (.025)	-.071** (.022)	-.069** (.021)	-.043 ⁺ (.023)	-.034 (.024)
Civil war ^b	-.913*** (.16)				
International war ^b		-.16 (.135)			
State age			-.0006 (.0005)		
Post-Cold War dummy				-.279*** (.080)	
Fixed time effects (1976–99) ^c					
<i>N</i> observations	1,815	1,819	2,058	2,058	2,058
Log likelihood	-1,328.4	-1,356.2	-1,542.8	-1,535.7	-1,524.5

^a Note that model 12 including fixed time effects appropriately excludes the lagged dependent variable.
^b Civil and international war measures are limited to the 1976–93 time period.
^c By convention, the coefficients on fixed time effects are not individually reported to save space.
⁺ $P < .10$.
^{*} $P < .05$.
^{**} $P < .01$.
^{***} $P < .001$.

Finally, a number of scholars have identified the very real possibility that our findings are influenced by an “information effect”; that our reporting sources from which we collect data on repression of human rights pay more attention to states that are more open to information exchange or that have recently signed on to an international human rights treaty. We take this possibility very seriously and have thus gone some lengths to investigate its merits. Although we cannot offer a definitive answer to the question, we can offer preliminary evidence to suggest that our findings are not simply a result of rising media attention to human rights violations after treaty ratification.

This evidence was collected through a small experiment. We first took a random sample of 15 state cases from our larger sample of 153 nations. We analyzed U.S. State Department human rights annual reports for each of our cases that had ratified the CAT. We examined three time points for each case: three years prior to ratification of the CAT, the year of CAT ratification, and three years after CAT ratification. For each case, we compared the contents of the source reports over time in terms of the number of words dedicated to the issue of torture, as well as the kind of information supplied by the reports—extensive, intermediate, or limited information. Our findings, presented in appendix C, suggest that there is no identifiable systematic bias toward increased reporting in word count or in kind of information after treaty ratification, although source reports on human rights abuse do vary over time. The nature of the reports does not appear to change appreciably after ratification, thus suggesting that our findings are not likely to be a unique result of increased reporting brought on by the act of ratification.

CONCLUSIONS

We motivated our analysis by discussing two competing sets of expectations and evidence about the impact of the expanding international human rights regime. While mainstream international relations scholars argue that the regime does not improve human rights practices, constructivists and international legal scholars point to some evidence that it does have a positive impact on local practices. We tease out the two aspects of the international human rights regime that are confounded in most of the existing literature: the international human rights treaty system and international civil society. Our theoretical framework, motivated by rational institutional and world society approaches, predicts that the legal regime has no effect or a negative effect on practice, but that global civil society has a positive impact on practice. Our empirical analyses confirm this paradox of empty promises thesis. There is no systematic evidence to suggest that ratification of human rights treaties in the UN system itself improves human rights practices, but the growing legitimacy of human rights ideas in international society, which the legal regime helped establish, provides much leverage for nongovernmental actors to pressure rights-violating governments to change their behavior.

Our first key findings about the impact of human rights treaties echo findings in recent studies on similar topics but move beyond them in terms of the coverage of time period and the number of treaties. Thus, we found that the negative effects of ratification of human rights treaties on the rights to security of the person apply to the six core treaties, and that this

trend has continued into the late 1990s. These findings cast some serious doubts on more optimistic arguments advocated by scholars of international law and by constructivists. Because of the strong pressures to ratify international human rights treaties and the relatively low cost of ratification, many governments ratify without the will or capability to align their domestic behavior with the provisions of the treaties. The act of ratification puts a legitimate face on the government; combined with an institutional lack of enforcement mechanisms, the act of ratification can also give governments a cover to violate citizens' rights.

Our second key finding about the positive impact of linkage to global society is an important contribution both to empirical studies of human rights politics and, from a theoretical standpoint, to the world society approach. Although many case studies have documented the effects of global human rights principles and international actors who enact these principles on local practices, few have systematically studied the impact of these international activities outside the treaty system. Our statistical analyses provide strong support for the scholars and observers who argue that global human rights activities have contributed to improvement in local practices.

Both findings demonstrate the importance of sorting out different mechanisms through which global forces operate to impact local action. By examining linkage to international civil society separately from linkage to the global human rights regime, we highlight the disparate effects these two types of linkage have on local human rights practices. Scholars and activists often decry lack of effective enforcement mechanisms to international human rights treaties. However, our findings suggest that despite weak institutions, international civil society has been using the legitimacy of human rights norms as defined and codified in the treaties to pressure governments to improve human rights practices. Civil society actors are essentially serving the function of much-needed enforcement mechanisms, although they are not a replacement for stronger institutions protecting human rights. Growing in number and strength, these civil society actors can often turn the "empty promises" by national governments on their heads to produce a global "paradox": improvement in human rights practices.

APPENDIX A

Data Collection on Human Rights (*Y*)

We have substantially updated existing data on repression of human rights collected by a number of scholars before us and generously offered by Steven Poe, 1976–93. Following the guidelines for coding specified in Poe

and Tate (1994), we applied methods of content analysis to the U.S. State Department annual human rights reports. For all available state cases from 1994 to 1999, we assigned a human rights value on a five-point scale, originally set forth in Gastil (1980) and described in the section on data. In order to ensure consistency with previous methods of coding, we employed two coders to analyze the content of each source and assign a numerical value. Intercoder reliability was recorded at roughly 90%, and we employed a third party to solve any discrepancies between coders. Since that time, Mark Gibney was kind enough to share his data (1980–2000) with us, and we have used those as a third check on our codings.²⁷

APPENDIX B

Predicted Probabilities

In order to further unpack our major empirical findings, we calculate predicted probabilities from the estimates presented in model 1 (of table 3 above). These predictions are a useful tool to examine whether our argument is consistent across the categories of the dependent variable for different types of states. This analysis is valuable because a number of scholars have suggested quite rightly that treaty ratification and linkage to international civil society may have a much greater impact on certain types of human rights violations—for example, rare repressors ($Y = 5$)—than they do on other types—such as widespread repressors ($Y = 3$). We recognize that our institutional argument may also offer more explanatory leverage for certain types of state polities—for example, autocracies—than others—such as democracies. If so, our findings may not be of equal significance to all states and, driven by the experiences of a certain type of state, may not be usefully generalizable. We thus seek to understand whether the effects we have identified in the time-series analyses apply consistently across different states.

In order to do so, we use the statistical procedure discussed in detail in Long (1997) to calculate the predicted probability that an average state is observed to employ rare repression [$\text{prob}(Y = 5|X)$] and widespread repression [$\text{prob}(Y = 3|X)$].²⁸

Table B1 reports the predicted probabilities (given our model and our data) that we observe an average democratic state employing rare or widespread repression, while at the same time taking into consideration

²⁷ We would like to thank both Steven Poe and Mark Gibney for generously sharing their data.

²⁸ Although we calculated predicted probabilities on all five categories of the dependent variable, we report on only two such categories in order to demonstrate our argument as simply as possible.

TABLE B1
 PREDICTED PROBABILITY OF HUMAN RIGHTS BY DEMOCRATIC STATE TREATY
 RATIFICATION AND LINKAGE TO INGOs, 1978–99

STATE LEVEL OF LINKAGE TO INGOs*	STATE NUMBER OF HUMAN RIGHTS TREATIES RATIFIED				STATE LEVEL OF REPRESSION†
	0	2	4	6	
None .....	.21	.25	.29	.33	Widespread
	.12	.10	.08	.06	Rare
Weak .....	.19	.23	.27	.32	Widespread
	.13	.11	.08	.06	Rare
Average .....	.18	.21	.25	.30	Widespread
	.15	.12	.09	.07	Rare
Strong .....	.14	.18	.21	.26	Widespread
	.18	.15	.12	.09	Rare

* INGO is a count variable ranging 0–3,127 observed memberships. For the purposes of calculation, None = 0, Weak = twenty-fifth percentile, Average = fiftieth percentile, and Strong = seventy-fifth percentile of membership.

† Level of repression is the dependent variable, *Y*. We calculate widespread repression, $\text{prob}(Y = 3|X)$, and rare repression, $\text{prob}(Y = 5|X)$.

variation across that state’s level of human rights treaty ratification and linkage to INGOs.²⁹ We interpret the table as follows. The first row and column suggest that a democratic state that has ratified no human rights treaties (0) and is not linked to international civil society (none) is 21% likely to practice widespread repression and only 12% likely to practice rare repression. As this state ratifies an increasing number of human rights treaties (represented in the table by a horizontal movement from left to right), it is progressively more likely to practice widespread repression and less likely to practice rare repression. As this state increasingly links to international civil society (represented in the table by a vertical movement from top to bottom), it is progressively less likely to practice widespread repression and more likely to practice rare repression. The probabilities allow us to examine the magnitude of these shifts.

Table B2 reports similar predicted probabilities for an average autocratic state. We interpret the table in the same way as the previous one: an average autocratic state drawn from our sample that has ratified no human rights treaties (0) and is not linked to INGOs (none) is 32% likely to practice widespread repression and only 6% likely to practice rare repression. As we move horizontally across the table rows, we see that this state is increasingly likely to have worse human rights practice as it ratifies a growing number of treaties. As we move vertically down the

²⁹ For the purposes of calculation, we define an “average” state as a state with mean values of GDP, trade, population, and past practice.

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TABLE B2
 PREDICTED PROBABILITY OF HUMAN RIGHTS BY AUTOCRATIC STATE TREATY
 RATIFICATION AND LINKAGE TO INGOs, 1978–99

STATE LEVEL OF LINKAGE TO INGOs*	STATE NUMBER OF HUMAN RIGHTS TREATIES RATIFIED				STATE LEVEL OF REPRESSION†
	0	2	4	6	
None .....	.32	.36	.41	.46	Widespread
	.06	.05	.04	.03	Rare
Weak .....	.30	.35	.39	.44	Widespread
	.07	.05	.04	.03	Rare
Average .....	.28	.33	.37	.42	Widespread
	.08	.06	.05	.03	Rare
Strong .....	.24	.28	.33	.37	Widespread
	.10	.08	.06	.05	Rare

* INGO is a count variable ranging 0–3,127 observed memberships. For the purposes of calculation, None = 0, Weak = twenty-fifth percentile, Average = fiftieth percentile, and Strong = seventy-fifth percentile of membership.

† Level of repression is the dependent variable, Y . We calculate widespread repression, $\text{prob}(Y = 3|X)$, and rare repression, $\text{prob}(Y = 5|X)$.

table columns, we see that this state’s human rights practice gets better as it increasingly links to global civil society.

These results clarify our findings that ratification of international human rights treaties are radically decoupled from state compliance with human rights norms but that linkage to international civil society improves human rights practices. Tables B1 and B2 draw attention to three aspects of the paradox.

First, the negative impact of international human rights treaties is greater on those states that employ widespread repression than on states that rarely employ repression. Repressive states that join the human rights regime become substantially more repressive as they ratify more treaties. In fact, in all cases, these tables show that states are greater than 10% more likely to employ widespread repression when they have ratified six human rights treaties than when they have ratified no treaties. The negative impact on nonrepressive regimes, shown as a decrease in predicted probabilities for the rare repressor category, ranges from three to nine percentage point changes. Such a finding is useful to verify that the effect we have identified is substantial in magnitude.

Second, the positive effect of state linkage to international civil society is greater on the human rights behavior of those states that employ widespread repression than on rare repressors. As repressive states open up their borders and allow their citizens to join a growing number of INGOs, these states are less likely to employ repression. The impact on repressive

regimes is seven to nine percentage points, while the impact on nonrepressive states ranges from two to six percentage points.

Third, these results are astonishingly consistent across democracies and autocracies (tables B1 and B2). Even though democratic governments are a great deal more likely to respect human rights than autocratic governments (and thus, to be rare repressors), both types of governments experience the paradox of empty promises. This finding may be surprising to many who believe that democratic governments are more responsive to international human rights law than autocratic governments, and it lends further support to the idea that the paradox is a truly global phenomenon.

APPENDIX C

The Information Effect

In table C1, we provide the data we collected in order to explore the possibility that our findings are influenced by an information effect. We randomly selected 15 states from our sample and examined U.S. State Department reports from which we cull our data for three time points: three years prior to ratification, the year of ratification, and three years after ratification. For each time point, we report the total *length* in words of the human rights report *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* (Amnesty International various years), as well as the *kind* of information provided by the report. We consider three categories: (1) *extensive reporting*, which offers detailed information about individuals tortured, specific individuals or governmental units charged with torture, or specific events of torture such as demonstrations and riots, as well as the enactment and implementation of specific national human rights legislation, commissions, policies, and other programs; (2) *intermediate reporting*, which offers some brief detail about individuals tortured or accused of torture, as well as the enactment and implementation of national human rights legislation; and (3) *limited reporting*, which offers information concerning the general occurrence of torture but very little detail about specific individuals tortured, specific individuals or governmental units charged with torture, or the enactment and implementation of specific national human rights legislation, commissions, policies, and other programs. We also report the values of our dependent variable *scores* for each case.

The results show that there is no observable systematic relationship between state ratification of the CAT and the length or kind of information reported by the U.S. State Department annual human rights sources that we use to code our dependent variable, although states often are reported

TABLE C1
THE INFORMATION EFFECT: DATA ON THE U.S. STATE DEPARTMENT

STATE	YEAR OF CAT RATIFICATION	U.S. STATE DEPARTMENT ANNUAL REPORTS								
		Three Years Prior to Ratification			Year of Ratification			Three Years after Ratification		
		Kind	Length	Score	Kind	Length	Score	Kind	Length	Score
Algeria	1987	3	162	4	1	401	4	2	284	4
Botswana	2000	2	250	5	2	868	5	2*	754	5
Benin	1992	1	272	3	3	110	5	3	80	4
Bulgaria	1986	2	130	3	2	308	3	1	329	3
Chad	1995	2	192	2	1	373	2	2	308	2
Czech Republic ...	1993	2	112	5	3	8	5	2	216	5
Ghana	2000	1	845	4	1	2,736	4	2	754	3
Japan	1999	2	382	5	2	651	5	2	894	5
Kuwait	1996	1	557	3	2	277	4	2	427	4
Mali	1999	3	166	5	2	465	4	1	245	4
Niger	1998	2	106	4	3	138	4	2	457	3
Tajikistan	1995	2	112	2	2	120	3	2	387	2
Tanzania [†]										
Venezuela	1991	2	155	4	1	385	3	1	1,014	2
Zambia	1998	2	144	3	1	839	3	1	1,566	3

* Sample taken in 2002 because 2003 report was not yet available.

[†] CAT not ratified.

to increase repression after ratification, as we predict. Both the length and kind of information correlate more with the level of repression than with state ratification of the CAT: when state violation of human rights is substantial, the report tends to be longer and more detailed. When the government does not practice repression, the report becomes brief, and the kind of information naturally becomes limited. This experiment demonstrates that the changes in human rights practice scores cannot be attributed to increasing or declining attention as a result of treaty ratification and further underscores the importance of the paradox we found in our data analysis.

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