

Journal of Conflict Resolution

<http://jcr.sagepub.com>

Why Do Countries Commit to Human Rights Treaties?

Oona A. Hathaway


Journal of Conflict Resolution 2007; 51; 588

DOI: 10.1177/0022002707303046

The online version of this article can be found at:

<http://jcr.sagepub.com/cgi/content/abstract/51/4/588>

Published by:

 SAGE Publications

<http://www.sagepublications.com>

On behalf of:

Peace Science Society (International)

Additional services and information for *Journal of Conflict Resolution* can be found at:

Email Alerts: <http://jcr.sagepub.com/cgi/alerts>

Subscriptions: <http://jcr.sagepub.com/subscriptions>

Reprints: <http://www.sagepub.com/journalsReprints.nav>

Permissions: <http://www.sagepub.com/journalsPermissions.nav>

Citations (this article cites 32 articles hosted on the SAGE Journals Online and HighWire Press platforms):

<http://jcr.sagepub.com/cgi/content/refs/51/4/588>

Why Do Countries Commit to Human Rights Treaties?

Oona A. Hathaway

Yale Law School

Yale University, New Haven, Connecticut

This article examines states' decisions to commit to human rights treaties. It argues that the effect of a treaty on a state—and hence the state's willingness to commit to it—is largely determined by the domestic enforcement of the treaty and the treaty's collateral consequences. These broad claims give rise to several specific predictions. For example, states with less democratic institutions will be no less likely to commit to human rights treaties if they have poor human rights records, because there is little prospect that the treaties will be enforced. Conversely, states with more democratic institutions will be less likely to commit to human rights treaties if they have poor human rights records—precisely because treaties are likely to lead to changes in behavior. These predictions are tested by examining the practices of more than 160 countries over several decades.

Keywords: *international law, human rights, democracy, torture, treaties*

At the dawn of the twenty-first century, more than 50,000 international treaties cover nearly every aspect of international relations and nearly every facet of state authority.¹ Most states have entered into treaties that limit their freedom to act in a variety of ways—from when and how they may wage war, to what tariffs they may charge on imported goods, and even to how they may behave toward their own citizens. Yet we still have much to learn about why treaties exist and why states join them.

For much of the last fifty years, these questions were largely ignored. Legal scholars took the importance of international agreements as a given. Political scientists

Author's Note: I thank participants in the University of Virginia School of Law International Law Colloquium, the Yale Law School Human Rights Workshop, the 2006 Midwest Political Science Association Conference, Bruce Ackerman, Ian Ayres, Nathaniel Beck, Jack Donnelly, John Donohue, Robert Ellickson, Matt Golder, Jacob Hacker, Daniel Ho, Alvin Klevorick, Andrew Moravcsik, Eric Neumayer, Daniel Rothenberg, Peter Schuck, Alan Schwartz, and James Vreeland for helpful comments and Amanda Cowley, Galit Sarfaty, Craig Estes, Firat Inceoglu, Michele Kane, Neil Austin, Alan Schoenfeld, and especially A. V. Chari and Alexandra Miltner for research assistance. Thanks also to Christina Wanke and others at Human Rights Internet for assistance in obtaining the most accurate historical data available regarding human rights nongovernmental organizations and to Katherine Tragos for compiling and recording the data. Replication materials are at <http://jcr.sagepub.com/cgi/content/full/51/4/588/DC1/> and <http://www.law.yale.edu/faculty/oonahathaway.htm>.

viewed them as largely epiphenomenal of the interests of the most powerful states. This has begun to change. During the last decade in particular, scholars on both sides of the disciplinary divide have sought answers to long-ignored questions and in the process have opened the door to a deeper understanding of the role of international law in shaping state behavior.²

This article aims to pry the door open even further by examining states' decisions to commit to international human rights treaties. This project serves several purposes. First and foremost, it is of intrinsic value. The treaties examined here constitute a significant part of the core of international human rights law. Yet the treaties have no binding legal power unless and until states ratify them. Hence, understanding why some states ratify a treaty immediately after it opens for signature while others wait forty or more years to do so is important for understanding the growth and evolution of international human rights law during the last half-century. This knowledge can be used, moreover, to fashion more effective international human rights law.

This project also promises to offer a glimpse into how international law shapes state behavior beyond simple decisions to ratify. For instance, if states are rational actors, then we can learn something about the effects states anticipate will flow from treaties by examining what makes ratification more or less likely. And finally, by better understanding how international human rights law functions, we can gain insights into the workings of international law more generally—what motivates states to behave as they do when faced with international law.

Human rights treaties provide an ideal starting point for understanding state commitment decisions because they constitute the paradigmatic hard case. Human rights treaties do not offer states any obvious reciprocal benefits, as do many other treaties. It seems fairly obvious why a state would join an agreement that, for example, requires the state to charge lower tariffs on incoming goods—it does so in large part because the same agreement requires other parties to give its own exports favorable treatment. It is much less obvious why a state would join an agreement that requires it to provide fair trials when all the state explicitly receives in return is a reciprocal promise by other members to treat their own citizens with similar respect.

The area of human rights has become one of increasing interest to scholars. In one of the earliest modern empirical works in this vein, Andrew Moravcsik (2000, 228-29) examined the origins of the postwar European human rights regime and draws the counterintuitive conclusion that potentially unstable democracies are likely to be the strongest advocates for a binding human rights regime, whereas established democratic nations and dictatorships are likely to resist such a regime because of the relative balance in each group of countries of sovereignty costs against the marginal benefits of enhanced political stability. Several scholars, including myself, have also examined compliance with human rights treaties.³ There has been less attention, however, to why nations join human rights treaties in the first place—why, in other words, countries commit.⁴

This article outlines an approach to understanding state decisions to ratify human rights treaties that embeds insights from existing scholarship within a broader framework of state behavior under international law. The approach focuses attention on two ways in which international law shapes what countries do: through legal enforcement of the terms of the treaty by domestic or international institutions and through the collateral consequences that come about when actors change the way they act toward the state as a result of the state's decision to accept (or not accept) international legal rules.⁵

My framework lays special stress on the reciprocal relationship between compliance with treaties and commitment to them. I argue that states take into account the likely costs and benefits of complying with a treaty (as determined primarily by legal enforcement and collateral consequences) when they decide whether to commit to a treaty. In other words, whether states will commit to a treaty depends in significant part on whether they expect to comply with it once they join. Commitment also depends on the costs and benefits of complying with the treaty. Furthermore, we must expand our understanding of which costs and benefits matter. We need to take account of the domestic legal enforcement of treaties as well as international legal enforcement. And we need to take account of indirect—or collateral—effects of treaties as well as those that are more direct.

This approach leads to several testable predictions. It predicts that states with less democratic institutions will be no less likely to commit to human rights treaties if they have poor human rights records than if they have good ones—because there is little prospect that the treaties will be enforced against the state. Conversely, it predicts that states with significant democratic constraints on government will be less likely to commit to human rights treaties if they have poor human rights records than if they have good ones—precisely because they are the countries where the treaties are most likely to lead to changes in behavior. I test this and other predictions on the practices of more than 160 countries during a period of several decades. I conclude by considering how treaties should be designed to better achieve their goals in light of the findings and outline several avenues for future research.

Why Do States Commit?

To understand why states commit to treaties, one must begin by considering what effect the treaties will have on them once they have joined. In other words, the anticipated positive and negative effects of international laws on states deeply influence the choice of states to accept international legal commitments in the first place. Because international treaties are not binding on states unless they choose to be bound, the effects of treaties depend on who agrees to be bound. And who agrees to be bound, in turn, depends on the treaties' likely effects.⁶

Before we examine states' decisions to ratify human rights treaties, it is worth pausing to examine the treaties and the requirements they impose on the states that ratify them. As a general matter, human rights treaties specify the rights of persons that the state must respect. In assuming an obligation under a human rights treaty, a state usually assumes an obligation not only to other state parties and their citizens but also (indeed, often most centrally) to the state's own citizens. The three treaties analyzed in this article are three of the core universal human rights treaties. Together, they form the mainstay of the international legal human rights regime.

The first—the 1987 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT)—was, until recently, regularly celebrated as one of the most successful international human rights treaties. In ratifying the convention, states consent not to intentionally inflict “severe pain or suffering, whether physical or mental” on any person to obtain information or a confession or to punish that person or to intimidate or coerce him or a third person.⁷ The treaty does not provide for any international enforcement of its terms, but it does require member states to report annually to a committee at the United Nations (a requirement that is poorly enforced and frequently not observed). Articles 21 and 22 to the CAT offer states the opportunity to accede to stronger enforcement methods. Article 21 allows a state party to declare that it accepts the competence of the committee to receive and consider communications by another state party indicating that it is not fulfilling its obligations under the convention. Article 22 allows a state party to extend the same right to individuals who claim to be the victims of a violation of the treaty by the state party.

The 1976 International Covenant on Civil and Political Rights (ICCPR) outlines a broad commitment to a wide array of civil and political rights, including liberty and security of the person; equality of all persons before courts and tribunals; the right to freedom of thought, conscience, and religion; equality before the law; and the right of peaceful assembly and freedom of association. As with the CAT, state parties are required to submit reports on the measures they have adopted to give effect to the rights guaranteed in the treaty, though there is almost no enforcement of this requirement. An Optional Protocol to the ICCPR provides that states that separately ratify the protocol agree to allow individuals that claim to be victims of violations of any of the rights set forth in the covenant to file a complaint with the Human Rights Committee created to administer the treaty.

The third treaty is the 1981 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It condemns any “distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”⁸ As this quotation suggests, the treaty is wide ranging. It includes provisions on women's equality in political life, access to work, access to legal institutions,

and access to education. Like the other two treaties, the CEDAW does not provide for enforcement of its terms, but it does require state parties to submit reports to a designated UN committee (a reporting requirement that is often ignored with impunity).⁹

Although they cover immensely diverse subjects, the central shared goal of each of these treaties is to define and protect the rights of individuals against abuse by their own governing institutions. States therefore do not tend to have reciprocal interests in enforcing the terms of the treaty against one another. Hence a threat of informal tit-for-tat retaliation is simply not a viable option in this context—a fact that is generally true of human rights treaties (it is inconceivable that a state would threaten to torture its own citizens to retaliate against another country for torturing its own citizens). More formal international legal enforcement of the treaties is minimal to nonexistent.¹⁰ International institutions do not levy or authorize any substantial legal sanctions against nations for violations of most universal human rights treaties.¹¹ Hence, while all of these treaties formally create hard law commitments (they are legally binding), they have soft-law characteristics (they are essentially unenforceable through traditional means).¹² The Optional Protocol to the ICCPR and Articles 21 and 22 to the CAT create harder obligations than the other legal instruments examined here, for they establish more formal (if infrequently used) enforcement mechanisms. An issue of interest is therefore whether states treat these legal commitments differently as a consequence.

If states cannot enforce the treaties against one another through tit-for-tat sanctions and international legal sanctions are largely nonexistent, what, if anything, allows the treaties to have any effect on state behavior at all? I argue that two central dynamics influence state decisions to commit to and comply with human rights treaties: *domestic legal enforcement* of the terms of the treaty and the *collateral consequences* of the decision—the expected reactions of individuals, states, and organizations to the state's decision to commit to the treaty and then to abide or not abide by its terms.¹³ I now outline each category and examine how the incentives can be expected to influence states' decisions to commit to international human rights treaties.

Domestic Legal Enforcement

The terms of a treaty constrain what member states can do and specify what benefits they can expect. Yet to determine the actual effect of a treaty on a state, one must do more than examine how far a state's practices fall short of the requirements of the treaty. One must also consider whether the state will change its behavior to abide by the treaty. This in turn depends in part on whether and how the terms of the treaty will be enforced against the government within the state itself.¹⁴

Because there is almost no international enforcement of most human rights treaties, some scholars have treated the treaties as essentially dead letters—as mere

cheap talk with virtually no impact on state practice. But this ignores a side of the legal enforcement of treaties that is at least as important as international enforcement—domestic legal enforcement. Every state is constrained to a greater or lesser extent by domestic legal and political institutions. How constrained it is depends on the degree to which those outside the government can enforce the state's legal commitments.¹⁵ Where powerful actors can hold the government to account, international legal commitments are more meaningful. Where there are no such constraints, even formally binding treaties may be ignored with relative impunity. (This is not to say, of course, that individuals and organizations will always favor enforcement of human rights treaties but simply that the treaty commitment can empower those who do favor enforcement; it can give them a tool that they would not otherwise have.)

The studies of compliance with human rights treaties support the claim that human rights treaties are most likely to be effective where there is domestic legal enforcement of treaty commitments. The latest study, for example, suggests that fully democratic states that ratify the CAT have lower rates of torture than if they have not ratified. Nondemocratic states that ratify, however, have higher rates of torture. Similarly, fully democratic states that ratify the ICCPR have lower rates of violation than if they have not ratified. By contrast, nondemocratic states that ratify have higher rates of violation.¹⁶

This evidence of effective human rights commitments should be heartening to supporters of international law, since it demonstrates that treaties can change state behavior even in the absence of international enforcement. And yet this success comes at a price: Treaties that are more effective are also more costly. Governments that anticipate that domestic actors may force them to change their behavior to abide by a treaty are likely to expect to be more constrained by their treaty commitments. This can be true even if the government supports the substance of the treaty, because it has the effect of removing discretionary power from the executive and handing it to the legislature, which is often charged with implementing the treaty, and the judiciary, which is charged with interpreting it. (This same dynamic may in some cases, of course, weigh in favor of ratifying treaties. Sometimes executives may want to relinquish decision-making power to avoid electoral wrath for unpopular decisions or to bind their successors.) Particularly in the case of broadly worded treaties with significant scope—including most human rights treaties—governments of democratic states where there are many human rights violations are likely to be wary of the costs that might be imposed by a treaty and reluctant to give up control to the legislature and an independent judiciary. States with democratic institutions that do not already conform to a human rights treaty will consequently be less likely to commit to it—all other things being equal—than they would if they had weaker internal constraints.

If there is one consistent message of the empirical literature on human rights, it is that democracies are less likely to engage in human rights abuses.¹⁷ One might

ask, then, how often the threat of domestic enforcement really matters; how often, that is, do democratic states violate human rights? The empirical evidence shows that although democratic states tend to have better human rights records than those that are not democratic, they are not above reproach. The dataset analyzed here includes thousands of observations in which democratic states (rated 6 or above on a 1 to 10 scale of democracy) engaged in human rights violations. There are 1,051 observations or “country-years” in which some torture was reported in a democratic state (Democracy \geq 6), over 800 observations of political terror, 1,415 observed violations of civil freedom, 679 observed instances in which fair trials were not granted, and 703 instances of higher reported literacy rates in men than in women.¹⁸ Albania, Argentina, Armenia, Bangladesh, Bolivia, Brazil, Bulgaria, Chile, Columbia, Costa Rica, Croatia, Dominican Republic, Ecuador, El Salvador, Estonia, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Israel, Italy, Jamaica, Latvia, Lithuania, Malawi, Mali, Mexico, Moldova, Mongolia, Mozambique, Namibia, Nepal, Nicaragua, Paraguay, Philippines, Portugal, Romania, Russia, Senegal, South Africa, Spain, Sri Lanka, Thailand, Turkey, Ukraine, Uruguay, and Venezuela are the countries rated semidemocratic or democratic that had reports of violations in the year 2000. These states, I argue, are more reluctant to join international human rights treaties than are democracies with no violations.

Several specific predictions about state behavior arise from these general claims. To begin, the focus on domestic legal incentives leads to a counterintuitive prediction: a state’s willingness to commit to a treaty will be influenced not simply by the amount by which its practices diverge from the standard of conduct outlined in the treaty but also by how likely domestic institutions are to require the government to change state practices to conform to the treaty requirements. Put more provocatively (if a bit less precisely), all other things held equal, the more likely a country is to change its human rights behavior as a consequence of committing to a treaty, the less likely it will be to ratify the treaty in the first place.

To test this claim, I created a variable (*Democracy*Rights Violations*) that interacts a measure of human rights violations with a measure of Democracy.¹⁹ The Democracy variable, drawn from the well-regarded Polity dataset, measures a variety of democratic constraints on government behavior, including the presence of institutions and procedures through which citizens can express preferences about alternative policies and leaders and the presence of constraints on the chief executive, including an independent judiciary. The measure of the human rights violations varies according to the treaty. Hence, I use a measure of torture and two separate measures of political terror in the analysis of the Convention Against Torture, a measure of civil freedom and fair trials for the International Covenant on Civil and Political Rights and the Optional Protocol, and the difference between men’s and women’s literacy rates for the Convention on the Elimination of All Forms of Discrimination Against Women (for more details on these measures, see the appendix).

I expect that the higher this interacted variable, the lower the chance that a state will commit to a human rights treaty. The higher the state's violations in a given area, the more the state would have to change to bring its practices into compliance with the requirements of the treaty. But whether it will in fact bear those costs depends in significant part on whether the treaty is domestically enforced: The stronger the enforcement at home (through domestic legal and political institutions), the more likely the state is to honor its legal commitments and hence actually realize the compliance costs. The expectation that the state will bear real and potentially substantial compliance costs (or at the very least, have its failure to comply exposed by its "accountability groups") leads states with strong domestic enforcement and poor practices to be less likely to commit to a treaty as a consequence. At the same time, states with weak domestic enforcement will be no less likely to commit to a treaty if its practices are poor than if they are good. Indeed, as discussed next, it is possible that states with weak domestic enforcement and poor practices might commit to obtain the collateral benefits that come with treaty membership despite the fact that the states are likely to be in violation of the treaty's requirements.

Collateral Consequences

The decision to commit to a treaty—whether, that is, voluntarily to accept legal limits on their right to act as they wish—has collateral as well as legal consequences. These collateral consequences arise from the reactions of domestic or transnational²⁰ actors to the state's decision to commit to the treaty. Unlike legal enforcement, collateral consequences are not structured by the terms of the treaty but instead arise from interactions that fall outside its bounds.²¹ Because they are not part of the formal structure of the treaty, these effects are often ignored. Yet they can prove to be just as important as, if not more important than, formal legal enforcement of the treaty requirements in influencing states' behavior.

Collateral consequences can be generated at the domestic level when treaty commitment or compliance spurs domestic actors to act differently than they would in the absence of a treaty. Although the range of possible collateral consequences is large and the effects are often difficult to measure and test, it is nonetheless possible to arrive at several specific testable predictions about states' decisions to ratify human rights treaties.

First and foremost, domestic collateral consequences can lead states with more democratic forms of government and hence greater constraints on executive action to commit to human rights treaties. The governments in such states may be more likely to attempt to achieve some policy goals by committing to treaties because executives in such states frequently have more control over the process of making and committing to treaties than they do over the legislative process. In states with democratic forms of government, a body separate from the executive (usually the

legislature) initiates most or all legislation.²² Yet these same states almost always permit the executive to negotiate and sign treaties and to submit them to the legislature (or other approving body) for ratification. Hence, treaties offer executives in such states a tool to forward policy goals that may otherwise be more difficult for them to achieve. States with more limited executives might also find human rights treaties more normatively appealing than do those with less limited executives. They may be more amenable in particular to the ideas and commitments expressed in human rights treaties—that is, that the government should be limited and should not be unfettered in its dealings with its own citizens. This claim can be evaluated in part by looking at the variable *Democracy*, which measures the general openness of political institutions—including whether the executive is limited by accountability groups, including legislatures, councils of nobles, the military, and a strong and independent judiciary (as discussed below, the interpretation of this variable is complicated by the fact that it is also included as an interacted variable). I expect that the higher the Democracy (the variable ranges from 0 [low] to 10 [high]), the greater the chance will be that the state will commit to a human rights treaty.

Second, states with large numbers of human rights advocacy groups should be more likely to commit to human rights treaties. Specifically, I expect that nations with higher numbers of human rights nongovernmental organizations (NGOs) will be more likely to commit to human rights treaties because they are likely more hospitable to and are subject to more pressure from human rights organizations. (As a general matter, there do not tend to be strong constituencies against ratifying human rights treaties, as there might be against committing to, for example, environmental or trade treaties.²³) I therefore include a variable that measures the number of all of the human rights NGOs that have an office in the country (*Human Rights NGOs*).²⁴ I expect that as the number of NGOs increases, the chance that states will ratify human rights treaties will also increase.

A state's decision to accept a voluntary international legal commitment may generate reactions not only from domestic actors but from transnational actors as well—reactions that fall outside the legal framework of the treaty. These collateral consequences may come about through the linking of foreign aid, trade, or other transnational relationships to the state's decision to ratify an international agreement. For example, states that wish to join the European Union must first join the European Convention on Human Rights, and those wishing to take advantage of the European Union's Generalized System of Preferences must first ratify several human rights treaties. Even the World Bank—previously known for its reluctance to let social issues influence its decisions—now frequently takes into account state human rights practices when deciding whether to provide loans.²⁵ Collateral consequences may also come from an NGO's publicizing of a state's failure to meet its treaty obligations, a decision by investors to withdraw or withhold funds, or a decision by a country to withhold foreign aid. They might also come about even more indirectly by shaping the way a country is viewed by the international community,

which in turn has very real consequences for that country's material interests, including foreign investment, aid donations, and international trade. Together, these transnational collateral consequences can create powerful incentives for states to commit to treaties—incentives that can sometimes lead them to act in ways that would otherwise be perplexing.²⁶

These general claims again give rise to three specific predictions. First, transnational collateral consequences may have important effects on transitional states. These new and sometimes unstable regimes have no existing track record to help or hurt them in their efforts to attract foreign capital, trade, aid, and political support. They may therefore take actions that signal an intention to become good international citizens. In the area of human rights, in particular, newer regimes may aim to distance themselves from past governments. I therefore expect that newer regimes will be more likely to join human rights treaties than older regimes (all things being equal), because newer regimes have more to gain from establishing a reputation for a commitment to human rights and a desire to distance themselves from abuses by prior regimes to obtain collateral benefits such as investment, trade, aid, and political support. I test this claim with a variable that indicates whether the current regime has held power in the country for fewer than ten years (*New Regime*). I expect that new regimes will be more likely to ratify a human rights treaty. In contrast with Moravcsik (2000) and others, I do not expect that the effect is conditioned on whether the state is newly democratic.

Second, collateral consequences can also have the perverse effect of discouraging the states that can most easily comply with their international legal commitments from making them in the first place. States that already have strong human rights reputations may find that they can obtain few additional collateral benefits by ratifying one more human rights treaty. They may also be more sensitive than those with weaker records to the disclosure of any violations of the terms of a treaty. States that have weak human rights records, on the other hand, may find that they have more to gain from ratifying a treaty and less to lose—even though the likelihood that their actions will violate the terms of the treaty is greater, the cost of such revelations is likely to be lower. I therefore predict that countries with poorer human rights practices will be no less likely to sign and ratify human rights treaties than would otherwise be expected.²⁷ That is because, as noted earlier, countries with better practices may expect fewer collateral benefits and more potential collateral costs for committing than might countries with poorer practices.

Finally, as the rate of ratification of a treaty within a region grows, individual countries within that region may become more likely to commit to the treaty to obtain collateral benefits. If a country lies in a region in which human rights norms are highly valued, it will seek to demonstrate its commitment to these shared norms and thereby smooth relations with other countries within the region—countries that because of their proximity, are more likely to engage with them in trade and security alliances (or if things go poorly, military battles). I therefore include a variable that measures

the rate at which nations within the same region ratify the treaty under examination (*Regional Ratification Rate*), and I expect that a higher regional ratification rate will lead to an increased chance that a state will ratify a human rights treaty.²⁸

Some of the specific predictions made here are similar to those made by other theories of state behavior, even if the particular reasoning leading to them is not. Liberal theories of international law²⁹ would predict that highly democratic regimes are more likely than less democratic regimes to ratify treaties. Hence, a positive result for the *Democracy* variable would also be consistent with the liberal hypothesis. Similarly, norm-based theories would predict that states in which transnational human rights NGOs are active are more likely to ratify human rights treaties.³⁰ Hence, they would expect (again, as do I) that as the number of NGOs (*Human Rights NGOs*) increases, the chance that a state will ratify a human rights treaty will also increase.³¹

Testing the Claims

A descriptive theory of international law is only as good as its predictions are accurate. Therefore, I use a hazard analysis to test the strength of the specific predictions regarding states' willingness to commit to human rights treaties. The results provide strong support for the predictions made above.³²

The dependent variable is a dichotomous variable that indicates whether the state has ratified the relevant treaty or treaty provision.³³ The dataset includes over 160 countries during a period of several decades.³⁴ Table 1 provides summary statistics on the variables. (The appendix contains more detailed descriptions of the variables and their sources.) I analyze the data using a Cox proportional hazard model with robust standard errors adjusted for clustering by country.³⁵ The results are robust to many different variations in the independent variables.

Tables 2 through 6 report the results of the hazard analyses for the CAT (Table 2), Articles 21 and 22 to the CAT (Table 3), the International Covenant on Civil and Political Rights (Table 4), the Optional Protocol to the ICCPR (Table 5), and the CEDAW (Table 6).³⁶ They include the hazard ratios with robust standard errors in parentheses (the hazard ratio is equal to the antilog of the coefficient). I report hazard ratios because they are convenient to interpret. A ratio greater than 1 indicates that the hazard is increasing as the value of the covariate increases by a unit. A ratio smaller than 1 indicates that the hazard is decreasing as the value of the covariate increases by a unit. Interpreting a hazard ratio as a percentage simply requires subtracting 1 from the hazard ratio and multiplying by 100.

Rather than discuss each set of results for each treaty individually, I consider them as a whole as I examine whether they support or fail to support the claims made above. In particular, I look at whether the results support the claims made earlier that domestic legal enforcement and collateral consequences are important determinants of a state's decision to ratify a treaty or not.

Table 1
Summary Statistics (1972-2005)

Variable	Observations	Mean	Standard Deviation	Min.	Max.
CAT Ratification	5,159	0.28	0.45	0	1
Articles 21 and 22 Acceptance	5,159	0.11	0.31	0	1
ICCPR Ratification	5,159	0.53	0.50	0	1
Optional Protocol Ratification	5,159	0.29	0.45	0	1
CEDAW Ratification	5,319	0.49	0.50	0	1
Human Rights NGOs	3,141	2.99	9.35	0	1834
New Regime	4,651	0.45	0.50	0	1
Democracy	4,560	3.77	4.21	0	10
Torture	3,473	1.23	0.75	0	2
Political Terror (Amnesty)	3,135	1.73	1.09	0	4
Political Terror (State)	3,426	1.51	1.16	0	4
Civil Freedom	4,876	3.14	1.92	0	6
Fair Trial	2,382	1.32	0.93	0	3
Difference in Literacy Rates	3,336	1.28	1.19	-2.60	4.40

Note: CAT = Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment; ICCPR = International Covenant on Civil and Political Rights; CEDAW = Convention on the Elimination of All Forms of Discrimination Against Women; NGOs = nongovernmental organizations.

Table 2
Factors Influencing States' Ratification of the CAT—1984 to 2003

Measure	Torture	Political Terror Scale (Amnesty)	Political Terror Scale (State)
Democracy*Rights Violations	0.919 (0.033)**	0.962 (0.021)*	0.94 (0.021)***
Rights Violations	1.577 (0.382)*	1.078 (0.147)	1.074 (0.133)
Democracy	1.172 (0.060)***	1.097 (0.043)**	1.095 (0.039)***
Human Rights NGOs	1.005 (0.006)	1.004 (0.008)	1.077 (0.031)**
New Regime	2.242 (0.504)***	2.064 (0.462)***	2.531 (0.581)***
Regional Ratification Rate	1.021 (0.006)***	1.026 (0.006)***	1.023 (0.006)***
Wald chi-square	43.89***	46.16***	51.66***
Number of countries	152	144	148
Number of ratifications	105	100	107
Time at risk	1441	1365	1442
Log-likelihood	-437.98	-410.59	-441.16

*significant at 10 percent. **significant at 5 percent. ***significant at 1 percent.

Table 3
Factors Influencing States' Acceptance of Enforcement
under Articles 21 and 22 to the CAT—1984 to 2003

Measure	Torture	Political Terror Scale (Amnesty)	Political Terror Scale (State)
Democracy*Rights Violations	0.839 (0.078)*	0.939 (0.043)	0.887 (0.043)**
Rights Violations	2.913 (2.245)	1.062 (0.381)	1.201 (0.431)
Democracy	1.545 (0.254)***	1.288 (0.116)***	1.312 (0.114)***
Human Rights NGOs	1.014 (0.007)**	1.008 (0.007)	1.11 (0.037)***
New Regime	1.718 (0.628)	1.272 (0.544)	1.626 (0.702)
Regional Ratification Rate	1.019 (0.008)**	1.022 (0.007)***	1.015 (0.005)***
Wald chi-square	67.77***	76.97***	103.74***
Number of countries	158	150	153
Number of acceptances	42	37	41
Time at risk	2174	2081	2186
Log-likelihood	-173.7	-148.87	-163.33

*significant at 10 percent. **significant at 5 percent. ***significant at 1 percent.

Table 4
Factors Influencing States' Ratification of the ICCPR—1972 to 2003
(Civil Freedom) and 1985 to 2000 (Fair Trial)

	Civil Freedom	Fair Trial
Democracy*Rights Violations	0.93 (0.026)***	0.975 (0.042)
Rights Violations	1.05 (0.172)	0.963 (0.218)
Democracy	1.277 (0.120)***	1.087 (0.082)
Human Rights NGOs	0.992 (0.006)	1.024 (0.036)
New Regime	4.036 (1.217)***	3.128 (0.977)***
Regional Ratification Rate	1.007 (0.008)	1.008 (0.009)
Wald chi-square	34.06***	28.07***
Number of countries	86	78
Number of ratifications	58	48
Time at risk	849	736
Log-likelihood	-207.29	-170.79

*significant at 10 percent. **significant at 5 percent. ***significant at 1 percent.

Table 5
Factors Influencing States' Ratification of the Optional Protocol
to the ICCPR—1972 to 2003 (Civil Freedom) and 1985 to 2000 (Fair Trial)

	Civil Freedom	Fair Trial
Democracy*Rights Violations	0.942 (0.024)**	0.948 (0.038)
Rights Violations	0.792 (0.150)	1.104 (0.295)
Democracy	1.218 (0.111)**	1.24 (0.077)***
Human Rights NGOs	0.887 (0.042)**	0.875 (0.057)**
New Regime	3.999 (1.471)***	2.607 (0.803)***
Regional Ratification Rate	1.01 (0.006)*	1.011 (0.007)
Wald chi-square	55.46***	38.76***
Number of countries	132	126
Number of ratifications	62	52
Time at risk	1611	1359
Log-likelihood	-244.86	-211.91

*significant at 10 percent. **significant at 5 percent. ***significant at 1 percent.

Table 6
Factors Influencing States' Ratification of the CEDAW—1979 to 2002

	Difference in Literacy Rates ([Male-Female]/10)
Democracy*Rights Violations	0.962 (0.022)*
Rights Violations	1.149 (0.184)
Democracy	1.132 (0.046)***
Human Rights NGOs	1.042 (0.043)
New Regime	2.294 (0.529)***
Regional Ratification Rate	1.016 (0.006)**
Wald chi-square	50.04***
Number of countries	70
Number of ratifications	59
Number of observations	516
Log-likelihood	-190.59

*significant at 10 percent. **significant at 5 percent. ***significant at 1 percent.

Domestic Legal Enforcement

I claimed earlier that where domestic legal enforcement is greater, states with poor human rights records will be less likely to ratify human rights treaties. This appears to be true. For all the treaties, the results show that the variable I included to test this claim, *Democracy*Prior Rights Violations*, is associated with a decreased chance that states will ratify the treaties analyzed. The tables above show that in all but two instances, the variable produces statistically significant results indicating that an increase in the variable is associated with a decrease in the likelihood that states will ratify the relevant treaty. These results are striking because the analyses show no statistically significant results for the variables that measure states' human rights violations when not interacted with Democracy (the uninteracted "human rights violation" variables effectively measure the effect of higher rights violations when Democracy is equal to 0).³⁷

While these results are informative, they remain limited. To begin with, it is misleading to think of increasing the interacted variable while holding all others constant—for that cannot in fact be done. Moreover, the results do not indicate whether human rights violations have a statistically significant impact on treaty ratification when Democracy is greater than 0. As a result, I graphically illustrate the marginal effect of human rights violations on the ratification of human rights treaties across the different levels of democracy for each treaty in Figures 1-11.³⁸ The solid sloping line shows how the marginal (or partial) effect of human rights violations on the likelihood of ratification (the x-axis reflects the hazard ratio) changes with the level of Democracy. Confidence intervals of 95 percent around the line show when the conditions under which the effect is statistically significant—they have a statistically significant effect whenever the upper and lower bounds of the confidence interval are both above (or below) the 1 line. For example, Figure 1 shows that when Democracy is at its lowest level, a one-point increase in torture levels is associated with a point estimate increase in the chance of ratification of roughly 40 percent (the hazard ratio is about 1.4).³⁹ The hazard ratio falls as Democracy levels increase so that a country with a 5 Democracy rating is slightly more likely to ratify the convention for each point increase in torture, and a country with a 6 is slightly less likely to ratify. This trend continues until Democracy reaches 10, when a point increase in torture is associated with a roughly 30 percent lower likelihood of ratification (notably, this is the first point at which the effect is statistically significant).

The other figures reflect similar trends. All but Figures 8 and 9 (on the ICCPR and Optional Protocol, respectively) show that the marginal effect of human rights violations on the likelihood of ratification is initially above 1 (suggesting a positive effect), falling to less than 1 (suggesting a negative effect) as Democracy increases. Interestingly, in no case is the positive effect statistically significant (the confidence interval is never fully above the 1 line). In five of the figures (Figures 2, 3, 5, 6, 7),

(text continues on p. 608)

Figure 1
The Partial Effect of Torture on the Likelihood of Ratifying the CAT
across Levels of Democracy (with 95 percent confidence interval)

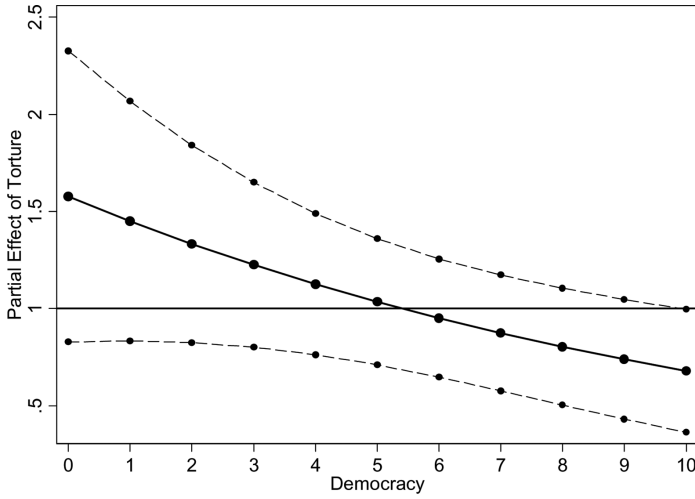


Figure 2
The Partial Effect of Political Terror (Amnesty) on the Likelihood of Ratifying the CAT
across Levels of Democracy (with 95 percent confidence interval)

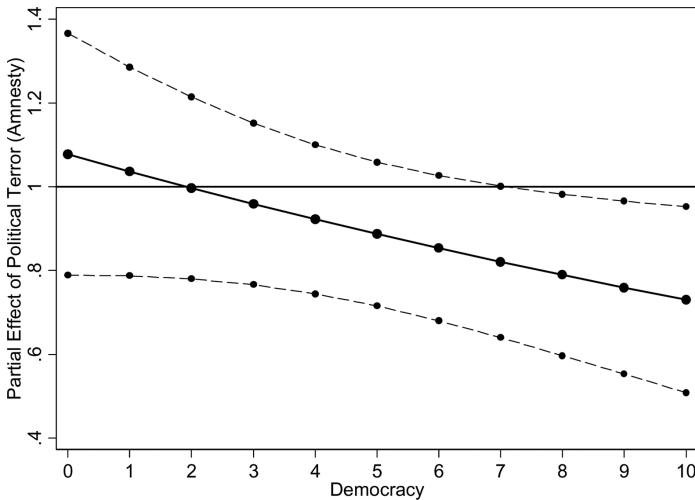


Figure 3
The Effect of Political Terror (State) on the Likelihood of Ratifying the CAT across Levels of Democracy

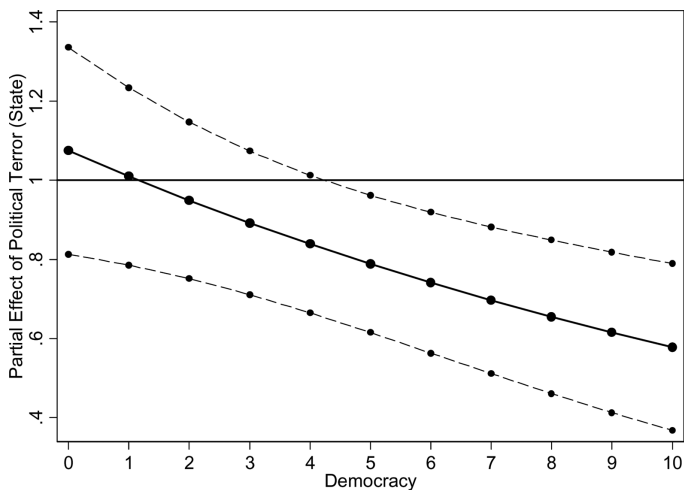


Figure 4
The Partial Effect of Torture on the Likelihood of Ratifying Articles 21 and 22 of the CAT across Levels of Democracy (with 95 percent confidence interval)

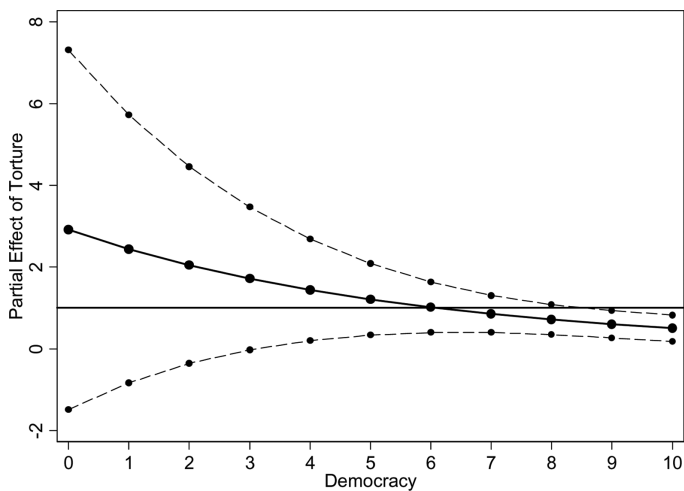


Figure 5
The Partial Effect of Political Terror (Amnesty) on the Likelihood of Agreeing to Articles 21 and 22 of the CAT across Levels of Democracy

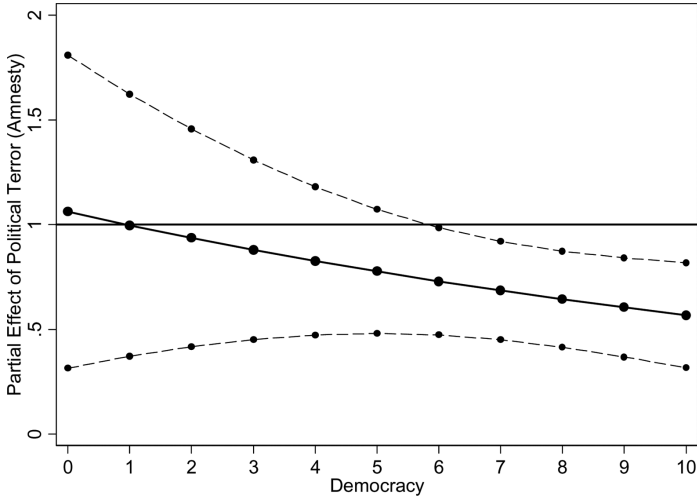


Figure 6
The Partial Effect of Political Terror (State) on Agreeing to Articles 21 and 22 of the CAT across Levels of Democracy (with 95 percent confidence interval)

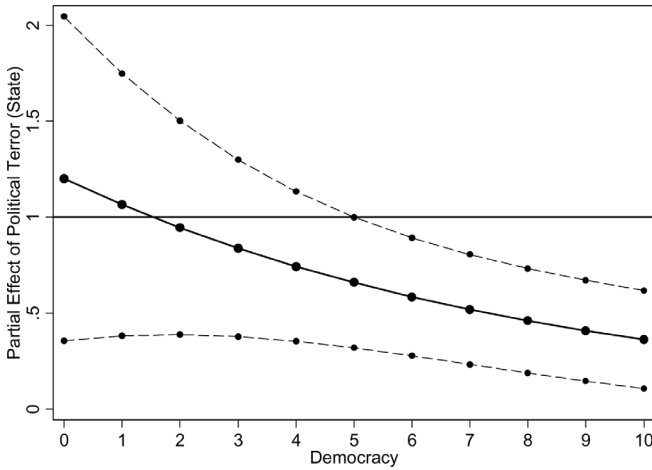


Figure 7
The Partial Effect of Civil Freedom Violations on the Likelihood of Ratifying the ICCPR across Levels of Democracy (with 95 percent confidence interval)

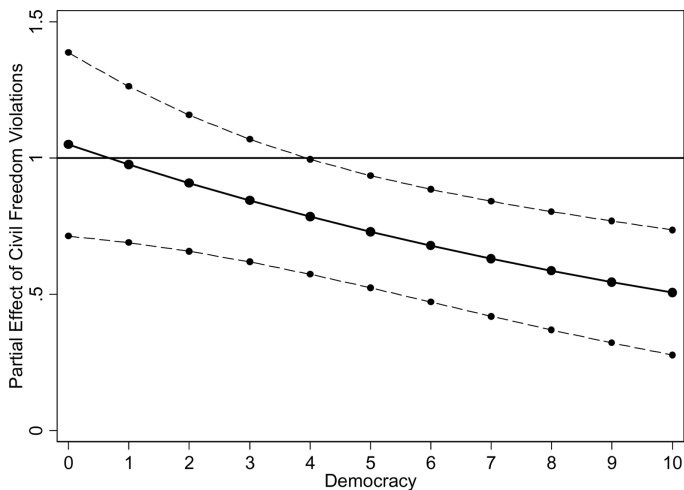


Figure 8
The Partial Effect of Fair Trial Violations on the Likelihood of Ratifying the ICCPR across Levels of Democracy (with 95 percent confidence interval)

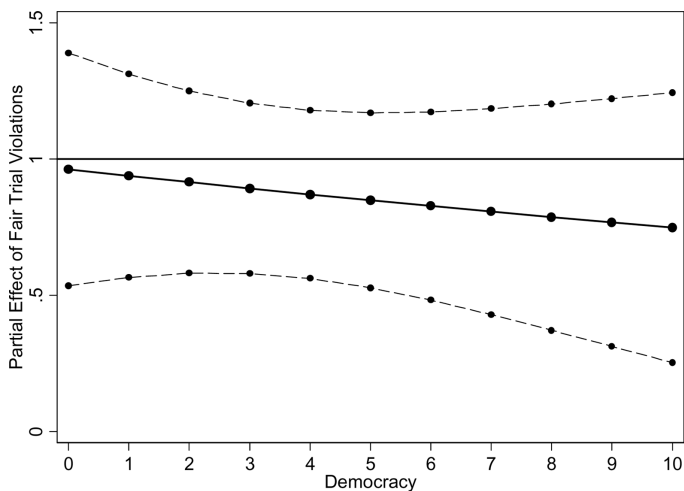


Figure 9
The Partial Effect of Civil Freedom Violations on the Likelihood of Ratifying the Optional Protocol across Levels of Democracy
 (with 95 percent confidence interval)

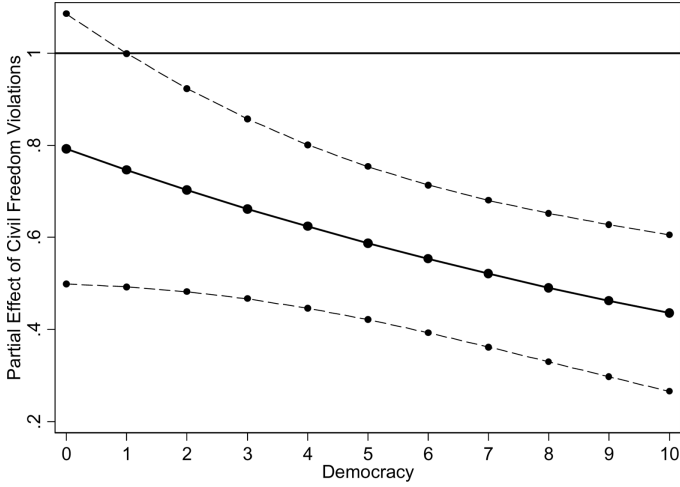


Figure 10
The Partial Effect of Fair Trial Violations on the Likelihood of Ratifying the Optional Protocol across Levels of Democracy
 (with 95 percent confidence interval)

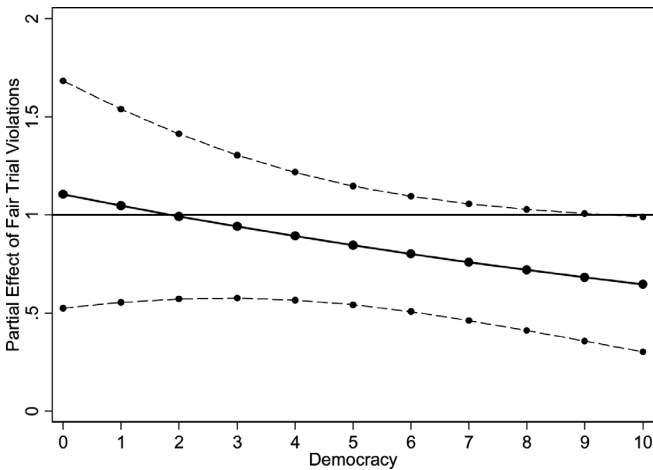
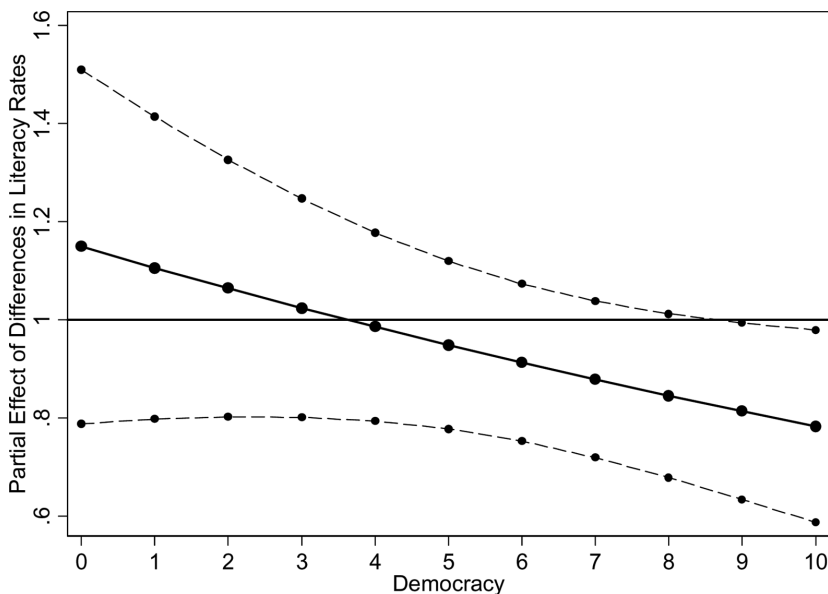


Figure 11
The Partial Effect of Differences in Literacy Rates on
the Likelihood of Ratifying the CEDAW across
Levels of Democracy (with 95 percent confidence interval)



the effect becomes statistically significant at the point when Democracy reaches between 4 and 7. At that point, the full confidence interval is below the 1 line. That point is reached later in Figure 1, as already noted, and in Figures 4, 10 and 11; it is reached earlier in Figure 9; consistent with earlier findings, Figure 8 shows no statistically significant effect. This suggests support for the original hypothesis but allows a more nuanced understanding of how the effect functions: At low levels of Democracy, higher human rights violations do not have any apparent statistically significant effect on the chances of ratification. At higher levels of Democracy, however, higher human rights violations are associated with a decreased chance that states will ratify the relevant treaties. This suggests that the prospect of domestic enforcement in democratic states can discourage states from ratifying human rights treaties (precisely because they will be effective).

As already mentioned, the variable *Rights Violations* (which varies depending on the treaty assessed and the human rights measure used) produces not a single statistically significant result. The import of this finding is limited, because it only

reflects the effect of an increase in *Rights Violations* when a state is wholly undemocratic (Democracy = 0). This is because the *Rights Violations* variable is a component of the interacted variable discussed above. The results are nonetheless consistent with my claim that states with few internal constraints do not expect to be required to actually comply with the treaties they join and hence are no less likely to join a treaty when their practices are inconsistent with its requirements (in contrast with more democratic states, which are less likely to join under similar circumstances).

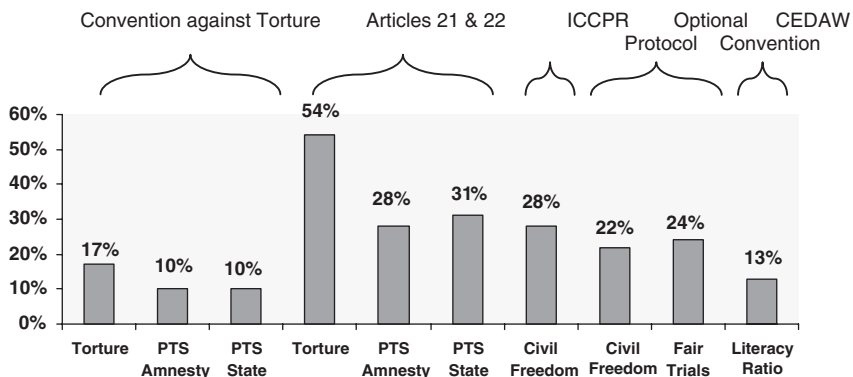
Collateral Consequences

The incentives created by the collateral effects of treaties on the states that join them also appear to influence state decisions to join human rights treaties, at least for a subset of states. Figure 12 shows that for each of the treaties analyzed, states that have engaged in no human rights violations that year are more likely to ratify the treaty as Democracy increases. (Note that because Democracy is a component of the interaction variable, the results for the variable only indicate the effect of a one-unit change in Democracy when *Rights Violations* is equal to 0 (Brambor, Clark, and Golder 2006).)⁴⁰ Figure 12 summarizes the results, which show that for each point increase in the measure of Democracy, states with no human rights violations have between 10 and 54 percent increased chance of ratifying human rights treaties than nondemocratic ones. The greatest impact appears for Articles 21 and 22 to the CAT and for the Optional Protocol to the ICCPR. This should come as no surprise, since they put in place stronger international enforcement mechanisms—mechanisms that tend to impose a less significant burden on states that already provide aggrieved individuals with a means of pressing their claims against the state and hence where the treaties' individual complaint mechanisms are largely redundant and less costly (and support for such rule of law provisions is higher). Together, these results provide support—albeit limited because of the constraints imposed by the addition of the interaction variable—for the argument that domestic collateral incentives push states toward ratification in states with more democratic forms of government.

The results for *Human Rights NGOs* are more mixed. The analyses show that for each ten additional human rights NGOs located in the state, the state has an increased chance of ratifying the CAT and Articles 21 and 22 of between 1 and 11 percent (see Figure 13). In the case of the Optional Protocol to the ICCPR, however, an increase in human rights NGOs appears to be associated with a decrease in the likelihood that a state will ratify a human rights treaty. (In all other cases, the results were not significant.) It is impossible to know with certainty the reason for this difference, but it is possible that in states with higher numbers of NGOs, the government may be concerned that the NGOs will aid individuals in filing complaints under the procedure put in place by the protocol and hence may be more reluctant to accept the protocol.

Figure 12
The Effect of Higher Levels of Democracy On Treaty Ratification for States with No Human Rights Violations

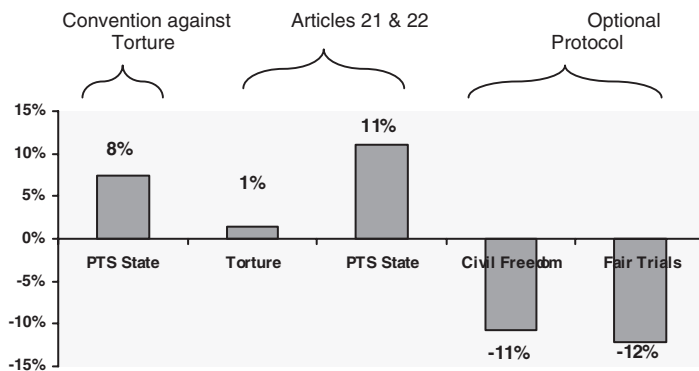
For each additional one point increase in "Democracy" in a state with no human rights violations, the chance that the state will ratify a treaty changes by the following amount:



Note: The effects depicted are derived from the estimated coefficients on the *Democracy* variable in Tables 2 through 6. Only results that are significant at 10 percent are included in the figure.

Figure 13
The Effect of Larger Numbers of Human Rights NGOs on Treaty Ratification

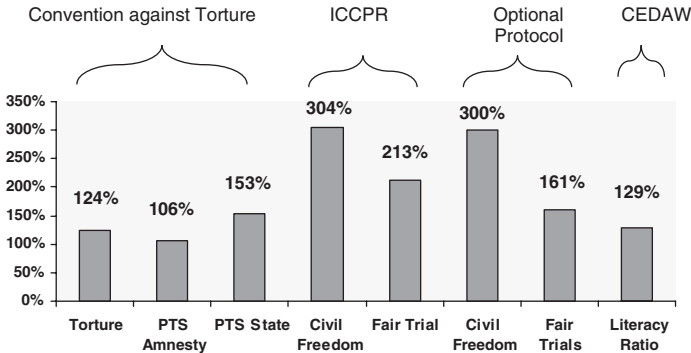
For each additional 10 NGOs located in a state, the chance that the state will ratify a treaty changes by the following amount:



Note: The effects depicted are derived from the estimated coefficients on the *Human Rights NGOs* variable in Tables 2 through 6. Only results that are significant at 10 percent are included in the figure.

Figure 14
The Effect of Having a New Regime on Treaty Ratification

When a state has a new regime, the chance that the state will ratify a treaty is increased by the following amount, compared to a state that does not have a new regime:



Note: The effects depicted are derived from the estimated coefficients on the *New Regime* variable in Tables 2 through 6. Only results that are significant at 10 percent are included in the figure.

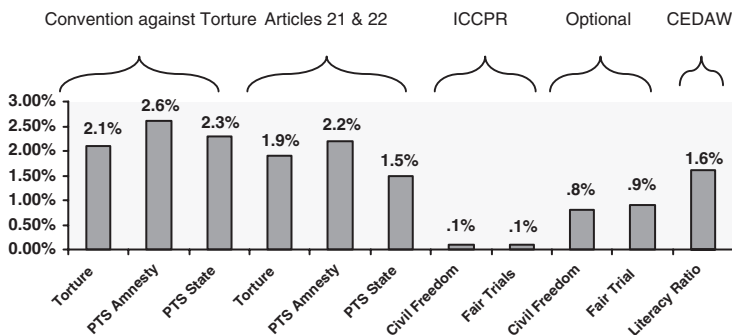
Viewed together, the results provide mixed support for my own argument regarding collateral domestic incentives and for the argument of normative scholars that the normative pull of treaties may have some impact on countries' decisions to join human rights treaties. More research is clearly warranted.

The results also support the claim that transnational collateral consequences influence state decisions to join human rights treaties. First, my claim that newer regimes will be more likely to join human rights treaties than older regimes, all things being equal, is consistent with the evidence. A state that has a new regime (*New Regime* = 1) has a 106 to 304 percent higher chance of ratifying one of the human rights treaties analyzed (see Figure 14 for the specific numbers) than a state that does not (*New Regime* = 0). The only exception is Articles 21 and 22 to the CAT, where the results are positive but not significant.

Finally, I find that countries will be more likely to commit to a treaty if the commitment rate of those around them is higher. The variable included to test this claim, *Regional Ratification Rate* (measured as the percentage of other countries within a given region and in a given year that have ratified the treaty), consistently shows that for each percentage point increase in the regional ratification rate in the region in which a state is located, the state has up to a 2 percent increased chance of ratifying the treaty (see Figure 15).⁴¹ These results must be viewed with some caution, however, as I found that when adding variables to control for each region, the results were no longer statistically significant. It is entirely possible that this

Figure 15
The Effect of Higher Regional Ratification Rates on Treaty Ratification

For each 1 percentage point increase in the regional ratification rate in the region in which a state is located, the chance that the state will ratify a treaty increases by the following amount:



Note: The effects depicted are derived from the estimated coefficients on the *Regional Ratification Rate* variable in Tables 2 through 6. Only results that are significant at 10 percent are included in the figure.

variable captures more than the influence of the decisions of states in the same region to ratify a treaty on a state's decision to ratify a treaty. It may also capture the influence of a common history and culture or even economic and political similarities.

Conclusion

This article seeks to shed light on why states commit themselves to international human rights treaties. Why, it asks, do states join treaties that offer them few obvious direct benefits in return for accepting significant constraints on their behavior? The answer can be found, I argue, by considering not just the constraints that would be imposed by the treaty but the effect that those constraints will actually have on states. That, in turn, depends on domestic legal enforcement of the treaty by domestic legal and political institutions as well as the more indirect collateral consequences of treaty membership.

These claims give rise to important and sometimes troubling implications. Because domestic institutions are so central to treaty enforcement, states with robust domestic rule of law might shy away from committing to international treaties precisely because treaty commitments will be effective. Thus, at the heart of my analysis is a simple but counterintuitive claim: the very factors that lead countries to comply with treaties can cause those same states not to commit. Where

compliance is most likely, commitment is often most consequential. By contrast, where compliance is least likely, commitment is often relatively costless. Only by considering both sides of the equation can we unravel the larger puzzle.

This approach finds empirical support in my analysis of countries' decisions to join human rights treaties. Both sets of incentives—domestic legal enforcement and collateral consequences—appear to influence countries' decisions to join human rights treaties. There is clear evidence, for example, that states with strong domestic institutions and poor human rights records are less likely to join human rights treaties than states with weaker domestic institutions that have similar rights records. This is true even though democracies as a whole—which realize more domestic collateral benefits from membership than nondemocracies, because the constituencies favoring human rights treaties tend to be stronger—are more likely to join human rights treaties. Moreover, consistent with the prediction that collateral incentives are at work, newer regimes, which stand to gain larger collateral benefits from treaty membership, have a higher likelihood of joining human rights treaties. Also consistent with the approach, states in regions with higher levels of human rights treaty commitment are themselves consistently more likely to join those treaties.

These findings suggest several possible avenues for future research. First and foremost, it remains to be seen whether these claims can be generalized to other human rights treaties as well as to other areas of international law. Moreover, qualitative case studies that examine the relationships between the characteristics outlined here and state behavior are essential to understanding the specific mechanisms by which these characteristics influence state behavior.

These results also have implications for the design of human rights treaties in particular and international law more generally. Human rights treaties succeed in many states even though the treaties do not enjoy significant international enforcement. They succeed because many states with troubled records not only accept the commitments the treaties embody but give them meaning through their domestic political institutions. But that process is costly to those states. More needs to be done to encourage these states to commit even in the face of these costs. And more needs to be done to help offset those costs. Policy makers must also look for ways to make treaties more effective in states that do not currently have strong domestic institutions of their own—for example, by strengthening domestic rule of law. Finally, if collateral consequences sometimes lead states with poor practices to commit to treaties they have little inclination or ability to obey, those who design treaties and the institutions that monitor them must look for ways to shift the balance in favor of countries that actually succeed in complying with treaty requirements. Whatever paths policy makers decide to follow in creating stronger international laws, their efforts must be informed by a deeper understanding of the broad array of legal and collateral incentives that affect states' decisions to commit to treaties.

Appendix Data Sources and Descriptions

Dependent Variables:

For each treaty, the dependent variable is 0 if the country has not ratified and 1 if it has ratified the treaty or treaty provision at issue. Source: United Nations Treaty Collection (2005).

Independent Variables:

Democracy. This variable ranges from 0 (low) to 10 (high). Source: Marshall and Jaggers 2005.⁴²

*Rights Violations.*⁴³ I use a variety of different measures of violations of rights, each of which is tailored to the particular treaty analyzed:

Torture. This is a composite measure of the level of torture. The primary source is the Torture (“Tort”) variable in the Cingranelli-Richards (2004) Human Rights Database. Where data are missing, I use my own torture dataset (generated from a similar source) to fill in some of the missing data (rescaled to match the CIRI dataset). I reverse the orientation of the index so that the low end of the scale (0) indicates no reports of torture and the high end of the scale (2) indicates extensive reports of torture to make it consistent with the other indicators. Source: CIRI Dataset (Cingranelli-Richards 2004); Hathaway 2002.

Political Terror (Amnesty). This variable is coded from Amnesty International’s annual country reports on human rights. I rescale the original data down by 1 point to range from 0 (little political terror) to 4 (widespread political terror). Source: Gibney (2004).

Political Terror (State). This variable is coded from the State Department reports. I rescale the data down by 1 point so that it ranges from 0 (little political terror) to 4 (widespread political terror). Source: Gibney (2004).

Civil Freedom. This variable, drawn from Freedom House’s *Comparative Survey of Freedom*, is constructed from answers to a “Civil Liberties Checklist” and rescaled down by 1 point so that it ranges from 0 (best) to 6 (worst). Source: Freedom House (2003).

Fair Trial. This index is composed of ten subelements of a paradigmatic fair trial, generated by reference to the relevant treaties. The final index is rescaled down by 1 point so that it ranges from 0 (strongest fair trial protections) to 3 (weakest protections). Source: Hathaway (2002); United States Department of State (2001).

Difference in Literacy Rates. This variable is generated by subtracting the female percentage literacy rate from the male literacy rate, divided by 10 (hence a 0 means no difference in literacy rates between the two groups, a 1 means that the male literacy rate exceeds the female literacy rate by 10 percent, a 2 means that the male rate exceeds the female by 20 percent, and so on). Source: World Bank (2005).

New Regime. This is drawn from the “Durable” variable in the Polity IV database. From this, I generate a dummy variable that records whether the regime in power has been in place for ten years or fewer. Source: Marshall and Jaggers (2005).⁴⁴

Human Rights NGOs. This measure of the number of NGOs actively working in each individual country in each year is recorded as tens of NGOs (hence, 1 indicates that the country has ten active NGOs). I generated the data by recording the number of organizations operating within each country in 1989, 1994, 2000, and 2003.⁴⁵ Data for the intervening years are imputed. Source: Human Rights Internet (2003, 2000, 1994, 1991).

Regional Ratification Rate. This measures the percentage of countries within a given region and in a given year that have ratified the treaty (it records the percentage as whole numbers between 0 and 100). Following the World Bank, I classify countries into nine regions. Source: Table on “Classification of Economies by Region and Income” (World Bank 2005).

Notes

1. The United Nations Treaty Series currently contains over 50,000 treaties. United Nations Treaty Series Overview (2003).

2. See, for example, Moravcsik (2000, 2002); Finnemore (1996, 69-88); Simmons (2000, 2002); Vreeland (2000, 2003), Hathaway (2002, 2003a, 2003b, 2004, 2005), Hathaway and Koh (2004), Hathaway and Lavinbuk, (2006); von Stein (2005); Donnelly (1986); Keohane (1983, 1984); Kratochwil and Ruggie (1986); Krasner (1983); Goldstein and Keohane (1993); Koremenos, Lipson, and Snidal (2001); Guzman (2002).

3. Together, we have found little evidence that human rights treaties improve countries' human rights practices (though, intriguingly, we have found evidence that they improve the practices of democratic states—a point to which this article returns). See Hathaway (2002); Landman (2005, 2006); Hafner-Burton and Tsutsui (2005); Hafner-Burton and Tsutsui (Forthcoming); Neumayer (2005); Camp-Keith (1999). The argument of this article—that state decisions to commit depend in part on decisions to comply and vice versa—highlights the endogeneity issues raised by this line of research. I am developing data on states' ratification practices that could be used as an instrument in a two-stage least squares regression to test whether such concerns affect the current empirical consensus on human rights treaties' effects on state behavior. This remains, an important area for future research.

4. Valuable exceptions are Landman (2005) and Goodliffe and Hawkins (2006).

5. This approach is discussed in more detail in Hathaway (2005).

6. This dynamic may be weaker in states where the governmental leaders' time horizons are shorter.

7. CAT, art. 1.

8. CEDAW, art. 1.

9. I do not analyze the new Optional Protocol to the CEDAW, since there is not yet sufficient data available for a robust and accurate analysis.

10. Contrast this with, for example, the World Trade Organization, which embodies a relatively strong international enforcement mechanism.

11. An important exception is the European Convention on Human Rights, which provides for international legal enforcement. Were such enforcement more widespread, the impact of these additional legal sanctions would of course need to be taken into account.

12. A promising area of future analysis would be to compare different types of treaties—hard law to soft law and different areas of international law (for example, human rights and trade).

13. Elsewhere, I have put forward an approach to understanding international law that situates these dynamics in a broader theory (Hathaway 2005).

14. A more detailed account of this dynamic can be found in Hathaway (2003a, 2005). A related argument is made in Dai (2005) in relation to the European acid rain regime. The term *government* is typically used to refer to the body that has the authority to make and enforce rules and laws within a state. More specifically, the term is often used in political science literature to refer in particular to the executive function of the state. I adopt that usage here.

15. Alter (2001) describes this process at work in the European Community.

16. These data are drawn from Neumayer (2005), which confirms similar results found earlier in Hathaway (2002).

17. See, for example, Hathaway (2002).

18. These are calculated as the sum total of observations (that is, country-years) where Democracy is greater than or equal to 6 and where the human rights violations measure is greater than 0.

19. I use the Polity measure of Democracy rather than the “law and order” measure from the International Country Risk Guide because the Risk Guide includes two separate components, “Law” and “Order,” where Order measures popular observance of the law (and the two components are not available separately). This makes it a poor measure of “rule of law” (Davis 2005).

20. This article uses the term *transnational* as it is generally used in legal scholarship: Transnational law is “all law which regulates actions or events that transcend national frontiers. Both public and private international law are included, as are other rules which do not wholly fit into such standard categories” Jessup (1956, 2).

21. These are, of course, only a few of the possible ways of measuring collateral consequences.

22. In parliamentary systems (as opposed to presidential systems), there is no clear-cut separation of powers between the executive and legislative branches, and hence, this dynamic is less pronounced or even absent.

23. There are exceptions. For example, some groups in the United States oppose ratification of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) because they believe that it would be tantamount to an equal rights amendment.

24. This variable is the first to specifically measure human rights nongovernmental organizations (NGOs), as opposed to the general measure of NGOs used in most articles. Nonetheless, it is an imperfect measure of human rights pressure for two reasons. First, it does not precisely measure the magnitude of political pressure for human rights reform—particularly by influential groups. Second, it does not necessarily reflect the magnitude of the groups’ influence, equating as it does large and small organizations. At the moment, however, it is the best information available. Moreover, it is reasonable to expect that organizations would be larger and more influential in the same places that there are more of them.

25. See Skogly (2001).

26. On the related concept of “reputation,” see especially Downs and Jones (2002); Guzman (2002).

27. The results for the variables *Rights Violations* and *Democracy*, must be read in light of the inclusion of the interacted variable (Brambor, Clark, and Golder 2006; Braumoeller 2004). See Goodliffe and Hawkins (2006) for a related argument about the effect of rights violations.

28. See Simmons (2002) and Goodliffe and Hawkins (2006) for related arguments.

29. See, for example, Moravcsik (1997); Slaughter (1995, 2000).

30. See, for example, Finnemore (1996); Koh (1997); Keck and Sikkink (1998); Sikkink (1998); Lutz and Sikkink (2000).

31. I do not include gross domestic product (GDP) as an independent variable here for two reasons. First, it is almost never statistically significant. Second and much more important, including GDP has problematic selection effects. The best time series data on GDP (from the World Bank) do not include comprehensive data for many developing countries. When the analysis in the tables is run with GDP, the number of countries in the analysis drops considerably. I ran the analyses using only the observations for which GDP data are available both with and without the GDP variable. The results were only marginally different.

32. Of course, there are issues of measurement error as well as inherent drawbacks to a quantitative approach, which I discuss in depth in Hathaway (2002, 1963-76) and Hathaway (2003b).

33. At the time of ratification, states can enter reservations, understandings, or declarations that limit the application of the treaty. I do not address those here. Exploring the effect of these limits on the treaty commitment is a promising area for future research.

34. Because the dataset includes a very large proportion of the total population of countries, one might wonder whether tests of significance are necessary. Nonetheless, it is a long-standing and universally accepted practice to regard a time series as a sample in time and hence as "an observation made on a family of random variables" Parzen (1961, 952).

35. Admittedly, this model has the disadvantage of reducing the dependent variable to a binary variable, thereby losing some valuable information. The Cox model also has other limitations; for example, it does not allow for the use of fixed effects, and it assumes that the hazards are proportional to one another and that this proportionality is maintained over time (Box-Steffensmeier and Zorn 2001; Beck, Katz, and Tucker 1998). Despite these drawbacks, I use this model over other available models because the best predictor of whether a country is in a treaty one year is whether it was in the treaty the previous year. It is worth noting that, as Beck, Katz, and Tucker point out, when temporal dummies are added, a logit model of Binary Time-Series Cross Sectional data essentially functions as a grouped duration model (Beck, Katz, and Tucker 1998, 1268-70). Moreover, both Landman (2001) and Simmons (2000) use the same model in similar contexts.

36. An alternative is the split population duration (SPD) model, which allows for a subpopulation of the subjects that never experience the outcome of interest (in this case, it would allow for the possibility that some countries will never ratify). The SPD model estimates two sets of coefficients: (1) coefficients for the effects of covariates on the incidence of the event occurring, and (2) coefficients for the effects of covariates on the timing of the event, conditional on the probability of the event occurring. The model is particularly relevant where a large portion of the population never "fails." For example, it has been used successfully to examine Supreme Court overrides of statutes (which occurs less than 10 percent of the time; Hettinger and Zorn 1999) and criminal recidivism (which occurs roughly 50 percent of the time; Schmidt and Witte 1989). Here, however, while not every state has ratified the treaties examined, the ratification rate for each treaty is high, and therefore the SPD model is not necessary. This may not hold for other treaties, however, and hence must be examined on a case-by-case basis.

37. For excellent work on interpreting interaction variables, see Braumoeller (2004) and Brambor, Clark, and Golder (2006).

38. The method here is similar to that utilized in Golder (2006), adjusted for the Cox analysis.

39. This is the point estimate. The confidence interval shows that there is significant uncertainty about this estimate.

40. This is relevant for only a subset of countries: In the dataset, 508 out of 2,924 observations show no torture, 347 out of 2,721 show no political terror (amnesty), 631 out of 2,904 show no political terror (state), 589 out of 4,716 show no civil freedom violations, 516 out of 2,382 show no fair trial violations, and 167 out of 2,566 show that literacy rates of men do not exceed those of women.

41. This may at first appear to be a small effect, compared with the results for *New Regime* reported above. Note, however, that the *New Regime* variable is binary. By contrast, the *Regional Ratification Rate* variable is continuous from 0 to 100, with each percentage point increase in the regional ratification rate contributing incrementally to the likelihood of ratification.

42. I convert the “standard authority codes” of -66 and -77 to 0 and treat -88 as missing, interpolating the missing data using surrounding entries, where possible. This last change is in accordance with the recommendation of the authors of the database.

43. More detailed explanations of each variable and a discussion of the relationship of each variable to the relevant treaty can be found in Hathaway (2002). The dataset used in this article has been updated to include several years of data not used in any earlier work and is posted on the author’s Web site.

44. I made minor alterations to the data. I filled in missing data where possible by using later years to infer earlier years’ duration values and by coding any instances where the Polity variable was coded with a standardized authority code as having a duration of 0.

45. For the first report (from 1991), I tallied the organizations operating within each country using the addresses in the alphabetical listing of human rights NGOs in the Human Rights Index. For the 1994 report, I simply tallied the number of organizations listed under each country in the geographical index. For 2000 and 2003, I based the count of human rights NGOs on the Human Rights Index online database. For the years in between, I imputed the data using the closest observations.

References

- Alter, Karen. 2001. *Establishing the supremacy of European law: The making of an international rule of law in Europe*. Oxford, UK: Oxford University Press.
- Beck, Nathaniel, Jonathan N. Katz, and Richard Tucker. 1998. Taking time seriously: Time-series-cross-section analysis with a binary dependent variable. *American Journal of Political Science* 42 (4): 1260-88.
- Box-Steffensmeier, Janet M., and Christopher J. W. Zorn. 2001. Duration models and proportional hazards in political science. *American Journal of Political Science* 45 (4): 972-88.
- Brambor, Thomas, William Roberts Clark, and Matt Golder. 2006. Understanding interaction models: Improving empirical analysis. *Political Analysis* 14:63-82.
- Braumoeller, Bear F. 2004. Hypothesis testing and multiplicative interaction terms. *International Organization* 58:807-20.
- Camp-Keith, Linda. 1999. The United Nations international covenant on civil and political rights: Does it make a difference in human rights behavior? *Journal of Peace Research* 36 (1): 95-118.
- Cingranelli, David L., and David L. Richards. 2004. The Cingranelli-Richards (CIRI) Human Rights Database. <http://ciri.binghamton.edu/> (accessed on May 1, 2007).
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *opened for signature* Dec. 10, 1984, Senate Treaty Doc. No. 100-20 (1988), 1465 U.N.T.S. 85 (entered into force June 26, 1987).
- Convention on the Elimination of All Forms of Discrimination Against Women, *adopted* Dec. 18, 1979, 1249 U.N.T.S. 13 (entered into force Dec. 3, 1981).
- Dai, Xinyuan. 2005. Why comply? The domestic constituency mechanism. *International Organization* 59:363-98.
- Davis, Kevin E. 2005. What can the rule of law variable tell us about rule of law reforms? New York University Law and Economics Research Paper Series.

- Donnelly, Jack. 1986. International human rights: A regime analysis. *International Organization* 40 (3): 599-642.
- Downs, George W., and Michael A. Jones. 2002. Reputation, compliance, and international law. *Journal of Legal Studies* 31:95-114.
- Finnemore, Martha. 1996. *National interests in international society*. Ithaca, NY: Cornell University Press.
- Freedom House. 2003. Freedom in the world country ratings, 1972-1973 to 2001-2002. <http://www.freedomhouse.org/research/freeworld/FHSCORES.xls>. (accessed on January 1, 2004).
- Gibney, Michael. 2004. Political terror scale, 1980-2004. <http://www.unca.edu/politicalscience/faculty-staff/Gibney%20Doc/Political%20Terror%20Scale%201980-2004.xls> (accessed on December 1, 2006).
- Golder, Matt. 2006. Presidential coattails and legislative fragmentation. *American Journal of Political Science* 50:34-48.
- Goldstein, Judith, and Robert O. Keohane, eds. 1993. *Ideas and foreign policy: Beliefs, institutions, and political change*. Ithaca, NY: Cornell University Press.
- Goodliffe, Jay, and Darren G. Hawkins. 2006. Explaining commitment: States and the convention against torture. *The Journal of Politics* 68 (2): 358-71.
- Guzman, Andrew. 2002. A compliance-based theory of international law. *California Law Review* 90 (6): 1823-87.
- Hafner-Burton, Emilie, and Kiyoteru Tsutsui. 2005. Human Rights Practices in a Globalizing World: The Paradox of Empty Promises. *American Journal of Sociology* 110(5): 1373-1411.
- . Forthcoming. Justice lost! The failure of international human rights law to matter where needed most. *Journal of Peace Research*.
- Hathaway, Oona A. 2002. Do human rights treaties make a difference? *Yale Law Journal* 111: 1935-2042.
- . 2003a. The cost of commitment. *Stanford Law Review* 55 (5): 1821-62.
- . 2003b. Testing conventional wisdom. *European Journal of International Law* 13 (1): 185-200.
- . 2004. The international law of torture. In *Torture: Philosophical, political, and legal perspectives*, edited by Sanford Levinson, 199-212. New York: Oxford University Press.
- . 2005. Between power and principle: An integrated theory of international law. *University of Chicago Law Review* 72 (2): 469-536.
- Hathaway, Oona A., and Harold H. Koh. 2004. *Foundations of international law and politics*. New York: Foundation Press.
- Hathaway, Oona A., and Ariel Lavinbuk. 2006. Rationalism and revisionism in international law. *Harvard Law Review* 119 (5): 1404-43.
- Hettinger, Virginia A., and Christopher J. W. Zorn. 1999. Signals, models, and congressional overrides of the Supreme Court. Paper presented at the annual meeting of the Midwest Political Science Association, Chicago, IL, April 15-17.
- Human Rights Internet. 1991. Master list of human rights organizations and serial publications 3-58.
- . 1994. Master list of human rights organizations and serial publications 143-95.
- . 2000. Human Rights Databank. <http://www.hri.ca/welcome.asp>. (accessed on July 1, 2000).
- . 2003. Human Rights Databank. <http://www.hri.ca/welcome.asp>. (accessed on July 16, 2003).
- International Covenant on Civil and Political Rights, *adopted* Dec. 19, 1966, Senate Exec. Doc. E, 95-2, at 23 (1978), 999 U.N.T.S. 171 (entered into force Mar. 23, 1976).
- Jessup, Philip C. 1956. *Transnational law*. New Haven, CT: Yale University Press.
- Keck, Margaret, and Kathryn Sikkink. 1998. *Activists beyond borders: Advocacy networks in international politics*. Ithaca, NY: Cornell University Press.
- Keohane, Robert O. 1983. The demand for international regimes. In *International regimes*, edited by Stephen Krasner, 141-71. Ithaca, NY: Cornell University Press.
- . 1984. *After hegemony: Cooperation and discord in the world political economy*. Princeton, NJ: Princeton University Press.

- Koh, Harold H. 1997. Why do nations obey international law? *Yale Law Journal* 106 (8): 2599-659.
- Koremenos, Barbara, Charles Lipson, and Duncan Snidal. 2001. The rational design of international institutions. *International Organization* 55 (4): 761-800.
- Krasner, Stephen D. 1983. Structural causes and regime consequences: Regimes as intervening variables. In *International regimes*, edited by Stephen D. Krasner, 1-21. Ithaca, NY: Cornell University Press.
- Kratochwil, Friedrich, and John G. Ruggie. 1986. International organization: A state of the art on an art of the state. *International Organization* 40 (4): 753-75.
- Landman, Todd. 2001. Measuring the international human rights regime. Paper presented at the 97th annual meeting of the American Political Science Association, San Francisco, August 30-September 2.
- . 2005. *Protecting human rights: A comparative study*. Washington, DC: Georgetown University Press.
- . 2006. *Studying human rights*. New York: Routledge.
- Lutz, Ellen L., and Kathryn Sikkink. 2000. International human rights law and practice in Latin America. *International Organization* 54 (3): 633-59.
- Marshall, Monty G., and Keith Jagers. 2005. *Polity IV project: Political regime characteristics and transitions, 1800-2003*. <http://www.bsos.umd.edu/cidcm/inscr/polity/index.htm> (accessed on June 30, 2005).
- Moravcsik, Andrew. 1997. Taking preferences seriously: A liberal theory of international politics. *International Organization* 51 (4): 513-53.
- . 2000. The origins of human rights regimes: Democratic delegation in postwar Europe. *International Organization* 54 (2): 217-52.
- Neumayer, Eric. 2005. Do international human rights treaties improve respect for human rights? *Journal of Conflict Resolution* 49 (6): 925-53.
- Parzen, Emanuel. 1961. An approach to time series analysis. *Annals of mathematical statistics* 32:951-89.
- Schmidt, Peter, and Ann D. Witte. 1989. Predicting criminal recidivism using "split population" survival time models. *Journal of Econometrics* 40:141-59.
- Sikkink, Kathryn. 1998. Transnational politics, international relations theory, and human rights. *Political Science* 31 (3): 516-23.
- Simmons, Beth. 2000. International law and state behavior: Commitment and compliance in international monetary affairs. *American Political Science Review* 94 (4): 819-35.
- . 2002. Why commit? Explaining state acceptance of international human rights obligations. Paper prepared for meeting of the Conference on Delegation to International Organizations, May 3-4, Brigham Young University, Provo, Utah.
- Skogly, Sigrun I. 2001. *The human rights obligations of the World Bank and the International Monetary Fund*. London: Cavendish.
- Slaughter, Anne-Marie. 1995. International law in a world of liberal states. *European Journal of International Law* 6 (4): 503-38.
- . 2000. A liberal theory of international law. *American Society of International Law Procedure* 94:5-23.
- United Nations Treaty Collection. 2005. <http://untreaty.un.org/English/treaty.asp> (accessed on May 1, 2007).
- United Nations Treaty Series Overview. 2003. <http://untreaty.un.org/English/overview.asp>. (accessed on July 1, 2003)
- United States Department of State. 2001. Country Reports on Human Rights. <http://www.state.gov/g/drl/hr/c1470.htm> (accessed on July 1, 2004).
- von Stein, Jana. 2005. Do treaties constrain or screen? Selection bias and treaty compliance. *American Political Science Review* 99:611.

- Vreeland, James Raymond. 2000. Institutional determinants of IMF agreements. <http://pantheon.yale.edu/~jrv9/IMFVeto.html> (accessed on June 1, 2003).
- . 2003. Why do governments and the IMF enter into agreements? *International Political Science Review: Special Issue on the Political Economy of International Finance* 24 (3): 321-43.
- World Bank. 2005. World Development Indicators Online. <http://www.worldbank.org/data/online-databases/online-databases.html> (accessed on July 16, 2005).