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**State compliance with human rights norms: the importance of
international reputation for guiding state action**

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***STATE COMPLIANCE WITH HUMAN RIGHTS NORMS: THE IMPORTANCE OF INTERNATIONAL
REPUTATION FOR GUIDING STATE ACTION***

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ABSTRACT

State violations of human rights norms are often newsworthy around the world, and certainly become topics of conversation among diplomatic circles. Given that their violations are sure to be noticed and discussed, what accounts for variation among states in their level of compliance with international norms, specifically human rights norms? In this paper, we suggest that a state will comply with international human rights norms when its international reputation is at stake. A state's international reputation is key for attaining and maintaining an adequate bargaining position within the international community, and for inclusion in the 'big leagues' of power play. In formulating their foreign policies, states consider their international reputations, and seek to improve them as much as possible. Given this, we suggest that states will comply with human rights obligations in order to improve their reputations in two primary instances. First, when there is a strong regional pressure to increase human rights commitment. This can occur either when a state is already a member of a regional organization which places strong emphasis on human rights and provides a mechanism for enforcement, or when a state seeks to join a regional organization which has compliance with human rights as a founding principle. Second, when a state seeks foreign assistance from a country or countries which place human rights conditionality on the receipt and maintenance of aid. We test these hypotheses using a new measure of level of compliance, incorporating both formal and informal compliance, and using state compliance with the Convention Against Torture.

“To disregard what the world thinks of us is not only arrogant but utterly shameless.”
Cicero, *De Officiis* (1, 28)

The role of international norms in affecting state behavior has been playing an increasing role in social science scholarship. Many have suggested that international norms matter when it comes to determining state behavior in such areas as trade and economic relations, security and weapons, the environment, technology, and human rights. Even the earliest literature to consider the role of international norms generally suggests that these norms were followed most of the time by states (Morgenthau, 1948:255 “[D]uring the four hundred years of its existence international law has in most instances been scrupulously observed.”; Kegley and Raymond, 1981). Over the past two decades, within the field of international relations, there has been a substantial increase in the attention focused on measuring the existence of international norms, as well as determining the role and influence of these norms on state behavior (Axelrod 1986; Burley 1993; Chayes and Chayes 1995; Cortell and Davis 1996; Finnemore 1996a, 1996b, 2003; Finnemore and Sikkink 1998; Keohane 1984; Kratochwil 1989; Legro 1997; Simmons 1998, 2000; Thomas 2001). Some types of international norms, however, such as trade and economic relations, have merited substantially more detailed theoretical and empirical research work, while other areas, such as human rights, have seen less rigorous analysis. While this is likely due to the difficulty of empirically testing conceptions of human rights (Simmons, 1998), and, even more difficult, testing state compliance with human rights, given the fundamental importance of human rights for the continuance of international society and the rapidly growing body of international human rights norms, this seems a mistake.

In this paper we tackle these issues by addressing the question of under what circumstance states will comply with international human rights norms. State abuses of human

rights are often newsworthy around the world. This can be seen not only with the recent actions by U.S. soldiers at Abu Ghraib and Guantanamo, as well as the recent Human Rights Watch condemnation of the United States, but also in the widespread publication of the recent crackdowns on human rights advocates and challengers to the ruling party in China, Cuba and Zimbabwe and the suppression of the freedom of the press in Russia among other incidents. Incidences of human rights violations by governments and groups governments are unable or unwilling to control often take center stage. Given, therefore, that violations across the board are sure to be noticed and discussed, what accounts for variation among states in their level of compliance with international norms, specifically human rights norms?

International human rights norms and international reputation

In this paper, we suggest that a state will comply with international human rights norms when its international reputation is at stake. This is due to the fact that a state's international reputation is key for attaining and maintaining an adequate bargaining position within the international community, and for inclusion in the 'big leagues' of power play. States seek to be powerful, and to play an integral role in the international system. Generally speaking, no one wants to be left out. As it is with children, however, in order to be invited to play, one must work to engender a good reputation: one for fairness, reliability, and willingness to play by the rules that the group has agreed on, even if it means foregoing more immediate interests for longer term gains. Those who throw a tantrum and refuse to follow the rules often end up not invited to play the next time, even though they may desperately want to be included.

As the body of normative work in the field of international relations has grown over the past two decades, a number of works have touched on the importance that reputation plays in guiding state behavior in the international system. However, discussion of the effects of

reputation on human rights compliance have primarily been incidental (Simmons 1998) or purely theoretical (Downs and Jones 2002). Therefore, we seek to take the issue of reputation and its relation to state compliance with human rights norms a step further. To address the question of under which circumstances a state will comply with human rights, we theorize that reputation is the guiding force when states seek benefits from the international community.

Reputation: The Driving Force Behind Compliance

We posit that reputation is one of the key concerns of a state engaged in the international system, and is a central force driving state compliance with international human rights norms. As noted by Simmons: “The central mechanism for securing compliance is related to reputation” (1998, 81). Yet theoretical and empirical work focusing on the role of reputation and its effects on state action has been minimal. Early in the re-emergence of norms as a viable area for research within international relations, Axelrod theorized about the role of reputation in his study of cooperation. He found that “[i]f the players can observe each other interacting with others, they can develop reputations; and the existence of reputations can lead to a world characterized by efforts to deter bullies.” (Axelrod 1984: 168) Not only is it advantageous to know other states’ reputations, but it is also important for other states to know “your” (state) reputation. However, few have extended Axelrod’s theoretical framework to test the real-world implications of reputation; and even fewer have specifically applied the role of reputation to state compliance with human rights obligations.

Some empirical work does exist that incorporates the role of reputation as an explanatory variable. In their study of developing states, Eyre and Suchman (1996) demonstrate that developing states are highly concerned about their status. Simmons (2000) found similar results for states that are new entrants on the international scene, emerging from either a period of non-

democracy or closed behavior. In order to become active members of the international community, states were found to be concerned about their reputations for respecting the rule of law, as this reputation effected the level of economic integration they were able to achieve. Some scholars further suggest that the insecurity of states about their status may lead them to more strongly support international norms generally (Gurowitz 1999). Moreover, the power of shame has been found to be a strong deterrent for states, preventing them from engaging in norm-violating behavior (Donnelly 1998).

These studies, however, neither rigorously test the importance of reputation as a key factor in determining state behavior (Simmons, for example, merely observes the reputational influence from her results on other explanatory variables), nor do they focus on the relationship with human rights compliance and reputation – a relationship that we argue is integral to state decision-making processes. We seek to fill these lacunae by specifically testing the relationship between states that are in a position to be concerned about what other states think of them, and the state's level of compliance with its international human rights obligations.

Belonging to the international community means following a given set of rules in order to reap the benefits of recognition and membership in the international community. These rules, or norms, regulate and constrain state behavior because they are standards that are overt manifestations of state agreement on what constitutes appropriate behavior. As such, the norms create a baseline standard that makes it possible to assess state behavior and determine which states are in good standing. As rational actors, states seek to enhance their position in the international community. They want others to think well of them, not only for the material benefits that may arise – such as increased trade, increases in foreign direct investment and tourism, and leadership (agenda-setting) positions in international organizations or on

committees, and praise by other world leaders – but also because of the psychological benefits that a leader receives, which boost pride and self-esteem, and which also have the potential to boost the legitimacy of the leader with the state’s domestic population (Fearon 1997; Risse, Ropp and Sikkink 1999).

By complying with the norms recognized by the group, states develop a good reputation based on their identification with the shared values of the key players in the international community (Finnemore and Sikkink 1998). A recent example of this can be seen in the case of Libya, where Qadhafi has actively courted the approval of Western governments through the improvement of his state’s human rights record, securing for Libya a leadership position in a United Nations committee and more open trade and economic relations, and boosting his approval among the Libyan population (for related literature, see Strang and Chang 1993; Cortell and Davis 1996; Finnemore and Sikkink 1998). Further examples can be seen in Eastern Europe, where states such as Romania, Bulgaria, Croatia and Turkey are working to accord their behavior with the standards set by the European Union. These states are cultivating a reputation for respecting human rights in order to increase their chances of membership in the EU, which, in turn, has substantial economic and political benefits (Parker 2004).

Once achieved, a good reputation also acts as an asset to that state when it negotiates agreements or promises future action. A good reputation allows a level of trust and predictability to develop within the international system (Lahno 1995). Moreover, a state’s reputation allows others to predict future actions: “Knowing people’s reputations allows you to know something about what strategy they will use before you have to make the first choice” (Axelrod 1984: 151). Having a good reputation signals to others that a state will honor agreements (Keohane 1984: 94). If a state does not comply with widely agreed-upon norms, it develops a bad reputation, in

which the international community either punishes that state or distances itself from that state (Lipson 1991). This was the case with South Africa during the Apartheid era, when many members of the international community, most noticeably the Western states, cut off ties with South Africa both politically and economically to protest the racist government policies. This was also recently seen in the swift reaction of the other Western European states to the upset victories of Jorg Haider's far-right Freedom Party in the Austrian national elections. Austria almost immediately lost face as a country promoting tolerance and non-discrimination by having a government coalition that included a party with xenophobic, racist platforms and a leader with Nazi parents. Moreover, within days Austria was economically and politically sanctioned by the other European Union member states. These sanctions remained in place until Austria could demonstrate that it was complying with its human rights obligations and offering the requisite protections against these types of violations, despite the platform of the Freedom party (Bermann et al. 2002).

Reputation is a driving force behind compliance with human rights norms because, in our increasingly globalized world, states have progressively more contact with one another on a growing number of issues. In order for states to function in the international system with relative ease, they need to be seen as team players. States no longer can thrive in isolation. Thus, reputation plays a key role in the options available to states. Interdependence in the international system necessitates cooperation, which can be considerably enhanced when states with "good" reputations are involved. Even China, infamous for its human rights record, is concerned about its reputation. In addition to concerted public efforts to improve its reputation on human rights in order to gain admission to the WTO, in 1997 China courted diplomats in America and Europe

so that they would not support a Human Rights Commission resolution that was critical of China's record.

Compliance with Human Rights and the Link to a Good Reputation

If reputation is indeed the driving factor behind state compliance with human rights norms, the question remains: Why would human rights norms in particular be the mechanism by which states would choose to demonstrate their willingness to act within the guidelines set down by global leaders? Why not environmental norms or maritime norms or trade norms? We posit that compliance with human rights norms has come to be seen as the emblem of an advanced society in the modern era. Providing the freedoms and rights associated with the most advanced states in the world give other states a sense of belonging to the group of "civilized nations", a position which affords other benefits, material and psychological, as outlined above.

Norms are standards of appropriate behavior defined in terms of rights and obligations (Krasner 1983; Finnemore and Sikkink 1998). International human rights norms are thus those norms put forward based on principles of international human rights that have been recognized by the international community. This recognition may come as a result of positive international law, such as in human rights treaties, or the recognition may identify a non-codified norm – an unwritten rule that has been recognized and accepted by the international community as a customary international legal obligation. We argue that human rights norms are particularly relevant for states that seek to improve or maintain their international reputations because human rights compliance has become a part of the modern calculus of political legitimacy (Donnelly 1998, 20).

Particularly in the post-World War II era, human rights abuses are identified with law-breaking, evil, and uncivilized individuals, governments and states. The increasing media

attention on the horrors of massive human rights violations has further solidified the notion that those states that commit human rights abuses against their people are not part of the modern world, the civilized global society. For those states who are seeking to enter that same civilized global society – whether the primary reason for doing so is economic, political, or in the interest of national security – complying with human rights norms is seen as one good way into the hearts and minds of the populations, and thereby the leaders of those populations. People identify human rights compliance with democracy and advanced society; and the masses within the countries of the West, for example, are more likely to take note of massive human rights abuses than environmental abuses, trade violations, or nuclear prohibition violations. This can be seen clearly in the cases of South Africa, China, and Austria (described briefly above), where outrage over the treatment of blacks in South Africa, dissidents in China, and a racist political platform in Austria created a popular movement against economic or political assistance and benefits to these states, and succeeded in influencing the action of both the United States and the European Union towards South Africa, China, and Austria until an improved human rights position was demonstrated.

A Theory of State Compliance with International Human Rights Obligations

Given our position that states will use human rights compliance as a mechanism by which to improve their reputations among other states in the international system so that they may reap the corresponding benefits, we hypothesize that states will comply with human rights norms in order to improve their reputations in two primary instances: when there is regional pressure to comply with human rights, and when the state seeks to maintain foreign assistance from those entities that provide assistance with human rights conditionality.

Regional Pressure

Regional pressure has been found to be more important than general international pressure when it comes to encouraging a state to comply with certain norms (Simmons 2000). This is due to the fact that regional countries not only tend to share a common heritage and culture, which increases opportunity for understanding and cooperation, but also tend to be each other's largest trading partners due to the cost-effectiveness of trading with those nearby as opposed to those on the other side of the globe. There is also a psychological benefit of being a part of a group: "By conforming to the actions of those around us, we fulfill a psychological need to be part of a group" (Axelrod 1986, 1105). Human rights norms are no different, and arguably create even greater pressure than norms which do not speak to morals and values. For this reason, when a state is located within a region where identification with human rights is strong, where high levels of compliance are encouraged, and where specific enforcement mechanisms might be in place for failure to comply, states will seek to improve their reputations as complying in order to reap the benefits and avoid the harms. Therefore, we have two regional hypotheses. First, states will be concerned about their reputations and thus more likely to comply with their human rights obligations when they are a member of a regional organization which places strong emphasis on human rights and provides a mechanism for enforcement. This will be particularly important in those regions with a separate human rights court, such as the European Union or the Organization of American States, because the state will want to avoid the potential costs of being charged in a case before such a court and risking a greater loss in its reputation, not to mention potential monetary and political sanctions. This is the situation Austria found itself in after the elections in 2000 when the Freedom Party joined the government coalition (Bermann et al. 2002).

Second, when a state is not currently a member of a regional organization that places an emphasis on human rights protections *but seeks to join* such as organization, that state will seek to improve its reputation for complying with human rights in order to reap the economic and security-related benefits of membership. This can be seen most clearly in the cases of those states seeking to join the European Union, where improvement in compliance with human rights obligations is often the number one criteria for states seeking membership in the EU (Parker 2004). For example, those countries on the wait list for membership in the European Union have been, and continue to be, highly concerned with their reputations as far as human rights compliance is concerned. This is due to the fact that the member states of the European Union are generally at the forefront of international human rights norms development and protection, and have made high levels of human rights protections a fundamental component for membership. For example, Turkey, a state which has long sought membership in the European Union, has continually been rejected for membership because of concern over its level compliance with human rights norms and its reputation for not enforcing protections of fundamental rights and freedoms such as rights of due process, equal protection and freedom from abuse by police forces (Kanarek 2003).

On the contrary, in those recent instances where states have been admitted to the European Union as members, such as Poland, Hungary and the Czech Republic (among seven others) in 1994, the states had an easier time gaining membership due to their overt efforts to comply quickly with international human rights obligations and their growing reputations as protectors of human rights and fundamental freedoms (Parker 2004). Another example can be seen in the case of Romania, whose membership application is before the European Union and who hopes to join the organization by 2007. After the fall of Ceausescu, Romanian orphans

were being widely sold on the black market, particularly to foreign parents. There were even reports of nuns taking children away from unwed mothers and selling the babies for up to \$15,000. The Romanian government, with no laws or adoption structure in place, was accused of violating numerous international human rights conventions, including those relation to the Convention on the Rights of the Child and international law prohibiting the trafficking in children. The European Union stated that Romania needed to revamp its adoption policy and protect human rights before membership could be considered. Romania complied with record speed, immediately shutting down any form of adoption until new laws could be passed. Romania's new adoption system, with strict protections on the rights and well-being of the child, went into effect on January 1, 2005 and the European Union has indicated that Romania is on target for membership by the end of 2006.

Foreign Assistance with Human Rights Conditionality

The second primary instance in which we anticipate states will comply with human rights obligations to improve their reputations occurs in situations when the state is seeking to receive foreign assistance from those entities that include human rights conditions as part of aid distributed. Many of the advanced liberal democracies, those who are the largest providers of foreign assistance, require some form of conditionality on foreign assistance given – specifically, those countries that are members of the OECD, as the OECD organization itself has provisions requiring development improvement for continued foreign assistance. We focus our analysis, however, on two particular entities that account for the vast majority of foreign assistance given through the OECD's Development Assistance Committee: the United States and the European Union. Both the U.S. and the EU have specific provisions in their domestic law stipulating that human rights obligations must be met by countries receiving foreign assistance in order for the

assistance to continue. We theorize that states will seek to improve their reputations for complying with their human rights obligations when they want to maintain their receipt of foreign assistance from the U.S. and the EU.

In the foreign aid literature, there is a debate as to whether foreign aid actually makes a difference with respect to target states' policies (Poe 1992; Schoultz 1981; Stohl et al. 1984). Much of this debate seems to stem from questions regarding US foreign aid and Latin American human rights abuses (Cingranelli and Pasquarello 1985; Schoultz 1981; McCormick and Mitchell 1988). Yet the relationship between foreign aid and human rights is also investigated in other areas of the world. For example, in studying good governance and European aid, Zanger finds little evidence of a relationship between these two variables (Zanger 2000). However, Zanger does suggest that the relationship between human rights and aid is non-linear and it could be that only those countries with severe human rights violations will be punished with no aid. This implies that there may be a range within which countries will be concerned about their international reputation.

Even within donors themselves, the current administration may have a significant effect on whether foreign aid induces target states to comply with human rights (Regan 1995; Apodaca and Stohl 1999; Stohl et al. 1984). Moreover, the specific type of aid given can have varying influence on a state's human rights record since, in the case of the US, a target state's human rights record affects the amount of economic aid given, but not military aid (Apodaca and Stohl 1999).

Although the literature is mixed on the nature of the relationship between foreign aid and human rights, we hypothesize that states seeking foreign aid are more likely to improve their human rights record in order to receive (or continue to receive) foreign aid. Both the US and the

EU have specific provisions concerning foreign aid distribution. Generally, for example, the OECD, of which the U.S. and the EU are members, have agreed to give foreign aid to countries that have demonstrated willingness to improve their human rights compliance. Those that continue to demonstrate such willingness and improvement in their levels of development and compliance are entitled to a greater share of aid than those that have not: “[a]llocation decisions henceforth will be more influenced than in the past by a country’s record on human rights and democratic peace” (OECD 1990, 12). More specifically, the United States requires, under Article 22 of the United States Code, that “[n]o assistance may be provided ... to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights ...” [USC 22(32)(I)(§2151n)]. Moreover, U.S. law provides that upon evidence of an improvement of human rights within a country, money may be made available for assistance: “[f]unds authorized to be appropriated ... may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States” [USC 22(32)(II)(§2304)].

Likewise, in the European Union, all member states of the EU are also parties to the European Convention on Human Rights and Fundamental Freedoms and members of the European Human Rights Commission. The stated goals of the Commission is that all member states must take all necessary steps to eliminate human rights violations, including in third countries. This has been interpreted as discouraging the provision of foreign assistance to any state with a poor human rights record (Nogueras and Martinez 2001). Furthermore, the European Union’s own policies regarding foreign assistance require the insertion of human rights

clauses in Community agreements with third states, particularly in regards to economic and development assistance (Bermann et al. 2002)

Data and Methodology

In this paper, we examine individual nation-state compliance with the provisions of the *Convention Against Torture*, which opened for signature on February 4, 1985. Our reasons for choosing the CAT are several. First, it has widely been signed and ratified (134 states) and therefore provides us with a larger potential N for analysis. Second, and more importantly, the articles of the CAT require very specific actions to be taken by states. Unlike the ICCPR and the ICESCR, which provide vague lists of human rights to be upheld (Camp Keith 1999), the CAT is very specific on both the rights offered to individuals and the duties expected of member states. For example, CAT Article 2 requires all state parties to enact legislation to ensure torture is illegal within its territory. Article 3 requires that no state return or extradite an individual when there are substantial grounds for believing he will be tortured. Article 4 provides that all state parties shall ensure acts of torture are illegal under their criminal laws. We test the relationship of our explanatory variables with a change in the level of state compliance using an ordered probit statistical model.

Dependent Variable

Compliance can be defined as the conformity of actual behavior with prescribed behavior. Non-compliance thus occurs when actual behavior departs from prescribed behavior (Young 1979). In the case of international human rights norms, then, compliance will occur when a member state of the international community conforms its behavior towards its nationals, as well as the nationals of other states (depending on the norm), to the prescribed norm put forth by the majority of states in the international community. Therefore, we will measure compliance

as a combination of both international indication of compliance (through the signing of international human rights treaties) and actual domestic compliance (measured as a change in level of compliance before and after the signing of the treaty).

Our dependent variable is, therefore, the change in level of compliance with the *Convention Against Torture* by an individual state in the period beginning two years prior to the ratification of the treaty to the period two years after the ratification. This is an original codification of the human rights data, because we believe that to adequately capture whether or not a state is complying with its human rights obligations, one must examine what those obligations require under the specific provisions of the treaty at issue. Several studies on norm compliance have simply used signature or ratification as an indication of whether state is adhering to an international norm. However, simply signing or ratifying a treaty does not mean a state will comply (although our theory would predict that even the act of signing a treaty will put the state's actions into the spotlight if they fail to comply).

In other words, it is not the ratification that advertises compliance, although this can be an overt signal that a state intends to comply; rather it is through subsequent effort to comply with the obligations outlined in the treaty that a state is considered trustworthy and capable of making credible commitments (Fearon 1994; Gaubatz 1996; Fortna 2003; Koremenos 2000). The signing of a treaty is a "*formal and highly visible commitment*" that should make the state more willing to improve its performance (Camp Keith 1999). States signal their intent to be bound through the signing of international human rights treaties as these are the primary manifestations of the norms to be followed. In so signing, states increase their reputation for law-abidingness because of the increased costs now associated with non-compliance. Moreover, states increase their reputation for trustworthiness due to the increased transparency resulting

from adhering to treaty provisions requiring reporting requirements and other methods of monitoring state behavior (Keohane 1984; Mitchell 1994; Simmons 1998).

States, therefore, who seek to improve their reputations through increased compliance with human rights norms, will have to work to specifically comply with treaty provisions in order to be seen as actually complying. To capture this effort at compliance with treaty provisions, we have coded our dependent variable as a change in the level of compliance. Using annual country reports from Amnesty International and the United States Department of States Human Rights Reports, we determined whether each state in our sample had taken measures required by the *Convention Against Torture* both two years prior to the date of ratification and two years after ratification. This was done through four questions our researchers answered using the country reports. Taking the numerical responses for the first three questions, we dichotomously coded a 1 for a positive change in the level of compliance during the four year period and a 0 for no change or a negative change in the level of compliance for each state in the sample. We then created a scale by combining the dichotomous scores from both the Amnesty and the State Department reports, giving us possible results ranging from 0 (no improvement in compliance whatsoever) to 6 (improvement identified in all three areas specified in questions one through three and reported by both the State Department and Amnesty International).

We believe that measuring compliance in this manner provides a clearer picture of the actual state action taken to comply with international norms. Moreover, by measuring our dependent variable as a change in compliance over a period of years beginning before treaty ratification to after treaty ratification, we address the common criticism of normative research that it is impossible to determine whether it is the adherence to the treaty prescribing the norm that causes state action, or some other reason, for improvement in norm compliance (*see*

Appendices I and II for further explanation of dependent variable coding and a list of countries in our sample).

Explanatory Variables

To test our hypotheses, we have four different explanatory variables, two under the umbrella of regional pressure and one under the rubric of foreign assistance. We also control for state population in order to account for the varying sizes of states, as some have found that population pressures may lead to increased levels of repression (Henderson 1993).¹

Regional Pressure

Seeking to Join a Regional Organization

Our first regional hypothesis is that states seeking to join a regional organization which includes adherence to human rights as part of its protocol will be more likely to comply with international human rights obligations. To test this hypothesis we examined the membership of the five principal international organizations that hold up human rights as one of their pillars: the European Union, the Council of Europe, the Organization of American States, the League of Arab States, and the African Union. Each of these organizations states, at the very minimum in the preamble to its charter and at the most extreme in a separate binding charter of human rights, that protections of human rights by member states is an essential component of membership.

To capture whether a state in our sample wished to become a part of one of these five organizations, we examined the foundational documents and lists of accession by current member states. States were coded based on a dichotomous mechanism with a 1 if they sought to

¹ Although common in studies of democracy and compliance (Slaughter 1995; Simmons 1998), we do not include a variable measuring level of democracy in our model that is based on the Convention Against Torture. An inherent component of democracy is a minimal level of human rights, which implies a certain value placed on human life that clearly is not associated with torture. Thus, by definition, democracy implies a society against torture. In this sense, democracy cannot provide us with an adequate picture of the causal relationship between state interests, actions, and human rights compliance. Because we are using the Convention Against Torture, including democracy in our model would lead to either of two problems: tautology or spuriousness.

join one of these regional organizations during the four year period we used for our dependent variable (from two years before treaty ratification to two years after). A state was considered “seeking to join” under two different circumstances. First, a state is considered “seeking to join” if there is explicit evidence of its desire to join. This is the case, for example with Turkey, a state which first submitted a request for opening membership talks with the European Union in the early 1970s and has been trying ever since. Second, if the state, during our time period, becomes a member of such an organization, it is considered “seeking to join” for the five-year period preceding its accession. An example of this can be seen in the case of Spain. Spain joined the European Union in 1986, so for the period from 1981 – 1985 Spain would be considered “seeking to join”. If any of the four years in our compliance period fall within those five years, the state would be coded as seeking to join. For Spain this was true for one year, 1985, for which Spain receive a score of 1.

Furthermore, to adequately capture the influence of a state’s seeking to join a regional organization over the course of the four-year time period surrounding ratification, coding was done for each of those four years and then averaged. The averaged score was then used in our statistical tests. Using Turkey as an example: Turkey ratified the CAT in 1988, so its four-year period extends from 1986 to 1989. Since Turkey initially expressed desire to join the EU in 1973, and still is not a member, Turkey was coded as 1 for each year (1986, 1987, 1988, 1989) in the four year period. This was then averaged, giving Turkey a score of 1 for purposes of our model. Spain, on the other hand, ratified the CAT in 1987, so its four-year period includes the years 1985, 1986, 1987, and 1988. Since Spain joined the EU in 1986, only one of these years, 1985, was coded as “seeking to join”. Thus when averaged out over the course of the four years, Spain’s score was .25.

Belongs to a Regional Organization with a Human Rights Court

Our second regional hypothesis is that states that already belong to an organization that upholds human rights, but also has a specific mechanism by which individuals and groups can seek redress for human rights abuses, will be more likely to comply with human rights because of greater regional pressure. For purposes of this variable, the specific mechanism by which individuals and groups can seek redress for violations is a human rights court which has the authority to hear cases and levy punishment. There are currently three organizations in the world that have such a court: the European Union (the European Court of Justice), the Council of Europe (the European Court of Human Rights), and the Organization of American States (the Inter-American Court of Human Rights).

If a state is not a member of any of these organizations, it received a score of 0. If a state is a member of one of these organizations, it received a score of 1. And, if a state is a member of two of these organizations (as is the case with many of the European states), it received a score of 2. As with the first regional hypothesis above, in order to adequately capture the effect of this regional pressure over time, each state received a score for each of the four years surrounding CAT ratification, and these scores were then averaged.

Foreign Assistance

We hypothesize that states that are more dependent on foreign aid will be more likely to comply with human rights, if that aid is conditioned on human rights. To operationalize the foreign assistance component of this third explanatory variable, we use the amount of aid that comes from two sources, the US and the EU. These data were obtained from the OECD International Development Statistics Online Database. As with the explanatory variables on region, we obtained the data provided by the U.S. and EU to the states in our analysis for the

four-year period surrounding the state's ratification of the CAT, and then took the average aid provided over the four-year span. Our hypothesis would indicate that those states receiving aid from the two entities would have higher levels of compliance given the human rights conditionality placed on this assistance. In order to keep the assistance flowing, those states will seek to maintain reputations as being human rights compliance in order to ensure the continuing influx of aid.

Results

Our theoretical framework suggests that states will vary their behavior according to how they perceive the incentives to comply. We theorize that there are two main sources that drive state behavior concerning compliance with international human rights treaties: regional pressures and foreign assistance.

Analysis of our dependent variable (change in compliance) shows that the values range from 0 to 4, although theoretically, a score of 6 is achievable. There are 61 observations, with a mean of 1.557 and a standard deviation of 1.057. That is, on average, states experienced a change in compliance of 1.6 points on our scale. The overall distribution of states is reflected in Table 2 and Graph 1 (*see* Appendix III). As seen in the table, many states experienced a small change in their compliance scores, while very few accomplished large changes in their compliance score. This comes as no surprise as we expect that states move gradually towards human rights compliance rather than in leaps and bounds.

Recall that our first set of hypotheses center on regional pressures. States are more likely to comply with international human rights treaties when there are strong regional pressures to do so. To test this, we look both at states seeking to join regional organizations and states that already belong to regional organizations that have a human rights court.

Our data analysis reveal mixed results (*see* Table III in Appendix IV). A state seeking to join a regional organization has little substantive effect on a state's propensity to comply with international human rights treaties. In fact, our results suggest that seeking to join a regional organization has a negative effect on change in compliance. It may be that states seeking to join a regional organization are less concerned with complying with human rights treaties because they are often given a grace period over several years to comply. As states prepare to join a regional organization, they will focus on bringing state policies across a broad range of issues in line with member states. It may be that human rights policies are prioritized towards the end of that agenda, rather than at the beginning.

However, once a state belongs to a regional organization, and that organization has a human rights court, our data analysis shows that states are much more likely to comply with human rights treaties. Consistent with our hypothesis, this kind of regional pressure increases state compliance. For example, members of the European Union are more likely to comply with the CAT because of the presence within the regional organization of a human rights court, the European Court of Justice. Thus, human rights courts within regional organization transcend symbolic importance by having a real effect on state compliance.

The results regarding foreign assistance also demonstrate contrasting effects. While both the aid from the US and the EU have a significant influence on a change in compliance, the aid from the US is not in the expected direction. We initially suspected that aid from the US and the EU may perform differently because of the varying emphasis on enforcing aid conditionality (such as human rights levels). In this respect, our results are not surprising. EU aid may be less politically driven than in the US, whereby aid is given as an incentive for improving state behavior in the area of human rights. However, it may be that in the US aid is given when states

simply maintain a minimum level of human rights or when the US wants to appease a target state that holds strategic importance. Overall, our results on foreign assistance support both sides of the debate in the foreign aid literature and suggest that the relationship between donors and targets is crucial to understanding the effects of foreign aid.

Conclusions and Directions for Future Research

In this paper, we have explored the question of under what conditions states comply with international human rights treaties. We have investigated this question by using content analysis, guided by the specific treaty obligations of the CAT, before and after each state's ratification of the treaty. We hypothesized that international human rights compliance was a function of both regional pressures and foreign assistance. Our analysis shows that state compliance is significantly influenced by the presence of a human rights court within a regional organization as well as aid received from the EU that is conditioned on human rights.

To gain a better understanding of the impact of these variables, we plan to extend our theory to other human rights treaties and perform similar analyses. This will provide a basis of comparison for our analysis of the CAT treaty and compliance presented here. While human rights treaties are often lumped together, it may be that differentiating among specific human rights treaties leads to a more nuanced understanding of why states comply with such treaties. Moreover, our analysis remains static. Exploring how and why state compliance with human rights treaties changes over time would add an interesting dynamic to our analysis. Such an analysis may lead to other interesting questions, such as whether or not there is a threshold for compliance in the international system, or diminishing returns for compliance.

Finally, our immediate avenue for research concerns the individual cases within our current analysis. We are interested in taking a closer look at the deviant cases that fall outside

our predictions, as well as performing comparative case studies. We believe that the issue of human rights and treaty compliance represents a fruitful area for the application of an ever-increasing trend in the field, using multi-method analysis.

Appendix I: Question Used in Determining Scaled Dependent Variable

- Question 1: Overall, was there torture in the state?
- Question 2: If the answer to question two is yes, there was torture, how many incidences of torture were reported?
- Question 3: Did the state take any actions as required by the Convention Against Torture, such as enact legislation making torture a crime or training police and security forces not to use torture?
- Question 4: If the answer to question 3 is yes, actions were taken, what actions were they?

Example of Coding

For each state in our sample, coding of the dependent variable was done as follows:

An examination was made of both the Amnesty International Country Reports and the United States Department of State Human Rights Country Reports for the year two years preceding he state’s ratification of the Convention Against Torture, and a year two years after the ratification.

For each report, each of the four questions identified above was examined. If there was a general report of torture occurring, this was coded as 1. If there was not torture at all, a state would receive a 0. For question two, the number of incidences reported was recorded (whether reported as a specific number, or with a verbal quantity such as ‘numerous’ or ‘thousands’. For question three, a state received a 1 if they took action corresponding to requirements in the CAT, and a 0 if they did not. Question four was simple a verbal description of the actions taken and was not used to calculate the scaled score of the state on the dependent variable. For each state then, we took the six responses (three from Amnesty report and three from the Department of State report) and coded a 1 for a positive change and a 0 for negative change or no change. An example is provided in the case of Chile.

Amnesty		Q1	Q2	Q3	Q4
Chile	1988	Before	1	widespread, prison	0
		After	1	20	1 limited investigation

State Department		Q1	Q2	Q3	Q4
Chile	1988	Before	1	109	1 few investigations
		After	1	48	1 few investigations

So for our scaled dependent variable, Chile received a 4. Coded as follows:

- 0 for Amnesty Q1 (no improvement).
 - 1 for Amnesty Q2 (improvement in number of reported incidences).
 - 1 for Amnesty Q3 (specific actions taken as required by treaty)
 - 0 for State Q1 (no improvement)
 - 1 for State Q2 (improvement in number of reported incidences).
 - 1 for State Q3 (specific actions taken as required by treaty)
-

4 is the total score on our DV Scale (indicating high level of improvement)

Appendix II: States in Our Sample with their Scaled Score on the Dependent Variable²

Table 1: List of States in Our Sample with their Dependent Variable Scores

South Asia		Europe and Central Asia	
Afghanistan	2	Albania	0
		Armenia	1
Middle East and North Africa		Azerbaijan	1
Egypt	2	Bosnia and Herzgovina	3
Jordan	0	Bulgaria	0
Libya	2	Croatia	1
Morocco	0	Georgia	2
Tunisia	1	Kazakhstan	1
		Latvia	2
Sub-Saharan Africa		Macedonia	3
Chad	0	Poland	2
Côte D'Ivoire	1	Romania	1
Democratic Republic of the Congo	0	Russian Federation	1
Ethiopia	1	Turkey	2
Somalia	3	Ukraine	1
South Africa	2	Uzbekistan	1
Togo	0		
Uganda	0	South Asia	
Zambia	2	Bangladesh	2
		India	1
East Asia and Pacific		Nepal	3
China	2	Sri Lanka	2
Indonesia	2		
Philippines	2	Latin America and Caribbean	
		Chile	4
Non-Classified		Colombia	3
Bahrain	3	Cuba	0
Canada	2	Dominican Republic	2
Germany	3	Ecuador	1
Greece	2	El Salvador	1
Israel	3	Guatemala	2
Kuwait	1	Honduras	2
Republic of Korea	3	Mexico	2
Spain	2	Paraguay	2
Switzerland	0	Peru	0
United Kingdom	1	Uruguay	4
		Venezuela	1

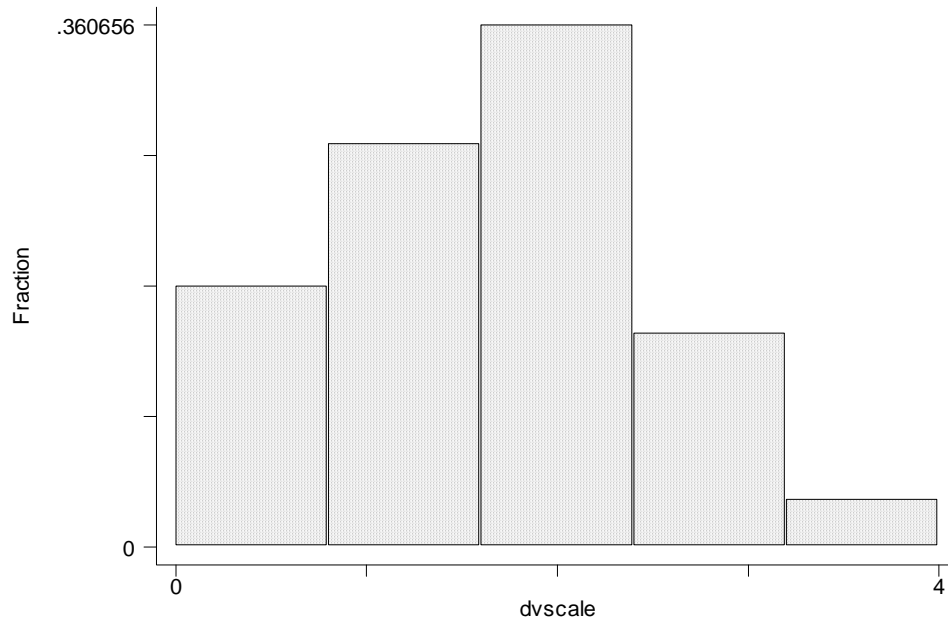
² Grouped according to the World Bank's Regional Classifications.

Appendix III: Distribution of the Scaled Scores on the Dependent Variable

Table 2. Frequency distribution of the Dependent Variable, Change in Compliance

Scaled Score on Dependent Variable	Frequency
0	11
1	17
2	22
3	9
4	2
5	0
6	0

Graph 1. Frequency distribution of the Dependent Variable, Change in Compliance



Appendix IV: Results of Statistical Analysis

Table 3. Ordered probit results with change in compliance as the dependent variable.

	Coefficient	Standard Errors	P> z
Join regional organization	-.211	.415	.612
Regional org. with HR court	.527	.251	.036
US aid	-.003	.001	.009
EU aid	.001	.001	.025
Population	.000	.000	.260

N=55

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