

**Crafting Reputation before Domestic and International Audiences:  
Autocratic Participation  
in the United Nations Human Rights Institutions**

by

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# Chapter 1

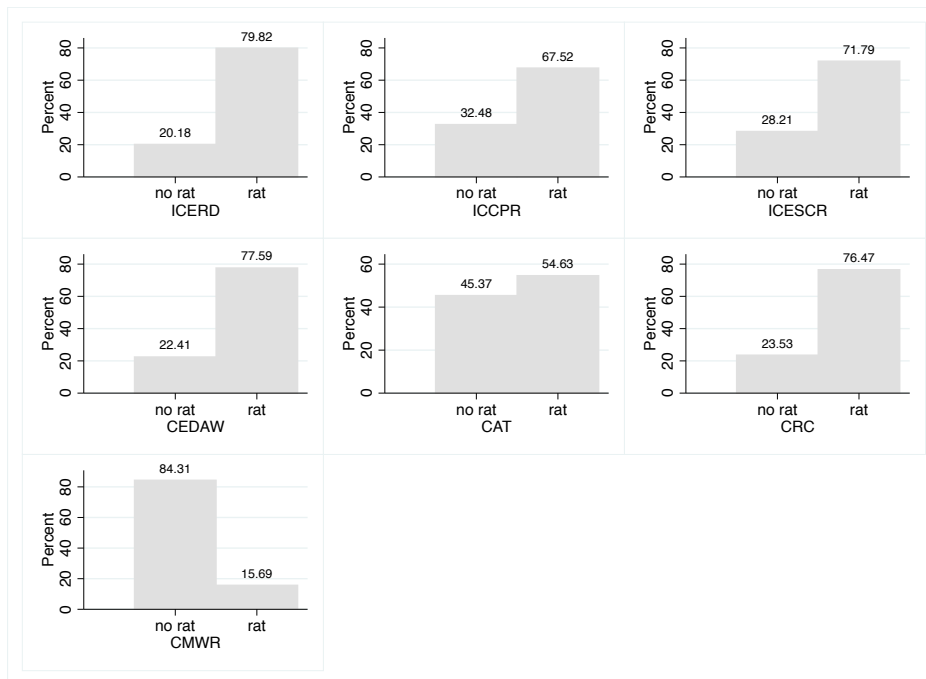
## Introduction

### 1.1 Puzzles

Why do some autocratic countries actively participate in international human rights institutions while their autocratic peers prefer to keep their engagement to a minimum? Most extant scholarship on human rights emphasizes the difference between the best human rights protectors, established democracies, and the worst human rights violators, autocracies (Hathaway 2002, 2007; Goodliffe and Hawkins 2006; Simmons 2009a). A lack of accountability mechanisms in domestic institutions and civil societies – free and fair elections, effective judiciaries, media freedom, active and legalized civil societies – is often cited as the cause of poor human rights performance in autocratic states, particularly when compared to democracies. Such studies tend to treat autocratic involvements with human rights as monolithic. However, autocratic states are neither uniformly cynical about world human rights institutions (Glendon 2002; Waltz 2001, 2004) nor equally oppressive (Conrad 2014), just as not all democratic states wholeheartedly supported the two Covenants without any qualification (Roberts 2015).

Autocratic states are frequent participants in the United Nations human rights treaty system. Around 60 percent of the 121 autocracies in my dataset are members of more than four core UN human rights treaties as of 2008. Table 1.1 displays the rate of autocratic ratifications

across the seven core UN human rights treaties.



**FIGURE 1.1:** Autocratic ratifications of seven core UN human rights treaties, 1966-2008. Data: Svoblik (2012a) and UNTS (2016).

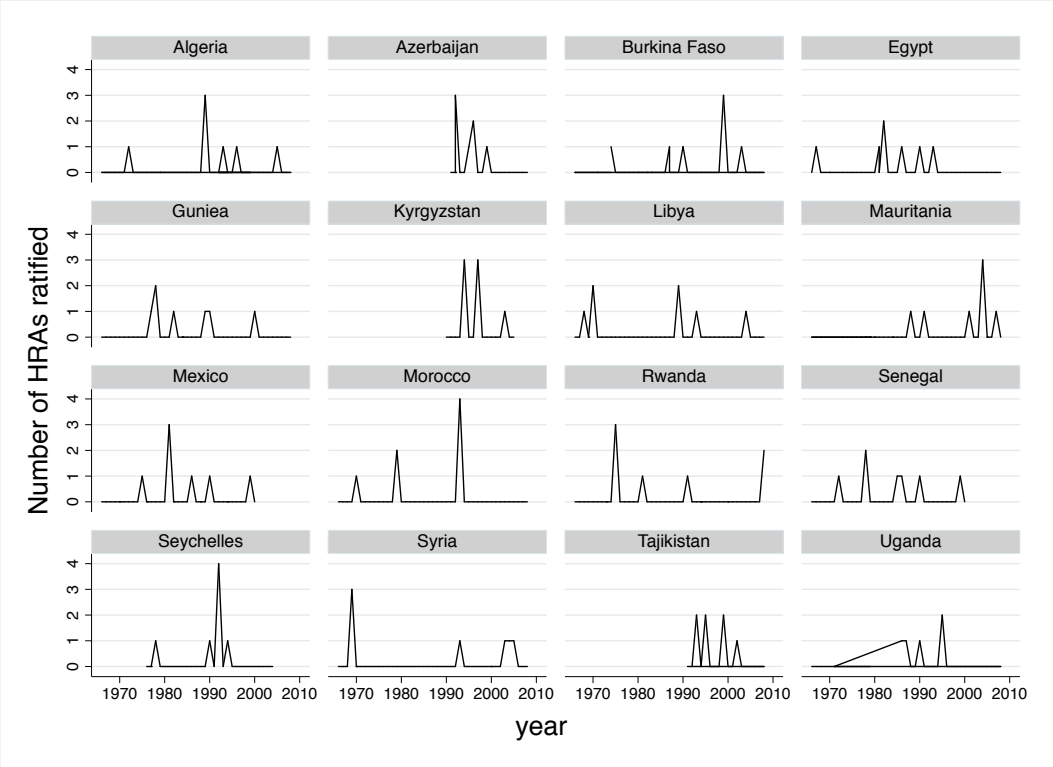
First, 80 percent of 114 autocracies ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) from the year 1965 to 2008. During the same time period, 68 percent and 72 percent of 117 non-democratic states ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), respectively. Out of 116 autocratic states, 78 percent ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) between 1979 to 2008. Of 108 non-democratic states, 55 percent ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) from 1984 to 2008. Finally, 76 percent of 102 autocracies ratified the Convention on the Rights of the Child (CRC) from 1989 to 2008, and 16 percent of 102 autocracies ratified the

International Convention on the Protection of the Rights of the Migrant Workers and Members of Their Families (ICMWR) from 1990 to 2008. Table 1A.1 in Appendix at the end of this chapter provides a full list of the nine core UN human rights instruments along with the dates on which they opened for signature.

Recently, several scholars have examined autocratic states' participations in international human rights institutions with a weighted focus on treaty commitment and compliance (Conrad 2014; Hollyer and Rosendorff 2011, 2012; von Stein 2014; Vreeland 2008). These researchers have begun looking into the internal heterogeneity of autocracies. Such studies have shown that differences in political institutions across regimes are key to explaining autocratic ratifications of human rights treaties. Autocratic states with multiple parties tend to readily ratify international human rights treaties to placate domestic groups exerting pressures for openness (Vreeland 2008). Alternatively, autocratic states, such as personalist regimes, that need extra legitimacy due to the lack of institutionalized validation of power in their political system, tend to seek international human rights treaty memberships (von Stein 2014). However, these regime-centered accounts do not explain why autocratic states tend to ratify multiple human rights agreements simultaneously and why numerous ratifications occur under a particular autocrat within a country.

Figure 1.2 reveals that some autocrats seek legal memberships in multiple international human rights treaties, even concurrently. The figure displays the ratification events of seven core UN human rights treaties in sixteen of the most active autocratic ratifiers from 1966 to 2008. Each treaty opened for signature at a different time (e.g., the International Covenant on Civil and Political Rights opened for signature in 1966 while the Convention against Torture opened in 1984); thus, the number of human rights treaties available for ratification differs from

year to year. In most cases, we observe either one or two spikes in ratification incidents or individual ratification events clustered around an adjacent period of time in a given autocratic country. This pattern suggests that particular autocrats tend to ratify multiple human rights agreements either simultaneously or over the course of their tenure. Current domestic institutional accounts do not sufficiently explain this pattern of ratification by different autocrats within one country, and no theory yet exists to account for autocratic ratification of multiple human rights treaties.



**FIGURE 1.2:** Count of ratification events of seven core UN human rights treaties in sixteen of the most active autocratic ratifiers between 1966 and 2008. NOTE: Ecuador is excluded because four out of seven of its ratification incidents occurred during democratic leader tenures. Data: Svoblik (2012a) and United Nations Treaty Series (UNTS, 2016).

Furthermore, despite the treaty commitment literature’s heavy focus on ratification, a state’s decision to join international human rights treaties involves more than a simple binary

decision of whether or not to ratify. Once a state decides to join a main international human rights treaty, it needs to consider whether to accept the extra monitoring and/or enforcement mechanisms available under that treaty as well as which specific mechanisms, including individual complaints, inter-state complaints, inquiries, the ICJ jurisdiction, and regular visits, to accept.<sup>1</sup>

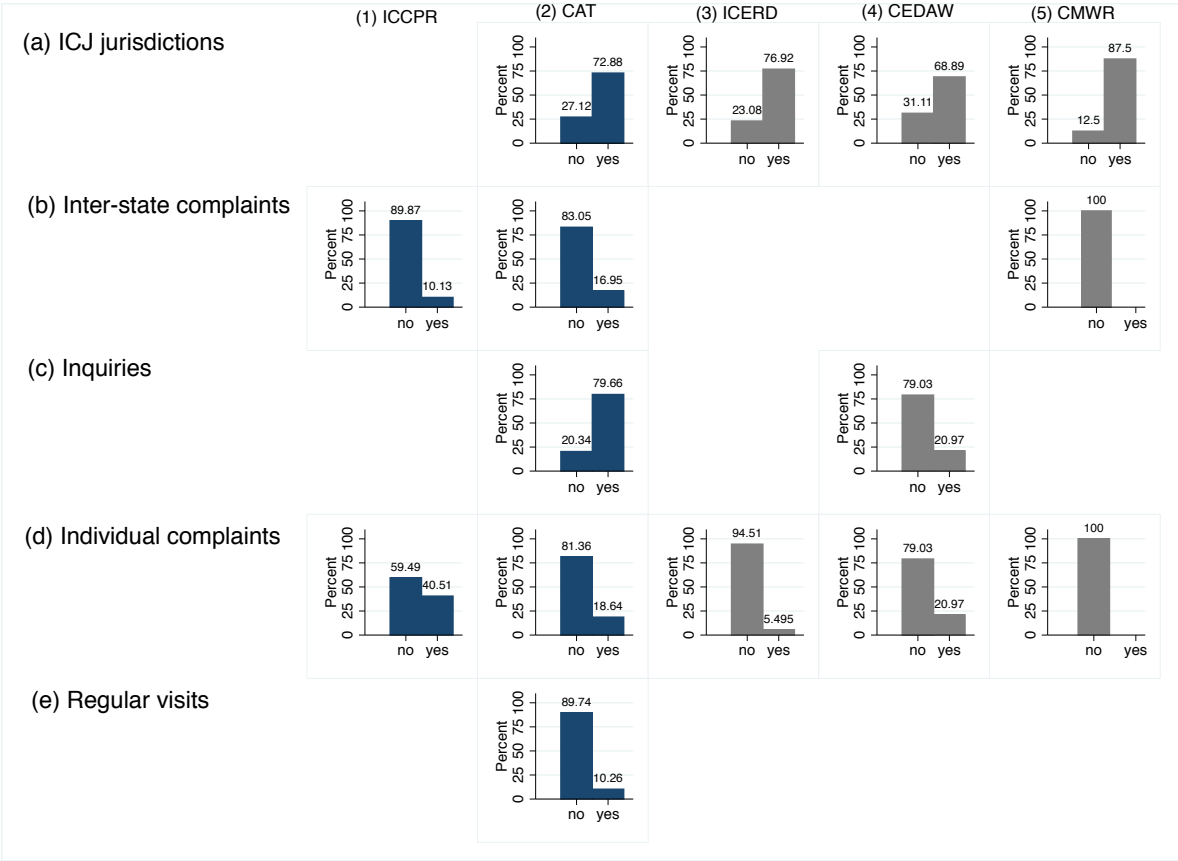
Figure 1-3 briefly presents autocratic treaty member states' acceptance of monitoring and enforcement procedures in each of five core UN human rights treaties. These treaties allow ratifying states to opt in and out either when joining the main treaty or later in time.<sup>2</sup> Each human rights treaty has a different configuration of optional monitoring/enforcement mechanisms, and autocratic states accept these mechanisms at a different rate, depending on the specific types of monitoring/enforcement procedures and on the breadth of the treaty's rights beneficiaries. Strikingly, autocratic member states overall tend to accept the ICJ compulsory jurisdictions from most human rights treaties by not attaching reservations to compromissory clauses. Conversely, autocratic member states seem more cautious about accepting inter-state

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<sup>1</sup> In addition to choosing among procedural obligations under main human rights treaties, states can also tailor their substantive treaty obligations. Upon signature or ratification, states must decide whether to opt out of certain substantive treaty obligations from main human rights treaties by lodging reservations (Koremenos 2016, Chapter 6). Once members of the main human rights treaties, states can also declare to accept extra substantive treaty obligations by accepting optional articles and optional protocols, expanding the scope of the treaty obligations in substantive ways. For example, member states to the Convention on the Rights of the Child can declare that the minimum age for recruitment into the armed forces of personnel called for military service is 18 years instead of 15 years under Article 38, paragraphs 2 and 3. Similarly, member states to the International Covenant on Civil and Political Rights can commit to an extra substantive obligation to abolish the death penalty by ratifying the Second Optional Protocol to the ICCPR. While I do not consider this substantive variation in state treaty commitment in the dissertation, I plan to explore the complete and exhaustive range of treaty commitment by states in a post-dissertation project. See Chapter 5 for more discussion.

<sup>2</sup> Due to the limited time coverage, I do not consider states' acceptance of extra monitoring/enforcement mechanisms under the International Covenant on Economic, Social, and Cultural Rights (ICESCR), Convention on the Rights of the Child (CRC), Convention on the Rights of the Persons with Disabilities (CRPD), and International Convention against Enforced Disappearance (ICED). The corresponding monitoring mechanisms were open for signature in 2008, 2012, 2006, and 2006, respectively, while my dataset ends in 2008.

complaints, individual complaints, and regular visits from international monitoring bodies. The data further shows that autocratic member states tend to accept monitoring and/or enforcement procedures from human rights treaties concerning general rights protections for all people, as indicated in bar graphs in blue on the left side of the panel, rather than from those concerning minority rights protections, described in bar graphs in gray on the right side of the panel.



**FIGURE 1.3:** Autocratic acceptance of extra monitoring/enforcement mechanisms under five core UN human rights treaties, 1966-2008. Data: Svulik (2012a) and UNTS (2016). NOTE: Columns (1) to (5) show that different treaties use different mechanisms for monitoring and/or enforcement. Graphs with blue bars on the left concern human rights treaties benefitting the universe of all people while graphs with gray bars on the right concern those targeting specific groups of social minorities. Inter-state complaints are mandatory for all member states to the ICERD under Articles 11-13, so the procedure is not considered here.

A few important empirical studies examine states' acceptance of individual complaints (Smith-Cannoy 2012; c.f. Hill 2015 for reservations and also Cole 2009, Landman 2005, and Simmons 2009b); however, they do not explain what motivates states to accept some monitoring or enforcement procedures but not others. Various monitoring and enforcement procedures have institutional differences in terms of the expected state control over the initiation and proceeding of mechanisms as well as the expected consequences of being caught as a rights violator. In addition, each human rights treaty deals with different human rights issue areas, focusing on a varying range of rights beneficiaries on the ground, whose support autocratic leaders might value differently. All decisions to ratify certain human rights treaties as well as to accept particular monitoring and enforcement procedures under those treaties, which are mostly conducted at the same time, are closely inter-independent. Existing scholarship has yet to offer an overarching theoretical framework for understanding a broad spectrum of autocratic states' commitment to international human rights treaties.

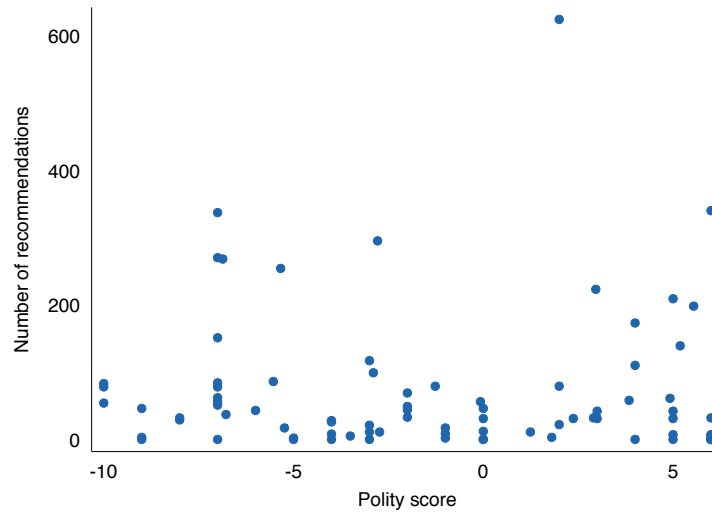
Additionally, autocratic countries do not engage global human rights institutions only through legal commitments to human rights treaties, despite the current focus in empirical human rights scholarships on treaty commitment (Hafner-Burton 2012). The United Nations has various human rights institutions beyond treaty systems, including the Universal Periodic Review – a newly created human rights monitoring and enforcement mechanism. In response to heavy criticisms that the former UN Commission on Human Rights was politicized, partial, and subjective (United Nations 2005), the UPR is designed to subject all UN members to regular scrutiny. This process puts all UN member states procedurally on equal footing in evaluating and making recommendations to fellow states. The UPR's innovative approach attempts to

complement the expert-based monitoring system of most international treaties, including and beyond human rights, with a peer-based monitoring system (Cochrane and McNeilly 2013).

Strikingly, autocratic members of the UN are neither uniformly vocal nor silent when given the opportunity to publicly shine spotlights on peer states' human rights policies and practices. During the first cycle of the UPR, from 2008 to 2011, Azerbaijan issued 337 recommendations on other states' human rights performances while the United Arab Emirates only issued twenty-nine (UPR-Info 2014b). Recommendations from authoritarian states, moreover, vary a great deal in substance. Some recommendations specifically request changes to domestic laws and institutions, as when Zimbabwe urged the United Arab Emirates to establish national laws to protect children's rights (UPR-Info 2014b). Other recommendations shift the spotlight away from a state's dismal human rights practices by instead focusing on the lack of international assistance for human rights capacity-building. Still others compliment the state's human rights policies instead of offering constructive criticism to help the state improve.

Current scholarship on human rights naming and shaming, both in the UPR and in general, often overlooks this interesting diversity in autocratic behaviors in international human rights institutions. Existing literature on the UPR follows the conventional approach of focusing on stark behavioral distinctions between autocracies and democracies and concludes that democratic recommenders are, indeed, participating more actively and in more meaningful ways than their autocratic counterparts (McMahon 2012). However, as Figure 1.4 shows, the level of *democraticness* among autocracies alone cannot fully explain their internal heterogeneity regarding their utilization of international human rights institutions such as the UPR.





**FIGURE 1.4:** Number of recommendations by the level of *democraticness* among non-democracies. States whose average Polity score (Marshall and Jaggers 2002) during the first cycle of the UPR from 2008 to 2010 is less than seven are considered autocracies. Data: UPR-Info (2014b).

Autocratic participation in particular international human rights institutions occurs in the complex context of overlapping international (and possibly also domestic) human rights institutions. For example, a vast majority of UN human rights institutions are clustered in the Palais des Nations in Geneva, Switzerland, from the Human Rights Council to specific human rights treaty bodies. The same diplomats, as well as legal attachés specializing in human rights in permanent missions in Geneva, often simultaneously deal with their states’ reporting obligations to the committees of particular human rights treaties, voting in the Human Rights Council sessions, recommending in the Universal Periodic Review, and so on (Author’s fieldwork in Geneva, Switzerland from January 18 to 27, 2016). Despite this reality, little attention has been paid to how states’ human rights policies are formulated through such

multilayered, overlapping human rights institutions both internationally and domestically (cf. Voeten 2013).<sup>3</sup>

## 1.2 The Argument

In this dissertation, I explore why some autocratic states, which have often been considered antagonistic toward human rights, actively take part in various international human rights institutions while other autocratic states do not. Specifically, I address the following four questions:

1. Why do some autocratic leaders pursue multiple ratifications of the core UN human rights treaties either simultaneously or over their tenure?
2. Given the underlying motivation for pursuing memberships in human rights treaties, how do some autocratic leaders accept extra monitoring and/or enforcement procedures when joining those treaties?
3. Why do some autocratic states issue either a higher number of recommendations or more serious and meaningful recommendations to their peer states in the Universal Periodic Review?
4. Why do autocratic states issue meaningful recommendations to their peer states in the Universal Periodic Review as they commit to a higher number of the core UN human rights treaties?

I argue that autocrats are motivated to participate in international human rights institutions, either legally or non-legally, by a desire to craft and secure good reputations before domestic and international audiences. I focus on autocratic leaders' pursuit of good domestic reputations on human rights regarding their legal commitments to human rights treaties.

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<sup>3</sup> I would like to thank Courtney Hillebrecht, Benjamin Appel, Courtenay Conrad, Chris Fariss, Jill Haglund, and Dai Xinyuan and other participants in the overlapping institutions workshop hosted by the human rights and humanitarian affairs program at the University of Nebraska – Lincoln from April 18-19, 2016 for sharing early ideas about how to study overlapping human rights institutions.

Regarding autocratic states' behavior in the Universal Periodic Review as recommending states, I focus on their pursuit of good international reputations on human rights.

First, I examine autocratic multiple ratifications of human rights treaties in the context of autocratic leaders' pursuit of popular support to resolve the commitment and information problems inherent in power sharing relationships between autocrats and their political elites. Autocratic leaders with different support bases from those of their predecessors seek approval from broader masses to deter potential challenges from new regime insiders. Both these autocrats and their new regime insiders suffer from a higher level of uncertainty about each other. Such autocrats are not often equipped with the consolidated political and economic institutional tools to check regime insiders' ambitions and keep them content with the status quo. In the meantime, these new regime insiders have more uncertainty about both their leaders' willingness to honor power-sharing arrangements and their leaders' capacity to withstand possible domestic challenges. Members of ruling coalitions face serious coordination problems when plotting coups in the absence of manifestations of popular disapproval for the authoritarian leaders, however. Thus, autocrats with new support bases distinct from those of the outgoing leaders need to shore themselves up as legitimate leaders with popular support in order to deter potential challenges from new members of their ruling coalitions.

Such autocrats find ratification of human rights treaties an expedient policy tool either to signal a break from their repressive autocratic predecessors or to reassure citizens by demonstrating continuity with their democratic predecessors in human rights protections. Among many other liberalization policies under authoritarian leaders, human rights treaty memberships help governments appear to care for "broad interests" and therefore to be "broad-based" in the eyes of ordinary citizens while still granting concentrated political, economic, and

social benefits to small segments of ruling coalitions. Multiple ratifications of human rights treaties send an even stronger message to the masses whereas the expected costs of those commitments seem marginal, at best, especially to these autocrats' myopic eyes.

The masses welcome such seemingly cosmetic policy concessions for three reasons. First, people can look to international institutions as alternative actors with the authority to hold autocrats accountable for non-compliance as working domestic accountability mechanisms are absent in authoritarian countries (Cole 2006; Fang and Owen 2011; Smith-Cannoy 2012). Second, people may anticipate the unintended consequences that today's human rights ratifications might bring about in the future by enabling civil societies and litigations (Goodliffe and Hawkins 2006; Simmons 2009a). Last, people may be either simply content at seeing some evidence that their countries are moving in the right direction (Hawkins 2002; Vreeland 2008) or satisfied to see their countries assuming a rightful role in the international community alongside a majority of other countries (Goodman and Jinks 2013).

Autocrats with new support bases add credibility to their promises to grant rights protections by accepting extra monitoring and/or enforcement procedures in addition to ratifying main treaties. However, they are willing to accept a higher level of international accountability only when they expect positive returns from the targeted range of rights beneficiaries, the general citizens. Conversely, these autocrats are less interested in garnering support from marginalized communities, such as women, children, racial minorities, people with disabilities, and migrant workers. Most citizens view improvements in rights conditions for these marginalized communities as less important than many other factors when evaluating their governments' performance. In addition, autocrats prefer monitoring/enforcement mechanisms that allow them

to exercise some control over initiations and proceedings, such as ICJ jurisdiction, inter-state complaints, and inquiries as opposed to individual complaints and regular visits.

Autocratic states are also active participants in UN human rights institutions other than these core human rights treaty instruments. I argue that autocratic states actively engage in the Working Group Sessions of the Universal Periodic Review when seeking an enhanced reputation on human rights, either on their own or in relation to a particular state, in the eyes of the international audience. In particular, autocratic states with higher profile positions in other international human rights institutions, such as the Human Rights Council, issue a higher number of recommendations as well as more meaningful recommendations to peer states. Once achieving elected member status on the Human Rights Council, an autocratic state faces heightened international attention and scrutiny regarding its involvement with other international human rights institutions. Therefore, such a state is motivated to look like a good actor in other human rights institutions. Similarly, autocratic states issue more meaningful and serious recommendations to their foreign policy adversaries than to their foreign policy allies. By commenting on the poor human rights policies and practices of their foreign policy adversaries, autocratic states can tarnish the reputations of states with which they are in conflict. By issuing more meaningful and serious recommendations to foreign policy adversaries, autocratic states can enhance their own reputations as human rights advocates before the international community.

Last, I examine autocratic states' involvement with the UPR as recommenders in conjunction with their level of commitments to the UN core human rights treaties. I argue that autocratic states issue the most meaningful recommendations, which mostly refer to international human rights instruments but stop short of encouraging domestic legal, institutional, and policy

reforms, as they commit to a higher number of core human rights treaties for the following two reasons. First, financial and human resources constraints as well as the unique institutional structure of the UPR render referring to human rights treaties that they are already members of an efficient and effective way to deliver human rights priorities without upsetting targeted states under review. By doing so, they can issue legitimate and objective recommendations while minimizing the potential for reciprocation when they are up for review. Second, however, such autocratic recommending states are more cautious about interfering with other states' domestic human rights policies by suggesting domestic reforms of law, institutions, or policies with specific action plans.

### **1.3 Plan for the Dissertation**

This dissertation examines the participation of autocratic states, which are commonly assumed to be antagonistic to human rights, in various international human rights institutions both legally and non-legally. I argue that such participation is driven by these autocrats' pursuit of domestic and international reputations as good actors on human rights.

Chapter 2 surveys existing studies on autocratic states' commitments to international human rights treaties as well as their bureaucratic involvement with the Universal Periodic Review as recommending states. This chapter highlights questions unanswered by previous literature and fills in those gaps, enhancing our understanding of the relationship between autocratic states and international human rights institutions.

Broadly, autocratic legal participations in international human rights institutions are discussed in Chapters 3 and 4 whereas their non-legal involvements are examined in Chapter 5. With regard to autocratic states' legal involvements with international human rights treaties, I

provide a novel theoretical mechanism in Chapter 3 to explain autocratic leaders' multiple ratifications of human rights treaties, either concurrently or over their tenure. Chapter 4 links this theoretical explanation of autocratic leaders' horizontal commitments to human rights treaties to the empirical patterns of their vertical commitments to specific human rights treaties as they accept or reject higher levels of monitoring and/or enforcement from the relevant treaty bodies.

In Chapter 3, I argue that autocratic leaders who come into power with different support bases from their predecessors seek popular support to enhance the legitimacy of their power in the eyes of their new regime insiders. For these autocrats, multiple ratifications of international human rights treaties serve as an expedient policy tool either to signal a break from their repressive autocratic predecessors or to reassure citizens that their human rights protections are comparable to those of their democratic predecessors. Committing to human rights treaties can communicate that their autocratic rule is "broad-based" while still actually benefiting only a small segment of ruling coalitions. A new dataset I created on individual autocratic leaders' ratification records of the seven core UN human rights treaties to test this theoretical expectation provides strongly supportive empirical evidence, which is robust to different model specifications, different estimations, and alternative explanations.

Chapter 4 tests the empirical implications of Chapter 3 after carefully studying various optional monitoring and enforcement mechanisms of five core UN human rights treaties. The empirical implication driven by the theoretical argument of Chapter 3 is that autocratic leaders with different support bases from their predecessors accept additional monitoring and/or enforcement procedures only when such deeper commitments are appealing to broader populations and when the procedures allow for substantial state control. Based on the same

dataset used in Chapter 3, I estimate a series of the seemingly unrelated bivariate probit models to account for the possible inter-dependence between autocratic decisions to ratify a given main treaty and decisions to accept extra monitoring/enforcement. The findings are overall positive although the data suggest a more nuanced understanding of deeper autocratic commitments to the Convention against Torture.

In Chapter 5, I address autocratic non-legal participation in international human rights institutions, with a special focus on the Universal Periodic Review. After carefully examining the unique institutional design of the UPR's Interactive Dialogue, I argue that autocratic states pursuing international reputations either on their own or in relation to a particular state under review issue more recommendations as well as more meaningful recommendations to peer states. I test this theoretical claim with a newly created directed-dyadic dataset, which extends the existing UPR-Info's dataset on UPR recommendations (2014b). The empirical findings are supportive and robust to different model specifications, alternative measures of dependent variables, and potential selection bias. Personal interviews with state delegates across the world and human rights NGO staffs add illustrative supporting evidence to the main findings (January 19-26, 2016).

Chapter 6 explores the interaction between autocratic legal involvements with the core UN human rights treaties and their bureaucratic participations in the UPR as recommending states. Based on the same dataset used in Chapter 5, I test whether autocratic states issue specific recommendations to peer states when ratifying a higher number of core human rights treaties and if so, how, with a series of simple logit estimations along with qualitative data gathered from my fieldwork in Geneva, Switzerland from January 17 to 28, 2016. The results suggest that the UPR



is not a redundant human rights institution of the UN but rather an institution that reinforces the UN's human rights standards.

The last chapter concludes with a summary of the key findings of this dissertation and a discussion of its contributions to the broader literature on human rights institutions.

## 1.4 Appendix

**Table 1A.1.** List of the United Nations Core Human Rights Instruments

Title		when open for signature
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination	December 21, 1965
ICCPR	International Covenant on Civil and Political Rights	December 16, 1966
OP1 ICCPR	Optional Protocol to the International Covenant on Civil and Political Rights	December 16, 1966
OP2 ICCPR	Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	December 15, 1989
ICESCR	International Covenant on Economic, Social and Cultural Rights	December 16, 1966
OP ICESCR	Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	December 10, 2008
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	December 18, 1979
OP CEDAW	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	December 10, 1999
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	December 10, 1984
OP CAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	December 18, 2002
CRC	Convention on the Rights of the Child	November 20, 1989
OP1 CRC	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	May 25, 2000
OP2 CRC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	May 25, 2000
OP3 CRC	Optional Protocol to the Convention on the Rights of the Child on a communication procedure	February 28, 2012
ICMWR	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	December 18, 1990
CRPD	Convention on the Rights of Persons with Disabilities	December 13, 2006
OP CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities	December 13, 2006
ICED	International Convention for the Protection of All Persons from Enforced Disappearance	December 20, 2006

NOTE: United Nations Treaty Collection. Database. Accessed on May 4, 2016. Available at <https://treaties.un.org/pages/Treaties.aspx?id=4&subid=A&lang=en>.

## **Chapter 2**

### **Autocratic Participation in the United Nations Human Rights Institutions**

Autocratic states' behavioral patterns in the United Nations' human rights institutions can be considered in terms of their means of participation: legal or non-legal. Extant studies on autocratic participation in international human rights institutions have mostly focused on legal commitment to and compliance with human rights treaties (Conrad 2014; Hollyer and Rosendorff 2011, 2012; von Stein 2014; Vreeland 2008;), although a small number of researchers have started to pay attention to political activities as well (Lebovic and Voeten 2006; McMahon 2012; Voeten 2000). These include voting at the UN General Assembly for human rights resolutions, the former Commission on Human Rights, or the Human Rights Council, and issuing recommendations in the UN Universal Periodic Review. This chapter will review both existing theoretical claims regarding how and why authoritarian governments participate in international human rights institutions the way they do and the major findings of corresponding studies. I will follow this discussion with a brief survey of methodological progress on this topic, and I will conclude this chapter by discussing how my dissertation deepens our understandings of autocratic participation in international human rights institutions on both theoretical and methodological fronts.

## 2.1. Autocratic Legal Participation<sup>4</sup>

The current scholarship on autocratic ratification of the UN human rights treaties has demonstrated that autocrats seek the short-term benefits of treaty ratifications while underestimating their possible long-term unintended consequences. These scholars claim that autocrats hope to enjoy the transitory rewards<sup>5</sup> of HRA memberships but have no sincere intent to comply with terms of the treaties. Early empirical findings show a disparity between repressive regimes' rhetorical support for human rights norms through legal commitment to human rights treaties and their actual human rights practices (Cole 2012c; Conrad 2014; Hafner-Burton and Tsutsui 2005, 2007; Hafner-Burton, Tsutsui and Meyer 2008; Hathaway 2002, 2003, 2007; Hill 2010 for the CAT and ICCPR; Keith 1999; Neumayer 2005; von Stein 2016).

However, more recent studies highlight important nuances in this relationship conditional on domestic institutions such as democracy, judiciary, and/or civil society or on a leader's job security (Cole 2013; Conrad and Ritter 2013; Landman 2005; Neumayer 2005; Powell and Staton 2009; Simmons 2009a). Cole (2012b) also finds "unconditional" and "direct" positive effects of deeper commitments to human rights treaties by accepting extra monitoring from individuals or peer states on actual practices (see his empirical results especially for the CAT and ICCPR). Cole (2012a) optimistically posits that treaty ratification has not only a direct long-

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<sup>4</sup> In this dissertation, my focus on legal participation is limited to the acquisition of treaty memberships, including ratifying and accepting extra monitoring and enforcement from relevant treaty bodies by allowing individual complaints, inter-state complaints, inquiries, regular visits, and ICJ jurisdiction upon disputes. However, please note that other avenues for legal participation in international human rights treaties exist. Two examples worthy of future study include issuing objections to other states' reservations (Hong 2015 working paper) and submitting periodic state reports to relevant treaty bodies (Creamer and Simmons 2015).

<sup>5</sup> See Nielsen and Simmons (2015) for their null empirical evidence of "reward-for-ratification thesis." They could not find any increase in international aid, ratified preferential trade agreement, signed bilateral investment treaty, praise from the U.S., or decrease in Amnesty International's criticism after human rights treaty ratifications. For the opposite result, please read Garriga (2016), Magesan (2013), and Schmaljohann (2013).

term positive effect on opportunistic ratifiers but also an indirect positive effect on non-ratifiers. Lupu (2013a) finds that the effectiveness of treaty ratification varies across types of specific rights depending on whether the evidence of abuse is easy to obtain and standards of proof are reasonably low. He, thus, finds that the ICCPR has a positive effect on the improvement of civil rights protections but not on physical integrity rights protections. Both Hill (2010) and Lupu (2013b) find that the CEDAW significantly improved women's rights after addressing potential selection bias through matching techniques. Unlike Hill (2010), however, Lupu (2013b) claims that the ICCPR and CAT have no impact on actual practices rather than worsening human rights. More importantly, Fariss (2014) finds that human rights practices have been indeed improved over time after correcting biased estimates of repression among the existing data. Fariss (2014) identifies a positive relationship between CAT ratification and respect for human rights.<sup>6</sup>

The reward-based theory of autocratic commitment is two-fold: ratification of human rights treaties would produce either international or domestic benefits (or both). One strand of research holds that the benefits of human rights treaty membership come from outside the country. Autocrats join human rights treaties to enjoy legitimacy, good reputation, or positional values in the international community (Cole 2009, 2012a; Goodman and Jinks 2013; Hafner-Burton and Tsutsui 2005; Hathaway 2007; Heyns and Viljoen 2002; Risse, Ropp and Sikkink 1999).<sup>7</sup> For example, the Soviet Union ratified the ICCPR and ICESCR before participating in

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<sup>6</sup> This null or negative impact of human rights treaty ratifications on the improvement in human rights practices might have been driven mostly by the "information paradox" (Clark and Sikkink 2013; Cole 2010, 2012a, 2012b, 2012c, 2013; Goodman and Jinks 2003). Ratification itself invites more monitoring from the media and/or enabled rights activists; thus, it is more likely to detect violations compared to ex-ante ratification and frequently results in "spuriously inflated perceptions of abuse" (Cole 2012b). In order to address this possible omitted variable bias, Cole factors freedom of the press into his studies on the compliance/effectiveness of human rights treaties (Cole 2010, 2012a, 2012b, 2012c, 2013).

<sup>7</sup> Many transitional democracies tend to ratify human rights treaties as symbolic gestures to the international community that they are breaking from their authoritarian pasts (e.g. Brazil, Czech Republic, Estonia, Romania, South Africa, and Spain. See Heyns and Viljoen 2002, p.9). In comparison, Moravcsik

the European Conference on Security and Cooperation (Heyns and Viljoen 2002, 9). This practice allows autocrats to avoid international scrutiny by hiding among other peer ratifiers (Simmons 2009a) and helps them avoid the cost of being left out as non-ratifiers when all other states acquire memberships (see the USSR for the CERD and CEDAW ratifications in Heyns and Viljoen 2002). Alternatively, autocratic states may simply value conforming to what “modern” states are expected to behave as most developed countries do, not necessarily believing in human rights norms contained in international human rights treaties (Goodman and Jinks 2013). Repressive autocrats use such ratification as the “legitimizing cover”<sup>8</sup> that helps them ward off international criticism while committing further human rights abuses (Hafner-Burton and Tsutsui 2005).

Other researchers focus on the domestic benefits of treaty commitment. They argue that autocrats seek memberships in international human rights treaties to appease domestic audiences and “temporarily” attenuate the pressure for real change (Moustafa 2003; Risse, Ropp, Sikkink 1999<sup>9</sup>; Vreeland 2008). Thus, autocrats who need support from other domestic groups to survive in power tend to join international human rights treaties more than those who do not (von Stein 2014; Vreeland 2008). Multi-party autocracies are good examples (Vreeland 2008). A power-sharing opposition would be forward-looking, creating the expectation that human rights abuses would be attenuated after the ratification (Conrad 2014). Autocrats who need to create and

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(2000) argues that these transitional democracies (especially in the European context) do so in order to “lock-in” ongoing democratic reforms; thus, attaining memberships in international human rights treaties is more than cosmetic.

<sup>8</sup> Hafner-Burton and Tsutsui (2005) reason that human rights treaty ratification alone gives legitimacy to oppressive states, making it difficult for critics to demand further actions beyond treaty ratification. Hence, oppressive human rights ratifiers tend to increase their repressive behaviors (p.1378) (See also Cole (2012c)’s summary on the “ratification-as-smokescreen argument”, p.541).

<sup>9</sup> Note that tactical concessions in Risse, Ropp and Sikkink (1999) differ from those in rational choice perspective.

maintain popularity to stay in power, such as personalist autocracies, are also good examples of human rights ratifiers (von Stein 2014). On the other hand, the most repressive autocrats join human rights agreements in order to quiet potential domestic political opposition (Hollyer and Rosendorff 2011). Such autocrats believe that they can signal their resolve to do anything necessary to stay in office to their domestic opposition by signing onto the HRA (especially, the CAT) and subsequently violating the treaty obligations.

Smith-Cannoy (2012) rightfully stresses the interplay between international and domestic pressures when transitional<sup>10</sup> states decide to join human rights treaties. Leaders in politically and economically hard times need to address domestic dissatisfaction with the young regimes while answering demands for policy changes from potential Western donors, whose assistance can relieve economic hardships – and thereby political crises – at home.

The reward-based commitment stories have been enriched when scholars take into account the cost side. Earlier studies on human rights treaty commitment rest on the premise that the costs of treaty commitment are distributed either uniformly or randomly (Hathaway 2002; Moravcsik 2000). Recent works on treaty commitment and compliance posit more sophisticated assumptions about the costs (Cole 2009, 2012a; Conrad 2014; Goodliffe and Hawkins 2006<sup>11</sup>; Hathaway 2003, 2007). According to these more recent studies, there are two sources of commitment costs: 1) domestic accountability mechanisms, and 2) institutional designs for the monitoring and enforcement of treaties.

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<sup>10</sup> Smith-Cannoy (2012) looks into transitional states regardless of the direction of regime change. Her samples are East European and Central Asian countries after the Cold War. Please compare to Moravcsik (2000)'s focus on democratizing states.

<sup>11</sup> After releasing Moravcsik's (2000) assumption on commitment costs uniformly distributed across states, Goodliffe and Hawkins (2006) found no ground for the lock-in theory of commitment to human rights agreements.

Considering the commitment costs arising from accountability mechanisms available in domestic political institutions, the costs of commitment to human rights treaties seem minimal, especially in autocracies (Hathaway 2002, 2003, 2007). At first glance, repressive autocrats need to assume higher implementation costs to bring their extant human rights laws and practices into alignment with treaty requirements. Absent effective judiciary, active civil societies, and/or free mass media within the territory, however, such autocrats face a low likelihood that their non-implementation or non-compliance would be caught and punished (Cole 2005; Hathaway 2003, 2007; Powell and Staton 2009; Simmons 2009a).<sup>12</sup> Repressive autocracies are therefore more likely to seek human rights treaty memberships since they have more to gain than to lose. Indeed, mounting empirical evidence shows that repressive autocrats are not less likely to join human rights treaties than rights-affirming democracies (Hathaway 2002, 2007; Hafner-Burton and Tsutsui 2007; Hafner-Burton, Tsutsui, and Meyer 2008). Conrad (2014) modifies this assertion by noting that not all autocrats are equally free of domestic accountability for human rights abuses. She finds that multi-party autocrats with effective judiciaries are less likely to ratify the CAT than those with ineffective judiciaries.

Besides, autocrats can partially control the costs of human rights treaty memberships by taking advantage of varying treaty designs. Treaty commitment is not a simple binary choice of whether or not to join (Cole 2005, 2009, 2012b; Landman 2005). Institutional designs of treaties allow states to select into the treaties with different levels of commitment: signing, ratifying with reservations (I will call reservations, understandings and declarations (RUDs)<sup>13</sup> as reservations

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<sup>12</sup> See Hafner-Burton (2005, 2009) for the effect of trade benefits on human rights performances and Hafner-Burton (2008) for the effect of naming and shaming.

<sup>13</sup> Legal controversies exist around the validity of reservations to multilateral human rights agreements. Although it is not a focus of this study, please see Bradley and Goldsmith (2000), Cole (2013), Landman (2005), Lijnzaad (1995), Parisi and Ševčenko (2003) and Swaine (2006) for further discussion on the matter.



hereinafter), ratifying without reservations, ratifying with extra monitoring and enforcement from individual petitions or peer state complaints (Cole 2009, 2012a, 2012b; Hill 2015; Landman 2005; Simmons 2009b).<sup>1415</sup>

A few studies examine why repressive autocratic countries might choose to make even deeper commitments to these treaties (Cole 2009; Hill 2015; Landman 2005; Simmons 2009; Smith-Cannoy 2012). Briefly, scholars have not reached a consensus regarding whether autocrats tend to avoid substantive treaty obligations by lodging reservations. Nevertheless, they tend not to accept additional procedural monitoring from international bodies.

The existing scholarship offers mixed empirical results regarding how repressive non-democratic states enter reservations upon ratification. Some studies have revealed that repressive non-democratic states are less likely to attach reservations than rights-affirming liberal democracies (Goldsmith and Posner 2005; Neumayer 2007). Autocrats would not bother to detail the conditions of their commitment – to ensure that their domestic laws and institutions conform to the terms of ratified treaties – when they do not intend to comply with the treaties anyway (Goodman 2002; Neumayer 2007). Alternatively, authoritarian executives do not need

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<sup>14</sup> The Convention on the Rights of the Child (CRC) achieved almost universal ratification only in a decade but it is also the most heavily reserved (Neumayer 2007). On the other hand, the anti-apartheid convention took three decades to recruit 101 ratifiers, but it is least reserved (Cole 2009, p.566). See Cole (2009) for further illustration.

<sup>15</sup> The levels of internal monitoring and enforcement are different from treaty to treaty. Even state self-reporting, which has been considered a primary example of the “toothless” enforcement mechanisms of human rights treaties, is not equally designed across treaties. Some human rights treaties impose only routine self-reporting obligations on members (e.g. with 5-year-intervals in the ICESCR) whereas others delegate a treaty body to request such reports from members whenever it deems necessary (e.g. the Human Rights Committee of ICCPR) (Cole 2009, p.568). In addition, among the many UN human rights agreements, mere nine (ICCPR, ICESCR, CAT, CEDAW, CRC, CERD, CRPD, CED, CMW) allow individual citizens to file human rights complaints in front of relevant treaty bodies only when a member state ratifies corresponding optional protocols or articles as of May 6, 2016 (OHCHR 2016b) (<http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx>). See also the discussion of the unique strength of the Convention against Torture and the Convention against Enforced Disappearance with universal jurisdiction compared to all other human rights treaties, which lack such power in Goodliffe and Hawkins (2006), Hollyer and Rosendorff (2011), and von Stein (2014).

to use reservations to get around complicated domestic ratification processes, which often require the approval of other domestic actors, like legislatures (see Kearney and Powers [2011] for the positive relationship between reservations and veto players).<sup>16</sup> Lastly, in repressive autocracies, extra costs from not respecting new legal human rights obligations are not incurred because these countries often lack effective domestic judiciaries to rule against the violating executives; thus, autocrats do not need to attach reservations (Hill 2015<sup>17</sup>). Conversely, Simmons (2009a) finds the opposite results: Democracies are less likely to enter reservations than non-democracies because the contents of human rights treaties that they ratify already reflect their preferences regarding human rights norms (pp.98-103).<sup>18</sup>

Autocrats, however, would not expose themselves to extra international scrutiny arising from individual communication mechanisms under given treaties. Democracies are found to be more likely than autocracies to join highly monitored treaties, like the Optional Protocol of ICCPR (Cole 2009).<sup>19</sup> What is still inconclusive, however, is whether countries with a recent autocratic past (i.e. transitional democracies or transitional states) are more willing to accept additional monitoring. Some studies (Goodliffe and Hawkins 2006; Smith-Cannoy 2012) find

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<sup>16</sup> Landman (2005) and Simmons (2009a) also find that transitional democracies (especially in the fourth wave) tend to attach fewer RUDs to their commitments to human rights treaties than established democracies (Landman 2005; Simmons 2009a). Similarly, Neumayer (2007) finds that liberal democracies lodge the most RUDs because they commit to only what they can sincerely live up to.

<sup>17</sup> Hill (2015) concludes that a state's likelihood to enter reservations is determined not by regime type but by how much extant domestic laws need to be reformed in order to incorporate newly imposed international human rights obligations. Again, this effect is conditional on the effectiveness of domestic judiciaries.

<sup>18</sup> With respect to the Laws of War, Morrow (2014) finds that reservations are "a signal by nondemocracies that they will not fully comply with the treaty. For democracies, on the other hand, reservations signal that they take the treaty seriously and lodge their reservation only to clarify the portions of the treaty with which they have a specific problem" (121).

<sup>19</sup> The number of individual petitions filed with the Human Rights Committee is likely to be lower in democracies than in autocracies (Cole 2006). Many alternative domestic remedies to redress citizens' grievances are ready and effective in democracies whereas seeking a treaty monitoring body's view confirming that a state is in violation can often be the only available means for repressed individuals in autocracies (Cole 2006; Smith-Cannoy 2012).

that transitional states welcome more intrusive international treaties while other studies find the opposite (Cole 2005, 2009). The former rests on the logic that a deeper commitment to human rights treaties serves as a costly signal to targeted audiences (e.g. either domestic oppositions, international donors, or both), lending these states additional international legitimacy or credibility and allowing them to enact desired domestic political or economic reforms (Landman 2005; Moravcsik 2000; Smith-Cannoy 2012). Domestic accountability mechanisms are still very young and shaky in these transitional states; thus, their international commitments communicate their intentions to carry out policy reforms more credibly to the relevant audiences. The latter challenges such a theoretical claim by demonstrating that newly democratic states are indeed more willing to commit to human rights treaties but not with extra monitoring obligations (See Cole (2005, 2009) for the First Optional Protocol of the ICCPR). They explain that democratizing states avoid more intrusive human rights treaties because the anticipated number of complaints filed by newly empowered but dissatisfied citizens is too high, given the environment of violent political upheaval.

Such reward-seeking cynical autocratic ratifiers are shortsighted (Conrad 2014; Simmons 2009a). The benefits of making cosmetic gestures toward human rights without backing them up with actual human rights improvements are “ephemeral” at best (Cole 2009, p.570). Disingenuous ratifiers’ credibility would be challenged, and they would eventually be worse off than before ratification (Cole 2009, p.570). Legacy ratifications can be a good example in this case (Simmons 2009a). Leaders ratify HRAs late in their tenure, so they can enjoy all the nominal benefits of treaty memberships before handing over the burdens of actual implementation and the costs of non-compliance to their successors. Autocrats who feel seriously threatened by power-sharing oppositions in the short-run under the shadow of future

legal adjudication from effective judiciaries adopt this strategy (Conrad 2014). The benefits of dealing with threatening oppositions today through ratification, while continuing torture and other human rights abuses, overshadow the expected costs of being held accountable by independent judiciaries tomorrow.

In sum, repressive autocrats join human rights treaties only when the benefits of membership outweigh the expected costs of commitment. They attempt to give an impression (perhaps, in the short run) that they support the human rights norms wholeheartedly by not qualifying the substantive conditions of their treaty commitments and thus making the most out of their cosmetic gesture. Simultaneously, they tend to minimize the costs if they can by refusing to embrace extra monitoring from third parties.

Two methodological innovations were made in this field over the past years from a quantitative angle.<sup>20</sup> First, scholars have started to take endogeneity problems seriously. One possibility is that rights-affirming (or rights-abusing) states are more likely to join human rights treaties in the first place (Downs, Rocke and Barsoom 1996; von Stein 2005). Without addressing this possible selection bias, the estimated effects on treaty commitment can be biased upward (see Landman 2005) or downward (see Goodliffe and Hawkins 2006; Hathaway 2007; Vreeland 2008). In fact, Hathaway (2002, 2003, 2007) finds that liberal democracies with better human rights records are often strong supporters of human rights treaties. Among autocracies, more oppressive regimes tend to find human rights treaty memberships more attractive than their less oppressive counterparts (Hollyer and Rosendorff 2011; Vreeland 2008). Unlike the early quantitative works on states' commitments to human rights treaties (Goodliffe and Hawkins 2006; Hathaway 2002, 2003, 2007; Keith 1999), recent researchers use various estimation

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<sup>20</sup> Please see the state-of-the art research in compliance with human rights treaties (Fariss 2014; Lupu 2013a, 2013b).

techniques, which include Heckman's two-way (or three-way) selection models (Hill 2015), matching methods (Hill 2010; Hollyer and Rosendorff 2011) and an instrumental variables approach (Cole's works; Landman 2005; Simmons 2009a) to take care of this potential selection bias.

Second, scholars have started to pay more attention to the measurement of treaty commitment. Treaty commitment has long been treated as a simple binary choice: join or not join (Hathaway 2002, 2003, 2007). Recent scholarly works reflect the fact that states' commitments to human rights treaties legally differ depending on in what mode they join the treaties and under what conditions (Hill 2015; Landman 2005; Neumayer 2007; Simmons 2009a). Specifically, states can join the treaties by signing (with or without reservations), ratifying (with or without ratification), ratifying with extra monitoring of individual and/or state complaints mechanisms or inquiry from a given treaty body, or ratifying with extra enforcement under ICJ jurisdiction. Extant literature has yet to consider ratifications with inquiry processes and ratification with accepted ICJ jurisdiction. Without taking into account how states have qualified their commitment through lodging reservations and how states have added depth to their commitment through accepting extra monitoring and enforcement, we may over/underestimate the effects of treaty ratifications on the improvement of human rights practices. We may also miss more nuanced reasons to join human rights treaties if we fail to differentiate among modes of commitment.

On a related note, scholars have only recently started to pay attention to the design characteristics inherent in human rights treaties themselves when answering questions regarding commitments. Von Stein (2014) has noted that a majority of human rights treaties are soft and toothless while most quantitative results (Conrad 2014; Conrad and Ritter 2013; Goodliffe and

Hawkins 2006; Hill 2010; Hollyer and Rosendorff 2011; Lupu 2013a, 2013b; Powell and Staton 2009; Vreeland 2008) are driven by relatively harder treaties like the ICCPR and/or CAT. Therefore, the inference we have taken from them may not be representative of states' commitments to human rights treaties in general.

## **2.2. Autocratic Non-legal Participation**

Besides committing to human rights treaties, autocrats participate in international human rights institutions by casting votes in the UN General Assembly (UNGA) for human rights resolutions, the UN Commission on Human Rights (UNCHR), and the UN Human Rights Council and also by issuing recommendations in the UN Universal Periodic Review (UPR). Scholars have only recently started to pay attention to this aspect of state participation in international human rights institutions. Accounts of autocratic non-legal participation in these institutions are still lacking to date. Given the exclusive focus of my dissertation on the UPR, I will devote substantial space in this section to a survey of extant studies on how and why states, especially authoritarian recommending states, that are often associated with the worst human rights violations (Hathaway 2002, 2007; Vreeland 2008; Hollyer and Rosendorff 2011), utilize the UPR.

A vast majority of studies on states' non-legal participation in human rights institutions rest on roll-call voting behavior (Lebovic and Voeten 2006; Voeten 2000). The West vs. non-West line has been proven a key predictor of states' voting behavior over time and across issues in UNGA (Voeten 2000). When it comes to UNGA resolutions on issues involving liberal principles like human rights, democratic polity stands out as a key predictor of whether states vote in alignment (Voeten 2000). Lebovic and Voeten (2006)'s work on UNCHR reveals further determinants of a state's voting to condemn other states' human rights abuses. In particular, a

target state's good human rights records as well as the mutual ratification status of a human rights treaty (i.e., ICCPR) between the target and the voter state set a high standard for the target to avoid shaming from the UNCHR. In contrast, the target's capability, its UNCHR member status, similarities in foreign policy positions between the target and voter states measured by the S-score and military alliance, their regional affinity, and domestic regime type convergence (e.g. the Left-Left regimes or the Right-Right regimes only during the Cold War) shield the target country from the public shaming of UNCHR.

The UPR was added to existing UN human rights monitoring and enforcement mechanisms in 2007. Due to its young age, few studies on this new human rights institution exist. Specifically, scholars have identified four behavioral patterns when states issue recommendations in the first cycle of the UPR's interactive dialogue. First, states recommend in alignment with their regional and/or political groups. The African Group, the Organization of Islamic Cooperation (OIC), the Non-Aligned Movement (NAM), and the Like Minded Countries (LMC) are regional and/or political allies that act as one body to exert greater influence in the UPR as well as in other UN organizations such as the former UN Commission on Human Rights (Abebe 2009; Dominguez-Redondo 2012; Freedman 2011; McMahon 2012, 7).

Such politically allied states usually take the floor to praise the state under review when that state comes from the same region or group (Abebe 2009, 19; Freedman 2011, 306-7; McMahon 2012, 17). Abebe illustrates this pattern with the example of the Tunisian review, in which fifty out of sixty-five statements were positive, and these reviews came mostly from African and Middle Eastern states (2009, 20). Reviews of China and Cuba also demonstrate this pattern of political allies trying to protect each other from criticism (Freedman 2011). "Sudan sought to justify China's re-education through labour sanction by emphasizing its roots to

Chinese culture, its legal basis and its role in long-term rehabilitation. Iran encouraged China to strengthen its Internet censorship, arguing that the negative impact of the Internet can never be underestimated” (Freedman 2011, 308). This tactic leaves little time for the rest of the world to make recommendations due to pre-allocated time restrictions for the question and comment session. More importantly, this tactic may give a wrong impression to the world that there are few things to criticize about the state under review’s current human rights practices (Freedman 2011, 306-7). Each recommending state repeats the group’s statement, creating yet another wrong impression that such positive perceptions of the reviewed state’s human rights situation are widely shared among many states (Freedman 2011, 306-7).

Next, scholars often use power asymmetry to explain why weaker states are inactive compared with stronger states in the UPR. Weaker states are less likely to issue recommendations to more powerful states from other regions either because they lack interest in other regions and/or they do not wish to offend more powerful counterparts (Freedman 2011, 307; McMahon 2012, 17). For example, in the Chinese review, only Western countries attempted to shine a spotlight on Chinese human rights violations (Freedman 2011, 308). Similarly, McMahon interviewed an African diplomat who said that “he would think twice before producing a criticism of Western states who are donors, such as the U.S. and the U.K.” (2012, 16).

Third, the North-South dynamic generates different recommendations. Developing states’ recommendations are either too general to fulfill or concern a need for technical assistance and/or capacity building to implement recommendations, whereas recommendations from developed countries are more likely to level specific criticisms or require specific policy changes (Abebe 2009, 16 and 21; Freedman 2011, 311). Many African countries with poor



economic conditions and thereby no diplomatic representation in Geneva find it difficult to actively participate in the UPR Working Groups, which are held three times a year (Abebe 2009, 22; McMahon 2012, 17).

Last, recommendations differ across recommending states' regime types. Autocracies tend to make weaker recommendations than democracies irrespective of their regional groupings (McMahon 2012, 22-3). In contrast, these autocratic states tend to make stronger, action-oriented recommendations compared to transitional states (McMahon 2012, 22-3).

Despite much interesting descriptive information, little scholarly attention has been paid to what leads autocratic states to make substantively critical recommendations regarding their fellow states' human rights situations. As discussed in Chapter 1, not all autocrats uniformly view the UPR as "a mutual admiration society" where they simply conduct "back patting and mutual congratulation" among themselves to solicit friendly comments from their allies in a hope of enjoying reciprocal treatment when their turn comes up (Abebe 2009, 34). "Angola and Zambia raised questions about the restrictions on freedom of expression in Tunisia. The Democratic Republic of Congo criticized the report of Gabon for lack of information on people living with HIV/AIDS and requested additional information on the situation of minorities such as pygmies in the country" (Abebe 2009, 20-1). We still need an explanation of why some human rights abusing autocratic states participate more actively than other human rights abusing autocracies in the UPR, and why some autocracies launch certain types of recommendations to certain types of states under review.

Most analyses on how states utilize it are geared towards qualitative methods based on a few close anecdotal observations (Abebe 2009; Blackburn 2011; Cochrane and McNeilly 2013; Dominguez-Redondo 2012; Freedman 2011; Gaer 2007; Smith 2011, 2013; Sweeney and Saito

2009). Relevant quantitative studies are still in early assessment using mostly descriptive analytical tools (McMahon 2010, 2012, 2013; Milewicz and Goodin 2016). While recognizing the importance of rich historical analyses, we still need a systematic analysis to understand why human rights abusing states participate in the UPR in the way they do. Without addressing the underlying causes of their current patterns of participation, it is easy to under- or over-estimate the effectiveness of the UPR itself (Downs, Ročke, and Barsoom 1996; von Stein 2005).

### **2.3. Contributions of the Dissertation**

My dissertation builds on the aforementioned current scholarship and offers new theoretical arguments with rigorous empirical approaches in the following chapters.

My dissertation relates to existing domestic accounts of autocratic commitments to human rights treaties (Conrad 2014; Hollyer and Rosendorff 2011; von Stein 2014; Vreeland 2008) and introduces several new approaches and findings. First, taking seriously the empirical pattern that multiple ratifications of human rights treaties often occur under a particular autocratic leader within one country, I focus on political circumstances that autocrats themselves personally and individually need to deal with rather than different institutional characteristics across autocratic states.

Second, my dissertation incorporates one of the two important mainstream explanations of authoritarian politics in comparative politics literature, left somewhat untouched by existing literature on autocratic commitments to human rights treaties. Existing literature on autocratic commitments (Conrad 2014; Vreeland 2008) builds on the autocratic account of making policy concessions in order to coopt the opposition (Gandhi and Przeworski 2007). Differently, this dissertation proposes that the underlying motivation of autocratic ratifiers of human rights

treaties lies in the strategic power-sharing relationships between autocratic leaders and members of their ruling coalitions (Boix and Svobik 2013; Brownlee 2007; Bueno de Mesquita et al. 2003; Geddes 1999, 2003; Magaloni 2006, 2008; Svobik 2012a). This approach connects autocratic human rights literature with other vast and serious studies of authoritarian politics in comparative politics literature.

Third, my dissertation advances the current understanding of treaty ratifications by taking into account the complex motivations and mechanisms that inform autocratic decisions to ratify (Cole 2009; Landman 2005; Simmons 2009a). Contributing to recent empirical human rights research on reservations (Hill 2015; Koremenos 2016) and individual complaints (Cole 2006; Smith-Cannoy 2012), this dissertation suggests additional means through which states can tailor their level of treaty commitments, including the optional acceptance of ICJ jurisdiction, individual complaints, inter-state complaints, inquiries, and regular visits. As I discussed earlier, not all members of human rights treaties bear the same weight of treaty obligations. This study will be the first to theoretically explain why some authoritarian leaders are willing to bear more obligations than their authoritarian peers. Unlike current studies that examine options available for adjusting human rights treaty commitments (Hill 2015; Smith-Cannoy 2012), my dissertation aims to theoretically link the two inter-dependent decisions of main treaty commitments and the corresponding optional acceptance of extra monitoring/enforcement procedures.

Fourth, my dissertation expands scholarly attentions to human rights institutions beyond the human rights treaty systems, which have largely been the focus of existing studies.

International pressures or socializations are not limited to human rights treaty systems. Other human rights institutions, such as the UN Human Rights Council and its Universal Periodic Review, are equally important venues where states interact, both cooperating and pressuring each

other for changes in human rights policies and practices. This dissertation joins a small number of studies in providing a first systematic analysis of autocratic states' involvements in human rights institutions other than treaties (Lebovic and Voeten 2006, 2009; Lupu and Voeten 2011; Voeten 2013).

Last, my dissertation explores one of the many possible unintended consequences of countries' legal commitment to global human rights treaties in the context of the UN Universal Periodic Review. Although a state's human rights policies are formulated in overlapping human rights institutions, either domestic, regional, or global, studies on human rights institutions do not take this complex state of human rights institutions seriously. This study proposes an initial examination of the interaction between two international human rights institutions and suggests that multiple overlapping human rights institutions are not redundant but complementary in reinforcing human rights standards.

## Chapter 3

### **Autocrats with New Support Coalitions and Multiple Ratifications of Human Rights Treaties**

#### **3.1 Introduction**

Yoweri Museveni seized power in 1986 as a result of the Ugandan Bush Wars against the draconian Obote and Idi Amin regimes (Tripp 2010). Among his many liberalization policies, he ratified all five available core UN human rights treaties during his tenure:<sup>21</sup> the Convention against Torture in 1986; the International Covenant on Economic, Social and Cultural Rights in 1987; the Convention on the Rights of the Child in 1990; the International Covenant on Civil and Political Rights and the Convention on Migrant Workers' Rights in 1995 (UNTS 2016).

Museveni, who transitioned with a political and social support base distinct from that of his autocratic predecessor, pursued liberalization policies as a means of differentiating himself from the ruthless former leaders and thus appealed to the broader populations (Lindemann 2011; Oloka-Onyango 2016; Tripp 2010). “Broad-based” and “anti-sectarian” governance have been the main tenets of government during his thirty-year reign though he continuously favors the particular ethnic and geographic segments of the society that comprise the de facto support base of his own ruling coalitions. The threat of violence always looms in the background.

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<sup>21</sup> Ratifications of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the Convention on the Elimination of All Forms of Discrimination against Women occurred in 1980 and 1985 during the second term of Milton Obote, who was elected as a president.

This Chapter explores autocratic horizontal commitment to human rights treaties that engage substantively diverse issues by asking the following questions. Why do some autocratic countries legally commit to human rights treaties? Why do some autocratic leaders ratify multiple human rights agreements concurrently? And why do numerous ratifications of human rights treaties concerning diverse human rights issues take place during particular leader tenure within non-democracies? Answering this set of questions on autocratic ratifications of human rights treaties, I build on recent studies in comparative politics literature on commitment and information problems inherent in power-sharing relations between autocratic leaders and members of their ruling coalitions (Boix and Svolik 2013; Brownlee 2007; Bueno de Mesquita et al. 2003; Geddes 1999, 2003; Magaloni 2006, 2008; Svolik 2009, 2012a). Specifically, I argue that an autocrat with different domestic support coalitions from those of his or her predecessor pursues ratifications of multiple human rights treaties, either concurrently or over the course of his or her tenure, to win popular support that is needed for him or her to deter potential challenges from new regime insiders. With a newly collected dataset on individual autocratic leaders' ratifications of seven core UN human rights treaties from 1966 to 2008, I find strong supportive empirical evidence, which is robust to different model specifications, estimations, and alternative explanations.

### **3.2 Crafting a Domestic Reputation on Broad-based Governance through Multiple Ratifications of Human Rights Treaties**

The primary political goal of autocratic leaders is to remain in office at all costs (Bueno de Mesquita et al. 2003; Wintrobe 1998) because the consequences of losing office are personal and harsh (Debs and Goemans 2010; Goemans 2000, 2008). Fallen autocrats are often subject to imprisonment, exile, and death (Debs and Goemans 2010; Goemans 2000, 2008). Most threats

to autocratic leaders come from regime insiders, followed by popular uprisings (Svolik 2012a). Thus, the primary factor related to an autocrat's job security<sup>22</sup> is the status of his relationship with both the ruling coalitions (Bueno de Mesquita et al. 2003; Svolik 2012a) and the masses (Hollyer, Rosendorff, and Vreeland 2015a; Svolik 2012a).

A significant number of important studies in authoritarian politics examine the difficulties inherent in power-sharing situations between an autocrat and the ruling coalition (Geddes 2008; Magaloni 2006, 2008; Myerson 2008; Svolik 2009, 2012a; Boix and Svolik 2013). Due to resource constraints, an autocrat cannot govern without the support of political elites. However, the political allies may struggle to hold the autocrat accountable for honoring power-sharing agreements once the autocrat comes into power, as authoritarian governance is based on unconstrained violence and non-transparency (Boix and Svolik 2013). In other words, commitment problems are exacerbated by information asymmetry between an autocrat and his ruling coalitions. Once in office, an autocrat has incentives to exploit his power, not distributing spoils as promised either by misrepresenting the prize itself or manipulating its distribution. Political allies possess limited tools for knowing exactly what the autocrat is doing. Therefore, a power-sharing agreement is possible only when the ruling coalitions can credibly threaten coups when an authoritarian leader either fails or is perceived to fail to comply.

It is impossible for the autocrat to know exactly whether his political allies are content with the current distribution of power and spoils and if not, what his political allies are up to, either. To facilitate power-sharing situations, autocrats usually rely on a combination of repression and concessions (Wintrobe 1998). Under the shadow of violence, he may set up

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<sup>22</sup> A number of scholars aim to measure autocrats' sense of job security, based on the leader's time in office, previous trends in leadership change, and annual economic growth. (Cheibub 1998; Conrad and Ritter 2013). Others directly estimate coup risk by accounting for the immediate and structural causes of coup attempts (Kim 2012 and compare to Belkin and Schofer 2003).

various authoritarian institutions, such as legislatures (Gandhi and Przeworski 2007; Wright 2008), political parties (Brownlee 2007; Geddes 2008; Magaloni 2006), or elections (Blaydes 2011; Levitsky and Way 2002, 2010), either to resolve commitment and information problems (Boix and Svolik 2013; Brownlee 2007; Geddes 1999, 2003; Magaloni 2006, 2008) or to co-opt possible dissidents into the regime (Gandhi 2008; Gandhi and Przeworski 2006).

His management of cooperative relationships with his allies also depends on his maintaining popular support among the masses. Regime insiders are less likely to plot challenges to an autocrat's authority in the absence of public manifestations of popular discontent due to severe coordination problems (Casper and Tyson 2014; Galetovic and Sanhueza 2000; Powell 2012; Thyne 2010). Popular protests or a failure to achieve a landslide electoral victory provide a focal point for political elites to overcome the coordination problem when contemplating a coup in two ways. First, such events supply observable information about the autocrat's degree of popular approval or legitimacy (Magaloni 2006). Second, they provide a measure of the autocrat's capacity to survive domestic tensions (Casper and Tyson 2014, 548).

Given the aforementioned strategic interactions among an autocrat, his political allies, and the masses, I expect that autocrats who suffer greater commitment and information problems with respect to their ruling coalitions seek out policy concessions to win popular support that is needed for him to deter potential challenges from members of his regime insiders. The degree of commitment problems and information asymmetry between an autocrat and his political elites is partly determined by whether an autocrat inherits the domestic support base of the outgoing leader.

First, autocrats who came into power with support from the ruling coalition shared with their predecessors encounter relatively lower commitment and information problems than



autocrats with new domestic support bases. Their selection as leader was based on the consensus of the contiguous ruling coalitions through a pre-embodied organizational means for selection. The distributions of power and spoils are anticipated in the context of existing authoritarian institutions by members of continuous ruling elites. Autocrats enjoy stable institutional and personal support grounds, including the dominant party, military, clique, and dynasty. These autocrats are more knowledgeable about potential challengers and better equipped with pre-existing institutional tools to threaten or appease potential coup plotters (Kono 2015). Thus, both autocrats' power and allies' satisfaction with the status quo are more easily checked and managed through already agreed upon institutional arrangements, such as parties, legislatures, elections, military or familial rules. Autocrats with uninterrupted support bases do not need to win over the general populace in order to deter possible challenges from within ruling coalition. In sum, autocrats with the inherited support coalition have little incentive to make policy concessions to the general populations.

These leaders are new successive autocrats without regime changes in single party systems, as in Singapore from 1946 to 2008 (Mattes et al. 2015, 285). New military leaders who come to power without systemic regime changes, such as Bouteflika succeeding Zéroual in Algeria, also belong to this type (2015, 285). Predesignated successors by outgoing leaders in personalist regimes also face less strategic problems in power-sharing situations. For example, Joseph Kabila relied on his father Laurent Kabila's ruling coalition in the Democratic Republic of Congo despite Laurent's assassination (2015, 285). Last, hereditary successors in monarchies, such as Abdullah, the half-brother of the previous leader, Fahd, in Saudi Arabia, are another example of this type of autocrat (2015, 285).

Conversely, an autocrat with a new domestic support base needs to deal with greater commitment and information problems with respect to regime insiders, yielding more job insecurity. Autocrats whose transitions accompanied changes in the dominant party in single party autocracies, new military leaders following regime changes in military autocracies, non-predesignated personalist successors, and new rulers with changes in dynasties all represent this type of autocrat (Mattes et al. 2015, 285). These autocrats are highly uncertain about the political aspirations of not only their potential challengers but also their loyal supporters (Kono 2015). These autocrats are not prepared with the institutionalized political and economic tools to effectively threaten or appease potential coup plotters but must start from scratch to diffuse political elites' suspicions and demonstrate their willingness and capability to carry out the power-sharing agreements once in office. Without enough information about these autocrats' capacity to withhold potential challenges, new political elites have more incentives to issue challenges if they perceive the autocrats as failing to distribute political power and benefits as promised.

Such autocrats must shape and consolidate political and institutional arrangements to alleviate the commitment problems between themselves and new ruling coalitions. At the same time, these authoritarian leaders aim to establish a relationship with the masses to manage possible challenges from them, which can, in turn, trigger the defection of members of ruling coalitions. Changes in ruling coalitions that autocrats rely on to stay in power mean that such autocrats' policy preferences differ from those of outgoing leaders (Buono de Mesquita et al. 2003). Thus, they seek to publicly demonstrate that such differences are driven by their care for the masses even while still favoring specific segments of the societies (Tripp 2010). In particular, autocratic leaders want to either differentiate themselves from repressive former

autocratic rulers or reassure the citizens in their effective inclusive governance compared to incompetent former democratic rulers. To do so, they employ a series of symbolic liberalization policies, such as holding elections and other political openings (Tripp 2010, 26) or reducing food and oil prices (Chow and Kono 2014) to improve general welfare, mitigate social unrest, and preempt coups.

Seeking out memberships in multiple human rights treaties is another way for such autocrats to buy out the masses by shaping an image of themselves as benevolent<sup>23</sup> leaders. The principle beneficiaries of autocrats' commitment to international human rights treaties are individual rights holders: general citizens. If the previous regime was also autocratic, the general public is often weary of repressive governance. Human rights concerns can be a primary focus of mass dissatisfaction with the previous regimes, ultimately paving the road for leadership transitions (e.g. the 1986 Museveni's transition from Obote in Uganda). If transitioning from previous incompetent democratic rulers, incoming autocrats need to establish their legitimacy by assuring the general public about their human rights policy intentions (e.g. the 2000 Gustavo Noboa's transition from Jamil Mahuad in Ecuador). In either case, transitioned autocrats with new domestic support coalitions have incentives to pursue proactive human rights policies.

While myopic autocratic leaders underestimate the consequences of making such legal commitments (Goodliffe and Hawkins 2006; Simmons 2009a), general public rally behind the seemingly symbolic act of ratifying human rights treaties (Vreeland 2008) despite the fact that ratification alone does not guarantee compliance. First, people can look to international

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<sup>23</sup> In economic terms, "benevolent dictators" are often referred to as those who are interested in long-term economic growth. August Pinochet in Chile, Park Chung-Hee in South Korea, and Deng Xiaoping in China are examples (Gilson and Milhaupt 2011). However, these economically benevolent autocrats are ruthless enough in other dimensions, such as human rights. Therefore, in this study, I use this term in a broader sense to refer to autocrats who appear to be responsive to the interests of the general public.

institutions as alternative mechanisms to hold autocrats accountable for non-compliance or non-implementation as working domestic accountability mechanisms are absent in authoritarian countries (Fang and Owen 2011; Smith-Cannoy 2012). Second, people anticipate that treaty ratifications may bring about, in the long-run, unintended consequences, empowering rights holders and activists and enabling litigations (Goodliffe and Hawkins 2006; Simmons 2009a). Last, the masses may welcome the leaders' decision to ratify because it suggest that their states are moving in the right direction (Hawkins 2002; Vreeland 2008) or satisfied that their countries are taking an active role tantamount to other major countries in the international arena (Goodman and Jinks 2013).

At the same time, the risk of being caught violating of human rights treaty obligations later in time is of little concern to these autocrats at the moment. Domestically, opacity in government-controlled media and civil societies severely limits citizens' ability to acquire clear information about leaders' international treaty violations (Hollyer, Rosendorff and Vreeland 2015a). Autocratic leaders have a disincentive to disclose such information to the general public (Hollyer, Rosendorff and Vreeland 2015b). Internationally, human rights treaties themselves are mostly "soft" in terms of consequences of violations (von Stein 2014). Indeed, more human rights violations occur in Uganda and Kenya after ratifying human rights treaties (Goldsmith and Posner 2005, 123; also see Schmitz 1999).

Therefore, acquiring membership in international human rights treaties offers autocrats with new domestic support bases an expedient opportunity to publicly communicate their willingness to make concessions to the masses through breaking with past rulers. Simultaneous ratifications or multiple ratifications of more international human rights treaties, thus, send a stronger signal than one ratification of a single human rights agreement. Eventually, the

appearance of such benevolence will also deter allies' potential challenges because the threat of coups in the absence of public manifestations of popular disenchantment with the government seem hollow.

The aforementioned theoretical discussion generates the following two hypotheses:

**H3-1:** *Autocrats transitioned with new domestic support coalitions are likely to ratify a greater number of human rights treaties in a given year than those without changes in domestic support coalitions.*

**H3-2:** *Autocrats transitioned with new domestic support coalitions are likely to ratify a greater number of human rights treaties during tenure than those without changes in domestic support coalitions.*

If the aforementioned theoretical claim is correct, the question remains: When, during his tenure, will such an autocrat ratify multiple human rights treaties, either concurrently or over time? I argue that the autocrats ratify multiple human rights treaties, either simultaneously or not, only after the initial years of power struggle. Authoritarian leaders are particularly sensitive to potential challenge from regime insiders, opposition groups, or the masses in their initial years because leadership change in authoritarian regimes creates a high level of uncertainty, disagreement over power distribution among the ruling elites, and a possible power vacuum (Brownlee 2007). Regardless of changes in domestic support coalitions, all new autocrats face more threats to their rule during the first a few years than subsequently (Bueno de Mesquita and Smith 2010, p.938; Brownlee 2007, p.597). Autocrats whose primary concern is to stay in power at all costs are not likely to view human rights treaty ratification as an attractive policy tool during this time. Instead, such leaders often rely on ruthless repression to achieve this goal. However, as the initial risk declines over time (Flores and Smith 2012, p.22; Licht 2010, pp. 67-

8; Svolic 2009, p.491), some autocrats begin to see human rights treaty membership as beneficial to their political survival at home. This leads to the last hypothesis:

**H3-1a:** *Autocrats transitioned with new domestic support coalitions are likely to ratify a greater number of human rights treaties only after the initial years in power.*

### 3.3 Research Design

#### Data

Combining “Leader and Ruling Coalition Dataset” (Svolic 2012b) with “Change in Source of Leader Support” (CHISOLS, hereinafter) dataset (Mattes, Leeds, and Matsumura Forthcoming), I create a new complete dataset on ratification records of seven of the nine core United Nations human rights treaties by 432 autocratic leaders from 121 countries, spanning the years 1966 to 2008.<sup>24</sup> The seven core UN human rights treaties include the 1966 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the 1989 Convention on the Rights of the Child (CRC), and the 1990 International Convention on the Protection of the Rights of the Migrant Workers and Members of Their Families (ICMWR). I exclude the remaining two core UN human rights treaties, the Convention on the Rights of Persons with Disabilities (CRPD) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICED), from empirical analyses due to their limited time coverage. The CRPD

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<sup>24</sup> This is the first year when at least one of the agreements under study is open for signature. The ICERD, the ICCPR, and the ICESCR all opened for signature in 1966.

and ICED were open for signature in December 13 and 20, 2006, respectively, while my dataset ends at 2008. Table 1A.1 in Appendix at the end of Chapter 1 displays a complete list of the nine core UN human rights instruments.

Given that the theoretical focus of this study is individual autocrats rather than autocratic countries, an autocrat enters into the dataset when a first human rights treaty in my dataset opens up for signature<sup>25</sup> – 1966, here – or when he starts his tenure, whichever comes earlier. An autocrat exits the year after the ratification of the last available human rights treaties among seven for a given country or the year his tenure is over, whichever occurs earlier. Therefore, an autocrat who inherits the treaty ratification status of seven human rights treaties from his autocratic or democratic predecessors is dropped from the analysis because I am interested in an autocrat's own decision to ratify, not his inherited status of ratification. For example, in Morocco, the moderately liberal Mohammed VI succeeded his father Hassan II in 1999 and inherited his repressive father's seven ratifications of core human rights treaties. He is dropped from the analysis because no additional human rights treaties were available for him to ratify. On the other hand, Ben Ali came to power following a coup in Tunisia in 1987 and inherited four ratifications of the ICERD, ICCPR, ICESCR, and CEDAW from the authoritarian regime of Habib Bourguiba, which was pro-women's rights. He stays in the analysis for the possible ratification of the three remaining treaties, and he indeed ratified the CAT and CRC during his tenure. The units of analysis are a country-year for the time series and cross-sectional analyses as well as a leader for cross-sectional analysis in this chapter.

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<sup>25</sup> Although the ICERD had been open for signature on December 21, 1965, there is no country that ratified in 1965. Thus, I treat the year 1966 as the year when the first set of treaties, the ICERD, ICCPR, and ICESCR, in my dataset was open for signature.

### **Dependent Variable**

The dependent variable is a count of ratification incidence of the seven human rights agreements in a given year. This ranges from 0 (no ratification) to 7 (ratification of all seven treaties). This dependent variable enables me to examine why an autocrat ratifies multiple human rights agreements simultaneously in a given year as well as why autocrats ratify multiple human rights treaties during their tenure. For the analysis of the latter question, this yearly count dependent variable is collapsed by an individual autocrat to represent the maximum count of ratified human rights agreements during an autocrat's tenure. This modified count dependent variable also ranges from 0 (none) to 7 (ratifications of all seven treaties). Ratification information was drawn from the United Nations Treaty Series Online Collection database (UNTS 2016).

### **Independent Variable**

The main independent variable is a Change in Leader Support Coalition from that of Predecessor (SOLS Change) drawn from the CHISOLS data (Mattes et al. Forthcoming). This variable captures whether an autocrat has a political and societal support base enabling him to achieve and retain, distinct from his predecessor. This binary variable is coded 1 for an autocrat with a different leader support coalition than his predecessor, and zero otherwise. Among 432 autocrats in the dataset, 41% involve SOLS change while 59% do not. This distribution of SOLS changes is largely consistent with that of the complete sample of leadership changes in autocracies in the original CHISOLS data where 45% are associated with SOLS changes and 55% are not (Mattes et al. Forthcoming, 286).



## Control Variables

I include a battery of control variables, which have been associated with human rights treaty commitment in previous studies. I expect these variables to be associated with multiple human rights treaty ratifications.

First of all, I expect that autocrats ratify fewer human rights treaties when fewer are available. Thus, I control for the number of available human rights treaties in a leader-year. Using the leader as a unit of analysis, I collapse this variable to be the maximum available number of human rights treaties when an autocrat comes into power.

The existing literature on commitment to human rights treaties demonstrates that the benefits and costs of treaty commitment affect state decisions to join international human rights treaties. In studies on autocratic commitment (Conrad 2014; Vreeland 2008), autocratic countries with multiparty systems are found to be more likely to ratify the Convention against Torture to appease domestic oppositions. Assuming that similar motives prompt autocrats to extend their liberalization policies beyond anti-torture commitments to all other human rights issues, I expect that autocracies with multiparty system ratify more human rights treaties. Drawing from Vreeland (2008) and Conrad (2014), I employ a legalistic definition to see whether multiple parties are allowed *de jure*. I create a binary variable, indicating 1 if multiple parties are legally allowed, and 0 if not, drawn from Cheibub, Gandhi, and Vreeland's dataset (2010). This variable captures the legal presence of opposition in autocracies.

I also include independent judiciary from the Cingranelli-Richard (CIRI) Human Rights dataset (2014) to address the cost of treaty ratification (Hill 2015; Powell and Staton 2009; Conrad and Ritter 2013). This variable shows whether the judiciary is independent of other sources of power. In the presence of an independent judiciary, I expect the *ex post* ratification

costs to be higher. This ordinal variable ranges from 0 (not independent) to 2 (generally independent).

Human rights conditions on the ground can be another source of *ex post* costs for autocrats, which are often considered worse on human rights than their democratic counterparts. To measure actual human rights practices, I mainly rely on the Latent Human Rights Protection Scores (v.2) (Fariss 2014; Schnakenberg and Fariss 2014). This measure is limited to the level of protection of physical integrity rights while my empirical analyses concern seven human rights treaties across different human rights issue areas from physical integrity rights to minority rights. Drawing from Fariss and Schnakenberg (2013), however, I assume that human rights violations across specific human rights issues are largely interdependent. This latent physical integrity variable addresses rising concerns that the dominant two existing measures of human rights practices -- the Political Terror Scale (PTS) (Gibney et al. 2012) and the CIRI Human Rights Data (CIRI) (Cingranelli et al. 2014) -- fail to account for dynamic changes in how monitoring agencies like Amnesty International and the U.S. State Department interpret available information about repression over time (Fariss 2014; Clark and Sikkink 2013). This continuous variable ranges from -2.94 (more abuse) to 3.90 (more respect).

Common law variable is added to the model to account for one of the domestic institutional ratification barriers, which impose *ex ante* ratification costs (Simmons 2009a). We would expect that autocratic countries with common law systems face more domestic institutional constraints on ratifying a higher number of human rights treaties. I use the English Common Law legal origin from the Quality of Government Dataset (Teorell et al. 2015), which extends La Porta, López-de-Silanes, Shleifer and Vishny (1999), and made it a dummy variable, indicating 1 if a common law country and 0 otherwise.

The cultural argument posits that Islamic countries are often negatively associated with Western values, especially with regard to the rights of women and children (Cole 2005). Thus, Islamic countries may be less likely to join human rights treaties driven by Western countries (Wotipka and Ramirez 2008). The Quality of Government Dataset (Teorell et al. 2015) extending La Porta et al. (1999) also provides this indicator, referring to the population's percentage of Muslims in the year 1980 (See Vreeland 2008, 89).

Last, in order to control for the diffusion effects of ratification among autocrats (Goodliffe, Hawkins, and Vreeland 2009), I include regional autocratic ratification scores. These indicate the yearly rate of ratifications of seven human rights treaties among autocracies within the same region with a given autocracy.

For the analysis of multiple ratifications during an autocratic tenure, I include an additional variable for years in power. Given the dependent variable is a count in nature, we expect that autocrats who stay in power longer have a better chance of ratifying a higher number of human rights treaties than those who lose power after a couple of years. Thus, I control for the number of years since a given autocrat entered office. Information on the start and end dates of autocratic leaders are drawn from Svobik (2012a).

For an extra test to explore when an autocrat ratifies multiple human rights treaties during his tenure, I include an indicator variable of new leader and its interactive term with SOLS change. It is coded 1 if it is less than four years since an autocrat enters into power and 0 otherwise (Brownlee 2007, 597). I expect that autocrats who transitioned with leader support coalition changes from their predecessors ratify multiple human rights treaties only after those initial years. Data is drawn from Svobik (2012a).

For robustness checks, I include the following control variables. Autocratic sub-regime type may affect the likelihood of human rights treaty ratifications as well as changes in domestic political and societal support coalitions. In line with Way and Weeks (2014) on the pursuit of nuclear weapons, von Stein argues that personalist autocracies more readily ratify human rights agreements (2014). On the other hand, changes in leader support coalitions is conditioned by autocratic sub-regime types, according to Mattes et al. (forthcoming). I include a binary variable, coded 1 if a personalist regime and 0 if otherwise. Geddes, Wright, and Frantz (2014) provide this variable.

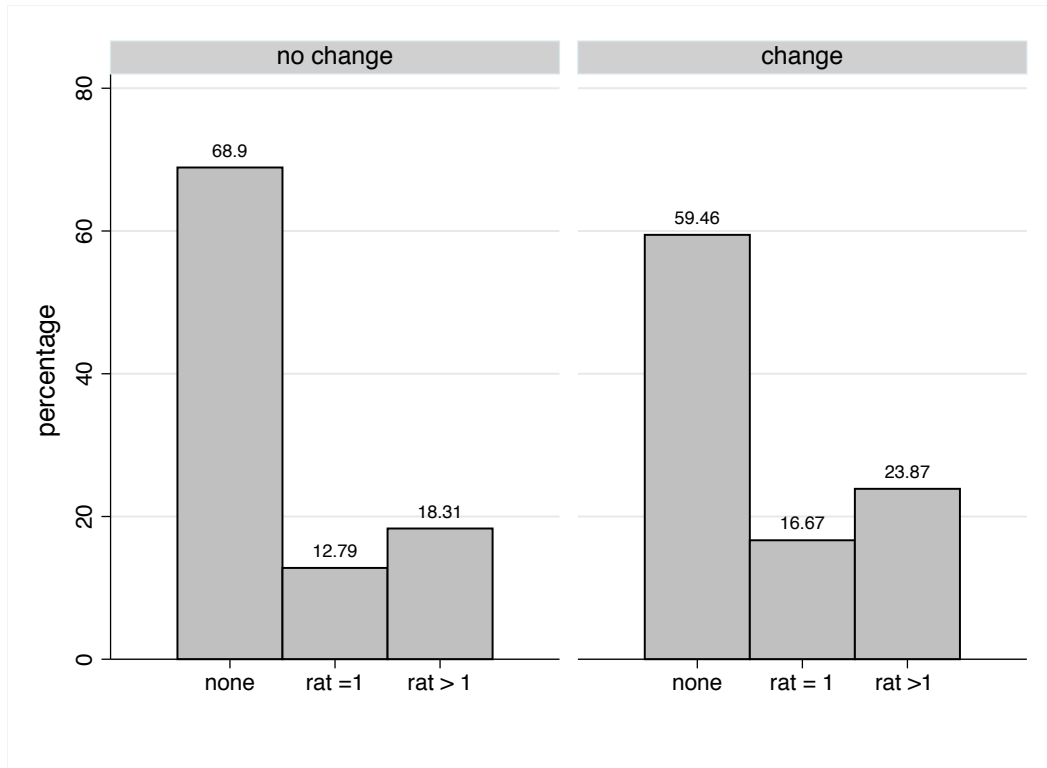
I also include trade as a percent of GDP (logged) and foreign aid (logged) as well as the presence of civil war to account for the possible impact of international pressures and domestic inability to pursue memberships in human rights treaties. The two economic factor variables come from the World Development Indicators (World Bank 2014). The UCDP/PRIO Conflict Database (Themnér and Wallersteen 2013) provides the ordinal indicator of civil war, and I switch it to a binary variable, indicating 1 if any internal armed conflicts and 0 if no internal armed conflict. All data are drawn from Teorell et al. (2015).

### **3.4. Empirical Analysis**

The dependent variable is a count of ratification incidence of seven of the UN core human rights agreements with a Poisson distribution. A series of the goodness-of-fit tests indicate the presence of over-dispersion in the empirical models in this chapter. Thus, a negative binomial regression model, which allows a conditional variance to exceed the conditional means with a Poisson distribution, is used to estimate the results. With a panel data set-up, I also use a random-effects negative binomial regression model to address unobservable heterogeneity

among countries. Most covariates are lagged one year except for time invariant variables. I cluster robust standard errors on the autocratic countries to address the possible non-independence of observations within the same country. For robustness checks, I estimated the same model with a logit and random effects logit model to see if the results are driven by the binary nature of ratifications instead of that of count.

Figure 3.1 provides suggestive evidence from descriptive statistics to support my theoretical expectations. The left plot shows that around 13 percent and 18 percent of autocratic leaders, who inherited support bases from outgoing leaders, ratify one and more than one UN core human rights treaties, respectively, while in power. More than a majority of such autocrats (e.g. around 69 percent) do not ratify any human rights treaties. Compared to this, the right plot displays slightly different patterns. Autocrats who transitioned with new leader support coalition ratify at least one such treaty at 10 percentage points greater than those with the same support coalition.



**FIGURE 3.1.** Frequency of autocratic human rights treaty ratifications by change in domestic sources of autocratic leader support.

NOTE: The left plot displays the frequency and fraction of multiple ratifications of human rights treaties by an autocrat who enters into power without changes in domestic sources of political and social supports from his predecessor. The right plot examines autocrats who achieve and retain power with different domestic sources of support to stay in power from his predecessor. Data: Svolik (2012a), CHISOLS (Mattes et al. forthcoming), and the UNTS (2016).

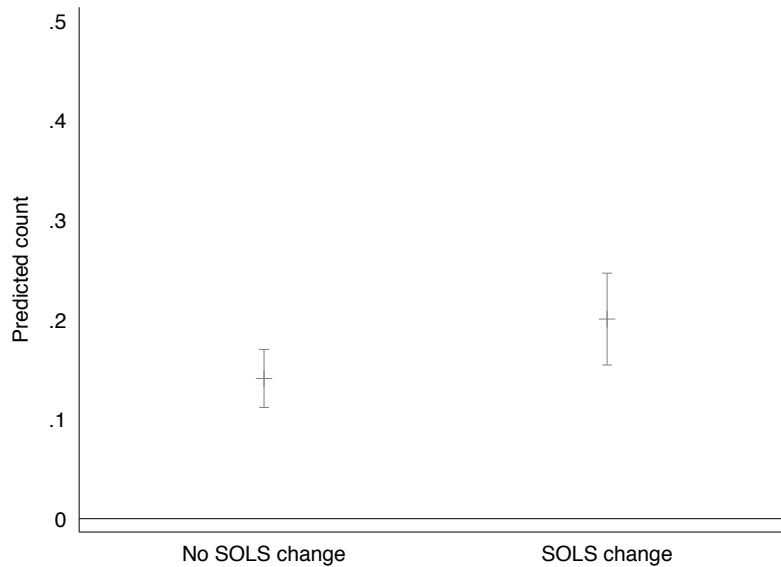
Next, I test the hypotheses with the multivariate models. Table 3.1 reports the primary empirical results regarding H3-1. SOLS change variable is positive and statistically significant at the 1 or 5 percent levels in all model estimations. The effect is also substantively significant, as shown in Figure 3.2. Autocrats with changes in domestic support coalitions are likely to ratify 42.4 percent more human rights treaties than those without such changes in a year. This difference in the expected count of ratification incidences is statistically significant with the p-value of 0.018. Control variables generally perform as expected and are consistently across different models. When more human rights treaties become available for ratification in a given

year, an autocrat is likely to ratify a higher number of human rights treaties, and this is statistically significant at the 1 percent level across all model estimations. Under the common law legal system, autocrats are less likely to ratify a higher number of human rights treaties, and this effect is statistically significant at the 5 percent level across all models. Other control variables, such as multiparty, independent judiciary, latent human rights scores, Muslim populations, and regional autocratic ratification rates, never achieve statistical significance from models 1 through 4 in Table 3.1.

**TABLE 3.1:** Multiple Ratifications of Core UN Human Rights Treaties, 1966-2008.

ratification incidence	NB (1)	RENB (2)	logit (3)	RE logit (4)
SOLS change <sub>t</sub>	0.353** (0.142)	0.461*** (0.164)	0.409*** (0.153)	0.494*** (0.191)
number of available HRAs for ratification <sub>t</sub>	0.363*** (0.050)	0.422*** (0.064)	0.296*** (0.051)	0.474*** (0.086)
multiparty <sub>t-1</sub>	0.217 (0.178)	0.237 (0.162)	0.154 (0.190)	0.219 (0.194)
independent judiciary <sub>t-1</sub>	0.043 (0.111)	0.024 (0.115)	0.069 (0.129)	0.040 (0.135)
latent human rights score <sub>t-1</sub>	-0.001 (0.097)	0.035 (0.095)	0.010 (0.095)	0.084 (0.114)
common law <sub>t</sub>	-0.487** (0.196)	-0.541*** (0.201)	-0.466** (0.215)	-0.610** (0.245)
muslim <sub>t</sub>	0.002 (0.002)	0.002 (0.002)	0.003 (0.002)	0.002 (0.003)
regional autocratic ratifications <sub>t-1</sub>	0.028 (0.063)	0.050 (0.064)	-0.003 (0.058)	0.027 (0.072)
constant	-3.451*** (0.378)	-2.640*** (0.398)	-3.259*** (0.365)	-3.936*** (0.485)
ln $\alpha$	0.915*** (0.174)	2.548*** (0.417)		
N	1,959	1,959	1,959	1,959
N of countries		115		115

NOTE: Robust standard errors clustered on country in parentheses except for the random effects models in Models (2) and (4). \*\*\* p<0.01, \*\*p<0.05, \*p<0.10.



**FIGURE 3.2:** Change in predicted count of ratification by SOLS change, 1966-2008. Based on NB model (1) in Table 3.1.

For robustness checks, I added additional control variates that might be associated with multiple ratifications either positively (e.g., trade dependence and amount of received foreign aid) or negatively (e.g., the presence of civil wars). Autocrats who rely on external economic pressures are expected to proactively pursue human rights treaty ratifications (Garriga 2016; Hathaway 2005; Smith Cannoy 2012). Conversely, autocrats who are either fighting or just fought civil conflicts are less likely to seek out human rights treaty memberships because governments themselves tend to commit human rights violations during civil wars (Nalepa 2010). Table 3A.1 in the Appendix at the end of this chapter reports the empirical results. The impact of SOLS change stays intact and statistically significant across all model estimations. The additional covariates behave interestingly. While the presence of civil war fails to achieve statistical significance, two covariates related to external pressure are positively associated with multiple ratifications of human rights treaties. Autocrats' vulnerability and susceptibility to external pressures are beyond the



scope of the current chapter; however, this result yields an interesting potential for future research.

**TABLE 3.2:** New Leader and Multiple Ratifications of Core UN Human Rights Treaties, 1966-2008.

ratification incidence	NB (1)
SOLS change <sub>t</sub>	0.348** (0.154)
new leader <sub>t</sub>	-0.068 (0.259)
SOLS change <sub>t</sub> x new leader <sub>t</sub>	0.038 (0.357)
number of available HRAs for ratification <sub>t</sub>	0.363*** (0.050)
multiparty <sub>t-1</sub>	0.218 (0.178)
independent judiciary <sub>t-1</sub>	0.045 (0.112)
latent human rights score <sub>t-1</sub>	-0.002 (0.097)
common law <sub>t</sub>	-0.486** (0.196)
muslim <sub>t</sub>	0.002 (0.002)
regional autocratic ratifications <sub>t-1</sub>	0.028 (0.062)
constant	-3.440*** (0.387)
ln $\alpha$	0.915*** (0.174)
N	1,959

NOTE: Robust standard errors clustered on country in parentheses except for the random effects models in Models (2) and (4). \*\*\* p<0.01, \*\*p<0.05, \*p<0.10.

In an additional test, I examine when an autocrat with changes in domestic support coalitions from his predecessor pursues multiple human rights treaty ratifications during his tenure. Table 3.2 provides a supporting evidence to H3-1a. The effect of SOLS change on the

number of ratification incidence is positive and significant only when autocrats are not new leaders. The average marginal effect of SOLS change on the number of ratification is 0.06 after the initial three years of an autocrat's rule, and this is statistically significant at the 5 percent level. On the other hand, the same is not significant at any conventional levels during the initial three years of an autocrat's reign.

I switch the structure of the main dataset to make a leader as a unit of analysis to test why autocrats ratify multiple human rights treaties during their tenure, not necessarily in a given year. To do so, I collapse all observations by individual autocrat, keeping years in power and number of human rights treaties available for ratification at their maximum values, multiparty, which is a binary covariate, at its median, ordinal or continuous covariates, such as independent judiciary, latent human rights score, Muslim, and regional autocratic ratifications at their means.

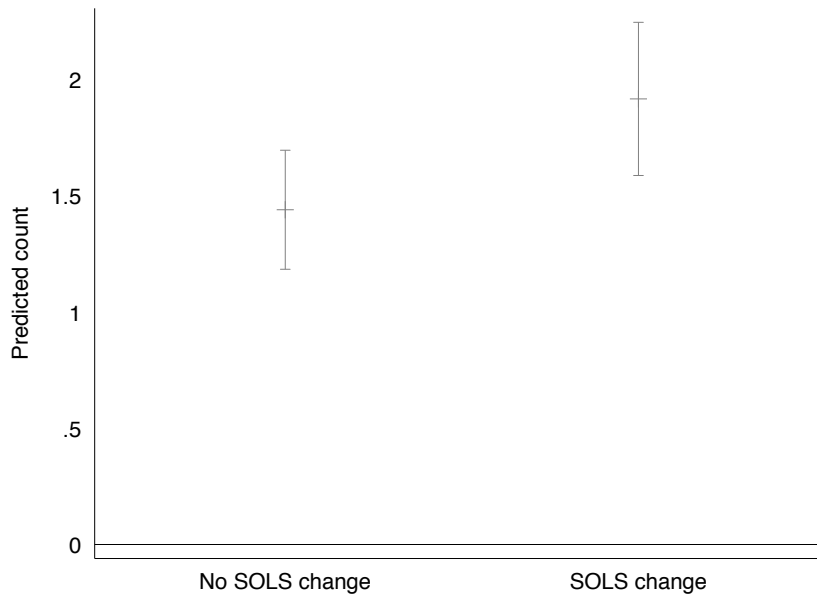
Table 3.3 reports the main result. Controlling for the duration in which an autocrat stays in power as well as the maximum number of available seven core UN human rights treaties, I find that an autocrat with domestic support coalitions different from those of his predecessor is likely to ratify a higher number of human rights treaties during his tenure. The coefficient of SOLS change is positive and statistically significant at the 5 percent level. Substantively, as Figure 3.3 displays, autocrats with distinct domestic support coalitions from their predecessors are likely to ratify around 33% more human rights treaties than those with contiguous domestic support coalitions. This difference is statistically significant at the 5 percent level. The other control variables generally behave as Models in Table 3.1. Autocrats with longer tenure have positive impacts on the number of human rights treaty ratifications. Likewise, as more human rights treaties are available when an autocrat enters into power, the autocrat is more likely to

ratify a higher number of them. Common law is again negatively associated with the number of treaty ratifications. These effects are all significant at the conventional level.

**TABLE 3.3:** Multiple Ratifications of Core UN Human Rights Treaties, 1966-2008 (during autocratic tenure)

number of ratifications	NB (1)
SOLS change	0.286** (0.125)
years in power	0.061*** (0.006)
number of available HRAs for ratification	0.204*** (0.035)
multiparty	0.171 (0.155)
independent judiciary	0.004 (0.121)
latent human rights score	0.009 (0.078)
common law	-0.323** (0.153)
muslim	0.001 (0.001)
regional autocratic ratifications	0.041 (0.057)
constant	-1.660*** (0.299)
$\ln \alpha$	-1.347*** (0.328)
N	278

NOTE: Negative binomial results. Robust standard errors in parentheses. \*\*\* p<0.01, \*\*p<0.05, \*p<0.10.



**FIGURE 3.3:** Change in predicted count of ratification by SOLS change, 1966-2008. Based on NB model (1) in Table 3.3.

### 3.5 Conclusion

Autocratic leaders ratify multiple human rights treaties either simultaneously or over their tenure. Building on autocratic politics literature in comparative politics, I provide a novel theoretical explanation to this unexamined empirical pattern of autocratic human rights treaty ratifications in this Chapter. I posit that autocratic leaders with new support bases distinct from those of their outgoing leaders pursue membership in multiple human rights treaties in order to win popular support that is needed for them to deter potential challenges from regime insiders. A series of empirical analyses render positive evidence to my main theoretical claim.

One remaining question is how and under what circumstances such autocratic leaders seeking popular support through human rights treaty ratifications make their promises of rights concessions credible in the eyes of targeted policy audiences. While human rights treaties are “soft” in general, not all human rights treaties allow the identical levels of monitoring and

enforcement from treaty bodies to their member states. Treaty ratification is also not a binary choice, concerning whether to commit or not. Autocratic leaders must determine to what extent they will be bound by monitoring and enforcement procedures upon joining the treaty. The next Chapter will examine autocratic decisions to pursue vertical memberships in UN core human rights treaties.

### 3.6 Appendix

**TABLE 3A.1:** Multiple Ratifications of Core UN Human Rights Treaties, 1966-2008.

ratification incidence	NB (1)	RENB (2)	NB (3)	RENB (4)
leader with SOLS change <sub>t</sub>	0.320** (0.162)	0.454** (0.184)	0.480*** (0.163)	0.564*** (0.172)
number of available HRAs for ratification <sub>t</sub>	0.384*** (0.055)	0.411*** (0.070)	0.439*** (0.052)	0.457*** (0.065)
multiparty <sub>t-1</sub>			0.175 (0.186)	0.255 (0.166)
personalist <sub>t-1</sub>	0.153 (0.188)	0.017 (0.207)		
independent judiciary <sub>t-1</sub>	0.117 (0.114)	0.077 (0.121)	0.129 (0.112)	0.100 (0.123)
latent human rights score <sub>t-1</sub>	0.045 (0.102)	0.041 (0.098)	-0.048 (0.110)	0.024 (0.121)
common law <sub>t</sub>	-0.656*** (0.213)	-0.739*** (0.219)	-0.636*** (0.203)	-0.647*** (0.201)
muslim <sub>t</sub>	0.002 (0.002)	0.002 (0.002)	0.002 (0.002)	0.001 (0.002)
regional autocratic ratifications <sub>t-1</sub>	0.041 (0.064)	0.065 (0.066)	0.109* (0.065)	0.100 (0.068)
trade (percent as GDP) (logged)			0.268** (0.129)	0.166 (0.138)
foreign aid (logged)			0.297* (0.180)	0.322* (0.183)
civil war			-0.112 (0.253)	-0.109 (0.225)
constant	-3.387*** (0.375)	-2.619*** (0.407)	-11.16*** (3.935)	-10.29*** (3.993)
ln $\alpha$	0.964*** (0.179)	2.588*** (0.507)	0.661*** (0.189)	3.160*** (0.656)
N	1,706	1,706	1,520	1,520
N of countries		104		104

NOTE: Robust standard errors clustered on country in parentheses except for the random effects models in Models (2) and (4). \*\*\* p<0.01, \*\*p<0.05, \*p<0.10.

## Chapter 4

### **Autocrats with New Support Coalitions and Deeper Commitment to Human Rights Treaties**

#### **4.1 Introduction**

In Chapter 3, I show that autocratic leaders who transitioned with domestic support bases that differed from those of their predecessors ratify multiple human rights treaties either concurrently or over their tenure. Multiple ratifications of various human rights treaties allow such autocrats to quickly signal a break from past rulers, who were often abusive or incompetent, while sending a public message to the general public that their governance is designed for the broader interests. Autocrats use this strategy to gain legitimacy and popular approval needed for them to deter potential challenges from new regime insiders.

One remaining question, however, is why targeted domestic audiences, including the opposition and citizens, believe that such autocrats will honor the rights concessions that they have promised after winning increased support. After all, failure to honor those concessions will not likely be evident as violations of certain human rights, especially physical integrity rights, are inherently unobservable (Conrad, Haglund, and Moore 2013). Domestic accountability mechanisms are limited in autocracies. Autocrats themselves control the flow of information about rights violations: what information to reveal, how to present the information, and who has access to the information (Hollyer, Rosendorff, and Vreeland 2015a, 2015b). Even if autocrats

are caught in violation, domestic institutional means to replace such autocrats are scant. Indeed, human rights treaties, in general, lack the strong accountability mechanisms present in other issue areas, especially economics.

Monitoring of all main UN human rights treaties primarily relies on state self-reports on implementation and compliance submitted to the relevant treaty bodies (Creamer and Simmons 2015, 580; Goodman and Jinks 2013, 121-4).<sup>26</sup> States are uniform neither in their willingness to submit such reports nor in the overall quality of those reports, and autocracies are not best examples in this context (Creamer and Simmons 2015). However, in addition to this general monitoring mechanism, states can also tailor the level of monitoring they receive from the treaty bodies by either accepting optional articles and protocols or by issuing reservations and declarations against provisions containing extra monitoring and enforcement mechanisms.

Once a state accepts extra monitoring from relevant treaty bodies, either upon joining or later, individual citizens, peer states, or other groups of actors can pull fire alarms when rights are violated. Drawing from the literature on American Politics, fire alarms refer to Congressional oversight that enables third parties such as individuals and organized interest groups to examine the executive through established rules, procedures, and informal practices (McCubbins and Schwartz 1984, 166). On the other hand, police-patrol oversight means that Congress oversees a sample of administrative activities “at its own initiative” (1984, 166). If a state does not issue reservations against compulsory jurisdiction, peer states can bring a case to the International Court of Justice (ICJ, hereafter) if they disagree about how to interpret or apply

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<sup>26</sup> I do not consider informal monitoring from human rights NGOs, which may be a primary monitoring mechanism of human rights treaties (See Chapter 9 of Koremenos 2016 for further discussion). Even so, civil societies in autocracies are often tainted with counter-activities from Government Organized Nongovernmental Organizations (GONGOs) (I thank Laura Landolt for this discussion at the 2015 ISA annual conference).



relevant treaty provisions only after failing to resolve the dispute bilaterally or with arbitration. States can even invite regular visits to places of detention and advisory visits to national preventive mechanisms from a treaty body if they opt to accept such extra monitoring.<sup>27</sup> Absent working accountability mechanisms at home, domestic rights beneficiaries may expect international institutions to hold their autocratic leaders accountable for non-compliance (Fang and Owen 2011). Existing studies show that autocratic states are less likely to accept this extra monitoring procedures of human rights treaties than their democratic counterparts (Cole 2009 for the individual complaints under the ICCPR). Would autocrats with support bases that differ from those of the outgoing leaders accept such extra monitoring mechanisms from treaty bodies in order to demonstrate the credibility of their commitments to human rights treaties?

If my theoretical claim in Chapter 3 is correct, I should observe autocrats with different support bases from their predecessors accepting extra monitoring and enforcement obligations to add credibility to their promised rights concessions to the masses, with several caveats. First, if such autocratic leaders ratify human rights treaties as a means of earning legitimacy from popular approval, they are likely to focus on promises that generates broader impacts instead of targeted specific benefits to limited segments of the population. The latter often fall into the margins of the country politically, economically, or socially. Thus, autocrats with new support bases would increase their chances of being caught failing to implement general rights protections when accepting extra monitoring from treaty bodies. Such autocrats are less likely to accept that extra monitoring from treaties concerning only minority rights, as these have lower salience to the general populations.

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<sup>27</sup> Regular visits are only available under the Optional Protocol to the Convention against Torture.

Second, such autocrats are likely to guard their implementation of physical integrity rights, which is highly related to a key autocratic governing tool, violence, without accepting more monitoring procedures from treaty bodies. Last, various monitoring mechanisms impose different expected costs to autocratic leaders; thus, autocrats with different support bases from their predecessors are likely to allow only those mechanisms that they view as unlikely to be invoked. I explore these theoretical expectations with a series of empirical analyses.

#### **4.2 Optional Monitoring and Enforcement Mechanisms in the UN Human Rights Treaties**

The United Nations nine core human rights treaties contain multiple layers of monitoring and enforcement mechanisms that operate in conjunction with periodic self-reports by states. States are not allowed to opt out of reporting, but these human rights treaties allow member states to adjust the level of monitoring they receive from treaty bodies by adding reservations and declarations to optional articles and protocols about such monitoring and enforcement provisions. These monitoring and enforcement procedures include individual complaints, inter-state complaints, inquiry, regular visits, and the International Court of Justice jurisdiction over contentious disputes on interpretation or application of treaty provisions.<sup>28</sup>

Monitoring mechanisms of the UN core human rights treaties have been mostly based on a fire-alarm system in which victims or interested third-parties draw attentions to specific treaty bodies when alleged rights violations occur. Individual and inter-state complaints procedures as well as inquiries are good examples. A recent adoption of the Optional Protocol to the Convention against Torture (OPCAT) in 2002 provides an innovative approach of adding police patrol monitoring to the existing human rights treaty system, allowing experts from a treaty

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<sup>28</sup> I do not consider universal jurisdictions in the 1984 Convention against Torture and the 2006 Convention against Enforced Disappearance in this dissertation for reasons discussed later in this section.

monitoring body to make regular visits to places of detentions in member states' territories and directly assist in establishing national preventive mechanisms. Table 4.1 list monitoring bodies of the nine core UN human rights treaties. I briefly examine the workings of each monitoring mechanism available in the human rights treaty systems in this section, working largely off information provided by the Office of High Commissioner for Human Rights' webpage.

**Table 4.1: Monitoring Bodies in the UN Core Human Rights Treaties**

<i>treaty</i>	<i>monitoring body</i>
ICERD	The Committee on the Elimination of Racial Discrimination (CERD)
ICCPR	The Human Rights Committee (CCPR)
ICESCR	The Committee on Economic, Social and Cultural Rights (CESCR)
CEDAW	The Committee on Elimination of Discrimination against Women (CEDAW)
CAT/OPCAT	The Committee against Torture (CAT)/The Subcommittee on Prevention of Torture (SPT)
CRC	The Committee on the Rights of the Child (CRC)
ICMW	The Committee on Migrant Workers (CMW)
CRPD	The Committee on the Rights of Persons with Disabilities (CRPD)
CPED	The Committee on Enforced Disappearances (CED)

NOTE: Data from “The Core International Human Rights Instruments and Their Monitoring Bodies,” OHCHR (2016c). Accessed on July 2, 2016. Available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>.

Through individual complaints procedures, individuals can file communications about alleged rights violations against a State Party relevant to specific treaties in all nine human rights treaty bodies.<sup>29</sup> Third parties, working on behalf of individuals and with or without written consent, can bring a petition to the treaty monitoring bodies as well. The Office of High Commissioner for Human Rights (OHCHR) states that the essence of procedures is consistent

<sup>29</sup> The individual complaints mechanism in the 1990 International Convention on Migrant Workers' Rights has not entered into force as of July 2, 2016 because 10 necessary State Parties have not yet made such declarations regarding Article 77 (Human Rights Bodies – Complaints Procedures, OHCHR 2016b. Accessed on July 2, 2016. Available at <http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx>).

across the nine core treaties, though specific details may vary.<sup>30</sup> The complainant should meet the requirement of exhausting domestic remedies in the alleged State Party before bringing the petition to a Committee. The Committee offers the State Party an opportunity to respond, usually within six months. After the State comments, the complainant can respond, also within a certain time limit. Once the Committee decides the case is admissible, it then determines whether the alleged rights violations occurred in a closed session. The final decisions of the Committee are public and constitute an authoritative interpretation of the given treaty even though recommendations therein to the State Party are not legally binding. However, public follow-up procedures monitor whether the State Party implements the suggested recommendations. If the State Party fails to take appropriate measures, the case remains open under the Committee's attention.

Similarly, a member state can bring a complaint to a relevant treaty body (e.g. either a committee or an ad hoc Conciliation Commission) if it believes that another member state has violated a given treaty's obligations. After domestic remedies have been exhausted and bilateral negotiations between the two parties have failed, the relevant treaty body offers good offices to the member states concerned to help them reach a friendly solution, mostly in closed meetings. No case invoking the inter-state complaints procedures across seven core human rights treaties has ever happened as of July 2, 2016 (OHCHR 2016; Smith-Cannoy 2012).

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<sup>30</sup> The subsequent discussion of the procedure is based on the information from the OHCHR webpage. Human Rights Treaty Bodies – Individual Communications, OHCHR 2016c. Accessed on July 2, 2016. Available at <http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx#proceduregenerate>.

The last monitoring procedure based on fire alarms is an inquiry process in six out of nine core human rights treaties.<sup>31</sup> This monitoring procedure is confidential and requires cooperation from states that are alleged systematic violators of rights. After receiving reliable information about serious or systematic rights violations by a State Party from individuals or relevant NGOs, a Committee can make inquiries on its own initiative. The Committee can request that the State Parties submit observations to the Committee. Based on those observations, the Committee designates members to carry out an inquiry and report promptly back to the Committee. Such an inquiry can include a visit to the State Party but only with the State Party's consent. The Committee examines the findings and sends them to the State Party with comments and recommendations. The State Party is then invited to respond to the Committee within a limited time and report out on any measures taken in response to the inquiry (OHCHR 2016).

Other than fire alarm mechanisms across all nine core human rights treaties, only one core human rights treaty, the 1984 Convention against Torture, incorporates police patrol type monitoring mechanisms in its Optional Protocol from 2002.<sup>32</sup> An independent international monitoring body, the Subcommittee on Prevention of Torture (SPT, hereafter), conducts regular visits of around ten days to places of detention – police stations, military or civilian prisons, detention centers, or mental health and social care institutions – in member countries to prevent torture. The SPT has unlimited access to all places of detention as well as to all relevant information. Experts can conduct private and confidential interviews with detainees and any other related people. Based on the visit, they can issue confidential recommendations and

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<sup>31</sup> This paragraph is also drawn from the OHCHR webpage, “Human Rights Bodies – Complaints Procedures” (OHCHR 2016b). Accessed on July 5, 2016. Available at <http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx#inquiries>.

<sup>32</sup> This paragraph is also drawn from the OHCHR webpage, “Optional Protocol to the Convention against Torture (OPCAT), The SPT in Brief” (OHCHR 2016f). Accessed on July 5, 2016. Available at <http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/Brief.aspx>.

observations to the state concerned to improve rights conditions and can publish that report if that state requests. If the country itself publishes part of the report, the monitoring body can then publish all or parts of the report. More importantly, if a country is non-cooperative or fails to implement recommendations, the SPT can ask the Committee against Torture to issue a public statement or to make the SPT report public. In addition, these monitoring bodies are mandated with capacity-building. They advise and assist States Parties to establish their own National Preventive Mechanisms (NPMs), which mandate regular visits to places of detention, and they work closely with the NPMs, subsequently.

Apart from the aforementioned monitoring mechanisms, five out of nine core human rights treaties allow for compulsory jurisdiction of the International Court of Justice (ICJ) over contentious disputes on the interpretation or application of relevant human rights treaties only if states do not attach reservations or declarations against ICJ jurisdiction upon joining the treaties (i.e., a compromissory clause). Only when efforts to resolve such disputes through bilateral negotiations or arbitration have failed can either of the parties refer the case to the ICJ. Only states have legal standing before the Court on matters of contentious jurisdiction, and the Court needs the consent of member states of the General Assembly or the Security Council to have advisory jurisdiction (Wilde 2013, 650).

Other monitoring procedures that exist outside the UN treaty body system include the Special Procedures of the Human Rights Council and the Human Rights Council Complaint Procedure.<sup>33</sup> Since the focus of this chapter concerns autocratic states' participation in human rights treaties, I do not discuss these two outside mechanisms in my dissertation.

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<sup>33</sup> Special Procedures are either special rapporteurs or independent experts with mandates to visit countries to examine human rights conditions, to send communications like urgent appeals and other letters to states and non-states actors to provide response reports on information and follow up, to report yearly to the Human Rights Council as well as the General Assembly, etc. (The Office of the United

In sum, the monitoring and enforcement mechanisms of international core human rights instruments are largely based on fire alarm systems with one exception of regular visits in the OPCAT. Most fire alarm monitoring and enforcement procedures, other than individual complaints, are state-centric. Inter-state complaints require a case to be initially resolved bilaterally, and even after a case is referred to relevant treaty monitoring bodies, the role of referred monitoring bodies is limited to that of facilitator, offering good offices for disputing states to reach friendly solutions. No particular follow ups regarding implementation are specified. Likewise, state cooperation is a necessary condition for inquiry procedures at all stages. Without consent from the State Party, the monitoring body cannot visit its territory to conduct inquiries. The threshold for an inquiry procedure to be initiated is also high since only “serious” and “systemic” rights violations can be brought to the relevant treaty bodies. Recommendations from monitoring bodies are not legally binding. Additionally, only states can bring cases to the International Court of Justice despite the fact that the actual rights holders and victims of rights violations are individuals. Rulings on contentious cases are legally binding while rulings on advisory opinions are not, and the Court has no means of physical enforcement.

Besides each member state chooses the level of monitoring and enforcement it receives from each treaty body, either upon joining or at a later point in time, every core human rights treaty itself has different levels of monitoring and enforcement. Table 4.2 provides a snapshot of the levels of monitoring and enforcement procedures in nine core human rights treaties (See

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Nations High Commissioner for Human Rights 2016g, accessed on July 1, 2016. Available at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Introduction.aspx>). Likewise, individuals, groups, or NGOs can bring attention to the Human Rights Council through confidential Human Rights Council Complaint Procedure regarding states’ rights violations (OHCHR 2016d, accessed on July 1, 2016. Available at <http://www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCCComplaintProcedureIndex.aspx>).

Table 4A.1 of the Appendix at the end of this chapter for specific corresponding provisions from each treaty).

**Table 4.2: Monitoring Procedures in the UN Core Human Rights Treaties**

	<i>individual complaints</i>	<i>inter-state complaints</i>	<i>inquiry</i>	<i>regular visits</i>	<i>ICJ</i>
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	+	+			+
International Covenant on Civil and Political Rights (ICCPR)	+	+			
International Covenant on Economic, Social and Cultural Rights (ICESCR)	+	+	+		
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	+		+		+
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	+	+	+	+	+
Convention on the Rights of the Child (CRC)	+	+	+		
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)	+	+			+
Convention on the Rights of Persons with Disabilities (CRPD)	+		+		
International Convention for the Protection of All Persons from Enforced Disappearance (CPED)	+	+	+		+

NOTE: \* refers to cases where the relevant monitoring procedure is mandatory and cannot be reserved and they include inter-state complaints under the ICERD and inquiry under CPED. Data from the relevant treaty text from the United Nations Treaty Series as well as Human Rights Bodies-Complaints Procedures from OHCHR (Accessed on May 6, 2016. Available at <http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx>).

The Convention against Torture is equipped with the heaviest monitoring and enforcement mechanisms, containing all five procedures on top of a provision on universal jurisdiction (i.e. Article 5<sup>34</sup>), which is beyond the scope of this dissertation. States can declare at

<sup>34</sup> Article 5 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment reads as follows. “1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases: (a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State; (b) When the alleged offender is a national of that State; (c) When the victim is a national of



any time to accept individual complaints (Article 22) and inter-state complaints (Article 21). At the time of joining, states can issue reservations against the inquiry procedure (Articles 20 and 28) and against the compulsory jurisdiction of the ICJ (Article 30). CAT member states can later ratify the Optional Protocol (OPCAT), thereby accepting regular visits from the Subcommittee on Prevention of Torture to places of detention and establishing national preventive mechanisms.

Similarly, the Convention against Enforced Disappearance has four procedures but regular visits as well as universal jurisdiction (i.e. Article 9<sup>35</sup>), which is, again, beyond scope of this dissertation. States can at any time declare to accept individual (Article 31) and inter-state (Article 32) complaints and attach reservations against compulsory ICJ jurisdiction (Article 42). Interestingly, the inquiry procedure under the Convention against Enforced Disappearance is mandatory, so member states cannot opt out of this monitoring mechanism (Article 33).

Five human rights treaties – the 1965 Convention against Racial Discrimination (ICERD), the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), the 1979 Convention on the Elimination of All Forms of Discrimination against Women

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that State if that State considers it appropriate. 2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph I of this article. 3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law (OHCHR 2016a, accessed on July 2, 2016. Available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>).

<sup>35</sup> Article 9 of the Convention against Enforced Disappearance reads as follows. “1. Each State Party shall take the necessary measures to establish its competence to exercise jurisdiction over the offence of enforced disappearance: (a) When the offence is committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State; (b) When the alleged offender is one of its nationals; (c) When the disappeared person is one of its nationals and the State Party considers it appropriate. 2. Each State Party shall likewise take such measures as may be necessary to establish its competence to exercise jurisdiction over the offence of enforced disappearance when the alleged offender is present in any territory under its jurisdiction, unless it extradites or surrenders him or her to another State in accordance with its international obligations or surrenders him or her to an international criminal tribunal whose jurisdiction it has recognized. 3. This Convention does not exclude any additional criminal jurisdiction exercised in accordance with national law” (OHCHR 2016c, accessed on July 2, 2016. Available at <http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx>).

(CEDAW), the 1989 Convention on the Rights of the Child (CRC), and the 1990 Convention on Migrant Workers' Rights (ICMW) – include variations of three monitoring and enforcement mechanisms. First, the ICERD and the ICMW establish optional (or mandatory) monitoring and enforcement procedures. States that join the Convention against Racial Discrimination (ICERD) can accept individual complaints at any time (Article 14) as well as state reservations against the compulsory jurisdiction of the ICJ<sup>36</sup> (Article 22 and Article 20) upon ratification or accession. Inter-state complaints are mandatory for all ratified member states (Articles 11-13). Likewise, under the Convention on Migrant Workers' Rights, states can declare to accept individual (Article 77) and inter-state (Article 76) complaints at any time. They can also declare against ICJ compulsory jurisdiction upon signature or ratification (Article 92).

Next, the ICESCR and CRC have monitoring and enforcement procedures in Optional Protocols separate from the main treaties. By ratifying the Optional Protocol of the International Covenant on Economic, Social, and Cultural Rights, states accept individual complaints. When they do so, they can declare to accept inter-state complaints (Article 10 of the Optional Protocol) as well as inquiries (Article 11 of the Optional Protocol) at any time. Similarly, states accept individual complaints by ratifying the Optional Protocol on a Communication Procedure to the Convention on the Rights of the Child. Ratifiers of the Optional Protocol can declare to accept inter-state complaints at any time (Article 12 of the Optional Protocol on a Communication Procedure) and to opt out of inquiries (Article 13 of the same Optional Protocol) upon joining.

Last, the CEDAW has monitoring and enforcement provisions across the main treaty and its Optional Protocol. States can declare that they are not bound by the ICJ compulsory

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<sup>36</sup> Unlike the corresponding provisions in the other human rights treaties, Article 22 itself does not provide the option that member states to opt out of the ICJ compulsory jurisdiction. However, state practice seems that they attach reservations to Article 22 when they ratify or accede to the ICERD by invoking Article 20 on reservations.

jurisdiction upon joining the main treaty of the Convention on the Eliminations of All Forms of Discrimination Against Women (Article 29). Besides, they accept individual complaints by ratifying the Optional Protocol. Ratifiers of the CEDAW Protocol can declare not to accept inquiry procedures upon joining (Articles 8 and 10).

The ICCPR and CRPD contain the least extra monitoring mechanisms. First, states that ratify the International Covenant on Civil and Political Rights can declare to accept inter-state complaints at any time (Article 41). They can also accept individual complaints by ratifying the First Optional Protocol to the ICCPR. Likewise, states accept individual complaints by ratifying the Optional Protocol to the Convention on the Rights of People with Disabilities. Ratifiers of such the Optional Protocol can declare against inquiry procedures when joining (Articles 6, 7, and 8 of the Optional Protocol).

Some core human rights treaties, such as the 1984 Convention against Torture and the 2006 Convention against Enforced Disappearance, contain universal jurisdiction provisions. Other human rights treaties, like the 1965 Convention against Racial Discrimination and the 2006 Convention against Enforced Disappearance, have mandatory provisions on inter-state complaints procedures and inquiry procedures, respectively. I do not consider cases where certain monitoring and enforcement procedures are mandated in treaty membership in my empirical analyses so I can differentiate autocrats' decisions to accept extra monitoring and enforcement from their initial decisions to join the main human rights treaties.

#### **4.3 Theoretical Expectations on Autocratic Deeper Commitment**

Based on the discussion of various monitoring and enforcement mechanisms in the UN core human rights treaties, I derive the following theoretical expectations concerning autocratic

leaders' deeper commitments to core human rights treaties. When determining the level of monitoring and enforcement they are willing to assume, autocrats need to consider the following: 1) the benefits of a deeper commitment in terms of receiving popular support, and 2) the amount of control they would have over the initiations and proceedings of monitoring and enforcement mechanisms. I expect that autocrats with different support bases from their predecessors accept the extra monitoring and enforcement procedures of treaties protecting general human rights rather than those concerned with minority rights. These autocrats also accept treaties that allow them relatively more leverage over the initiation and proceedings of a given procedure.

First, autocrats with different support bases from their predecessors are likely to commit deeply when they join human rights treaties concerning general rights protections. If the theoretical claim posited in Chapter 3 that such autocrats pursue memberships in human rights treaties in order to win broad popular support from their citizens is correct, I should observe that they pay more careful attention to human rights treaties concerning general rights protections than to those concerning minority rights protections. Such autocrats seek to lend credibility to their promises of general rights protections as a means of securing broad popular support.

Conversely, they are unlikely to make concessions beyond symbolic treaty ratifications when the rights protections concern groups at the margins of the societies. Improvements in rights conditions for politically, economically, and socially powerless groups of people, such as women, children, racial minorities, migrant workers, and persons with disabilities, are not of high salience to ordinary citizens when they evaluate their governments, especially under authoritarian rules. The survey results of the PEW Research Center on Egyptians' priorities provides illustrative supporting evidence (2013, 18). While 83% of respondents strongly value improved economic conditions, a majority of respondents also strongly value fair judiciary

(81%), uncensored media (60%), and freedom of speech (51%). Survey respondents who strongly value women's rights (42%) and religious freedom for minorities (32%) do not amount to a majority. Moreover, policy concessions that benefit certain groups of citizens may produce losers in domestic politics, and those who consider themselves losers may not return their approval. Thus, autocrats anticipate receiving more popular support from broader populations when their promises to grant general human rights protections gain credibility through a deep, demonstrated commitment to relevant human rights treaties, such as the International Covenant on Civil and Political Rights, International Covenant on Economic, Social, and Cultural Rights, the Convention against Torture, and the Convention against Enforced Disappearance.

Next, autocrats tailor their level of extra monitoring and enforcement by mostly accepting mechanisms over which they have more leverage in terms of procedure initiation and proceedings. As discussed in the previous section, each monitoring and enforcement procedure differs in what it requires of the allegedly violating state's involvement or cooperation. Regular visits, on the extreme side, do not require an accused state's consent prior to the monitoring bodies' physical visits to its territory. Individual complaints also do not require a state's cooperation for a case to be brought to monitoring bodies. Instead, the State Party's influence is limited in providing observations, responses, and comments at each stage.

On the other hand, inter-state complaints, ICJ jurisdictions, and inquiries all require significant state cooperation and involvement. Both inter-state complaints and ICJ jurisdictions presuppose that bilateral negotiations between the two disputing states have failed before one disputant brings the case to the relevant monitoring or enforcement bodies. Despite the first-hand rights holders as individuals, only states have standings before these two procedures.

Thus, the case is much less likely to be brought to the corresponding international bodies in the first place. The OHCHR webpage indicates that this inter-state complaints procedure has yet to be invoked (2016). At this time, State Parties of the UN core human rights instruments have brought only three cases to the ICJ: The 2004 Advisory Opinion on *the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories*, the 2005 judgement on *the Case Concerning Armed Activities on the Territory of the Congo (DRC v. Uganda)*, and the 2008 *Order Indicating Provisional Measures in the Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)* (Wilde 2013, 642-3).<sup>37</sup> This is in sharp contrast to the high use of complaints mechanisms by individuals. According to Smith-Cannoy, 1964 cases were submitted to the Human Rights Committee of the ICCPR as of 2010, 462 cases to the Committee against Torture as of 2011, 54 cases to the Racial Discrimination Committee as of 2010, and 27 cases to the Women’s Discrimination Committee as of 2010 (2012, 57).

Monitoring bodies require the consent of accused states in order to carry out country visits under inquiries procedures and rights violations to reach at the levels of being “serious” and “systematic.” I expect that autocrats prefer monitoring and enforcement procedures that give them more control over the process, such as accepting the ICJ jurisdiction, inter-state complaints, and inquiries. This produces the following hypotheses:

**H4-1:** *Autocratic leaders with different support bases from their predecessors are likely to accept extra monitoring procedures of human rights treaties concerning general rights during their tenure.*

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<sup>37</sup> “The treaties at issue were the ICCPR (Wall Advisory Opinion and DRC v. Uganda), the CRC (DRC v. Uganda), the CRC Optional Protocol (DRC v. Uganda), the ICESCR (Wall Advisory Opinion) and the CERD (Georgia v. Russia)” (Wilde 2013, 661). Please see Higgins (2007) for additional cases referring to human rights treaties beyond the core human rights treaties, such as the Genocide Convention.

**H4-2:** *Autocratic leaders with different support bases from their predecessors are likely to accept extra monitoring procedures over which they have more control during their tenure.*

#### **4.4 Research Design**

Building on the empirical models developed in Chapter 3, I test the driven hypotheses based on a newly created dataset on autocratic deeper commitment to five core human rights treaties.

Information about the acceptance of monitoring and enforcement mechanisms is drawn from the UNTS database (2016). The dataset is collapsed into individual autocratic leaders in order to examine each leader's decisions to commit deeply to core human rights treaties during his or her tenure. Once the leader accepts a monitoring/enforcement mechanism, the successor is dropped from the analysis. The unit of analysis is the autocrat.

Among nine core UN human rights treaties, only five are considered here – ICERD, ICCPR, CEDAW, CAT, and CMWR – due to limited data availability and short time coverage. The Optional Protocols containing monitoring provisions in the ICESCR and CRC opened for signature on December 10, 2008 and February 28, 2012. The ICED was open for signature on December 26, 2006, and the CRPD as well as its Optional Protocol were open for signature in 2006. My dataset ends in 2008.

In addition, I estimate models separately for each human rights treaty because autocrats might value their deeper commitments to some human rights treaties more than to others both due to the substantive human rights issues and the different layers of monitoring and enforcement procedures of each treaty. Last, I use a seemingly unrelated bivariate probit model (BVP), to address potential endogeneity problems. An autocrat's decision to ratify a main human rights treaty is very likely correlated with his or her decision to accept relevant extra

monitoring or enforcement obligations. To compare, I also report results from separate logit models, which does not assume such correlation.

The dependent variable is whether to accept a given monitoring or enforcement obligation. It indicates 1 if accepting and 0 otherwise. For example, if an autocrat lodges a reservation to the compromissory clause on the ICJ compulsory jurisdiction, I coded 0 for the ICJ jurisdiction. If an autocrat declares to accept individual complaints, I coded 1 for individual complaints. The independent variable is SOLS change, indicating 1 if the support base is different from the predecessor and 0 otherwise, as in Chapter 3 (Mattes, et al. Forthcoming). The covariates for the main treaty ratification equation remain identical to those reported in Chapter 3. For the deeper commitment equation, I exclude the number of available human rights treaties as well as the percentage of Muslim populations. Theoretically, these two covariates are not associated with autocratic decisions to accept extra monitoring or enforcement obligations.

#### **4.5 Empirical Analysis**

Tables 4.3 through 4.7 present estimates of the effect of SOLS change on main human rights treaty commitment and acceptance of extra monitoring/enforcement mechanisms. The columns labeled as SUR BVP show the seemingly unrelated bivariate probit results on each human rights treaties commitment (upper half of the table) and deeper commitment to that treaty (lower half of the table). The columns labeled as individual logit show the effects of the covariates on a deeper commitment to each human rights treaty. The results strongly support my theoretical expectations and also suggest a few more nuanced findings.

As I expected in H4.1, autocratic leaders with different support bases from their predecessors are likely to accept extra monitoring mechanisms from those human rights treaties



that grant general rights protections. More importantly, these autocrats also accept even extra monitoring mechanisms over which they have relatively less control. In particular, autocrats with SOLS change are positively associated with the acceptance of individual complaints as well as inter-state complaints under the International Covenant on Civil and Political Rights (ICCPR) (Table 4.3). The results are statistically significant and robust both in the seemingly unrelated bivariate probit and individual logit models.

The results suggest that autocrats with new support bases attempt to render their human rights commitments to general populations more credible by accepting even the costliest monitoring mechanisms. Although accepting such relatively costly monitoring mechanisms, such as individual complaints of the ICCPR, does not necessarily translate into improvement of such rights conditions (Smith-Cannoy 2012),<sup>38</sup> it offers one of few domestically non-available institutional tools for citizens to make a dent in human rights situations under authoritarian rules (Cole 2006; Smith-Cannoy 2012).

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<sup>38</sup> Smith-Cannoy discusses “significant deterioration of civil and political rights including censorship of the media, efforts to undermine the access to justice, and the systematic use of torture to extract confessions,” following “commitment to the Optional Protocol of the International Covenant on Civil and Political Rights” in both Kyrgyzstan and Tajikistan (168). She argues that partnership with NGOs and local IGOs has a key role in triggering such monitoring mechanisms’ positive impacts on improvement of rights conditions even in insincere ratifiers (3).

**TABLE 4.3: Deeper Commitments to the ICCPR, 1966-2008 (during autocratic tenure)**

	Individual complaints		Inter-state complaints	
	SUR BVP (1)	individual logit (2)	SUR BVP (3)	individual logit (4)
<i>Dependent variables:</i>	<i>Accepting individual complaints</i>		<i>Accepting inter-state complaints</i>	
SOLS change	0.796** (0.320)	1.516*** (0.482)	1.202** (0.482)	1.792** (0.888)
years in power	0.044*** (0.013)	0.080*** (0.023)	0.046** (0.021)	0.068*** (0.026)
multiparty	0.237 (0.353)	0.055 (0.537)	0.508 (0.611)	0.187 (0.843)
independent judiciary	-0.508 (0.353)	-0.544 (0.517)	1.002*** (0.353)	1.285* (0.685)
latent HR score	0.075 (0.217)	0.250 (0.250)	-0.546 (0.454)	-0.568 (0.522)
common law	-0.573* (0.309)	-0.997* (0.559)	-0.028 (0.387)	-0.319 (0.670)
regional autocratic ratifications	0.209** (0.107)	0.366* (0.214)	-0.208 (0.171)	0.078 (0.218)
constant	-2.420*** (0.623)	-4.511*** (1.169)	-4.737*** (1.559)	-7.044*** (1.851)
	↑		↑	
<i>Dependent variable: ICCPR ratification</i>				
SOLS change	0.136 (0.228)		0.132 (0.227)	
N of available HRAs	-0.076 (0.073)		-0.159* (0.086)	
years in power	0.050*** (0.012)		0.052*** (0.012)	
multiparty	0.324 (0.237)		0.378 (0.238)	
independent judiciary	-0.135 (0.210)		-0.151 (0.212)	
latent HR score	0.034 (0.121)		0.065 (0.120)	
common law	-0.492** (0.232)		-0.510** (0.238)	
Muslim	0.001 (0.003)		0.004 (0.003)	
regional autocratic ratifications	0.221** (0.095)		0.213** (0.098)	
constant	-1.286*** (0.482)		-1.011* (0.524)	
rho	0.976 (0.084)		0.777* (0.220)	
log pseudo-likelihood	-124.52	-71.18	-99.58	-35.66
N	170	243	170	265

NOTE: Robust standard errors in parentheses. Wald test shows that rho is not significantly different from zero (p=0.217) in the SUR BVP regarding individual complaints while it is significantly different from zero (p=0.061) in the SUR BVP regarding inter-state complaints. \*\*\* p<0.01, \*\*p<0.05, \*p<0.10.

Results regarding the CAT require a more cautious interpretation (Table 4-4). SOLS change is positively associated with acceptance of ICJ jurisdiction as well as with inquiries. The results on inquiries are statistically significant at the 5 percent level and robust across models; however, the results on the ICJ jurisdiction are only statistically significant with the seemingly unrelated bivariate probit model at the 10 percent level. It does not affect acceptance of other types of monitoring/enforcement from the CAT, including individual complaints, inter-state complaints, and regular visits.

The Convention against Torture directly and specifically regulates one of the most effective policy tools of authoritarian governance: violence. Autocrats face two conflicting incentives when deciding whether to accept extra monitoring and enforcement obligations. They value appearing to adopt broad-based governance as a means of differentiating themselves from their autocratic or democratic predecessors in the eyes of general populations by committing to treaties concerning general human rights, including physical integrity rights. At the same time, they equally value maintaining the use of violence as an effective policy tool to supervise, deter, and eliminate potential regime dissidents. Thus, they need to ensure that they have sufficient control over the initiation and proceedings of accepted monitoring and enforcement mechanisms. This explains why only the effects of SOLS change on the ICJ jurisdiction and inquiries, both of which require a high threshold to be invoked and allow more state involvement during the process, are positive, and not those of individual complaints and regular visits, as expected in H4-2. The null result of accepting inter-state complaints is an exception.

**TABLE 4.4: Deeper Commitments to the CAT, 1984-2008 (during autocratic tenure)**

	ICJ jurisdiction		Individual complaints		Inter-state complaints	
	SUR BVP	individual logit	SUR BVP	individual logit	SUR BVP	individual logit
	(1)	(2)	(3)	(4)	(5)	(6)
<i>Dependent variables:</i>	<i>Accepting ICJ jurisdiction</i>		<i>Accepting individual complaints</i>		<i>Accepting inter-state complaints</i>	
SOLS change	0.423*	0.695	-0.212	-0.614	-0.246	-0.651
	(0.250)	(0.442)	(0.360)	(0.650)	(0.338)	(0.772)
years in power	0.046***	0.093***	0.016	0.031	0.023*	0.049
	(0.013)	(0.025)	(0.014)	(0.026)	(0.014)	(0.031)
multiparty	0.115	0.336	-0.104	0.368	-0.338	-0.321
	(0.284)	(0.501)	(0.405)	(0.813)	(0.371)	(0.927)
independent judiciary	0.100	0.545	0.097	0.434	0.381	1.294
	(0.267)	(0.483)	(0.412)	(0.706)	(0.385)	(0.791)
latent HR score	-0.029	-0.021	-0.034	0.0705	-0.283	-0.197
	(0.145)	(0.224)	(0.164)	(0.346)	(0.208)	(0.420)
common law	-0.628**	-1.003**	-5.319***		-0.754*	-1.640
	(0.278)	(0.470)	(0.331)		(0.388)	(1.135)
regional autocratic ratifications	0.610***	1.022***	0.229**	0.388**	0.320**	0.540
	(0.129)	(0.245)	(0.110)	(0.191)	(0.133)	(0.336)
constant	-3.680***	-6.923***	-2.394***	-4.544***	-3.010***	-5.894***
	(0.777)	(1.523)	(0.589)	(1.267)	(0.780)	(2.069)
	↑		↑		↑	
<i>Dependent variable: CAT ratification</i>						
SOLS change	0.490**		0.452*		0.452*	
	(0.233)		(0.234)		(0.234)	
N of available HRAs	-0.060		-0.010		-0.008	
	(0.054)		(0.071)		(0.071)	
years in power	0.064***		0.061***		0.061***	
	(0.012)		(0.020)		(0.012)	
multiparty	0.068		0.119		0.114	
	(0.239)		(0.241)		(0.647)	
independent judiciary	-0.010		0.031		0.036	
	(0.251)		(0.250)		(0.251)	
latent HR score	-0.014		-0.061		-0.065	
	(0.133)		(0.133)		(0.135)	
common law	-0.641**		-0.672***		-0.663***	
	(0.250)		(0.241)		(0.243)	
Muslim	0.003		0.002		0.002	
	(0.002)		(0.003)		(0.003)	
regional autocratic ratifications	0.547***		0.541***		0.543***	
	(0.114)		(0.112)		(0.115)	
constant	-3.180***		-3.325		-3.365	
	(0.645)		(0.630)		(0.638)	
rho	1***		0.712***		0.732***	
	(2.74e-11)		(0.143)		(0.130)	
log pseudo-likelihood	-113.14	-80.12	-110.62	-42.81	-111.32	-39.10
N	202	213	202	160	202	236

NOTE: Robust standard errors in parentheses. Wald test shows that rho is significantly different from zero (p=0.000, 0.002, and 0.000) in the SUR BVP regarding ICJ jurisdiction, individual complaints, and inter-state complaints, respectively. Common law variable is dropped from model (4) due to perfect prediction of an outcome. \*\*\* p<0.01, \*\*p<0.05, \*p<0.10.

**TABLE 4.4 (continued): Deeper Commitments to the CAT, 1984-2008  
(during autocratic tenure)**

	Inquiries		Regular visits
	SUR BVP	individual logit	individual logit
	(7)	(8)	(9)
<i>Dependent variables:</i>			
	<i>Accepting inquiries</i>		<i>Accepting regular visits</i>
SOLS change	0.656** (0.261)	1.027** (0.427)	0.952 (1.004)
years in power	0.056*** (0.013)	0.105*** (0.022)	-0.038 (0.075)
multiparty	-0.043 (0.265)	0.026 (0.459)	
independent judiciary	0.056 (0.262)	0.372 (0.460)	-0.859 (0.907)
latent HR score	-0.060 (0.142)	-0.080 (0.224)	0.851* (0.435)
common law	-0.621** (0.258)	-0.977** (0.450)	-0.358 (2.383)
regional autocratic ratifications	0.536*** (0.125)	0.964*** (0.217)	-0.108 (0.882)
constant	-3.492*** (0.736)	-6.551*** (1.325)	-1.801 (5.169)
	↑		
<i>Dependent variable: CAT ratification</i>			
SOLS change	0.523** (0.243)		
N of available HRAs	-0.065 (0.046)		
years in power	0.066*** (0.012)		
multiparty	0.064 (0.262)		
independent judiciary	-0.035 (0.250)		
latent HR score	-0.018 (0.150)		
common law	-0.695*** (0.243)		
Muslim	0.003* (0.002)		
regional autocratic ratifications	0.558*** (0.120)		
constant	-3.237*** (0.659)		
rho	1 (6.23e-10)		
log pseudo-likelihood	-109.10	-84.297	-16.946
N	202	213	78

NOTE: Robust standard errors in parentheses. Wald test shows that rho is not significantly different from zero (p=0.212) in the SUR BVP regarding inquiries. Regarding regular visits, the SUR BVP fails to produce maximum likelihood, so only individual logit results are reported in model (9). Multiparty variable is dropped from model (9) due to perfect prediction of an outcome. \*\*\* p<0.01, \*\*p<0.05, \*p<0.10.

Interestingly, SOLS change is positively associated with the main CAT ratification at 5 to 10 percent levels across different seemingly unrelated bivariate probit models. When controlling for SOLS change, the effect of the presence of multiparty, which has long been considered as the main cause of autocratic ratification of the CAT in the literature (Conrad 2014; Vreeland 2008), loses its statistical significance. Substantively, this may suggest that the underlying reason autocrats ratify the CAT is to grant policy concessions to the general masses rather than to the opposition groups, as claimed in the existing literature.

The other significant covariates behave as expected across all estimations. Overall, autocrats are likely to ratify the CAT main treaty as well as to accept extra monitoring and enforcement mechanisms of the CAT as they stay in power longer. Common law is associated with both the main treaty ratification and acceptance of extra monitoring and enforcement in consistently negative ways. When a region relevant to a given autocrat is dense with various human rights treaty memberships, that autocrat is more likely to ratify the main CAT treaty and accept extra monitoring and enforcement mechanisms.

Tables 4-5 through 4-7 present another supportive evidence to H4-1 and H4-2. When it comes to human rights treaties concerning minority rights, autocratic leaders with new support bases are not likely to accept extra monitoring and enforcement mechanisms beyond those over which they have more control. Such autocrats are likely to accept only ICJ jurisdictions from the International Convention on the Elimination of Racial Discrimination (Table 4-5), the Convention on the Elimination of All Forms of Discrimination against Women (Table 4-6), and the Convention on Migrant Workers' Rights (Table 4-7). The results are robust to different estimation techniques except for the CEDAW (Table 4-6). The effect of SOLS change on

accepting ICJ jurisdiction under the CEDAW is only significant in individual logit. When accounting for possible endogeneity, its impact disappears.

With respect to the ICERD, autocrats with new support bases are not associated with accepting individual complaints in any significant way (Table 4-5). With the CEDAW, such autocrats are also not associated with accepting individual complaints and inquiries in significant ways (Table 4-6). Interestingly, however, the presence of multiparty affects autocratic leaders' acceptance of individual complaints and inquiries from the CEDAW at the 10 percent level. This effect is robust to different model estimation techniques. This, again, suggests that when autocrats accept individual complaints and inquiries, their target audience is opposition groups rather than the general masses. The significant covariates, such as years in power, common law, and regional autocratic ratification rates, behave as expected in general.

**TABLE 4.5: Deeper Commitments to the ICERD, 1966-2008 (during autocratic tenure)**

	ICJ jurisdiction		Individual complaints
	SUR BVP (1)	individual logit (2)	individual logit (3)
<i>Dependent variables:</i>	<i>Accepting ICJ compulsory jurisdiction</i>		<i>Accepting individual complaints</i>
SOLS change	0.617** (0.291)	0.978** (0.425)	0.017 (0.861)
years in power	0.036*** (0.013)	0.061*** (0.019)	0.022 (0.028)
multiparty	-0.364 (0.298)	-0.409 (0.491)	0.197 (1.182)
independent judiciary	0.345 (0.266)	0.696* (0.383)	0.558 (1.043)
latent HR score	-0.029 (0.157)	0.131 (0.299)	0.629* (0.373)
common law	-0.055 (0.318)	-0.129 (0.428)	
regional autocratic ratifications	0.097 (0.112)	0.141 (0.184)	0.342*** (0.119)
constant	-1.511 (0.497)	-2.852*** (0.907)	-5.181*** (1.559)
	↑		
<i>Dependent variable: ICERD ratification</i>			
SOLS change	0.245 (0.362)		
N of available HRAs	-0.240 (0.146)		
years in power	0.060*** (0.014)		
multiparty	-0.507 (0.371)		
independent judiciary	0.320 (0.354)		
latent HR score	-0.049 (0.173)		
common law	-0.184 (0.511)		
Muslim	0.003 (0.004)		
regional autocratic ratifications	0.182 (0.135)		
constant	-0.417 (0.653)		
/athrho	14.101*** (3.697)		
log pseudo-likelihood	-82.15	-78.74	-27.46
N	108	147	186

NOTE: Robust standard errors in parentheses. Wald test shows that rho is significantly different from zero (p=0.0001) in the SUR BVP. Regarding individual complaints, the SUR BVP fails to produce maximum likelihood, so only individual logit results are reported in model (3). Common law variable is dropped from model (3) due to perfect prediction of an outcome. \*\*\* p<0.01, \*\*p<0.05, \*p<0.10.



**TABLE 4.6: Deeper Commitments to the CEDAW, 1979-2008 (during autocratic tenure)**

	ICJ jurisdiction		Individual complaints		Inquiries	
	SUR BVP	individual logit	SUR BVP	individual logit	SUR BVP	individual logit
	(1)	(2)	(3)	(4)	(5)	(6)
<i>Dependent variables:</i>	<i>Accepting ICJ jurisdiction</i>		<i>Accepting individual complaints</i>		<i>Accepting inquiries</i>	
SOLS change	0.372 (0.242)	0.881** (0.363)	0.693 (0.488)	0.239 (0.577)	0.693 (0.488)	0.239 (0.577)
years in power	0.022* (0.011)	0.0568*** (0.0165)	0.060** (0.029)	0.133*** (0.034)	0.060** (0.029)	0.133*** (0.034)
multiparty	0.247 (0.232)	0.204 (0.400)	1.131* (0.610)	1.838* (0.947)	1.131* (0.610)	1.838* (0.947)
independent judiciary	-0.114 (0.221)	0.0859 (0.325)	-0.154 (0.624)	0.327 (0.754)	-0.154 (0.624)	0.327 (0.754)
latent HR score	0.244 (0.157)	0.238 (0.226)	0.478 (0.395)	0.483 (0.350)	0.478 (0.395)	0.483 (0.350)
common law	-0.055 (0.261)	-0.0172 (0.372)	-7.765*** (0.745)	-1.647 (1.224)	-7.765*** (0.745)	-1.647 (1.224)
regional autocratic ratifications	0.167* (0.098)	0.140 (0.148)	0.259 (0.374)	1.169*** (0.411)	0.259 (0.374)	1.169*** (0.411)
constant	-1.130** (0.511)	-2.444*** (0.718)	-3.947* (2.056)	-10.24*** (2.435)	-3.947* (2.056)	-10.24*** (2.435)
	↑		↑		↑	
<i>Dependent variable: CEDAW ratification</i>						
SOLS change	0.023 (0.232)		-0.493 (0.425)		-0.493 (0.425)	
N of available HRAs	-0.087 (0.056)		0.090 (0.137)		0.090 (0.137)	
years in power	0.044*** (0.011)		0.032 (0.024)		0.032 (0.024)	
multiparty	0.531** (0.235)		0.254 (0.559)		0.254 (0.559)	
independent judiciary	-0.193 (0.220)		1.023* (0.558)		1.023* (0.558)	
latent HR score	0.220 (0.144)		0.032 (0.339)		0.032 (0.339)	
common law	0.020 (0.275)		-0.793 (0.608)		-0.793 (0.608)	
Muslim	-0.002 (0.002)		-0.012** (0.006)		-0.012** (0.006)	
regional autocratic ratifications	0.314*** (0.112)		0.688** (0.333)		0.688** (0.333)	
constant	-0.800 (0.511)		-2.247 (1.439)		-2.247 (1.439)	
rho	1*** (1.56e-13)		1 (0.000)		1 (0.000)	
log pseudo-likelihood	-132.88	-107.92	-33.62	-42.03	-33.62	-42.03
N	154	187	48	120	48	120

NOTE: Robust standard errors in parentheses. The results for the CEDAW individual complaints are the same as the results for the CEDAW inquiries. Autocratic countries that accept individual complaints also accept inquiries under the CEDAW in my dataset. Only two out of five countries that opt out of inquiries under the CEDAW are autocracies in my dataset. Cuba has not accepted individual complaints to date, and Tajikistan accepted individual complaints in 2014, beyond the timeframe of my dataset. Wald test shows that rho is significantly different from zero (p=0.000) in the SUR BVP regarding ICJ jurisdiction while it is not significantly different from zero (p=0.9903) in the SUR BVP regarding individual complaints and inquiries. \*\*\* p<0.01, \*\*p<0.05, \*p<0.10.

**TABLE 4.7: Deeper Commitments to the CMWR, 1990-2008  
(during autocratic tenure)**

	ICJ jurisdiction	
	SUR BVP (7)	individual logit (8)
<i>Dependent variables: Accepting ICJ jurisdiction</i>		
SOLS change	1.003*** (0.344)	1.027** (0.427)
years in power	0.088*** (0.019)	0.105*** (0.022)
multiparty	0.535 (0.560)	0.026 (0.459)
independent judiciary	0.573 (0.373)	0.372 (0.460)
latent HR score	-0.025 (0.208)	-0.080 (0.224)
common law	-0.895* (0.495)	-0.977** (0.450)
regional autocratic ratifications	0.864*** (0.202)	0.964*** (0.217)
constant	-7.606*** (1.297)	-6.551*** (1.325)
	↑	
<i>Dependent variables: CMWR ratification</i>		
SOLS change	0.988*** (0.343)	
N of available HRAs	-0.073 (0.045)	
years in power	0.104*** (0.022)	
multiparty	0.760 (0.573)	
independent judiciary	0.697* (0.377)	
latent HR score	-0.046 (0.209)	
common law	-0.786 (0.493)	
Muslim	0.005 (0.003)	
regional autocratic ratifications	0.907*** (0.205)	
constant	-8.217*** (1.375)	
rho	1*** (1.49e-12)	
log pseudo-likelihood	-40.23	-84.297
N	193	213

NOTE: Robust standard errors in parentheses. Wald test shows that rho is significantly different from zero (p=0.000) in the SUR BVP. \*\*\* p<0.01, \*\*p<0.05, \*p<0.10

## 4.6 Conclusion

In Chapters 3 and 4, I have examined the first set of substantive questions that I ask in this dissertation, that is, autocratic legal participations with international human rights treaties both horizontally and vertically. Focusing on domestic politics, I argue that autocrats achieve power with leader support base, distinct from that of outgoing leaders pursue multiple human rights treaty ratifications either concurrently or throughout tenure. Specifically, such autocrats lacking ready-made institutional tools from the predecessors as well as dealing with higher uncertainty about political aspirations of new elites seek out extra legitimacy or approval from the citizens to deter potential challenges from new regime insiders. Memberships in various international human rights treaties can be one of many policy concessions that such autocrats can devise to win over the general populations by signaling that their governments are based on broader populations rather than specific segments of the societies.

This chapter presents empirical evaluations of implications drawn from the theoretical discussion in Chapter 3. It offers supportive evidence that autocrats with different support bases from their predecessors are likely to accept extra monitoring and enforcement mechanisms of human rights treaties granting general human rights protections as opposed to minority rights protections. Also, when they commit deeply to human rights treaties, they are likely to accept those monitoring and enforcement mechanisms over which they have relatively more control.

This chapter suggests that commitment to legal obligations under human rights treaties is more nuanced than existing studies have indicated. Although the scope of this chapter focuses on only procedural means, states can level their treaty commitments in terms of accepting or refusing extra substantive obligations. First, they can declare to embrace extra substantive treaty obligations by accepting Optional Protocols, such as the second protocol on the abolition of

death penalty to the ICCPR. States can also lodge reservations upon ratifications to limit the scope of prescribed substantive treaty obligations.<sup>39</sup> Thus, for future studies, I will create a variable of level of ratification to account for the depth of treaty commitment to the nine core UN human rights treaties from 1966 to 2008. This adjustment will produce a complete and exhaustive picture of states' treaty commitment (See Table 4A-2 for the proposed structure of the variable).

In next chapter, I switch the focus of discussion from legal aspects to autocratic bureaucratic participations in other international human rights institutions. Despite heavy scholarly attention to treaty commitment and compliance, autocratic states are not foreign to global human rights discourses occurring in other international human rights institutions and some of them participate in these venues as proactively as other democratic countries (Waltz 2001, 2004). To answer the second set of substantive questions of the dissertation, I will look into why some autocracies issue recommendations on peer states' human rights policies and practices in the United Nations Universal Periodic Review more actively and meaningfully than their autocratic peers.

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<sup>39</sup> In this study, reservation variables do not include reservations, declarations, or understandings (RUDs) regarding procedural obligations, such as opting out the ICJ jurisdiction. This kind of state declarations is separately coded for the ICJ jurisdiction variable.

## 4.7 Appendix

**Table 4A.1: Relevant Legal Texts for Monitoring and Enforcement Procedures**

Individual communications	<i>Article 14 of the ICERD</i> 1. A State Party <b>may at any time declare</b> that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.
	<i>First Optional Protocol to the ICCPR</i> <i>Article 1</i> A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.
	<i>Optional Protocol to the ICESCR</i> <i>Article 2 Communications</i> Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.
	<i>Optional Protocol to the CEDAW</i> <i>Article 2</i> Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.
	<i>Article 22 of the CAT</i> 1. A State Party to this Convention <b>may at any time declare</b> under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.
	<i>Optional Protocol on a Communication Procedure to the CRC</i> <i>Article 5</i> <b>Individual communications</b> 1. Communications may be submitted by or on behalf of an individual or group of individuals, within the jurisdiction of a State party, claiming to be victims of a violation by that State party of any of the rights set forth in any of the following instruments to which that State is a party: <ul style="list-style-type: none"><li>○ The Convention;</li><li>○ The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;</li><li>○ The Optional Protocol to the Convention on the involvement of children in armed conflict.</li></ul> 2. Where a communication is submitted on behalf of an individual or group of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.
	<i>Article 77 of the ICMWR</i> 1. A State Party to the present Convention <b>may at any time declare</b> under the present article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim that their individual rights as established by the present Convention have been violated by that State Party. No communication shall be received by the Committee if it concerns a State Party that has not made such a declaration.
	<i>Optional Protocol to the CRPD</i> <i>Article 1</i> 1. A State Party to the present Protocol (“State Party”) recognizes the competence of the Committee on the Rights of Persons with Disabilities (“the Committee”) to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.
	<i>Article 31 of the ICED</i> 1. A State Party <b>may at the time</b> of ratification of this Convention or at any time afterwards declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by this State Party of provisions of this Convention. The Committee shall not admit any communication concerning a State Party which has not made such a declaration.

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## Inter-state complaints

### *Articles 11-13 of the ICERD (mandatory\*)*

#### *Article 11*

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, **it may bring the matter to the attention of the Committee**. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

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#### *Article 41 of the ICCPR*

1. A State Party to the present Covenant **may at any time declare** under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be **dealt with in accordance with the following procedure**:

---

#### *Article 10 of the Optional Protocol to the ICESCR*

##### **Article 10 Inter-State communications**

1. A State Party to the present Protocol **may at any time declare** under the present article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant. Communications under the present article may be received and considered only if submitted by a State Party that has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under the present article shall be dealt with in accordance with the following procedure:

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#### *Article 21 of the CAT*

1. A State Party to this Convention **may at any time declare** under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. **Communications received under this article shall be dealt with in accordance with the following procedure**:

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#### *Article 12 of the Optional Protocol on a Communication Procedure to the CRC*

##### **Inter-State communications**

1. A State party to the present Protocol **may, at any time, declare that** it recognizes the competence of the Committee to receive and consider communications in which a State party claims that another State party is not...

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#### *Article 76 of the ICMWR*

1. A State Party to the present Convention **may at any time declare** under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Convention. Communications under this article may be received and considered only if submitted by a State Party that has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be **dealt with in accordance with the following procedure**:

---

#### *Article 32 of the ICED*

A State Party to this Convention **may at any time declare** that it recognizes the competence of the Committee to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention. The Committee shall not receive communications concerning a State Party which has not made such a declaration, nor communications from a State Party which has not made such a declaration.

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## Inquiries

### *Article 11 of the Optional Protocol to the ICESCR*

#### **Article 11 Inquiry procedure**

1. A State Party to the present Protocol **may at any time declare** that it recognizes the competence of the Committee provided for under the present article

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#### *Article 8 of the Optional Protocol to the CEDAW (Article 10 to opt out)*

##### Article 10

1. Each State Party **may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 8 and 9**.  
2. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, **withdraw this declaration by notification to the Secretary-General**.

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#### *Article 20 of the CAT (Article 28 to opt out)*

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

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*Article 28*

1. Each State **may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.**

2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

*Article 13 of the Optional Protocol on a Communication Procedure to the CRC (paragraph 7 to opt out)*

7. Each State party **may, at the time of** signature or ratification of the present Protocol or accession thereto, **declare that it does not recognize** the competence of the Committee provided for in the present article in respect of the rights set forth in some or all of the instruments listed in paragraph 1.

*Article 6 of the Optional Protocol to the CRPD (Article 8 to opt out)*

Article 8

Each State Party **may, at the time of** signature or ratification of the present Protocol or accession thereto, **declare that it does not recognize** the competence of the Committee provided for in articles 6 and 7.

*Article 33 of the ICED (mandatory\*)*

1. If the Committee receives reliable information indicating that a State Party is seriously violating the provisions of this Convention, it may, after consultation with the State Party concerned, request one or more of its members to undertake a visit and report back to it without delay.

2. The Committee shall notify the State Party concerned, in writing, of its intention to organize a visit, indicating the composition of the delegation and the purpose of the visit. The State Party shall answer the Committee within a reasonable time.

3. Upon a substantiated request by the State Party, the Committee may decide to postpone or cancel its visit.

4. If the State Party agrees to the visit, the Committee and the State Party concerned shall work together to define the modalities of the visit and the State Party shall provide the Committee with all the facilities needed for the successful completion of the visit.

5. Following its visit, the Committee shall communicate to the State Party concerned its observations and recommendations.

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ICJ jurisdiction

*Article 22 of the ICERD*

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, **shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.**

*Article 29 of the CEDAW*

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party **may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article.** The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

*Article 30 of the CAT (paragraph 2 to opt out)*

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. **Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article.** The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

*Article 92 of the ICMWR (paragraph 2 to opt out)*

2. Each State Party **may at the time of** signature or ratification of the present Convention or accession thereto **declare that it does not consider** itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by that paragraph with respect to any State Party that has made such a declaration.

*Article 42 of the ICED (paragraph 2 to opt out)*

2. A State **may, at the time of** signature or ratification of this Convention or accession thereto, **declare that it does not consider** itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a declaration.

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NOTE: Relevant texts are drawn from The Core International Human Rights Instruments and Their Monitoring Bodies (Office of the UN High Commissioner for Human Rights, 2016c). Accessed on May 8, 2016.

**Table 4A.2: Depth of Commitment**

Type	Commitment Depth	Manner	Examples from the Convention on the Rights of the Child
Baseline		- Ratify the main treaty	- North Korea ratified the CRC on September 21, 1990.
Substance	+ Accepting higher rights standards	- Ratify a substantive Optional Protocol - Declare to accept higher rights obligations	- Afghanistan acceded the on September 19, 2002. - The Government of Colombia, pursuant to article 2, paragraph 1(d) of the Convention, declares that for the purposes of article 38, paragraphs 2 and 3, of the Convention, the age referred to in said paragraphs shall be understood to be 18 years, given the fact that, under Colombian law, the minimum age for the recruitment into the armed forces of personnel called for military service is 18 years. - The People's Republic of China shall fulfill its obligations provided by article 16 of the Convention under the prerequisite that the Convention accords with the provisions of article 25 concerning family planning of the Constitution of the People's Republic of China and in conformity with the provisions of article 2 of the Law of Minor Children of the People's Republic of China.
	- Limiting rights obligations in the main treaty	- Lodge a substantive reservation	
Procedural (Monitoring/Enforcement)	+ Accepting higher monitoring standards	- Ratify a procedural Optional Protocol on individual complaints/state complaints - Accept a procedural optional article on individual complaints/state complaints/inquiry - Accept the ICJ jurisdiction	- Thailand ratified Optional Protocol to the Convention on the Rights of the Child on a communication procedure on Sep 25, 2012. - According to article 12, first paragraph of the Optional Protocol, the Republic of Albania hereby declares it accepts the competence of the committee to receive and examine the communications in which a State party claims that another state party does not meet its obligations under the instruments referred to in this paragraph (to) which the State is a party.
	- Refusing higher monitoring standards	- Opt out of inquiry procedure - Opt out of the ICJ jurisdiction	- Pursuant to Article 13, paragraph 7, of the Protocol, the Principality of Monaco wishes to indicate that it does not recognize the competence of the Committee provided for in the present article in respect of the rights set forth in the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

NOTE: United Nations Treaty Collection. Database. Accessed on May 4, 2016. Available at <https://treaties.un.org/pages/Treaties.aspx?id=4&subid=A&lang=en>.



## Chapter 5

### **Vying for a Good Reputation: Autocratic Participation in the United Nations Universal Periodic Review**

#### **5.1 Introduction**

State recommendations are critical to the UPR, providing a yardstick in subsequent rounds by which to evaluate states' implementations of accepted recommendations as well as the impact of this process on the ground. Strikingly, autocratic members of the UN are neither uniformly vocal nor silent when given the opportunity to publicly name and shame peer states' human rights violations. During the first cycle of the UPR, from 2008 to 2011, Azerbaijan issued 337 recommendations on other states' human rights performances while the United Arab Emirates only issued twenty-nine (UPR-Info 2014b). Recommendations from authoritarian states, moreover, vary a great deal in substance. Some recommendations specifically request changes to domestic laws and institutions, such as Zimbabwe urging the United Arab Emirates to establish national laws to protect children's rights (UPR-Info 2014b). Other recommendations shift the spotlight away from a state's dismal human rights practices, instead focusing on the lack of international assistance for human rights capacity building. Still others compliment the state's human rights policies instead of offering constructive criticism to help the state improve.

This chapter explores my second set of substantive dissertation questions concerning why some autocracies issue recommendations on peer states' human rights policies and practices in

the UPR more actively and meaningfully than their autocratic peers. I argue that autocratic recommenders use the UPR as a foreign policy tool to enhance their reputation in the eyes of the international audience either on their own or in relation to particular states under review. The UPR's interactive dialogue establishes unlimited, repetitive interactions between recommending and reviewed states, and this process determines the expected costs and benefits of shining international spotlights on peer states' human rights practices and policies. Thus, only autocratic states who are willing to bear the costs of temporarily straining bilateral relationships with reviewed states actively and meaningfully participate in the UPR's interactive dialogue. Such states view the benefits of an enhanced international reputation as human rights supporter as exceeding the risks of potential damage to bilateral relationships.

I test the main argument using a newly extended dyadic data set of autocratic recommendations during the first cycle of the UPR (UPR-Info 2014b). The results confirm that autocratic states' concern for their international reputations is the key driving force in shaping their recommendations not only in quantity but also in substance. I find that autocratic recommenders with prominent positions in other international human rights institutions, including members of the UN Human Rights Council (HRC, hereinafter), are more likely to issue a higher number of recommendations as well as recommendations requiring greater costs to the targeted state. Autocracies holding positions of authority in other human rights institutions are subject to heightened scrutiny from the international community, including relevant human rights advocates, and are thus incentivized to demonstrate their commitment to human rights in the UPR's interactive dialogue. To further corroborate my reputational account of autocratic recommending behaviors, I rule out the alternative explanation that HRC member states simply have greater bureaucratic capacity to generate recommendations. Instead, I show that autocratic

HRC member states are likely to issue not only a higher number of recommendations but also more meaningful recommendations. At the same time, I show that my results are not driven by potential endogeneity by controlling for states' candidacy for the HRC member elections before a given review. Autocrats who are concerned with their general reputations might be more likely to establish HRC candidacy in the first place. Nevertheless, even after controlling for autocratic HRC candidacy status, the impact of HRC membership on issuing more meaningful recommendations remains intact, and its substantive effect is much greater than that of the HRC candidacy.

I also find that an authoritarian state with confrontational foreign relations with a state under review is more likely to make its adversary the subject of serious international scrutiny. Possessing a better standing on human rights relative to a state's foreign policy adversary is one way among many in which to gain international approval of its general foreign policies. Conversely, domestic unrest, driven by dissatisfaction with the current autocratic governance, does not affect a state's number of recommendations and is negatively associated with issuing serious recommendations in the UPR. This suggests that autocracies utilize the UPR for enhancing their international standing either in general or with respect to a particular reviewed state rather than for improving their domestic legitimacy.

## **5.2 The Institutional Design of the Universal Periodic Review**

The unique institutional features of the UPR's interactive dialogue structure autocratic state decisions about how to behave. I briefly review the UPR's interactive dialogue, focusing on the

first cycle from 2008 to 2011, on which I base my empirical analyses.<sup>40</sup>

The UPR subjects all 192 UN member states' human rights practices to peer states' scrutiny at regular intervals, with an emphasis on United Nations Human Rights Council members. Three UPR Working Groups, composed of all HRC member states and observer states, review forty-eight states per year in the four-year cycle. The troika, consisting of three, randomly drawn HRC members from different regional groups, assists the state under review while preparing a national report. The troika then oversees the review session of the UPR Working Group (Freedman 2011; McMahon 2012).

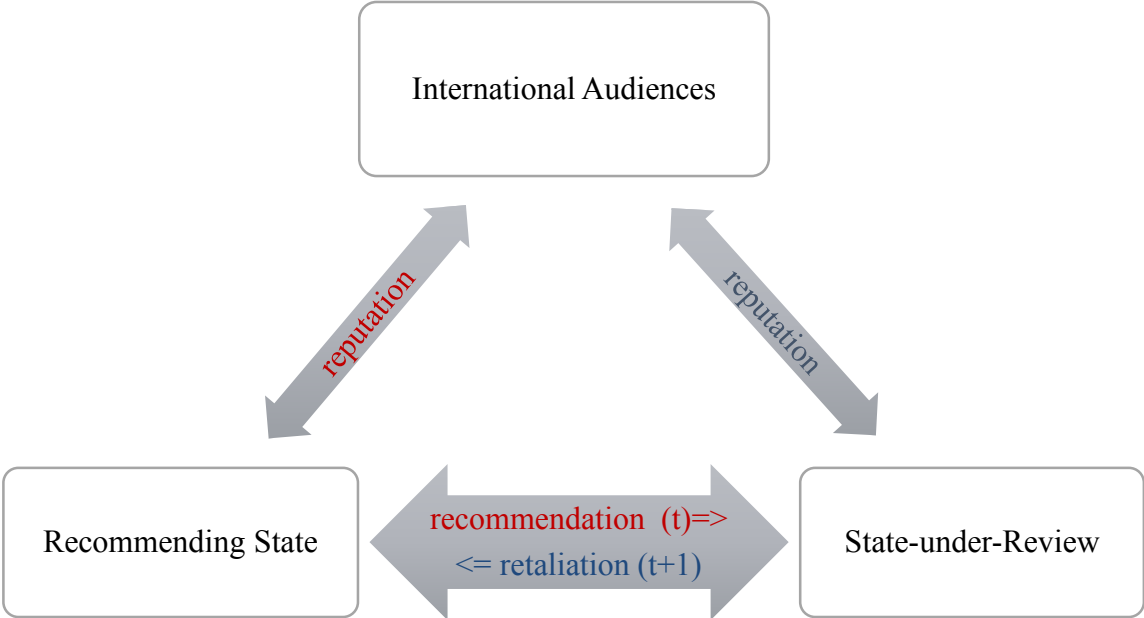
The three-hour review session is based on three documents: 1) a twenty-page national report submitted by the reviewed state, 2) a ten-page document prepared by domestic stakeholders and NGOs, and 3) a ten-page document compiled by the Office of the High Commissioner on Human Rights with help from human rights treaty bodies, special procedures, and relevant UN agencies (UPR-Info 2014d). The review assesses whether the state under review honors its human rights duties from the Charter of the UN, the Universal Declaration of Human Rights, ratified human rights treaties, voluntary pledges and commitments by the state, and applicable international humanitarian law (HRC Resolution A/HRC/RES/5/1, UPR-Info 2014d).

As Figure 5.1 illustrates, the UPR can be viewed as a repetitive interplay in which two main players – a recommending state and a state under review – strategically vie for reputation in front of international audiences. In each review, the state under review presents its national

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<sup>40</sup> Some details have changed after the revision of modalities by the HRC Resolution A/HRC/RES/16/21 on March 25, 2011. For example, the UPR review occurs every 4.5 years as opposed to 4 years after the second cycle (UPR-Info 2014c). The overall strategic implications of UPR institutional design remain intact.

report and responds to written questions, submitted by peer states ten days prior. The interactive dialogue follows in which peer states ask questions and issue recommendations to the reviewed state. The reviewed state decides whether to accept these recommendations and will only be held accountable in the subsequent round of the UPR for the implementation of recommendations it accepts (McMahon 2012, 4; Abebe 2009). This interactive dialogue results in an outcome report from the UPR Working Group, which is submitted to the plenary of the HRC for adoption (See Dominguez-Redondo [2012] and Freedman [2013, 261-6] for the details of the procedure). This process recurs every four years, so today’s recommending state becomes tomorrow’s state under review. Each state issues recommendations, therefore, at the risk of reciprocation from targeted states (Personal Interviews. January 22, 2016).



**Figure 5.1:** Strategic three-way interactions in the Universal Periodic Review. NOTE: Both a recommending state and a state under review aim to obtain (or at least maintain) a good standing on human rights issues in front of the international community. Red refers to what a recommending state can do and achieve while blue refers to what a reviewed state can do in response and obtain in the UPR’s interactive dialogue.

Traditional international relations literature posits that states are usually reluctant to be vocal about other states' human rights situations under the principle of sovereignty (Waltz 1979). Indeed, the inter-state complaints mechanisms in the seven UN human rights treaties have never been used to date (Smith-Cannoy 2012). If states decide to single out and punish an abusive state, they often do so in the name of multilateral institutions, such as the UN General Assembly, Human Rights Council, or World Bank (Lebovic and Voeten 2009). In the meantime, the UPR officially provides a political opportunity that enables otherwise reluctant states to comment on others' human rights records. The UPR gives such states a way to publicly present themselves as serious participants in global human rights discourse. Unlike resolutions condemning repressive governments from multilateral institutions, however, recommendations are still published in the name of a specific country rather than by the UPR as an institution. Although at first glance, issuing verbal recommendations may seem low-stakes, the benefits of being viewed as a human rights caring active recommender do not come for free.

But do states care about having a good reputation in the UPR's interactive dialogue? Since the early days of global human rights institutionalization, starting with the Universal Declaration of Human Rights in 1948, even states that were often considered oppressive have joined human rights discourses and advocated their versions of human rights (Donnelly 1984; Glendon 2002; Risse, Ropp, and Sikkink 1999; Waltz 2004). States' reactions to the UPR mechanism is similar. Ninety-eight percent of states complied with the obligation to submit a written national report prior to a session, and eighty percent of them sent ministerial level representatives to the interactive dialogues (Dominguez-Redondo 2012, 695). In McMahon's interviews with diplomats, a Mexican representative said "countries are on the world stage during their review. No one wants to look bad" (2012, 13). A Bangladeshi public official said

that “not wanting to be seen to be doing poorly creates a sort of competition to see who has done the most” (2012, 13). All states are exposed to each other, and their behaviors in the UPR become a matter of public record. National reports, other stakeholders’ preparatory reports, recommendations, and all responses are recorded as official UN documents. A UPR live webcast is even available from session 12. A UN human rights specialist claims that states take the UPR process “more seriously than the state reporting procedure before treaty bodies” (Dominguez-Redondo 2012, 680). A series of personal interviews with state delegates and relevant NGO staffs in Geneva confirm that most states want to be seen as human rights advocates in the UPR (January 19-20, 22, 25-6, 2016).

When issuing recommendations, a state has an opportunity to polish its own image while simultaneously improving or tarnishing the reputation of the targeted state. Thus, it needs to consider the strategic implications of every move in the UPR process. First of all, a state must decide on the number of recommendations it will issue to any given state under review. Issuing a higher number of recommendations signals that the reviewing state cares about other states’ human rights conditions and is well-versed in those of the reviewed state. Such recommendations may highlight areas for improvement in the reviewed state’s human rights policies and practices.

The recommending state also needs to consider the levels of any recommendations it issues. Unlike recommendations simply blaming the reviewed states’ lack of capacity and calling for international financial or technical assistance, those calling for domestic policy or legal reforms are much more burdensome. Such recommendations enable the reviewing state to impress upon the international audience that it takes human rights issues seriously.

However, such specific recommendations also impose the highest costs on the reviewed state in terms of implementation, accountability, and reputation. Not only does the reviewed state need to secure financial resources to carry out changes in domestic institutions and laws, but it also needs to go through the process of gaining approval for these changes from its domestic constituents (Simmons 2009a). In democracies, it is not usually easy to get around many veto players (Tsebelis 2002). For example, the U.S. continuously refused to accept many states' recommendations during the first cycle that it ratify the CEDAW or abolish the death penalty (UPR-Info 2014b). In autocracies, although leaders are relatively less constrained than their democratic counterparts, they may be reluctant to change domestic rules due to the social and political costs, especially if they have long relied on religious or ethnic discrimination (Simmons 2009a).

Additionally, the reviewed state bears extra accountability costs if it decides to accept such recommendations. States will be held accountable for the implementations of accepted recommendations in the following cycle (Human Rights Council 2011, *A/HRC/RES/16/21*). If they fail to implement them, they will be yet again subject to international naming and shaming, and their problem areas will continue to be the focus of the international spotlight until they are addressed.

Rejecting meaningful recommendations can also have serious reputation costs for the reviewed state. The reviewed state wants to exhibit itself as a serious participant by listening to peer states' recommendations and accepting them. Even rejected recommendations reveal the weaknesses in the reviewed state's human rights practices to the public. For example, while Iran accepted 123 out of 188 recommendations in the first cycle, other states and NGOs still harshly criticized the fact that it rejected forty-five of them, especially the recommendations addressing



the violent crackdown on peaceful demonstrations following the 2009 elections (*Unrepresented Nations and Peoples Organization*, 11 June 2010). In fact, states rejected only fifteen percent of recommendations in the first cycle (McMahon 2012).

In turn, the recommending state also needs to consider the potential negative consequences of straining bilateral relations with the reviewed state by inviting a serious international spotlight with specific recommendations (Personal Interviews, January 22 and 26, 2016). The targeted state might issue a diplomatic statement to express its resentment toward specific reviewer states in its official response to the UPR. Mohammad Javad Larijani, secretary-general of Iran's High Council for Human Rights, asked the following in Iran's response to the HRC after its UPR review in 2010: "Were they [the U.S.-run detention facilities at Abu Ghraib, Iraq and Guantanamo Bay] closed down with the same speed? ... There is violence against women in the U.S. There are violations everywhere. But the question is which country's policies are used as the basis for measuring the violations" (Memarian 2010, emphasis added). The state under review may even retaliate by withholding political, military, or economic favors outside the human rights realm in its bilateral relations with the reviewer state.

In addition, when the states' roles are reversed in the following round, the former reviewed state is likely to issue similarly incriminating recommendations. For autocratic recommending states with poor human rights records, this expected retaliation of naming and shaming in the next cycle of the UPR is particularly costly as it increases the chance of being caught and monitored for its own violations, which might otherwise remain unnoticed. Autocracies are found to be more susceptible to international naming and shaming than democracies (Hendrix and Wong 2013).

### 5.3 Recommending in the UPR as a Foreign Policy Tool

I argue that only autocracies who care about their international standing as pro-human rights will risk the potential costs of issuing both a higher volume of and more meaningful recommendations in the UPR. In particular, autocratic reviewers actively take part in the UPR process only when they need to look good, either generally or in comparison with a particular reviewed state before an international audience, in order to advance their broader foreign policy agendas.

A good reputation<sup>41</sup> is rewarding to a state for two main reasons (Erickson 2014). First, a state that looks credible in the eyes of other international actors is more likely to obtain tangible policy gains. Such a state could leverage that credibility both to deter future threats from potential opponents (Erickson 2014) and to secure future opportunities for cooperation as well as better terms in that cooperation (Axelrod 1984; Fearon 1998; Tomz 2011). Second, states seek to establish good reputations due to their intangible benefits. States often associate themselves with international groups that are widely regarded as legitimate, through memberships or by adopting policies in conformity with the international community (Cole 2005; Erickson 2014; O'Neill 1999). With good international standing, a state is in a better position to exert “social influence” and “moral authority” to “bring fellow states’ preferences in line with its own” (Erickson 2014, 182). A state may also view having a good reputation as intrinsically valuable (Wendt 1999).

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<sup>41</sup> Mercer defines reputation as an external judgment of a state’s character, which is used to forecast its future behavior in international conflicts and cooperation (1999, 6, recited from Erickson 2014, 181). Erickson rightly notes that this term has been used interchangeably in international relations with expressions such as “standing, status, prestige, and honor” (2014, 181). A state can hold a reputation both generally and in relation to a specific state or a group of states (Erickson 2014).

## **Striving for General Reputations**

First of all, autocratic states with high profile positions in international human rights institutions, such as members of the UN Human Rights Council (HRC), strive to maintain or shape a favorable image of themselves as human rights advocates. HRC memberships can be valuable to autocratic states because they enable the states to influence and exchange policies within the HRC by affecting the text of HRC resolutions and the agenda of the institution (Voeten 2013). HRC memberships also provide autocratic leaders with a means of prestige and patronage (Voeten 2013). Assuming that autocrats stay in power by offering private benefits to their small, ruling coalitions (Bueno de Mesquita, et al. 2003), HRC memberships provide the means by which autocrats generate the material assets that form these private benefits. Voeten states that “UNHRC memberships increase the size and relevance of diplomatic missions. Individual postings at IOs are attractive retirement positions for elites who have outlived their domestic usefulness. The ability to promote domestic elites to international organizations can be useful to governments and comforting to current elites, given that these positions are generally well compensated and in attractive locales” (2013, 4).

Given the rewards of obtaining HRC memberships, autocratic states often seek to acquire them. Once they achieve these positions of international authority, however, they face more monitoring pressure to behave as the HRC prescribes (Voeten 2013). When a state joins the HRC, the state’s position on human rights issues becomes a salient matter before domestic and international audiences (Voeten 2013). The UPR also reviews HRC member states’ human rights practices with a particular emphasis (HRC Decision 6/102 2007). Thus, the behavior of HRC member states in the UPR as both reviewer and reviewee receives more attention from international communities, such as Western states and NGOs. Voeten shows that Amnesty

International uses HRC member status as a focal point for its mobilization activities (2013, 5). Likewise, Universal Rights Group, a human rights NGO, along with the Norwegian Ministry of Foreign Affairs, has drawn attention to HRC member states' engagement within UN human rights mechanisms since 2015 (see [yourHRC.org](http://yourHRC.org)).

Considering the international community's special attention to HRC members during the UPR, authoritarian reviewers with HRC memberships strive to demonstrate that they are fulfilling their job well, as voluntarily pledged during their elections and delegated by the international community. Authoritarian HRC member states issue a higher volume of recommendations, as well as those involving higher costs, in an effort to shore up their international reputations and avoid further criticisms. Despite the expected costs of upsetting bilateral relations and incurring retaliation from today's reviewed states, autocratic reviewers can utilize their HRC memberships as legitimate rationale when issuing many and serious recommendations to states under review. Seeking to establish generally good reputations while avoiding any upset to bilateral relations with reviewed states, these recommending states refrain from singling out particular states for heightened international scrutiny but instead issue recommendations broadly.

One may question whether HRC member status is simply a reflection of bureaucratic capacity as HRC members tend to have larger staffs and larger missions in Geneva. If this is true, we need only observe that autocratic states with HRC member status issue a higher number of recommendations but that those recommendations are not necessarily more meaningful or serious. Personal interviews with state delegates and relevant NGO staffs provide supportive anecdotes, suggesting that states with HRC membership care about their visibility as HRC

members in the UPR's interactive dialogue (January 22 and 26, 2016). I aim to adjudicate between the two different accounts with empirical tests.

This expected behavior leads to the following hypotheses:

**H5-1a (bureaucratic capacity account):** *Authoritarian states are more likely to issue a higher number of recommendations when they are members of the HRC, irrespective of which states are under review, than those without HRC member status.*

**H5-1b (reputational account):** *Authoritarian states with HRC memberships are more likely to make recommendations with higher costs, irrespective of which states are under review, than those without HRC member status.*

### **Striving for Specific Reputations**

Some autocratic states are quite critical of each other and the rest of the world's human rights conditions, condemning rights violations and urging real change. Although the UPR enables states to comment on all UN member states' human rights policies and practices, states do not issue material recommendations randomly.<sup>42</sup> I argue that an autocratic state issues recommendations involving high costs only when seeking better standing in regard to its adversarial foreign relations with a specific state under review. Such recommendations put the reviewing state in a better position to accomplish its political, security, and economic aims.

States find it useful to attain international approval of foreign policies, especially when those policies involve confrontational relations with another state on a given issue. States could avoid the possible negative consequences of shunning international institutions' authorizations (especially for weaker states), gain public support with extra legitimacy, and shift public

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<sup>42</sup> During the second cycle, some Western states tend to adopt a standardized recommendation policy of issuing an equal number of recommendations to all states under review (Personal Interviews, January 19, 20, and 26, 2016). Although the future studies should account for this cycle-specific effect, this study's scope is limited to the first cycle.

attitudes (Chapman 2012, 5-6). States acquire a veneer of procedural legitimacy by merely consulting multilateral organizations or receiving the symbolic seals of legitimacy conferred by international organizations (Chapman 2012, 5; Thompson 2006; Voeten, 2005). Seeking external legitimacy for national foreign policies, therefore, has been increasingly common both for democracies and autocracies since 1945 (Chapman 2012).

By issuing recommendations on particular human rights problems, states help shape the global understanding and discourse on human rights conditions of a given state under review. Receiving the same recommendations from a significant number of peer states contributes to widespread perceptions about whether or not a reviewed state is doing well on human rights. For example, during a review of Singapore in the 24<sup>th</sup> UPR session on January 27, 2016, overlapping recommendations commending Singapore's education and welfare policies, issued by a majority of developing countries, made Singapore seem to be a model human rights country. This changed when Western European countries began to urge specific measures to ensure the freedom of association, to abolish corporal punishment as a state criminal justice, and to ratify the Convention against Torture and its Optional Protocol (Personal Fieldwork). Thus, some reviewed states even reach out to recommending states in advance, requesting that they focus on certain issues during their review (Personal Interviews, January 22 and 26, 2016). Adopted recommendations from peer states become part of the official UN record and a focal point for human rights NGOs to press for change. Also, peer states evaluate the reviewed state's implementations of accepted recommendations in the next cycle.

While UPR recommendations verbally legitimize reviewed states' human rights policies and practices, states' use their recommendation policies as a means of enhancing their standing relative to their foreign policy adversaries in lower level policy areas. States value the external

legitimation granted by international or regional organizations on issues other than wars, such as peacekeeping operations, denunciation of colonial rules, state independence, and developmental issues with respect to states with conflicting agendas (Claude 1966). Having secured international legitimacy, the state occupies a better position to win in the courts of international and domestic public opinion with regard to its handling of a foreign policy adversary. Even if it fails in those individual conflicts, the state can still use its international standing to defend its positions to domestic audiences and to continue to survive politically at home. To this end, possessing a better standing on human rights relative to the state's foreign policy adversary serves as one way among many in which to gain international approval of its general foreign policies. During the Cold War, the U.S. and the Soviet Union competed for a moral high ground by establishing human rights discourses and post-war global human rights institutions to justify their two different versions of governance (Donnelly 2003, 2007).

This leads us to expect that if a reviewing autocracy is in conflict with a reviewed state – on political, security, or economic fronts, it would issue costlier recommendations, requesting specific policy reforms of domestic institutions or law. First, if a reviewing autocracy is in a militarized conflict with a reviewed state with major power status, the reviewing state can use the UPR as a continuation of the ongoing conflicts. The reviewing state would want to win political and moral approval from the international community and shame its powerful military adversary, causing the enemy to lose moral ground in the conflict and encouraging it to make concessions to the recommending state. In order to win international support, such reviewing autocracies are likely to specifically rely on existing human rights treaty instruments to add authority to their recommendations or to request more detailed policy changes. To them, the benefits of achieving international political/moral support are much greater than the costs of ruining already bitter

bilateral relationships.

For example, North Korea devoted eleven out of their fifty-four recommendations to shaming the U.S. during the first cycle, three of which urged the U.S. to ratify the ICESCR, CEDAW, and CRC. Georgia's recommendation to Russia is another good example (UPR-Info 2014b). Five out of Georgia's six recommendations targeted Russia during their militarized conflict in 2008, and two invoked international law, such as the Resolution of 1648 adopted by the Parliamentary Assembly of the Council of Europe and the prescriptions of the ICJ (UPR-Info 2014b). China does not typically urge peer states to join international human rights instruments in its recommendations, the one exception being its recommendations to the United States during the first cycle regarding the ICESCR, CEDAW, and CRPD (Ahl 2015, 656).

This leads to the last hypothesis:

**H5-2:** *Authoritarian states are more likely to target recommendations requesting higher costs when they are in adversarial foreign relations with states under review.*

## 5.4 Research Design

Extending the UPR Info's database on UPR Recommendations (2014b), I created a new directed dyadic dataset in order to more precisely represent the strategic interactions between reviewing autocracies and reviewed states in the UPR's interactive dialogue. My analyses are limited to 5,627 recommendations issued by eighty-three autocratic states, whose Polity scores (Marshall and Jaggers 2002) are less than seven,<sup>43</sup> regardless of the reviewed states' regime types, during the first cycle of the UPR spanning the years 2008 to 2011.

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<sup>43</sup> Most international relations scholars view a Polity score (Marshall and Jaggers 2002) of 6 as a cut-off point for non-democratic states, but some consider a score of 7 as an alternative cut-off point (Epstein, Goldstone, Kristensen, and O'Halloran 2006).



The second cycle from 2012 to 2016 is excluded from the analysis. Technically, the full data are not available yet, and the focus of review is substantively different. In the second cycle, countries are encouraged to pay more attention in reviewing actual implementations of recommendations accepted during the first cycle, besides commenting on peers' human rights policies and practices. States also learn by doing and change their review policies. See McMahon (2012) for how states increase the number of recommendations and issue costlier recommendations over sessions even within the first cycle. Personal interviews with state delegates and related human rights NGO staffs also reveal that certain Western states tend to adopt a standardized policy of issuing an equal number of recommendations to all states under review during the second cycle (January 19, 20 and 26, 2016). Thus, future studies incorporating further cycles would need to address cycle-fixed effects.

To test the hypotheses concerning the reviewing states' bureaucratic capacity account as well as the general reputational account, I switch the data structure to a monadic setting by collapsing all the relevant observations to each recommending state. Here, the unit of analysis is a recommending state. For testing Hypotheses 5-1a and 5-1b, I use negative binomial regression, which is appropriate for modeling over-dispersed count dependent variables (Cameron and Trivedi 2013; Long 1997). I, then, switch the structure of my dataset back to a directed dyadic setting. By doing this, I additionally test Hypothesis 5-1b in a dyadic setting and also Hypothesis 5-2. Here, the unit of analysis is a recommending state-a state under review-a recommendation event. Ordinal logit estimations are used to take advantage of the ordered dependent variable, the level of a recommendation.

## Dependent Variable

Recommending states' participations in the UPR's interactive dialogue are operationalized into three indicators: 1) the total number of all types of recommendations per recommending state, 2) the number of recommendations per recommending state by each category of requested action for implementation, and 3) the level of recommendation in terms of expected costs.

For the latter two indicators, I use the variable of action category of the Database of UPR Recommendation (McMahon 2012; UPR-Info 2014a). In brief, recommendations are grouped into five different action categories based on the expected costs of implementation (McMahon 2012, 14-5). "Minimum Action" recommendations target states other than the reviewed state, urging technical or financial assistance from the international community or requesting that they share information on best human rights practices with their peers. "Continuing Action" recommendations emphasize that the reviewed state should simply keep up the good work. The state under review is asked to consider changes in policies and practices in "Considering Action" recommendations. "General Action" recommendations request that the reviewed state take general actions to improve, and "Specific Action" recommendations detail specific steps that should be taken to redress pending issues in human rights. Tables 5A-1 and 5A-2 of Appendix at the end of this chapter provide summary statistics and more detailed examples for each action category recommendation. Based on this general coding scheme by McMahon (2012), I construct the second and third dependent variables for empirical analyses.

For the last ordinal dependent variable, I rescale it to the range of 0-4:<sup>44</sup> 0 for a dyad where no recommendation is made, 1 both for "Minimal Action" and "Continuing Action," 2 for

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<sup>44</sup> I expanded the original UPR-Info dataset (McMahon 2012) so that possible pairs of countries where no recommendation is made at all are also included and therefore addressed (n=19,020). Otherwise, the

“General Action,” 3 for “Considering Action,” and 4 for “Specific Action.” Recommendations asking for minimal and continuing action require minimal costs. In actuality, states seem more hesitant to accept “Considering Action” recommendations than to accept those asking for “General Action.” McMahon concludes that states regard even considering policies, that are politically and socially very sensitive, such as death penalty abolition or restrictions based on sexual orientation, as too expensive (2012). Conversely, states are able to exercise a great deal of discretion in terms of how to specifically implement general action recommendations. Summary statistics in Table 5A-3 attest that commenting on other states’ human rights situations is indeed a rare event.

### **Independent Variables**

*Human Rights Council Membership:* Autocratic recommending states’ HRC membership status during the first cycle is used to capture whether autocratic states seek to craft a generally positive reputation before an international audience. I code 1 if an autocratic state serves as a HRC member for a given year and 0 otherwise (Office of the High Commissioner for Human Rights, United Nations Human Rights 2014).

*Foreign Policy Adversaries to the Reviewed State:* The international relations literature uses several measures based on UN General Assembly votes to evaluate similarities in foreign policy preferences among countries. These include state ideal points (Bailey et al. 2015) and Affinity/S-scores (Bailey et al. 2015; Gartzke 1998; Signorino and Ritter 1999). Heterogeneity in foreign policy preferences may not be a direct indicator of adversarial relations between two

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analyses would be based on a truncated dataset, which contains only pairs of states in which at least one recommendation (n=5,627) is made, and it is likely to suffer from sample selection bias (Reed 2000).

countries. Given the existing literature's usage of this measure (Voeten 2000, 2004), it serves well as a good proxy indicator of whether two states are more likely to engage in conflict at any level. Gartzke shows that affinity scores serve as a proxy for the possible absence or presence of conflict between states (1998, 2000), and Baily et al. (2015) attest that ideal point estimates outperform to measure the same. Following this lead, I use the absolute distance between the ideal points of two countries, ranging from 0 to 4.49 for directed-dyadic analysis of this study. For robustness checks, I, alternatively, use Affinity/S-scores, ranging from -1 (least similar interests) to 1 (most similar interests) (Strezhnev and Voeten 2013).

### **Control Variables**

To account for possible alternative hypotheses, I include a series of control variables that might influence autocratic states' recommending behaviors.

The existing literature on the UPR points out that a state's level of wealth and regional groupings may be underlying forces that influence the state's recommending behaviors. First, I include the recommending states' log of GDP (in current US dollar) from the World Development Indicators (World Bank 2014). This variable captures the level of wealth in each recommending country and accounts for managerial explanations of participation with IOs (Chayes and Chayes 1993). I expect that poor countries are less likely than wealthy countries to issue recommendations in the first place and/or specific recommendations due to their lack of technical, financial, and human resources. Alternatively, wealth can be a proxy measure for power. I expect that powerful states issue more and serious recommendations because they are less vulnerable to the potential retaliation of targeted states.

Next, I include four regional dummy variables for the monadic analysis with the Group of Latin American and Caribbean Countries (GRULAC) as the excluded reference category.<sup>45</sup> For the dyadic analysis, I construct a common region variable, 1 if a pair of states belongs to the same regional groups, and 0 otherwise. This variable allows me to test whether autocracies are indeed protective of their regional peers when publishing recommendations.

Additionally, recommending states' characteristics with respect to human rights may also affect their propensity to issue many and serious recommendations. To measure actual human rights practices, I mainly rely on the Latent Human Rights Protection Scores (v.2) (Fariss 2014; Schnakenberg and Fariss 2014). This latent physical integrity variable addresses rising concerns that the dominant two existing measures of human rights practices -- the Political Terror Scale (PTS) (Gibney et al. 2012) and the CIRI Human Rights Data (CIRI) (Cingranelli et al. 2014) -- fail to account for dynamic changes in how monitoring agencies like Amnesty International and the U.S. State Department interpret available information about repression over time (Fariss 2014; Clark and Sikkink 2013). This continuous variable ranges from -2.52 (more abuse) to 4.67 (more respect). For the dyadic analysis, I include human rights scores for both a recommending state and a reviewed state. For robustness checks, I alternatively use the PTS score based on Amnesty International reports (Gibney et al. 2012) and the CIRI physical integrity rights index (Cingranelli et al. 2014). The higher the score, the more abusive a state is in the PTS score. The opposite is true with the CIRI index.

I measure a state's legal commitment to international human rights treaties (Voeten 2013) by looking at the number of the five UN human rights treaties it has ratified, which includes the

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<sup>45</sup> Western European and Others Group was excluded due to zero observations among autocracies.

CAT, ICCPR, ICESCR, CRC, and CEDAW (United Nations Treaty Series, Database 2014).

This is an ordinal variable, which ranges from 0 (minimal treaty commitment) to 5 (most treaty commitment). Again, I include this variable both for recommending and reviewed states in the dyadic analysis.

I also include a variable of globalization to account for the possible correlation between a state's openness to the international community and its propensity to be vocal in international institutions. This variable is taken from the KOF globalization index, which is the weighted average of economic, social and political globalization and ranges from 0 to 100 (higher degree of globalization) (Dreher 2006). The Quality of Government dataset provides this variable (Teorell et al. 2015).

Some may also argue that autocratic states actively recommend in order to obtain extra legitimacy in times of domestic unrest. To address this alternative explanation, I include a domestic unrest variable, which is an additive measure of general strikes, riots, revolutions, and anti-government demonstrations from the CNTS Data Archive (Banks and Kenneth 2015).

I also include a variable measuring whether an autocratic recommending state with HRC membership serves in the troika during the preparation of a review of a given state. Troika states may either have more to say in that state's review, given their better knowledge of the state's human rights situation, or be reluctant to substantively engage in the reviewing session in order to remain neutral.

Lastly, one might raise concerns about a potential selection bias. Autocratic states that want better reputations abroad are more likely to pursue HRC memberships in the first place, and these states are more likely to issue a higher number of and more serious recommendations. Unfortunately, no variable exists in the literature that satisfies the exclusion restriction, which is

an instrument variable affecting the dependent variable only through the independent variable. Alternatively, I control for the election candidacy of HRC members in a given year to at least partly address the potential selection biases in recommending behaviors. In doing so, I follow Hug and Lukács (2014), who control for the authorship of the proposal to account for selection biases in evaluating voting behaviors among HRC member states. I code 1 if an autocratic recommending state is a candidate for HRC membership in a given year and 0 otherwise.

## **5.5 Empirical Analysis**

The findings strongly support the main argument that autocratic recommending states take part in the UPR's interactive dialogue more actively and seriously when they need to shape their general or specific reputations before an international audience. First, if the bureaucratic account is only true, we do not necessarily observe that autocratic states with HRC membership issue more meaningful and serious recommendations but simply a higher number of them. However, the empirical results from count models with monadic settings as well as ordinal logits with directed dyadic settings show that HRC member autocratic states issue not only a higher number of recommendations but also more meaningful recommendations irrespective of which state is under review. Next, while autocratic states that ran in HRC member elections are more likely to issue more meaningful recommendations, the impact of HRC membership status on the likelihood of states' issuing more serious recommendations is still statistically significant and substantively larger than that of mere candidacy. Across different model specifications, the effect of candidacy fails to achieve statistical significance most of the time, too. Thus, the results suggest that the theoretical mechanism explaining the recommending behaviors of autocratic states with HRC member status may be multifaceted; however, the reputational account still

holds despite all other alternative explanations. Last, autocratic states issue more meaningful and costlier recommendations to their foreign policy adversaries.

Table 5-1 displays the result of negative binomial regression analysis. I find that autocratic states with HRC membership are indeed likely to issue a higher number of recommendations than those without HRC membership, even after controlling for their levels of wealth, actual human rights practices, degree of globalization, number of ratified human rights treaties, domestic unrest, and regional associations (column 1). With respect to how control variables behave, it is strongly positive that rich autocratic countries tend to issue a higher number of recommendations at the 1% level. To the contrary, the remaining control variables turn out to have nothing to do with the number of recommendations. For robustness checks, I estimated the same model but with the PTS score and the CIRI physical integrity rights instead of the latent human rights scores. The impact of HRC membership is still positive and statistically significant at the 10 percent level (columns 2-3).



**Table 5.1: Number of Overall Recommendations**

# of recommendations	(1)	(2)	(3)
HRC	0.553** (0.275)	0.553* (0.272)	0.555* (0.275)
Log of GDP	0.692*** (0.143)	0.730*** (0.140)	0.694*** (0.140)
Latent HR scores	-0.020 (0.179)		
Political terror scale (amnesty)		0.137 (0.156)	
Physical integrity rights (ciri)			-0.006 (0.102)
Globalization	-0.017 (0.017)	-0.008 (0.016)	-0.018 (0.016)
N of ratified HRAs	-0.089 (0.129)	0.081 (0.128)	-0.088 (0.129)
Domestic unrest	-0.005 (0.016)	-0.015 (0.015)	-0.004 (0.017)
Africa	-0.162 (0.470)	-0.384 (0.495)	-0.157 (0.468)
Asia	-0.018 (0.436)	-0.329 (0.477)	-0.019 (0.446)
East Europe	0.581 (0.570)	0.287 (0.590)	0.578 (0.587)
Constant	-11.72*** (3.276)	-14.03*** (3.269)	-11.74*** (3.387)
N	77	75	77
Log-likelihood	-364.75	-352.90	-364.75

NOTE: \*\*\* p<0.01, \*\* p<0.05, \* p<0.1. Troika drops out due to multicollinearity.

Table 5-2 summarizes the results of a series of negative binomial regressions in different categories of recommendations. Autocratic reviewers' HRC member status is significantly associated with a higher number of recommendations only for those requesting to take "general" or "specific" actions while it has nothing to do with issuing recommendations of "minimal," "continuing," and "considering" actions. Although the UPR-Info dataset originally codes that "general action" is costlier than "considering action," I reversed the order for my analysis. Ordinal logit results in Table 5-3 are robust to both coding schemes. Wealth is again a

significantly positive predictor of a higher number of recommendations across all action categories. The other control variables, with the exception of a few regional dummies, do not affect autocratic recommending states' propensity to issue a higher number of recommendations across any category. Autocratic countries belonging to Asian and African groups tend to issue more recommendations requiring minimal actions compared to states belonging to GRULAC. Also, Asian autocracies are less likely to make recommendations requiring specific actions to be carried out than are GRULAC autocracies. The results are robust to accounting for both autocratic sub-regime types and degrees of personalism, which are the focus of much current literature. Many studies posit these domestic institutional characteristics as driving autocratic states' foreign policies, such as the pursuit of nuclear weapons (Way and Weeks 2014) (Tables 5A-5 and 5A-6).

**Table 5.2: Number of Recommendations by Action Category**

# of recommendations	Minimal Action (1)	Continuing Action (2)	General Action (3)	Considering Action (4)	Specific Action (5)
HRC	0.318 (0.274)	0.389 (0.296)	0.566** (0.285)	0.413 (0.495)	0.712** (0.291)
ln GDP	0.572*** (0.137)	0.595*** (0.157)	0.776*** (0.130)	0.665*** (0.187)	0.641*** (0.134)
Latent HR scores	0.057 (0.172)	-0.064 (0.210)	0.020 (0.166)	-0.190 (0.382)	-0.215 (0.199)
Globalization	-0.025 (0.020)	-0.013 (0.017)	-0.017 (0.017)	0.035 (0.031)	-0.003 (0.018)
N of ratified HRAs	-0.071 (0.130)	-0.163 (0.163)	-0.049 (0.130)	-0.243 (0.239)	0.062 (0.133)
Domestic unrest	-0.010 (0.025)	0.003 (0.019)	-0.008 (0.016)	-0.046 (0.044)	-0.003 (0.019)
Africa	1.754*** (0.481)	-0.244 (0.717)	-0.227 (0.484)	-0.117 (0.782)	-0.786 (0.530)
Asia	1.243*** (0.479)	0.176 (0.723)	-0.060 (0.458)	-0.943 (0.836)	-1.187** (0.509)
East Europe	0.786 (0.762)	0.461 (0.801)	0.773 (0.588)	0.295 (0.832)	-0.119 (0.597)
Constant	-12.48*** (2.991)	-10.34*** (3.685)	-15.02*** (3.024)	-15.28*** (4.634)	-12.99*** (3.097)
N	77	77	77	77	77
Log-likelihood	-175.77	-285.87	-280.86	-165.94	-232.04

NOTE: \*\*\* p<0.01, \*\* p<0.05, \* p<0.1. Troika drops out due to multicollinearity.

Next, Table 5-3 summarizes the directed dyadic analyses results using ordinal logit models with clustered robust standard errors. In this directed dyadic setting, autocratic recommenders' HRC member status is positively related with recommendations entailing higher costs, and this effect is strongly significant across all models at the 1% level. My expectations regarding the performance of all measures of foreign policy adversaries are strongly supported at the 1% level. Specifically, as the absolute distance of an ideal point of an autocratic recommending state from that of a state under review becomes larger, it is more likely for the autocratic state to issue recommendations with higher costs (columns 1-2). Again, as their foreign policy preferences are more similar, the autocratic state is less likely to make such serious recommendations (columns 3-4). The results are robust to the potential selection bias (columns 2 and 4), using different measures of human rights practices (Table 5A-8), addressing the material capability of reviewed states (Table 5A-9), accounting for autocratic sub-regime types and the degree of personalism (Table 5A-7), and different coding of the dependent variable (Table 5A-10).

**Table 5-3: Issuing Recommendations Requiring Higher Costs**

lv of recommendations	(1)	(2)	(3)	(4)
HRC	0.490*** (0.064)	0.456*** (0.070)	0.465*** (0.064)	0.436*** (0.070)
Distance in ideal points	0.394*** (0.048)	0.396*** (0.048)		
S scores			-0.744*** (0.110)	-0.746*** (0.110)
Log of GDP	0.570*** (0.025)	0.571*** (0.025)	0.591*** (0.026)	0.593*** (0.026)
Common region	0.637*** (0.058)	0.640*** (0.058)	0.605*** (0.057)	0.607*** (0.057)
Globalization	-0.007** (0.003)	-0.007** (0.003)	-0.009*** (0.003)	-0.009*** (0.003)
Latent HR scores (recommending state)	0.083** (0.041)	0.082** (0.041)	0.089** (0.041)	0.087** (0.041)
Latent HR scores (state under review)	-0.137*** (0.022)	-0.136*** (0.022)	-0.126*** (0.023)	-0.125*** (0.023)
N of ratified HRAs (recommending state)	0.129*** (0.031)	0.129*** (0.031)	0.110*** (0.030)	0.110*** (0.030)
N of ratified HRAs (state under review)	0.035 (0.026)	0.035 (0.026)	0.052** (0.026)	0.052** (0.026)
Domestic unrest	-0.005 (0.005)	-0.005 (0.005)	-0.005 (0.005)	-0.005 (0.005)
Troika	0.098 (0.188)	0.109 (0.189)	0.102 (0.189)	0.111 (0.190)
Candidate		0.114 (0.104)		0.097 (0.104)
Cut 1	15.74*** (0.577)	15.77*** (0.579)	15.20*** (0.584)	15.23*** (0.586)
Cut 2	16.50*** (0.579)	16.53*** (0.581)	15.96*** (0.586)	15.99*** (0.588)
Cut 3	17.60*** (0.584)	17.64*** (0.586)	17.06*** (0.591)	17.09*** (0.592)
Cut 4	18.04*** (0.585)	18.08*** (0.587)	17.51*** (0.592)	17.53*** (0.594)
N	17,653	17,653	17,653	17,653
Log pseudolikelihood	-15606.69	-15604.87	-15643.09	-15641.78

NOTE: \*\*\* p<0.01, \*\* p<0.05, \* p<0.1. Robust standard errors clustered on dyad in parentheses.

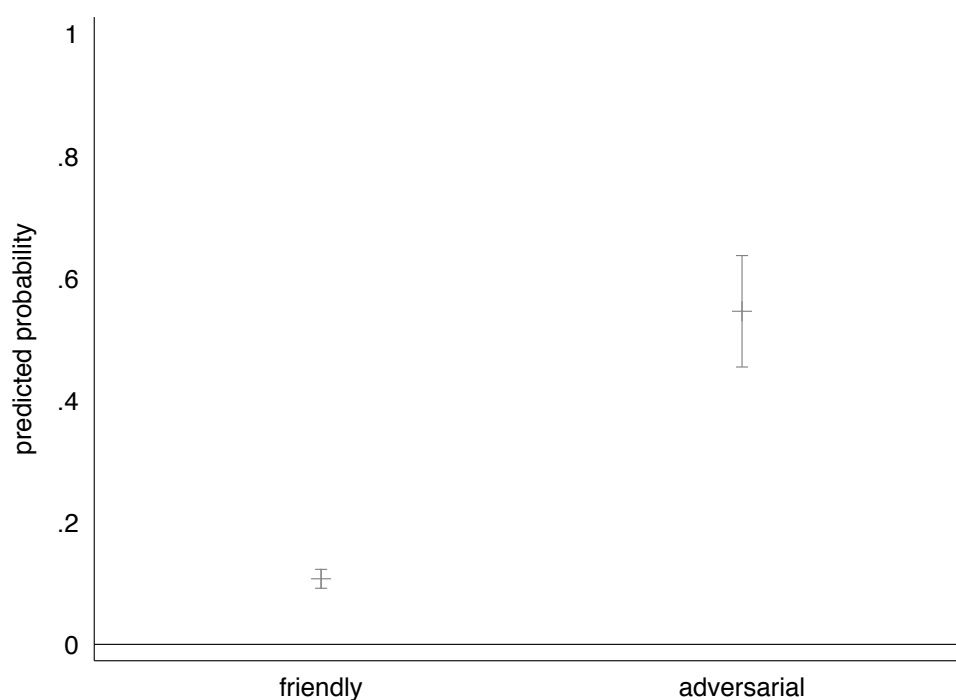
Interpreting the substantive effect with ordinal logit estimations presents complications. Such interpretation gives the substantive effect of an independent variable of interest for each level of dependent variable, and it is not intuitive to draw conclusions. Thus, I switch the ordinal dependent variable to a binary variable, indicating 1 if it is a specific recommendation and 0 otherwise. I then estimate the logit model based on the same model specification in column (1) of Table 5-3. Since my theoretical focus concerns the specific recommendations, this logit estimation may still capture the essence of my theoretical claim. Figures 5-2 and 5-3 display the substantive effects of my two independent variables.



**Figure 5.2:** Predicted probability of HRC member status on issuing specific recommendations

NOTE: Results are based on the logit estimation of model (1) in Table 5-3, with binary dependent variable, indicating 1 if specific recommendations and 0 otherwise.

First of all, the predicted probability that autocratic states with HRC memberships issue specific recommendations is 21 percent while that of autocratic states without HRC membership is 15 percent as shown in Figure 5-1. This difference is statistically significant at the 1 percent level. Figure 5-2 demonstrates that the predicted probability that a dyad of reviewing and reviewed states in the 75th percentile for absolute distance in ideal points (e.g. states with adversarial relations) issue a specific recommendation is 55 percent. In comparison, the predicted probability that a dyad of reviewing and reviewed states in the 25th percentile for distance in ideal points (e.g. states with friendly relations) issue a specific recommendation is 11 percent. This difference is again statistically significant with p-value of 0.000.



**Figure 5.3:** Predicted probability of distance in ideal points on issuing specific recommendations

NOTE: Results are based on the logit estimation of model (1) in Table 5-3, with binary dependent variable, indicating 1 if specific recommendations and 0 otherwise.

Other control variables behave mostly as expected. Wealthy or powerful autocratic states are more likely to issue costlier recommendations. Contrary to existing studies that focus on all states' recommending behaviors, my study shows that autocratic recommenders do not shield states from the same region. Such recommenders are likely to be more familiar with the human rights practices of states from their same region because their proximity not only allows for more frequent interactions but also places them in an advantageous geographical position from which to monitor the reviewed state.

Contrary to my expectation, as an autocratic state's degree of globalization increases, it is less likely to issue serious recommendations to peer states. Autocratic states that are more open to the outside world may fear the unintended consequences of criticizing other states' human rights conditions. Such behavior may upset bilateral relations with a given state under review or invite unwelcome international attentions to the domestic human rights situations of those autocratic recommending states themselves. Such attention bears the additional danger of emboldening human rights activists at home.

With respect to actual human rights performances, autocratic states that respect human rights are likely to issue more serious recommendations. Likewise, reviewed states are more likely to receive more serious recommendations when they violate human rights. Prior commitment to international human rights treaties are indeed positively related with recommendations requesting higher costs. In particular, if an autocratic recommender ratifies more human rights agreements, the likelihood of its issuing more serious recommendations increases. Similarly, the more a reviewed state ratifies human rights treaties, the more likely it is to receive recommendations with higher expected costs although the statistical significance disappears depending on model specifications.



Domestic unrest in autocratic recommending states has no correlation with the propensity of making serious recommendations. This variable never achieves statistical significance at any conventional levels. Being part of the troika for a given reviewed state's interactive dialogue session does not impact the state's level of recommendations.

## **5.6 Robustness Checks**

I check whether the main results of Tables 5-1 through 5-3 are robust to accounting for the possible alternative explanation of domestic institutional sources of autocratic foreign policies (See Colgan 2013; Vreeland 2008; Weeks 2012; Way and Weeks 2014), controlling for different measures of human rights practices, the power of the reviewed state, and alternative coding of the level of recommendations. In addition to the results presented here, Tables 5A-5 through 5A-10 in Appendix at the end of this chapter provide details.

**1. Autocratic sub-regime types and degree of personalism:** Autocracies may need extra international legitimacy to consolidate their power at home, depending on autocratic sub-regime type (von Stein 2014; Way and Weeks 2014). To account for the variety of autocratic recommending states, I include autocratic sub-regime type dummies and a measure of personalism from Magaloni et al. (2013). Magaloni et al. (2013) classify autocracies into four groups: Multiparty, Single Party, Military, and Monarchy (Table 5A-4). They “measure the dimensions of personalism for all non-democracies” separately, pointing out that personalism is present in “all forms of autocratic rule in varying degrees” (9). I concur with this approach. For this analysis, I rely on the measure of non-democracies in Magaloni et al. (2013) instead of on the Polity scores (Marshall and Jaggers 2002), thus limiting my sample to non-democracies that

do not meet the criteria for democracies in Magaloni et al. (2013). In line with the domestic unrest variable in Tables 1-3, domestic institutional variables (e.g. multi-party or personalist regimes), which existing studies have claimed to be the underlying motivation for autocrats seeking extra international legitimacy, are negatively associated with meaningful recommendations in the UPR. Main results are robust to this (Tables 5A-5 through 5A-7).

**2. Different measures of human rights practices:** I include the PTS scores (Gibney et al. 2012) and the CIRI Physical Integrity Rights Index (Cingranelli et al. 2014) for alternative measures of actual human rights practices. The main results stay the same (Table 5A-8).

**3. Power of a state under review:** I include a measure for a state under review's power to determine whether autocratic states issue less serious recommendations to states with greater power. For this purpose, I use a CINC index of the year 2007 from the National Material Capability dataset of the Correlates of War (V 4.0, Singer et al. 1972 and Singer 1987). The main results stay the same (Table 5A-9).

**4. Alternative coding of the level of recommendation:** Table 5-3 uses the ordered dependent variable, ranging from 0 (no cost) to 4 (highest cost), based on the rescaled coding scheme with 0 for no recommendations, 1 for "minimal action and continuing action," 2 for "general action," 3 for "considering action," and 4 for "specific action." On the other hand, Table 5A-10 uses the ordered dependent variable, ranging from 0 (no cost) to 5 (highest cost), based on the original coding scheme developed by the UPR Info dataset (minimal action<continuing action<considering action<general action<specific action) (McMahon 2012). Regardless of alternative coding rules of the outcome variable, the results stay the same.

## **5.7 Conclusion**

This chapter examines why some autocratic reviewing states participate in the UPR's interactive dialogue more actively and meaningfully than their autocratic peers. The findings suggest that they do so only when they need to enhance their image before an international audience, either on their own or in relation to other states. Authoritarian states are more likely to issue a higher number of recommendations as well as recommendations imposing higher costs on the reviewed states if they have high profile positions in other human rights institutions, like the HRC.

Autocratic states are also likely to issue more serious recommendations to their foreign policy adversaries. These statistical results are robust to controlling for alternative explanations or alternative measures/coding of control or dependent variables.

## 5.8 Appendix

**Table 5A.1:** Summary Statistics for Over-Dispersion

<i>variable</i>	<i>n</i>	<i>mean</i>	<i>std. dev.</i>	<i>min</i>	<i>max</i>
# of recommendations	82	69.59	103.01	0	624
# of “minimum action” recommendations	82	4.13	6.45	0	40
# of “continuing action” recommendations	82	22.04	31.27	0	182
# of “considering action” recommendations	82	5.73	14.73	0	102
# of “general action” recommendations	82	24.85	42.09	0	243
# of “specific action” recommendations	82	12.83	21.98	0	108

**Table 5A.2:** Examples of Action Category Recommendation

<i>Action Category</i>	<i>Examples</i>
1 “Minimal Action”	<ul style="list-style-type: none"> <li>• “Seek contributions from the international community in the Government’s efforts to promote rights (Ghana to Botswana, Session 3)” (McMahon 2012: 14)</li> <li>• “Share its experience and best practices with other countries in establishing national legislation and mechanisms and pursuing international cooperation to curb human trafficking (Philippines to United Arab Emirates, Session 3)” (14)</li> </ul>
2 “Continuing Action”	<ul style="list-style-type: none"> <li>• “Continue its efforts to develop the work of its national institution for human rights, as an effective human rights watchdog (Egypt to Bangladesh, Session 4)” (14)</li> <li>• “Continue the efforts to combat trafficking in persons with a special emphasis on women and children (Canada to Japan, Session)” (14)</li> </ul>
3 “Considering Action”	<ul style="list-style-type: none"> <li>• “Consider subsequent measures towards the complete abolition of the death penalty (Switzerland to Cuba, Session 1)” (15).</li> <li>• “Consider becoming party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Azerbaijan to Mauritius, Session 4)” (15).</li> </ul>
4 “General Action”	<ul style="list-style-type: none"> <li>• “Further improve the professionalism of the police force (Netherlands to Barbados, Session 3)” (15).</li> <li>• “Take the necessary steps to reduce discriminatory practices and violence against women (France to Mali, Session 2)” (15).</li> </ul>
5 “Specific Action”	<ul style="list-style-type: none"> <li>• “Abolish the death penalty (Chile to Burkina Faso, Session 3)” (15).</li> <li>• “Adopt legislative measures to outlaw domestic violence if it has not done so already (South Africa to Russian Federation, Session 4)” (15).</li> </ul>

NOTE: This information is directly taken from the tables of McMahon (2012: 14-5).

**Table 5A.3: Distribution of Autocratic Recommendations by Level**

<i>Action level</i>	<i>N</i>	<i>Percent</i>
0 (no recommendation)	13,393	70.42
1 (minimal and continuing action)	2,132	11.21
2 (general action)	2,014	10.59
3 (considering action)	469	2.47
4 (specific action)	1,012	5.32
Total	19,020	100.00

**Table 5A.4: Distribution by Regime Types**

<i>Regime types</i>	<i>N</i>	<i>Percent</i>
Non-democracy <i>Military</i>	2,236	13.17
<i>Monarchy</i>	2,121	12.49
<i>Multiparty</i>	10,585	62.33
<i>Single Party</i>	2,040	12.01
Total	16,982	100.00

NOTE: Data from Magaloni, Chu, and Min (2013)

**Table 5A.5:** Number of Recommendations: sub-regime types and personalism

<u># of recommendations</u>	<u>(1)</u>
HRC	0.511* (0.276)
Military	-0.911 (0.564)
Multiparty	-0.377 (0.411)
Single party	-0.661 (0.751)
Personalism	-0.449 (0.290)
Log of GDP	0.612*** (0.157)
Latent HR scores	0.013 (0.164)
Globalization	-0.023 (0.020)
N of ratified HRAs	-0.057 (0.127)
Domestic unrest	0.030 (0.031)
Africa	-0.668 (0.642)
Asia	-0.428 (0.578)
East Europe	0.218 (0.718)
Constant	-8.453*** (3.104)
N	70
<u>Log-likelihood</u>	<u>-337.14</u>

NOTE: \*\*\* p<0.01, \*\* p<0.05, \* p<0.1, robust standard errors in parentheses. N includes states who are not “Democracy” according to Magaloni, Chu and Min (2013).

**Table 5A.6:** Number of Recommendations by Action Category:  
sub-regime types and personalism

# of recommendations	Minimal Action (1)	Continuing Action (2)	Considering Action (3)	General Action (4)	Specific Action (5)
HRC	0.311 (0.270)	0.277 (0.269)	0.405 (0.439)	0.607* (0.322)	0.797** (0.325)
Military	-0.410 (0.574)	-1.073* (0.594)	-1.385 (0.909)	-0.700 (0.614)	-1.028* (0.544)
Multiparty	-0.647 (0.412)	-0.142 (0.439)	-0.612 (0.779)	-0.566 (0.464)	-0.621 (0.445)
Single party	-0.491 (0.641)	-0.124 (0.918)	-1.505 (1.217)	-0.984 (0.703)	-1.539** (0.690)
Personalism	-0.576** (0.277)	-0.188 (0.319)	-1.027** (0.489)	-0.594* (0.329)	-0.523 (0.345)
ln GDP	0.505*** (0.135)	0.454*** (0.162)	0.556*** (0.201)	0.762*** (0.150)	0.677*** (0.154)
Latent HR scores	0.066 (0.179)	0.047 (0.178)	-0.139 (0.279)	-0.007 (0.160)	-0.199 (0.215)
Globalization	-0.030 (0.020)	-0.008 (0.020)	0.015 (0.039)	-0.033 (0.021)	-0.030 (0.019)
N of ratified HRAs	-0.072 (0.137)	-0.102 (0.141)	-0.231 (0.261)	0.018 (0.136)	0.039 (0.134)
Domestic unrest	-0.005 (0.034)	0.057* (0.031)	0.035 (0.063)	0.001 (0.035)	0.023 (0.040)
Africa	1.194*** (0.414)	-1.032 (0.985)	-0.062 (0.745)	-0.656 (0.556)	-0.973* (0.581)
Asia	0.697* (0.402)	-0.788 (0.912)	-0.632 (0.730)	-0.121 (0.509)	-0.925 (0.567)
East Europe	0.381 (0.776)	-0.387 (1.001)	0.810 (0.910)	-0.625 (0.657)	0.023 (0.672)
Constant	-9.125*** (2.863)	-6.315* (3.670)	-10.63*** (4.284)	-12.91*** (2.952)	-11.44*** (3.114)
N	70	70	70	70	70
Log-likelihood	-162.84	-266.52	-151.19	-259.38	-209.77

NOTE: \*\*\* p<0.01, \*\* p<0.05, \* p<0.1, robust standard errors in parentheses. N includes states who are not “Democracy” according to Magaloni, Chu and Min (2013).

**Table 5A.7:** Issuing Recommendations Requiring Higher Costs:  
sub-regime types and personalism

lv of recommendations	(1)
HRC	0.147** (0.073)
Distance in ideal points	0.359*** (0.055)
Military	-0.049 (0.130)
Multiparty	-0.099 (0.104)
Single party	0.080 (0.129)
Personalism	-0.756*** (0.063)
Log of GDP	0.567*** (0.026)
Common region	0.718*** (0.059)
Globalization	-0.002 (0.004)
Latent HR scores (recommending state)	0.030 (0.041)
Latent HR scores (state under review)	-0.139*** (0.024)
N of ratified HRAs (recommending state)	0.111*** (0.030)
N of ratified HRAs (state under review)	0.020 (0.027)
Domestic unrest	-0.004 (0.005)
Troika	0.199 (0.187)
Candidate	0.422*** (0.118)
Cut 1	15.07*** (0.587)
Cut 2	15.86*** (0.590)
Cut 3	17.01*** (0.596)
Cut 4	17.49*** (0.597)
N	15,718
Log pseudolikelihood	-13736.04

NOTE: \*\*\* p<0.01, \*\* p<0.05, \* p<0.1, robust standard errors clustered on dyad in parentheses. N includes states who are not “Democracy” according to Magaloni, Chu and Min (2013).



**Table 5A.8: Issuing Recommendations Requiring Greater Costs:  
Different Measures for Human Rights Practices**

lv of recommendations	(1)	(2)	(3)	(4)
HRC	0.473*** (0.076)	0.471*** (0.070)	0.447*** (0.075)	0.453*** (0.071)
Distance in ideal points	0.408*** (0.051)	0.387*** (0.049)		
S scores			-0.942*** (0.110)	-0.740*** (0.114)
Log of GDP	0.530*** (0.026)	0.575*** (0.025)	0.548*** (0.026)	0.597*** (0.026)
Common region	0.620*** (0.064)	0.654*** (0.058)	0.621*** (0.063)	0.621*** (0.057)
Globalization	0.001 (0.003)	-0.008** (0.003)	-0.000 (0.003)	-0.010*** (0.003)
Political terror scale (recommending state) (amnesty)	0.049 (0.036)		0.049 (0.035)	
Political terror scale (state under review) (amnesty)	0.051* (0.029)		0.044 (0.028)	
Physical integrity rights (recommending state) (ciri)		0.046** (0.019)		0.050*** (0.019)
Physical integrity rights (state under review) (ciri)		-0.076*** (0.013)		-0.072*** (0.014)
N of ratified HRAs (recommending state)	0.129*** (0.031)	0.128*** (0.030)	0.111*** (0.031)	0.110*** (0.030)
N of ratified HRAs (state under review)	-0.092*** (0.032)	0.041 (0.026)	-0.077** (0.032)	0.058** (0.026)
Domestic unrest	-0.002 (0.005)	-0.005 (0.005)	-0.002 (0.005)	-0.005 (0.005)
Troika	-0.036 (0.195)	0.114 (0.190)	-0.026 (0.195)	0.116 (0.190)
Candidate	0.125 (0.113)	0.114 (0.105)	0.113 (0.112)	0.097 (0.105)
Cut 1	14.89*** (0.572)	15.76*** (0.617)	14.10*** (0.574)	15.28*** (0.629)
Cut 2	15.70*** (0.576)	16.53*** (0.619)	14.91*** (0.577)	16.04*** (0.631)
Cut 3	16.89*** (0.583)	17.62*** (0.623)	16.10*** (0.584)	17.13*** (0.635)
Cut 4	17.30*** (0.584)	18.06*** (0.624)	16.51*** (0.586)	17.58*** (0.636)
N	13,783	17,561	13,783	17,561
Log pseudolikelihood	-12850.48	-15528.64	-12845.97	-15562.43

NOTE: \*\*\* p<0.01, \*\* p<0.05, \* p<0.1, robust standard errors clustered on dyad in parentheses. N includes states whose Polity2<7.

**Table 5A.9:** Issuing Recommendations Requiring Higher Costs:  
Power of State under Review

lv of recommendations	(1)	(2)
HRC	0.462*** (0.070)	0.442*** (0.070)
Distance in ideal points	0.379*** (0.046)	
S scores		-0.695*** (0.108)
Log of GDP	0.573*** (0.025)	0.593*** (0.026)
Common region	0.633*** (0.058)	0.599*** (0.057)
Globalization	-0.007** (0.003)	-0.009*** (0.003)
Latent HR scores (recommending state)	0.084** (0.041)	0.089** (0.041)
Latent HR scores (state under review)	-0.137*** (0.014)	-0.124*** (0.014)
N of ratified HRAs (recommending state)	0.129*** (0.030)	0.111*** (0.030)
N of ratified HRAs (state under review)	0.016 (0.026)	0.033 (0.027)
Domestic unrest	-0.004 (0.005)	-0.004 (0.005)
Troika	0.106 (0.190)	0.109 (0.191)
Candidate	0.104 (0.104)	0.087 (0.105)
Capability (state under review)	1.913 (1.220)	2.075* (1.236)
Cut 1	15.70*** (0.580)	15.21*** (0.590)
Cut 2	16.47*** (0.582)	15.97*** (0.592)
Cut 3	17.57*** (0.587)	17.07*** (0.596)
Cut 4	18.01*** (0.588)	17.51*** (0.598)
N	17,580	17,580
Log pseudolikelihood	-15566.97	-15604.48

Note: \*\*\* p<0.01, \*\* p<0.05, \* p<0.1, robust standard errors clustered on dyad in parentheses. N includes states whose Polity2<7.

**Table 5A.10:** Issuing Recommendations Requiring Higher Costs:  
Alternative coding of DV

lv of recommendations	(1)	(2)
HRC	0.449*** (0.070)	0.428*** (0.071)
Distance in ideal points	0.406*** (0.049)	
S scores		-0.781*** (0.113)
Log of GDP	0.578*** (0.025)	0.600*** (0.026)
Common region	0.642*** (0.058)	0.611*** (0.057)
Globalization	-0.009*** (0.003)	-0.011*** (0.003)
Latent HR scores (recommending state)	0.084** (0.040)	0.091** (0.040)
Latent HR scores (state under review)	-0.147*** (0.022)	-0.137*** (0.023)
N of ratified HRAs (recommending state)	0.121*** (0.030)	0.102*** (0.030)
N of ratified HRAs (state under review)	0.046* (0.026)	0.065** (0.026)
Domestic unrest	-0.004 (0.005)	-0.004 (0.005)
Troika	0.120 (0.190)	0.120 (0.191)
Candidate	0.124 (0.105)	0.106 (0.105)
Cut 1	15.87*** (0.575)	15.31*** (0.583)
Cut 2	15.98*** (0.575)	15.42*** (0.583)
Cut 3	16.63*** (0.577)	16.07*** (0.584)
Cut 4	16.84*** (0.578)	16.28*** (0.585)
Cut 5	18.18*** (0.584)	17.62*** (0.591)
N	17,653	17,653
Log pseudolikelihood	-16476.62	-16511.10

Note: \*\*\* p<0.01, \*\* p<0.05, \* p<0.1, robust standard errors clustered on dyad in parentheses. N includes states whose Polity2<7.

## Chapter 6

### **Autocratic Legal Commitments to UN Human Rights Treaties and Higher Monitoring Standards in the Universal Periodic Review**

#### **6.1 Introduction**

I have examined autocratic states' involvement with international human rights institutions both legally in Chapters 3 and 4 and bureaucratically in Chapter 5. However, states' human rights policies in diverse global human rights institutions are heavily interdependent. This chapter explores the Universal Periodic Review's engagement with participating states, especially autocracies, when those states are simultaneously intertwined with other multilateral human rights institutions, such as the nine UN core human rights treaty instruments.

After the first cycle of the Universal Periodic Review (UPR), some academics and human rights practitioners cautiously expressed concerns about this new iteration of international human rights monitoring (de Frouville 2011; Nowak 2011). Despite the intentions of the UPR framers to create a break from the politicization of the former Commission on Human Rights by stressing objectivity, transparency, non-selectivity, constructive dialogue, and non-confrontation (Human Rights Council Resolution 5/1, paragraphs 3 (a)(d)(g)(k) and 6), critics pointed out that this new peer review mechanism still functions with a backdrop of politics in Geneva and elsewhere (Abebe 2009; Cochrane & McNeilly 2013; McMahon 2012). Due to structural constraints on time allocated for review, some critics argue that the review process is far from comprehensive,

insufficiently rigorous, and selectively focused on issues that have drawn significant media attention in reviewed countries (Smith 2013). On the other hand, most state delegates from Western countries regard the UPR process as a success. Some Geneva-based human rights NGOs applaud the UPR, pointing to states' actual implementations of accepted recommendations from the first cycle as the second cycle of the UPR comes to an end (Personal Interviews, January 19-26, 2016).

However, those celebratory assessments of successful implementations are based on national self-reports submitted by reviewed states. Moreover, states reform domestic human rights policies and laws in response to multiple pressures from sources beyond the UPR, namely other international human rights organizations, such as the European Court of Human Rights, the Human Rights Council sessions, and other UN human rights treaty bodies as well as international and domestic civil societies (Cochrane and McNeilly 2013). Unless a study demonstrates that a state's review in the UPR Working Group is followed by actual human rights improvements, measured by grassroots information from the ground, controlling for similar court rulings and suggestions from other multilateral human rights organizations, the UPR mechanism will continue to face skeptics.

Instead of evaluating the direct effect of the UPR on human rights practices and policies (Dominguez-Redondo 2012), I examine its interplay with other existing human rights treaty mechanisms in the United Nations when states, especially autocracies, draft recommendations to peer states under review. The impact of the UPR can be evaluated on two fronts: 1) the bureaucratic participation from states both when reviewing and when under review and 2) the actual implementation of accepted recommendations on the ground and real differences in rights holders' human rights conditions. It may be too early to assess the overall effectiveness of the

UPR process on the ground since only two rounds of reviews for all UN member states are about to be completed. Existing studies have examined the former part of this effectiveness question, tackling states' bureaucratic participation in the UPR process (Frazier 2011; McMahon 2012). However, those previous studies paid insufficient attention to how states' recommendations differ depending on their involvement with other human rights institutions. As one of the key founding principles of the UPR is to "complement and not duplicate the work of treaty bodies" (UN General Assembly Resolution 60/251 on March 15, 2006), this study attempts to offer a first-cut analysis of whether the UPR mechanism indeed complements human rights treaty instruments, and if so, how. In particular, this chapter evaluates recommending states' participation in the UPR, depending on regime types, in the broader context of their involvement with other UN human rights institutions.

Briefly recapturing the unique institutional features of the UPR's interactive dialogue in the Working Group session as carefully addressed in Chapter 5 and taking into consideration recommending states' resource constraints, I argue that states' legal commitments to other international human rights standards empowers them to make more meaningful recommendations to peer states. However, suggested actions in such meaningful recommendations differ drastically between autocratic and democratic reviewing states. Specifically, autocracies that have ratified a higher number of human rights treaties are inclined to urge peer states to join, to deepen commitments, or to take specific measures regarding such international human rights instruments. However, those same autocracies do not go further and propose that reviewed states carry out specific domestic legal and institutional reforms. On the other hand, democracies that have ratified a higher number of international human rights treaties not only urge other states to join, to deepen commitments, and to take specific actions in line

with such international human rights instruments but also prescribe changes in national policies and law.

The extremely short time allowed for states to take the floor for each review in the UPR Working Group, along with financial and human resource constraints in reviewing states, makes referring reviewing states to international human rights treaties an expedient strategy to effectively communicate reviewing states' human rights positions. As a state commits to a higher number of international human rights treaties, it endorses the diverse legal obligations and norms regarding human rights contained in those treaty instruments, and it will then promote them in other human rights institutions, such as the UPR Working Group sessions. Such a state does not fear reciprocated recommendations when it is up for review both because it restricts its recommendations to those it has already ratified and because it is already a member of most of the international human rights treaties.

However, unlike their democratic counterparts, autocratic states do not go beyond resorting to those treaties in their recommendations. After accounting for whether a recommendation refers to human rights instruments, only democratic states with higher levels of legal commitments to UN core human rights treaties tend to issue meaningful recommendations urging specific changes in domestic human rights institutions and laws. This may suggest that autocratic recommending states are more cautious about interfering with other states' domestic human rights policies.

Regarding the effect of reviewed states' legal commitment to international human rights treaties on the likelihood of receiving specific recommendations, I need to be cautious to about drawing conclusions. States under review with a higher number of treaty commitments tend to escape recommendations involving higher monitoring standards in the UPR both from

autocracies and democracies, though the results are sensitive to model specifications in case of autocratic recommendations. This is due to recommending states' early focus on expanding treaty membership, both horizontally and vertically. In addition, most states view the task of holding member states accountable to treaty obligations as the responsibility of the treaty bodies. This dynamic may change over time as the UPR process develops.

## **6.2 Brief Overview of the Interactive Dialogue of the UPR Working Group Session**

The UPR's interactive dialogue proceeds as follows. After assessing national reports submitted by the reviewed state, a Working Group – composed of all UN member states and chaired by the President of the Human Rights Council with the assistance of the troika, which consists of three, randomly drawn HRC members from different regional groups – initiates the interactive dialogue. The dialogue takes place for three and half hours for each reviewed state and focuses on questions submitted in advance by recommending states (Freedman 2011; McMahon 2012). Reviewing states can take the floor to ask further questions and to issue recommendations to the state under review for two to three minutes<sup>46</sup> each (McMahon 2012, 9). To help with this review process, the UPR provides three documents: 1) a twenty-page national report submitted by the reviewed state, 2) a ten-page document prepared by domestic stakeholders and NGOs, and 3) a ten-page document compiled by the Office of the High Commissioner on Human Rights with help from human rights treaty bodies, special procedures, and relevant UN agencies (UPR-Info 2014d). All UN member states are subject to inter-state scrutiny of their human rights policies

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<sup>46</sup> This has changed from the first cycle to the second cycle. In the second cycle, the 140 minutes are divided by the number of states that wish to make recommendations (UPR-Info 2016). Each recommending state typically takes the floor for about 1 minute and 10 seconds to 1 minute and 25 seconds per each review (the author's fieldwork, Geneva, Switzerland, January 17-28, 2016).



and practices every four to four and a half years; thus, the UPR offers an open repetitive interplay between reviewing and reviewed state before the international community.

### **6.3 More Committed to Human Rights Treaties, Higher Monitoring Standard in the UPR**

Why would states that commit to more international human rights treaties issue more meaningful recommendations in the UPR? Would such states issue specific recommendations on peer states' human rights policies and practices beyond urging other states to join the reviewing state in ratifying the same human rights treaties? Would states under review find themselves to be the targets of more meaningful recommendations as they commit to these human rights treaties? Or would membership in human rights treaties enable states under review to escape more serious international scrutiny?

The existing literature on the effectiveness of human rights treaty membership has focused on the direct effect of treaty commitment on states' human rights situations (Cole 2012b, 2013; Conrad 2014; Conrad and Ritter 2013; Hafner-Burton and Tsutsui 2005, 2007; Fariss 2014; Hathaway 2002, 2003, 2007; Hill 2010; Lupu 2013a; Neumayer 2005; Powell and Staton 2009). While the improvement of human rights conditions in treaty member states should be the ultimate goal of the relevant treaty regime, the treaty effect may be neither linear nor direct. Cole (2012a) shows that treaty ratification has not only a direct long-term positive effect on opportunistic ratifiers but also an indirect positive effect on non-ratifiers. Simmons (2009a) also proves that an indirect but positive effect of human rights treaty instruments on the ground manifests through enabled civil societies and judiciaries.

Little academic and policy attention, however, has been paid to the indirect effect of international human rights treaty instruments on the ground through member states' participation

in other human rights institutions. Changes in human rights norms, perspectives, and actual practices may not occur immediately; however, human rights instruments may facilitate those changes through their agents, such as other treaty member states. These agents may formulate human rights discourses in the international arena, set the agenda in other human rights institutions, and pressure non-member states to follow in their footsteps. Not only sincere advocates of human rights norms, such as the Nordic countries, but also those seeking membership in human rights treaties with strategic motives, such as non-democratic states with poor human rights records, promote other treaty regimes to which they belong (See Voeten 2013 for a similar logic). The UPR's interactive dialogue provides a good test case for investigating the aforementioned research questions.

The unique institutional features of the UPR's interactive dialogue<sup>47</sup> as well as the reviewing states' interests in either overall or particular human rights agendas, strategic relations with the reviewed state, and resource constraints all shape each state's recommendation policy. When drafting a recommendation, states' genuine interests in promoting a particular human rights issue as well as their special strategic interests in relation to a given state under review should be considered. For example, during the second cycle, a series of personal interviews revealed that France promoted the abolition of the death penalty, Denmark pushed the issue of anti-torture harder, Latvia promoted the special procedures, and most non-democratic states

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<sup>47</sup> I limit my discussion of the institutional features of the UPR to those during the first cycle from 2008 to 2011, on which I base my empirical analyses. Some details have changed after the revision of modalities by the HRC Resolution A/HRC/RES/16/21 on March 25, 2011. For example, the UPR review occurs every 4.5 years as opposed to 4 years after the second cycle (UPR-Info 2014c). A list of speakers was based on the first-come-first-served principle during the first cycle, and in the second cycle it has been determined by drawing the beginning of the list by lot from the arrangement in English alphabetical order (See McMahon 2012 for details of the reform process from first to second cycle, pp.10-12). The overall strategic implications of the UPR's institutional design remain intact.

focused on economic, social, and cultural rights (January 19-26, 2016). States tend to issue more serious recommendations, requiring the implementation of specific actions, to their foreign policy adversaries (as discussed in Chapter 5) while sensitively adjusting the tone of their recommendations for states within their same regional or political groups or for those with special military or economic interests (Personal Interviews, January 19-26, 2016).

States also need to consider their own resource constraints when drafting recommendations in the UPR. States with better economic development may have larger permanent missions not only in Geneva, Switzerland, where the Palais des Nations is located and the UPR Working Group sessions take place, but all over the world. Besides universally available information from the three main documents of the UPR process, these wealthy states gather more direct input from their own missions in the reviewed states and crosscheck with their capitals about the content and wording of the planned recommendations. These states likely have a higher number of skilled staff, who take charge of UPR stationing in Geneva for a longer term, much like career diplomats focusing on human rights issues or legal attachés. However, most UN member states do not enjoy such resources. Most states draft recommendations based on those three available documents from the UN, and the diplomats or staffs in charge of drafting recommendations rotate their missions in Geneva every couple of years or so. These states tend to give more discretion to the diplomats or staffs in charge of drafting recommendations except when the reviewed state is of special interest (Personal Interviews, January 19-26, 2016).

Reviewing states must accomplish all of this within a very short time during which they take the floor – two to three minutes in the first cycle and usually less than ninety seconds in the second cycle. Except for a few powerful Western countries, most states tend to observe diplomatic formalities when making recommendations, even within this short time frame. They

usually start their recommendations with welcoming remarks and praise for the efforts of states under review before listing recommendations and wrapping up with warm wishes for the reviewed states' future endeavors (Author's site observation of the 24<sup>th</sup> session of the UPR's interactive dialogue in the Palais des Nations, Geneva, Switzerland from January 19 to 27, 2016). This structure gives most recommending states even less time to discuss the substance of their recommendations.

Given the UPR interactive dialogue's institutional limitations and recommending states' resource constraints, states that wish to make meaningful recommendations tend to refer to existing international instruments. Doing so provides states with a means of effectively and efficiently delivering their general agendas as well as their positions on a reviewed state's human rights situation. First, by referring to a specific treaty, recommending states send a condensed message to the international community as well as to reviewed states about how they assess the reviewed states' human rights situation. A human rights treaty addresses various aspects of a certain right. For example, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) contains provisions on women's political rights, which can be used to increase promotion of women to high offices in government, as well as to women's rights to their bodies, which can be used to condemn female genital mutilation. Next, basing the recommendations on international human rights treaties offers states extra legitimacy and authority. Prior to the establishment of the UPR's interactive dialogue, states that condemned other states' human rights practices, even in the context of multilateral institutions, were often subject to criticisms of being subjective and biased. International human rights law offers a common international standard that member states agree upon through multiple rounds of negotiation, and as more states join, it gains more legitimacy and works even towards

customary international law (Goldsmith and Posner 2005; Simmons 2009 and see Domínguez-Redondo 2012 for the UPR as an evidence of *opinion juris*).

Last, recommendations urging participation in international human rights instruments allow for easier follow-up in the next round. At the point, reviewing states need only check whether states joined suggested international instruments, provided that the state accepted such recommendations.

At the same time, reviewing states can minimize the potentially incurred costs of such recommendations by referring to only those human rights treaties of which they are already members. Otherwise, reviewed states can reciprocate by issuing the same recommendations to the previously recommending states when they come up for review in the next cycle (Personal Interviews, January 19-26, 2016). Treaty ratification is domestically costly to implement. In democracies, state leaders need to garner political and social supports for ratification from their domestic constituents, and in non-democracies, state leaders need to grant certain rights to citizens that they would otherwise not (Simmons 2009a). Thus, reviewing states would not want to issue recommendations that could provide a focal point for both domestic stakeholders and international human rights advocates to mobilize around.

On top of such instrumental reasons, states with higher legal commitments to human rights treaties issue more meaningful recommendations out of normative motivations. Once states are members of human rights treaties, they become agents of the human rights norms prescribed by those treaties regardless of what motivated them to ratify. Most states join human rights treaties either because they already embrace the corresponding treaty principles or because of other strategic reasons (Simmons 2009a). Two state delegates to the UPR from autocratic states explained that they recommend that other states join or adhere to the Convention on

Economic, Social, and Cultural Rights (ICESCR) because they themselves both believe in the norms contained in the ICESCR and have already ratified it. Thus, they are more than willing to promote the ICESCR in the UPR (Personal Interviews, January 19-26, 2016). As a state ratifies more human rights treaties and, consequently, embraces more human rights norms, those treaty norms become taken for granted beyond legally-binding obligations. Such a state is more likely to engage meaningfully in international human rights discourses and institutions (Finnemore and Sikkink 1998; Risse, Ropp, and Sikkink 1999; Voeten 2013). Therefore, states with a higher number of human rights treaty ratifications tend to issue more meaningful recommendations beyond referring reviewed states to specific treaties. Such recommendations may detail specific action plans for domestic policy and legal reforms in reviewed states.

Established democratic states with a record of respecting human rights on the ground are likely to be sincere agents of human rights norms in most human rights treaties. With no need to fear reciprocated recommendations when they are up for review, they suggest detailed action plans for reviewed states to reform domestic law, institutions, and policies without even referring to international instruments. Such states sincerely care about improving human rights conditions in other states. On the other hand, autocratic states with higher legal commitments to human rights treaties but varying human rights records tend to be sketchy in promoting human rights norms beyond encouraging other states to join human rights treaties the reviewing states have already ratified. In doing so, they seek to avoid reciprocated recommendations requesting specific reforms to their domestic human rights policies and to diffuse potential criticisms from peer states of being too intrusive and subjective. They still aim to improve other states' human rights conditions, but cautiously and strategically.

The theoretical discussion above leads to the following hypotheses:

**H6-1:** *States that ratify a higher number of existing human rights treaties are likely to issue specific recommendations irrespective of recommending states' regime types.*

**H6-2a:** *Autocratic states that ratify a higher number of existing human rights treaties are less likely to issue specific recommendations requiring domestic policy and legal changes beyond asking for participation in or for changes related to those existing human rights treaty instruments of which the autocratic recommending state is already a part.*

**H6-2b:** *Democratic states that ratify a higher number of existing human rights treaties are likely to issue specific recommendations requiring domestic policy and legal changes beyond asking for participation in or for changes related to those existing human rights treaty instruments of which the democratic recommending state is already a part.*

How does the level of commitment to international human rights treaties affect peer states' monitoring of reviewed states in the UPR? I argue that reviewed states with a higher number of human rights treaty commitments are likely to avoid receiving specific recommendations. The UPR is a new process, created back in 2007, and states have experienced only two rounds of review to date. Therefore, recommending states focus on inviting non-member states into the human rights treaty regimes in the beginning. Alternatively, human rights treaty ratification alone provides legitimacy to reviewed states, making it harder for reviewing states to demand further actions beyond treaty ratifications as the "ratification-as-smokescreen-argument" would claim in Hafner-Burton and Tsutsui (2005) and Cole (2012c). This status may change over time as states become more confident with the UPR process, but long-term change is not within the scope of the current study. This leads to the following hypothesis:

**H6-3:** *States that ratify a higher number of human rights treaties are less likely to be targets of specific recommendations both from democratic and autocratic states.*

## **6.4 Research Design**

To test the hypotheses, I created a new directed dyadic dataset, which extends the UPR-Info's database on UPR Recommendations (2014b). The directed dyadic analysis captures strategic interactions between recommending and reviewed states in the UPR's interactive dialogue, as discussed in Chapter 5. The new dataset contains information on 20,910 recommendations issued during the first cycle of the UPR, spanning the years 2008 to 2011. Autocracies issued 5,627 recommendations while democracies issued 15,283 recommendations. As in Chapter 5, I exclude recommendations from the second cycle (2012-2016) because the complete information is not available yet, and the focus of the review is substantively different from that of the first cycle. Also, some recommending states have standardized their recommendation policies after the first cycle. To compare autocratic recommending behaviors to those of democracies, I conduct the identical empirical analyses with two separate samples based on recommending states' regime types. The same empirical analyses with the entire sample will be also provided. The unit of analysis is a recommending state-reviewed state-recommendation. The specific number of observations depends on the data availability of control variables. I also use robust standard errors clustered on a dyad to address the possible non-independence of observations within the same dyad.

### **Dependent Variable**

To account for a recommending state's decision to engage in international human rights discourse in the most meaningful way within the context of the UPR, I estimate a series of models in which the dependent variable is a binary variable, indicating 1 if specific recommendations and 0 if not (UPR-Info 2014a; McMahon 2012). I focus on the specific



recommendation among many other categories of recommendations from the UPR-Info dataset because a recommendation that incurs the highest costs both to reviewing states and states under review can be considered the most meaningful. In particular, two types of recommendations are within this specific recommendation category. The first type of recommendations refers to existing international human rights instruments mostly by inviting states to join, withdraw reservations, or accept extra monitoring, or occasionally urging states to comply. The second type of recommendations urges states to conduct domestic legal, policy, or institutional reforms according to detailed action plans. Table 6.1 provides a few examples of specific recommendations.

**Table 6.1: Examples of Specific Recommendations**

Recommending state to Reviewed State	Specific Recommendations
Afghanistan to Belgium	- Establish an independent national human rights institution in compliance with the Paris Principles.
Afghanistan to Hungary	- Ratify OP-CAT (Optional Protocol of the Convention against Torture).
Chad to South Korea	- Adopt an anti-discrimination law to replace the law that was suspended in May 2008.
China to United States	- Ratify ICESCR, CEDAW, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and other core human rights treaties as soon as possible. - Quickly close down Guantanamo prison and follow the provision of the United Nations Charter and the Security Council Resolution by expatriating the terrorist suspects to their country of origin.
Russia to Georgia	- Conduct a thorough and objective investigation into the facts of the cruel treatment of demonstrators by police in Tbilisi in November 2007 and May 2009, to hold accountable those responsible, and to take all necessary measures to restore the violated rights of the victims, including paying appropriate compensation. - Develop and implement a national plan of action to combat poverty.

NOTE: Data from UPR-Info.org (2014b).

## **Independent Variables**

The variables of my main interest concern reviewing and reviewed states' number of commitments to international human rights treaties. Based on the site observation of the UPR working group session, recommending states seem to focus their human rights treaty-based recommendations on the nine core United Nations human rights treaties and their corresponding optional protocols. In this study, I use ratification stock of these nine core human rights treaties at the time of review during the first cycle of the UPR (2008-2011) for recommending and reviewed states, respectively. States' ratification records of these agreements are based on the United Nations Treaties Series database (2016). This ordinal variable ranges from 0 (no commitment to international human rights treaties) to 9 (the highest commitment to international human rights treaties).

## **Control variables**

Following Achen (2005), Clarke (2005), and Ray (2003), in this chapter, I take the minimalist approach for model specifications and thereby limit control variables to those that might affect both the propensity to have a greater stock of human rights treaty memberships and the likelihood of issuing specific and meaningful recommendations. This approach is more appropriate for examining causal relationships than for surveying correlations between variables. I also exclude possible control variables that might be partially affected by the stock of human rights treaty commitments, such as actual human rights practices, to account for posttreatment bias (Angrist and Pischke 2008). For robustness checks, I add a series of control variables, which account for reputational and strategic relational causes of states' recommending behaviors in the UPR, to survey the correlates of the UPR recommendations as in Chapter 5.

First, regime type might affect both states' recommendations and the likelihood of having a higher stock of ratified human rights treaties, though the stock of ratified human rights treaties does not entirely cause each state's regime type. Differences in recommendations across regime types have been noted in early works on the UPR (McMahon 2012). Although democracies are likely to issue more specific recommendations, autocracies are likely to issue more specific recommendations than anocracies (McMahon 2012). In the meantime, established democracies and transitional democracies tend to be frequent ratifiers of international human rights treaties (Hathaway 2007; Simmons 2009a; Smith-Cannoy 2012). I use Polity2 scores (Marshall and Jaggers 2002) for both reviewing and reviewed states' regime types.

Next, economic development can be a good predictor for both states' recommendations and their commitments to human rights treaties. Again, the stock of ratified human rights treaties alone does not cause a state's economic development. Current literature on the UPR demonstrates that the level of economic development affects states' recommendations via either a bureaucratic capacity path or a bilateral power relations path (Abebe 2009; McMahon 2012). Poor countries are less likely to issue costly specific recommendations than wealthy countries, mostly due to a lack of resources. Alternatively, countries with more economic power are expected to issue costlier specific recommendations to their peers because they need not fear possible retaliatory recommendations from targeted states under review. In the meantime, treaty ratifications are also found to be associated with economic development. Ratifications require states' legal and financial resources to bring domestic laws and policies in line with the international standards to which they claim to subscribe (Cole 2015). Thus, I include the recommending state's log of GDP (in current US dollars) from the World Development Indicators (World Bank 2014). This variable is drawn from the Quality of Government dataset

(Teorell et al. 2015).

Additionally, to tease out the differences between recommending behaviors of autocracies versus democracies, I add an extra control variable to indicate whether a recommendation refers to any international human rights instrument. This variable is drawn from the UPR-Info Database (2014b). I expect that even after controlling for the recommendation's substantive content urging specific actions related to international human rights instruments, a democratic state with more commitments to international human rights instruments is still likely to issue costlier specific recommendations on domestic human rights legal and institutional reforms. To the contrary, I expect that an autocratic state with more commitments to international human rights treaties is not necessarily likely to comment on specific plans for domestic law and policy changes.

## **6.5 Empirical Analysis**

Table 6.2 presents the main results, which provide strong empirical evidence to support the main argument. Columns 1-3 concern only autocratic recommendations while columns 4-5 are based on only democratic recommendations. Results in columns 6-7 are from all recommendations. I start with a basic model only including my main explanatory variables, such as numbers of ratified human rights agreements by an autocratic reviewing state as well as by a reviewed state (Column 1). The results support my expectation. A higher number of ratified human rights treaties is strongly associated with the likelihood of issuing specific recommendations by autocratic states at the 1 percent level. However, a state under review with a higher number of ratified human rights treaties is not associated with the likelihood of receiving specific recommendations from autocratic recommenders at any statistically significant level.

In Column 2, I add possible confounding factors, like regime types of recommending and reviewed states and economic development. The effect of the commitment to human rights treaties by autocratic recommenders on issuing specific recommendations remains statistically significant at the 5 percent level. And the effect of such a commitment by reviewed states on receiving specific recommendations from autocracies is negative at the 10 percent level. These effects are substantively meaningful.

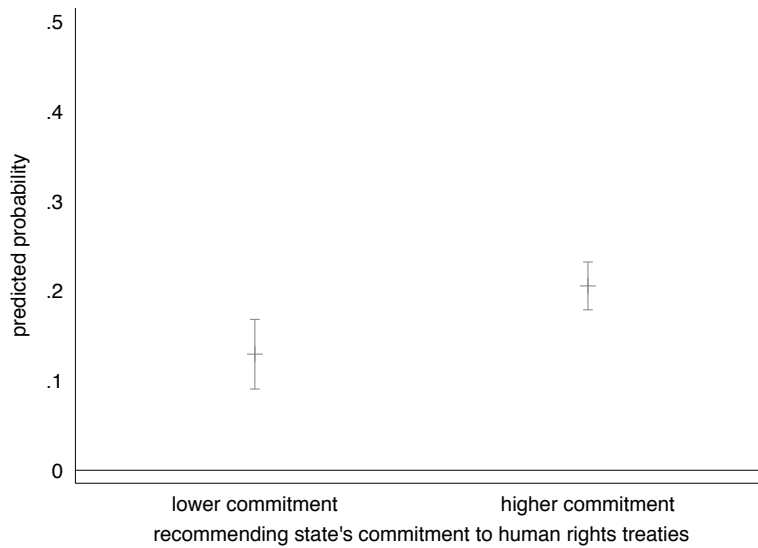
**Table 6.2:** Number of Commitments to Nine Core UN Human Rights Treaties and Issuing Recommendations Requiring the Highest Costs

specific recommendations	<i>autocratic recommendations</i>		<i>democratic recommendations</i>		<i>all recommendations</i>		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
N of ratified	0.099***	0.064**	-0.003	0.145***	0.075***	0.094***	0.024
HRAs_rs	(0.028)	(0.028)	(0.027)	(0.021)	(0.021)	(0.015)	(0.015)
N of ratified	0.030	-0.065*	-0.043	-0.068***	-0.053***	-0.069***	-0.052***
HRAs_sur	(0.031)	(0.034)	(0.037)	(0.015)	(0.015)	(0.014)	(0.015)
polity_rs		0.036***	0.027***	0.279***	0.306***	0.081***	0.079***
		(0.009)	(0.010)	(0.027)	(0.027)	(0.006)	(0.00576)
polity_sur		0.087***	0.079***	-0.019***	-0.020***	-0.001	-0.003
		(0.009)	(0.009)	(0.004)	(0.004)	(0.003)	(0.004)
log of GDP		0.075**	0.089**	0.079***	0.077***	0.102***	0.104***
		(0.037)	(0.038)	(0.015)	(0.015)	(0.013)	(0.013)
HR instruments			1.733***		1.223***		1.303***
			(0.102)		(0.050)		(0.045)
constant	-2.332***	-3.748***	-4.107***	-5.712***	-5.790***	-4.181***	-4.112***
	(0.272)	(0.978)	(0.990)	(0.537)	(0.538)	(0.371)	(0.371)
N	5,627	4,870	4,870	13,017	13,017	17,887	17,887
Log pseudolikelihood	-2638	-2182	-2028	-8550	-8185	-10913	-10403

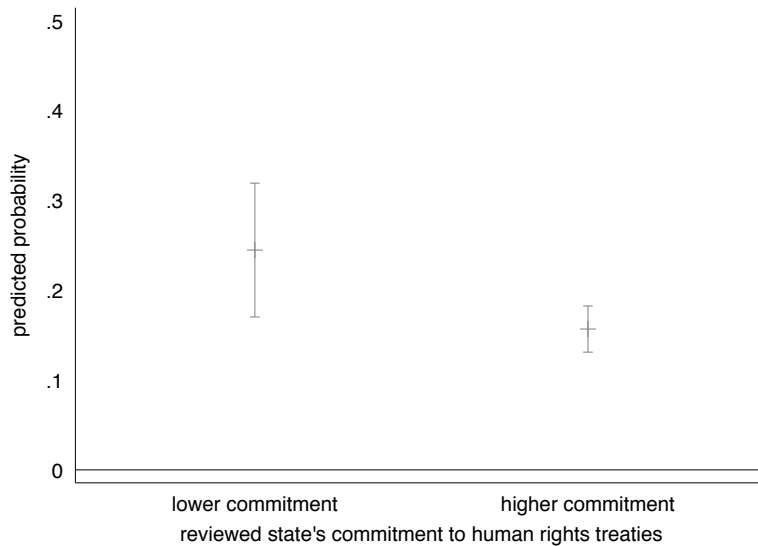
NOTE: Logit results with robust standard errors clustered on dyad in parentheses. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1.

Figure 6.1 demonstrates that a change from no UN core human rights commitment to the highest number of treaty commitments increases the probability of autocratic recommending states issuing specific recommendations by about 8 percentage points with p-value of 0.013. By

contrast, the same change decreases the probability of receiving specific recommendations from autocratic recommenders by about 9 percentage points with p-value of 0.071.



(a) autocratic recommending states



(b) states under review

**Figure 6.1:** Predicted probabilities of issuing/receiving specific autocratic recommendations.

NOTE: Results based on Column (2) in Table 6.2.

Control variables behave as expected. Autocratic recommenders with a higher Polity score are positively associated with the likelihood of issuing specific recommendations at the 1 percent level. Interestingly, autocratic recommenders tend to issue specific recommendations as polity scores of states under review increase at the 1 percent level. Autocratic recommenders' economic development is also positively associated with issuing specific recommendations at the 5 percent level.

In Column 3, I control for whether a given recommendation mentions human rights instruments. Strikingly, the effect of the number of ratified human rights treaties by autocratic recommending states on the likelihood of issuing specific recommendation disappears. The effect of the number of ratified human rights by reviewed states also disappears. Together with the results in Column (2), these results suggest that the substantive content of specific recommendations is different in autocratic recommendations. In particular, autocratic recommending states that commit to a higher number of international human rights treaties only urge peer states to take specific measures regarding international human rights instruments. They do not necessarily encourage states to take specific action plans to redress domestic human rights laws, institutions, and policies. In addition, autocratic recommending states do not target such specific recommendations concerning international human rights instruments when reviewed states have already committed to a high number of international human rights treaties. There is no statistical relationship between the number of commitments to human rights treaties by reviewed states and the likelihood of receiving specific recommendations requesting domestic legal, institutional, or policy reforms.

Results from columns (4) and (5) provide an interesting comparison between autocratic and democratic recommending behaviors. Democratic recommenders with a higher number of

human rights treaty commitments tend to issue specific recommendations urging both actions regarding international human rights instruments as well as changes in domestic human rights law, institution, and policies. This effect is statistically significant at the 1 percent level across all model specifications. On the other hand, once states commit to a higher number of human rights treaties, they tend to escape all types of costly specific recommendations from democratic recommenders. This effect is again statistically significant at the 1 percent level across all models. Their substantive effects are also larger. A change from no UN core human rights commitment to the highest number of treaty commitments increases the probability of democratic recommending states issuing specific recommendations by about 27 percentage points with p-value of 0.000. By contrast, the same change decreases the probability of receiving specific recommendations from democratic recommenders by about 15 percentage points with p-value of 0.000.

As shown in Table 6A.1 in Appendix at the end of this chapter, these results are not sensitive to adding possible correlates of specific recommendations except for the effect of the number of ratified human rights treaties by reviewed states on the likelihood of their receiving specific recommendations from autocratic recommenders. The effect disappears although the sign of its coefficient stays negative.

## **6.6 Conclusion**

Viewing the UPR in the context of other multilateral human rights mechanisms reveals that the UPR is a complementary monitoring process, reinforcing existing human rights treaty monitoring mechanisms within the UN. This research specifically implies that states' legal commitments to UN human rights treaties facilitate and strengthen state-to-state monitoring in



the UPR's interactive dialogue by enabling recommending states to use higher monitoring standards when drafting recommendations. Particulars of such specific recommendations differ between autocratic and democratic recommenders, however. Autocratic recommenders with a higher stock of ratified human rights treaties are likely to issue specific recommendations, but only those urging reviewed states to take measures concerning international human rights instruments. On the other hand, democratic recommenders committed to a higher number of human rights treaties suggest that peer states to conduct specific changes concerning not only human rights instruments but also domestic law, institutions, and policies.

Changes in human rights norms, perspectives, and actual practices may not occur immediately; however, human rights instruments may facilitate those changes through their agents, namely treaty member states. These agents may formulate human rights discourses in the international arena, set agendas in other human rights institutions, and pressure non-member states to follow in their footsteps. They encourage other member states to further commit to the relevant treaty by voluntarily accepting optional protocols and withdrawing reservations. They also refer to treaty obligations when reviewing other member states' human rights policies and practices. Additionally, treaty member states promote the norms of relevant treaties by urging non-member states to join. Not only sincere advocates of human rights norms, such as the Nordic countries, but also those with strategic motivations for seeking membership in human rights treaties, such as non-democratic states with poor human rights records, promote the treaties they have ratified in the UPR's interactive dialogue.

However, with respect to reviewed states, legal commitments to existing human rights treaties seem to enable them to avoid further serious scrutiny from the international community. The UPR process is new and states face numerous institutional constraints, such as time and

resources, to draft and issue recommendations. Thus, it is possible that states focus on whether reviewed states are non-members of existing human rights instruments. Referring to particular human rights treaties can be the best strategy to effectively communicate all the relevant human rights issues that the recommending state would like to address within the limited time allowed. Given that state recommendations are the key to the success of the UPR mechanisms, my findings also suggest that UPR-related human rights NGOs may encourage states to draft recommendations with higher standards to meaningfully evaluate the human rights situations of states with a higher number of human rights treaty commitments. Treaty membership status can be a focal point for human rights activists mobilizing to exert pressure on governments regarding their recommendations in the UPR.

## 6.7 Appendix

**Table 6A.1:** Number of Commitments to Nine Core UN Human Rights Treaties and Issuing Recommendations Requiring the Highest Costs with Additional Controls

specific recommendations	<i>autocratic</i>		<i>democratic</i>		<i>all</i>	
	<i>recommendations</i>		<i>recommendations</i>		<i>recommendations</i>	
	(1)	(2)	(3)	(4)	(5)	(6)
n of ratified HRAs <sub>rs</sub>	0.060** (0.027)	-0.005 (0.027)	0.231*** (0.022)	0.159*** (0.022)	0.182*** (0.017)	0.112*** (0.016)
n of ratified HRAs <sub>sur</sub>	-0.006 (0.033)	0.016 (0.034)	-0.057*** (0.014)	-0.042*** (0.015)	-0.046*** (0.013)	-0.030** (0.014)
polity <sub>rs</sub>	0.039*** (0.010)	0.029*** (0.010)	0.082** (0.033)	0.093*** (0.034)	0.043*** (0.006)	0.036*** (0.006)
polity <sub>sur</sub>	0.039*** (0.010)	0.037*** (0.010)	-0.004 (0.004)	-0.003 (0.004)	0.006* (0.004)	0.007* (0.004)
latent HR scores <sub>rs</sub>	-0.014 (0.067)	-0.043 (0.068)	-0.004 (0.026)	-0.011 (0.027)	0.020 (0.023)	0.017 (0.023)
latent HR scores <sub>sur</sub>	0.066 (0.040)	0.018 (0.042)	-0.001 (0.020)	-0.020 (0.021)	0.025 (0.018)	0.002 (0.018)
log of GDP	0.008 (0.045)	0.018 (0.045)	0.014 (0.017)	0.015 (0.017)	0.010 (0.015)	0.011 (0.015)
globalization	-0.002 (0.005)	-0.001 (0.006)	0.024*** (0.003)	0.026*** (0.003)	0.017*** (0.003)	0.020*** (0.003)
HR instruments		1.715*** (0.106)		1.239*** (0.050)		1.323*** (0.046)
<i>reputation + strategic dyadic relations</i>						
HRC member	0.241** (0.105)	0.264** (0.108)	0.160*** (0.050)	0.118** (0.050)	0.138*** (0.044)	0.095** (0.044)
Distance in ideal points	0.465*** (0.062)	0.452*** (0.066)	0.330*** (0.033)	0.313*** (0.034)	0.427*** (0.027)	0.414*** (0.028)
Common region	0.084 (0.119)	0.107 (0.119)	-0.020 (0.068)	-0.016 (0.069)	-0.046 (0.058)	-0.033 (0.058)
constant	-2.776*** (1.073)	-3.102*** (1.068)	-5.184*** (0.534)	-5.323*** (0.535)	-4.095*** (0.413)	-4.121*** (0.409)
N	4,870	4,870	13,017	13,017	17,887	17,887
Log pseudolikelihood	-2129	-1984	-8409	-8045	-10603	-10100

NOTE: Logit results with robust standard errors clustered on dyad in parentheses. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1.

## **Chapter 7**

### **Conclusion**

Much attention has been paid to rights-affirming democracies in human rights literature from quantitative methodological angles. Extant studies have enlightened us on what drives these liberal democracies to join international human rights institutions more actively than rights-violating autocracies. Autocracies are unlikely to behave like democracies without systemic regime changes, which are rare from a practitioner's point of view. Qualitative studies have focused on a few extreme outliers – the most oppressive, often autocratic, regimes, but it bears nothing that not all autocracies are not equally disinterested in international human rights institutions. To have a chance at improving the dismal human rights situations in repressive states, we must find out why some authoritarian countries are active and serious about UN human rights institutions while other autocracies remain less enthusiastic or even avoid them.

In my dissertation, I have examined autocratic participation in various United Nations human rights institutions, both legally and non-legally. I have shown that autocrats seeking good reputations on human rights proactively involve international human rights institutions.

Specifically, I argue that autocratic leaders with different support bases from those of their predecessors ratify multiple human rights treaties to win the popular support necessary for them to deter potential challenges from new regime insiders. Membership in various human rights treaties helps autocrats signal to the masses that their autocratic leaders' governance is based on

“broad interests” and laced with liberalization policies. Without a public and widespread lack of faith in the legitimacy of the governing regime, political elites find coup attempts substantially hampered by coordination problems. To lend credibility to their promises of rights concessions, such autocrats accept a higher level of monitoring and/or enforcement obligations. However, they accept extra monitoring and/or enforcement procedures of only those treaties concerning general rights, rather than minority, rights. Even when agreeing to accept extra monitoring/enforcement from monitoring bodies of treaties about physical integrity rights protections, these autocrats prefer procedures allowing more state control over initiations and proceedings. While physical integrity rights concern the general population, they also essentially concern a key authoritarian policy tool – violence. In general, they prefer to accept extra monitoring and/or enforcement procedures that allow for more state control.

Additionally, I argue that autocratic states seeking a good international reputation on human rights proactively participate in the UPR’s interactive dialogue. Those with high profile positions in other international human rights institutions tend to issue more recommendations as well as more meaningful recommendations to peer states. Those seeking such leadership positions in human rights institutions are already likely to be proactive about human rights issues. Alternatively, they enjoy better diplomatic, financial, and human resources in Geneva to take part in the UPR’s interactive dialogue. After accounting for these two possible explanations, I find that autocratic Human Rights Council members still issue more meaningful recommendations to peer states. Moreover, autocratic states issue more meaningful recommendations, highlighting areas of improvement for their foreign policy adversaries, in order to achieve a good international reputation in relation to states under review in bilateral conflict. I also have shown that autocratic states engage international human rights institutions

as they commit to a higher number of other international human rights institutions in the context of interactions between core UN human rights treaties and the UPR.

I conducted a series of empirical analyses using the following: 1) the newly created dataset on records of individual autocrats' ratifications as well as acceptance of extra monitoring/enforcement procedures of core UN human rights treaties, and 2) the newly extended UPR-info's dataset on UPR Recommendations with a directed dyadic structure. To add anecdotal evidence from qualitative data analysis, I also conducted fieldwork in the Palais des Nations in Geneva, Switzerland, from January 18-27, 2016, which consisted of an on-site observation of the 24<sup>th</sup> Working Group Session of the UPR and elite interviews with state delegates and NGO staffs.

This research provides numerous implications for the literature on human rights and international institutions. Concurring with recent studies on autocratic ratifications of international human rights treaties, this dissertation examines domestic politics as an underlying motivation for autocrats seeking membership in international human rights treaties. Although most quantitative scholarly works on human rights focus on regime types or autocratic sub-regime types, we often hear terms like "enlightened" (Schmitz 1999, 65) or "benevolent" used to describe autocrats who care about or appear to care about "the general interests" beyond their own rent-seeking (Gilson and Milhaupt 2011, 229; Roll and Talbott 2003, 80). Such peculiar autocrats initially make progress toward opening their countries to international human rights discourses and standards, either underestimating the effect of such liberalization or overestimating their capability to control its consequences (Risse, Ropp, and Sikkink 1999; Tripp 2010). Systemic understandings of these autocrats, however, seem to be lacking in current scholarship. This research is a first attempt to examine autocrats' individual political attributes,

apart from domestic institutions, as motivating their legal commitment to international human rights agreements.

This study is also a first attempt to systematically examine such states' behavioral patterns in bureaucratic participations within the context of international human rights institutions. Thus, this study lends support to the recent movement toward developing a distinct theory for understanding the global human rights policies of autocracies, which are often understood to be disingenuous participants in international human rights institutions (Conrad 2014; Hollyer and Rosendorff 2011, 2012; Simmons, 2009a; Smith-Cannoy 2012; Vreeland 2008). Furthermore, this study deepens our understanding of autocratic foreign policy regarding international human rights. Chapter 5 reveals international motives in autocratic foreign policy decision making, adding one more wrinkle to the recent literature on autocratic participation in international human rights institutions, which has put relatively more emphasis on domestic sources (Hollyer and Rosendorff 2011; Vreeland 2008; von Stein 2014). My research confirms that autocratic states see international human rights institutions as foreign policy tools to advance their own political aims and not necessarily as a means of solely promoting human rights. Active and serious autocratic recommending states may initially be strategically motivated. However, such engagement may signal a small step for the international community toward having autocracies sincerely engage in global human rights discourses over time. Recognizing that a repressive regime's use of human rights language may long precede any actual changes in its behavior (Risse, Ropp, and Sikkink 1999), this project examines when and how those encouraging small changes occur among autocracies.

This dissertation provides numerous avenues for future research. I plan to examine in-depth the micro-mechanisms of autocratic leaders' decisions to pursue multiple human rights

treaty memberships. Also unexamined is whether a change either from autocratic predecessors or democratic predecessors drives the relationship between autocrats with new support bases distinct from those of their outgoing leaders and multiple ratifications of human rights treaties. As I mentioned in Chapter 4, I also plan to look into the complete and exhaustive range of autocratic states' treaty commitments by expanding the current setting of optional acceptance of monitoring/enforcement procedures to include optional refusal or acceptance of extra substantive treaty obligations. For a richer discussion of the interplay between states' legal commitments to international treaty instruments and their recommendations in the UPR, we may also need to construct a detailed variable of commitment to human rights treaties, encompassing whether a state added caveats to its commitment through reservations; whether a state voluntarily accepted higher monitoring standards such as individual complaints, state complaints, inquiry, or the ICJ jurisdiction; or whether a state committed further, substantively or procedurally, by accepting the optional protocols of the nine core human rights treaties of the UN.

Regarding autocratic states' recommending policies in the UPR, I need to look into states' preferences based on bilateral relations with reviewed states. States may want to improve their reputations in relation to their foreign policy partners and competitors. For example, if a reviewing autocracy is in the middle of a competition for external economic benefits, such as preferential trade agreements and foreign aid, with a state under review, that reviewer is likely to issue costly recommendations. The reviewing state can affect the reviewed state's reputation with human rights conscious third-countries with which the state under review has significant trade relationships. Western European countries often tie trade relationships to their partners' human rights practices in concluding Preferential Trade Agreements (Hafner-Burton 2005). Officially recorded and condemned human rights situations can be used as a yardstick for these



human rights caring trade partners when renewing such preferential treatments. In a related study, Lebovic and Voeten show that when the former UN Commission on Human Rights used resolutions to condemn a state's human rights practices, the targeted state received less foreign aid (2009). However, the reviewing state can still impose greater marginal costs on the reviewed state when the reviewed state is in bad standing in the UPR than when it is in good standing.

Next, we may want to expand the time frame to include states' recommendation patterns during the second cycle (2012-2016) when that data becomes available. By necessity, this study is limited to the analyses of the first cycle of the UPR from 2008 to 2011. A significant number of states modified their approach to issuing recommendations after their experience with the first cycle. For example, one Western European country adopted a standardized policy of issuing only two recommendations for all UN member states after the first cycle.

Last, this research shows that the UN core human rights treaty instruments positively interact with states' monitoring in the UPR's interactive dialogue; this dynamic is a starting point for an examination of the interplay among multiple human rights institutions. My future research may assess the positive interplay between the UPR and treaty bodies, examining how many human rights treaties states ratify upon receiving recommendations urging them to do so.

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