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Rewards for Ratification: Payoffs for Participating in the International Human Rights Regime?

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Among the explanations for state ratification of human rights treaties, few are more common and widely accepted than the conjecture that states are rewarded for ratification by other states. These rewards are expected to come in the form of tangible benefits – foreign aid, trade, and investment – and intangible benefits such as praise, acceptance, and legitimacy. Surprisingly, these explanations for ratification have never been tested empirically. We summarize and clarify the theoretical underpinnings of “reward-for-ratification” theories and test these propositions empirically by looking for increased international aid, economic agreements and public praise and recognition following ratification of four prominent human rights treaties. We find almost no evidence that states can expect increased tangible or intangible rewards after ratification. Given the lack of empirical support, alternative explanations seem more appealing for understanding human rights treaty ratification.

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Few trends in international law and international relations are as curious as the well-documented trend for independent states to agree to allow the international community to pass judgment on their internal human rights practices. More than 45 human rights treaties concluded since the Second World War now effectively recognize the legitimacy of external actors' concerns about domestic rights practices (Simmons 2009). The "accountability revolution" in human rights has been noted by a number of authors as one of the most significant trends in international law and international affairs in the past half-century (Clark 2001, Ignatieff 2001).

From traditional theoretical perspectives, state accession to the "rights revolution" is puzzling. Why should sovereign states agree to subject an internal issue to international scrutiny? How can we understand the apparently voluntary decision to ratify international human rights agreements that create legal obligations to protect and provide for the human rights of one's nationals? Scholars have proposed three kinds of answers. The first downplays the significance of the international human rights regime because it is largely unenforceable (Krasner 1999). A second approach acknowledges that international treaty commitments are potentially costly because they may create pressures for adjustments in policies and practices, and attribute ratification to the desire to attract some kind of *material* reward as a matter of implicit or even explicit *quid pro quo*. A final approach is to attribute ratification to *intangible* benefits: belonging, praise, acceptance, respect, or inclusion. Governments ratify human rights agreements, in this last view, not because they are materially remunerative, but because ratification ushers a state into the circles of the most respected countries in the world.

Surprisingly, none of these explanations has undergone serious empirical scrutiny, and yet they are found repeatedly in the literature. This article explores the evidence for and against the "rewards-for-ratification" hypothesis by testing whether rewards are forthcoming; if they are not, then anticipation of rewards is not a likely cause of ratification. Of course, we cannot observe the privately held expectations of state leaders. But we argue that if rewards consistently motivate states to ratify, there must be observable rewards on average. Otherwise, governments would update their expectations about the advantages that ratification brings. If we observe payoffs (tangible or intangible) to ratification, there is a

strong prima facie case for a reward-based ratification motive. In fact, we find almost no evidence that rewards exist. These negative results are important because they suggest weaknesses of rewards theory and make alternative explanations of commitment to international human rights standards more compelling.

This article proceeds as follows. We first review the prevalent theoretical approaches to analyzing the puzzle of human rights treaty ratification. The second section discusses what we should expect to observe empirically if “rewards-for-ratification” theories are useful. The third section discusses the data and methods, and the fourth section presents the results. While it is not the purpose of this article to engage in competitive theory testing, in the conclusion we suggest alternative ways to think about ratification decisions. Our contribution is to take a relatively deep dive to assess a common claim for which we find shockingly little empirical support. These largely null results should help to counter common assertions found in the international law and human rights literature.

I. Human Rights and International Relations: The Ratification Puzzle

There are many ways to think about the influences on governments’ commitments to international human rights treaties. One is to think of a treaty commitment as a low-cost opportunity to express support for a cooperative international endeavor. Hathaway has proposed that governments ratify treaties because ratification allows states to make a costless expression of support for the principles treaties contain. Those who ratify reap “rewards for positions rather than for effects” (Hathaway 2002). Because human rights agreements are not effectively monitored, “the expressive benefits that countries gain from the act of joining the treaty will be enjoyed...regardless of whether they actually comply with the treaty’s requirements” (Hathaway 2002). In this view, international legal arrangements are weak, enforcement is unlikely, and any costs of noncompliance are low. Why *not* ratify, and gain some support or at least praise from the international community for doing so? The act of ratification, in this view, is driven by the potential benefits of signing an agreement that goes unmonitored. Two kinds of benefits are often

asserted to be available: *tangible* economic benefits and *intangible* social “legitimation.” Together, we refer to these mechanisms as *rewards theory*.

Tangible rewards

In some accounts, the rewards governments expect when they commit themselves to international human rights standards are blatantly mercenary. Hathaway is clear about the tangible nature of the *quid-pro-quo*:

Simply put, states join treaties like the Convention against Torture [CAT] in no small part to make themselves look good. In so doing, they may hope to attract more foreign investment, aid donations, international trade, and other tangible benefits (Hathaway 2004).

Economic benefits are among the “collateral [non-legal] consequences” of human rights treaty ratification, according to Hathaway (2007).

Similar propositions abound in the literature. Goodliffe and Hawkins note that norms supporting ratification of the CAT may spread through a “logic of consequences” in which “other states and third party actors (corporations and NGOs) reward that state through investment, trade, aid and positive political relationships” (Hawkins and Goodliffe 2006). Boockman asserts that international aid could influence the decision to ratify International Labor Organization (ILO) conventions (Boockmann 2001). Posner (2008:1769) lists “pressure from western states that tied aid and other benefits (such as EU membership) to treaty ratification” as the first reason developing states ratify human rights treaties. And Trachtman (2012) finds other explanations for treaty ratification “less plausible” than a *quid pro quo* logic of rewards. Moreover, despite recognition that the multilateral aid organizations such as the World Bank do not explicitly link their assistance to human rights treaty ratification, the idea persists in the literature that “International organizations also encourage ratification by linking a treaty with material goals, such as economic aid” (Oberdörster 2008).

The idea that human rights policies are enforced by the manipulation of rewards and punishments is hardly universally accepted. Realists assert that governments are not generally willing to expend

significant resources on foreign human rights practices at all (Goldsmith and Posner 2000). But even if states were inclined to enforce foreign citizens' rights, why would *treaty ratification* be important and credible to others? Some international legal theorists assert that ratification expresses a serious intent on the part of states to behave as the ratified treaty requires. Guzman, for example, argues (though not specifically in the context of human rights) that treaties involve "the complete pledge of a nation's reputational capital" (Guzman 2002) and therefore constitute a credible commitment on the part of states to comply with their provisions. But in the absence of reciprocity – notably lacking in the human rights area – it may be difficult for an essentially unenforceable pledge to put much at stake. The puzzle deepens if we buy the common observation that treaties do little to persuade the *worst* rights offenders to improve their policies (Hafner-Burton and Tsutsui 2007, Hollyer and Rosendorff 2011).

Perhaps the *type* of agreements that states choose to ratify makes some commitments credible without enforcement or reciprocity. Smith-Cannoy argues that during especially hard economic times, states consciously join *enforceable* human rights agreements, such as the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), which gives individuals the right to complain of a treaty violation to the Human Rights Committee, or an Article 22 Declaration regarding the CAT, which provides individuals similar standing before the Committee Against Torture (Smith-Cannoy 2012). She argues that ratification of *enforceable* agreements is an opportunity for states to collect aid from donors that may care about human rights.

To clarify, we do not doubt that some countries and organizations use economic leverage to encourage states to improve their human rights *behavior* and to encourage the consolidation of democratic institutions. The European Union and NATO may sometimes employ various forms of conditionality in this way (Sanahuja 2000, Hawkins 2004, Kelley 2004). However, careful studies of the use of the European Union's "conditionality clause" reveal not one instance of invocation due to refusal to ratify a human rights treaty (Moberg 2009). Furthermore, while there may be very good theoretical reasons to expect that the *actual protection* of rights in domestic law and practice does constitute a costly signal of governments' intentions (Farber 2002), *we are skeptical that states or commercial actors reward*

ratification per se. Aid donors typically monitor their recipients and have been known to change their giving to reward not ratification, but *actual* policy changes (Alston and Crawford 2000). For example, in 1975, the US Congress passed legislation prohibiting the extension of foreign economic assistance to countries with severe human rights violations. But rather than relying on the “signal” sent by treaty ratification, Congress commissioned detailed human rights reports for each potential aid recipient, suggesting that donors find it worth their while to collect information on *actual human rights practices* when they make their aid decisions.

In short, the current literature largely assumes – on wobbly theoretical grounds and without empirical support – that governments ratify human rights agreements because they expect some kind of material rewards, whether official aid, liberalized trade, or private investment. Practically nothing is said about *when* such rewards are doled out: As an inducement or capacity-building effort prior to ratification, as the “management school” of compliance might suggest (Chayes and Chayes 1993)? As a post hoc reward for having ratified a key treaty? Rewards theorists are even less definitive about *who* is responsible for making decisions about tangible rewards; indeed, there is practically no attention given to the varying motives of governments versus principled NGOs versus profit-seeking private actors – or how these actors may work in tandem or at cross purposes. Still, the tangible rewards assumption is so pervasive that it merits close empirical scrutiny, if for no other reason than to encourage social scientists to develop better explanations for the legalization of human rights over the past five decades.

Intangible Rewards

A second set of explanations for human rights treaty ratification stresses the importance governments attach to the approval of the international community. Less crass than a ratification-for-cash model, ratification is widely seen especially by sociologists and political scientists working in a constructivist vein as an expression of the desire to “belong” as a “member in good standing” to the international community of “modern” nations.

Sociological theories tend to emphasize the collective legitimating function of international legal agreements, especially in the human rights area. “International law and international organizations are still the primary vehicles for stating community norms and for collective legitimation,” according to a classic study on international human rights norms (Risse and Sikkink 1999). Governments have been “socialized” to care about what other states think of them (Lutz and Sikkink 2000), and international law plays a central role in this regard. Landman (2005) refers to the ratification of human rights treaties as a “socially embedded unit act,” implying that it has meaning largely because of the value assigned to it by the international community of nations. The value the international community places on these agreements generates subtle pressures to ratify.

Some scholars believe that participating in the social act of treaty ratification imparts a degree of legitimacy to the government and/or the state taking that action. Hafner-Burton and Tsutsui for example note the “strong pressures to ratify international human rights treaties” and assert that “ratification puts a legitimate face on the government...” (Hafner-Burton and Tsutsui 2005). This need for legitimacy, coupled with awareness that commitment to the regime is seldom costly in practice, is said to produce radical decoupling between policy decisions to ratify and actual human rights behavior. Landman (2005) similarly refers to the need of new “fourth wave” democracies to garner international legitimacy, and cites this need as a reason for human rights treaty ratification.

Closely related to the social meaning of human rights treaty ratification is the desire of states to avoid criticism. Avoidance of criticism is not merely instrumental; ideational theories emphasize that it is coupled with state self-perceptions of identity. Hawkins explains states’ shifting positions on the universal jurisdiction provisions of the CAT as a reflection of efforts to “avoid positions in which they would stand alone against other states, especially those with similar identities” (Hawkins 2004:793). Simmons suggests that the desire to avoid criticism may motivate some “insincere” states to ratify human rights agreements, but that this is a strategy that makes sense only in the short run and only when relatively little information is available on actual practices (Simmons 2009). States sometimes also respond to naming and shaming by attempting to neutralize its effectiveness. Engleheart (2003:44)

identifies the 1993 Bangkok Declaration as an exercise of international solidarity representing a “serious attempt to shift international human rights norms, in order to weaken the strategy of shaming.” From a constructivist perspective, shaming can represent a real cost to states that seek acceptance by international society, with praise representing the opposite side of the same coin.

Seeking to understand how human rights norms and identities spread internationally, sociologists have applied the concept of “World Culture” to capture the idea that values, norms, and ideas of what constitutes proper behavior of a modern state diffuse in varying degrees globally. In a global macrosociological context, treaty ratification may be viewed as one instantiation of a diffusing logic of appropriateness that encourages governments to present themselves to the broader international community and to their own citizens as actors that affirm the basic rights of individuals. Ratification in this context can be thought of as an act of emulation, in which states “enact” the values of a broader western progressive culture, in an effort formally to identify themselves as members in “good standing” of the modern society of states (Meyer, et al. 1997). In the case of human rights treaty ratification these standards of good standing are transmitted via international conferences, organizations, and peer group ratification (Berkovitch 1999, Boli and Thomas 1999). Treaty ratification is one way to enact the “script” of modernity in this view (Wotipka and Ramirez 2008), rendered more likely when the nation-state is embedded in the structures of international society. But to the extent that ratification is mere enactment of these external scripts, it represents nothing more than “isomorphism” – or the adoption of superficially similar formal policies without their internalization.

While these various ideational mechanisms are very different – shaming and persuasion imply active policies on the part of pro-rights agents, while theories that point to the mere availability of modern scripts view core states as more passive – all suggest there are intangible external pressures for treaty ratification. And yet the logic of ratifying in order to glean external social approval is questionable. Social approval might be a plausible explanation for ratification if no one cares to follow up, but this explanation seems a poor fit for a world in which citizens, other governments, and assorted transnational advocacy groups value actual practices over mere ratification and have reasonably good information on the former.

There seems to be an obvious internal contradiction in the claim that “Repressive states want the legitimacy that the human rights treaties confer on them more than non-repressive states because they are under tighter scrutiny for their practices” (Hafner-Burton, et al. 2008). It is far from clear how treaty ratification alone grants “legitimacy” if observers are scrutinizing state behavior (Goodman and Jinks 2003).

II. Testing the Claims of Rewards Theory

Rewards theory posits that states ratify human rights treaties in anticipation of external incentives. Tangible benefits may include foreign aid, trade or investment agreements, on the assumption that the latter will ultimately encourage greater trade and investment. Bilateral foreign aid – the most easily manipulated form of reward-for-ratification – should increase with ratification or slightly *prior*, if it is being offered by foreign governments as an inducement to ratify. Preferential trade agreements (PTAs) and bilateral investment treaties (BITs) may also be manipulated to encourage ratification, although the entrenched political interests may resist more than is the case with aid. Our tests employ a range of lag structures to take these varying dynamics into account.

We initially assume rewards-for-ratification deals are extended most readily by states who themselves have ratified the treaty in question. In practice this assumption is not too constraining since every member of the OECD – which itself represents the world largest markets and biggest aid donors – has ratified the CAT and the ICCPR, all but six have ratified the Optional Protocol to the ICCPR,² and exactly half have also acceded to Article 22. We can think of no persuasive reason for a non-party state to attempt to incentivize other states to ratify. The one important exception might be the United States, who has committed to neither the ICCPR’s first optional protocol, nor to the CAT’s Article 22, but as shown below, the United States does not even extend praise for states that so commit. The assumption

² Israel, Japan, Korea, Switzerland, United Kingdom and United States.

that those who reward are themselves likely to be ratifiers seems justified. If ratifiers do not incentivize others to do so, it is not clear who would.³

Our second (and more challenging) empirical task is to test the claim that governments ratify human rights treaties for the *intangible* rewards – external acceptance or approval and the sense of legitimacy or belonging that it may impart to the ratifying nation. Essentially, this is a claim about the psychological boost a set of policymakers experience when they feel they have done something to please external actors whose approval they value. Because this kind of reward is internally experienced, we cannot directly evaluate it in this paper. But we can provide a systematic empirical test of the proposition that governments ratify human rights agreements in order to gain external approval or praise – outcomes constituting “expressive benefits” in Hathaway’s words, or “social coercion” in Goodman and Jinks’ formulation.

If external approval is an important motivation, then it should be possible to connect ratification with some form of public praise from important global actors: for example, the European Union, the United States, and the most visible nonstate human rights organization, Amnesty International. One might also expect public references to be more frequent and more positive when the treaty in question constitutes a credible commitment; that is, when it is nonderogable and to some degree enforceable.

III. Data and Methods

Measuring Treaty Ratification

The empirical analysis focuses on the *easiest* cases for rewards theory: the *International Covenant on Civil and Political Rights* (ICCPR), the *First Optional Protocol to the International Covenant on Civil and Political Rights* (OP 1), the *Convention Against Torture* (CAT), and the optional

³ One possible exception is the CAT’s Article 22, which potentially offers a small “positive externality” for states other than the ratifier. Its language implies that an individual from Country X could appeal to the Committee against Torture if tortured in Country Y, even if Y has committed to Article 22 but X has not. However, we know of no such case and expect such instances would be far too rare to matter to the analysis. Moreover, in at least one likely Country X, the United States, victims of foreign torture have access to the Torture Victim Protection Act of 1991, which provide remedies through US courts, making CAT Article 22 moot.

22nd Article of the Convention Against Torture (Art. 22).⁴ These are four agreements form the core of the multilateral legal apparatus protecting personal integrity, civil, and political rights. If these treaties are not rewarded, we doubt that there are rewards for ratifying others such as the largely hortatory Convention on the Rights of the Child or the Disabilities Convention. The ICCPR and CAT lack enforcement but ICCPR Optional Protocol 1 and CAT Article 22 tie a state to external oversight by allowing individuals from ratifying states to report abuses directly to oversight committees. Presumably, this creates a higher probability that violations will be noticed, condemned, and sanctioned. One might expect the “going price” for ratifying these agreements therefore to be higher.⁵

We use *ratification episodes* – the window of time surrounding treaty ratification – as our unit of analysis. Existing theory is vague about the timing of rewards, so we define the ratification episode as the 11 years surrounding ratification, with five years of prior data for statistical control, and 6 years of data during and after ratification in which we look for rewards. We compare these ratification episodes to identically sized historical periods from countries that have not (yet) ratified a particular human rights treaty. For example, Bolivia did not ratify the CAT between 1985 and 1995, making Bolivia-1990 (the focal year is 1990) an episode of non-ratification that we can compare to episodes of ratification. Non-ratification episodes may overlap – Bolivia also did not ratify the CAT between 1986 and 1996 which we consider to be another non-ratification episode. We account for the non-independence of these overlapping non-ratification episodes in our statistical models by using country-level random effects and clustered errors. Multiple non-ratification episodes may come from the earlier history of countries that eventually ratify a treaty – Bolivia eventually ratified the CAT in 1998 – but we do not allow ratification episodes and non-ratification episodes to overlap (ratification episodes take priority).

Episodes of treaty ratification are likely to be different from many of the episodes of non-ratification, presenting potential problems of selection bias. For example, we find that in the five years

⁴ All texts are at <http://www2.ohchr.org/english/law/> (Accessed 1 January 2013).

⁵ Although Article 22 and Optional Protocol 1 are only open to states that have already ratified the CAT or ICCPR respectively, we examine them separately and expect that they may have different rewards due to variance in the credibility of commitments.

prior to ratification of the CAT, states had higher GDP, trade flows, and political freedoms, and lower aid flows than states that did not subsequently ratify. We address these imbalances by first pre-processing the data using matching to identify a matched sub-sample in which the ratification- and non-ratification episodes are comparable (Ho, Imai, King and Stuart 2007).⁶ We then use standard regression techniques to compare similar ratification and non-ratification episodes, controlling for the observed differences in the relevant control variables in each of the five year periods prior to ratification or non-ratification.⁷ Because we have repeated episodes of non-ratification from the same countries, we use a hierarchical model with country-level random effects and clustered standard errors to account for similarities that are constant within countries across time. Throughout, we control for actual human rights practices using *Physical integrity violations* and *Political rights*, both from Cingranelli and Richards (2008). This tests the proposition that *ratification alone – and not actual human rights practices – elicits rewards from the international community.*

If treaty ratification is a statistically significant and substantively important predictor of rewards in the five years following, we conclude that the hypothesis is supported. Our primary contention is that there is no evidence *for* rewards, but failure to reject the null hypothesis is not the same as evidence for the null hypothesis (Casella and Berger 2001). Demonstrating evidence *against* rewards requires a slightly different inferential strategy in which we first select a magnitude of effect (that we denote m) that would be considered meaningfully significant and then conduct a hypothesis test where the rejection region lies between $-m$ and m . Conveniently, this procedure is simple within a regression framework – it is equivalent to showing that m falls outside of a standard 90 percent confidence interval constructed around the estimated coefficient (Rainey n.d).

Measuring Tangible Rewards

⁶ We match using Mahalanobis distance based on the one year ($t-1$) lags of pre-ratification covariates. We retain all treated units (to estimate the average treatment effect on the treated) and match each to the nearest control unit (matching is 1-to-1). The matching is greedy so that each control episode is used only once.

⁷ The results are similar when we use regression without matching. We believe the matching results to be more credible because they rely less on un-testable modeling assumptions (see for example Simmons and Hopkins 2005).

We measure tangible rewards of three types: foreign aid flows, ratification of preferential trade agreements (PTAs), and signing of bilateral investment treaties (BITs). These are the manifestations of aid, trade, and FDI that are most under government control and thus most plausibly deployed as rewards.

We combine data from Nielsen (2013) with extended foreign aid data from Tierney et al (2011) to create a dyadic data set of per capita bilateral aid flows from Western donors to 120 developing countries between 1986 and 2010. In the tests shown below, we specifically look at aid from donors *that have already ratified the treaty in question*, but other models with from all donors produce similar results. Following Nielsen (2013), we control for measures of recipient need, donors' strategic interests, Cold War dynamics and bureaucratic inertia. To test whether states reward ratifiers with PTAs, we use logistic regression to estimate whether ratification increases the probability that the ratifying country will sign a preferential trade agreement (PTA) with a partner in the next six years. As with aid, our primary specifications include only partners that have already ratified the relevant treaty because we believe these are most likely to reward ratification. We use a data set of dyadic PTA signings from Mansfield and Milner (2012) along with the controls included in their preferred model. We test for investment agreement rewards using a dyadic data set of bilateral investment treaties, originally analyzed by Elkins, Guzman and Simmons (2006). We use logistic regression to estimate the probability that a dyad ratifies a bilateral investment treaty in the subsequent 6 years. Full lists of control variables for each of these models are available in Tables 1, 2, and 3 respectively.

Measuring Intangible Rewards

We measure incidents of praise and criticism using newly collected and previously existing text resources representing the views of the European Union, the United States, and Amnesty International. We collected 34,335 European Union press releases – more than three a day on average – published between 1985 and 2010 on the full range of political topics engaged by the European Union. If praise occurs, we expect it to be evident in these press releases, since the European Union has led the way in the international human rights regime, and arguably has significant economic and political might in this area.

We also obtained 3,625 US State Department *Daily Press Briefings* between January 2, 1991 and December 23, 2008; these briefings are the primary way in which the State Department provides public information. These briefings are written by staff of the Department of State, are delivered to an audience of journalists, and are followed by recorded questions and answers.⁸

Because praise is more immediate and short-lived than aid or trade agreements, we shortened the *ratification episode* time frame to 365 days prior to and the 365 following the exact ratification date. To measure praise in EU press releases and US press briefings, we first identify each episode of ratification and then examine (1) the existence of explicit praise, (2) positive versus negative language and (3) reference to official state visits.

Finally, we use data on criticism by Amnesty International collected by Ron et al (2005) to test whether ratification of human rights treaties mutes criticism by nonstate actors. Amnesty International ultimately focuses on *acts* of torture, but regularly cites international agreements when criticizing governments.⁹ We estimate models predicting the *number of critical reports* about a particular country released in a given year, using a set of variables collected and used by Ron et al, supplemented with our ratification variable.

IV. Findings

Tangible Rewards

Overall, our findings offer relatively little evidence that tangible rewards accrue to ratifying states. In Table 1, we report the coefficients on the key variable of interest: ratification of the four key human rights treaties.¹⁰ The estimated gains in aid from ratifying the ICCPR, its Optional Protocol 1, the CAT, and Article 22 are generally small and in all cases statistically indistinguishable from zero. This

⁸ <http://www.state.gov/r/pa/prs/dpb/> (Accessed 10 January 2012)

⁹ See for example <http://www.amnestyusa.org/news/news-item/qatar-must-not-return-ex-diplomat-to-saudi-arabia-amid-torture-fears> (Accessed 11 January 2013).

¹⁰ We omit the coefficients for control variables because they are generally not amenable to causal interpretation, especially after our matching procedure. Full results are available in the online appendix.

failure to reject the null is consistent across many alternative specifications. With only a handful of exceptions, we were unable to coerce a stronger result by logging the outcome variable, using a Tobit specification, using only the one-year lags of the control variables, using alternative windows for rewards, looking at aid from all donors (not just those that have ratified the same agreement), and omitting the matching. Of the 448 alternative models we considered, only 16 would have offered support for any type of aid rewards and there is no indication that a particular type of specification would give positive results (see the supplemental information).

<i>Outcome Variable</i>	<i>Foreign Aid/capita</i>			
	Model 1	Model 2	Model 3	Model 4
Treaty	ICCPR	OP 1	CAT	Art. 22
Effect of Ratification	1.25	1.13	1.25	-0.66
(Clustered standard error)	(0.90)	(0.86)	(0.82)	(0.79)
[90% confidence interval]	[-0.23, 2.74]	[-0.28, 2.54]	[-0.11, 2.60]	[-1.95, 0.63]
N treated dyads	595	453	923	418
N non-treated dyads	595	453	923	418
Years	1986-2010	1986-2010	1986-2010	1986-2010
R-squared	0.56	0.84	0.55	0.46
Matching	Yes	Yes	Yes	Yes
Controls	Physical integrity rights [†] , lagged aid/capita [†] , global aid flows, GDP p.c. [†] , population [†] , dyadic trade [†] , colonial relationships, alliances with aid donors, an indicator for the Cold War, an indicator for formerly socialist states, an indicator for ongoing war [†] , and regional indicators. All variables are lagged one year. Variables indicated with [†] include the lags $t-2$, $t-3$, $t-4$, and $t-5$ as well.			

TABLE 1: Linear regression of aid flows per capita on treaty ratification with dyad random effects. The unit of observation is the (non-)ratification episode dyad, with ratification occurring in year t , all covariates measured in $t-1$, and most time-varying covariates measured in the years $t-1$, $t-2$, $t-3$, $t-4$, and $t-5$. The outcome variable is total receipts of foreign aid per capita in years t through $t+5$. The sample is limited to dyads in which the donor has ratified the relevant treaty.

How confident can we be that ratification provides no significant aid benefits? This depends on how large a benefit must be to count as “significant.” As a first cut, we decided that a minimally

meaningful reward m might be at least \$2 per capita over six years (a mere 33 cents per year).¹¹ With this as our value of m , we find evidence of no effect for Article 22, but insignificant results for the ICCPR, Optional Protocol 1, and the CAT. Of course, the choice of m is ultimately subjective so readers may reach different conclusions; for example, if m were greater than \$2.74, then we would reject the hypothesis of aid rewards for *all* treaties. The key finding remains that there is no appreciable evidence for aid rewards.

These findings on the weak relationship between ratification and official aid comport with qualitative interview evidence. We interviewed a selection of officials that we thought would be *most likely* to offer tangible rewards to states that ratified human rights treaties. Norway, for example, has ratified more human rights treaties than any other country in the world, and is famously generous with foreign aid (which totals about 1% of its gross national income).¹² However, when asked specifically whether treaty ratification influences their aid decisions, Norwegian officials at the Ministry of Foreign Affairs working at the intersection of human rights and development assistance were quite clear in denying that aid policies had any linkages with a country's status as a party to any human rights treaties.¹³ Development aid was described as being on a "different track," and while they often discussed human rights with officials from recipient states, aid was never conditional on treaty ratification.

Similarly, Germany has ratified most human rights agreements, and devotes more than a third of a per cent of its national income to foreign aid. However, an official from the German Foreign Ministry who headed the Human Rights Department from 2003 to 2008 indicated that while German policy did emphasize human rights, there was no aid conditionality relating to ratification of treaties. He noted that "ratification of hr [human rights] treaties is one thing, the strict (or even not so strict) observance of the respective treaties' provisions is a completely different one..." Furthermore, "coercion and clear pressure

¹¹ Average aid per capita over six years has a highly skewed distribution with many zeros, a mean of \$7.40, and a maximum of \$120.

¹² See OECD table at: http://www.oecd-ilibrary.org/economics/country-statistical-profile-norway_20752288-table-nor (Accessed 11 January 2013)

¹³ Interviews at the Ministry of Foreign Affairs, Oslo, 6 August 2009. Officials interviewed: Anne Marchant, Ambassador, Human Rights Issues, Section for Human Rights and Democracy, and Geir Løkken, Assistant Director General, Minister of International Development's Policy Analysis Unit. Ministry of Foreign Affairs, Norway.

- at least with the means at our disposal - generally doesn't have the desired effect in the country at hand but rather satisfies our own public's needs' (including those of NGOs)."¹⁴ For these reasons, Germany urges ratification but does not make a link between ratification and aid. In two of the most likely donor cases, the aid-for-ratification story does not ring true for practitioners in a position to know.

Rewards theory is slightly more difficult to reject for economic agreements. Table 2 shows the results of four models predicting conclusion of preferential trade agreements between dyads where one member has ratified the relevant human rights agreement. As these are the only positive results of the paper, it is worth interpreting them substantively. We find that ratifying the ICCPR and Article 22 increases the probability of signing a PTA in the 6 years following their ratification by 2.5 percentage points and 2.6 percentage points respectively. These results are relatively robust to alternative specifications – the ICCPR result is robust in the vast majority of specifications and the Article 22 result persists in many, but not all. We do not find similar evidence of rewards for Optional Protocol 1 and the CAT, and these null results are generally robust. To further evaluate these rewards, we collected trade data from approximately the same time period (Goldstein, et al. 2007) and estimated whether ratification led to detectable differences in actual trade flows. We found that it did not, leading us to wonder how meaningful a 2.5 percentage point marginal increase in PTA formation is to the leaders of a country seeking rewards for ratification.

To test whether we can confidently claim that ratifying Optional Protocol 1 and the CAT have no effect, we decide *a priori* that the probability of a PTA must increase by at least one percentage point in the six years following ratification. Stipulating this threshold, we are able to reject the possibility of rewards in the case of the CAT but not for the ICCPR's Optional Protocol 1.

Turning to investment agreements, we find no evidence that ratification of human rights agreements increases the probability of a bilateral investment treaty in a dyad. Ratification is a statistically insignificant predictor of BIT ratification in two of the models we estimate and *negative* in the

¹⁴ Interview with Peter Rothen, Head of the German Foreign Office's Human Rights Department 2003-2008; via e-mail correspondence; 11 August 2009.

others. These negative findings are surprising as we have no theoretical prediction that states would punish ratification. States only experience a 2.9 percentage point decrease in the chance of signing a BIT following ratification of the ICCPR which is probably a negligible effect. However, the decrease following ratification of Optional Protocol 1 is not as negligible; a BIT with a current signatory is 8.7 percentage points less likely. We do not believe that this effect is general – we find no evidence of negative effects elsewhere – but this presents a puzzle that may deserve further investigation.

<i>Outcome Variable</i>	<i>Preferential Trade Agreements between Dyads</i>			
	Model 5	Model 6	Model 7	Model 8
Treaty	ICCPR	OP 1	CAT	Art. 22
Effect of Ratification	0.44*	0.07	0.10	0.56*
(Clustered standard error)	(.11)	(0.13)	(0.12)	(0.18)
[90% confidence interval]	[0.25, 0.63]	[-0.13, 0.28]	[-0.09, 0.28]	[0.25, 0.87]
N treated dyads	4,359	2,543	4,382	882
N control dyads	4,359	2,543	4,382	882
Years	1982-2007	1982-2007	1986-2007	1986-2007
Matching	Yes	Yes	Yes	Yes
Controls	Physical integrity rights, Regime type [†] , veto players, existing PTA [†] , GDP (logged) [†] , ΔGDP (in \$100 billion) [†] , Dispute (PRIO) [†] , Alliance (ATOP), former colony, contiguity, Distance (logged), Hegemony, Post-Cold War, GDP ratio [†] , and % Dyads ratifying PTA, GATT/WTO. All variables are lagged one year. Variables indicated with [†] include the lags $t-2$, $t-3$, $t-4$, and $t-5$ as well.			

TABLE 2: Logistic regression of PTA ratification on human rights treaty ratification with standard errors clustered by country. The sample is limited to dyads where one partner has already ratified the human rights agreement but the other has not. The unit of observation is the (non-)ratification episode dyad, with ratification occurring in year t , all covariates measured in $t-1$, and most time-varying covariates measured in the years $t-1$, $t-2$, $t-3$, $t-4$, and $t-5$. The outcome variable is ratification of a PTA in years t through $t+5$. * indicates $p < .05$.

As with aid, this lack of evidence for rewards is robust to a variety of possible specifications. But should we reject the null? To answer this question, we decided *a priori* that a one percentage point increase in the probability of a BIT over 6 years was a minimum meaningful effect. At this level, we can confidently conclude that there are no BIT signing rewards for the ICCPR, Optional Protocol 1, or the

CAT, but we are unable to rule out a reward for ratifying Article 22 (although we still find no evidence for a reward).

<i>Outcome Variable</i>	<i>Bilateral Investment Treaty ratification</i>			
	Model 9	Model 10	Model 11	Model 12
Treaty	ICCPR	OP 1	CAT	Art. 22
Effect of Ratification	-1.37*	-0.78*	-0.13	1.02
(Clustered standard error)	(0.25)	(0.26)	(0.19)	(0.53)
[90% confidence interval]	[-1.79, -0.95]	[-1.21, -0.35]	[-0.45, 0.19]	[0.14, 1.91]
N treated dyads	1,948	1,255	2,034	400
N non-treated dyads	1,948	1,255	2,034	400
Years	1982-2007	1982-2007	1986-2007	1986-2007
Matching	Yes	Yes	Yes	Yes
Controls	Physical integrity rights, BITs among export competitors, host extractive industries [†] , host corruption [†] , host legal tradition [†] , BITs among the same religion, “learning from success,” coercion (Use of IMF credits), host GDP (logged) [†] , host GDP/capita [†] , host GDP growth [†] , host net FDI flows (% of GDP) [†] , host illiteracy rate, host capital account, host law and order, host regime type, host diplomatic representation, host privatization record, home net FDI outflows (% of GDP) [†] , dyadic trade [†] , common colonial heritage, common language, alliance, Cold War, number of BITs globally (by year). All variables are lagged one year. Variables indicated with [†] include the lags <i>t-2</i> , <i>t-3</i> , <i>t-4</i> , and <i>t-5</i> as well.			

TABLE 3: Logistic regression of Bilateral Investment Treaty signing on treaty ratification with standard errors clustered by country. The unit of observation is the (non-)ratification episode, with ratification occurring in year *t*, all covariates measured in year *t-1*, and most time-varying covariates measured in the years *t-1*, *t-2*, *t-3*, *t-4*, and *t-5*. The sample is limited to dyads where the home country has ratified the relevant HRA. The outcome variable is whether the dyad signs a BIT in years *t* through *t+5*. * indicates $p < .05$.

One possible explanation for the absence of rewards is that donors might target rewards to states where they expect inducements will be most effective. To be confident that this is not the case, we re-estimated the models in Tables 1, 2, and 3 on subsets of dyads where rewards might be most likely and effective: alliance partners, European powers and their former colonies, the US relationships with Latin America countries, mid-and low-income countries (where economic rewards might matter more), and transitional, partly democratic countries as defined by Simmons (2009) because these might be most

susceptible to external legitimation or domestic pressures from political or social mobilization. Aid rewards were not evident for any of these subsets. There are some subsets of the data in which we find an increased propensity to sign BITs following human rights treaty ratification (11 treaty-subset pairings out of 48), but there is no consistency across either the treaties or the subsets (see the supplemental information). There is no smoking gun in this subset analysis indicating that material rewards

Bringing these models together, evidence to support the continued assertion in the literature and popular press that human rights treaty ratification is the result of widespread tangible sticks and carrots from other countries is underwhelming. Moreover, additional tests for the proposition that human rights treaty ratification actually do increase trade or investment received absolutely no support.¹⁵ If tangible rewards for ratification exist, they do not seem to be operating through the most likely channels.

Intangible Rewards

We now turn to evidence of the widespread use of praise, acceptance, and reduced criticism as *intangible* rewards to encourage ratification. We find isolated instances of intangible rewards in statements by the European Union praising the accession of states to human rights treaties. For example, a 2005 EU press release on the occasion of the eighth United Nations International Day in Support of Victims of Torture, mentions that the

EU welcomes the ratification of UNCAT during the course of the last year by Liberia, Mauritania and the Syrian Arab Republic; and the ratification of OPCAT by Argentina, Croatia, Liberia, Mali and Mexico.¹⁶

Similar statements were made on the anniversary of this event in 2007 and 2009, recognizing in total three CAT ratifications and twenty-one ratifications of the Optional Protocol to the CAT in similar summary fashion.

¹⁵ Results available in the Supplemental Information, with more available from authors upon request.

¹⁶<http://europa.eu/rapid/pressReleasesAction.do?reference=PESC/05/62&format=HTML&aged=1&language=EN&guiLanguage=en> Brief number: 2005-0062PESC.

A very small number of countries receive more individualized and specific praise. On February 16, 2009, the EU issued a press release which states:

The EU welcomes Azerbaijan's ratification of the Optional Protocol to the UN Convention against Torture...on 28 January 2009. The EU encourages Azerbaijan to take early steps towards implementing its obligations under the Optional Protocol by establishing a National Preventative Mechanism and cooperating with the Subcommittee on Prevention.¹⁷

How common are such statements? We searched the 34,335 EU press releases to identify *all* examples of praise – defined as a statement displaying positive sentiment by the EU in specific reference to the ratification, accession, or implementation of an international human rights agreement (not limited to the four we focus on) by a specific country.¹⁸ To our knowledge, no research to date makes systematic use of such a comprehensive database reflecting issues of importance to the EU. We found only 16 examples of praise-for-ratification: 11 praising ratification by a particular state and five noting ratifications in serial fashion as part of a larger press release.¹⁹

Notably, although we did not specifically look for cases of criticism during our manual coding, we found 31 briefings that criticized states specifically for violating the terms of their international commitments to human rights agreements. For example, a 2009 briefing stated that

The European Union condemns the recent executions by stoning in Al Shabab-controlled areas of Somalia, including of a woman accused of adultery.... The European Union also calls on all relevant parties to ensure that the practice of execution by stoning is effectively and permanently terminated in the country, in conformity with the International Covenant on Civil and Political Rights, as well as the Convention against Torture...both of which Somalia has acceded to.

An entire subgroup of briefings is dedicated to condemning Iran's enforcement of the death penalty for crimes by minors in contravention of its international legal commitments.

¹⁷ "Declaration by the Presidency on behalf of the European Union on the ratification of the OPCAT by Azerbaijan," <http://europa.eu/rapid/pressReleasesAction.do?reference=PESC/09/21&format=HTML&aged=1&language=EN&guiLanguage=en> Brief number: 2009-0021PESC.

¹⁸ We first identified praise by searching for the names of human rights agreements using the search function on the EU website. We then used these briefings to train a naïve Bayes text classifier (Hastie, et al. 2009) to identify further examples of praise. From these results, we hand-coded the top 100 candidate texts and used the new list to retrain a new classifier. After three iterations, we had identified all examples of praise in the corpus.

¹⁹ We found additional examples of praise that did not meet our definition of praise-for-ratification, including praise for countries that abolished the death penalty (but without reference to the OPCAT), or recognition of countries that improved their human rights practices in some way (but without reference to a specific agreement).

We conclude that praise-for-ratification does exist in the official communications of the European Union and this praise might offer a plausible explanation for *specific instances* of treaty ratification. However, praise-for-ratification cannot be a general solution to the puzzle of treaty ratification because large waves of ratification precede any significant evidence of praise by Europe.²⁰ Ratification is also a two-edge sword: the EU often cites treaty obligations when criticizing states that violate human rights.

To broaden the analysis, we examine the EU press releases for evidence of increased positive sentiment toward ratifying countries. We measure the context in which ratifying countries are mentioned by identifying the ten words immediately surrounding each direct reference to a specific country during years immediately preceding and following ratification. We then compare these words to a sentiment dictionary coding whether 8,221 terms evoke something positive, negative, or neutral sentiment (Wilson, et al. 2005). If ratifying countries are subtly praised, we might expect countries to be mentioned in contexts with more positive connotations in the year following ratification. We find no evidence that this is the case for any of the four treaties we examine. Countries that ratify an agreement experience about the same levels of positive and negative affect before and after ratification.

Finally, we consider whether ratifying states are more accepted into the community of states by testing whether diplomatic visits from EU countries increase following ratification. We identified uses of the word “visit” in the ten words surrounding a specific mention of a particular country and then tested whether countries were more likely to receive visits in the year following ratification than the previous year.²¹ We find no evidence that ratifying states enjoy more diplomatic visits after ratification.

Although we think praise-for-ratification is most likely from the European Union, we also test whether the United States praises countries that ratify human rights agreements. Examining the 3,625 daily press briefings of the Department of State between January 2, 1991 and December 23, 2008, we find

²⁰ We find two examples of EU praise in the 1990s, three examples from 2000-2008, and six examples in 2009 and 2010.

²¹ This method is crude but accurate: virtually all discussions of an official visit use the word “visit” in the context of the name of the visited country. To test whether “visit” could refer to actions besides official visits, we randomly sampled and coded 100 instances of the word “visit” and found that 95 percent of instances referred to some sort of official visit. This suggests that our measure is a reasonable proxy for the number of official visits to a particular country from the EU members.

that the United States seems to completely ignore ratification of human rights agreements. After failing to find any praise using automated methods, we individually read the 151 briefings that mention a specific country in the two-week period surrounding its ratification of one of the four treaties in our study. The results are stark – *none* of the briefings make *any* explicit mention of treaty ratification. The only implicit acknowledgment of a treaty ratification is a *negative* reference to Cuba’s ratification of the CAT which the United States criticizes as “the Cuban Government...attempting to project an image of greater openness and willingness to cooperate with the international community on human rights” while simultaneously cracking down on human rights activists.²²

This lack of praise is striking because the United States routinely praises and criticizes other actions and statements of foreign countries in its press briefings. For example, a briefing on March 11, 2002 approves of Mexican efforts to stop drug trafficking, but Mexican accession to the ICCPR Optional Protocol 1 just four days later goes unnoticed. The silence on treaty ratification is not attributable to the unwillingness of the State Department to mention international law. On the 24th of July, 1991, the State Department briefing mentions in that Venezuela is party to “the 1988 U.N. convention against drug trafficking,” in connection with a discussion of narcotics trafficking in Latin America, but subsequent briefings fail to mention that just five days later, Venezuela acceded to the CAT.

As with the European Union, we also tested whether countries that ratified human rights agreements were discussed in more positive terms or received more diplomatic visits in the year following their ratification and found that there were no significant differences before and after ratification.

Finally, we turn to the possibility that countries ratify to reduce criticism from nonstate actors such as human rights NGOs. To test this, we use data from Ron et al (2005) coding the number of news releases and background reports issued by Amnesty International criticizing a country’s human rights performance. We adopt the negative binomial model used by Ron with the addition of two indicators for ratification of a treaty in the current year or the previous year. As with tangible rewards, we test for praise

²² State Department Daily Press Briefing, May 23, 2009. Accessed 2009.

of each treaty separately although the results remain the same if we include indicators for all four treaties in the same model. Table 4 shows the regression results with the coefficients for the control variables omitted. We find no evidence that treaty ratification mutes criticism from Amnesty International. All of the coefficients are small and statistically insignificant at conventional levels and many of them are positive, suggesting that ratification does not reduce criticism.

<i>Outcome variable</i>	<i>Combined AI news releases and background reports</i>			
	Model 1	Model 2	Model 3	Model 4
Treaty	ICCPR	OP 1	CAT	Art. 22
Ratification	0.022 (0.10) [-0.14, 0.19]	-0.18 (0.13) [-0.39, 0.03]	0.11 (0.08) [-0.02, 0.24]	0.098 (0.13) [-0.12, 0.31]
Ratification _{t-1}	-0.008 (0.10) [-0.17, 0.16]	-0.065 (0.12) [-0.26, 0.13]	0.033 (0.076) [-1.22, 1.28]	0.19 (0.12) [-0.007, 0.39]
N	1,828	1,828	1,828	1,828
N of countries	150	150	150	150
Random effects?	Yes	Yes	Yes	Yes
Controls	Political terror scale, Polity IV scores, presence of armed conflict, percent of population directly killed in armed conflict, GDP, military personnel, population, US military aid, foreign aid (ODA), and average media coverage. See Ron et al (2005) for details.			

TABLE 4: Negative binomial regression of the number of Amnesty International news releases on background reports, regressed on treaty ratification and a set of controls with country random effects. 90% confidence interval in parentheses.

V. Conclusion: Understanding Ratification without International Rewards

The legal regime for international human rights has been one of the three main pillars of international order of the past half century. Alongside the Security Council dedicated to peace and security and the GATT/WTO dedicated to trade liberalization, the complex of international human rights treaties has been a central institution of the post-World War II order, and has become even more crucial in the post-Cold War period (Simmons 2009). It is beyond the scope of this paper fully to address how and

why this order was constructed. Rather, what we have tried to elucidate is that the politics of joining some of the most important agreements in this regime has been widely misunderstood. The notion that states have been induced to join such normatively important pacts as the ICCPR and the CAT hoping to receive external rewards from a core of wealthy, democratic countries simply does not bear empirical scrutiny. Our findings do not lend substantial support to claims that states ratify human rights treaties in hopes of attracting tangible rewards in the form of international aid, trade agreements, and foreign direct investment agreements, or intangible rewards such as praise and acceptance into the club of “responsible” countries.

We find practically no support for the idea that treaty ratification produces significant increases in aid. Furthermore, qualitative inquiries suggest that treaty ratification is unrelated to European aid policies and programs in countries that are most likely to have rewarded such behavior. We find that in general trade agreements and bilateral investment agreements are not used as rewards for treaty ratification, although we did find a slight uptick in the likelihood of a preferential trade agreement in the year following ratification of the ICCPR and Article 22 of the CAT. But it is important to put these findings in perspective. The strongest possible claim that can be supported in favor of tangible rewards theory is that ratifying the ICCPR and Article 22 – two of the most salient human rights agreements in existence – increases the probability of signing a PTA with an existing signatory in the 6 years following their ratification by 2.5 percentage points and 2.6 percentage points respectively. Such a small chance to benefit is not likely to be the explanation for ratification of these agreements, much less the range of treaties from children’s rights to the rights of the disabled. Moreover, supplementary tests show that trade and investment *flows* do not increase to states after ratification. The link between human rights treaty ratification and actual tangible rewards is extraordinarily tenuous, at the very best.

Nor is there much evidence that states regularly receive intangible rewards for human rights treaty ratification. Praise from the EU is weak at best. The US State Department utterly ignores treaty ratification in its public statements. This might not surprise those who view the United States as largely aloof from the international legal regime for human rights (Ignatieff 2005), but it is in stark contrast to

theories of ratification that emphasize social acceptance as the major driver for treaty participation. Not even the major human rights non-governmental organization, Amnesty International, has much positive to say when states ratify human rights treaties. The idea that acceptance into a circle of modern statehood can explain ratification is not supported by an uptick in state visits, which is one of the most important visible displays of peer acceptance.

These null findings are of significant theoretical importance. For states outside of the European and North American “core,” participation in the global human rights regime has been portrayed as largely externally induced. This may be the natural result of a research agenda that has been propelled by scholars from “core” countries, or it may reflect a general lack of research and knowledge about how nonwestern countries think about international law. The fairly widespread myth of rewards for human rights treaty ratification may also be the result of a bias in favor of publishing only positive results and ignoring null findings, even when these cast doubt on oft repeated but untested explanations for puzzling outcomes (Laitin 2013).

It is beyond the scope of this paper to develop a full theory of treaty ratification, but we would point to several approaches that we think deserve more careful empirical attention. Moravcsik, for example, has pioneered one of the most compelling arguments for states to ratify treaties, especially European conventions with teeth: they are actually useful in *domestic politics* to help sustain democratic momentum and lock in fairly recent rights gains (Moravcsik 2000). While broader support for the lock-in thesis is not especially strong (Cole 2005), we do think that the explanation for why governments commit to international human rights treaties is likely to be domestic rather than foreign. The “spiral model” developed by constructivists Risse and Sikkink (1999) conceives of ratification as a tactical concession to rights proponents at both the domestic *and* international levels. Simmons (2009) found some evidence that governments in autocratic states have tended to ratify the ICCPR late in their office-holding, which seems to imply short term domestic reasons to ratify, as Pinochet’s ratification of the CAT within months of the first democratic election of his tenure suggests. Some rationalists such as Vreeland (2008) argue that governments sometimes see ratification as a small concession to their domestic political opponents,

while others such as Hollyer and Rosendorff (2011) think treaty ratification is a signal to domestic opponents that officials are willing to torture, *despite* such commitments. We think much more purchase on the politics of human rights treaty ratification will be realized by looking at the strategies and tactics governments employ *domestically* to keep a grip on their rule.

It is also important to acknowledge that not all external motivations for committing to human rights treaties are reward-seeking. Clearly a good number of states ratify human rights treaties because they want to set a positive example for others. This is routinely the explanation offered for some states that lead the way in human rights (Landman 2005; Simmons 2009); it is even the argument heard within the United States among treaty proponents who do not prevail (Halberstam 1999). While there is much work left to do to understand why states commit to international human rights standards in a public and unequivocal fashion, so far the evidence that they do so for external rewards – tangible or intangible – appears weak indeed.

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