

# *Autocracies and International Human Rights Law*

## Book project, Jana von Stein

### Overview

Before the people that he claimed to serve murdered him, Muammar Gaddafi oversaw a regime that denied access to fair trials, executed those who spoke their minds, and tortured dissidents. At the same time, under his rule, Libya ratified virtually every UN human rights agreement (HRA) on offer. Similar examples abound across the globe. Yet, not all autocrats embrace the international human rights regime. Indeed, a diverse range of countries such as Oman and Myanmar<sup>1</sup> often delay participating for decades or remain outside this body of law altogether.

Why do some of the world's most abusive governments take on international legal obligations to treat the populace humanely, whereas others do not? Is HRA ratification always an empty promise in these countries, or can these treaties sometimes be harnessed in ways that empower citizens to challenge their governments and win? This book explores these and related questions. In order to understand how these countries engage with international human rights law, I argue, we need to look *inside* the autocratic state, unpacking its domestic politics and legal institutions. Using time-series-cross-national data analysis, survey experiments, and textual analysis, the book engages with the literature's most pressing debates about human rights, international law, and autocratic governance.

### Outline

#### 1. *Introduction/Literature Review*

Status: approximately  $\frac{2}{3}$  complete. The literature review is well-developed, but I typically finish my introductions as a very last step in a project.

#### 2. *Autocratic Institutions and Human Rights Agreement Ratification*

Status: close to complete. I am currently preparing an article version for submission to *International Organization*. The chapter version is less statistically focused and includes more case-study examples and 'story-telling,' but the underlying argument is the same. Synopsis: Why do some of the world's most abusive governments make promises to treat the populace with dignity, whereas others refrain from participating or take decades to ratify? What explains the timing of these decisions? In this chapter, I make two main arguments. First, HRA ratification is a political move: because of the good press it generates, participating in international human rights regimes is particularly useful to leaders who need to assert or to re-establish their legitimacy/ popularity. Second, legal systems can constrain the range of possible actions that autocrats are likely to take. In particular, legal systems based on precedent, good faith contracting, and/or the principle that agreements must be kept can put the brakes on ratification even when political imperatives push in the opposite direction.

To test these arguments, I draw from a new, comprehensive, dataset that I created, which looks at all UN HRAs rather than the handful of high-profile agreements that have attracted most scholars' attention. Consistent with the above arguments, I find that autocrats are

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<sup>1</sup> Pre-(partial) democratic transition.

particularly likely to join these agreements when they (1) are new to office and have a new basis of support; and/or (2) came to office through irregular means. Consistent with the argument about legal institutions, I find that countries with common law or Islamic law heritages are particularly unlikely to ratify.

### 3. *HRA Ratification as Public Relations? Good Press in the Autocratic World*

Status: data collection requires funding.

Synopsis: Chapter 2 relies on an assumption that participating in the international human rights regime has public relations value, i.e., that it generates good press. A recent study<sup>2</sup> finds little evidence that the EU systematically praises countries that join HRAs. Nor does it find much proof that Amnesty International mutes its criticisms of ratifiers. However, this misses some important areas where I expect 'intangible' rewards for ratification to be present: (1) the domestic press of ratifying countries; (2) official government publicity of ratifying countries; (3) NGOs<sup>3</sup>; (4) UN bodies, particularly the relevant monitoring body during periodic review. Once I have collected the data on instances of good press/praise for ratification, I can conduct the textual analysis and write up a chapter summarizing the findings. This information will also help to inform chapter 4. If ratification is publicized chiefly in domestic venues, then this suggests that the 'target' audience is likely domestic. If, in contrast, it gains the most coverage in international venues, then the 'target' audience is likely international. (Of course, the 'targets' might be domestic and international).

### 4. *Treaties and Legitimacy: a Survey Experiment in the Autocratic World (?)*

Status: data collection requires funding.

Synopsis: Chapter 3 will enable me to pin down whether the intended audience is domestic, international, or both. With that information in hand, the next step is to convince the reader of an additional assumption in Chapter 2: that the good press surrounding ratification enhances perceptions of leaders. There is anecdotal evidence to support this idea, but testing it systematically is challenging. A survey experiment would offer the 'cleanest' possible test. By exposing respondents to various treatments, I could gauge whether/how participation in HRAs affects citizens' perceptions of leaders (as compared to no treatment, a national legislation only treatment, and so on).

If Chapter 3's research suggests that the audience is chiefly domestic, I will conduct the survey experiment in a non-democratic country (or countries if possible). *Ideally*, I would be able to carry this out on two groups: policy elites (i.e., the leader's winning coalition) and ordinary citizens.

If the Chapter 3 research suggests that the audience is primarily international, it would likely be difficult to conduct a large-scale survey experiment, as international policy elites are often too busy or too hesitant to do so. That having been said, New Zealand policymakers and NGO community members are extraordinarily approachable and generally responsive, so I may seize the opportunity to run the survey experiment with that

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<sup>2</sup> Richard Nielsen and Beth Simmons. 2016. Rewards for Ratification: Payoffs for Participating in the International Human Rights Regime? *International Studies Quarterly* 59: 197-208.

<sup>3</sup> Testing the Amnesty International press mechanism requires more fine-grained data than what Nielsen and Simmons (2016) use, so this would require new data collection for that NGO. I would also collect data for Human Rights Watch.

population. Interviews at the UN are a more plausible option, although they have drawbacks when it comes to generalizability.

5. *The Political Purposes of Treaty Participation in Regimes Under Fire*

Status: Approximately ½ complete.

Synopsis: A year before the plebiscite that led to his ouster, Augusto Pinochet signed the Convention Against Torture (CAT). After a series of legal maneuvers that attempted to carve out most of the treaty's legal obligations, the legislative junta ratified the agreement, just a few days before the plebiscite. Although autocrats are particularly prone to ratify in their first year or so in office, it also is not uncommon for these countries to join during (what turns out to be) their final days. Why? Setting aside countries that are clearly in the midst of democratic transition,<sup>4</sup> there are some interesting competing causal stories to test. One is that, like autocrats who gained power in dubious ways and/or are early in office, these leaders are thirsty for legitimacy signals – either (1) as a means to stave off defeat, or (2) because they know for certain that defeat is on the horizon and want to go down on the right side of history.<sup>5</sup> Yet another possibility (3) is that these leaders want to tie the hands of future autocrats. Preliminary analysis suggests that (1) is at play, but this may change as I delve more deeply into the cases.

6. *Empty Promises? Understanding Treaty Effects in Autocracies*

Status: not yet commenced.

Synopsis: Although the book focuses largely on the question of HRA participation, I want to explore an important related question: do these treaties 'matter' in the sense of pushing governments to respect human rights? I am currently consulting with political scientists and legal/human rights scholars on how best to address this question. A full-scale statistical analysis of all agreements is not possible given space and time constraints, but on the other hand, now would be a good time to take advantage of some newly developed measures of domestic institutions<sup>6</sup> and human rights practices.<sup>7</sup>

7. *Conclusion*

Status: not yet commenced.

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<sup>4</sup> These countries are likely subject to a different causal process, as Moravcsik articulates. Moravcsik, Andrew. 2000. The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe. *International Organization* 54 (2): 217-52.

<sup>5</sup> On this latter point, see Beth Simmons' argument about 'legacy ratifications.' 2009. *Mobilizing for Human Rights*. Cambridge: Cambridge University Press.

<sup>6</sup> Michael Coppedge et al. 2016. V-Dem Dataset V6.2. [www.v-dem.net](http://www.v-dem.net).

<sup>7</sup> Keith Schnakenberg and Christopher Fariss. 2014. Dynamic Patterns of Human Rights Practices. *Political Science Research and Methods* 2(1): 1-31.