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Exploring the Universe of UN Human Rights Agreements

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Abstract

The international human rights (HR) regime is vast and complex. Yet, most of what we know about it draws from a handful of agreements, often chosen for their prominence and/or perceived centrality to the HR project. This article argues that HR research needs to expand its scope to encompass all agreements in this realm, and presents a new data resource that enables scholars to accomplish that goal. Using the data, I demonstrate that the literature has painted an unrepresentative portrait of HR agreements. In addition to making comprehensive analysis possible, the database moves the literature forward by (1) taking into account important legal distinctions in the process of making treaties binding, (2) providing information on treaty design, and (3) considering relationships between agreements. I present several applications and discuss future areas of inquiry. Network analysis and the linking of treaty participation to HR outcomes are two notable areas of interest.

Keywords

human rights, international treaties, quantitative analysis, database

Today, human rights agreements (HRAs) are ubiquitous in the international legal landscape. A treaty or other international legal document[1] exists in defense of virtually any entitlement one can think of: torture prohibition, wage equality, basic

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education, religious freedom, and many more. Every country in the world has pledged to respect at least one "core"[2] human rights (HR) treaty (Office of the UN High Commissioner of Human Rights [OHCHR] 2016b), and most have made more extensive promises. Dozens of countries have incorporated language from these agreements into their constitutions (Beck, Drori, and Meyer 2012; Elkins, Ginsburg, and Simmons 2013).

Why are states willing to commit to international scrutiny, an area that international law has historically regarded as a purely domestic matter? For decades—even as the global HR regime was expanding in size, scope, and complexity—international law and international relations (IR) scholars rarely asked the question (Hathaway 2007). This has changed dramatically in recent years. Across the social sciences and beyond, scholars have taken great interest in the international HR regime and in HR practices more generally (Hafner-Burton 2014). This trend is perhaps most palpable in quantitative IR research, which now comprises dozens if not hundreds of studies of the topic.[3]

Few would debate that the international HR regime is vast and complex. Yet, most of what we know about it draws from a handful of agreements, often chosen for their prominence in the United Nations (UN) system (Elkins, Ginsburg, and Simmons 2013; Simmons 2009) and/or perceived centrality to the HR project (Hafner-Burton and Ron 2009). These agreements make up only a small portion of the treaties in the UN HRA regime, and there is good reason to believe that they are not representative of the broader body of international HR law.

Our understanding of the HRA regime is constrained in at least three other ways. First, most work focuses on ratification[4] or its legal equivalent, largely neglecting other important elements of legalization that matter for a treaty's legal status and, some would argue, for its legitimacy (Abbott et al. 2000). Second, scholars often overlook important aspects of treaty design, particularly those surrounding states' use of mechanisms that "ramp up" sovereignty costs.[5] Finally, while even its strongest critics recognize that the HRA regime is a veritable complex (Posner 2014), existing work provides very little systematic consideration of the relationships *between* the agreements that form it.

This article argues that HRA research needs to expand its scope in order to overcome these limitations. To facilitate this goal, I present a new database—the Database of UN Human Rights Agreements (DHRA; http://www.humanrightstreaties.org)—that covers all HRAs in the global organization. This descriptive accuracy and nuance provide a panorama of international HR law—an important improvement on the selective snapshots the literature has accumulated so far. The database also enables us to better engage with important debates in the literature and in the policy world. For instance, is there a trade-off between gaining widespread participation and getting governments to make commitments that impose meaningful constraints (Downs, Rocke, and Barsoom 1996)?

The article is organized as follows. In the following section, I provide a brief overview of the HRA universe and of the quantitative HRA literature, showing why

the latter's focus on select agreements and legal outcomes is problematic. Next, I introduce the DHRA and show why it is crucial that we explore all agreements as well as the variety of ways in which states give legal meaning to them. I offer an overview of how participation varies across agreement, country, and time. Three of the most consistent themes to emerge are (1) core HRAs are far from representative of the broader body of international HR law, (2) the HRA universe is complex and diverse, and (3) as sovereignty costs rise, governments typically become warier of participation. Next, I explore two of the many ways in which we can apply and extend the DHRA. I demonstrate how we can use tools of network analysis to understand centrality and to identify distinct "communities" within the HRA regime. Second, I link the data to HR outcomes. Although this does not allow us to say with certainty whether these agreements have rights-improving effects, it is a useful first step in that process. The final section summarizes the findings and briefly explores how the DHRA opens up new opportunities to engage with important debates about treaty participation and effectiveness across the full range of HRAs.

International HR Law: An Overview

This section has three main objectives. First, I provide a brief overview of the history of international HR law in order to contextualize the DHRA. Second, I offer a basic survey of the quantitative HRA literature.[6] Third, I show why the focus on a handful of treaties, and on ratification as the central (and in many cases sole) legal outcome of interest, is problematic. In doing so, I also establish why we need a more accurate and nuanced understanding of the HRA universe.

International law has two traditional sources: custom and consensual agreements such as treaties (Guzman 2008, 183). Customary international norms about the treatment of individuals have existed in certain regions for centuries (Teitel 2011). Historically, these focused chiefly on war conduct,[7] but by the nineteenth century, they gained traction in areas such as slave-trade abolition, workers' rights, and protections for certain minorities (Henkin 1990). Throughout the 1800s and early 1900s, these ideas were codified in international agreements.

The close of World War II did not mark the birth of international HR law (Martinez 2012), but it was nonetheless a defining point in at least one respect. Previously, HRAs focused almost exclusively on practices that created cross-border externalities.[8] After 1945, the regime began to look more deeply *inside* the state, regulating practices traditionally perceived as a domestic matter (Moravcsik 2000). This, in large part, is what makes HR different from most other areas covered by international law (Hathaway 2007; Moravcsik 2000).

For decades—even as this regime was expanding in size, scope, and complexity—international law and IR scholars paid it little attention (Hathaway 2007).[9] This has changed dramatically recently, perhaps most palpably in quantitative IR research. We now have a large body of quantitative work that explores when and

why governments join HRAs, and whether/why they comply. This article focuses chiefly on the first question. Later, I consider extensions that would involve using the DHRA to address the second question.

Most of what we know about HRA participation draws from a handful of agreements, which typically have core status and, more often than not, confer civil/political/physical integrity rights (see Online Appendix Table S1a). Core status is a UN designation for HRAs that cover the most prominent rights (Elkins, Ginsburg, and Simmons 2013).[10] The designation has no specific legal consequence, but these HRAs typically attract substantial fanfare, which may have an important social(izing) function (Goodman and Jinks 2004; Wotipka and Ramirez 2008). The heavy focus on civil/political/physical integrity rights is well-documented. It may stem from the West's emphasis on these entitlements, whose universality may be more widely accepted (Hafner-Burton and Ron 2009).

To some extent, this focus is understandable: we often choose particular treaties because they spark our interest as being among the most important multilateral agreements (Simmons 2009; Wotipka and Tsutsui 2008), as forming the backbone of the UN HR system (Elkins, Ginsburg, and Simmons 2013), or as covering entitlements that are central to the HR project (Hafner-Burton and Ron 2009).

However, these agreements are only a portion of the broader body of UN HRAs. Indeed, although "noncore" accords make up over half the HRA universe, only a few studies have explored them (Greenhill and Strausz 2014; Hathaway 2002; Wotipka and Tsutsui 2008). Nor do most HRAs fall under the civil/political/physical integrity rubric. Women's and children's rights have gained some scrutiny (Cole 2013a; Gauri 2011; Hill 2010; Simmons 2009; Wotipka and Ramirez 2008; von Stein 2016), although nowhere near the level accorded to civil/political/physical integrity entitlements. Economic, social, and cultural liberties and the rights of minority groups have drawn much less attention, even though over half of all UN HRAs specifically address them.[11]

This focus on a handful of HRAs creates generalizability problems: what we know about a few famous agreements may not reflect the broader reality of international HR law. It also creates the related challenge of selection bias—a failure to ensure that "the criteria for selecting cases are uncorrelated with the placement of cases on the dependent variable" (Geddes 1990, 134–35). This can lead to improper inferences not only about outcomes (e.g., ratification rates) but also about causal variables' impact (e.g., whether a particular factor drives an outcome). Both are of concern to quantitatively oriented scholars. They are well understood in principle, but in practice, they persist in the literature.

Consider the Convention against Torture (CAT), which has drawn more IR scholarly attention than has any other HRA. This agreement is important and has generated a wealth of pathbreaking research (see Online Appendix Table S1a), but it is also unique. In addition to its core status, the CAT has a monitoring body and optional articles/protocols. It also includes the novel

enforcement mechanism of universal jurisdiction (Roht-Arriaza 2005). No other HRA looks like this; indeed, half of these agreements have no specific monitoring or enforcement provisions at all. Our CAT-specific findings are important, but they may not tell us a great deal about the broader body of international HR law.

Additionally, in focusing largely on ratification as the chief legal outcome of interest, existing research overlooks important nuance in how states give meaning to treaties. This emphasis is fairly understandable: ratification is a very important act. Yet, it is not the only notable step in the life of a treaty. Other elements of legalization—ranging from creation to entry into force—matter for a treaty's legal status and, some would argue, for its legitimacy (Abbott and Snidal 2000). Relatedly, few studies have systematically explored HRA design features that delegate authority to external actors and/or empower actors to escalate complaints to the international scene. These provisions are interesting because—on paper anyhow—they enhance monitoring and make enforcement more likely (Cole 2009; Hafner-Burton, Mansfield, and Pevehouse 2015; Smith-Cannoy 2012). How do states engage with these mechanisms; are they substitutes or complements?

Finally, by focusing on one or a handful of HRAs, scholars have often overlooked relationships between agreements. As Cassel (2001) notes, treaty participation rarely takes place in a vacuum: We cannot adequately understand what is happening with one HRA unless we also consider the opportunities and pressures that exist in the context of other treaties.[12] To their credit, some scholars have attempted to gauge these relationships by considering states' participation in other core HRAs or in a given issue area (Simmons 2009; Wotipka and Ramirez 2008). However, without a comprehensive data source, we are likely missing the full gamut of treaty interactions. What is more, the connectedness of these agreements is an important area to explore in its own right.

To make progress, we need to look at all HRAs. Such an approach is now commonplace in related and other areas governed by international law, such as the environment (Bernauer et al. 2010), trade (Dür, Baccini, and Elsig 2014), alliances (Leeds et al. 2005), and war conduct (Morrow 2007). This approach provides a more representative view of the body of international HR law. It also allows us to delve more deeply into and to compare important intricacies in these agreements, yielding a richer understanding of how governments give meaning to treaties. Finally, with a comprehensive data set, we can better understand the relationships between all HRAs.

Exploring the Universe of UN HRAs: Data Scope and Overview

This section introduces and describes the DHRA, focusing on (1) the criteria for inclusion in the database and (2) agreement-level characteristics.

What "Universe?"

The data cover all post–World War II universal HRAs that are subject to ratification (see Online Appendix for greater detail). Other instruments such as declarations are certainly of interest, but they are not technically legally binding.[13] Indeed, it is often said that ratification is one of the most meaningful steps a state can take with regard to an international law (Simmons 2009). While I limit the data to ratifiable agreements, I explore several legal outcomes of interest in the life of a treaty, described below.

Are we comparing apples with apples? These agreements, after all, cover a wide variety of practices—is it sensible to analyze an HRA that calls for the elimination of torture alongside one that obliges governments to provide basic education? These accords also vary greatly in what they require: can we reasonably analyze an HRA that simply requires that marriage not automatically alter a woman's citizenship, alongside one that empowers women to complain directly to the UN if they believe their governments have failed them?

There is no doubt that the HRA universe is diverse on many dimensions. Each agreement has its own story and dynamic,[14] and there is value in exploring them individually as well. The question is not whether these HRAs are identical; they are not (Cole 2009). Rather, the question is whether they have enough in common that it is worthwhile to look at them as a whole and to compare them. These agreements share many characteristics. Most fundamentally, they all seek to extend inalienable rights to individuals or groups. They are all administered by the UN or its subsidiary bodies and typically face similar monitoring and enforcement challenges. This article joins many others in viewing aggregation as one of the best ways to address some of the literature's most pressing questions (Hafner-Burton, Mansfield, and Pevehouse 2015; Bernauer et al. 2010; Leeds et al. 2005; Dür et al. 2014; Lupu 2016).

In expanding our scope to include all HRAs, we are incorporating a diverse range of treaties. Some—such as those protecting producers of phonograms or regulating importation of educational, scientific, and cultural materials—are narrow, possibly arcane, and/or may be of limited significance to most IR scholars. This does not reduce the DHRA's utility or suggest that noncore HRAs are systematically of limited interest. First, many noncore agreements cover pressing contemporary struggles (e.g., human trafficking, refugee treatment) or are/were important to large segments of the population (e.g., genocide, educational discrimination). Moreover, the inclusion of (possibly) limited interest HRAs is a by-product of the scientific endeavor. Researchers should value these agreements' inclusion not necessarily because they care about those HRAs' particular terms, but because they value the scientific enterprise. As Koremenos (2016, 19) argues, when compiling data sets, there are good reasons to approach treaty law with impartiality, not prejudging whether particular agreements are trivial or important.

Agreement Creation/Characteristics

The data comprise forty-two agreements. Here, I provide an overview of the data on treaty creation and design (see Online Appendix Table S2a for the full agreement list).

Adoption. Most HRAs are adopted by United Nations General Assembly (UNGA) vote. An interesting application would involve using this information to trace the delay between when a HR problem first emerges in civil society, domestic context, and/or in customary international law, and when it becomes treaty law (Carpenter 2007; Verdier and Voeten 2014). This would provide insight into how norms emerge and become codified in treaty law (Finnemore and Sikkink 1998).

Core versus noncore. One anticipated area of distinction in these agreements is core versus noncore status, a designation made by the UN's OHCHR (2016b). Core agreements make up 43 percent of HRAs. They are clearly overrepresented in the HRA literature.

Issue area. I classify each agreement by issue area, following the OHCHR's (2016a) general categories.[15] In the first instance, these are useful for gauging whether the literature's heavy emphasis on physical integrity/civil/political rights agreements is in line with treaty reality. Clearly, it is not: less than one in four agreements covers those rights. Looking at all issue areas also opens up interesting questions about compliance, discussed later.

Design features. I code each treaty for three mechanisms through which states can ramp up sovereignty costs: state reports, interstate complaints, and individual complaints.

Half of all HRAs include mechanisms whereby governments submit reports to a committee, detailing how they are giving effect to the ratified treaty (Hong 2016). The administrative cost of producing reports is rarely prohibitive (Cole 2009). Potentially more notable are the sovereignty costs of having an external actor involved in monitoring and the doors this may open for some form of punishment. There is debate about whether these costs are real in practice. Late and nonsubmission are widespread, and even when governments do tender reports, committees are sometimes professionally inadequate (Cole 2009; Hafner-Burton 2014). Still, there is some evidence that the requirement matters: Creamer and Simmons (2016) show that the CAT review process helps to reduce torture in reporting countries while also increasing media attention.

Two additional details about reporting provisions are noteworthy. First, all core HRAs, but only a handful of noncore agreements, have these clauses. Second, these provisions are not optional for ratifiers. This is important because it means that core HRAs are somewhat more invasive as compared to the average noncore agreement. I return to this point later in the ratification analyses.

One in five HRAs includes a provision allowing other states to lodge complaints that a state party is not fulfilling its treaty commitments. These differ from state

reports in two respects. First, whereas all core agreements require reporting, many core HRAs do not have interstate complaint mechanisms.[16] Second, the latter are optional—with the interesting exception of the Convention on Racial Discrimination (CERD). Initially, the committee simply conveys the complaint to the alleged offender. Ultimately, the former can attempt to facilitate a resolution. Although it has no putative authority, the committee is entitled to issue a report with relevant facts and its assessment (Cole 2009). This may be reputationally costly for governments.[17]

A little over one in five agreements includes a provision allowing governments to empower their own citizens to file complaints with the relevant committee if they believe they are victims of a violation and have exhausted all domestic remedies (Cole 2009; Hafner-Burton, Mansfield, and Pevehouse 2015; Smith-Cannoy 2012). These provisions are always optional. Once an individual submits a complaint, the procedure is similar to that of an interstate complaint.

Tracing the Life of a Treaty

The DHRA is a tool that enables scholars to explore various outcomes across all UN HRAs. It provides information on four broad outcomes in the life of a treaty (after adoption). Along with compliance,[18] these are the most significant legal steps that can be taken once an agreement exists.

Signature

Signature—a state's official acceptance of an agreement's text—is the next obvious step in the life of a treaty after creation. The legal consequences of signature alone have been the subject of debate historically.[19] Some argued that it creates an obligation to ratify (Harley 1919), whereas others viewed a state that has signed but not ratified as "legally in the same situation as a state which has nothing to do with the instrument" (Wright 1917, 568). Most now agree that signature (1) signals an *intent* to seek ratification and (2) carries a duty not to undermine the agreement's object and purpose (Swaine 2003; Vienna Convention on the Law of Treaties [VCLT] 1969, article 18).

While the distinction between signing and ratifying does not regularly make headlines, it has gained some attention in recent years. The above concerns were key in motivating the G. W. Bush administration to "unsign" the treaty establishing the International Criminal Court (Swaine 2003). Fidel Castro's signature of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) days after taking office earned him praise; but Cuba's failure, almost a decade later, to ratify has been met with criticism (Amnesty International 2015–2016).

Ratification

Unlike signature, ratification communicates consent to be bound—acceptance of an obligation to adhere to the agreement (VCLT 1969, articles 11 and 12). It typically involves domestic approval, although this varies by country. Ratification is an "explicit, public, and lawlike promise by public authorities" (Simmons 2009, 8).[20] It is also important because entry into force, discussed later, requires that a certain number of parties ratify.

Table 1 displays the main actions governments take vis-à-vis HRAs. The data are aggregated across three dimensions (which I later disentangle): agreement, country, and time. In about a third of cases, states take no action whatsoever. It is also rare, but not unheard of (about 5 percent), for governments to sign but take no further action. Although governments frequently avoid legally binding HRA obligations, ratification is still the most common outcome. This is consistent with much of the HRA literature. However, my findings diverge from those of some high-profile treaty studies, which find end ratification rates around 90 percent (Landman 2005; Wotipka and Ramirez 2008). It is clear from my investigation of all HRAs that *universal* participation is not the typical outcome.

Table 1. Actions on United Nations Human Rights Agreements.

Action	Number of observations
No action	2,527
Signature: Never ratify	369
Signature: Ratify later	1,823
Ratify directly (or equivalent)	2,232

While insightful, Table 1's bird's-eye view of participation masks potentially interesting differences from agreement to agreement. In an analysis reported in the Online Appendix, I examine the main modes of participation as of 2015 for each agreement.[21] Not surprisingly, newer agreements have lower ratification rates and higher "sign-only" rates—with the exception of the Disabilities Convention. Overall, it is clear that HRA participation varies considerably from one agreement to the next. Additionally, with the exception of recent agreements, membership rates have little to do with treaty age. Quite a few HRAs have yet to garner the support of even a simple majority of nations—even after decades. This contrasts with what the literature, focusing chiefly on high-profile agreements, has found.

Next, I explore whether/how participation varies by country. Figure 1 displays the total number of UN HRAs each state has ratified. No state has ratified all agreements, but a handful—all in South America and Eastern Europe—comes very close. These regions have the highest participation rates, followed very closely by Western Europe. Their enthusiasm for HRAs is well-documented, although the large-*N* literature sometimes overlooks South America's heavy involvement (Hafner-Burton and Ron 2009; Smith-Cannoy 2012).

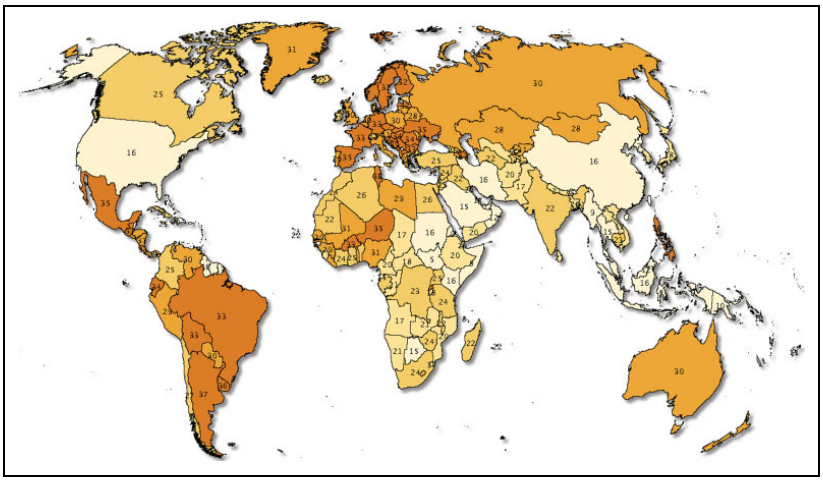

Figure 1. Total human rights agreements ratified by 2015.

East Asia's apathy toward the regime is evident in its overall ratification behavior, even among entrenched democracies like Japan and South Korea, among which one might expect heavier participation. However, the United States is arguably the most conspicuous nonratifier. America's history of exceptionalism in HR is well-known (Ignatieff 2005). The present analysis offers a picture of just how different the United States is from its peers. It participates in half the number of HRAs of other Western nations. In terms of the sheer number of agreements ratified, its behavior is more comparable to that of certain Middle Eastern states with far poorer HR records.

Looking at ratification rates as of 2015 masks potentially important information about how long it takes states to participate. To better understand these differences, I explore the timing of signature and ratification. I first look at treaty text acceptance, which (as discussed earlier) can take place via signature or is subsumed by ratification. To understand these actions' timing, we need to differentiate agreements with specific signature deadlines from those that are open-ended. The Genocide Convention, for instance, allowed signatures for just over a year. In contrast, some agreements allow signature at any time. These rules have implications for the timing of signature and direct ratification.

Figure 2 examines the various outcomes as a function of the number of years since treaty adoption (or independence, if later).[22] For the fourteen HRAs with signature deadlines (slide a), the timing is straightforward: governments wishing to sign must do so before that limit. The timing of signature of HRAs without deadlines (slide b) is more intriguing. Although it is not unheard of for governments to delay signature for many years, early signature is still far more common. Consistent with Cole's (2009, 576) ICESCR and ICCPR findings, the vast majority (almost 80 percent) takes place within two years. It is hard to

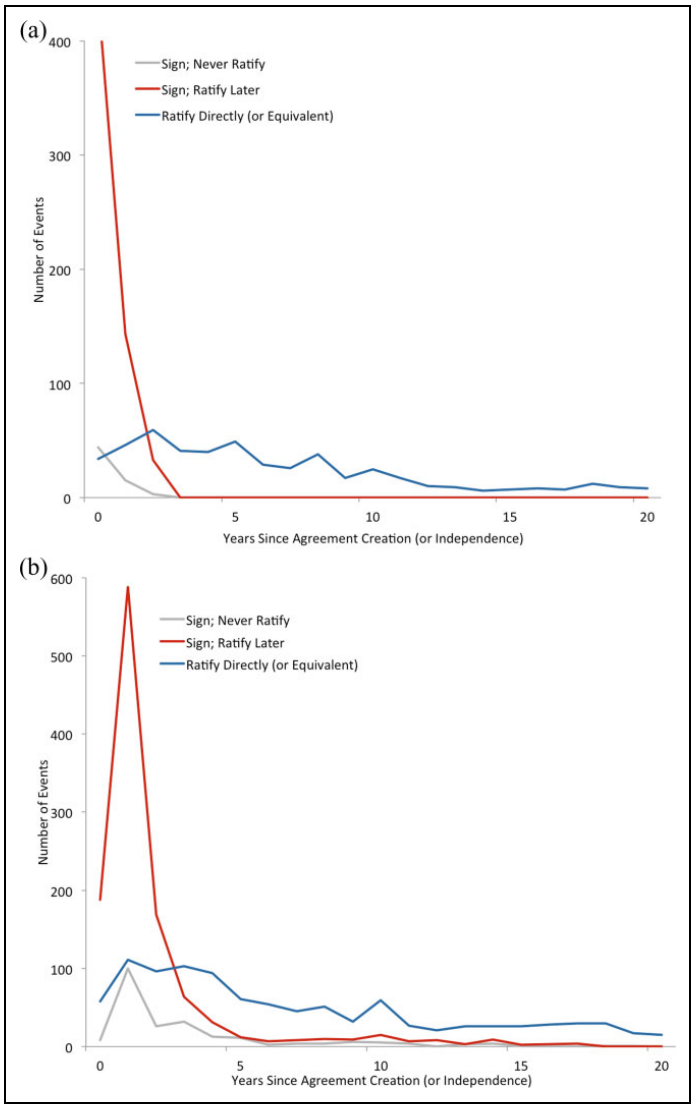

Figure 2. Paths to human rights agreement signatory status. (a) Agreements with signature deadlines. (b) Agreements without signature deadlines.

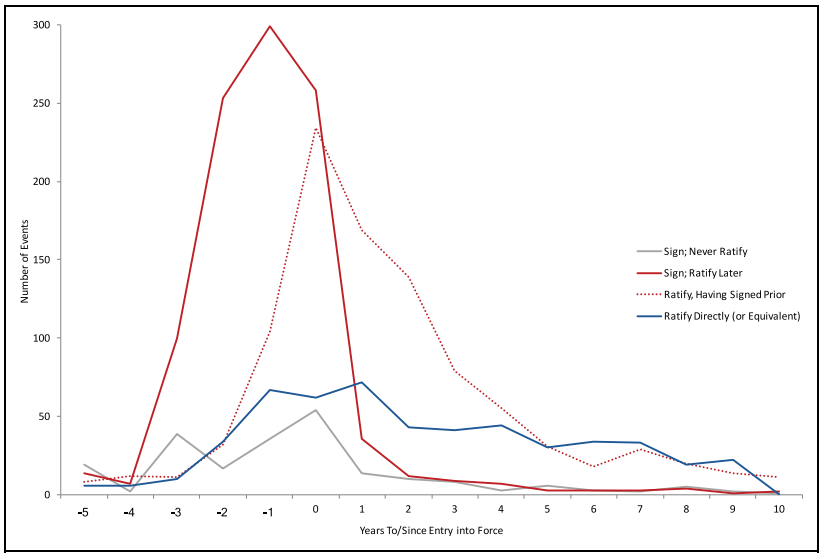

Figure 3. Entry into force and paths to signatory status: Agreements without signature deadlines.

understand this without reference to another legal step in the life of a treaty—entry into force—the final element required for an agreement to become technically legally binding. Entry into force provisions establish minimum participation requirements that must be fulfilled before any party is technically bound. These vary but typically stipulate (1) a minimum number of ratifications, and (2) a minimum time period after (1) is fulfilled.

Figure 3 explores the relationship between entry into force and signature versus direct ratification for agreements without signature deadlines. To be clear, the upshot is *not* that signature causes HRAs to enter into force (or vice versa). *Ratification* and the fulfillment of additional institutional rules do that. Rather, the point is that once an agreement enters into force, signature becomes rare. Instead, most ratifiers bypass signature once an agreement is in force. Why? This behavior is all the more puzzling, given that there is no legal requirement to eschew signature after an agreement has entered into force.

A compelling explanation comes from Cole (2009). He suggests that the immediate period after a treaty's creation can be uncertain, leading many "first movers" to avoid hard legal obligations (see also Abbott and Snidal 2000). This step helps to reduce uncertainty about treaty participation and interpretation and serves as an indicator of agreement legitimacy. These inspire confidence and prompt governments to ratify directly (Cole 2009, 578). Once an agreement has entered into force, countries that sign but eschew ratification are rare.

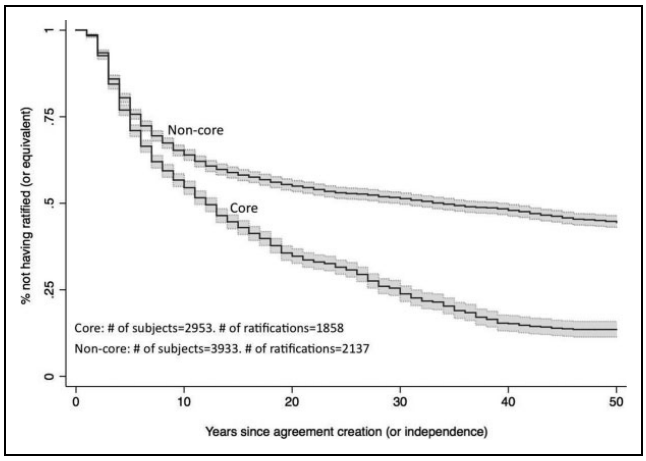

Figure 4. Kaplan–Meier survival estimates, core versus noncore agreements.

I now focus specifically on ratification. Following common practice, I look at countries' "spell" to ratification, using survival analysis (cf., Cole 2009; Simmons 2000, 2009; Woptika and Ramirez 2008; Wotipka and Tsutsui 2008; Vreeland 2008; von Stein 2016). I start with a simple question—one of the central questions that motivates this study. Does ratification of the core HRAs, which gain the bulk of the attention in the literature, differ from that of noncore agreements?[23] Figure 4 addresses this question, displaying survival curves.[24] The average core HRA has an end ratification rate of 85 percent (in late 2015) and takes a little over ten years to ratify. In contrast, the average noncore HRA has an end ratification rate of 45 percent and takes thirty years to ratify. Figure 4 is unequivocal: the core HRAs are significantly more prone to gain support quickly.[25]

These comparisons provide evidence for the idea that the HRAs on which most research have focused are not representative of the broader body of agreements. The literature has overstated how quickly countries join most HRAs. Whether it has also drawn biased conclusions about causal variables' impact is more complex and takes us beyond the scope of this article. To the extent that studies have been careful to circumscribe their findings, this is not a danger. My premise is not that treaty-specific results are incorrect in their particular context, but rather that they may be of limited generalizability. The DHRA will enable researchers to explore this important question in the future.

Entry into Force

On paper, HRA entry into force provisions are not particularly cumbersome. Compare the average UN HR requirement (fourteen ratifiers) to the Paris Climate

Change Agreement requirements (fifty-five ratifiers and 55 percent of global emissions). In the HRA regime, the mandated delay after fulfillment of participation clauses is a mere three months on average. While these are not particularly demanding, in practice, delays are variable and can be long. For each agreement, I collected information on how long entry into force took in practice. The average delay is only three and half years, but the variation is wide: between nine months and fourteen years.

At the most basic level, agreement design determines how long it takes HRAs to enter into force. This is plain to see from a survival analysis[26] of how long each agreement took to enter into force, using the entry into force provisions as independent variables (Table 2). As one would expect, both requirements delay ratification at standard levels of statistical significance. An one-country increase in the number of required ratifiers delays entry into force by about 4 percent; a one-month increase in the mandated delay stalls ratification by about 44 percent.

Table 2. Cox Proportional Hazards Analysis of Human Rights Agreement Entry into Force.

Required number of ratifications	−0.044 (.011)
Required additional delay (months)	−0.441 (.000)
Number of observations	42
Log likelihood	−108.81

Note: *p* Values appear in parentheses.

State Report, Interstate Complaint, and Individual Complaint Mechanisms

Looking at states' acceptance of these clauses provides insight into a question of fundamental interest to scholars of international cooperation: Is there a trade-off between gaining widespread participation and getting governments to make commitments that impose meaningful constraints? (Downs, Rocke, and Barsoom 1996). Ratification of an agreement that requires no reporting and establishes no monitoring/enforcement mechanisms is often understood as a relatively costless move (see Conrad 2014; Conrad and Ritter 2013, 2015, n.d., Hathaway 2007; Powell and Staton 2007; Simmons 2009; and von Stein 2016, for nuance that hinges on the role of domestic institutions.). In contrast, state reporting and both types of complaint mechanism potentially impinge on states' sovereignty (Hafner-Burton, Mansfield, and Pevehouse 2015). As a result, all else equal, one would expect states to be warier of taking on these obligations than they would of participating in treaties without these provisions.

To understand how state report requirements affect ratification, I compare three groups: (1) core HRAs (which all have these provisions), (2) noncore HRAs with these provisions, and (3) noncore agreements without these provisions. Recall that state reports are compulsory when they exist. I calculate incidence rates for each group, which indicate the probability that a country ratifies in a given year, given

that it did not already do so. Incidence rates for each group are as follows: group 1 = .051, group 2 = .033, and group 3 = .019. Each group is statistically different from the others.[27]

These analyses suggest several things. First, if we restrict our attention to agreements with reporting requirements, the core HRAs' higher participation rates make sense, given the fanfare and social pressure surrounding them (Goodman and Jinks 2004; Wotipka and Ramirez 2008) and the possibility that there is more consensus on the rights they cover (Hafner-Burton and Ron 2009). Second, however, when we compare groups 1 and 2 to group 3, the notion that sovereignty costs deter ratification does not gain support. Indeed, the evidence points in the opposite direction, as HRAs without reporting requirements—presumably the least invasive—are also the least popular, with only about 50 percent of countries/treaties having ratified as of 2015. Overall, the end ratification rates (by 2015) for agreements with state report provisions are high (around 80 percent).

How should we interpret these findings? First, of course, it is possible that states find these provisions desirable—that is, worth the sovereignty costs. Monitoring, Abbott and Snidal (2010) remind us, can help reassure cooperation partners as well as domestic critics. A second point is that because state-reporting provisions are not optional, it is difficult to disentangle these design features from other characteristics of treaties. Governments may not particularly like state-reporting requirements but may find agreements with these provisions more attractive for other reasons. Relatedly, there is a degree of endogeneity in the design of international agreements (Downs, Rocke, and Barsoom 1996): high-popularity/high-stakes problems attract certain design mechanisms. Finally, as discussed earlier, many have questioned whether state-reporting provisions do indeed carry meaningful sovereignty costs (Cole 2012; Hafner-Burton, Mansfield, and Pevehouse 2015). If they do not, then the patterns discussed in the previous paragraph are less perplexing than initially believed. Overall, this analysis makes clear the complexity of studying participation in treaty features that are not optional and not evenly distributed across agreements.

Acceptance of interstate complaint clauses presents a more straightforward case—these provisions are optional,[28] and there is more widespread agreement that these generate sovereignty costs (cf., Hafner-Burton, Mansfield, and Pevehouse 2015). As Figure 5 (slide a) shows, governments are reticent to turn over this kind of authority: even half a century after the creation of an agreement with such provisions, states only allow other states to lodge complaints about 20 percent of the time. These countries are almost exclusively Western or Latin American, but a handful of East European and African countries have also done so.

Figure 5 (slide b) gauges acceptance of provisions allowing individuals to lodge complaints against their own governments. As for interstate complaints, there is fairly wide agreement that these can be invasive (Hong 2016; Smith-Cannoy 2012). Participation is still fairly limited (40 percent even after half a decade), but still more notable than for interstate complaints. Interestingly, the countries that allow individual grievances are diverse as compared to those accepting interstate

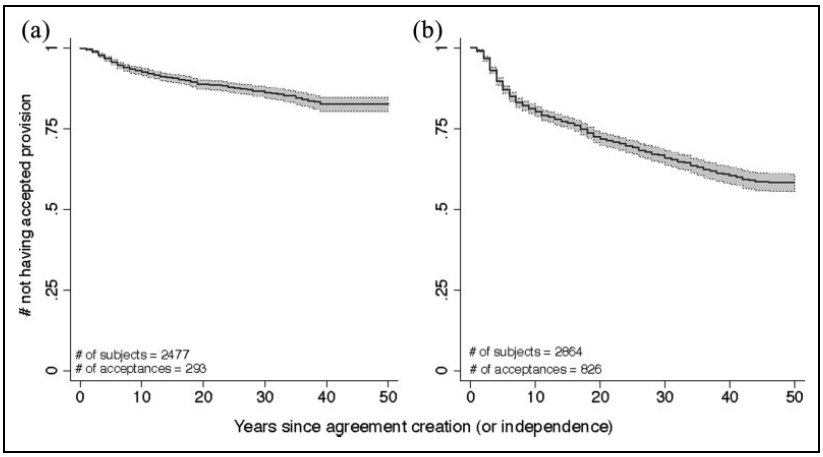

Figure 5. Kaplan–Meier survival estimates, "ramping up" sovereignty costs. (a) Interstate complaint provisions. (b) Individual complaint provisions.

complaints. No particular region or regime type appears more (or less) prone to dominate the latter group. In future research, it would be interesting to explore why a number of developing/nondemocratic countries are comfortable putting this tool in the hands of their own citizens but not other states.

Overall, the discussion of mechanisms that enable states to ramp up sovereignty costs suggests that state reporting is indeterminate/complex in its impacts. In contrast, governments are fairly circumspect about empowering their own citizens to lodge complaints internationally and even warier of turning over such authority to other states. In future work, it would be insightful to compare what drives acceptance of state complaint mechanisms versus individual complaint provisions. My preliminary country comparisons suggest that there may be different motivations for choosing one or the other.

Additional Applications and Extensions

The DHRA opens up opportunities to explore a number of additional questions, many of which I have touched on throughout the article. In this section, I present an application and an extension of the data.

Network Analysis of the HRA Regime

While one could employ a number of approaches in order to better understand the HRA regime, network analysis is particularly appropriate because it allows us to explore the relationships that form structures, which in turn enable and/or constrain

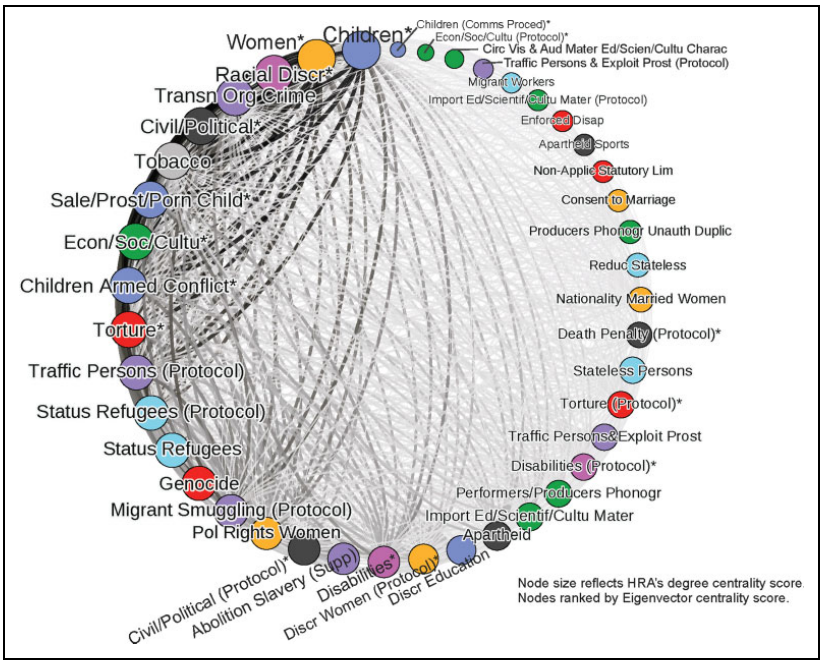

Figure 6. Centrality in the United Nations human rights agreement network.

actors (Hafner-Burton and Ron 2009; Scott 2013). Here, each node represents an HRA, and each tie indicates mutual ratification.[29]

A question that flows naturally from the discussion of the core/noncore distinction is which agreements are the most important in the regime? In network analysis, the concept of "centrality" directly addresses this question. There are several ways of thinking about and measuring centrality (Scott 2013). I focus on two of the most commonly used. The first, to use the language of interpersonal relationships, perceives the most important person as the one with the most friends. This measure—*degree centrality*—indicates the number of ties a node has to other nodes. A second approach argues that it is not simply having friends that matters, but rather whether one's friends are important (Davis and Murdie 2012). This second measure—*eigenvector centrality*—gauges the number of ties a node has to other nodes that are central in the network. In HRA context, the conceptual difference is potentially important; whereas degree centrality looks at the strength of ties to other HRAs *writ large*, eigenvector centrality assesses the strength of ties to *influential* HRAs.

Figure 6 gauges which HRAs are central to the regime using these two concepts. Each node is sized to reflect its degree centrality score. The larger the node, the more central the agreement is to the regime (as defined by that metric). Additionally, I

rank each HRA according to its eigenvector centrality score. Clockwise around the circle, the agreements become increasingly central to the network (as defined by that metric). I also weight the edges: darker/wider edges denote more mutual ratifications.[30]

It is immediately clear that the HRA network is very dense. It is also evident that (most) core agreements are more central in the HRA network as compared to (most) noncore agreements—across both measures.[31] This is unsurprising, but there are a few notable exceptions. First, a few core agreements are not central, being relatively new (e.g., Convention on the Rights of the Child (CRC) Communications Procedure) or having content that many countries find problematic (e.g., Migrant Workers' Convention; Cholewinski, Guchteneire, and Pécoud 2009). Second, several noncore HRAs are central to the regime; almost all concern cross-border flows of people (e.g., convention on the status of refugees and its protocol, protocol on trafficking in persons). This is consistent with the idea that (all else equal) governments typically place more emphasis on problems that create cross-national externalities.

The distinction between degree and eigenvector centrality is conceptually important because it enables us to differentiate connectedness to *all treaties* from connectedness to *important treaties.* For a handful of HRAs, this distinction is significant. Indeed, despite not having the very highest number of ties to other HRAs, a few agreements are quite central to the regime because of their links to important agreements.[32] The Genocide Convention is a key example. Several countries (about 20 percent) have refrained from joining this agreement—the oldest in the regime (cf., Greenhill and Strausz 2014)—and therefore its degree centrality is somewhat hampered. Yet, it has strong ties to agreements such as the CERD, the CRC, and—to a somewhat lesser extent—the ICCPR. This makes the Genocide Convention "important" in the sense understood by eigenvector centrality. The two refugee conventions mentioned in the previous paragraph have similar characteristics.

Another important question that network analysis enables us to explore is which agreements form communities within the HRA network?[33] The concept of modularity is useful for identifying such communities, where subgroups have more ties within, and fewer ties between, each other than one would expect based solely on the number of ties (Scott 2013). As Newman (2006) argues, true community structure is about the *unexpected*: which treaties have more mutual ratifications than one would anticipate based on a simple random assignment?[34] Figure 7 identifies five such "modularities" in the HRA network.[35]

To arrange the agreements in the network, I use force-directed graphing, a commonly used procedure (Scott 2013). The basic intuition is that nodes repulse each other like charged particles, whereas ties attract nodes like springs. Through a series of simulations, the forces converge on a balanced state—a graph that places each node in relation to the others and shows the (strength or weakness of the) ties that link them (Jacomy et al. 2014). Nodes are sized to reflect the agreement's degree centrality score as shown in Figure 6. The larger the node, the more ties the agreement has.

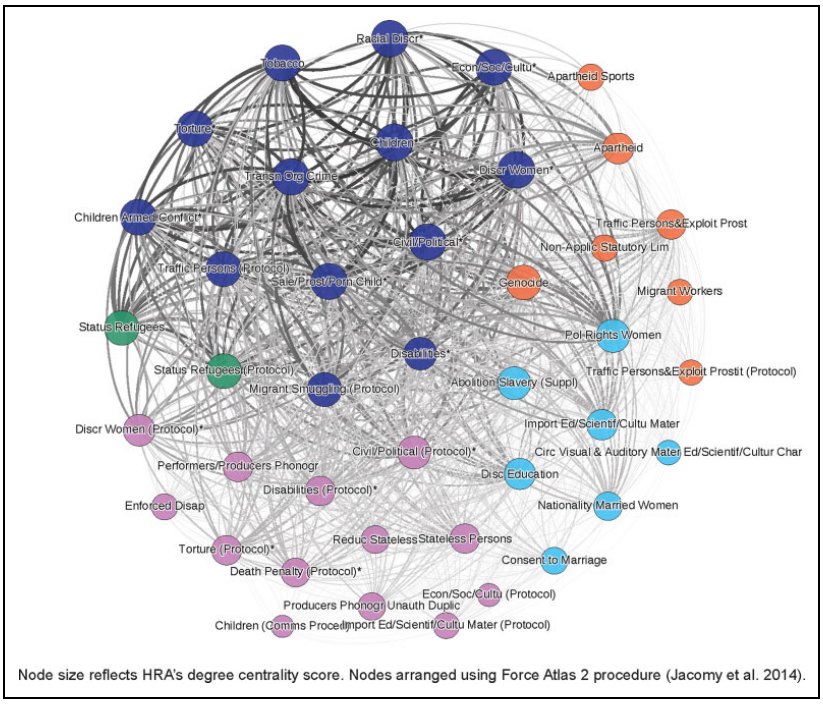

Figure 7. Modularities in the United Nations human rights agreement network. Node size reflects HRA's degree centrality score. Nodes arranged using Force Atlas 2 procedure (Jacomy et al. 2014).

The communities identified in Figure 7 are interesting. Not surprisingly, a "mostly core" HRA community is evident (dark blue) in the densest part of the network, which also comprises a few noncore agreements that cover cross-border flows as discussed earlier. There is also what one might call a distinct "physical integrity rights community" (orange), encompassing most, though not quite all, agreements that touch on genocide, apartheid, and trafficking in persons/prostitution. Refugee HRAs form their own community (green). The two communities at the bottom of Figure 7 are more difficult to characterize coherently. The light-blue community includes all the noncore women's rights agreements, but it also draws in a few other issue areas. Finally, the pink community groups several relatively poorly ratified HRAs across a range of rights.

Overall, these brief examples demonstrate how network analysis can be applied to the DHRA to further our understanding of the relationships between treaties and between countries. There are many other questions one could explore using this tool. For instance, where Figure 6 provides a snapshot of ratification status as of 2015, the

DHRA enables us to explore the timing of these events as well. Anecdotally, we know that treaty ratifications are often linked within country over time.[36] For instance, soon after joining the CRC in the early 1990s, several governments also ratified a prominent decades-old HRA prohibiting child labor (von Stein 2016). By unpacking the timing of ratification(s), we can learn more about dependencies between agreements. Looking at change over time can also shed light on how treaty ratification "spreads" across countries, for instance, within region (Simmons 2009).

"Compliance": An Extension

The DHRA does not include data on compliance—the degree to which countries abide by the terms of treaties (von Stein 2016).[37] This is an important extension that would enable scholars to engage with debates about whether/to what extent the regime is improving rights practices. While there is no shortage of quantitative measures of the latter, developing (a) proper gauge(s) of compliance requires careful consideration of what each treaty requires. It would be unreasonable to expect an HRA calling for free primary school education to correlate with a general measure of physical integrity rights violations. Such an approach could lead to improper (most likely type II) inferences. For those reasons, this article does not attempt such a general comparison. Cross-treaty comparison is possible but would require a compliance index based on what each treaty requires. This would necessitate a more extensive data collection undertaking than is possible within the scope of this project.

Nonetheless, a desire to connect the data to HR outcomes is understandable. To that end, I conduct some preliminary data work that links ratification to a measure of compliance, by issue area, as follows:[38]

- Civil/political: Electoral democracy (Coppedge et al. 2016);
- Refugee/migrant: Freedom of foreign movement (Cingranelli, Richards, and Clay 2016);
- Economic/social/cultural: Egalitarianism (Coppedge et al. 2016);
- Women: Women's political empowerment (Coppedge et al. 2016);
- Minorities: Protection from discrimination (Minorities at Risk Project 2009);
- Children: Immunization rates (World Bank 2016);
- Physical integrity: Latent HR protection score (Schnackenberg and Fariss 2014; Fariss 2014);
- Health: Public health spending as a percentage of gross domestic product (World Bank 2016); and
- Reliable time-series -cross-sectional data on slavery and/or human trafficking do not exist, so I do not attempt an analysis for that issue area.

Before discussing the findings, two caveats are in order. First, the compliance variables are blunt, because even within a given issue area, different agreements

often call for different outcomes. Therefore, these preliminary analyses should only be understood as a rough approximation of compliance. Second, these analyses should not be taken as an indication of causation per se. They simply tell us whether a correlation exists.

Three main empirical themes emerge from the analyses. First, for half of the issue areas (civil/political, refugee/migrant, social/cultural, and women), better compliance correlates tightly with ratification. This is heartening in the sense that it shows that even these blunt measures are capturing a relevant dimension of compliance. This finding is also interesting, given the very mixed record in the quantitative HRA compliance literature thus far (though it would be premature to draw anything resembling a definitive conclusion, for the reasons laid out above). Second, countries with better minority and children's rights are also more likely to participate in the agreements in the relevant issue area, although with some variability. Finally, there is virtually no link between compliance and ratification of physical integrity rights or health HRAs. Indeed, there is some suggestion that the countries with the greatest respect for physical integrity rights are among the least likely to participate in that regime. In future research, it would no doubt be interesting to explore these findings further.

Conclusion

This article began with a simple premise: international HR law is remarkably diverse, but the existing literature does not reflect this diversity. By focusing on a handful of prominent agreements, we have accumulated an incomplete and possibly biased view of this important part of the international legal landscape. I argue that we need to look to all agreements in the UN HR system, and I present a database that enables researchers to do so with relative ease. This approach has several benefits. First, it provides a more accurate panorama of the body of HRAs. Second, it will enable us to take account of legal distinctions in the process of accepting treaties as legally binding. Third, it makes possible systematic comparison of design features, which permits us to better understand when and how governments accept constraints beyond ratification. Finally, this approach opens up opportunities to systematically explore relationships between HRAs.

What have we learned by looking to the universe of UN HRAs? For starters, we have seen that the core agreements are not representative of the broader treaty reality. We have also observed in greater detail that treaty participation varies substantially by treaty, by country, and over time. Garnering HRA participation, this article has shown, can be a very slow process—much slower than one might deduce from the existing literature. We have also learned more about the complex interplay between signature, ratification, and entry into force. We have seen that treaty provisions matter. In some cases, of course, they directly define the available options. But even when this is not the case, a treaty's legal status can affect government actions by shaping perceptions of its popularity and viability.

We also know more about the various additional ways in which governments can deepen their commitments. While the intrusiveness of state reports is subject to debate, there is greater consensus that interstate and individual complaint provisions can impose significant sovereignty costs. The limited acceptance of these higher-cost provisions shows that states are wary of delegating authority in this manner, consistent with other treaty-by-treaty findings (Smith-Cannoy 2012). In future research, it would be interesting to explore the timing of these decisions, asking why countries opt for one mechanism over the other.[39] Finally, we have explored two promising ways in which the DHRA can be applied/extended to address important debates in the literature.

Looking forward, there are at least three additional areas in which the DHRA opens up opportunities for future research. First, an obvious next step is to conduct more sophisticated statistical analyses of signature, ratification, and so on. This enables us to assess whether the literature, by focusing on certain high-profile agreements, has presented a biased picture of what drives participation in the international HR regime. It also allow us to make more general statements about how these agreements operate as a whole and to make better sense of the variability of findings in the HRA literature. As part of this effort, network analysis can help us to understand to what extent countries make treaty participation decisions based on their ties to other countries and/or their linkages to other agreements in the network.

Second, the DHRA puts scholars in a better position to trace, systematically, when and how HR norms ultimately become codified in international law. HRAs are typically the outcome of a process that started decades (or more) earlier, when activists and/or policy makers pushed the cause onto the domestic and/or international agenda (Carpenter 2007; Martinez 2012). With the DHRA, we now have a "master list" of HRAs and can readily identify when a rights struggle became treaty law. Working backward, scholars can identify when a rights struggle first emerged (as well as its subsequent trajectory) in public discourse, the nongovernmental organization community, domestic law, and elsewhere in the international arena. This information could then be combined with the DHRA to address questions about norm emergence, acceptance, and so on (Finnemore and Sikkink 1998).[40]

Finally, although its scope has expanded somewhat (cf., Cole 2013a, 2013b), the HRA compliance literature continues to focus fairly heavily on a handful of treaties and rights. My investigation of the link between HR outcomes and ratification, although preliminary, uncovers some interesting relationships. Equally if not more importantly, it shows that cross-treaty comparison of compliance is possible. A crucial next step would involve identifying more fine-tuned measures of compliance (perhaps then aggregated into a cross-treaty compliance score) based not on issue area but on the treaty's specific requirements. This would open up exciting opportunities to engage more fully with debates about HR treaty effectiveness.

Author's Note

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Supplementary Material

Supplementary material is available for this article online.

Notes

1. As explained below, this article focuses on international agreements subject to ratification or its functional equivalent.
2. www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx. The United Nations (UN) makes this designation. See the next section (International Human Rights Law: An Overview) for further discussion.
3. This literature is vast (see Online Appendix Table S1a).
4. Governments can accept treaties as legally binding through several processes including ratification, acceptance, and accession. Because these all carry the same legal implication, I do not distinguish between them. I use the term "ratification" generically to denote all of these processes.
5. There are exceptions (see Cole 2009, 2012; Goodliffe and Hawkins 2006; Hafner-Burton, Mansfield, and Pevehouse 2015; Vreeland 2008).
6. For more extensive surveys, see Hafner-Burton (2012) and (2014) and Simmons (2009).
7. These are sometimes considered in their own rubric: humanitarian law. I consider this distinction later.
8. The obvious exception is labor rights, which have domestic and international elements. This owed in large part to the efforts of socialists, labor activists, and trade unionists. Notably, one of their core arguments was that international rights coordination would help prevent the upheavals that contribute to war (Ghébali 1988).
9. Online Appendix Figure S1a provides an overview UN human rights agreements' (HRAs) evolution since 1945.
10. The UN's Office of the UN High Commissioner of Human Rights makes this designation but does not clarify what makes a right "prominent." www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx.

11. Cole's (2009, 2013b, 2015) work is a notable exception. See also Lloyd and Simmons (2014).
12. I restrict the study to human rights, but note that treaty participation in other realms (e.g., trade) may help to explain HRA involvement as well.
13. See Elliott (2011), who looks at the creation of international human rights instruments broadly defined.
14. Large-*N* approaches cannot capture these dynamics in any depth, but they can explicitly model them.
15. Children, civil/political, health, minorities, physical integrity, economic/social/cultural, refugees/migrants, trafficking/slavery, or women.
16. No noncore HRAs have these provisions.
17. In practice, we do not know whether this is the case, because no state has ever used this procedure. This does not necessarily mean the chances of enforcement through this mechanism are 0. It is always possible for governments that have accepted this provision to use it.
18. Discussed later.
19. Agreements not expressly requiring ratification are different. See Vienna Convention on the Law of Treaties, articles 11 and 12.
20. Ratification also communicates acceptance of an agreement's text. States are no longer eligible to sign once they have ratified.
21. See Figure 2a. To avoid confusion, I only include countries that currently exist. I exclude microstates because of concerns about sporadic reporting to the UN. This leaves 166 countries.
22. The *x*-axis stops at twenty years because there is little activity after that point.
23. Alternatively, one could ask whether agreements covered in the literature differ from those not covered in the literature. This is (only) slightly different from the question addressed in Figure 4, because scholars have only explored a few noncore HRAs and have only overlooked a few core HRAs. The patterns (available upon request) are very similar.
24. These indicate the predicted probability that nonratification continues in a given year, given that it has not already happened. I stop at fifty years because ratification is very unlikely by that point.
25. $p < .001$, log-rank tests for the equality of survivor functions.
26. Given that none of the observations are censored, one could argue that a Poisson or negative binomial model is more appropriate. I conducted both analyses and the results are no different. I use a Cox model. Schoenfeld residuals confirm that the proportional hazards assumption is acceptable.
27. Incidence rate comparisons are all statistically significant at $p < .001$. Lower and upper bounds of 95 percent confidence intervals never overlap.
28. The exception is the Convention on Racial Discrimination as discussed earlier.
29. This is not the only way to model the HRA network. See the Online Appendix for further discussion.
30. Given the HRA regime's density, it is difficult to glean much from an examination of these ties other than to visualize where the densest elements reside. The nodes' placement and size are the most informative components of Figures 6 and 7.

31. Core HRAs have eigenvector centrality values that are 6 percent higher (this number increases if we exclude new HRAs, which always have core status). They also have an average of about 220 more ties.
32. Their eigenvector centrality scores are high, but their degree centrality scores do not have them ranked quite as highly. For instance, the Genocide Convention's eigenvector centrality score is .85, which is almost as high as the CAT's. However, its degree centrality score is notably lower than the CAT's.
33. The concept of "communities" has been discussed in other international relations contexts, such as international trade and conflict (Lupu and Traag 2012). It is beyond the scope of this article to delve into the theoretical underpinnings of this idea in the HRA context, but this would be an interesting application.
34. See Newman (2006) and/or Scott (2013) for a discussion of how modularity relates to, but is distinct from (and likely superior to), other similar concepts such as clustering and neighborhood detection.
35. More, or fewer, are possible. The analyst sets the number of modularities.
36. Of course, sometimes ratification of one treaty is embedded in ratification of another as a matter of design (e.g., Convention on the Elimination of Discrimination Against Women [CEDAW] and its optional protocol). However, this is only true of a portion of the agreements in the data.
37. Nor does it gauge implementation, that is, the extent to which countries enact ratified treaties in domestic law. This would require a substantial cross-national comparison of human rights and related legislation.
38. See the Online Appendix for greater detail on these measures as well as visual representations (Online Appendix Figures S3a and S4a).
39. As discussed earlier, there are some notable differences in which countries accept individual complaint provisions versus those that allow interstate complaints. Hafner-Burton, Mansfield, and Pevehouse (2015) do not parse these out.
40. Importantly, researchers should also include rights efforts that have not (yet) been codified in treaty law.

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