

UNIVERSITY OF CALIFORNIA, SAN DIEGO

Explaining Ratification of Human Rights Treaties: Signaling for Aid during
Regional Crises

A Dissertation submitted in partial satisfaction of the requirements for the degree

Doctor of Philosophy

in

Political Science

by

Heather Michelle Smith

Committee in charge:

Professor Miles Kahler, Co-Chair
Professor Kristian Gleditsch, Co-Chair
Professor William Aceves
Professor Clark Gibson
Professor Kal Raustiala
Professor John Skrentny

2007

Copyright

Heather Michelle Smith, 2007

All rights reserved.

The Dissertation of Heather Michelle Smith is approved, and it is acceptable in quality
and form for publication on microfilm.

Co-Chair

Co-Chair

University of California, San Diego

2007

DEDICATION

For my Grandfather, Kurt Alexander Julius Gattman (1913-2005), whose passion for politics and history will always inspire me.

TABLE OF CONTENTS

Signature Page.....	iii
Dedication.....	iv
Table of Contents.....	v
List of Abbreviations.....	vi
List of Figures.....	viii
List of Tables.....	x
Acknowledgements.....	xi
Vita.....	xiii
Abstract.....	xviii
Chapter 1: Ratification as a Costly Signal.....	1
Chapter 2: Quantitative Analysis.....	36
Appendix to Chapter 2.....	91
Chapter 3: Ratification of Article 14 in the Convention on the Elimination of All Forms of Racial Discrimination in Eastern Europe: A study of Slovakia and the Czech Republic.....	96
Chapter 4: Ratification of the Optional Protocol to the International Covenant on Civil and Political Rights in Kyrgyzstan and Tajikistan.....	146
Chapter 5: Conclusion.....	206
References.....	233

LIST OF ABBREVIATIONS

CAT	Convention against Torture
CERD	Convention on the Elimination of all forms of Racial Discrimination
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CIS	Commonwealth of Independent States
CSSD	The Czech Social Democratic Party
EU	European Union
FDI	Foreign Direct Investment
HRC	Human Rights Committee
HZDS	Movement for a Democratic Slovakia
ICCPR	International Covenant on Civil and Political Rights
IMF	International Monetary Fund
IPM	Individual petition mechanism
KSCM	The Czech Communist Party
NATO	North Atlantic Treaty Organization
NGO	Non Governmental Organization
ODS	Czech Civic Democratic Party
OSCE	Organization for Security and Cooperation in Europe
SDL	Christian Democratic Movement
SNS	Slovak Nationalist Party

UN	United Nations
USAID	United States Agency for International Development
UTO	United Tajik Opposition
ZNS	Association of Slovak Workers

LIST OF FIGURES

Chapter 1

Figure 1.1: Number of Human Rights Treaties Established Since 1927.....	3
Figure 1.2: Regional Ratification Trends in the International Criminal Court.....	9
Figure 1.3: Delegation to International Institutions.....	31

Chapter 2

Figure 2.1: Cumulative Percentage of Treaty Ratifications per Year.....	48
Figure 2.2: Cumulative Percentage of IPM Ratifications per Year.....	51
Figure 2.3: Predicted Probability of Ratifying the Optional Protocol to the ICCPR as a function of Democracy.....	74
Figure 2.4: Predicted Probability of Ratifying the Optional Protocol to the ICCPR as a function of Regional Political Crises.....	75
Figure 2.5: Percent Increase in Foreign Aid.....	83

Appendix to Chapter 2

Figure A2.1: Ratification of ICCPR Treaty and Individual Petition Mechanism.....	91
Figure A2.2: Ratification of CERD Treaty and Individual Petition Mechanism.....	91
Figure A2.3: Ratification of CAT Treaty and Individual Petition Mechanism.....	92
Figure A2.4: Ratification of CEDAW Treaty and Individual Petition Mechanism.....	92
Figure A2.5: Survival Estimates for the ICCPR Treaty.....	93

Figure A2.6: Survival Estimates for the ICCPR Individual Petition Mechanism.....	93
Figure A2.7: Survival Estimates for ICCPR Individual Petition Mechanism by Democracy.....	94
Chapter 3	
Figure 3.1: Theory Predictions.....	107
Figure 3.2: Orientation of Slovak Parties.....	116
Figure 3.3: Orientation of Czech Parties.....	125
Figure 3.4: Slovak Ratification Timeline.....	134
Chapter 4	
Figure 4.1: Map of Central Asia.....	154
Figure 4.2: Militarized Inter-State Disputes in Central Asia: 1993-2000.....	157
Figure 4.3: IMF and USAID Aid to Kyrgyzstan.....	169
Figure 4.4: Constitutional Changes and Political Events in Kyrgyzstan.....	172
Figure 4.5: Political and Military Events in Tajikistan.....	182
Figure 4.6: International Aid to Tajikistan: 1996-2000.....	186

LIST OF TABLES

Table 2.1: Ratification of Human Rights Treaties.....49

Table 2.2: Individual Petition Ratification Rates.....51

Table 2.3: Percentage of States in each Region that have Ratified.....53

Table 2.4: Statistical Analysis: Ratification of Article 14 in the CERD.....64

Table 2.5: Statistical Analysis: Ratification of the Optional Protocol
in the CEDAW.....70

Table 2.6: Statistical Analysis: Ratification of the Optional Protocol to the
ICCPR.....74

Table 2.7: Statistical Analysis: Ratification of Article 22 in the CAT.....79

Table 2.8: Testing the Effects of Alternative Conceptions of Region on
Ratification.....82

Table 2.9: Frequency of Individual Petition Mechanism Use.....89

ACKNOWLEDGEMENTS

I extend my heartfelt thanks to my project co-chair, Professor Miles Kahler for his patience, guidance and ceaseless support of my work. The mistakes throughout are my own, but they are fewer in number thanks to his willingness to tirelessly read through countless drafts. Co-Chair, Professor Kristian Gleditsch has been an integral part of this project, offering generous comments and constructive criticism. Both Miles and Kristian have challenged me to be a better researcher and I am grateful to have had the opportunity to learn from them. Thanks to Professor John Skrentny for reading through my drafts, encouraging my work and allowing me to discuss ideas with him. Professor William Aceves fixed many major issues regarding the design of regional mechanisms for the protection of human rights, and smaller issues- the inclusion of page numbers, for example. Professors Kal Raustiala and Clark Gibson, I am grateful for your support and guidance.

Many superb scholars from the areas studies community were kind enough to patiently endure my questions. For generous assistance on the eastern European case studies I am particularly indebted to Professor Kevin Deegan-Krause at Wayne State University. Professor Eugene Huskey at Stetson University kindly offered his expertise on Kyrgyzstan and central Asia. Professor Thad Kousser at UC San Diego graciously ran a seminar on survival analysis and statistical methods which contributed greatly to my quantitative analysis. Vladimir Inozemsev provided excellent research assistance in Bishkek, translating interviews from Russian and tracking down members of the NGO community there. Partial funding for this project was generously provided by a grant from the Rohr Chair in Pacific International

Relations at UCSD. The comments and suggestions of participants at the Journey's in World Politics Conference, put on by Kelly Kadera and Sara Mitchell at the University of Iowa were incredibly helpful.

No project of this magnitude is possible without a supportive community of friends and family. I am thankful to Professor Charles Anthony Smith at UC Irvine for his thoughts, inspiration and willingness to answer even the most minor questions to assist me. Wendy Wong and Robert Brown, both at UC San Diego have been a constant source of support and friendship. I am grateful to Chris for keeping the house full of music and laughter, and for enduring my weekends of work. For my Father and Veronika, I thank you for believing in me and encouraging me to be brave enough to take professional risks. Finally, I continue to be inspired by the love and support of my Mother and Sister, your strength has made my efforts possible.

VITA

EDUCATION

- 2007: *Ph.D.*, Political Science, University of California San Diego.
2003: *M.A.*, Political Science, University of California San Diego.
2000: *B.A.*, magna cum laude, Phi Beta Kappa, Political Science,
University of California Irvine.

Fields of Specialization: Global human rights institutions and regional human rights courts; international legal institutions and customary international law; comparative politics; comparative legal institutions and domestic law.

PUBLICATIONS AND RESEARCH PAPERS

- “The Electoral Dis-Connection: Institutional Barriers to US Support for the International Criminal Court,” *with Charles Anthony Smith*
The Eyes on The International Criminal Court, 2006, volume 3, number 1.
- “The Punch and Judi-ciary Show: How the ICC Institutionalizes Show Trials at the Expense of Justice,” *with Charles Anthony Smith*
- “International Extradition: A Case Study Between the United States and Mexico.”
The University of California Irvine Undergraduate Research Journal, 2000:
65-74.
- “The International Criminal Court and Regional Diffusion.”
- “Human Trafficking: The Unintended Effects of United Nations Intervention” *with Charles Anthony Smith*
- “Costly Commitments? How International Human Rights Institutions Impose Costs on States”

HONORS, GRANTS, AWARDS

- June 2005 Outstanding teaching assistant from the U.C. San Diego
Dimensions of Culture Writing Program.
- April 2006 UCSD Dean’s Travel grant provided by the School of Social
Sciences
- February 2006 Grant from the Rohr Chair in Pacific International Relations,
UCSD.

- January 2006 Journey's in World Politics Travel Grant- used to present research at the World Politics Conference.
- June 2004 Grant from the Rohr Chair in Pacific International Relations, UCSD.
- March 01-07 Mark Twain Fellowship from the University of California San Diego for graduate study.
- January 2000 Undergraduate Research Fellow for 1999-2000 with the Undergraduate Research Opportunities Program (UROP).
- June 2000 Harry Eckstein Prize from the U.C.I Department of Political Science for outstanding senior honors thesis.
- June 2000 Alice B. Macy Award for excellence in undergraduate political science research.
- June 2000 Order of Merit Award recipient for contributions to the School of Social Sciences.

TEACHING EXPERIENCE

August 2004 – June 2006

Lecturer, Dept. of Political Science, San Diego State University

Courses taught:

- Law and the Political System,
- The Supreme Court and Contemporary Issues

August 2003 – June 2005

Senior Teaching Assistant, University of California San Diego

-Dimensions of Culture Writing Program

Summer 2002 – 2006

Instructor, Academic Connections, University of California San Diego

Course taught:

- Law, Politics, and the Supreme Court

September 2001 – Present

Teaching Assistant, Dept. of Political Science, University of California San Diego

Assisted in the following courses:

- Civil Liberties; International Law and Organization; The German Political System; National Security Strategy; Courts

and Political Controversy; Sex and Law; US and Latin America; Economic and Political Relations; US Foreign Policy and Regional Security; International Crisis Diplomacy; Crisis Areas in World Politics, and Political Inquiry and Research Design.

CONFERENCE PARTICIPATION AND INVITED PRESENTATIONS

- August 2006 “Explaining Ratification of Global Human Rights Instruments: Empirical Evidence of Regional Dynamics,” American Political Science Association Annual Meeting, Philadelphia, Pennsylvania.
- April 2006 “Explaining Ratification of Global Human Rights Instruments: Empirical Evidence of Regional Dynamics,” Midwest Political Science Association Annual Meeting, Chicago, Illinois.
- March 2006 “Explaining Ratification of Global Human Rights Instruments: Empirical Evidence of Regional Dynamics,” Journey’s in World Politics, University of Iowa, Iowa City.
- February 2006 “The Electoral Dis-Connection: How the Institutional Structure of the Senate Explains US Hostility Towards the ICC,” Research Committee for Comparative Judicial Studies, University of Arizona, Tempe, with Charles Anthony Smith.
- April 2005 “The Electoral Dis-Connection: How the Institutional Structure of the Senate Explains US Hostility Towards the ICC,” Midwest Political Science Association Annual Meeting, Chicago, with Charles Anthony Smith.
- September 2004 “The International Criminal Court and Regional Diffusion,” Fifth Pan European Conference on International Relations, The Hague, Netherlands.
- May 2004 “Regional Diffusion and Human Rights Institutions,” Law and Society Annual Meeting, Chicago, Illinois.
- November 2003 “Regional Diffusion and Human Rights Institutions,” California Western School of Law, International Criminal Law: 457-0.
- February 2002 “The Political Dimensions of International Extradition Requests,” Department of Political Science, University of California San Diego, PS 140 International Law and Organization.

May 2000

“International Extradition: A Case Study Between the United States and Mexico. U.C. Irvine Undergraduate Research Symposium.

PROFESSIONAL MEMBERSHIPS AND ACTIVITIES

American Political Science Association

Law and Society Association

Midwest Political Science Association

Pi Sigma Alpha, National Political Science Honor Society

Reviewer, *The Journal of Human Rights*

ABSTRACT OF THE DISSERTATION

Explaining Ratification of Human Rights Treaties: Signaling for Aid during Regional
Crises

by

Heather Michelle Smith

Doctor of Philosophy in Political Science

University of California, San Diego, 2007

Professor Miles Kahler, Co-Chair

Professor Kristian Gleditsch, Co-Chair

In the face of pressure from transnational social groups and increasingly influential human rights organizations the international community has quietly introduced provisions into four global human rights treaties that challenge the received wisdom in international relations. These individual petition mechanisms allow citizens to file complaints of human rights violations against their governments before global tribunals. International relations scholarship suggests that governments should be unlikely to ratify such provisions and accept UN oversight of their domestic human rights policies. Why do states ratify these mechanisms, particularly when ratification of the accompanying treaties does not require ratification of the individual petition

Mechanism (IPM)? This work provides a quantitative analysis of ratification of individual petition mechanisms in the four global institutions that possess them¹ and a qualitative analysis of ratification in two geographic regions.² I argue that autocrats and democrats use ratification of individual petition mechanisms as a signaling device to attract aid. After regional political crises have ravaged their domestic economies I argue that state leaders will be more inclined to seek out ways to attract aid from western donors. Regional political crises intensify the need for aid and help to explain the timing of ratification.³

I find support for the link between regional political crises and ratification in the Racial Discrimination and Women's Discrimination Conventions in Chapter 2. Chapter 3 demonstrates that Slovak Prime Minister Meciar and Czech Prime Minister Zeman ratified Article 14 in the Racial Discrimination Convention to signal for aid. In Chapter 4 I demonstrate that autocratic leaders in Kyrgyzstan and Tajikistan accepted the oversight of the Human Rights Committee by ratifying the Optional Protocol to the ICCPR to signal for aid. In the short term leaders ratify IPM's insincerely and then clamp down particularly hard on their citizens' civil rights. However, in the long term, regional human rights groups latch onto the decisions of UN oversight committees and pressure governments, even the most entrenched autocrats, to make significant changes to their domestic human rights practices.

¹ The United Nations Treaties are: The International Covenant on Civil and Political Rights, The Convention on the Elimination of all forms of Discrimination against Women, The Convention on the Elimination of all forms of Racial Discrimination, and the Convention Against Torture.

² I examine Slovakia and the Czech Republic in Eastern Europe and Tajikistan and Kyrgyzstan in Central Asia.

³ A growing body of literature suggests that grants of aid from the major international donors are becoming dependent upon the strength of a state's democratic institutions. See: Neumayer (2003); Apadoca and Stoll (2000); Alesina and Dollar (1999).

Chapter 1: Ratification as a Costly Signal

Introduction

When Vladimir Meciar, the Prime Minister of the Slovakia accepted the oversight of the Committee on the Elimination of Racial Discrimination his citizens were awarded a relatively unique set of rights within international law. After exhausting all domestic remedies, the Slovak people now possessed the ability to take complaints of human rights abuses directly to a global monitoring body where they could file a complaint against their government. For a party like Meciar's Movement for a Democratic Slovakia (HZDS), nationalist and xenophobic in orientation, ratification of Article 14 and the ensuing oversight of their policies toward the Roma population ultimately entailed great costs. After a series of petitions were filed against the Slovak government, decrying Slovak discrimination against national Roma populations, regional human rights groups latched onto these decisions.⁴ These human rights groups were extraordinarily successful in pressuring the Slovak parliament to pass comprehensive, national anti-discrimination legislation to protect the Roma living in Slovakia.⁵ Ratification of global human rights agreements are generally considered little more than cheap talk by international relations scholars and yet Meciar's decision to ratify Article 14 in the Convention on the Elimination of all Forms of Racial

⁴ The cases are: *Koptova v. Slovak Republic*, Communication No. 13/1998. 8 August 2000. UN Doc: CERD/C/57/D/13/1998; *Lacko v. Slovakia*, Communication No. 11/1998. 9 August 2001. UN Doc: CERD/C/59/11/1998; *L.R. et al. v. Slovakia*, Communication No. 31/2003. 5 August 2003. UN Doc: CERD/C/66/D/31/2003.

⁵ Information on the passage of the Slovakian law is available in English from the Stop Violence against Women Project available online at: <http://www.stopvaw.org/29Jul2004.html>.

Discrimination left his government open to the potential for a very public shaming at the hands of his citizens.

The domestic distribution of rights and obligations inherent in the ratification of this or any other global human rights treaty makes the initial decision on the part of state leaders to ratify puzzling. Ratification of human rights treaties entails new obligations for the state such as requirements for respecting civil and political rights, prohibitions on policies of discrimination, or eliminating torture as a political tool. Comparatively, citizens are the beneficiaries of new rights. In this way human rights treaties award rights to citizens against their governments, creating new obligations for the state and new benefits for citizens. Despite the major drawback of ratification from the perspective of a state leader human rights treaties at both the global and regional levels are becomingly an increasingly common phenomenon.⁶ (See Figure 1.1) Why are state leaders increasingly willing to cede policy autonomy and commit to these institutions?

Andrew Moravcsik's (2000) novel explanation for ratification of the European Court of Human Rights (ECHR) suggests that states have an interest in limiting the policy options of future governments that may not share their policy preferences. The benefit of committing to a multilateral human rights agreement from this perspective is the reduction in future policy uncertainty. However, recent work by Beth Simmons

⁶ Hathaway (2002) reviews the increase in the emergence of global human rights conventions in the last thirty years. Regional human rights regimes have developed in: Western Europe with the adoption of the Convention for the Protection of Human Rights and Fundamental Freedoms in 1950 which also created the European Court of Human rights; Latin America with the introduction of the American Convention on Human Rights in 1969 which created the Inter-American Court of Human Rights; and to a lesser degree in Africa with the adoption of the African Charter on Human and Peoples' Rights in 1981 which created the African Commission.

challenges the applicability of Moravcsik's theory outside Western Europe.⁷ Simmons finds strong regional effects in testing the variables that affect the likelihood of ratification of the International Covenant on Civil and Political Rights (ICCPR).

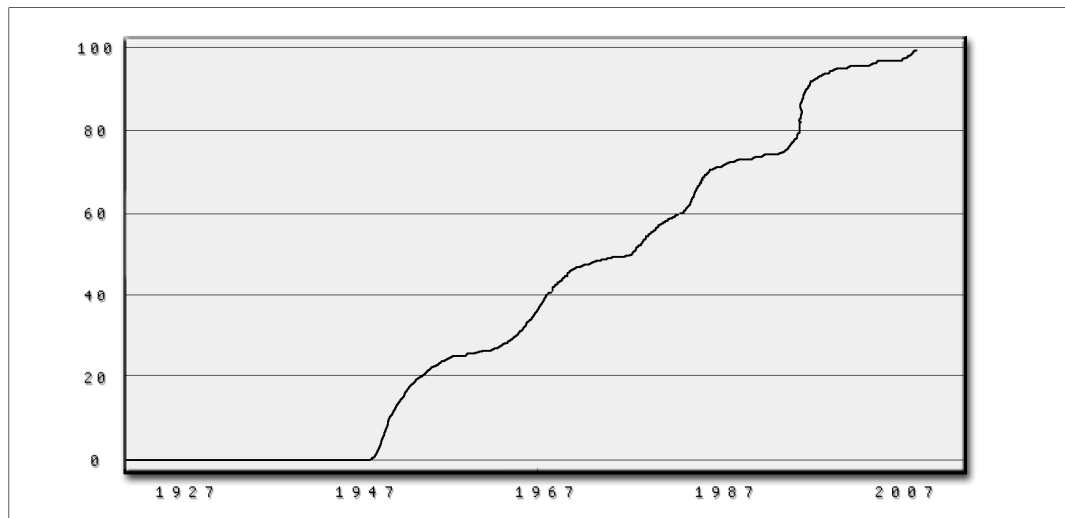


Figure 1.1: Number of Human Rights Treaties Established since 1927

A competing approach to explaining ratification of human rights treaties suggests that norms of behavior emerge through social interaction between states.⁸ Unlike Moravcsik's approach, which focuses on the role of future domestic uncertainty in compelling state ratification, the normative approach focuses on evolving conceptions of appropriate behavior. As states interact with one another and attempt to define their interests, their preferences are influenced by the policies and preferences of other states. This suggests that over time states will increasingly look like one another with respect to human rights policies. For Example, Ramirez et al. (2002) suggest that increasingly there is a proper human rights profile that states are

⁷ Simmons tests Moravcsik's theory as well as normative explanations for ratification of the core United Nations human rights treaties and finds that neither offer statistically significant predictors of ratification. See Simmons (unpublished).

⁸ Katzenstein (1996), 19-32.

adopting. This profile includes ratification of a given set of human rights treaties and participation in a given set of human rights organizations and conferences.⁹ Yet, patterns of ratification of human rights treaties in recent years conflict with the normative expectation that states will increasingly adopt similar policies. Rather, patterns of ratification suggest the opposite; states, particularly within the same geographic region are approaching human rights obligations in distinct ways.¹⁰

Others argue that state accession to international institutions does not result in the fundamental alteration of state policy.¹¹ Where the policies of international institutions are consistent with a state's own, the state will recognize this and accede. Where the policies of the institution differ markedly from those of the state, the state will simply refrain from participating.¹² Put simply, state policies are unaffected by participation in a given institution because states only participate in institutions that do not require substantial policy departures. The essence of this critique is that international institutions do not matter for any fundamental outcomes in international politics because they reflect, rather than challenge, state interests.¹³

Yet instruments such as the Optional Protocol to the International Covenant on Civil and Political Rights, adopted in 1966, give individuals the ability to file claims of human rights violations against their own governments before an independent arbitrator. Since the adoption of the Optional Protocol to the ICCPR, states parties created three other bodies to give individuals standing in international law through

⁹ Ramirez, Meyer, Wotipka, and Drori (2002), 5.

¹⁰ For an overview of the regional trends in ratification of human rights treaties see the following section.

¹¹ For a discussion of this perspective see: Downs, Rocke and Barsoom (1996).

¹² Ibid.

¹³ For an example of this perspective see Mearsheimer (1994).

individual petition mechanisms. If governments only accede to international institutions with which they are de facto compliant, how can scholars explain government ratification of individual petition mechanisms and the subsequent claims filed against these same governments? The body of case law developing directly from claims filed against states by their citizens through both individual petition mechanisms and regional human rights courts challenges the assertion that states only ratify agreements with which they are de facto compliant.¹⁴

In the following section I outline the empirical puzzle of my dissertation. The second section, surveys the relevant literature for this project, including literature regarding why leaders ratify human rights treaties, explanations for regional variations in state policies and links between regionalism and national human rights policies. Section three presents a working definition of region. The fourth section discusses the various forms that the dependent variable, human rights institutions can take in the international system. Section five presents the plan of the dissertation.

Empirical Puzzle

This project is based on two related empirical puzzles. First, absent the inducement of explicit state benefits, what explains the increasing rate of ratification of global human rights instruments? Second, how do observed regional ratification patterns within global human rights instruments help to explain the decision to ratify?

¹⁴ The comprehensive list of cases from the ECHR is available at: www.echr.coe.int/Eng/Judgments.htm. The comprehensive list of cases from the IAHCRC is available at: www.oas.org/main/main.asp?sLang=E&sLink=http

Since 1945 more than 100 global human rights treaties have been established.¹⁵ These treaties cover a wide range of issues from the rights of children engaged in armed conflict to the prevention of apartheid in sports.¹⁶ Unlike other types of multilateral agreements, human rights agreements offer no clear collective benefits for states. Instead, both the costs and benefits of global human rights agreements are concentrated within the borders of the state. State leaders lose flexibility in domestic policy, while their citizens enjoy new rights. The paucity of benefits makes the sharp increase in the number of human rights agreements in the last fifty years puzzling.

In addition, ratification of these treaties and participation in human rights regimes has followed interesting and often predictable regional patterns. The evidence for regional trends in domestic human rights policies can be found in: 1) the emergence of and participation in regional supervisory mechanisms for the promotion of human rights and 2) patterns of ratification in global human rights treaties.

Europe has the most extensive regional supervisory mechanism for the protection of human rights. Ratification of the Convention on the Protection of Human Rights and Fundamental Freedoms has become a requirement for membership in the EU.¹⁷ Since 1950, the European Court of Human Rights has exercised oversight of compliance with the European Convention. States and individuals regularly use the

¹⁵ This number is obtained from the United Nations High Commissions for Human Rights which lists all existing international human rights instruments. This list is available at www.unhchr.ch/html/intlist.htm.

¹⁶ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000), International Convention against Apartheid in Sports (1985).

¹⁷ Baehr (1999) 72.

Court and it has developed an extensive body of case law since its inception. In 2003 alone, the ECHR decided 703 cases.¹⁸

Similarly, the Inter-American system of human rights is used by states parties to contest human rights abuses. This system is composed of two pillars: The Charter of the Organization of American States (The Charter) and the American Convention of Human Rights (Pact of San Jose). The latter, makes great strides toward advancing the cause of human rights in the region by creating a regional court, The Inter-American Court of Human Rights. The IAHCR hears cases referred by the Commission that are brought by states parties, individuals, and non-governmental organizations.¹⁹ Individuals cannot petition the Court directly, but rather submit complaints to the Commission which are then forwarded to the Court. Unlike the ECHR, the IAHCR's path to becoming a legitimate regional court was never a foregone conclusion. Indeed, the IAHCR did not decide a contentious case, *Velasquez Rodriguez v. Honduras*, until 1981.²⁰

Unlike the European and Inter-American human rights regimes, the African system does not possess a regional court. In 1981 the Organization of African Unity (OAU) adopted the African Charter on Human and Peoples' Rights. The Charter entered into force in 1986. The Charter established a commission aimed at the promotion (rather than protection) of human rights that can accept claims by states parties and non-governmental organizations. While all forty states that are member of the OAU have ratified the Charter, chronic under-funding has significantly hindered

¹⁸ ECHR Survey of Activities 2003: 32. Available at: www.echr.coe.int/Eng/InfoNotesAndSurveys.htm.

¹⁹ Rules of Procedure of the Inter-American Commission: Article 23

²⁰ On the legitimacy of the IAHCR see Pasqualucci (2003) 331-339.

the Commission's ability to promote human rights in the region.²¹ Finally, in February of 2003 member states of the Association of Southeast Asian Nations (ASEAN) met in Manila for their tenth annual Colloquium on Human Rights to discuss a number of issues including the creation of a regional supervisory mechanism for the protection and promotion of human rights. The states failed to make any concrete progress on the creation of a regional supervisory instrument.²²

The variations between regional supervisory mechanisms suggest the existence of distinct regional preferences over human rights policies. Western Europeans have made accession to the EU conditional on ratification of the European Convention on Human Rights, suggesting that the protection of human rights is of paramount importance in this region. Ratification patterns within global human rights institutions parallel the trends found among regional supervisory mechanisms. Ratification of the Rome Statute of the International Criminal Court for example suggests distinct regional preferences over ratification. (Figure 1.2) Western Europe exhibits a 95% ratification rate, while no states in South Asia have ratified.

International relations scholarship suggests that governments should be inclined to participate in international agreements that offer benefits for the state. The benefits need not be tangible to induce ratification- the promise of an important role for the state in the global institution might be sufficient to explain ratification of these treaties. Yet governments are not explicitly offered any benefits when they

²¹ For more on the limitations of the African human rights regime see Baehr (1999) 80. See also Steiner and Alston (1996) 689- 705.

²² Summary Report of the Tenth Annual ASEAN-ISIS Colloquium on Human Rights. Available at: www.siiionline.org/asean/articles/tenth_asean_isis_colloquium_on_human_rights.pdf

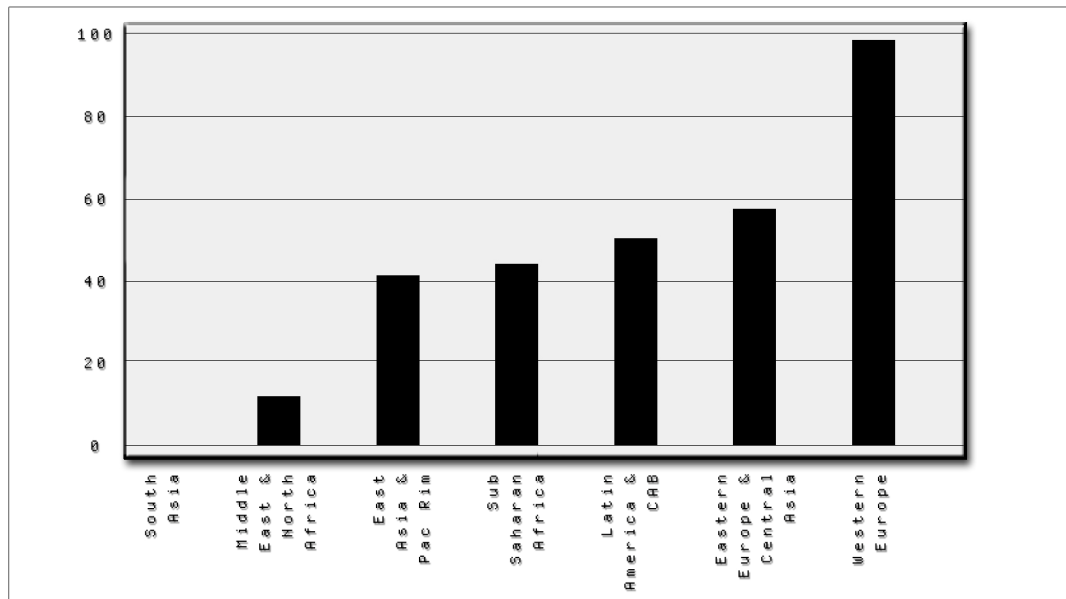


Figure 1.2: Regional Ratification Trends in the ICC

ratify human rights treaties. Unlike ratification of the WTO, state leaders do not walk away from the ratification table with the explicit promise of lower tariffs. Why then do these leaders continue to ratify global human rights instruments? Is there some implied benefit to ratification that remains unaccounted for? In addition, ratification of global human rights instruments and the creation of local supervisory mechanisms follow distinct regional patterns. How does the regional context influence a leader's decision to ratify? In the following section I survey the existing literature that attempts to account for ratification of human rights treaties.

Explanations for Ratification of Human Rights Conventions

This literature review is divided into two sections. In the first section, I review the literature that addresses my first research question—why do states ratify global

human rights institutions. The second section reviews the regionalism literature in an attempt to uncover explanations for regional trends in national human rights policies.

Power and Coercion

For those ascribing to *realpolitik*, there is little use in attempting to understand why governments ratify human rights institutions. States create, participate in, and comply with international institutions in response to pressure and coercion from powerful states.²³ While the demand for such regimes may originate in the periphery of the international system, only powerful actors, which are by definition states, can act on those demands and supply the relevant institutions. Krasner (1991) for example details the struggle for a number of global communications regimes. Despite demands of smaller states that radio frequency slots be reserved for future use, large states had an interest in assigning all of the slots. If larger states allowed for allocation at a later period, they risked losing slots to weaker states that had grown stronger in the interim period. This global regime conforms closely to realist expectations. The institution that ultimately developed, much to the dismay of smaller states, mirrored the interests of powerful states. Continued compliance with the radio frequency regime in the periphery of the international system can also be ascribed to the pressure exerted by powerful states on weaker states. The underlying assumption is that smaller states neither participate nor comply with these institutions in the absence of pressure and coercion from larger states.

Because there are very few obvious material incentives for states to participate in global human rights institutions, it seems appropriate to suggest that, particularly

²³ Moravcsik (2000) 225.

smaller states may participate in human rights institutions in response to pressure or coercion from large states.²⁴ Yet, if we extend this line of reasoning, the institutions themselves should collapse when they no longer serve the interests of powerful states. If other methods to exert pressure emerge or the balance of power shifts and the newly powerful have no interest in coercing through a given institution that institution should fall into disuse. The US attempt to undermine the International Criminal Court is a case in point. The US is currently conditioning continued military aid for smaller states on their willingness to sign Status of Force Agreements (SOFA). These agreements oblige states to offer US nationals immunity from the ICC.²⁵ Large, wealthy states like the US possess the ability to alter the costs and benefits of ratification for smaller states in the international system and thus can influence which states choose to ratify human rights agreements.²⁶

The Institutions are Irrelevant

Another variant of the realist critique of institutionalist theory is that the institutions themselves are irrelevant. Downs, Rocke, and Barsoom (1996) suggest that despite the apparent rise in multilateral cooperation and compliance in recent years, states may not necessarily be cooperating at deeper levels. Rather, the paucity of enforcement mechanisms, or deep levels of cooperation, suggest that states are simply designing and participating in institutions with which they are already complying. From this perspective, the institution itself is irrelevant in shaping state

²⁴ Donnelly (1986) makes this argument with respect to the Inter-American Human Rights regime. (626)

²⁵ Human Rights Watch, "Opposition Mounting to US Arm- Twisting," August 19, 2002: Press Release.

²⁶ Rudolph (2001) is a good example of this argument. Rudolph argues that while the demand for war crimes tribunals stems from humanitarian ideals the actual process of constructing the regime is dominated by powerful states and ultimately reflects their preferences.

behavior because institutions reflect rather than challenge state interests. The underlying distinction between this model and that presented in the previous section is that this perspective implies that states only ratify institutions with which they are de facto compliant.

This argument is particularly pervasive within international relations with respect to human rights institutions. Scholars are often quick to point out that institutions such as the Convention against Torture require relatively little of states, and thus suggest that ratification is unsurprising because it amounts to little more than cheap talk. Because scholars often complain that state ratification of human rights institutions constitutes little more than cheap talk, this project addresses institutions that require a costly commitment, individual petition mechanisms. Individual petition mechanisms challenge the notion that states only ratify agreements with which they are de facto compliant. If states were de facto compliant and respected their citizens' human rights following the terms of the Convention on the Elimination of all forms of Racial Discrimination, for example, then explaining state ratification of the complaint mechanism would be unproblematic. States do not violate their citizen's rights so ratification is costless because the complaint mechanism will never be used. However, individual petition mechanisms in global institutions are used extensively, suggesting that states are not de facto compliant with the terms of the agreements they ratify.²⁷ The use of individual petition mechanisms in global institutions challenges the assertion that ratification of these mechanisms is due to de facto compliance.

²⁷ To date there have been more than 1200 petitions filed by individuals through the International Covenant on Civil and Political Rights and the Convention Against Torture. Additional information is available at: <http://www.unhchr.ch/html/menu2/8/stat2.htm>.

Normative Explanations

Unlike realist or institutionalist approaches, which focus on power dynamics and collective benefits respectively, a normatively based explanation for ratification focuses on both the social construction of identity and the cultural institutional context within which actors define their interests.²⁸ As states interact with one another norms of behavior emerge and evolve. Katzenstein (1996) suggests that the process through which norms develop occurs in a variety of ways: “spontaneously evolving, as social practice; consciously promoted, as political strategies to further specific interests; deliberately negotiated, as a mechanism for conflict management; or as a combination, mixing these three types.”²⁹ Identities are constructed through social interaction and shift in response to evolving conceptions of what constitutes legitimate state behavior.³⁰ The dynamics of self-help and anarchy allow states to define their identities and interests through social interaction over time. Wendt (1992) suggests that, “this principle of identify formation is captured by the symbolic interactionist notion of the “looking glass self,” which asserts that the self is a reflection of an actor’s socialization.”³¹ State preferences create a feed-back effect as they are both created by and influential in the creation of international institutions.³²

Normative models assign great weight to the influential, rather than coercive forces in international politics.³³ Finnemore (2001) argues that an influential IO- the United Nations Educational, Scientific and Cultural Organization realigned the

²⁸ Katzenstein (1996) 19-32.

²⁹ *Ibid.*, 21.

³⁰ On this point see Wendt (1992) 398.

³¹ *Ibid.*, 404.

³² *Ibid.*, 405.

³³ See Risse, Rop, and Sikkink (1999) for another example of this approach.

preferences of states in favor of creating domestic, bureaucratic level science organizations. She bolsters the constructivist argument that state actions and identities are both influenced by and constitutive of institutions. This approach suggests that socialization will result in isomorphism across state policies- before 1955 fourteen states possessed these science bureaucracies, after 1975 eighty-nine states possessed them.³⁴

Wotipka and Ramirez (unpublished) argue that states are increasingly “constructed from and influenced by world models of progress and justice set forth by universalistic scripts for authentic nation-statehood.”³⁵ These standards should result in greater nation-state isomorphism emphasizing the proper role of the nation-state with respect to human rights policies, for example. Ramirez, Meyer, Wotipka, and Drori (2002) explain:

The proper nation-state has a proper human rights profile and that includes participating in the proper human rights organizations and conferences, signing the proper human rights treaties and conventions, developing proper human rights law and policy, and behaving as if adhering to the regime mattered. The enactment of the ‘human rights affirming regime’ model is facilitated by the human rights regime and also fuels expansion of the regime. That is, there are human rights treaties, organizations, and experts that influence nation-state enactment of human rights policies and this enactment adds to the taken for granted character of the regime.³⁶

Prevailing standards of behavior are not equally likely to emerge from all international actors. Risse-Kappen (1996) argues that members of the community of liberal democracies are not only less likely to fight each other but are also more likely

³⁴ Finnemore (2001) 67.

³⁵ Wotipka and Ramirez (unpublished), 10.

³⁶ Ramirez, Meyer, Wotipka, and Drori (2002) 5.

to create institutions to serve their common interests and ideals.³⁷ Thus, norms of behavior in the international system should be promoted and institutions created by established democracies. Other scholars have pointed to the increasingly important role of transnational advocacy networks and non-governmental organizations as the propagators of global standards of behavior.³⁸ In attempting to explain the impetus behind costly moral action by states Kaufmann and Pape (1999) find that the pressure to end British involvement in the transatlantic slave trade stemmed neither from other states, nor from transnational organizations. Rather, the authors focus specifically on the pressure exerted by a domestic religious movement to explain why the British government would seemingly work against its own financial interests and criminalize trade in slaves.

Taken together these works suggest that states are socialized to adopt human rights norms by the global community- primarily by liberal, democratic states³⁹ but also by transnational actors⁴⁰ and even movements originating within the borders of the state⁴¹. The process of socialization takes time and does not affect all states in the same period. Many scholars working from a constructivist lens describe this process, through which norms permeate the global community, as a norm cascade.⁴² A norm cascade occurs when a norm entrepreneur persuades states to adopt a new norm, the norm is adopted by a critical mass of states, and finally a norm cascade occurs as those

³⁷ Risse-Kappen (1996) 397.

³⁸ Keck and Sikkink (1998) argue that transnational advocacy networks, on behalf of victims of human rights abuses pressure violating states to change their behavior in a variety of different states.

³⁹ On this point see Risse-Kappen (1996) 397. See also Reus-Smit (1997) 564 and Wendt (1992) 404.

⁴⁰ See Keck and Sikkink (1998). See also Finnemore (2001) and Nadelmann (1990).

⁴¹ Kaufmann and Pape (1999).

⁴² Wotipka and Ramirez unpublished. See also Finnemore and Sikkink (1998) 895.

that embrace the norm pressure others to accept it. As more states adopt a given norm, its legitimacy as part of the appropriate nation-state script increases.⁴³ This mechanism suggests that as more states adopt a norm other states will be inclined to emulate their example.⁴⁴ In addition, states have varying access to appropriate scripts and norms. Those states that are more embedded in the broader world order will be more likely to be socialized to accept appropriate standards of behavior.⁴⁵ Such access can be achieved through participation in global human rights conferences, ratification of treaties or support for transnational human rights movements.

While normative models seek to fill an important gap in international relations literature- namely explaining the origin and substance of state preferences, this work cannot account for observed empirical patterns in national human rights policies. First, models of state behavior that predict greater isomorphism in state human rights policies neglect patterns of policy divergence. Regional supervisory mechanisms for the protection of human rights, such as the Inter-American Court of Human Rights, The African Court for Human and Peoples' Rights and the European Court of Human Rights are in fact quite distinct institutions differing in the amount of access they offer individuals and NGO's, the range of rights protected, and the support they enjoy from

⁴³ Finnemore and Sikkink (1998) 895.

⁴⁴ Both Wotipka and Ramirez and Simmons test the influence of external socialization by considering the number of other states that have ratified a given set of treaties.

⁴⁵ Wotipka and Ramirez argue that the more nation states are embedded in the broader world order the more they will learn how "to talk the talk." (14) In other words, the more integrated a state is in the broader world the more likely that state will be socialized to accept appropriate standards of behavior. They test this assertion by considering state participation in general international institutions such as the UN, and issue specific institutions. They also construct a variable to take into account national experience with international treaty ratification to test state embeddedness.

states within their jurisdictions.⁴⁶ Moreover, the vast regional variations in the rates of ratification of the core United Nations human rights treaties undercuts constructivist predictions that a single set of human rights norms will inform national human rights policies.⁴⁷ Second, normative models point primarily to liberal democracies as the source of cosmopolitan norms.⁴⁸ Yet the United States has been the most vocal opponent of new human rights institutions such as the International Criminal Court. In addition, many states with questionable human rights records- such as Cuba, Sudan, and Zimbabwe have held important positions within the United Nations Human Rights Commission in recent years. A representative from Libya held the panel's chairmanship in 2003.⁴⁹ The absence of liberal democratic states and the active involvement of autocratic states in global human rights institutions directly contradicts constructivist predictions.

Contrary to constructivist assertions state human rights policies are not growing increasingly similar. Rather, recent patterns suggest growing divergence in national and regional human rights policies and constructivist tools are ill-fitted to explain this phenomenon. Moreover, the absence of prominent liberal democracies and the presence of gross human rights violators within global human rights institutions challenges the theoretical underpinnings of constructivist models.

⁴⁶ For more on the Inter-American Court of Human Rights see Palqualucci (2003). For more on the European Court of Human Rights see Moravcsik (2000). For a comparison of the three courts see Mohamed (1999).

⁴⁷ Table 2.3 in chapter 2 includes charts illustrating the regional rates of ratification for the Convention on the Elimination of All Forms of Racial Discrimination, The International Covenant on Civil and Political Rights, The Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture.

⁴⁸ On this point see Risse-Kappen (1996) 397; Reus-Smit (1997) 564 and Wendt (1992) 404.

⁴⁹ Hodge (2006).

The Influence of Regional Organizations

Pevehouse (2002) focuses on the role that regional organizations play in facilitating democratic transition and consolidation. He argues that participation in regional organizations can serve as an important policy tool offering benefits to both the military and business elites who would otherwise be resistant to democratic transition and consolidation. Using both statistical analysis and case studies, Pevehouse convincingly argues that there is a strong relationship between participation in regional organizations and democratic transition and consolidation.

Participation in global human rights institutions, much like participation in regional organizations might serve to reassure dominant social groups that their rights will be protected. Pevehouse's theory identifies two social groups, business elites and the military that stand to lose out in the transition to democracy. Pevehouse argues that participation in regional organizations can help assuage their fears of losing power during a democratic transition. Ratification of constraining articles within human rights agreements might serve the same purpose for opposition groups. If an opposition group believes that their rights will be secure during and after the transition to democracy, they may be likely to embrace the transition.

I list this work as a competing explanation for two reasons. First, while Pevehouse is not attempting to explain ratification of global human rights institutions, he is explaining a related phenomenon. If states and important domestic elites in particular are willing to transition to democracy in exchange for benefits accruing through accession to regional organizations, that these same leaders would also be willing to ratify global human rights institutions in exchange for accession into

potentially beneficial regional organizations is plausible. I advance a different regionally-based story for ratification in the next section. Second, this work considers the causal role of regional institutions in propelling domestic state action, namely transitions to democracy. The theory I offer also considers the influence exerted by regional factors in altering state behavior.

Democratic Lock-in

While working as a constraint on current elites, the attractiveness of global human rights treaties from this perspective is the ability to reduce political uncertainty and lock-in current preferences for future national governments. Indeed, Damrosch argues that this tradeoff between ceding policy autonomy and reducing domestic political uncertainty led the Soviet Union to delegate significant domestic legal authority to a quasi-independent Constitutional Commission.⁵⁰ Yet, leaders may also choose to retain policy autonomy at the expense of future domestic political certainty by opting not to ratify binding international agreements. A state's leaders chose between tying the hands of future governments by locking in their policy preferences (while tying their own hands at the same time) or retaining autonomous control over policy.

Moravcsik (2000) argues that not all states are equally likely to ratify human rights treaties. He suggests that newly transitioning and unstable democracies will be more likely to ratify than autocracies and established democracies. Because newly transitioning and unstable democracies, unlike autocracies and established democracies, are attempting to lock-in democracy in an unstable environment, they

⁵⁰ Damrosch (1991) 2324.

stand to gain more from locking in their policy preferences. Leaders of established democracies know that their governments are unlikely to fall and are therefore unwilling to sacrifice policy autonomy for future domestic certainty.⁵¹ Autocracies are typically unwilling to relinquish control of domestic policy making authority because they too stand to gain little from tying the hands of future governments.

This theory is the primary competing explanation offered in the literature for explaining state ratification of human rights instruments. Unlike Pevehouse's theory which focuses on the role that regional organizations play in reassuring domestic social groups, Moravcsik's theory focuses on the role ratification plays in reducing the policy options for future governments. This makes a good deal of sense for tenuous or newly established democracies, however this theory cannot account for ratification by established democracies. When the states of western Europe ratified the European Convention on Human Rights in the post World War II era they had a lot to gain in terms of government stability by ratifying. But this theory cannot explain the extraordinarily high rates of ratification of human rights treaties by established democracies in western Europe throughout the second half of the twentieth century. By the 1970's democracy had become entrenched thus eliminating the need to lock it in. Moravcsik's also falls short of fully explaining ratification because he focuses solely on domestic instability and fails to take into account the regional context and regional patterns of ratification.

⁵¹ The United States policy with respect to the ICC is a good example of this phenomenon.

Explanations for Regional Variation

In this section I survey the literature that seeks to explain regional variation in state policies. I begin this section with a discussion of the limitations of theories used to explain ratification of human rights treaties. The primary problem with these theories is that they simply neglect the regional context within which states make ratification decisions. Global and domestic forces are not the only forces that can influence the decision to ratify, regional factors should be taken into account in any complete theory of ratification of human rights instruments.

Existing theories that seek to explain the motivation behind state participation in global institutions are problematic because they cannot explain observed empirical patterns. Realists predict the demise of institutions that fail to serve the interests of powerful states, yet the institutions persist. Institutionalists argue that states will only participate in institutions that do not require policy alterations. However, state participation and prosecutions in regional human rights courts suggest that states are not only participating in those institutions with which they are de facto compliant. Normative models predict state policy alignments which are again, undercut by the distinct regional patterns of ratification in human rights treaties. Democratic lock-in, while theoretically satisfying has limited applicability outside of western European and thus cannot explain a lack of human rights institutions in east Asia for example. These approaches fail to give a complete explanation for the impetus behind ratification of human rights instruments because they neglect the regional patterns of state human rights policies. Why do states create regional supervisory mechanisms for the protection of human rights that seemingly duplicate the work of existing global

institutions? Why does ratification of global institutions cluster regionally- why have all of the states in western Europe ratified the Rome Statute of the International Criminal Court while none of the states in east Asia have done the same? The following section reviews the literature that covers regional trends in state policies.

In attempting to explain state behavior, a growing body of literature identifies strong regional effects across a wide range of issue areas. Scholars have attributed regional clustering to a variety of distinctly regional characteristics. These include: common religion, post-colonial status, types of legal systems, democracy, and socioeconomic income level. The argument that follows from these theories is that region is simply a proxy for some other common characteristic among states. This makes a good deal of sense in some cases. For example, it should come as little surprise that some highly democratic states of Western Europe are now exclusively implementing universal jurisdiction statutes. These statutes give these Western European states the ability to try those accused of gross violations of human rights in other states.⁵² The following surveys some of this literature in an attempt to parse out possible explanations for regional trends in national human rights policies. I discuss two possible explanations, but in the interest of space refrain from discussing all possibilities. Other distinctly regional characteristics include: legal system, government type, income level, and education level. These will be treated as control variables in the statistical analysis.

⁵² See for example: "Sharon Faces Belgian Trial After Term Ends," *The New York Times* 13 February 2003.

Common Religion

States with similar religious majorities may tend to ratify the same treaties and avoid ratifying others. If a majority of states in the same geographic region share a common religion then common patterns of ratification may tap into an underlying, religious based preference, rather than some distinctly regional dynamic. Simmons and Elkins (2003) demonstrate an increase in global liberalization of the current account, capital account, and exchange rate regime over time as a result of competitive economic pressures and emulation of states with a similar religious background.

Post Colonial Status

States with a history of colonialism may be less willing to participate in any institution that serves to potentially compromise their sovereignty. For example, the Calvo clause, named after its creator, Carlos Calvo attempted to guarantee the sovereign immunity of Latin American states in their business dealings with international investors, primarily the US.⁵³ The Calvo clause stated that foreign investors would rely on the domestic courts of the host country rather than taking their claims to their home country.⁵⁴ Though not addressing the issue of global human rights institutions *per se*, the Calvo clause and the doctrine of sovereign immunity from which it developed suggests that states with a history of domination will take precautions to prevent future domination. Coupled with the realist view of international institutions which suggests that strong states use institutions primarily to exert pressure on weaker states, Latin American states would be well served to both advance the principle of sovereign immunity as well as avoid participation in

⁵³ Smith (1996) 100-101.

⁵⁴ Ibid.

institutions dominated by potential threats. Mitchell and McCormick (1988) have argued that a possible legacy of British colonial rule is democracy and respect for human rights, whereas the legacy of Spanish colonial rule is autocracy.⁵⁵

Regionalism and National Human Rights Policies

There is a paucity of literature that discusses cross regional trends in national human rights policies directly. More often scholars focus on one region without comparing their findings to other regions⁵⁶ or focus entirely on explaining ratification of a single treaty without reference to regional trends.⁵⁷ There are a few recent, though primarily unpublished exceptions to this trend. Ramirez, Soysal, and Shanahan (1997) consider explanations for the expansion of suffrage to women between 1890 and 1990. They find that in their later period (1931-90) regional effects exerted a strong influence on a state's decision to enact female suffrage. They attribute this phenomenon to regional peer pressure, arguing that states within the same region face increasing pressure to emulate one another.⁵⁸ This explanation is consistent with many of the regionalism theories in other issue areas.⁵⁹ Similarly, Wotipka and Ramirez (unpublished) find that ratification of the Convention on All Forms of Discrimination Against Women (CEDAW) is, in part, conditioned by the number of other states in a region that have already ratified.⁶⁰ Finally, Simmons (unpublished) tests Moravcsik's democratic lock-in hypothesis on the six "core" United Nations

⁵⁵ Mitchell and McCormick (1988) 480.

⁵⁶ See Hillman, Peeler, and da Silva (2004) on Latin America, Hashimoto (2004) on East Asia, and Lambert, Pickering and Alder (2003) on women's rights in Southeast Asia.

⁵⁷ See Vreeland (unpublished).

⁵⁸ See pages 740 and 742.

⁵⁹ Simmons (2000); Gleditsch and Ward (2000); Starr and Lindborg (2003).

⁶⁰ Wotipka and Ramirez (unpublished), 23.

human rights treaties. She finds that a county's commitment to these treaties is largely conditioned by the density of regional commitment. As an increasing number of states in one's region ratify, each individual state is more likely to ratify.⁶¹ Simmons attributes this to regional socialization, arguing that "governments are socialized to do what their regional peers tend to do."⁶² These findings suggest that a regional approach to understanding state ratification of human rights treaties may also be appropriate.

Defining Region

This investigation places great weight on regional political forces in explaining national human rights policies. This focus necessitates a more precise discussion of the term region. Defining the elusive concept of region has been the source of much scholarly debate, yet scholars lament the lack the progress that has been made.⁶³ There are at least four distinct approaches to explaining how a region might be conceptualized. These approaches include: geographic, cultural, economic, and security related. I briefly review this literature and then explain the approach to region used throughout this project.

The first approach to defining the term region is straightforward- a region is a "group of countries located in the same geographically specified area."⁶⁴ This is the approach used by international financial institutions, such as the World Bank to categorize countries. Though seemingly simple, this approach is not without its difficulties. As Milner and Mansfield (1999) point out attempting to draw lines around

⁶¹ Simmons (unpublished), 21.

⁶² Ibid, 25.

⁶³ See Mansfield and Milner (1999) 590. See also Morgan (1997) 25.

⁶⁴ Mansfield and Milner (1999) 590.

geographic regions is quite difficult. Some consider Turkey, for example part of Europe. Others would place Turkey in the Muslim bloc. This difficulty stems from one's conception of what constitutes a region. A region might simply be a grouping of geographically proximate states or a region might be a grouping of states that share a common history or culture. Milner and Mansfield note that though few would actually place the US and Russia in the same region, Alaska is closer to Russia than the contiguous United States. While geography can be used as a rough guide to identify states that are in the same region, by itself geography neglects other factors that contribute to widely held conceptions of regional boundaries.

Cultural approaches help to fill this gap. Katzenstein (1997) suggests that Asian identity is both "socially constructed and politically contested."⁶⁵ Yet, he is careful to note that his approach does not overlook the objective, geographic existence of a region.⁶⁶ Instead, Katzenstein relies on Deutsch (1981) and argues that regions are composed of countries that are interdependent over a wide range of variables- such as history, language, ethnicity, and social interactions. This interdependence is fluid and shifts over time and in response to prevailing political and social conditions. As Koschmann (1997) illustrates "without the West there is no East. The very idea of Asia is ultimately empty and variously exploitable."⁶⁷ His point is that the concept of region is relational. This approach is particularly appropriate for this project because it

⁶⁵ Katzenstein (1997) 11; Kupchan (1997).

⁶⁶ Some scholars that focus on economic regions advocate the abandonment of geography altogether in defining regions. Such an approach focuses on economic groupings, which transcend geographic proximity. For examples of this approach see: Anderson and Norheim (1993) and Cohen (1997).

⁶⁷ Koschmann (1997) 83.

takes into account both the physical, geographic borders as well as cultural factors that contribute to widely held conceptions of regional boundaries.

A third approach to region points to shared economic institutions⁶⁸ and trade flows between countries to identify regions. Such an approach takes geography into account only to the extent that it contributes to economic relationships between states. Some scholars argue that any reference to geography in defining regional boundaries is problematic. Studying common currency among various states Cohen (1997) suggests that “where effective use or authority of a money extends beyond the frontiers of a single country, we may legitimately speak of a currency ‘region.’”⁶⁹ Here, the defining feature of a region is not geography, history, or culture but rather a shared currency. Other work in this field focuses on regional economic agreements, with debates revolving around the degree to which regional trade arrangements serve as compliments or substitutes for global trade agreements.⁷⁰ In a recent edited volume various authors writing on this subject debate the causes of regionalism, with some suggesting that it is the result of geography and others suggesting that it the result of intentional policy choices by governments.⁷¹

In the field of international security the defining feature of a region is a common security threat. Lake and Morgan (1997) draw on Buzan’s (1991) concept of a regional security complex which emphasizes the interdependence of states with common security concerns. Buzan also focuses on geography, suggesting that geographically proximate states often but do not always have common security

⁶⁸ Preferential trade agreements (PTA’s), for example.

⁶⁹ Cohen (1997) 50.

⁷⁰ See: Mansfield and Milner (1999); Anderson and Blackhurst (1993).

⁷¹ The volume is edited by Mansfield and Milner (1997).

concerns. Lake and Morgan expand Buzan's concept of the regional security complex, suggesting that while appropriate during the Cold War, Buzan relies too much on super-power influences in a post Cold War world.⁷² Lake and Morgan focus on the degree to which each states' security policy creates externalities "...the security externalities are far more extensive, compelling, and durable among members of a regional security complex than they are between those members and other states."⁷³ They focus on the inter-dependence of security policies between states to identify those states that are part of the same region.

It is important to note at the outset that my work can potentially fit well with any of these approaches to region. Relying on geography makes obvious sense for statistical testing, but as noted earlier a strict reliance on geography would overlook other common factors that contribute to regional classifications. A social constructivist approach is also appropriate because this project focuses on the ways in which national human rights policies (specifically the decision to delegate to a global human rights institution) are negotiated and constructed in reference to regional peers. An economic classification of region could also work here because I'm arguing that states compete with regional peers to send signals to the international community in order to attract foreign aid. In this regard identifying regional economic peers makes the most sense because states will likely compete for aid with those that are similarly situated economically. Finally, a security approach may also be appropriate because I identify regional crises as the key variable that motivates states to seek out signals that

⁷² Lake and Morgan (1997) 28-29.

⁷³ Lake and Morgan (1997) 29.

demonstrate that they are committed to democracy, such as ratification of constraining articles in human rights treaties.

Following the work of Deutsch (1981) this project employs a blended approach to region. Quoting Deutsch (1981) Katzenstein suggests that a region is “a grouping of countries markedly interdependent over a wide range of different dimensions.”⁷⁴ This is the approach to region that is used throughout this investigation. The primary benefit of such an approach is an allowance for change. In the statistical analysis regional variables are created using geographic classifications but dummy variables are included to take into account common religion and post colonial status. Geography is used again as a way to tap into basic regional boundaries in the case studies.

A blended approach to region is appropriate for this project because, at its core this work suggests that state’s human rights policies are constructed and contested in response to regional peers. This allowance for change is key to this project because I do not argue that human rights policies are created in a vacuum or determined solely by either domestic or international forces. Instead, my approach suggests that though initially motivated by regional crises states ultimately make strategic decisions about how best to package themselves to the international community in relation to their regional peers.

The Dependent Variable: Human Rights Institutions

Most discussions of human rights treaties focus on the ratification of the treaties themselves. Scholars have often criticized this focus and correctly pointed out that many of these treaties (like many of those discussed in the introduction) are

⁷⁴ Katzenstein (1997) 11.

simply cheap talk ultimately making little difference in state policy. This project will shift the focus away from human rights treaties that require no delegation or monitoring. Instead, I consider ratification of individual petition mechanisms which by definition require oversight of a sovereign's domestic human rights policies by an independent third party. I argue later that these mechanisms constitute the most credible commitment that states can make to respect the human rights of their citizens within extant human rights institutions.

Human rights institutions take a number of different forms. In order to differentiate among these forms I use a component of the legalization scale, which consists of the level of obligation, delegation, and precision specified by an international agreement.⁷⁵ The level of delegation within international human rights agreements varies both among current treaties and over time. Figure 1.3 depicts the degree of sovereignty costs that some of these arrangements entail. In the wake of World War II, a number of human rights agreements surfaced that, while technically binding on participant states, required no delegation to third parties. Among the most well known documents are the 1948 Universal Declaration of Human Rights and the two international covenants on human rights (the International Covenant on Civil and Political Rights and the International Covenant on Economic and Social Rights), both of which were adopted by the General Assembly of the United Nations in 1966.⁷⁶ While exceedingly important in the development of a body of universal human rights law, these General Assembly resolutions did not require any method of external

⁷⁵ Goldstein, Kahler, Keohane, and Slaughter (2001) 3.

⁷⁶ Baehr (1999) 9.

review on state behavior.⁷⁷ Without delegation, non-compliance with human rights commitments is much more difficult to detect.

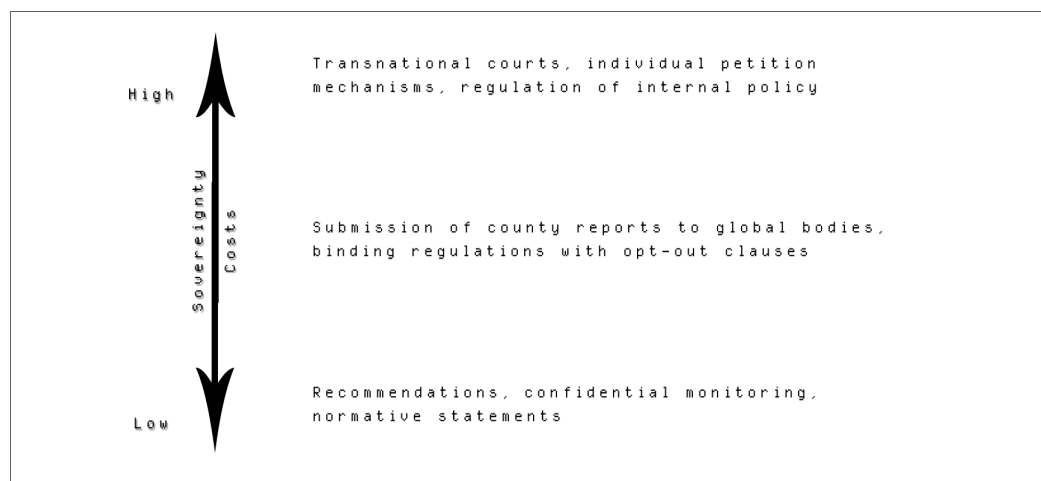


Figure 1.3: Delegation to International Institutions

Other human rights institutions, such as the Genocide Convention require those suspected of committing acts of genocide be tried either by a national tribunal or an international tribunal.⁷⁸ This is an admittedly low level of delegation but surpasses the degree of delegation in the Universal Declaration of Human Rights, for example, which does not stipulate any oversight mechanism. In stark contrast, two regional institutions, the European Court of Human Rights and the Inter-American Court of Human Rights serve as arbitrators between states and their citizens. States that have ratified the articles associated with these bodies allow for external review of their human rights policies by impartial courts. This constitutes a very high degree of delegation.

⁷⁷ The Optional Protocol to the International Covenant on Civil and Political Rights is one exception to this. However, the optional protocol was not adopted as part of the original document and need not be accepted by states parties that have ratified the ICCPR.

⁷⁸ Article 6, Genocide Convention, Adopted by *Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948*.

States can subject their human rights policies to external review by ratifying individual petition mechanisms in global institutions. Individual petition mechanisms allow individuals to bring a claim against their government before a global or regional body. Typically, individuals do not have standing in international law. States are generally charged with filing claims on behalf of their citizens against foreign states. The International Court of Justice, for example does not accept claims by individuals.⁷⁹ Yet, the area of human rights presents a unique and controversial problem for international law.

When a government is responsible for systematically violating the rights of its citizens, where can those citizens go to seek relief? If municipal law does not protect them, and the government itself is perpetrating the violation of rights, then individuals must be able to petition global or regional bodies for relief themselves.⁸⁰ There are four global human rights institutions that possess individual petition mechanisms:

- The International Covenant on Civil and Political Rights (ICCPR)
- The Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT)
- The Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

⁷⁹ Article 34, Statute of the International Court of Justice.

⁸⁰ Malanczuk (1997) discusses the unique dilemma that human rights pose for international law and includes a brief historical discussion of individuals and international law. (100-04)

These mechanisms differ very little with respect to their protections and procedures. While all of the treaties require a two-step procedure to accept the competence of the attendant committee to receive complaints on behalf of alleged victims, the treaties differ with respect to what two steps must be taken. The women's convention and the racial discrimination convention both require ratification of an optional protocol in addition to ratification of the treaty in order to accept the competence of the committees. In the torture convention and the ICCPR states must ratify the treaty and declare that they accept the competence of the committee to receive complaints from their citizens. Functionally, these requirements are all but identical. Both require two steps with an explicit declaration of the competence of the committee.

For all of the treaties, petitions may be submitted to the oversight committee on behalf of individuals or groups of individuals.⁸¹ Each of the treaties has a built-in complementarity provision- meaning that the oversight committee can only accept petitions if the accused state has failed to investigate or unnecessarily prolonged the investigation. The Women's Convention⁸², ICCPR and the Torture Convention all follow the same procedures for receiving complaints. When a written complaint is received by the committee the committee immediately notifies the accused state. The

⁸¹ For the ICCPR the oversight committee is the Human Rights Committee. For the Convention against Torture the oversight committee is the Committee against Torture. Racial Discrimination complaints are heard by the Committee on the Elimination of Racial Discrimination. The oversight committee for the Women's convention is the Committee on the Elimination of Discrimination against Women.

⁸² The powers of the CEDAW oversight committee are unique in that at any time during the committee's investigation but before a final decision has been reached, the committee may send an urgent request to the state being investigated to take immediate measures to prevent irreparable damage to the victim. (CEDAW Optional Protocol, Article 5) The committee also has the ability to request a visit to the state under investigation, provided that the state has granted permission. (CEDAW Optional Protocol, Article 8)

state is then given six months to complete an investigation and explain what remedies have been taken. For the Racial Discrimination Convention the accused state has only three months to complete their investigation and report to the committee. The committees do not accept anonymous petitions, but the women's committee will keep the names of the petitioners confidential if requested. All of the information necessary for petitioning the relevant committees is readily available on the United Nations website.⁸³ Contact information, model petitions and explanations of petition procedures for each of the committees is stored in the same place on the UN website so there are no variations in ease of petition between the committees.

At the end of an investigation the oversight committee sends their opinion both to the state under investigation and the individual that filed the petition. At the end of each year the reporting committees present the results of all of their investigations to the General Assembly.⁸⁴ While the committees can formally do no more than publicly shame a state for violating the terms of a human rights treaty, new follow-up procedures allow oversight committees to request that the states accused of human rights abuses submit a list of changes made to domestic legislation one year after the conclusion of the investigation.⁸⁵ The list is supposed to address, in a point-by-point manner the implementation of the committees recommendations. These new procedures have been successful in pushing Azerbaijan, for example to implement extensive domestic torture legislation, suggesting that these oversight committees are

⁸³ <http://www.unhcr.ch/html/menu2/complain.htm>

⁸⁴ Convention Against Torture Article 24; CEDAW Article 21; ICCPR Optional Protocol Article 6; CERD Article 14, Sect. 8.

⁸⁵ Conclusions and Recommendations of the Committee against Torture: Azerbaijan. 17 November 1999. A/55/44, paras. 64-69. Available at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/A.55.44,para.64](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/A.55.44,para.64).

affecting state behavior.⁸⁶ These individual petition mechanisms entail very high sovereignty costs, primarily because they permit external review of a sovereigns' domestic human rights policy.⁸⁷

Plan of the Dissertation

In Chapter two I outline my explanation for state ratification of global human rights instruments and regional patterns of ratification. I then test that argument against the prevailing explanations in the literature using event history analysis. Chapter three is a qualitative analysis of ratification in eastern Europe in the 1990's. In this region I focus specifically on the Slovakian and Czech experiences with ratification of Article 14 in the Convention on the Elimination of All Forms of Racial Discrimination. Chapter four consists of a qualitative analysis of ratification of the Optional Protocol in the International Covenant on Civil and Political Rights in Central Asia, focusing on Tajikistan and Kyrgyzstan. Chapter five synthesizes the information obtained from this project, evaluates levels of compliance with the dictates of these committees and presents concluding observations.

⁸⁶ For the committees recommendations to Azerbaijan regarding domestic torture legislation see: Conclusions and Recommendations of the Committee against Torture: Azerbaijan. 17 November 1999. A/55/44, paras. 64-69. Available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/A.55.44,paras.64-69](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/A.55.44,paras.64-69). For the committees second periodic review of the situation see United Nations. Press release. *Committee Against Torture Issues Provisional Conclusions on Cambodia, Conclusions on Azerbaijan*. 12 May 2003. Available at: <http://www.unhchr.ch/hurricane/hurricane.nsf/0/9CA71C2ABC7568B7C1256D250025C0FF?opendocument>

⁸⁷ Amnesty International, arguably the most influential global human rights NGO, has a campaign devoted exclusively to encouraging states to ratify individual petition mechanisms in these bodies. For more information see: www.amnesty.org/campaign/ in the Treaty Bodies section.

Chapter 2: Quantitative Analysis

Introduction

Between 2001 and 2003 the Tajik Republic was brought before the global monitoring body responsible for overseeing violations of the International Covenant on Civil and Political Rights seventeen different times. The complaints all assert that Tajik authorities systematically violated basic due process rights, subjecting prisoners to capital punishment without adequate legal protections and coerced confessions with torture. What makes these petitions unique are their authors, individual citizens residing in Tajikistan directly petitioned the Human Rights Committee (HRC), the body responsible for receiving individual petitions arising out of violations of the ICCPR. International relations scholars often contend that human rights treaties are mere cheap talk, rarely altering state behavior in meaningful ways.⁸⁸ Yet, the individual petition mechanism (IPM) in the ICCPR that allowed these citizens to petition the body brought such pressure, both directly and from regional NGO's that a moratorium on the death penalty and a comprehensive action plan to prevent widespread torture of accused criminals in police custody was implemented in Tajikistan in 2004.

The increasing rates of ratification of these IPM's are puzzling. States can ratify the treaties associated with the IPM's without actually ratifying the IPM's. From the perspective of a state there appears to be little benefit to ratification of these IPM's. States stand to gain little more than psychic satisfaction, back-patting from the international community or perhaps, at best the ability to appease a domestic interest

⁸⁸ Downs, Roake and Barsom suggest that states only ratify treaties with which they are already complying, implying that the treaties themselves do not

group interested in human rights. Indeed, as evidenced by the Tajik experience with the International Covenant on Civil and Political Rights - ratification can be quite costly. If the costs are relatively high (reduction in policy autonomy) and the benefits so low, why do states ratify human rights these IPM's at all?

I attempt to answer this question by testing a theory about when and under what conditions state leaders ratify individual petition mechanisms in human rights treaties. I argue that ratification of IPM's in human rights treaties serves as a signaling device. States ratify these mechanisms in human rights treaties after periods of regional crisis as a way to attract aid from the major international donors. This theory predicts that periods of intense regional political crisis will be followed by waves of ratification of human rights treaties. I test this theory against the two dominant explanations for ratification in the international relations literature: domestic democratic lock-in and the socialization hypothesis. This chapter is divided into two sections. In the first section I explain my theory and discuss trends in ratification of global human rights treaties using descriptive statistical analysis. In the second section I test my theory against the dominant explanations for ratification in the literature using survival analysis.

A Theory of Ratification of Human Rights Treaties

Moravcsik (2001) has argued that leaders of unstable democracies will be likely to ratify treaties that allow them to lock-in their policy preferences for the future. He argues that leaders calculate the tradeoff between a reduction in policy autonomy today with the potential for political uncertainty tomorrow. In the hopes of locking in democracy into the future many leaders will participate in global

agreements that lock-in their preferred policy outcomes into the future, even if that means fewer policy options in the current period. Moravcsik's test for this hypothesis consists of a consideration of the timing of ratification of the European Court of Human Rights. Indeed newly established and unstable democracies in Europe in the post WWII period do appear likely to ratify in order to lock-in democracy. Moravcsik's theory brings to IR a novel approach to understanding why states that might otherwise be unlikely to ratify human rights instruments are actually inclined to do so.

Yet there are a whole range of interesting questions that Moravcsik's work leaves unanswered. For example, why do trends in delegation to global human rights institutions tend to follow regional patterns in the post World War II period? Why are states slower in ratifying the constraining articles in these treaties (IPMs) than they are in ratifying the treaties themselves? How can we explain delegation to human rights institutions among autocratic states? In this section I outline a theory of ratification of human rights agreements as well as regional trends in ratification.

The theory advanced here differs from previous work by focusing on delegation both by newly established democracies as well as autocracies. Much of the current literature on democratic lock-in recognizes that the governments of newly established democracies use ratification of global treaties as a way to lock-in democratic political institutions. However, as demonstrated in chapter 1, existing theories have difficulty explaining both the regional pattern and the rates of

ratification among autocratic states.⁸⁹ Both newly transitioning democracies as well as autocratic states have a similar need that has been largely neglected by current work-attracting foreign aid. Signaling that they intend to remain democratic or even that they are making strides toward incorporating democratic institutions by delegating to global human rights institutions can result in substantial material benefits from the international community.

There are two bodies of literature that suggest that grants of aid from the major international donors have become increasingly dependent upon the strength of a state's democratic institutions as well as the state's respect for the human rights of its citizens.⁹⁰ In a comprehensive study of the determinants of foreign aid from the 21 OECD countries between 1985 and 1997, Neumayer (2003) finds that respect for civil, political and personal integrity rights are universally significant determinants of aid. Alesina and Dollar (2000) find that political rights have a positive impact on the amount of aid given by Australia, Canada, Germany, Japan, the Netherlands, the Scandinavian countries, the UK, and the US.⁹¹

Apodaca and Stohl (1999) examine the link between US grants of bilateral aid and recipient country human rights policies between 1976 and 1995. They find that during the Regan and Bush Sr. administrations that human rights practices in recipient countries were a significant determinant of military aid. During the Clinton

⁸⁹ Autocratic governments (defined as a Polity score below 0) ratified the individual petition mechanism in the International Covenant on Civil and Political Rights more often than established democracies (defined as a Polity score above 6).

⁹⁰ Svensson (1999), Neumayer (2003), and Alesina and Dollar (2000).

⁹¹ In a more recent study Heckelman and Knack (2005) finds that dependence on foreign aid serves to undermine the strength of democratic institutions by encouraging rent-seeking, corruption, and alleviating pressures to reform inefficient policies. The implication of this study is that donors should seek out countries with already stable democratic institutions and donate aid to them.

administration human rights practices were a significant determinant of economic aid.⁹² Cingranelli and Pasquarello (1985) find that Latin American countries that were not gross human rights violators were much more likely to receive military aid from the United States in 1982 than those states that had violated the human rights of their citizens.⁹³ Much of the work of Steven Poe has confirmed that there is indeed an important link between grants of aid and human rights policies. In a 1994 piece Poe and Sirirangsi test the impact of human rights policies on grants of aid from the US for one hundred and thirty three countries between 1983 and 1988. They find that when aid allocation is characterized as a two stage process, recipient countries are selected in the first stage and the level of aid is determined in the second, that human rights practices are an important predictor of economic aid. In another piece Poe et al. (1994) find strong evidence that human rights practices in recipient countries played a major role in both grants of economic and military aid from the United States.

Taken together these studies suggest that grants of aid from the major international donors are influenced by the strength of democratic institutions and human rights policies in recipient countries. This link suggests that there may indeed be substantial economic benefits to countries that can successfully communicate their intentions to remain or become democratic to the international community. Ratification of individual petition mechanisms within existing human rights treaties provides one way for countries to communicate this signal. Theories on signaling games in international relations suggest that in order for a signal to be credible it must

⁹² For additional information on the link between foreign aid and recipient state human rights policies see Poe and Sirirangsi (1993) and Poe, Pilatovsky, Miller and Ogundele (1994).

⁹³ Cingranelli and Pasquarello (1985) 554.

be costly.⁹⁴ Costly signals allow for the differentiation of type. Here, the differentiation of type is of paramount concern because those states that can successfully signal that they intend to introduce or maintain democratic institutions can expect to attract more aid. Fearon (1997) suggests that there are two ways to send costly signals tying hands and sinking costs. Tying hands consists of undertaking commitments with audience costs to be paid *ex post* if the state does not follow through on its commitment. Sinking costs consists of paying up front to demonstrate commitment- Fearon uses army mobilization as an example of sinking costs.

Ratification of individual petition mechanisms allow states to tie their own hands and hence send a costly signal to the international community that they intend to maintain their democratic institutions or, for autocratic states to enhance the transparency of extant institutions- making them more attractive aid recipients. Unlike ratification of traditional human rights treaties, which at best amount to cheap talk ratification of individual petition mechanisms require a deeper level of commitment from states. IPMs allow citizens from ratifying states to petition global tribunals if states violate their rights guaranteed by the treaty. Individual petition mechanisms work in the same way that the European Court of Human Rights does- essentially serving to guarantee the rights of citizens from incursions by their own governments. If states fail to respect their citizens' rights, the state can be held accountable in a global tribunal and suffer the audience costs associated with renegeing on their commitment to human rights.

⁹⁴ Fearon (1994).

The Role of Regional Crises

My primary hypothesis is that, contrary to the received wisdom in international relations states ratify human rights treaties in order to attract aid from the international community; ratification is used as a signaling device by governments. Yet, without a theory about the timing of ratification this theory would predict very little because the need for capital is ubiquitous across time. In this section I also attempt to identify *when* states will be most inclined to send this signal. I argue that this need to incur audience costs to demonstrate commitment to democracy and attract aid should be particularly intense after states have expended their own resources to buffer themselves against regional conflicts.

Regional military and political crises intensify the need for aid not only within the state experiencing the crisis, but also in those states that share borders and are geographically proximate. Regional conflicts can impose costs on states in at least one of two ways- directly, by forcing states to divert their own resources or indirectly, by limiting the capital flows that a state can rely on in times of peace. Militarized engagements in geographically proximate states can require direct outputs of capital. This may include sending troops to fortify borders or caring for refugees fleeing from conflict zones. The Kyrgyz response to the Tajik civil war (discussed at length in Chapter 4) is a case in point. When the fighting in neighboring Tajikistan began the Kyrgyz sent troops to fortify the Southern Tajik border to prevent radical Islamists from entering the country through Afghanistan. As the only country in the region willing to accept and care for Tajik refugees, the already strained Kyrgyz economy was under enormous pressures. Additionally, states may need to send their own troops

to prevent rebel groups, engaged in the fighting from using their country as a base of operations.

The costs associated with being situated in an unstable region can also be indirect. Fighting in the region may limit sources of aid or reduce regional trade flows. In the 1990's the Russian's were overextended in variety of ways, sending troops to Tajikistan, sending troops to Moldova and engaging in fighting with Chechnya. States that were depending on Russian subsidies were hit hard by the sharp reduction in Russian aid. Similarly, the war in Yugoslavia and the sanctions imposed on the Serbs by the UN had the unintended effect of harming the Slovak economy. The Slovaks claimed to have lost hundreds of thousands of dollars from the lack of trade with Serbia in a letter to the UN.⁹⁵

In response to regional crises I expect states in the same geographic region to have a heightened need to compete with one another to attract aid. Namely, regional threats can quickly become local threats. Regional conflicts can create costly externalities even for those states that are not engaged in the fight. So, during times of regional crisis the need to find a way to send a credible signal of commitment to democracy should mean that geographically proximate states should compete to find ways to send this signal. Ratification of individual petition mechanisms allows states to tie their own hands and send this signal.

Hypotheses

If the regional crises are indeed the impetus behind ratification then neighboring states and states in the same general region should have relatively

⁹⁵ Deen (1995).

homogenous preferences for ratification because they have similar a need to signal their commitment to democratic ideals in order to attract aid. I expect to find regional clustering of ratification among geographically proximate peers. The null hypothesis is that ratification of individual petition mechanisms in global human rights institutions does not follow any distinctly regional pattern. It is important to note that this hypothesis could potentially overlap with a lock-in model. If transitions to democracy cluster regionally, then regional clustering of ratification could either be the result of common regional crises, as I suggest or ratification could stem from regional clustering in transitions to democracy as a lock-in model would suggest. In the quantitative analysis I test simply for the presence of regional clustering. In the subsequent case study chapters I have intentionally selected a set of states from a primarily democratic region (Eastern Europe in the 1990's) and from a primarily non-democratic region (Central Asia in the 1990's). This selection method allows me to control for the effects of regional clustering of democracy. If regional patterns are identified across both of these sets of cases then, this would suggest that regional crises, rather than regional clustering of transitions to democracy explain ratification. The model also suggests that higher rates of regional instability should be met with higher rates of ratification. Hypotheses one and two follow from these predictions.

H₁: Ratification of individual petition mechanisms clusters regionally.⁹⁶

H₂: As the rate of regional instability increases, the rate of ratification of individual petition mechanisms also increases.

⁹⁶ Support for this assertion is contained primarily in the rates of ratification displayed in Figures A2.1 - A2.4 in the appendix.

The model presented above implies that newly established democracies and autocracies will draw the greatest benefit from ratification and should thus be more likely to ratify than other types of states. If newly established democracies and autocracies are successful in signaling their intentions to remain democratic or, in the case of autocracies their intentions to enhance the transparency of their domestic institutions they stand to gain significant material benefits from the international community. Entrenched democracies have little need to signal their type to the global community and therefore will draw less benefit from ratification than newly established democracies and autocracies. Comparatively, a social constructivist model of ratification suggests that established democracies should be the most likely to ratify because these states are primarily responsible for the spread of humanitarian norms. Lock-in models of ratification point to newly established or tenuous democracies as the group of states most likely to ratify, because governments in these states have a special need to lock-in democratic institutions. My model focuses on ratification as a way to attract much needed aid during times of regional crisis and therefore does not make any assumptions about underlying political institutions. Hypotheses three and four follow from these predictions.

H₃: Newly established democracies and autocracies are more likely to ratify than established democracies.

H₄: Following the ratification of individual petition mechanisms, newly established democracies and autocracies should receive a greater share of aid relative to other states that have not ratified.

In the following section I identify trends in ratification of the four treaties under investigation in this project.

Trends in Ratification

International relations scholars have sought to explain why states both ratify human rights treaties (Moravcsik 2000; Hathaway 2002; Vreeland (unpublished), and why they adopt human rights practices such as women's suffrage (Ramirez, Soysal, and Shanahan 1997) and labor regulations (Rodrik 1997). While many of these works find that democracy- namely pressure from the public, is the primary explanation for ratification of human rights treaties and adoption of human rights practices, recent work suggests that regional pressures may also be important in explaining a number of state actions. Recent scholarship has pointed to regional variables to explain the trend toward legalization in international monetary affairs (Simmons 2000), the decision to adopt democracy (O'Loughlin et al. 1998, Pevehouse 2000), and patterns of peace and conflict (Gleditsch 2002). Comparatively little attention has been paid to regional trends in the adoption of national human rights policies.⁹⁷

In an attempt both to elucidate the link between regional pressures on states to ratify global human rights treaties and to avoid the concern of critics that these treaties are mere cheap talk I have compiled a dataset that includes ratification information for individual petition mechanisms in global human rights treaties, spanning the years 1964-2001. All countries in the world are included and data is drawn from United Nations Treaty data, EuGene, Polity IV, and the World Development Indicators. If a state has ratified one of these treaties they can then opt to ratify the individual petition

⁹⁷ The exception to this is an unpublished paper by Beth Simmons.

mechanism. Individual petition mechanisms allow individual citizens within the ratifying state to file a complaint about violations of the terms of the treaty with a global tribunal. Individual petition mechanisms give individuals unprecedented access to the institutions of international justice. In ratifying these mechanisms, states open up their domestic human rights policies to review by a global tribunal.

Rates of Ratification of Treaties and Individual Petition Mechanisms

Figure 2.1 displays the cumulative percentage of states that have ratified the four treaties under observation in this project. These data suggest that the majority of states that ultimately ratify the treaties do so primarily within the first ten years that they are open for ratification. Thirty-one states (out of 190 possible) ratified CEDAW, the Convention on the Elimination of All Forms of Discrimination against Women by 1981, the second year that the treaty was open for ratification. Similarly, thirty-six states ratified CERD, the Convention on the Elimination of Racial Discrimination by 1965 the fourth year that the treaty was open for ratification. The majority of ratifications for the torture convention (CAT) cluster within the third and seventh years that the treaty was available for ratification, between 1987 and 1991.

Again, this suggests that states that plan to ratify human rights treaties do so, approximately within the first ten years that the treaty is open for ratification. In addition, a high percentage of states tend to ratify human rights treaties. Table 2.1 identifies the rates of ratification of these treaties. The numbers range from a low of

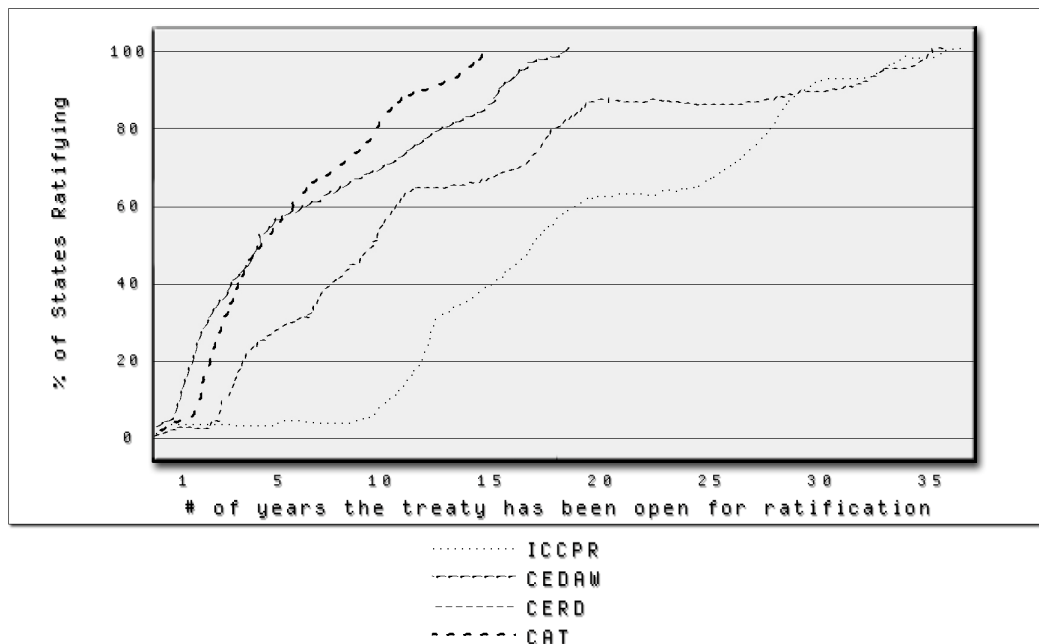


Figure 2.1: Cumulative Percentage of Treaty Ratification Per Year

65.5% of states in the world that have ratified the Convention against Torture to a high of 86.3% for the Women's Convention. These findings are not surprising. High levels of ratification of human rights treaties are consistent with scholarly expectations in

Table 2.1: Ratification of Human Rights Treaties*

Treaty	ICCPR	CEDAW	CERD	CAT
Total number of ratifying states/total number of states	149/190	164/190	155/190	124/190
% of states that have ratified	78.4%	86.3%	82%	65.5%

*As of 9 June 2004

international relations literature because these treaties contain little more than hortatory declarations about the importance of human rights in a given field. Levels of ratification of these treaties should be high because they allow states to engage in cheap talk- declaring respect for human rights without placing limitations on domestic policy options. The speed with which states tend to ratify these treaties also suggests

that there is little strategy involved. When the treaties become available for ratification state leaders ratify them because the costs of ratification are so low.

States should be relatively less inclined to ratify individual petition mechanisms (IPMs) within these same treaties because ratification of the IPMs allow global tribunals to oversee domestic human rights policies and hence limits domestic policy options for state leaders. In a state that has ratified the IPM in the Torture Convention (CAT), citizens have the opportunity to complain about allegations of torture to the Committee against Torture. The Committee is empowered by the Torture Convention to receive complaints both from individual citizens and from other states.

Rates of ratification of the IPMs in these same treaties are considerably lower than the rates of ratification of the treaties themselves. This is consistent with scholarly expectations in international relations. Because these treaties don't appear to offer any tangible benefits to signatories, states should be less likely to ratify the oversight mechanisms associated with the treaties. However, the rates of ratification are not negligible. Table 2.2 illustrates these rates of ratification. 52.1% of the states in the world have ratified the individual petition mechanism in the International Covenant on Civil and Political Rights (ICCPR). 30% of the states in the world have ratified the IPM in the racial discrimination convention (CERD), while 27% have ratified the IPM in the torture convention. The rate of ratification of the IPM in the women's convention is very low at .07%, but that IPM was only open for ratification for two years in the dataset compiled for this project. A comparison of Figures 2.1 and 2.2 suggest something interesting about the timing of ratification of both the treaties and the IPMs. If states intend to ratify human rights treaties, they tend to do so

quickly, generally within the first ten years the treaty is available for ratification. The same is not true for IPMs.

Table 2.2: IPM Ratification Rates*

Treaty	ICCPR	CAT	CERD	CEDAW
Total number of ratifying states/total number of states	99/190	55/190	52/190	13/190
% of states that have ratified	52.1%	30%	27.4%	7%

*As of 9 June 2004

States take their time ratifying IPM's. Like the treaty, the IPM for the International Covenant on Civil and Political Rights (ICCPR) was available for ratification for 34 years in the current dataset. In the first seventeen years that the IPM was available for ratification forty states ratified, but in the second seventeen years that the IPM was available for ratification fifty-nine states ratified. 19% more states ratified in the later period. Figure 2.2 below suggests that states are not as quick to ratify IPMs as they are to ratify human rights treaties.⁹⁸ What accounts for this lag time and why are states so much slower in ratifying individual petition mechanisms than treaties?

⁹⁸ The Convention on the Elimination of All Forms of Discrimination against Women has been left off of this chart because the IPM was only open for one year during the period under investigation.

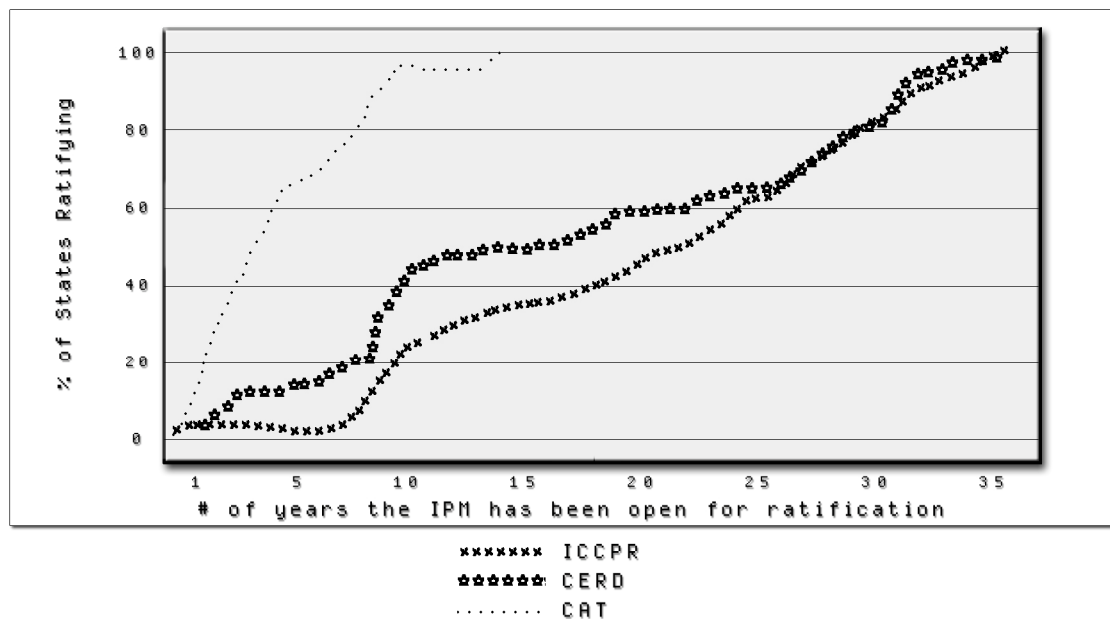


Figure 2.2: Cululative Percentage of IPM Ratifications Per Year

Regional Rates of Ratification of Treaties and Individual Petition Mechanisms

The lag time between ratification of treaties and ratification of individual petition mechanisms are only half of the story. There are also strong regional trends in ratification in both treaties and IPMs. States tend to ratify the treaties and IPMs that those in their geographic peer group ratify. Table 2.3 lists the percentage of states in each region that have ratified both the treaty and the accompanying IPM.⁹⁹ The Appendix to this chapter contains four charts that plot the regional rates of ratification of the treaties against the regional rates of ratification of the individual petition mechanisms. States within the same region generally make the same choices with respect to the treaties and IPMs they choose to ratify. Rates of ratification among

⁹⁹ Figures A2.1 -A2.4 in the Appendix to this chapter plot the regional rates of ratification of the treaties against the regional rates of ratification of the individual petition mechanisms graphically for each region in each treaty.

regional peers tend to be either extremely high within a region (approaching 100%) or extremely low (approaching 0), but not in the mid ranges (between 30-60%).

Table 2.3: Percentage of States in Each Region that have Ratified*

Region	ICCPR Treaty	ICCPR IPM	CERD Treaty	CERD IPM	CAT Treaty	CAT IPM	CEDAW Treaty	CEDAW IPM
Western Europe	100%	82%	86.3%	77.2%	86.3%	77.2 %	100%	36.3%
East Asia & the Pacific	36%	18%	39.2%	.07%	29%	.07%	64.2%	.07%
Europe & Central Asia	93%	83%	93.1%	55.1%	100%	24.1 %	100%	24.1%
Latin America & the Caribbean	84.3%	56.2%	81.2%	22%	63%	25%	97%	25%
Middle East & North Africa	71.4%	10%	90.4%	4.8%	71.4%	10%	67%	0
South Asia	50%	25%	75%	0	38%	0	100%	25%
Sub Saharan Africa	89.3%	60%	85.1%	4.2%	62%	11%	89.3%	11%

*As of 9 June 2004

While these statistics offer a broad overview of the rates of ratification among regional peers, the more remarkable stories lie beneath these broad trends. Using event history techniques borrowed from biostatisticians I can use the same data to estimate the risk of ratification for any region at a given time in the dataset. This is essentially the same as introducing regional variation into the frequency charts (Figures 2.1-2.2) but with one important advantage. The survivor function in event history analysis allows for the estimation of ratification without biasing the estimation. This problem is called right censoring and occurs when some of the observations in

the data set are still “alive” at the end of the observation period.¹⁰⁰ Without the assistance of event history techniques, these “alive” cases, or those states that have still not ratified the treaty at the end of the observation period in my dataset are treated as though they ratified in the final year of observation. This has the obvious effect of biasing the estimators of ratification upward. The survivor function fixes this bias by removing those cases that are still alive from the denominator of the survivor function only at the time that they are right censored.¹⁰¹

I estimate the survivor function for each region for the International Covenant on Civil and Political Rights (ICCPR) because this treaty has been open for ratification for 35 years in the data collected for this project, allowing for a greater number of observations than some of the other treaties. I can then compare the survivor functions for each of the regions to see if region affects the time until ratification both for the treaty and the IPM. Curves that plunge deeply suggest that a high number of states have ratified and hence that the number of states still at risk at time t is small. Shallow curves suggest that there are still a high number of states at risk of ratification at time t . Figure A2.5 in the Appendix estimates the survivor functions for ratification of the ICCPR treaty.

These curves represent the percent of states in each region that are still at risk of ratifying after the amount of time on the x axis. Eastern Europe and central Asia, represented by the solid line have the highest number of ratifications of the ICCPR. But this region has also ratified the treaty quicker, relative to the other regions. After

¹⁰⁰ For more on the problem of right censoring in event history analysis see Box-Steffenmeier and Jones (1997). See also, Kousser (2005) and Cleves, Gould, and Gutierrez (2004).

¹⁰¹ Kousser (2005) discusses the ways in which survivor functions limit the biases associated with right censoring in his book on terms limits in the United States Congress. See pages 73-75.

twenty years, only 30% of states in the region had failed to ratify. East Asia represents the opposite extreme, after twenty years 75% of states in the region had failed to ratify the treaty. The additional benefit to using the survivor curves is that they allow for log rank tests which serve as an initial test of the statistical significance of difference between regional rates of ratification. Here the statistical significance between regional rates of ratification is significant at the .001 level.

Figure A2.6 in the Appendix plots the survivor curves for the individual petition mechanism for the International Covenant on Civil and Political Rights.¹⁰² These curves appear shallower than those in Figure A2.5 because, states generally take longer and are less likely to ratify individual petition mechanisms than treaties. The states in eastern Europe and central Asia (again represented by the bold line) began ratifying the IPM in this treaty immediately. While the states of Western Europe have overwhelmingly opted to ratify the IPM in this treaty, it took nearly twenty years for 50% of states in this region to ratify. Similarly, in Sub-Saharan Africa it took nearly ten years before a single ratification of the IPM occurred. Even after thirty years the rates of ratification of the IPM are considerably lower than the rates of ratification after the same period for the treaty. Even though both the treaty and the IPM (as an optional protocol) were available for ratification at the same time states chose to wait longer to ratify the IPM. The decision to ratify the IPM appears to be a strategic one, rather than a simple reflexive response, as one could argue ratification of the treaty itself might be.

¹⁰² These regional distinctions are also statistically significant at the .001 level.

Before going moving on to the tests it seems important to discuss who ratifies. That is, are established democracies ratifying at a rate greater than unstable democracies or autocracies? To get an initial idea about which states are ratifying individual petition mechanisms I again use the International Covenant on Civil and Political Rights and plot the rates of ratification among established democracies¹⁰³, moderate democracies¹⁰⁴ and autocracies¹⁰⁵ in Figure A2.7 in the Appendix. The curves suggest that while autocracies are slower to ratify than either established democracies or moderate democracies, they are ratifying the individual petition mechanism in the ICCPR at very high rates. After the Optional Protocol to the ICCPR, which contains the individual petition mechanism was available for ratification for twenty years 50% of the autocracies in the world system had ratified. This is an interesting finding when compared with the relatively low rate of ratification among unstable democracies after twenty years (approximately 25% had ratified). This finding is not wholly inconsistent with my expectations. Unlike established democracies which have little need to signal their type by ratifying human rights treaties, autocracies and tenuous or newly established democracies have a strong financial incentive to demonstrate that they will respect the human rights of their citizens. In this context, high rates of ratification among autocracies make sense as they can be attributed to a desire to attract aid.

¹⁰³ Scoring between 6-10 on the Polity scale.

¹⁰⁴ Scoring between 1-5 on the Polity scale.

¹⁰⁵ Scoring between -10 -0 on the Polity scale.

Explanation of Variables Used in Empirical Tests

In the following quantitative analysis I test the predictive power of regional instability in explaining ratification of IPMs against three other explanations for ratification offered in the IR literature. The data are arranged in a time-series-cross-section format. Following recent trends in political science I use event history techniques borrowed from biostatisticians to better account for time in the regressions.¹⁰⁶ I run a series of multinomial logit regressions on three different models. The data span the years 1964-2001 and include all of the states in the world.

I test my explanation of ratification against Moravcsik's domestic lock-in hypothesis using dynamic democracy scores from the Polity IV Project. These variables range from a possible score of -10 (very autocratic) to +10 very democratic. If Moravcsik's theory is correct then states with mid range levels of democracy should be the most likely to ratify. In the regressions I use their lagged values, labeled Polity (lagged value) in the tables. I also test Moravcsik's theory using the Polity Durability variable which is the number of years since the last political transition. The democratic lock-in approach implies that lower scores on this variable should be associated with higher rates of ratification.

Normative explanations of commitment to human rights rely on the assumption that nation-states are increasingly "constructed from and influenced by world models of progress and justice set forth by universalistic scripts for authentic

¹⁰⁶ For more information on taking time into account in time-series-cross-sectional analysis see Beck, Katz, and Tucker (1998). For information on the use of event history analysis in political science see: Box-Steffensmeier and Jones (1997).

nation-statehood.”¹⁰⁷ These standards should result in greater nation-state isomorphism emphasizing the proper role of the nation-state with respect to human rights policies. Yet, prevailing standards of behavior are not equally likely to emerge from all international actors. Risse-Kappen (1996) argues that members of the community of liberal democracies are not only less likely to fight each other but are also more likely to create institutions to serve their common interests and ideals.¹⁰⁸ From this perspective established democracies should be more likely to ratify both treaties and individual petition mechanisms. Here, again I rely on the dynamic democracy score from the Polity IV project. High scores on the democracy scale (generally between 6 and 10) should be associated with high levels of ratification.

Normative explanations for the adoption of human rights practices also focus on the extent to which the practice in question has become a global standard.¹⁰⁹ If the standard has become well-entrenched in state behavior, other states should be likely to adopt the practice as well. To test this hypothesis I include three variables. The first takes into account the number of other states in each year that have ratified the treaty associated with the individual petition mechanism for each respective treaty. So, for example, I test the impact of ratification of the ICCPR treaty on ratification of the individual petition mechanism in the ICCPR. For the racial discrimination convention, I test the impact that ratifying the treaty has on the likelihood that a state will ratify the individual petition mechanism. If normative explanations are correct then high rates of ratification of these other treaties should make states more likely to ratify. These

¹⁰⁷ Wotipka and Ramirez (unpublished) 10.

¹⁰⁸ Risse-Kappen (1996) 397.

¹⁰⁹ This is also often referred to as a norm cascade. See Finnemore and Sikkink (1998) 895.

variables are labeled: “CEAFRD World Rat Rate,” “CEDAW World Rat Rate,” “ICCPR World Rat Rate,” and “CAT World Rat Rate.”

Second, recent work¹¹⁰ has suggested that these norm cascades occur regionally so I developed a variable for each treaty and each IPM that takes into account the percentage of states in each region that have ratified in each year. These are labeled: “CEAFRD Regional Rat Rate,” “CEDAW Regional Rat Rate,” “ICCPR Regional Rat Rate,” “CAT Regional Rat Rate.” Finally, I include another test of the socialization hypothesis. If states have been effectively socialized by the world community then they should be more inclined to sign the core United Nations human rights treaties.¹¹¹ I include three of these treaties and I assign a score between 0-3 depending upon the number of treaties that the state has signed. The more of these treaties that a state has signed the more likely they should be to ratify other human rights treaties. This variable is labeled “Socialization” in the regressions.

I also include a number of variables that seem likely to affect ratification of human rights treaties. The ICRG provides data that consider the level of corruption in government for each country. This variable is scored from 0 (highest level of corruption) – 6 (no corruption). The variable is labeled “Corruption in government” in the results table. The IRGC also assigns scores for government respect for the rule of law. This ranges from 0 (lowest rule of law score) – 6 (highest state respect for rule of law). This is labeled “Rule of Law” in the dataset. Finally, I include a variable that

¹¹⁰ Ramirez, Soysal, and Shanahan (1997), Wotipka and Ramirez (unpublished) 23; Simmons (unpublished), 21.

¹¹¹ I borrow this indicator from Simmons (unpublished). The three treaties are: The International Covenant on Civil and Political Rights (CCPR), The International Covenant on Economic, Social and Cultural Rights (CESCR), and The International Convention on the Elimination of All Forms of Racial Discrimination (CEAFRD).

takes into account bureaucratic quality. This also comes from the IRGC and is scored between 0 (lowest level of bureaucratic quality) and 6 (highest level of bureaucratic quality). This is labeled “Bureaucratic Quality” in the dataset.

To test for the presence of regional instability I have created three indicators.¹¹²

These include:

(1) Regional Political Crisis: This variable will test for the presence of a regional political crisis in a given region in a given year. I use the Polity IV democracy indicator to construct this variable. States that drop more than 3 points below 7 on the democracy scale in a given year are characterized as having a political crisis. I then generate the proportion of states in a given region in a given year that are undergoing a political crisis. The result is a proportion that estimates the average amount of political instability in a given region in a given year. I expect that higher scores on this indicator will be associated with higher levels of ratification of individual petition mechanisms. In the dataset I used the lagged value of this variable. I used lagged values for 1 year, 3 years and 5 years before ratification. These are labeled “Regional Political Crisis (1 year lag),” “Regional Political Crisis (3 year lag),” and “Regional Political Crisis (5 year lag).”

(2) Magnitude of the Regional Political Crisis: This variable will assign a score between 1 (minor political crisis) and 4 (major political crisis) to capture the magnitude or severity of the regional political crisis. The higher the severity of the crisis, the more likely states in the region should be to ratify.

¹¹² For more detailed explanations of how these variables were constructed please see the Appendix to this chapter.

(3) Years since the last regional political crisis: The year variable captures the number of years since the last regional political crisis. The higher this number the less likely states should be to ratify because a higher number suggests a longer period free of regional political crises.

Results of Empirical Testing

This analysis has four separate dependent variables- one for each treaty under investigation (CEDAW, CAT, ICCPR, CERD). The dependent variables are binary- in each observation year states are either assigned a score of “1” if they have ratified or “0” if they have not. In the year that the state ratifies they are assigned a score of “1” and in the following year that state falls out of the dataset. Again, this is a common method used in survival analysis to prevent bias in the coefficients. The analysis employs three separate statistical models for each treaty because running all of the fourteen variables and year dummies caused multi-collinearity problems. In the first model I test the socialization variables against the regional political crisis variables. The second model tests the regional political crisis variables against the ICRG indicators (corruption in government, rule of law tradition, etc.). Model three tests the democratic lock-in variables against the political crisis variables. I report the results here by treaty.

Convention on the Elimination of All Forms of Racial Discrimination (CERD)

The CERD calls for states to eliminate all policies that have the effect of privileging one racial group over others.¹¹³ Among the many requirements for protecting racial minorities and preventing racial discrimination contained in the

¹¹³ Article 2, Convention on the Elimination of all Forms of Racial Discrimination.

CERD, the treaty also requires that national legislatures in members' states make the dissemination of ideas, propaganda, and the groups that promote racial superiority illegal.¹¹⁴ Article 5 of the treaty contains an extensive list of economic, social, and political rights that states must guarantee for their citizens. For this treaty, states may declare that they accept the authority of the oversight committee under Article 14, which allows their citizens the right to submit petitions to the committee. Because states can ratify the treaty without declaring that they accept the competence of the oversight committee, ratification rates of the treaty itself are quite high. The treaty allows states to make rhetorical declarations about the importance of racial equality without actually requiring any policy adjustments. Those states that have particularly beleaguered racial minorities should be less inclined to accept Article 14.

In many ways regressions with the Convention on the Elimination of All Forms of Racial Discrimination provides the best test of my hypotheses because the IPM for this treaty has been open for the greatest number of years¹¹⁵ and consequently provides more observations for testing.¹¹⁶ Also the value of r^2 is high at 36.94% suggesting that this model accounts for a many of the factors involved in explaining ratification of the IPM in the CERD. The regional political crisis variables are robust predictors of ratification of this convention. The socialization variables are also found to be good predictors of ratification; however, the impact of these variables on ratification is modest compared to the regional instability variable. Models one and three provide excellent support for Hypothesis Two-that ratification of individual

¹¹⁴ Ibid., Article 4.

¹¹⁵ Since 1964.

¹¹⁶ The number of observations for this model is 4502.

petition mechanisms follows periods of regional political crisis. The results of these tests are presented in Table 2.4 below. I forgo discussion of Model #2 here because none of the variables in this model are significant. I discuss the implications of this with respect to the International Covenant on Civil and Political Rights and the Convention against Torture. The number of observations drops significantly in Model #2 because these variables are only available from the ICRG between 1982 and 1997, while ratification data go back to 1964. I employ list-wise deletion for missing observations which allows Model #2 to give an impression of the relative impact of corruption in government, rule of law, etc. on the likelihood of ratification, but not a definitive test of the IVs on the DV.

Model #1 (*testing against the socialization hypothesis*)

The regional political crisis variable (lagged 3 years) is highly significant at the .01 level. Also, it has a very strong impact on the likelihood of ratification- the largest impact of any variable in this investigation. When the proportion of states in a region experiencing political crisis increases from .045 to .9 individual states are 88% more likely to ratify the individual petition mechanism in the CERD treaty. This is by far the largest impact on ratification found here. The variable that takes into account the years since the last regional political crisis is nearly significant at the .1 level but the sign is in the wrong direction and the impact is very small.¹¹⁷

Normative models predict that states will be socialized to participate in global institutions and promote global norms. The results of this test support socialization as an explanation for ratification of the individual petition mechanism in the racial

¹¹⁷ Making the likelihood of ratification only .01% greater at its peak.

Table 2.4: Ratification of Article 14: The Convention on the Elimination of all forms of Racial Discrimination¹¹⁸

Table	(1) Testing the Socialization Hypothesis	(2) Testing the ICRG indicators	(3) Testing the Democratic Lock- in Hypothesis
Socialization	1.078*** (.2623)	-	-
CEAFRD World Rat. Rate	-.0334 (.0326)	-	-.0239 (.0326)
CEAFRD Regional Rat. Rate	.0701*** (.0253)	-	-
Magnitude of Regional Political Crisis	-.2778 (.2668)	.1432 (.9902)	-.4981* (.2758)
Years Since Last Regional Political Crisis	.0823 (.0528)	.1066 (.1017)	.1019 (.0642)
Regional Political Crisis (1 year lag)	-6.873 (8.484)	-	-9.923 (7.965)
Regional Political Crisis (3 year lag)	20.64*** (6.626)	.5209 (28.08)	24.15*** (7.381)
Regional Political Crisis (5 year lag)	-4.898 (9.173)	-	-6.707 (9.060)
Region	-.0959 (.1883)	-.1303 (.2399)	-.1504 (.1280)
Polity (lagged value)	-	.0053 (.0722)	.1024*** (.0374)
Corruption in Government	-	.2939 (.5159)	-
Rule of Law Tradition	-	.1056 (.4682)	-
Bureaucratic Quality	-	.1730 (.4850)	-
Polity Durability	-	-	-.0156 (.0163)
N	4502	1319	3858
LR chi-square	76.08	21.77	49.38

Note: Maximum likelihood estimates are drawn from a binary logit model. Estimated standard errors are reported in parentheses. Fixed effects were included in the regressions but are not reported. Year dummies are included for every year that the IPM was open for ratification. ***p<.01; **p<.05; *p<.10

¹¹⁸ The omitted variables in each model have been left out intentionally to compare the impact of one set of theory variables against another. Model 1, for example compares the impact of the regional political crisis variables to the socialization variables on ratification and therefore intentionally omits the democratic lock-in variables.

discrimination convention. The socialization variable is highly significant at the .001 level, meaning that states are more likely to ratify the IPM in the CERD if they have ratified three of the other United Nations human rights treaties. This conforms closely to constructivist expectations. However the effect on the likelihood of ratification is small- only increasing the likelihood of ratification by .12%.¹¹⁹ The regional rate of is also significant at the .01 level suggesting that states are more likely to ratify the IPM in CERD when other states in their region ratify. But the impact of this variable is small making the likelihood of ratification .006% more likely at its peak.¹²⁰

Model #3 (*testing against the democratic lock-in hypothesis*)

Model #3 has been designed to test the explanatory power of the democratic lock-in approach to ratification against the regional political crises. The regional political crisis variable is a highly significant predictor of ratification.

The findings of this regression lend tentative support to the role that regional political crises play in ratification of the IPM in the CERD. States that have experienced regional political crises in the previous three years are significantly¹²¹ more likely to ratify the IPM in the CERD than those states that have not experienced regional political crises. The magnitude of the regional political crisis variable, which captures the severity of the regional political crisis is also significant at the .01 level. Taken together these variables suggest that states that experienced severe regional political crises in the past three years are more likely to ratify the IPM in the CERD than those that have not.

¹¹⁹ This is the first difference moving from 3 to 4 of the core United Nations human rights treaties.

¹²⁰ This is the first difference moving from 26% of states in the region that have ratified to 30%.

¹²¹ At the .001 level.

Latin America during the 1960's provides a good illustration of the predictive power of the regional political crisis variable. Guyana experienced an autocratic transition in 1966¹²², Argentina experienced an autocratic resurgence shifting from -1(mildly autocratic) to -9(highly autocratic) in one year, and Brazil underwent an autocratic transition in 1964. Venezuela, a relatively strong democracy at the time (+7) ratified the IPM in the racial discrimination treaty in 1969 after the wave of autocratic transitions in the region. But Venezuela was not alone, Costa Rica and Brazil ratified in the same year. Uruguay and Mexico ratified within five years of the others three states. The Latin American experience with ratification of the Convention on the Elimination of All Forms of Racial Discrimination in the 1960's illustrates two predictions from my model. First, this example lends support to Hypothesis One- that ratification of IPM's clusters regionally. Not only, do states in the same geographic region tend to emulate one another but they do so in quick succession. This example also suggests that newly established democracies are not the only states to ratify constraining articles in these treaties. Brazil, which has just undergone an autocratic transition, also ratified the IPM in the discrimination treaty along with other states in the region.

In this model I find no support for Moravcsik's hypothesis- that newly established and unstable democracies ratify in order to lock-in democracy domestically. Two variables test democratic lock-in as an explanation for ratification: Polity (lagged value) and Polity Durability. The scores on Polity (lagged value) are consistent with a socialization model. The more democratic a state becomes the more

¹²² Polity scores for Guyana beginning in 1966 are 1's and 0's.

likely they are to ratify Article 14 of the Racial Discrimination Convention. This also contradicts my model, which suggests that autocracies and unstable democracies should be the most likely to ratify. The Polity Durability variable which tests the impact of political transitions on ratification is not a significant predictor of ratification. Moravcsik's approach, which works well in explaining European ratification of the European Court of Human Rights cannot account for ratification of Article 14 in the Racial Discrimination Convention.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

This treaty compels states to take all possible steps to eliminate discrimination against women. It includes recommendations for special treatment for women in order to hasten gender equality.¹²³ Article 7 requires signatory states to grant women the same political rights that men possess, such as voting, participation in non-governmental organizations and the opportunity to run for office. States are entreated to guarantee women legal protections equal to those of men in the following areas: education (Article 10), employment (Article 11), and marriage (Article 16). The treaty also seeks to prevent discrimination against women from rural areas (Article 14). In order to allow their citizens to petition the oversight committee, states must ratify both the treaty and the Optional Protocol. Much like the CERD treaty, states can ratify the treaty without accepting the competence of the oversight committee, allowing a government to pay lip-service to preventing discrimination against women without allowing citizens to petition the tribunal if their rights have been violated.

¹²³ Article 4, Convention on the Elimination of All Forms of Discrimination Against Women

Higher rates of regional political crises make states more likely to ratify the IPM in both the racial discrimination convention as well as the women's convention. Yet, the democracy scores again are significant predictors of ratification of the IPM in the CEDAW, suggesting that the more democratic a state becomes the greater the likelihood that it will allow citizens to petition the global tribunal if their rights have been violated. However, the impact of democracy on ratification is again found to be modest.

Model #1 (*testing against the socialization hypothesis*)

The IPM for this treaty has only been available for ratification for three years in the dataset employed for this project (1999-2001). Consequently, the number of states that have ratified in these three years is small which serves to limit the variables that can be used to test the normative explanations for ratification- particularly the world rate of ratification for the treaty and the regional rate of ratification for the treaty. Bearing in mind the limited conclusions that can be drawn from such a small population of cases I report the findings here for models one and three in Table 2.5 below.

The only variable that can be used to test the normative explanation for ratification of human rights treaties- socialization, is almost significant at the .1 level. Because the variable is nearly significant I use CLARIFY to test the first difference to get a better idea about the impact that socialization has on the likelihood of ratification of the individual petition mechanism in the CEDAW. The impact of a change in this variable is trivial- when states move from ratifying 2 to 3 of the core United Nations human rights treaties the coefficient is so small that it must be reported using

exponents.¹²⁴ Though not particularly problematic for normative models of ratification of human rights treaties because of the limited data available for this test, this suggests that high levels of democracy are not associated with high levels of ratification of the IPM in the women's convention. This finding is particularly interesting because women in established, western democracies enjoy expansive legal rights and protections and hence ratification of the IPM in this treaty should be relatively costless for established democracies.

The regional political crisis variable, lagged by one year is significant at the .1 level. The relationship between regional political crisis and ratification is linear- with the likelihood of ratification increasing as the amount of regional political crisis experienced by a state in a given region increases. When a region experiences low levels of regional political crisis the likelihood of ratification, while significant is small. States that experienced high levels of regional political crisis in the last year are 13.2% more likely to ratify the IPM in the women's convention than those that experienced low levels of regional political crisis.

Model #3 (*testing against the lock-in hypothesis*)

My findings in this model contradict both my hypothesis and Moravcsik's. The states most likely to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women are not autocracies or unstable democracies, but rather established democracies. The relationship between democracy and ratification is linear. Interestingly, I find no support for the link between political transitions and ratification. The "polity durability" variable, used to capture the

¹²⁴ 1.58×10^{10}

number of years since the last political transition should exhibit a negative relationship if the domestic democratic lock-in hypothesis is correct- a low number of years since the last political transition should be associated with a high rate of ratification. While the coefficient is in the expected direction, the variable is not significant, suggesting that political transitions are not a significant predictor of ratification.

Table 2.5: Ratification of the Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women¹²⁵

	(1) Testing the Socialization Hypothesis	(2) Testing the Democratic Lock- in Hypothesis
Socialization	.3050 (.1926)	-
Magnitude of Regional Political Crisis	.4776 (1.369)	-.1807 (1.443)
Years Since Last Regional Political Crisis	.3677 (.2357)	.2530 (.2542)
Regional Political Crisis (1 year lag)	16.58** (7.789)	12.08 (8.431)
Regional Political Crisis (3 year lag)	-3.244 (20.00)	-5.360 (20.95)
Regional Political Crisis (5 year lag)	-9.894 (8.564)	-11.39 (8.895)
Region	.1110 (.1518)	-.0146 (.1631)
Polity (lagged value)	-	.1495** (.0607)
Polity Durability	-	-.0001 (.0125)
N	1291	1074
LR chi-square	23.40	29.05

Note: Maximum likelihood estimates are drawn from a binary logit model. Estimated standard errors are reported in parentheses. Fixed effects were included in the regressions but are not reported. Year dummies are included for every year that the IPM was open for ratification.

***p<.01; **p<.05; *p<.10

¹²⁵ The omitted variables in each model have been left out intentionally to compare the impact of one set of theory variables against another. Model 1, for example compares the impact of the regional political crisis variables to the socialization variables on ratification and therefore intentionally omits the democratic lock-in variables.

International Covenant on Civil and Political Rights (ICCPR)

The ICCPR was one of the earliest and most comprehensive undertakings of the international community in the post World War II period. The treaty provides for extensive protections for self determination (Article 1), access to domestic courts (Article 2) restrictions on capital punishment (Article 6) and prohibitions on torture (Article 7). In addition, ratifying states are prohibited from engaging in the slave trade (Article 8) and employing extrajudicial detentions (Article 9). Many of the rights contained in the ICCPR mirror those found in the US Bill of Rights, such as freedom of speech, assembly and association. In order for their citizens to submit petitions directly to the oversight committee states must ratify both the treaty and the Optional Protocol.

Model #1 (*testing against the socialization hypothesis*)

The results, reported below in Table 2.6 support normative accounts of ratification- states that have ratified human rights treaties in the past are indeed more likely to ratify the IPM in the ICCPR as well. Yet, at its peak this variable only impacts the likelihood of ratification 2.2%. However when states move from ratifying 2 to 3 of the core United Nations human rights treaties they are 2.2% more likely to ratify the IPM in the ICCPR.

Normative explanations of ratification of human rights treaties also suggest that individual states will be more likely to ratify as the number of other states in the world ratify. These accounts of ratification rely on tipping models- implying that once a critical mass of states have ratified others will follow and ratify as well. While the world ratification variable is highly significant, the coefficient is small. Individual

states are only .067% more likely to ratify the IPM in the ICCPR treaty when the percentage of other states in the world ratifying the ICCPR treaty jumps from 45% of states in the world to 55% of the states in the world. Moving from less than half of the states in the international system (45%) to just over half of the states in the international system (55%) should be the critical tipping point at which ratification by other states should cascade. And yet, the data suggest otherwise.

Only one of the regional political crisis variables are statistically significant in the regression. The magnitude of the regional political crisis positively impacted the likelihood of ratification of the IPM in the expected direction- though once again the impact was small. This variable assigns a score between 0 (no regional political crisis) and 4 (high regional political crisis). My theory predicts that higher scores on this variable will be associated with higher rates of ratification of IPMs in human rights treaties. Even moving from no regional political crisis (0) to the highest level on this variable (4) only makes individual states .2% more likely to ratify.

Model #2

This model tests the regional political crisis variables against other possible predictors of ratification- rule of law tradition, bureaucratic quality and corruption in government. States with a strong rule of law tradition and high bureaucratic quality could theoretically be more likely to ratify IPMs in human rights treaties because they are likely already protecting these rights. States with high levels of corruption in government should be less inclined to ratify because ratification of an individual complaint mechanism could allow the global tribunal to investigate government practices. However none of these variables are significant predictors of ratification of

the individual petition mechanism in the ICCPR. This is an interesting finding. Ratification of the IPM in the ICCPR should be particularly costless for states that have a strong rule of law tradition, high bureaucratic quality and low corruption in government. This treaty requires that states maintain a functioning court system, avoid extrajudicial detentions and respect the rights of freedom of speech, press and religion. This finding challenges the assertion that states only accept global obligations with which they are de-facto compliant.¹²⁶

States that have experienced political crises in their region in the last three years are significantly more likely to ratify the individual petition mechanism in the International Covenant on Civil and Political Rights than those states that have not experienced regional political crises. The regional political crisis variables, lagged by one year and three years are significant at the .01 level. This mirrors the findings for the Racial Discrimination and Women's Discrimination Conventions.

Model #3 (*testing against the lock-in hypothesis*)

Table 2.6 gives the results of the logit model testing the predictive power of the regional political crisis variable against the democratic lock-in variables. Polity (lagged value) and Polity Durability test the predictive power of Moravcsik's democratic lock-in hypothesis. Interestingly, this is the only test that offers support for the link between political transitions and ratification. However, I find no support for the link between unstable or tenuous democracies and ratification. The more democratic a state becomes the more likely they are to ratify the Optional Protocol to the International Covenant on Civil and Political Rights. While the coefficient is in the

¹²⁶ For an example of this approach see Down, Roche and Barsoom (1996).

Table 2.6: Ratification of the Optional Protocol to the International Covenant on Civil and Political Rights¹²⁷

	(1) Testing the Socialization Hypothesis	(2) Testing the IRGC indicators	(3) Testing the Democratic Lock- in Hypothesis
Socialization	.9696*** (.1095)	-	-
ICCPR World Rat. Rate	3.066*** (1.015)	-	5.785*** (.7194)
ICCPR Regional Rat. Rate	4.396*** (.7148)	-	-
Magnitude of Regional Political Crisis	.3072*** (.1111)	-.1363 (.2651)	.2474** (.1085)
Years Since Last Regional Political Crisis	.0101 (.0233)	.0434 (.0337)	.0245 (.0259)
Regional Political Crisis (1 year lag)	3.147 (3.734)	14.74*** (5.768)	2.107 (3.411)
Regional Political Crisis (3 year lag)	3.878 (3.836)	14.53* (7.643)	3.267 (3.629)
Regional Political Crisis (5 year lag)	-	-	-
Region	-.0292 (.0662)	-.0783 (.0980)	-.0041 (.0531)
Polity (lagged value)	-	.0917*** (.0287)	.0858*** (.0178)
Corruption in Government	-	.0175 (.2097)	-
Rule of Law Tradition	-	.2249 (.1913)	-
Bureaucratic Quality	-	-.3109 (.1940)	-
Polity Durability	-	-	-.0209** (.0088)
N	3977	949	3188
LR chi-square	204.4	58.24	129.56

Note: Maximum likelihood estimates are drawn from a binary logit model. Estimated standard errors are reported in parentheses. Fixed effects were included in the regressions but are not reported. Year dummies are included for every year that the IPM was open for ratification. ***p<.01; **p<.05; *p<.10

¹²⁷ The omitted variables in each model have been left out intentionally to compare the impact of one set of theory variables against another. Model 1, for example compares the impact of the regional political crisis variables to the socialization variables on ratification and therefore intentionally omits the democratic lock-in variables.

expected direction, even where it should impact the likelihood of ratification at its peak, in transitions from autocracy (-5) to democracy (0), states are only .045% more likely to ratify.

Another interesting result can be gleaned from this variable. Contrary to both Moravcsik's hypothesis and that offered here- high scores on the Polity scale are associated with a greater likelihood of ratification. Figure 2.3 below suggests that the likelihood of ratification increases as democracy scores increase.

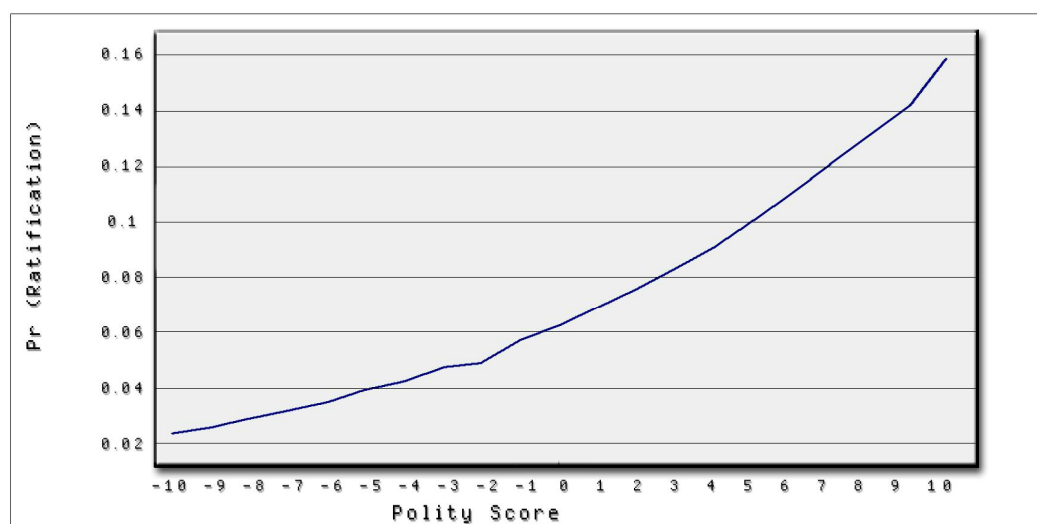


Figure 2.3: Predicted Probability of Ratification:
ICCPR Optional Protocol

The other variable of interest is polity durability. This variable counts the number of years since the last political transition. For this variable the predictions of my theory and Moravcsik's theory overlap. In both instances recent transitions to democracy should make states more likely to ratify. This variable should exhibit a negative relationship between likelihood of ratification and years since the last transition. The coefficient for this variable is in the expected direction and is statistically significant at the .1 level. But the impact of this variable is small. A state

is only .005% less likely to ratify 50 years after a transition to democracy than they are to ratify 10 years after a transition.

Like Model #1 the magnitude of the regional political crisis is a statistically significant predictor of ratification. The likelihood of ratification of the individual petition mechanisms in the ICCPR increases as the magnitude of regional political crises increases. Figure 2.4 graphs the first differences to illustrate this.

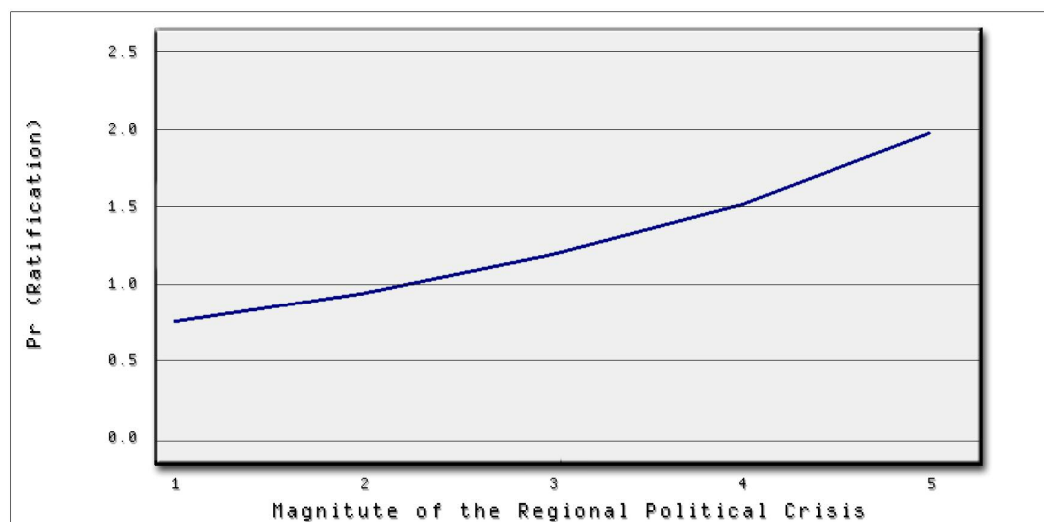


Figure 2.4: Predicted Probability of Ratifying the Optional Protocol to the ICCPR

A consideration of the timing of ratification for the IPM in this treaty among bordering states in North Africa illustrates the predictive power of the regional political crisis variable. During the 1980's this region was composed entirely of autocracies that underwent backsliding and shifts in Polity scores that resulted primarily in autocratic control (Polity scores of -8's, -9's, and -10's). In 1985, Chad ratified the IPM in the ICCPR, followed by Niger in 1986 and Algeria and Libya in 1989. Neither a democratic lock-in model, nor a socialization model can explain ratification by these states because none underwent a democratic transition during this

time. Each of these bordering states in North Africa possessed moderate to severe autocratic political institutions, had just experienced a period of regional political crisis and ratified the IPM in the ICCPR in rapid succession.

Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT)

The CAT is a relatively recent treaty, established by the international community in 1984. The treaty provides extensive protections for those that have been tortured (Articles 13-14). It does not allow exceptions for the use of torture under any circumstances (Article 2). States must abstain from extraditing an accused criminal to a state where he or she may reasonably expect to be tortured (Article 3). States may accept the competence of the oversight committee after they have ratified the treaty by declaring their acceptance of Article 22.

Model #1 (*testing against the socialization hypothesis*)

The results of this model provide support for normative models of ratification of human rights treaties. States are significantly more likely to ratify the individual petition mechanism in the torture convention if they have already ratified other United Nations human rights treaties. Normative models rely on norm cascades to explain why states choose to adopt global obligations- as a greater number of states ratify the building pressure to ratify eventually compels states to join in.¹²⁸ This suggests that as the percentage of states that have already ratified approaches one-hundred each individual state should be significantly more likely to ratify. Yet, despite the relatively high rate of ratification of the IPM in the torture convention (30% of the states in the

¹²⁸ Finnemore and Sikkink (1998).

world) this variable is not a significant predictor of ratification. States are more likely to ratify the IPM in the torture convention if they have ratified three other United Nations human rights treaties but, contrary to normative models they are not influenced to ratify by other states in the world. These data do suggest, however that states are influenced by other states in their region that have ratified. The regional ratification rate of the Convention against Torture is a significant predictor of ratification in this model. This finding is consistent with recent work in the field that suggests that the regional context is an important factor in explaining the decision to ratify.¹²⁹

Model #2

Very few of the variables in this model are significant predictors of ratification of the IPM in the torture convention. The rule of law variable is significant at the .1 level. After using CLARIFY to test the impact of this variable on ratification, regardless of the value of rule of law (1-very low respect for the rule of law- 6- very high respect for the rule of law) its impact on ratification is extraordinarily low.¹³⁰ This also says something very important to those that suggest that states only ratify human rights treaties with which they are already compliant. If this were indeed the case then we'd expect a high respect for the rule of law, low levels of corruption in government and high levels of bureaucratic quality to be associated with higher levels of ratification of individual petition mechanisms in human rights treaties. Yet, this is

¹²⁹ Ramirez, Soysal, and Shanahan (1997) and Simmons (unpublished).

¹³⁰ These values are so negligible that they must be reported as exponents.

Table 2.7: Ratification of Article 22 in the Convention against Torture¹³¹

	(1) Testing the Socialization Hypothesis	(2) Testing the ICRG indicators	(3) Testing the Democratic Lock-in Hypothesis
Socialization	.5912*** (.1601)	-	-
CAT World Rat. Rate	.0588 (.0358)	-	.0866*** (.0330)
CAT Regional Rat. Rate	.0450*** (.0132)	-	-
Magnitude of Regional Political Crisis	-.0083 (.2263)	.6409 (.8327)	-.1065 (.2455)
Years Since Last Regional Political Crisis	.0109 (.0345)	-.0368 (.0480)	.0109 (.0393)
Regional Political Crisis (1 year lag)	-.1037 (7.360)	3.025 (11.14)	1.263 (7.162)
Regional Political Crisis (3 year lag)	3.917 (7.335)	-.8852 (13.02)	4.250 (8.474)
Regional Political Crisis (5 year lag)	-6.249 (8.719)	-23.81 (16.29)	-7.100 (10.28)
Region	-	-.0616 (.1688)	-.0655 (.1271)
Polity (lagged value)	-	.1125*** (.0375)	.1173*** (.0318)
Corruption in Government	-	-.2098 (.2944)	-
Rule of Law Tradition	-	.4310* (.2512)	-
Bureaucratic Quality	-	-.1814 (.2833)	-
Polity Durability	-	-	-.0061 (.0112)
N	3188	965	2636
LR chi-square	92.76	46.92	79.22

Note: Maximum likelihood estimates are drawn from a binary logit model. Estimated standard errors are reported in parentheses. Fixed effects were included in the regressions but are not reported. Year dummies are included for every year that the IPM was open for ratification. ***p<.01; **p<.05; *p<.10

¹³¹ The omitted variables in each model have been left out intentionally to compare the impact of one set of theory variables against another. Model 1, for example compares the impact of the regional political crisis variables to the socialization variables on ratification and therefore intentionally omits the democratic lock-in variables.

not the case. Only one of these variables is significant in this model and its impact on ratification of the IPM in the torture convention is negligible.

Model #3 (*testing against the lock-in hypothesis*)

I find no support for Moravcsik's domestic democratic lock-in hypothesis in this model. While the lagged value of the democracy score is highly significant at the .001 level, suggesting that established democracies are the most likely to ratify, the value for polity durability (the # of years since the last political transition) is not significant. Perhaps even more interesting is the impact of polity scores on the likelihood of ratification of the Convention against Torture. Regardless of the first differences computed in STATA the impact of the change in polity scores on the likelihood of ratification is so small that the coefficients are reported as exponents. For example moving from an autocratic (-5) to a mildly democratic (0) score only increases the likelihood of ratification by 1.1×10^9 .

The strong support found thus far for normative models of ratification suggests that neither regional nor domestic political crises swamp the impact of democracy on ratification. Contrary to both my expectations and a domestic democratic lock-in model established democracies are the most likely to ratify Article 22 in the Convention against Torture. This makes intuitive sense. While less democratic states may be willing to tie their own hands to signal for aid in discrimination treaties, they may be less inclined to give up torture as a political strategy. Because Article 22 allows individual citizens to petition the Committee against Torture for violations of the treaty, it is not surprising that we find high rates of ratification in those states that are unlikely to use torture.

Region

This quantitative analysis has employed a geographic approach to region, relying on the World Bank indicators to denote boundaries of geographic regions. Yet, defining world regions using physical geography can neglect other approaches to region that stress the cultural homogeneity of regional peers.¹³² From this perspective a region may be composed of states that are geographically isolated, yet share a common religion or a common colonial history. To capture this approach to region I ran a final model that tests the impact of common religion and common colonial experience on ratification of the IPMs in the four treaties being investigated in this project.¹³³ The results of this test are reported in Table 2.8 below. None of these variables are robust predictors of ratification across all four treaties.

States that were annexed by the Soviet Union are significantly more likely to ratify the individual petition mechanism in the International Covenant on Civil and Political Rights. This is not a surprising finding. Many of the rights expressed in the ICCPR mirror those found in the United States Bill of Rights and include speech, press, religion and assembly, many of which were limited in satellite states during Soviet control. These same states are also significantly more likely to ratify the IPM for the Convention against Torture. Catholic countries are significantly more likely to ratify the IPM in the ICCPR and the Convention against Torture, but not in the Racial and Women's Discrimination treaties.

¹³² See Katzenstein (1997), Deutsch (1981), see also Kupchan (1997).

¹³³ The colonial experience variable begins with colonial holdings from the year 1800. Both the religion and colonial history variables were constructed using data from the Central Intelligence Agency's World Fact Book.

Table 2.8: Testing the Effects of Alternative Conceptions of Regions on Ratification

	ICCPR	CAT	CERD	CEDAW
British Colony	-.224 (.464)	-.952 (.041)	-1.31 (.017)	-1.63 (.035)
Portuguese Colony	-.617 (.320)	-	-.685 (.512)	-
Dutch Colony	-.058 (.924)	.185 (.810)	.270 (.671)	-
Soviet Colony	1.90 (0.00)***	.796 (.032)*	.331 (.529)	-.405 (.551)
French Colony	.210 (.605)	-.441 (.610)	.251 (.757)	.094 (.911)
Spanish Colony	.366 (.280)	-.820 (.195)	-.977 (.121)	-1.40 (.191)
Belgian Colony	1.17 (.285)	-	-	-
Aust/Hung Colony	1.28 (.051)*	-.107 (.920)	-.329 (.754)	1.90 (.050)*
Catholic	1.39 (.003)**	1.48 (.045)*	1.15 (.191)	.306 (.840)
Muslim	-.363 (.496)	-.440 (.602)	-1.46 (.165)	-.727 (.646)
Christian	.674 (.156)	.276 (.709)	-.240 (.785)	-.403 (.790)
Hindu	.651 (.456)	-	-	-
Buddhist	-1.04 (.220)	-	-	-
Indigenous	1.40 (.028)*	.047 (.973)	-	-
_cons	-4.82 (.000)	-6.01 (.000)	-6.79 (.000)	-20.2 (.000)
LR chi2(48)	= 146.19	92.51	64.94	43.52
Prob > chi2	= 0.0000	0.000	0.0007	0.0000
Pseudo R2	= 0.1395	.1868	0.1472	0.2156
Number of obs	= 4349	2262	2969	431

Note: The entries are logit maximum likelihood estimates with z scores reported.

Hindu and Buddhist countries fall out of the regressions for the Convention against Torture, The Racial Discrimination Convention and The Women's Discrimination Convention because these states have not ratified any of these mechanisms. There are only three countries in the world whose majority populations practice the Hindu religion: Suriname, Mauritius and India. It is difficult to draw a meaningful conclusion from such a small population of cases. Mongolia, Japan, Bhutan, Myanmar, Thailand and Singapore are the world's only majority Buddhist countries. None of these states ratified the individual petition mechanisms in the Torture or Discrimination Conventions. In addition to sharing a common religion these states are also situated in Asia, a region with characteristically low rates of ratification of human rights treaties. The decision not to ratify may stem from religious beliefs, or it may be the nature of the treaties themselves, which express traditionally western values. Or, the reluctance to ratify may be the result of regional politics. Because Buddhist states are found exclusively in Asia, it is difficult to extricate the regional dynamics from the religious dynamics in explaining the lack of ratification.

Foreign Aid

Because this investigation has uncovered modest support for the link between regional political crises and ratification of IPM's, I test hypothesis 4, which predicts that the states that ratify IPM's will receive a greater share of aid relative to those that do not ratify. In order to test the effect of ratification on aid levels I employ an interrupted-time-series research design.¹³⁴ This approach allows me to compare the percent increase in foreign aid levels between two groups of states: those that have

¹³⁴ For more on interrupted-time-series see Campbell and Ross (1968).

ratified (treatment group) and those that have not (control group). For the treatment group I average the amount of inflation adjusted aid received for ten years before and ten years after ratification and then note the percent increase.¹³⁵ For the control group I select a baseline year and perform the same calculation. I report the results here for three treaties. Again, the IPM in the Women's Convention was only open for ratification in 1999 and therefore does not allow for significant aid levels after ratification to be considered. States that have ratified are more likely to experience increases in foreign aid after ratification at a greater rate than those states in the control group. However, in two of the three treaties, those states that did not ratify received a greater percentage increase in aid in the second period. Figure 2.5 below illustrates the comparative increase in aid for those states in the treatment group and the control group for each of the treaties.

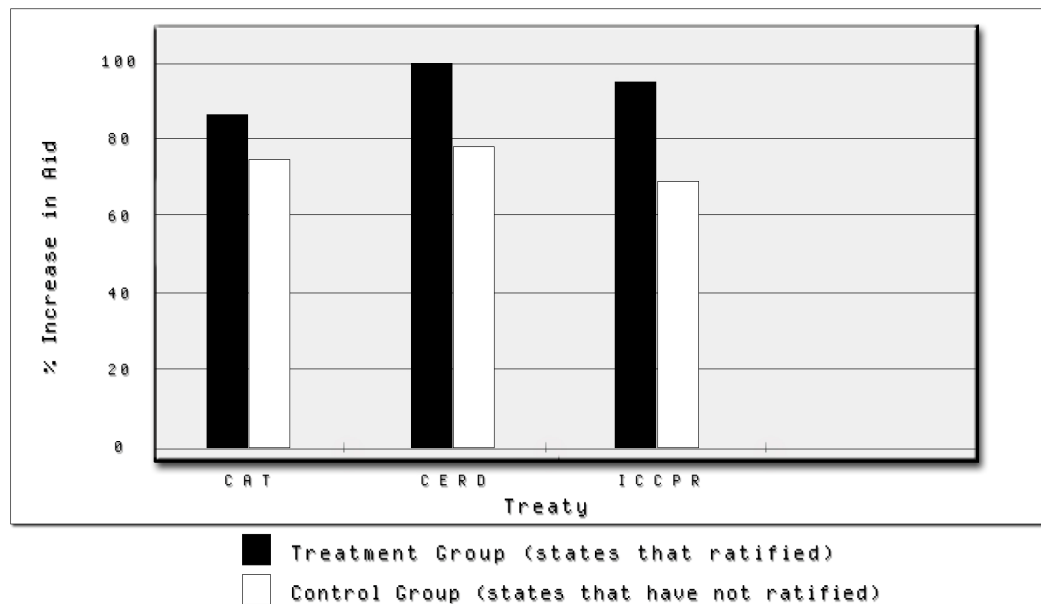


Figure 2.5 Percent Increase in Foreign Aid

¹³⁵ It is important to note that these levels vary significantly, decreasing in many cases.

Convention against Torture

For this treaty there are fourteen states for which foreign aid data are available and that have ratified the IPM in the Torture Convention.¹³⁶ The control group consists of all 98 states that have either not ratified the IPM in the Torture Convention or have done so outside the range for which aid data are available. 74.5% of states in the control group experienced increases in the percentage of aid they received before and after the default year.¹³⁷ However, in the treatment group 85.8% of states experienced increases in the percentage of aid they received after ratification. In addition to receiving a greater percentage of aid relative to the share they received prior to ratification, the states that ratified the IPM in the Convention against Torture also experienced a somewhat greater, average percentage increase in the amount of aid that they received when compared with those states that did not ratify. Ratifying states, on average received 114.2% more aid in the period after they ratified, then the control group, which on average received 111% more aid in the period after the default year.

Convention on the Elimination of all forms of Racial Discrimination

The racial discrimination treaty was initially open for ratification in 1964. The available data for foreign aid levels only go back to 1961 so despite the high levels of ratification of the IPM in this treaty data limitations prevent robust inferences from being drawn. The control group consists of ninety-nine states that did not ratify the IPM in the racial discrimination treaty. Of this group 77.6% experienced increases in foreign aid levels after the default year. Of the five states in the treatment group, 100%

¹³⁶ The states include: Algeria, Argentina, Ecuador, Guatemala, Guyana, Mexico, Paraguay, Peru, Senegal, Togo, Tunisia, Turkey, Uruguay, and Venezuela.

¹³⁷ The default year is 1987.

experienced increases in foreign aid percentages after ratification.¹³⁸ Interestingly, those states that did not ratify, but experienced increases in aid on average received a 99% increase in aid in the second period.¹³⁹ States in the treatment group only received, on average a 68% boost in the percentage of foreign aid after ratification. This suggests that while a greater proportion of states that did ratify received increases in foreign aid levels after ratification (100%) those that did not ratify, on average received a greater increase in their percentage of aid in the second period.

International Covenant on Civil and Political Rights

The effect of ratifying the Optional Protocol to the International Covenant on Civil and Political Rights is similar to the effect of ratifying the Racial Discrimination Convention. States that ratify generally receive increases in the percentage of aid they receive in the second period. 92.3% of states in the treatment group experienced increases in their percentages of foreign aid after ratification of the IPM in the ICCPR, compared to only 71% of states in the control group that experienced an increase. However, on average those states that did not ratify, but that experienced increases received 41% more aid in the second period. Ratifying states only received 16.4% more aid after ratifying.

The results of this investigation suggest that ratification of individual petition mechanisms in human rights treaties may indeed allow states to send a signal to the international community. These findings suggest that a greater proportion of ratifying states can expect to receive foreign aid relative to those that do not ratify, but they may

¹³⁸ The five states are: Algeria, Ecuador, Senegal, Peru, and Mexico.

¹³⁹ Five outliers have been dropped from this calculation because the aid levels experienced by these states far exceed those levels experienced by any other states.

not receive as great an increase as the control group. While ratification may increase the possibility that states will receive any aid, it negatively impacts the amount of aid they receive. In two of the three cases investigated here, states in the control group experienced a greater average increase in the percent of aid they received from the major international donors.

Explaining the Variation between Treaties

The findings in this chapter suggest that regional instability affects the decision to ratify IPM's in the Racial and Women's Discrimination Conventions, but not in the Convention against Torture or the International Covenant on Civil and Political Rights. In this section I attempt to explain this variation with reference to: 1) ratification as a strategic policy decision and 2) the activity of the relevant UN oversight committees.

Why do states ratify discrimination treaties rather than the Torture Convention or the International Covenant on Civil and Political Rights after periods of regional political crises? This may have something to do with the prohibitions on state policies that each individual treaty requires. The discrimination treaties prevent states from discriminating against women or racial minorities in employment, housing, and politics. Any benefit to the state derived from formal policies that discriminate against these groups are undercut by the potential loss of foreign aid. In other words, states may evaluate the benefit of discriminating against a group today versus the cost of losing out on foreign aid tomorrow. In many cases it makes intuitive sense that states would forgo the benefits of discriminating in favor of more foreign aid.

States appear to be making a different decision with respect to torture and respect for civil and political rights generally. After periods of regional political crisis states are less likely to ratify the Optional Protocol to the International Covenant on Civil and Political Rights and not significantly likely to ratify Article 22 in the Torture Convention. The use of political repression and torture are not strategies that states appear willing to forgo in favor of foreign aid. While policies that discriminate may only bring marginal benefits to the state, the use of torture or the suppression of political rights may be critical to the state and therefore explain state reluctance to ratify the latter treaties.

An evaluation of the number of cases decided by the relevant oversight committees lends further support to the conclusion that ratification is a strategic decision on the part of state leaders. Table 2.9 below lists the number of cases heard in each committee. Since its creation in 1965, the Committee against Racial Discrimination has heard only 33 complaints, while the Women's Discrimination Committee has heard 4 cases since 2004. State leaders considering ratification of these IPMs would likely recognize the low probability that they would ever be brought before the Discrimination Committees. So, they ratify in the hopes of signaling for aid, while gambling that the oversight committees will not take up cases against them. And given the relatively low number of cases that these committees have decided since their inception this is a good bet.

The oversight committees associated with the ICCPR and the Torture Convention, the Human Rights Committee (HRC) and the Committee against Torture, respectively have been very active. The HRC has heard 1200 cases since its creation

Table 2.9: Frequency of IPM Use

Committee	Year of First Case	Number of Cases
Racial Discrimination Comm.	1965	33
Women's Discrimination Comm.	1999	4
Human Rights Comm.	1976	1200
Committee against Torture	1984	242

in 1976. Similarly, the Committee against Torture has heard 242 cases since its creation in 1984. Leaders are less inclined to ratify these IPM's because there is a high likelihood that they will be brought before the Human Rights Committee or the Committee against Torture. While deciding how best to signal for aid these leaders seek out signals that will demonstrate a commitment to democratic ideals, while not severely interfering with their domestic policy preferences. In other words, these leaders seek out low costs signals, with potentially high benefits. Ratification of the IPM's in the Discrimination Conventions would appear (from the perspective of a state leaders) to be low cost with potentially high benefits. As I demonstrated in the foreign aid section ratifying states are more likely to get aid, but, as this section demonstrates any given state possesses a very low statistical probability that they will be brought before the Discrimination Committees. Ratification of the IPM's in the ICCPR or the Torture Convention possess the same potential for high payouts of aid, but could be quite costly given the activity of these committees.

Conclusion

Socialization models, which predict ratification by established democracies find robust support in all of the treaties under investigation. Indeed, level of democracy is the single most significant predictor of ratification in the Discrimination Conventions, Torture Convention and the International Covenant on Civil and

Political Rights. This finding undercuts both domestic democratic lock-in as an explanation for ratification as well as my third hypothesis, that newly established democracies and autocracies should be the most likely to ratify.

However other findings in this chapter call into question the motivation behind ratification for newly established democracies and autocracies. While, autocracies and unstable democracies are not significantly more likely to ratify than established democracies they are still ratifying IPM's at high rates. Ratification among these states could be explained by a socialization model- as more states in the world ratify the pressure to ratify on each individual state builds encouraging them to ratify as well. However, the link between ratification and foreign aid is also compelling. States that ratify the Torture Convention, International Covenant on Civil and Political Rights and the Racial Discrimination Convention are more likely to receive foreign aid after they ratify than those states that do not ratify.¹⁴⁰ This suggests that human rights treaties can approximate trade and security treaties, namely by increasing the material benefits that flow to those that ratify. Despite the fact that promises of foreign aid are not formal components of these treaties, states can still expect a boost in foreign aid after ratification which may contribute to the decision to ratify.

My second hypothesis, linking regional political crises to ratification of individual petition mechanisms finds support in the Racial Discrimination and Women's Discrimination Conventions. In these treaties, states that have experienced regional political crises are more likely to ratify than those that have not experienced

¹⁴⁰ The Women's Discrimination Convention is not considered here because the IPM for this treaty has only been available for ratification since 1999 which does not allow for a consideration of the amount of aid received after ratification.

these crises. I argue that this variation can be explained with reference to the low probability that any state leader possess to be brought before the Discrimination Committees to answer for their domestic discrimination practices. These committees have been relatively inactive, making acceptance of their oversight a potentially low cost signal for state leaders to send to the west. Comparatively the Human Rights Committee and the Committee against Torture have been very active, making it quite likely that leaders will brought before these tribunals. In seeking ways to attract aid much needed foreign aid, leaders employ a rational strategy, accepting the oversight of the less active committees.

This chapter suggests that neither a purely global nor a purely domestic approach to explaining ratification of IPM's is appropriate. Regional political dynamics also contribute to the decision to ratify and may, more importantly help states determine which treaties to ratify and which to avoid. In addition, there is a clear reward effect to ratifying these IPM's. States that ratify can expect to receive more foreign aid than those that do not ratify. While I cannot discount the socialization approach to ratification this chapter has uncovered a paucity of support for domestic democratic lock-in and tentative support for regional political crises as the impetus behind ratification of individual petition mechanisms in global human rights treaties. In the following chapter I explore the politics surrounding ratification of Article 14 of the Convention on the Elimination of all forms of Racial Discrimination in eastern Europe.

Appendix

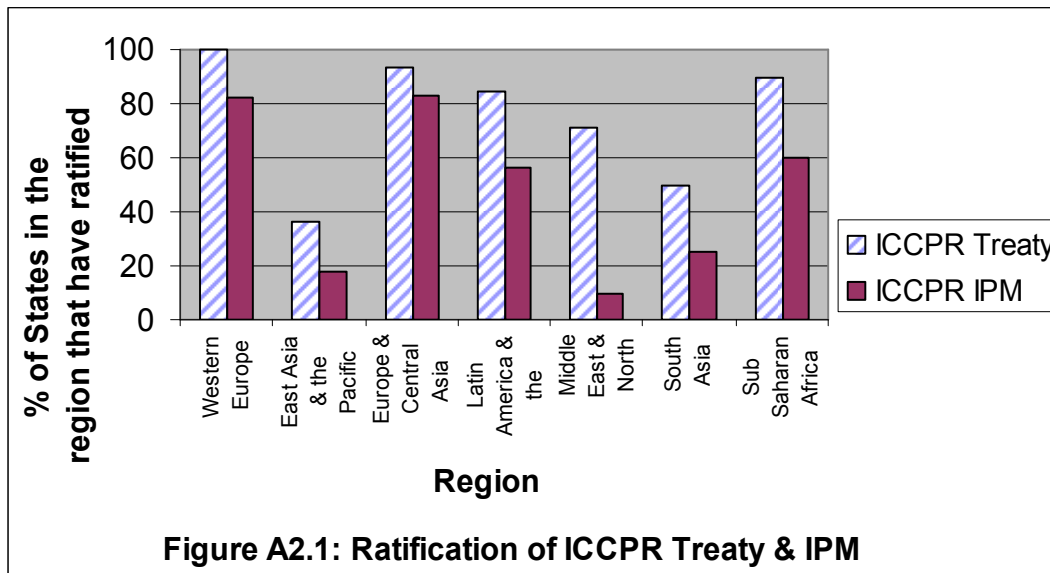


Figure A2.1

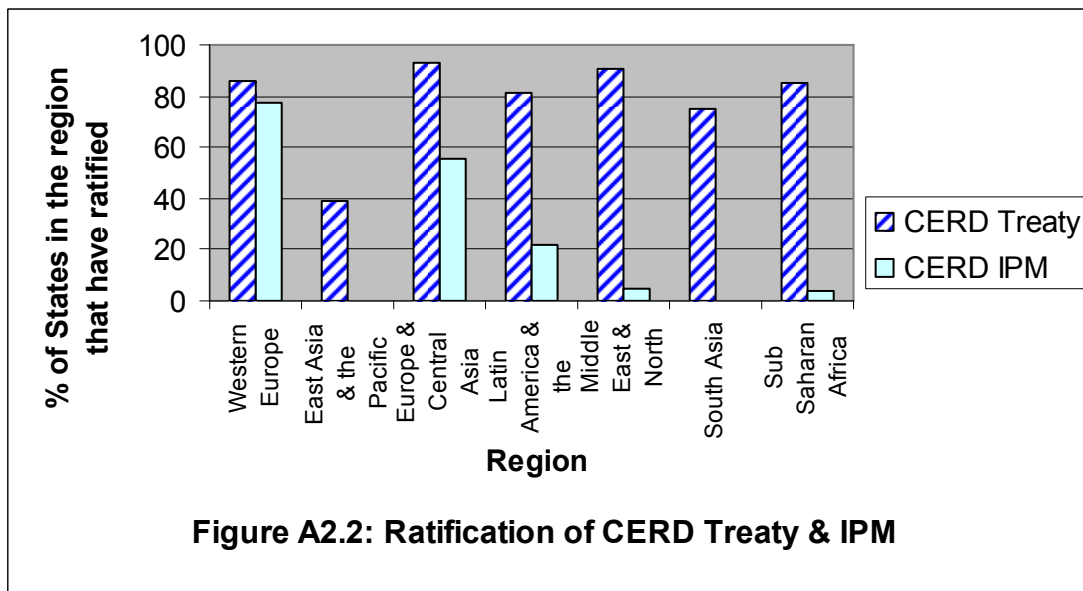


Figure A2.2

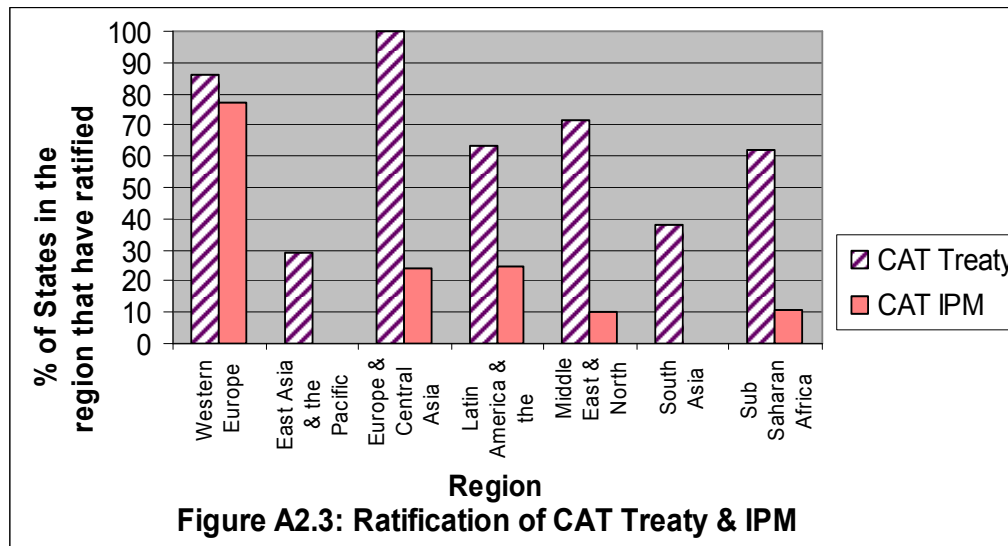


Figure A2.3

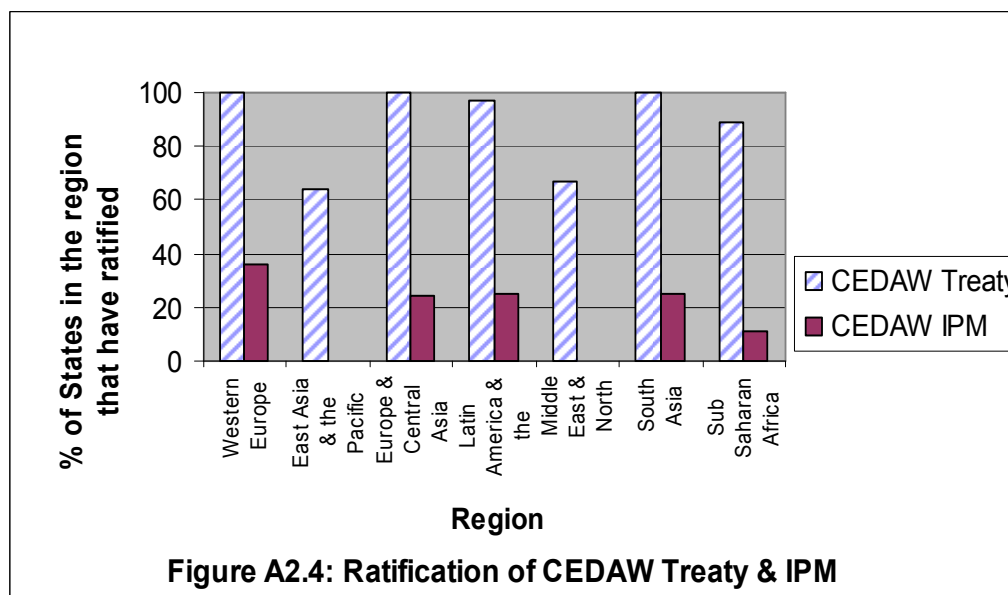


Figure A2.4

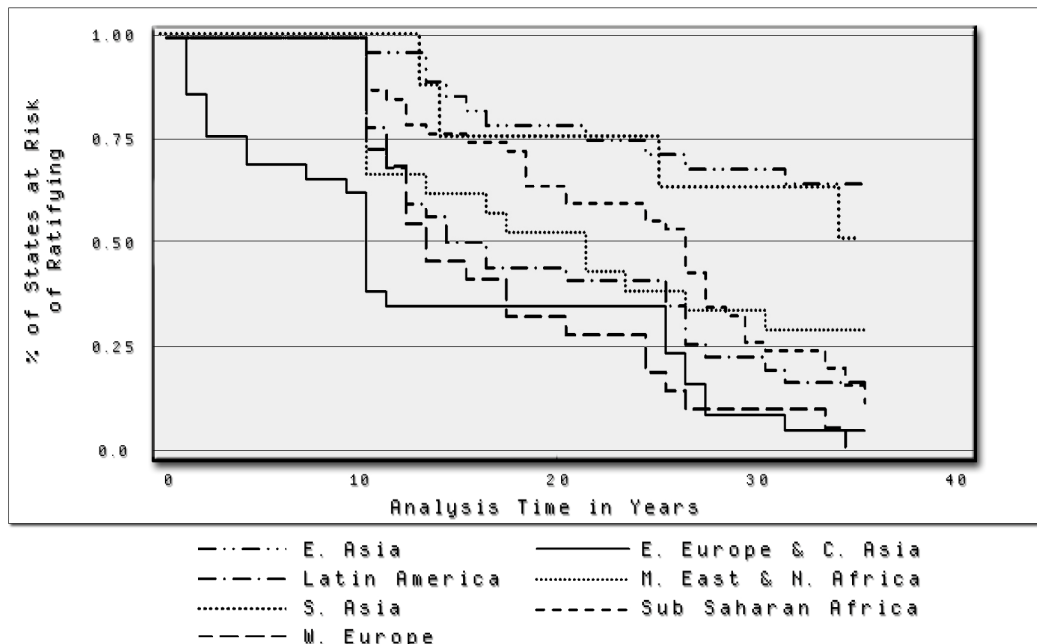


Figure A2.5 Survival Estimates: ICCPR Treaty

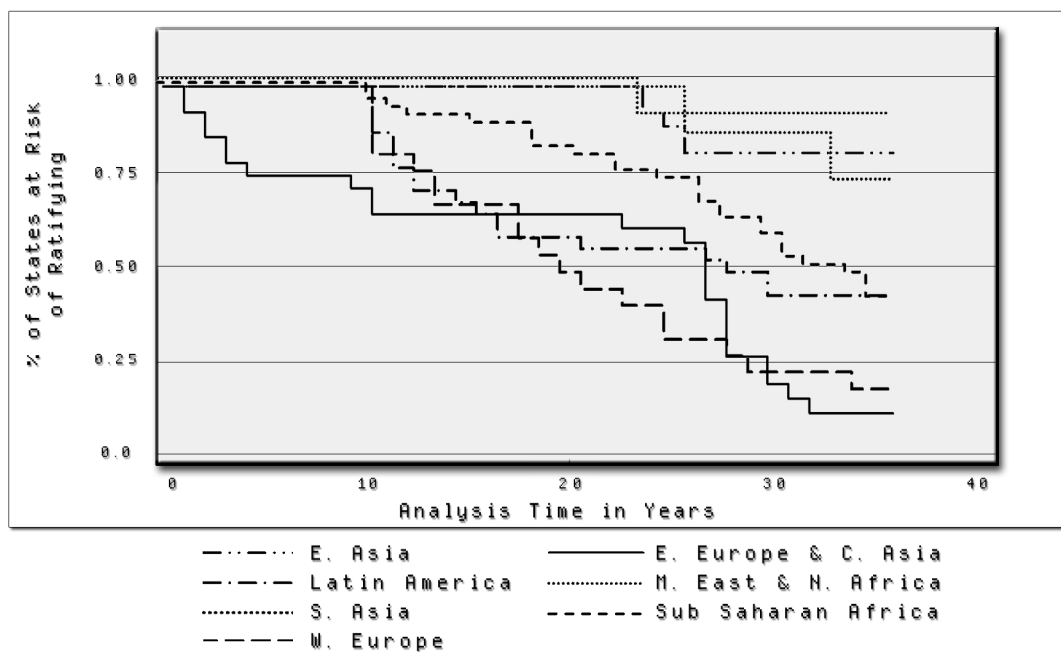


Figure A2.6 Survival Estimates: for the ICCPR IPM

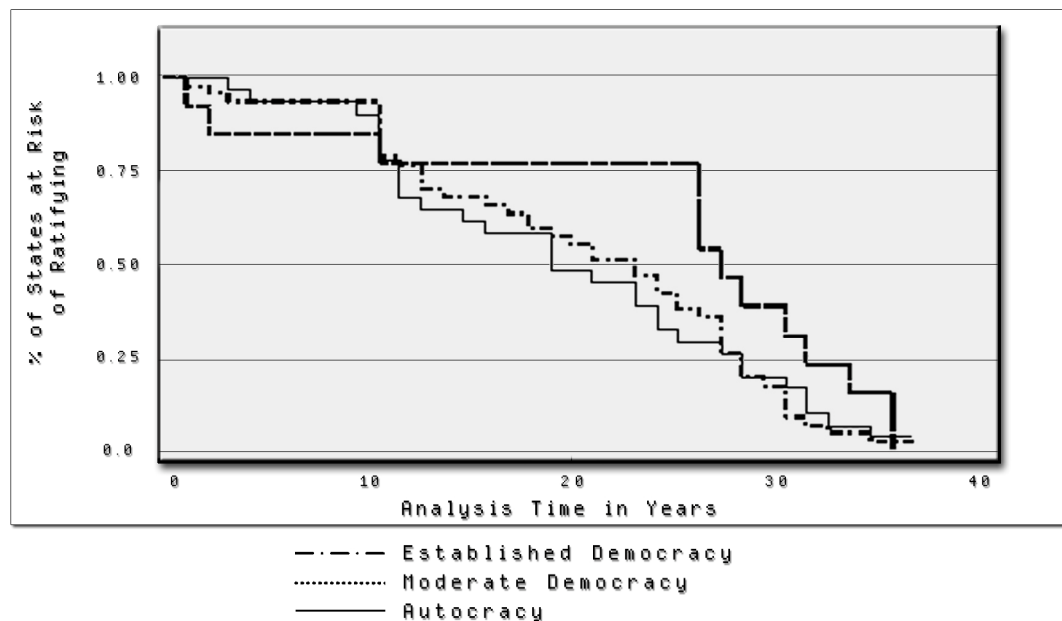


Figure A2.7 ICCPR IPM Ratification by Democracy

Construction of Regional Instability Variables

- 1) **Regpolcrisis:** I use Polity IV to test for the presence of regional political instability. I use the threshold value of 7 as a ceiling. Any state in any year that dips 3 or more points (a 4 or lower) is characterized as having a political crisis. I then generate the proportion of states in a given region in a given year that are undergoing a political crisis. The result is a proportion that estimates the average amount of political instability in a given region in a given year. I use the polity2 variable from the dataset, rather than the polity variable. Because polity2 estimates unknown scores, while polity assigns transition values (-88, -77, -66, etc)
- 2) **Magrepolcrisis:** I use Polity IV to test for the magnitude of regional political instability. I count the # of states in each region that have been classified as experiencing a political crisis (a drop of 3 or more polity points in a year from ceiling of 7) and then count the number of total polity points that each state in the region has dipped by in that year. I assigned the following values:
 - a. 1 if the region experienced a relatively small political crisis- 3-6 drops in polity points among all of the states in the region in a given year.
 - b. 2 if the region experienced a slightly larger political crisis- 7-10 drops in polity points among all of the states in the region in the year.
 - c. 3 if the region experienced a large political crisis- 11-14 drops in polity points among all of the states in the region in the year.

- d. 4 if the region experienced a significant political crisis- 15 or more drops in polity points among all of the states in the region in a given year.

3) YearsRegpolcrisis: I use the Polity IV data and determine the number of years it has been since there was a regional political crisis in each region in each year. Years that experienced a crisis are assigned a 0 and the count continues for each year that is crisis free. For another crisis year the count starts over with 0, 1, 2... This measures the number of years since there has been a regional political crisis. Higher scores on this variable should be associated with less likelihood of ratification.

Chapter 3: Ratification of Article 14 in the Convention on the Elimination of All Forms of Racial Discrimination in Eastern Europe: A study of Slovakia and the Czech Republic 1990-2001

Introduction

This investigation critically analyses ratification of Article 14 in the Convention on the Elimination of All Forms of Racial Discrimination in the Czech and Slovak Republics. With reference to their domestic and regional political situation, economies, and relations vis-à-vis the international community, I demonstrate that ratification was a strategic decision rather than a simple reaction to their desires for EU accession. I argue that these states ratified in order to signal their intentions to become a part of the democratic club and secure aid from the global community. Section one describes the regional environment during the 1990's, illustrating that there was a high degree of both political and military instability. In the second section I briefly review the hypotheses of my theory and alternate theories of ratification. Section three is a narrative outline of the Czech and Slovak political landscapes between 1990 and 2001. The fourth section contains an analysis of these political narratives. I argue that while there were significant differences between the Czech and Slovak experiences with ratification, both the HZDS in Slovakia and the CSSD in the Czech Republic ratified in order to demonstrate their commitment to democracy and to secure aid from the international community.

This chapter focuses on Article 14 in The Convention on the Elimination of All Forms of Racial Discrimination (CERD) for two reasons. First, the CERD is a far reaching treaty, established in 1964, that has been ratified by 82% of countries in the world. It aims to prevent racial discrimination in all its forms, implores states to

establish equality before the law, and requires that all citizens, regardless of their race, possess equal access to education, housing, and medical care. In a broad sense, this treaty and the individual petition mechanism that accompanies it have the potential to reach and protect many beleaguered racial minorities. The second reason I examine this, rather than other individual petition mechanisms, is that I find strong statistical support for my theory with this treaty in chapter two.

I. Establishing the Degree of Regional Instability in Eastern Europe during the 1990's

In chapter two I defined political instability using data from the Polity IV project which takes into account the general openness of political institutions in a given country and assigns an annual score between -10 (very closed) and +10 (very open). When Polity scores plummeted dramatically I characterized this as a political crisis. Where there were a number of states in a given region that experienced dramatic drops in polity scores I classified them as undergoing regional political crises. In this chapter I use a range of indices to capture what I mean by political instability. For consistency I begin with the same indicator used in chapter two; I use Polity scores to paint a general picture of the relative degree of political instability in eastern Europe between 1990 and 2000.

The second indicator I use to tap into the degree of regional instability is militarized disputes. This includes disputes both within states and between states in eastern Europe. I include this additional indicator because militarized disputes in the region required additional expenditures of resources to prevent conflict from spilling over into other states as well as the deployment of foreign troops to conflict zones.

Militarized conflicts therefore have the potential to intensify the need for aid among states in the region and must be considered when describing regional instability levels in Eastern Europe between 1990 and 2000.

Before moving on it is necessary to define what I mean by region. This project follows the work of both Deutsch (1981) and Katzenstein (1997) who argue that a region is a “grouping of countries markedly interdependent over a wide range of different dimensions.”¹⁴¹ This approach recognizes that a region may consist of states in the same geographic region or it may consist of states that share cultural, religious or linguistic similarities. In this chapter I focus primarily on geographic proximity to define region.

Seven of the states in Eastern Europe experienced rapid shifts in their level of democracy between 1990 and 2001.¹⁴² In the north, Belarus underwent an autocratic transition in 1995. In 1989 Romania experienced a democratic transition, shifting from an autocracy to a relatively strong democracy in 1990; however, Romania faced widespread criticism for the treatment of the independent media and police use of torture.¹⁴³ In southwestern Europe, Croatia, Bosnia, Macedonia, Serbia and Montenegro, and Albania experienced high levels of political instability during the 1990’s. Bosnia, for example, is listed as a transitional government for the entire decade of the 1990’s with no accurate Polity scores available. Albania was on the verge of an autocratic backslide but managed to remain democratic during this

¹⁴¹ Quoted in Katzenstein 1997, 11.

¹⁴² These states include: Belarus, Romania, Croatia, Bosnia, Macedonia, Serbia and Montenegro and Albania.

¹⁴³ See UN Commission on Human Rights Resolution: E/CN.4/1994/76/Add.1.

period.¹⁴⁴ Of the nineteen states in Eastern Europe, seven experienced significant shifts in their political institutions during the 1990's and faced extensive criticism from the international community for human rights abuses.¹⁴⁵ In almost all of these cases the states underwent democratic backsliding, shifting from moderately democratic to autocratic institutions.

In addition to a series of democratic backslides in the region, eastern Europe was hit hard by the conflict in Yugoslavia. The fighting in Yugoslavia began when Milosevic's Yugoslav army (JNA) attempted to prevent Slovenian secession. The fight lasted for five months between June and October of 1991. In August of 1991 fighting also broke out between Croats and Serbs both in Eastern Croatia and the Krajina. Federal authorities in Belgrade took notice of the military build-up both of the Krajina Serbs and the Croats and eventually helped to arm Krajina Serb fighters. The fighting in Croatia involved roughly 35,000 Krajina Serb troops, 60,000-70,000 JNA troops, and 75,000 Croatian troops and lasted for five months.¹⁴⁶ The war escalated when Serbian forces conquered one-third of the total territory of Croatia and either expelled or killed roughly 80,000 Croats and Muslims. Fighting also broke out in Central Bosnia in January of 1993 between forces representing the Bosnian army and the

¹⁴⁴ Despite Albania's relative isolation from the West throughout the 1990's Albania slowly developed democratic institutions shifting from a mild democracy (score of 1 on the Polity Scale) in 1991, to a moderate democracy (5 on the Polity scale) in 1995, backsliding in 1996 (Polity score 0) and ultimately rebounding to become a stable democracy (Polity score between 5-7) in 2001.

¹⁴⁵ Shifts in level of democracy are identified using Polity scores. For more information on the human rights situation in eastern Europe during this period see: Human Rights Watch, 1997 "Republic of Belarus: Crushing Civil Society," available at: http://www.hrw.org/reports/1997/belarus/Belarus-05.htm#P240_31880; UN Commission on Human Rights Resolution: E/CN.4/1994/76/Add.1; Amnesty International, Press Conference Statement: A Summary of Human Rights Concerns, 1998: Amnesty International Document #: EUR/39/13/98; Human Rights Watch yearly country reports for Romania are available at: <http://hrw.org/doc/?t=europe&c=romani>.

¹⁴⁶ Ibid at 37-38.

Bosnian Croats. By May of 1993 a full scale war had erupted and much of Bosnia was ethnically cleansed.¹⁴⁷

The impact of these conflicts on the global and regional communities was significant. The United Nations passed forty-four resolutions between September of 1991 and October of 1993 that directly addressed the situation in Yugoslavia. These resolutions are a testament to the UN's outrage over the actions in Yugoslavia and were not merely hortatory declarations. Resolution 743, for example, established and deployed the United Nations Protection Force (UNPROFOR) to Yugoslavia. UNPROFOR was composed of more than 35,000 troops from member countries.¹⁴⁸ Resolution 757 applied mandatory sanctions to the central government in Sarajevo, while Resolution 781 created a no-fly zone over Bosnia.

The regional response to these conflicts was considerable. Hungary and Romania opted into NATO's Partnership for Peace Program in 1994. Their participation in the program was explicitly to stabilize the countries that were bordering conflict zones.¹⁴⁹ The Organization for Security and Cooperation in Europe (OSCE) sent individual missions into Bosnia in 1995, to Croatia in 1996, and to Serbia in 2001. The impact of this conflict was felt by many states in the region and required many to take dramatic actions to buffer against potential spill-over effects.

In 1998, two conflicts erupted in Kosovo—one between Serbia and Kosovar-Albanians and a second between NATO and Serbia. Once the fighting between the

¹⁴⁷ Kristof (2003), 49-50.

¹⁴⁸ United Nations Protection Force, "Mission Profile," Available at: http://www.un.org/Depts/dpko/dpko/co_mission/unprof_p.htm.

¹⁴⁹ North Atlantic Treaty Organization, "Partnership for Peace Information," Available at: <http://www.nato.int/pfp/pfp.htm>

Serbian military and Kosovar Albanian forces began, more than 1,500 Kosovar Albanians were killed and approximately 400,000 fled from their homes.¹⁵⁰ In March of 1999, the fighting in Kosovo continued to intensify. Citing Milosevic's failure to negotiate with NATO and the intensification of the hostilities against Kosovar Albanians, NATO began an air campaign that lasted for seventy-seven days.¹⁵¹

This conflict not only affected those living in the conflict areas. Hungary, the Czech Republic, Greece, Bulgaria, Estonia, Latvia, Lithuania, Poland, Romania, Slovakia and the Ukraine (despite its status as a non-NATO member) all contributed troops and resources to NATO's Kosovo Force (KFOR).¹⁵² In order to prevent instability within their own borders, Albania and Macedonia, both bordering the conflict zones, signed onto NATO's Partnership for Peace Program.¹⁵³ The Organization for Security and Cooperation in Europe sent in a series of missions between 1991 and 1999 all of which were charged with overseeing the enforcement of UN resolutions and promoting peace and democracy.¹⁵⁴

II. Theories to Explain Ratification

Here I briefly review the theories against which I test my own explanation for ratification. A full discussion of these theories can be found in chapter two.

¹⁵⁰ NATO background on Kosovo, available at: <http://www.nato.int/kosovo/history.htm#B>.

¹⁵¹ Ibid.

¹⁵² Information on the countries that participated in KFOR is available on the KFOR website at: <http://www.nato.int/kfor/kfor/nations/default.htm>.

¹⁵³ Dr. Javier Solana, Secretary General of NATO. Speech entitled, "NATO and European Security in the 21st Century." 13 May 1998.

¹⁵⁴ Organization for Security and Cooperation in Europe. "OSCE Mission in Kosovo," information available at: <http://www.osce.org/kosovo/13194.html>.

Domestic Motivations for Ratification

Moravcsik's republican liberal approach to explaining European participation in the post WWII European human rights regime focuses on the preferences of democratic leaders. Democratic leaders may be willing to accept the sovereignty costs implicit in delegating authority to an international institution in exchange for securing their policy preferences beyond their tenure in office. This explanation of ratification generates three testable hypotheses:

H₁: Leaders should be observed ratifying when their grip on power is tenuous.

H₂: Leaders in unstable political conditions should be even more inclined to ratify if those that are likely to assume power are not democrats.

H₃: Because democratic leaders have a sincere preference for democracy, they should be inclined to maintain their commitments. That is, if they ratify human rights treaties they should be observed actually respecting the rights of their citizens.

Regional IOs as the Impetus for Change

Unlike, Moravcsik's approach, which focuses on the role of domestic political factors, Pevehouse argues that regional international organizations can serve as the impetus for changes in state policy. Though Pevehouse uses the following theory to explain transitions to democracy, not ratification of human rights treaties, the logic and causal connections can also be applied to explain state ratification of global human rights instruments. In a broad sense, Pevehouse's work is applicable because he is seeking to explain how state leaders respond to pressure from regional organizations. His work suggests that there are predictable circumstances under which

these leaders, pressured by IOs will democratize. While I do not discuss democratization, the logic that Pevehouse's work offers applies to my empirical puzzle. It could be that leaders ratify these human rights treaties under pressure from these same IOs that compel them to democratize.

Pevehouse (2002) suggests that the influence of regional IOs can effect transitions to democracy in four ways. In this project I test for two. First, the IOs can suspend trade and financial benefits to the regime, thereby making it harder for the regime to function, unless it liberalizes.¹⁵⁵ Support for this hypothesis should come in the form of sanctions and the formal suspension of trade benefits by regional organizations against states that are unwilling to ratify human rights treaties. Second, IOs can exert diplomatic pressure, which Pevehouse argues can result in international isolation and ultimately undermine the domestic legitimacy of the regime.¹⁵⁶ While diplomatic pressure can be applied through both formal and informal means, I focus here on formal diplomatic pressure within regional organizations primarily due to the difficulty involved in gauging informal pressure. Formal diplomatic pressure should be observable in speeches and actions short of formal sanctions taken against states that have not ratified.¹⁵⁷

Socialization

In chapter two I find strong support for normative models of ratification, suggesting that established democracies are the most likely to ratify individual petition mechanisms in human rights treaties. A normative model implies that because states

¹⁵⁵ Pevehouse (2002), 522.

¹⁵⁶ Ibid.

¹⁵⁷ Formal sanctions are covered by Pevehouse's first hypothesis.

ratify human rights treaties sincerely, they should, at least in the short term, be observed following through on their commitments. Further, established democracies serve as norm entrepreneurs, ratifying before unstable democracies and autocracies.

H₁: If states have been effectively socialized to accept human rights, after ratification they should be observed fulfilling those commitments.

H₂: Because established democracies serve as the primary norm entrepreneurs in the international community, they should be observed to be the first movers, ratifying human rights treaties before tenuous democracies or autocracies.

Signaling for Aid during Regional Crises

While domestic politics, regional organizations, and socialization are likely to affect the decision to ratify a global human rights instrument, current theories overlook the possibility that state leaders may use ratification of IPM's strategically to acquire foreign aid. In chapter two I demonstrate empirically that states are more likely to ratify individual petition mechanisms that deal with discrimination (CERD and CEDAW) after periods of regional crisis. While the quantitative chapter taps into lengthy trends in ratification of human rights instruments, such tests, cannot account for the micro-foundations of ratification. In this section I lay out these micro-foundations as hypotheses.

Regional Instability

I have argued that regional political and military crises help to explain when state leaders will have an interest in ratifying individual petition mechanisms. As the regional political climate becomes increasingly unstable, with a greater number of states experiencing democratic back-sliding and militarized engagements, each

individual state in the region will need to find ways to buffer itself against these threats. As I demonstrated in the first section of this chapter, in many cases states in unstable regions spend their own resources sending troops to conflict zones, pouring aid money into unstable governments, and enrolling in regional security arrangements. The OSCE sent missions into Bosnia, Croatia and Serbia, and NATO engaged in a war with Serbia. The states that were situated near these conflict zones faced great pressures and ultimately contributed troops to the conflicts. The emigration of refugees out of Yugoslavia and Kosovo and into proximate states also required additional expenditures of resources above and beyond what states in stable regions are compelled to spend. This serves to intensify the need for aid in those states situated in unstable regions. States ratify primarily to signal for aid, however because the desire for aid is likely ubiquitous, regional instability helps to account for the timing of ratification. The states in eastern Europe ratified Article 14 in the CERD in quick succession because they had an acute need for aid owing to the costs associated with regional conflicts.

Signaling for Aid

It is in the interest of attracting aid that state leaders seek out ways to send signals to the international community. Two findings inform this argument. First, in chapter two I demonstrated empirically that states that ratify individual petition mechanisms in the Convention against Torture (CAT), the Convention on the Elimination of all forms of Racial Discrimination (CEAFRD) and the International Covenant on Civil and Political Rights (ICCPR) receive, on average more aid after they ratify than those states that do not ratify. Second, recent works on the

determinants of foreign aid suggest that donors are more likely to give aid to states that possess democratic institutions and respect the human rights of their citizens.¹⁵⁸ Taken together, these findings suggest that state leaders can expect tangible benefits if they successfully signal to the international community that their domestic policies fall in line with those of the community of liberal democracies. Yet, ratifying IPM's is also useful for autocratic governments who seek to demonstrate that they are incorporating a degree of transparency into their domestic institutions. Ratification of IPM's, arguably among the most constraining articles in human rights treaties, serves as a signal to the international community that the ratifying state will respect the rights of its citizens.

In this chapter I demonstrate that the Movement for a Democratic Slovakia (HZDS) in Slovakia and the Czech Social Democratic Party (CSSD) in the Czech Republic ratified Article 14 in the CERD strategically, in a move to appease the European community and attract aid from international donors. Ratification of the individual petition mechanism was a strategic decision by these governments, occurring at a different time than ratification of the discrimination treaty itself and in the throes of regional political and military instability.

The theory outlined above generates two testable hypotheses. First, state leaders should be ratifying strategically rather than sincerely and therefore will not necessarily be observed complying with their commitment to human rights. Leaders ratify to demonstrate what may amount to a very short term commitment to human rights in order to receive boosts in foreign aid. Comparatively, a democratic lock-in

¹⁵⁸ For a detailed discussion of this literature see pages 43-44 in chapter 2. Briefly, Svensson (1999), Neumayer (2003) and Alesina and Dollar (2000) make this argument.

argument, implies that leaders have a sincere preference for democracy and will, at least in the short term, be observed following through on their commitments to democratic ideals. The socialization hypothesis similarly contends that ratification is the result of state leaders adopting democratic norms and again they should not be observed shirking on their commitment to democracy.

H₁: Leaders that ratify may not comply with their commitment to respect the human rights of their citizens.

Theory	Hypotheses
Domestic Democratic Lock-in	H ₁ : Leaders should be observed ratifying when their grip on power is tenuous.
	H ₂ : Leaders should be even more inclined to ratify if those that are likely to assume power are not democrats.
	H ₃ : In the short term leaders should be observed fulfilling their commitments to respect human rights.
Pressure from Regional IOs	H ₁ : IOs should apply sanctions or formally suspend trade benefits if states don't ratify.
	H ₂ : IOs should apply formal diplomatic pressure on states to ratify.
Socialization	H ₁ : In the short term leaders should be observed fulfilling their commitments to respect human rights.
	H ₃ : Established democracies ratify before unstable democracies and autocracies.
Signaling for Aid during Regional Crises	H ₁ : Ratification should occur after periods of economic decline brought on by regional conflict.
	H ₂ : State leaders ratify in response to ratification by regional peers.
	H ₃ : Leaders that ratify may not comply with their commitment to respect the human rights of their citizens.

Figure 3.1: Theory Predictions

I expect state leaders to take note of the aid received by others in their region after ratification. Specifically, as states begin ratifying and receiving more foreign aid others in their region will observe this link and ratify as well. The null hypothesis is that states in this region are not ratifying, and are not receiving boosts in the amount of foreign aid they are receiving. Or, if states are observed ratifying the IPM to the Convention on the Elimination of All Forms of Racial Discrimination but receive no boosts in the percentage of foreign aid, this hypothesis would be undermined.

H₂: As other states in the region receive foreign aid after ratification of the IPM in the Racial Discrimination Convention, the states under observation should be more inclined to ratify.

III. Country Narratives: Background on the Czech and Slovak Governments

Scholars attribute the disintegration of Czechoslovakia to incompatible regional concerns in both Slovakia and the Czech Republic following the elections of 1992.¹⁵⁹ The Czechs elected Vaclav Klaus. He was primarily concerned with economic development and a tighter federation with the Slovaks.¹⁶⁰ These priorities were largely incompatible with those of Vladimir Meciar, elected by the Slovaks in the 1992 elections. Meciar's plan for Czechoslovakia was a decentralized confederation.¹⁶¹ The Czechs eventually issued an ultimatum to the Slovaks, "either a Czech-Slovak state with a strong central government and radical economic reforms, or no state at all."¹⁶² In November of 1992 the Federal Parliament passed the bill entitled

¹⁵⁹ Leff (1997), 131; Hilde (1999) suggests that these incompatible preferences stemmed from Slovak nationalism and a Czech preference for economic reform (662).

¹⁶⁰ Leff (1997) 130-131.

¹⁶¹ Ibid; Smekal (2006).

¹⁶² Hilde (1999), 647.

“The Dissolution of the Federation.” Hilde (1999) notes that the Czechs attempted to take the vote to a referendum but were blocked on three different occasions by the Slovaks.¹⁶³

The Velvet Divorce is noteworthy for at least two reasons. First, it remains one of the few historic examples of a bloodless dissolution of a political entity. The Velvet Divorce also sets the stage for the period under review in this analysis. On the heels of both the Velvet Revolution and the Velvet Divorce the Slovaks, were able for the first time to pass their own policy preferences into law. While human rights policies certainly took less priority than economic policy and basic political organization, the Slovaks did not neglect the potential benefits to be derived from participation in the global and regional human rights accords. The following section provides a narrative of Slovak politics and human rights between 1992 and 2001.

Slovakia

Both the Czechs and Slovaks ratified the Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1993. Yet neither state declared their acceptance of Article 14 allowing their citizens to file individual petitions to the Committee on the Elimination of Racial Discrimination in 1993. States often wait to ratify the individual petition mechanism associated with human rights treaties.¹⁶⁴ While this lag time between ratification of the treaty and ratification of the individual petition mechanism in the Czech Republic was seven years, the Slovaks only waited two years, ratifying in 1995. I argue here that the weak Slovak economy coupled with the economic pressures associated with the Yugoslav crisis served to intensify the

¹⁶³ Ibid. at 648.

¹⁶⁴ See pages 46-48.

Slovaks need for aid during this period. In addition, pressure from the international community to ameliorate the conditions of racial minorities in the Slovak Republic came to a head in 1995 and helps to explain the Slovaks acceptance of Article 14 in the CERD in March of 1995. The weak economy, coupled with a heightened need to send a signal to the international community in 1995 best explain Slovakia's ratification of the IPM in the Discrimination Convention.

After the breakup of Czechoslovakia, the Slovak economy was weak due to the dissolution of their political union with the Czechs and the increasing costs of the Yugoslav conflict.¹⁶⁵ The Czechs and Slovaks had envisioned a currency union with free movement of people, goods and capital across their borders after the dissolution of the federal state. Not surprisingly, the same conflicts that plagued the Czechoslovak political union translated into contrasting preferences over economic policies and undermined the possibility of a currency union after disintegration. The split was particularly costly for the Slovaks, costing upwards of 38 billion crowns in 1993, which amounted to 14% of the Slovak GDP that year.¹⁶⁶

UN sanctions applied toward the former Yugoslav republics in 1992 had the unintended effect of harming the economies of many central and eastern European countries. In 1994, Slovakia, along with Albania, Hungary, and Macedonia, among others claimed that their economies were suffering from a lack of trade. In 1995 Greece, Bulgaria, Ukraine and Moldova sent a letter to then, UN Secretary General

¹⁶⁵ "Group of Slovak Economists Says Slovakia is Suffering More than Czech Lands," *Slovak Radio Broadcast*, translation provided by *BBC Summary of World Broadcasts*, 18 September 1991; "Slovak Premier Discusses Ways Out of Economic Crisis and State Treaty," *BBC Summary of World Broadcasts*, 6 May 1991; "After Country's Split, Czech Republic Better Off Than Slovakia," *CTK National News Wire*, 13 August 1992.

¹⁶⁶ "Little Local Wars?" *The Economist* 13 March 1993.

Boutros-Boutros Ghali.¹⁶⁷ All ten countries claimed to have lost more than \$17 billion as a result of the sanctions on the former Yugoslav Republics. In addition to the costs associated with the sanctions, the Slovaks also bore expenses associated with sending six-hundred volunteers to contribute to UNPROFOR's mission in Bosnia.¹⁶⁸ Importantly, the Czechs were not among those countries claiming to have been harmed by the regional conflict. Their relatively stronger economic footing after the breakup of the federation allowed the Czechs to attract foreign direct investment, foreign capital and aid at rates far exceeding those of the Slovaks at this time. While this served to temporarily insulate the Czechs from the economic impact of the Yugoslav conflict, it made the Slovak need for aid all the more desperate.

From his earliest days in power Meciar made it clear that his priority was to obtain foreign aid and attract foreign investment.¹⁶⁹ Meciar's party, the Movement for a Democratic Slovakia (HZDS) received 37.3% of the votes in the National Council in the 1992 elections.¹⁷⁰ In March of 1993, just three months after the breakup of the federal state, Meciar gave an interview with Slovak television. He explained that his first priority was to halt the decline in the Slovak economy. In addressing a new law that gave firms with at least 30% foreign capital an advantage over those with purely domestic capital, Meciar explained that the law was absolutely essential:

...there is international competition. Poland, the Czech Republic and Hungary are also looking for ways of giving preferential treatment to

¹⁶⁷ Deen, Thalif. "United Nations: U.N. Sanctions Bite Into European Countries Economies," *IPS- Inter Press Service*, 30 May 1995.

¹⁶⁸ NATO, "Slovakia's Engagement for Peace in the World," available on NATO's website: <http://www.nato.int/invitees2004/slovakia/engagement%20for%20the%20peace.htm>.

¹⁶⁹ "The Slovak Republic: Meciar on Economic Forum in Stara Tura, Talks with IMF Executive Director," *BBC Summary of World Broadcasts*, 8 March 1993.

¹⁷⁰ Haughton 2001, 746.

foreign capital because it brings in more financial resources. We are looking for it too...¹⁷¹

In addition to his attempt to attract foreign investment, Meciar had many meetings with officials from the IMF and the World Bank in the hopes of securing loans.¹⁷² In May, 1993 the World Bank agreed to loan the Slovaks \$40 million. Future loans would depend on the Slovak ability to work with both the IMF and the World Bank and to demonstrate their ability to repay the loans.¹⁷³ This \$40 million amounted to little more than a drop in the bucket with a budget deficit of \$470 million and unemployment hovering at 12%.¹⁷⁴ While the Slovaks were doing everything in their power to obtain aid and investment, the Czechs were enjoying a thriving economy. In discussing the prospects for a \$150 million loan to the Slovaks, an IMF official explained that among the Eastern and Central European countries undergoing economic transformation the Czechs were leading the pack, followed by Poland and Hungary.¹⁷⁵ The Slovaks were conspicuously absent from the list.

Meciar also went to the United States to meet with officials from both the IMF and the World Bank in the hopes of securing a \$190 million loan.¹⁷⁶ In July of 1993 the Slovaks were given their first IMF loan amounting to \$89 million dollars.¹⁷⁷ Yet, the interim Prime Minister Jozef Moravcik secured the most lucrative loan for

¹⁷¹ "The Slovak Republic: Meciar on Economic Forum in Stara Tura, Talks with IMF Executive Director," *BBC Summary of World Broadcasts*, 8 March 1993.

¹⁷² The first round of talks between Slovakia and the IMF broke down when Meciar refused to devalue the Slovak currency as IMF executives were recommending. See: "IMF-Slovak Talks Interrupted-Reuters Reports," *CTK National News Wire*, 20 February 1993; "Slovakia Rejects IMF Recommendations in Loan Talks," *BBC Summary of World Broadcasts*, 22 February 1993.

¹⁷³ "World Bank Mission Mapping Slovak Economy," *CTK National News Wire*, 28 April 1993; "Slovakia to Receive 40 Million USD," *CTK National News Wire*, 29 April 1993.

¹⁷⁴ Welch, Matt, "Meciar Visits US to Improve Image, Secure Investment," *United Press International*, 16 May 1993.

¹⁷⁵ "IMF Official on Slovak Loan and Economic Reform," *CTK National News Wire*, 29 April 1993

¹⁷⁶ Welch (1993).

¹⁷⁷ "IMF Approves \$89 Million Loan to Slovakia," *CTK Business News*, 28 July 1993.

Slovakia in July of 1994. The loan came from the European Union and amounted to \$245 million dollars.¹⁷⁸ Despite these loans the economic situation in Slovakia grew steadily worse. The *Prague Post* captured the mood of Slovakia at this time:

Senica, Slovakia- no one seated in a barren beer hall in this bleak industrial town on a recent evening was telling the same story- but the message was the same. They told how the economy was going to hell, the education and health care systems were collapsing, and the Hungarians were casting menacing glances from across the Danube...Through beer, cigarette smoke and the din of the bar's gruff conversation, the singular brand of political and economic chaos gripping Slovakia took on color.¹⁷⁹

A failing economy resulting largely from the dissolution of the federal republic and the increasing costs of the Yugoslav conflict contributed to the poor state of the Slovak economy after independence.

That the Slovaks were in desperate need of foreign aid and investment between 1993 and 1995 can scarcely be disputed.¹⁸⁰ In January of 1993, just prior to their first and largely unsuccessful round of negotiations with the IMF and World Bank, the Slovaks ratified all of the core United Nations human rights treaties.¹⁸¹ However, they did not accept the oversight of the Committee on the Elimination of Discrimination. Nor did they accept the oversight of the other Human Rights

¹⁷⁸ "Slovakia to Obtain EU Loan," *CTK National News Wire*, 19 July 1994.

¹⁷⁹ Reynolds (1994).

¹⁸⁰ In an interview in the *Narodna Obroda* with former Finance Minister Jozef Danco, he suggests that "the only way that the Slovak economy could improve this year would be with a large amount of foreign credit or foreign aid." 10 January 1994. During fiscal year 1994 the Slovaks received one-tenth of the amount of direct foreign investment that the Czechs received. "Slovakia: Review 1996" *Europe Review World of Information*, November 1995.

¹⁸¹ On January 19, 1993 Slovakia ratified the following treaties: The Convention Against Torture, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Racial Discrimination, International Convention on the Protection of All Migrants Workers and Their Families, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Committee which receives individual complaints arising out of violations of the International Covenant on Civil and Political Rights. In January of 1993, before negotiations with the IMF broke down, the Slovaks probably assumed that ratification of the treaties without ratification of the individual petition mechanisms would be sufficient to signal their intentions to the international community. However, a declining economy and the growing costs associated with the Yugoslav conflict intensified their need to send a stronger signal to the international community in 1995.¹⁸²

Until March of 1994 the HZDS, along with the smaller, primarily nationalist Slovak National Party (SNS), controlled the Slovak government. However in March of 1994 a series of defections from the cabinet brought the government down. Only 82 of 150 possible votes were cast in the no-confidence motion because many of the HZDS members and all of the SNS members abstained in protest. The result was that Meciar's government was ousted by a margin of two votes.¹⁸³ The primary complaint from those within the party was Meciar's increasingly autocratic style of rule. "The core of the crisis affecting both the government and the ruling party is the growing opposition to Meciar's autocratic rule coupled with the almost absolute power of the HZDS."¹⁸⁴ A centrist coalition government composed of defecting HZDS members, the Democratic Left (SDL), and the Christian Democratic Movement assumed control

¹⁸² The lack of foreign aid and investment was a significant problem for the Slovaks in 1995, "The country urgently needs more foreign investment. It has managed to attract a mere \$400 million- worth by the middle of last year- tiny by the standards of neighboring Hungary, Poland and the Czech Republic," Jones (1995).

¹⁸³ "Jozef Moravcik Appointed Slovak Prime Minister," CAROLINA, 3 March 1994.

¹⁸⁴ "Slovakia: Crisis Threatens to Engulf Government and Ruling Party," *Inter-Press Service*, 20 March 1993; "Slovakia Faces Crisis After Mass Defection from Ruling Party," *The Independent*, 12 February 1994; "Slovakia Plunged into Crisis," *The Glasgow Herald*, 12 March 1994.

of the government in March of 1994. If there was any moment when a domestic democratic lock-in argument should apply, it would be this period between March and December of 1994. A centrist government, which had brought down the ruling party for its autocratic style held a tenuous grip on power. The threat that Meciar and the HZDS would soon come back to power was nearly certain, and yet Moravcik's government did not ratify any human rights treaties during this time.¹⁸⁵ Indeed there appeared to be little effort made to tie the hands of the future government as a lock-in argument would predict.

Figure 3.2 below situates the Slovak parties according to their ideological positioning (left-right) and their democratic or autocratic tendencies.¹⁸⁶ The parties in the lower left quadrant constituted Meciar's governing coalition. These parties (HZDS, ZRS and SNS) were nationalist in orientation and employed autocratic tactics to maintain themselves in office. The parties in the upper left quadrant were center-left in ideological orientation, and committed to democratic rules. Moravcik's brief time as prime minister of Slovakia in the spring of 1994 was the result of a coalition between these parties (DU, MK, KDH).

¹⁸⁵ "Slovak Cabinet to Resign Today," *The Independent*, 14 March 1994. On support for Meciar while Moravcik was Prime Minister see: "Meciar Still Wins in Popularity Poll by Narrow Margin over Moravcik and Kovac," *BBC Summary of World Broadcasts*, 25 April 1994.

¹⁸⁶ The classifications of each party as left or right comes from Deegan-Krause's (2000) "preference dimension" on p. 35. The democracy/autocracy classification comes from a survey of members of each party on their support for firm-hand rule. The results of the survey are represented graphically in Deegan-Krause (2006) 108.

In the fall of 1994 new elections were called and Meciar once again became the Prime Minister of Slovakia, obtaining the greatest vote share in the National

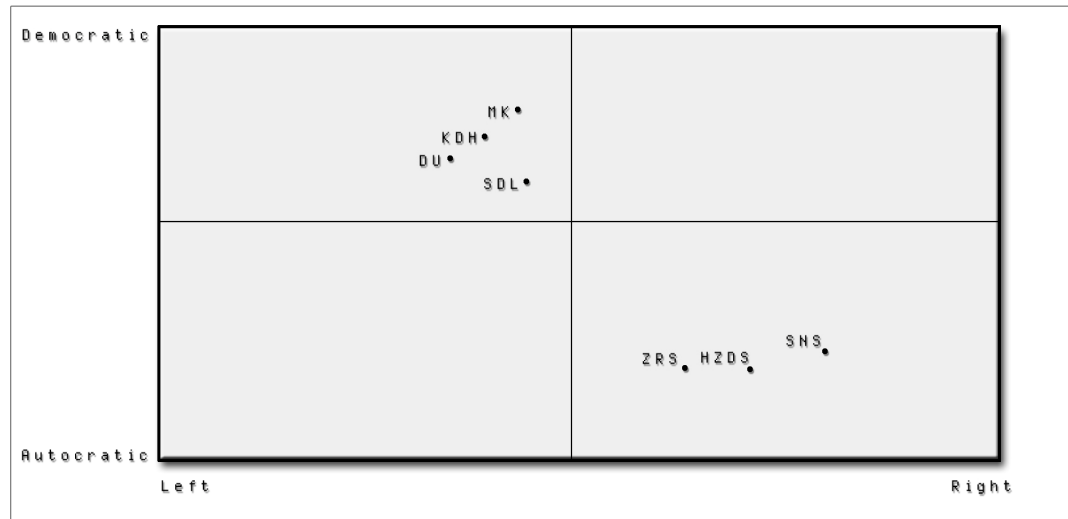


Figure 3.2: Orientation of Slovak Parties

Council.¹⁸⁷ A coalition government was formed with the Slovak National Party (SNS) and the Association of Slovak Workers (ZRS). The Slovaks enjoyed international praise for negotiating a treaty with Hungary, and passing a law in Parliament to allow for the use of ethnic Hungarian names within Slovak towns during the brief period that Moravcik was prime minister. However, the tide of public opinion began to change once Meciar assumed office.¹⁸⁸ After the passage of the law on ethnic Hungarian names in the parliament, the Slovak Republic was admitted to the Council of Europe.

¹⁸⁷ For a discussion of the results of the 1994 election see: Leff, (1997) 150-151 and Haughton (2001).

¹⁸⁸ On praise for Moravcik's government see: "US Congressmen Praise Human Rights Record," *CTK National News Wire*, 23 July 1994; "Helsinki Commission Praises Changes and Progress in Slovakia," *BBC Summary of World Broadcasts*, 23 July 1994. For criticism of Meciar's government see: "Human Rights Watch Criticizes Human Rights Observance by Czechs, Slovaks" *CTK National News Wire*, 9 December 1994; "Helsinki Watch Criticizes Slovakia's Policies Toward Ethnic Minorities," *CTK National News Wire*, 9 December 1993.

Enacting this legislation had been an explicit requirement for Slovak accession to the Council. Yet, after coming to office, Meciar refused to sign the bill into law.¹⁸⁹

International pressure from Europe, the United States and a number of human rights organizations enhanced Meciar's need to find ways to signal that he was aspiring to become a part of the club of western democracies.¹⁹⁰ Upon resuming the office of prime minister, Meciar explained in an address to the European Parliament that his country was striving for a stable democracy with sound respect for human and especially minorities rights. Of particular interest in this speech was Meciar's pledge to allow the European Parliament supervision over his country's treatment of ethnic minorities in Slovakia.¹⁹¹ If Meciar had no interest in signaling to the European Community, then why make such statements while addressing the European Parliament?

Just one month prior to ratifying Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, the Slovak Cabinet Deputy Chairman and Finance Minister gave an interview explaining that the Slovaks "needed to encourage foreign investment."¹⁹² The Slovaks declared their acceptance of Article

¹⁸⁹ For a discussion of the law on names see: Kelley (2004) 118-120. For the Council of Europe's official invitation to Slovakia and its requirement that Slovakia pass these laws see: CE Opinion no. 175 (1993). This was also true in the association agreement between Slovakia and the EC "Slovakia and EC Agree Final Draft of Association Agreement at Brussels Talks," *BBC Summary of World Broadcasts: Central Europe and Balkans*, 28 May 1993.

¹⁹⁰ "U.S. Government Report on Discrimination Civil Rights," *CTK National News Wire*, 1 February 1995; "Ethnic Hungarian Leaders Says US Criticism of Slovakia Justified," *BBC Summary of World Broadcasts*, 12 August 1995; "Czech Republic and Slovakia: Report of the Experts of the Council of Europe on the Citizenship Law of the Czech Republic and Slovakia and Their Implementation," *Council of Europe*, 13 November 1995; Human Rights Watch Country Report on the Slovak Republic, available online at: <http://www.hrw.org/reports/1995/WR95/HELSINKI-14.htm>, 1995; "Czech Republic, Slovak Republic get Mediocre Marks for Human Rights" *Prague Post*, 9 February 1994.

¹⁹¹ "Slovak Premier Discusses EC Association, NATO Links, Gabcikova, In Brussels," *BBC Summary of World Broadcasts*, 4 March 1993.

¹⁹² "Kozlik: We Need to Encourage Foreign Investment," *CTK National News Wire*, 31 January 1995.

14 of the Convention on the Elimination of All Forms of Racial Discrimination in March of 1995. Meciar's desperate need for aid, resulting from the costs of dissolution from the Czechs and the Yugoslav conflict, made ratification a predictable occurrence in March of 1995. By this time, Meciar's government had borne the costs of independence but had yet to receive any of the potential financial benefits. This shifted after he resumed the office of prime minister and initiated a rapprochement with the IMF, World Bank and other western financial institutions.

In January of 1995, upon resuming the position of Prime Minister, Meciar had a lot to demonstrate to the IMF and the World Bank. Meetings with both international financial institutions began in late January.¹⁹³ If Meciar was to secure loans from these institutions he would have to demonstrate that he and his government could be trusted by the international financial institutions. Ratification of Article 14 occurred in March of 1995 and Slovakia received three major international loans within a month. The Slovaks were given \$115 million from the IMF,¹⁹⁴ \$60 million from the Japanese,¹⁹⁵ and \$260 million from the European Bank for Reconstruction and Development.¹⁹⁶ By June of 1996 the European Union began talks on ending all aid to Slovakia because the Slovak economy had, in their words, "improved so much that it was no longer threatened..."¹⁹⁷ This is not to suggest that these donors gave the Slovaks aid merely because they ratified the individual petition mechanism in the Racial Discrimination

¹⁹³ "IMF, World Bank Missions Meet With Slovaks," *CTK Business News*, 18 January 1995.

¹⁹⁴ "Slovakia Passes Memorandum for IMF" *CTK National News Wire*, 12 April 1995.

¹⁹⁵ "Japanese Loan Supports IMF Aid to Slovakia," *BBC Summary of World Broadcasts*, 9 March 1995;

"News: Japan's Exim Slovak Loan," *East European Energy Report*, 27 March 1995.

¹⁹⁶ "Slovak Price Energy Liberalization Required," *Deutsche Presse-Agentur*, 2 February 1995.

¹⁹⁷ "EP Wants to End Financial Help to Slovakia," *CTK National News Wire*, 21 June 1996.

Convention. This project does not seek to explain donor interest. Yet, within weeks of ratifying the Slovaks were able to obtain upwards of \$430 million in aid.

Meciar held the position of Prime Minister until September of 1998. In the three years following ratification, government treatment and protection of both the Roma and Ethnic Hungarians grew steadily worse. In May of 1995 the HZDS proposed legislation that would have required all state business be conducted in Slovak. Because nearly 10% of the population of Slovakia was ethnically Hungarian with limited knowledge of the Slovak language, the law was referred to as “linguistic imperialism.”¹⁹⁸ In the same month, the HZDS tried to give state subsidies that were earmarked for minority newspapers to a series of other papers owned by the HZDS.¹⁹⁹ These actions resulted in formal complaints being lodged with both the European Union and NATO.²⁰⁰ In April of 1997 the Slovak Education Minister sent out a letter to regional school boards instructing them not to hire Hungarian teachers because Slovak history and culture should be taught by Slovaks. The Education Minister confirmed that he sent the circular encouraging schools to refrain from hiring Hungarian teachers.²⁰¹ So blatant was government discrimination against Hungarians

¹⁹⁸ “Law on Official Language ‘Linguistic Imperialism,’” *CTK National News Wire*, 10 May 1995. The law was passed in the fall of 1995. The Slovak Ambassador to the United States defends the law and assures that another law will soon follow that will protect the languages of ethnic minorities in a letter to the *New York Times*. “Slovak Language Law Won’t Harm Minorities,” *The New York Times*, 27 November 1995.

¹⁹⁹ “Ethnic Hungarian Leader Alleges Discrimination Against Minorities,” *BBC Summary of World Broadcasts*, 25 May 1995.

²⁰⁰ “Ethnic Hungarians Lodge Complaint with EU, NATO,” *BBC Summary of World Broadcasts*, 7 October 1996.

²⁰¹ “Ethnic Hungarian Party ‘Coexistence’ Accuses Official of Discrimination,” *BBC Summary of World Broadcasts*, 15 April 1997. See also the Organization for Security and Cooperation Report on Slovakia, “Human Rights and Democratization in Slovakia,” September 1997: 22. See also the interview Meciar gave on Slovak Radio, “Premier Criticizes Media Terror Over Population Exchange Idea,” Translation by *BBC Summary of World Broadcasts*, 15 September 1997.

that Meciar publicly recommended a population exchange wherein Hungarians in Slovakia would be exchanged for Slovaks in Hungary.²⁰²

Romanies did not fare any better at the hands of Meciar and the HZDS during this period. A report commissioned by the European Union, and written by a Romany organization in Slovakia detailed the discrimination that Roma children received in hospital care and a general lack of police investigation regarding claims of skinhead attacks against Romanies. In responding to reports about mass emigration of Slovak Romanies to England and Canada during this period, the Slovak Minister for People in Need of Special Assistance, Branislav Balaz suggested that he believed that “these individuals are looking for opportunities they can abuse...It is irresponsible of our people to emigrate and to go into the unknown...”²⁰³ The Ministry that Balaz heads was created in 1996 to address discrimination against the Roma in Slovakia, yet in a review of the resolutions of this ministry in 1997, the European Roma Rights Center explained that the ministry does more to promote negative stereotypes of Roma in Slovak society than eliminate them. The report provides:

[In the resolution by the government ministry] the Roma are described as the government sees them: Romani families are ‘not interested in solving their own housing problems; pregnant Romani women lead a ‘bad way of life;’ and Roma are responsible for the ‘devastation of houses’...Areas of Slovakia are characterized by ‘backward Roma, high unemployment, high criminality, etc. Roma in general are named ‘socially unadaptable.’²⁰⁴

²⁰² “Human Rights Watch World Report 1998,” Human Rights Watch, Available online at: <http://www.hrw.org/worldreport/Helsinki-21.htm>.

²⁰³ “Government Official Says Roma Emigration ‘Irresponsible,’” *Slovak Radio- Translation by BBC Summary of World Broadcasts*, 22 October 1997.

²⁰⁴ “Time of the Skinheads: Denial and Exclusion of Roma in Slovakia,” *European Roma Rights Center*, Country Reports Series, No. 3, January 1997.

Beginning in 1998 a series of petitions were filed on behalf of the Romany before the Committee on the Elimination of Discrimination. These petitions asserted that the Slovak government had systematically violated the rights of the Roma in the fields of housing and public dining. With the exception of one case the Committee on the Elimination of Discrimination found against the Slovak government. In all of these cases, the Committee urged the Slovaks to pass legislation that would serve to protect minorities.²⁰⁵ In their fifth periodic report the Slovaks detailed the changes to domestic law that had been made in response to the Committee's rulings.

The changes made to Slovak law were dramatic and fell in line with the recommendations of the Committee on the Elimination of Racial Discrimination. The Slovaks reported directly to the Committee in 2004 with a detailed list of the legislative acts undertaken in response to the committee's recommendations. There were two significant amendments to the Slovak Constitution. First, the Slovak Constitution was amended to waive the consent of Parliament on the passage of certain international human rights treaties.²⁰⁶ Second, Parliament voted to introduce a new individual complaint procedure allowing individuals that believe their fundamental rights and freedoms have been violated to petition the Slovak Constitutional Court.²⁰⁷ A series of changes to the Slovak penal code also served to substantially assist racial minorities in Slovakia. The changes included a looser definition of racially motivated crimes to allow for prosecution of crimes against

²⁰⁵ *Lacko v. The Slovak Republic*, CERD Communication #11/98; *Koptova v. The Slovak Republic*, CERD Communication # 13/1998; *L.R. et al. v. The Slovak Republic*, CERD Communication # 3/2003.

²⁰⁶ Constitutional Act no. 90/2001. For a discussion of the act see the Slovak Republic's Report to the Committee on the Elimination of Racial Discrimination, UN Document #: CERD/C/419/Add.2, 29 March 2004.

²⁰⁷ Constitutional Act no. 124/2002.

Roma, penalties for those that publicly approve, justify or deny the “horrors of fascism and totalitarianism,” and the creation of domestic legislation prohibiting crimes against humanity in conformity with the Rome Statute of the International Criminal Court.²⁰⁸

The ratification of Article 14 in the Convention on the Elimination of All Forms of Racial Discrimination in Slovakia took place in 1995, but it was not until 2001 that the effects of this decision were felt by minority communities residing in the Slovak Republic. Yet to suggest that ratification in Slovakia was an insignificant occurrence is to deny the impact that these individual petitions ultimately had on shaping the Slovak government’s treatment of its minority populations.

The Czech Republic

The strong economic footing that the Czechs enjoyed relative to the Slovaks helps to explain the delay in ratification in the Czech Republic. The Czechs ratified the Convention on the Elimination of All Forms of Racial Discrimination in 1993, but failed to ratify the individual petition mechanism until 2000. The question becomes, what was happening in 2000 that compelled the Czechs to finally ratify? During the early and mid 1990’s the Czechs were generally receiving praise from both the European and international communities and so they had little need to send any signals, and thus little need to ratify. This all started to change in 1997, when the

²⁰⁸ The first law is contained in Slovak Act No. 253/2001; The new law regarding denials of fascism and totalitarianism is contained in Slovak Act No.485/2001; Act No. 421/2002 introduces the new domestic legislation prohibiting crimes against humanity. For a complete list of the many changes to the Slovak Penal Code see: Slovak Republic’s Report to the Committee on the Elimination of Racial Discrimination, UN Document #: CERD/C/419/Add.2, 29 March 2004. For additional discussion of the changes in Slovak law as a result of the recommendations of the Committee on the Elimination of Racial Discrimination see: “Summary Record of the 165 Meeting of the Committee on the Elimination of Racial Discrimination,” 16 August 2004, UN Doc #: CERD/C/SR.1655.

Czech economic miracle began to show wear, Klaus' center-right government fell, the international community began to harshly criticize both Czech economic and social policy, and the fighting in the former Yugoslavia intensified, requiring additional outputs of Czech troops and capital. It was on the heels of these events that the Czechs accepted Article 14 of the Convention on the Elimination of all forms of Racial Discrimination. I argue that during this period of regional military instability the Czechs had a particularly intense need both for aid and to send a signal to the international community.

After the breakup of Czechoslovakia the Czechs had a strong economic footing, much stronger than that of the Slovaks. This was due in large part to the geographic distribution of industry during the communist era and to the leadership of Vaclav Klaus. Klaus had been an economist before he became the Prime Minister. Saxonberg (2003) notes that Klaus was more successful than his competition during the early days after the breakup because he "had an economic vision for the country."²⁰⁹ The vision consisted primarily of a western oriented economy with a balanced budget and a stable currency.²¹⁰

The Czech economy benefited greatly from Klaus and the Civic Democratic Party in the early post-communist days.²¹¹ Unlike the Slovaks, the Czechs had less need to find ways to signal for aid during this time because they were able to enjoy the

²⁰⁹ Saxonberg (2003) 80.

²¹⁰ Leff (1997) discusses this vision in greater detail on pages 184-185.

²¹¹ "Joblessness Very Low" CAROLINA 14 May 1993; "Premier Lauds Czech Economy at Prague Bankers Forum" *CTK National News Wire*, 23 February 1993; "Major Wage Growth Reported in 24 Companies," *CTK Business News*, 31 May 1993; Central Bank Report on Czech Economy Brings Mostly Good News," *CTK Business News*, 13 August 1993.

benefits of privatization. The strength of their domestic economy at this time insulated the Czechs from the unstable regional environment at least until 1997. Leff (1997) explains:

The [Czech] government was rewarded with international respect; while Slovakia went begging for investment, the Czech Republic was accruing a lopsided share of the influx of investment and trade into the state after 1989.²¹²

Indeed the Czech transition was commonly referred to as a “miracle.”²¹³ By 1995 Klaus’s efforts had paid off. The Czech budget began fiscal year 1995 with a surplus, wages were increasing, and negotiations with the International Oil Consortium were underway to secure significant amounts of foreign investment.²¹⁴ A public opinion poll taken by the Institute for Investigation of Public Opinion suggests that a majority of Czech citizens were very happy with their standard of living.²¹⁵

By 1997 the Czech economy had begun to slow. In a review of the performance of the economy in 1997 the *Hospodarske Noviny* (HN), a Czech business paper, noted that the economy stalled, unemployment rose, the Czech currency was devalued, and the “miraculous” growth of the Czech economy had ended.²¹⁶ Klaus’s opposition to disclosure laws frustrated foreign investors.²¹⁷ Saxonberg explains that “foreign investors preferred the more transparent markets in Poland and Hungary...”

²¹² Leff (1997) 187.

²¹³ There are numerous examples including: Appel (2001); Boeri and Burda (1996); “Czech Privatization Miracle Cannot be Copied- French Monthly” *CTK Business News*, 13 October 1994.

²¹⁴ “1994 Budget Finishes with Large Surplus” CAROLINA 13 January 1995. In the same edition see also “Average Wages Increase Again.” “Western Refinery Bidders Still in Czech Talks Over Investment Terms,” *East European Energy Report*, 27 January 1995.

²¹⁵ “Majority Thinks Czech Standard of Living is Rather Good,” CAROLINA 1 December 1995.

²¹⁶ “HN, ZN See Better Times Coming, Pravo More Pessimistic,” *CTK Business News Wire*, 31 December 1997; “Government Looking for Ways to Resuscitate Czech Economy,” CAROLINA 2 April 1997.

²¹⁷ Saxonberg (2003) 119.

(119) Many observers fault the campaign finance scandal in the ODS and, to a lesser degree the decline of the economy as the factors contributing to the fall of Klaus's government in November of 1997.²¹⁸ A care-taker government was put in place for the first six months of 1998, headed by Josef Tosovsky. In July of 1998 the Czech Social Democratic Party (CSSD) won a plurality in the Czech Chamber of Deputies and assumed control of the government. The Premier of the (CSSD), a left-leaning party, was Milos Zeman. Figure 3.3 below situates the Czech parties that made up governing coalitions in the 1990's along a democratic/autocratic and left/right continuum.²¹⁹ Unlike the coalition responsible for ratification in the Slovak case, Zeman's government was center-left and employed primarily democratic means to stay in office.

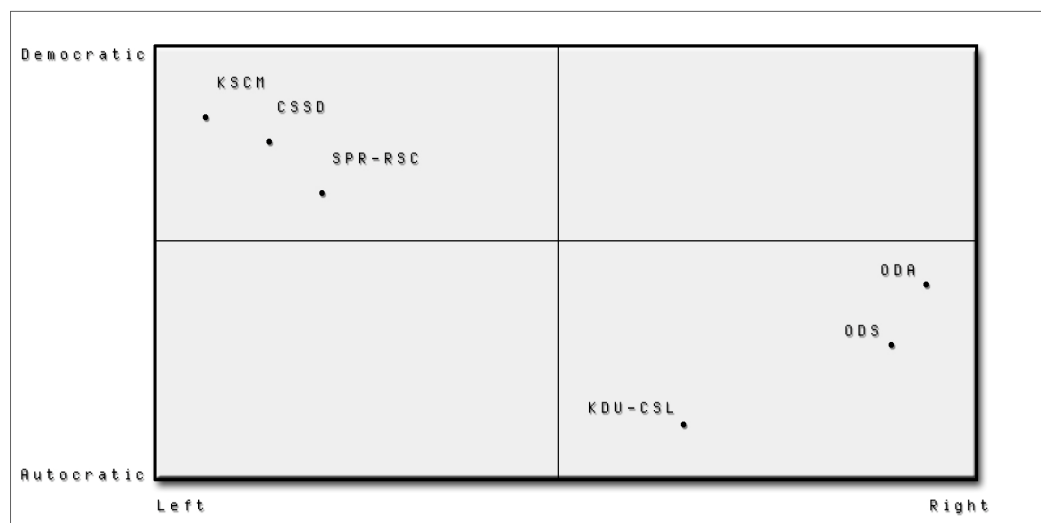


Figure 3.3: Orientation of Czech Parties

²¹⁸ See Radim (1998); Deegan-Krause (2006) 64-65 for a discussion of the campaign finance scandal; Tucker et al. (2000) 435. "Chronology of Events Leading to Klaus Government's Fall," *CTK National News Wire*, 30 November 1997.

²¹⁹ The classifications of each party as left or right comes from Deegan-Krause's (2000) "preference dimension" on p. 35. The democracy/autocracy classification comes from a survey of members of each party on their support for firm-hand rule. The results of the survey are represented graphically in Deegan-Krause (2006) 108.

Zeman was responsible for ratification of Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination. His party had three policy priorities: attract foreign capital, become integrated into European social and economic structures, and expand privatization efforts.²²⁰ That Zeman was particularly interested in attracting capital helps to explain why his government was responsible for ratification. I have argued that leaders use ratification as a signaling device to attract aid during periods of regional political crisis. Upon Zeman's accession to the office of prime minister his country was in a poor economic position and faced growing expenses from the military engagements in Bosnia and Kosovo. Foreign capital was flowing to other, more transparent markets and he sought out ways to signal for additional aid to the international and particularly European community. Yet, there were a series of other events, dealing specifically with Czech treatment of the Romany minority that served to intensify Zeman's need to signal his democratic intention to the European community. It is important to note at this point that explaining ratification as a reflexive response to the Czech desire to join the EU would be missing much of the story. In fact, Klaus, who arguably was more concerned with EU entry than Zeman, chose not to ratify for the entire period between 1993 and 1997. Klaus however was faced with a much a stronger economy throughout his tenure in office and so had less need to signal for aid and investment than Zeman had when he assumed the same position. The additional events that served to enhance Zeman's need to send this signal to the international community include the intensification of

²²⁰ "Zeman, Lux Agree on Priorities of Future Government," *CTK News Wire*, 21 June 1998.

and Czech participation in the Bosnian and Kosovar conflicts as well as the wave of Roma émigrés to other countries at the end of the 1990's.

When the conflicts in Bosnia and Kosovo began intensifying it became clear that the international community would have to step in to combat the chaos. The pressure was particularly strong for European states to send ground troops and the Czechs Republic was no exception. At least 20 Czech soldiers died in a helicopter crash in Bosnia in January 1998, and within months more than 500 Czech soldiers were preparing to be sent to Bosnia.²²¹ In February of 1999 the international community was feeling the pressure to send upwards of 36,000 more troops to Kosovo at an expected cost of over \$7 billion dollars.²²² In all, the Czechs sent in more than 1,560 troops to Bosnia and 515 troops to Kosovo.²²³ The Czechs devoted 560 million Koruna or \$20 million US dollars to their participation in combating the Bosnian crisis.²²⁴ And by the time the Kosovo conflict erupted, the Czechs cited cost as the primary reason that they could only contribute a limited number of troops to the NATO force.²²⁵ In addition to the financial expense associated with sending in troops there were political costs borne by the Czechs. The Austrians for example, who were opposed to NATO involvement in Kosovo banned Hungarian tanks and Czechs troops from transiting through Austria to NATO exercises in Italy.²²⁶ These regional conflicts enhanced the need for aid and investment in the Czech Republic. Yet, Zeman

²²¹ "Chopper with Twenty Czech Soldiers Crashes in Bosnia" CAROLINA 16 January 1998; "Czech Troops Begin Joint Resolve Exercises in Bosnia" *Global News Wire* 26 May 1998; "Czech Troops Leave for Bosnia August 17-25" *CTK National News Wire* 13 July 1998; "New Czech Peacekeeping Troops Leave for Bosnia," *BBC Monitoring-Europe*, 20 October 1999.

²²² "Talks Agreement Would Call for International Commitment" *The Irish Times*, 6 February 1999.

²²³ Simon (2005).

²²⁴ Simon (1997).

²²⁵ Simon (2005) 18.

²²⁶ "Austria Bans Czech Troops' Transit Through Its Territory," *Czech News Agency*, 25 February 1999.

also had to address growing criticism over his government, and the previous ODS led government's treatment of the Romany minority.

Violence targeted at the Roma in the Czech Republic and the government's failure to act led to an exodus of Romanies out of the Czech Republic in the late summer and fall of 1997. Official numbers are hard to obtain but the British have suggested that more than 1,000 Roma applied for political asylum in Britain during this period,²²⁷ and it looks as though the vast majority of those leaving the Czech Republic went to Canada rather than Britain.²²⁸ In August of 1997 local Roma organizations and the Canadian embassy in the Czech Republic estimated that as many as 15,000 Romanies were planning to seek political asylum in Canada.²²⁹

In addition to violence against the Roma, debate began on a very controversial proposal for "containing" the Roma in two Czech towns, Usti nad Labem and Pilsen. In Usti nad Labem city officials planned to build two walls around a Romany housing project on Maticni Street to keep the Romanies separated from other residents living on the same street. In addition to the wall, the city planned to have twenty-four hour police patrols to guard the building.²³⁰ In Pilsen, a series of portable cabins that would hold hundreds of Romanies in a dormitory style arrangement, with a warden and a

²²⁷ Keyser (1998).

²²⁸ Cook (1997). "Romanies Want to Go To Go to Canada- Because of TV NOVA or Racism?" A show was aired on TV NOVA that depicted a number of Czech Romanies living happily in Canada. Some Czechs questioned whether it was truly poor treatment or the television show that caused the emigration of Romanies to Canada. See also: CAROLINA, 15 August 1997. The remarks of Mayor Janackova, who served as mayor during the period of Romany exodus from the area with the highest concentration of Czech Romanies suggested that, "her municipality would happily pay the fare for Roma wishing to leave the country," (quoted in Cook 1997).

²²⁹ Cook (1997).

²³⁰ Green (1998).

twenty-four hour police patrol was proposed.²³¹ The wall in Usti nad Labem was erected and caused an international scandal.

International criticism of Czech treatment of the Romany was harsh and swift. In 1999 the European Union Commission ordered the Czechs to immediately tear the wall down or risk their bid for EU membership.²³² Influential non-governmental organizations issued scathing reports condemning Czech treatment of Romanies to the Committee on the Elimination of all Forms of Racial Discrimination.²³³ A Congressional hearing was held in the United States regarding Czech treatment of racial minorities. Those testifying to U.S. representatives urged them to condition Czech admission to NATO on domestic human rights policies.²³⁴ The United Nations sponsored Special Rapporteur on Racism visited the Czech Republic in September of 1999 in response to the complaints of systematic discrimination against the Roma.²³⁵ The Czech Helsinki Committee issued a report condemning Czech treatment of racial minorities and cited the government's general unwillingness to prosecute those accused of violence against Romanies. In an unusual display of candor by a

²³¹ Ibid. See also: Lebor, (1998); "Disputed Romany Wall 'International Affair' Says Czech Romany Activist," *BBC Monitoring-Europe*, 11 August 1999; "Europe's Wall for Gypsies," *The New York Times*, 24 October 1999; "New Wall Splits Roma from 'White' Czechs," *The Christian Science Monitor*, 8 November 1999.

²³² Connolly, (1999); Allen (1999).

²³³ "Court Easy on Racists, Say Critics," *Prague Post*, 4 March 1998. For a summary of the report submitted to the CERD monitoring body by the European Roma Rights Center see: <http://www.errc.org/cikk.php?cikk=164&archiv=1>.

²³⁴ Keyser (1998).

²³⁵ The report suggests that the Czechs immediately adopt comprehensive anti-discrimination legislation, work to integrate the Romany in Usti nad Labem back into Czech society, and curb the segregation of Romany school children throughout the country. The Report is available online: <http://www.ishr.ch/About%20UN/Reports%20and%20Analysis/CHR%2056%20-%20Racism.htm>.

government official Minister Vladimir Mlynar, who was responsible for ethnic and minority affairs, declared “his basic acceptance of the report.”²³⁶

At this moment, the Czechs desperately needed to send a signal to the international community both to secure foreign aid and signal their intentions to become a part of the democratic club. The weak economy and the universal international criticism of the government’s treatment of the Roma made it absolutely essential that Prime Minister Zeman find credible ways to signal his intentions to the international community. The Czechs attempted to send this signal in two ways. First, in April of 1999 the Czech Parliament voted to create an Ombudsman Office for Human Rights. The Ombudsman’s job mirrored that of the United Nations Committee on the Elimination of Racial Discrimination. The Ombudsman’s office would be responsible for receiving individual petitions from citizens that believed their human rights had been violated by their government. The proposal had been floating around in the Czech Government since at least as early as 1995, and was supported by President Havel and then by the opposition party CSSD.²³⁷ In April of 1999, 101 out of 178 ministers present voted in favor of the creation of the Ombudsman’s office. The opposition party, ODS, primarily voted against the bill.²³⁸ Zeman’s government also voted to ratify Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination in May of 2000. There was nearly unanimous support for the measure

²³⁶ “Human Rights Report Critical of Czech Republic,” CAROLINA, 30 April 1998.

²³⁷ “Havel Delivers State of the Union Address,” CAROLINA, 3 March 1995; “Internal Affairs; Bill Passes First Reading Despite Government Opposition,” *BBC Summary of World Broadcasts*, 14 February 1996; “Havel Favors Creation of Ombudsman Office: Klaus Again Rejects,” *CTK National News Wire*, 26 March 1996.

²³⁸ “Czech Parliament Passes Ombudsman Bill,” *BBC Monitoring-Europe*, 11 April 1999; “Government Approves Bill on Ombudsman,” *CTK National News Wire*, 14 April 1999.

in the Senate.²³⁹ The Foreign Minister for the CSSD, Jan Kavan, told Czech senators, “If the Czech Republic applies the statement [in favor of CERD ratification] in accordance with Article 14 of the Convention, it will thus send the international community a clear signal of how it views the problems of racial discrimination, hatred and intolerance.”²⁴⁰

Ratification of Article 14 took place in May of 2000, and Czech protection of Romanies improved, but not significantly in the years following ratification. The Amnesty International Annual Report on the Czech Republic covering 2001 suggests that the single biggest human rights issue in the Czech Republic in 2001 was government treatment of the Roma.²⁴¹ Many human rights organizations, including Amnesty International, were particularly concerned with the government’s lack of willingness to admit that violence against Romanies was indeed due to racism and the government’s general unwillingness to prosecute those accused of this violence.²⁴² However, in 2001 the government reported a 4% increase in the number of prosecutions for crimes against the Romany.²⁴³ Between 2001 and 2002 a series of laws were passed to integrate the Roma into Czech society. These included offering preparatory classes for Roma children preparing to enter school, affirmative action programs in healthcare and employment, and additional precautions to ensure the

²³⁹ “Czech Senate Adopts Statement on Anti-Discrimination Convention,” *CTK National News Wire*, 10 May 2000.

²⁴⁰ *Ibid.*

²⁴¹ “Human Rights Watch Country Report Czech Republic 2002,” Human Rights Watch, available online at: <http://hrw.org/wr2k2/europe8.html>

²⁴² “Human Rights Watch Country Report Czech Republic 2002,” Human Rights Watch; “Concerns in Europe” Amnesty International, July- December 2001; “Concluding Observations of the Committee on the Elimination of All Forms of Racial Discrimination: Czech Republic 10/12/2003,” Committee on the Elimination of Discrimination, UN Doc #: CERD/C/63/C0/4.

²⁴³ US Department of State, “Czech Republic Country Report on Human Rights- 2001” 4 March 2002.

security of the Roma.²⁴⁴ However, significant progress on improving the plight of the Roma in Czech society has been slow.²⁴⁵ As of October 2006 there have been no petitions filed before the Committee on the Elimination of Racial Discrimination against the Czech Republic.

IV. Analysis

My primary hypothesis is that state leaders ratify individual petition mechanisms in human rights treaties in order to signal for aid from the international community. I hypothesize that leaders will be more inclined to send this signal during periods of regional political crisis when their need for aid becomes particularly intense. A consideration of the timing of ratification in both the Czech and Slovak Republics lends support to this theory. The domestic democratic lock-in, regional organizations, and socialization approaches offer less explanatory power in accounting for ratification in these two cases.

Slovakia and the Czech Republic follow a general trend among states in ratification. Both states ratified the Discrimination Treaty as soon as they became independent, but neither ratified the IPM associated with the treaty right away. This delay suggests that there was strategy involved on the part of the governments that chose to ratify. Meciar in Slovakia and Zeman in the Czech Republic ratified when their need for foreign aid was particularly intense. Further, this delay suggests that both leaders recognized at least the possibility that ratification of the individual petition mechanism in the CERD could be costly for them.

²⁴⁴ For a detailed list of these changes in domestic law see: "The Regular Report on the Czech Republic's Progress Toward Accession," *The European Union Commission*, 9 October 2002.

²⁴⁵ Petros (2000).

In the Slovak case I find support for Hypothesis One- that states ratify in the throes of an economic downturn brought on by a regional crisis. After the dissolution of the Federal Republic, the Slovak economy was extremely weak and Meciar did everything in his power to obtain aid and investment. Meciar went so far as to go to the US for a public relations campaign, designed to signal to the Americans that, “I don’t eat children and that I can use a knife and a fork.”²⁴⁶ In addition to his initial difficulties with the IMF, Meciar and the HZDS had to find ways to buffer the Slovak economy against the growing costs of the trade sanctions on Serbia. This militarized conflict in the region required additional outputs of sorely needed Slovak capital, and at the same time served to limit Slovak access to a close and potentially profitable trade relationship. In their diplomatic note to the UN detailing the costs of Serb sanctions on the Slovak economy, the Slovaks argue that they lost hundreds of thousands of dollars between 1992 and 1993.²⁴⁷ The losses to the Slovak economy resulted from the cancellation of contracts, goods produced but not exported, and cancelled imports from Serbia.²⁴⁸ In all, the Slovaks describe more than thirteen specific ways in which the sanctions on Serbia negatively impacted the Slovak economy, creating costs for Meciar’s government and further intensifying his need for foreign aid.

Figure 3.4 below details the regional conflicts and economic problems that predated Slovak ratification of Article 14 in the CERD. While the transition to

²⁴⁶ “Meciar Visits US to Improve Investment, Secure Investment,” *United Press International*, 16 May 1993.

²⁴⁷ “Letter Dated 26 October 1993 From the Permanent Representative of Slovakia to the United Nations Addressed to the Security Council,” 26 October 1993, UN Doc #: S/26648: 3.

²⁴⁸ *Ibid.* at 3.

June 1991:	Yugoslav Crisis begins with fighting in Slovenia.
August 1991:	Militarized engagements break out between Croats and Serbs.
May 1992:	Security Council passes resolution 757 imposing sanctions on Serbia.
November 1992:	Czechs and Slovaks peacefully negotiate the end of their political union.
January 1993:	Fighting escalates in Bosnia.
February 1993:	Talks between the IMF and Slovakia break down.
January 1993:	Slovaks contribute 600 troops to UNPROFOR.
October 1993:	Slovaks send a diplomatic note to the UN decrying the impact of sanctions on Serbia to the Slovak economy.
December 1993:	Official estimates place the cost of disintegration for the Slovaks at 80 billion Crowns (14% of their GDP in 1993).
March 1994:	Meciar's government is ousted; national papers blame the poor state of the economy as the impetus behind his loss of power.
March 1995:	Slovak's ratify Article 14 in the CERD.

Figure 3.4 Slovak Ratification Timeline

independence likely caused numerous economic difficulties for the Slovaks, instability in the region certainly contributed to the poor state of the Slovak economy at the time of ratification.

Meciar looked at Poland, Hungary and the Czech Republic as his primary competitors for aid and investment.²⁴⁹ The Hungarians had recently declared their acceptance of oversight by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee.²⁵⁰ Not long after the Slovaks ratified in 1995, the Poles followed suit in 1998, followed closely by the Czechs in 2000. The timing of ratification and Meciar's statements about his regional peers also suggest support for Hypothesis Two- that leaders ratify in response to ratification by regional peers.

²⁴⁹ "The Slovak Republic: Meciar on Economic Forum in Stara Tura, Talks with IMF Executive Director," *BBC Summary of World Broadcasts*, 8 March 1993.

²⁵⁰ This took place in late 1989.

Claude Cahn, the program director for the European Roma Rights Center, the group that has been responsible for the cases heard against Slovakia in the Committee on the Elimination of Racial Discrimination, has also suggested that ratification served as a signaling device for the Slovaks. Cahn notes that ratification of the individual petition mechanism in the Discrimination Convention was likely viewed as an easy signal to send by Meciar and the HZDS, much easier than actually rectifying the situation of the Roma and Hungarians in Slovakia.²⁵¹

The Czech experience with ratification also lends support to ratification as signaling device. The Czechs had the luxury of a strong economy after the dissolution of the federal state. Aid and investment were pouring into the Czech Republic, which temporarily limited the Czechs need to signal to the international community. This all started to change when Klaus's government fell and the fighting in Kosovo intensified. In their need to demonstrate that they would make good NATO allies, the Czechs donated troops and capital to this conflict. The intensification of hostilities occurred just as the Czech economic miracle was ending, making the need for aid in the Czech Republic particularly intense. In 2000, at the World Conference against Racism the Czechs publicly declared their intention to ratify Article 14 in the Discrimination Convention.²⁵² That they chose such a public venue, and the subsequent statements by their Foreign Minister about the signal that ratification would send, strongly suggests that the Czechs ratified in order to send a signal to the international community.²⁵³

²⁵¹ Cahn, Claude. Telephone interview. 14 July 2006.

²⁵² Ibid.

²⁵³ For the statement by Foreign Minister on the signal sent by ratification of Article 14 see: "Czech Senate Adopts Statement on Anti-Discrimination Convention," *CTK National News Wire*, 10 May 2000.

My third hypothesis differentiates my theory from both the socialization hypothesis and the domestic democratic lock-in approach. Because I argue that their primary motivation for ratification of Article 14 was aid rather than a sincere preference for democratic ideals, there is no reason that these leaders should be observed actually protecting the rights of minorities after they ratify. In short, leaders ratify insincerely in the hopes of attaining aid quickly. The Slovak case is an excellent example of this occurrence. Meciar and the HZDS ratified in 1995, received over \$400 million in aid within a month, but failed to alter any domestic policies toward the Roma or ethnic Hungarians. Because the individual petition mechanism in the CERD requires that individuals exhaust all domestic remedies, Meciar likely knew that there would be a long delay before any of the cases could be heard by the UN tribunal. The government that felt the effects of ratification was led by Mikulas Dzurinda who succeeded Meciar as Prime Minister in 1998.

The Czechs appear to have done a better job protecting the rights of ethnic minorities after they ratified Article 14 in 2000. While violence against the Roma continued to be a problem in the Czech Republic, the government made greater strides in domestic legislation to protect them. But even in 2003 the Committee on the Elimination of All Forms of Racial Discrimination recommended that the Czechs take more seriously the mistreatment of the Roma by the police and the lack of investigation undertaken into claims of violence against Romanies.²⁵⁴ These are systemic problems in the Czech justice system, not simply isolated instances of

²⁵⁴ “Concluding Observations of the Committee on the Elimination of All Forms of Racial Discrimination: Czech Republic 10/12/2003,” Committee on the Elimination of Discrimination, UN Doc #: CERD/C/63/C0/4

racism. By 2003 the Czechs had been pressured to remedy these problems for at least six years by the international community.

Domestic Democratic lock-in

In the Slovak case I find no support for the domestic democratic lock-in approach. This approach implies that leaders ratify to lock democracy into the future. The implication is that ratification occurs during periods of domestic instability and domestic political crisis. Yet Meciar and the HZDS ratified after they came back to power. The lock-in model predicts that ratification will occur when democrats that hold power are threatened by autocrats. In the Slovak case, Meciar and the HZDS were autocrats being threatened by democrats. A lock-in approach would have supported ratification under two conditions. First, if ratification had occurred just prior to Moravcik's tenure as prime minister, when the dispute between Meciar and President Kovac intensified and public support for Meciar dropped precipitously leading to his temporary loss of power. On the eve of what was dubbed a "political crisis" in the Slovak Republic by the international media, a lock-in model would predict ratification.²⁵⁵ And yet it did not occur.

Alternatively, a lock-in approach would predict ratification during Moravcik's brief tenure as Slovak prime minister. Moravcik's government was a true centrist coalition that made great strides toward improving the rights of ethnic Hungarians for

²⁵⁵ "New Setback in Slovak Political Crisis," *Agence French Presse- English*, 17 February 1994; "Government Crisis in Slovakia," *CTK National News Wire*, 9 March 1994; "Sachsische Zeitung: on the Slovak Political Crisis," *CTK National News Wire*, 24 February 1994; "Meciar is Core of Slovak Political Crisis- Die Presse," *CTK National News Wire*, 11 March 1994.

the six months that they held power.²⁵⁶ Knowing that their time in office would be brief and that they would likely be replaced by less-than-democratic forces, a lock-in approach would predict that these democrats should have ratified. Moravcik even negotiated the treaty with Hungary in order to appease the Council of Europe.²⁵⁷ But Moravcsik's government did not ratify the individual petition mechanism in the Convention on the Elimination of All Forms of Racial Discrimination. I find support neither for Hypothesis One nor Hypothesis Two in the domestic democratic lock-in model in the Slovak case because ratification occurred while an autocratic party, the HZDS, run by an autocratic leader, Meciar, held power. This implies that ratification of Article 14 in the Racial Discrimination Convention does not occur simply because leaders have a tenuous grip on power or that non-democrats are likely to assume power.

Similarly I find limited support for the domestic democratic lock-in approach in the Czech case. Milos Zeman's government was responsible for ratification in the Czech Republic and faced no domestic political crisis in 2000 when ratification occurred. Despite waning support for the ruling Social Democrats after the 1998 election, the controversial "opposition agreement" assured that the CSSD would remain in power for a significant period of time.²⁵⁸ However, unlike the mostly

²⁵⁶ "Slovak-Hungarian Treaty To Be Concluded Soon- Foreign Minister," *CTK National News Wire*, 20 April 1994; "Moravcsik Discusses Minority Issues with Hungarian Socialist Party Leader," *BBC Summary of World Broadcasts*, 22 April 1994; "Moravcsik Urging Hungarian-Slovak Treaty," *CTK National News Wire*, 25 April 1994; "Survey of Slovak Press," *CTK National News Wire*, 8 August 1994.

²⁵⁷ On the conditions imposed on Slovakia's membership to the Council of Europe see: Kelley (2004) 118-120. Ratification of this treaty was an explicit condition for Slovak membership in the Council of Europe.

²⁵⁸ Deegan-Krause (2006) 69; "CSSD Keeps Leading Position in Opinion Polls," *CTK National News Wire*, 7 April 1999; "Czech Republic: Opposition Agreement Seems Solid," *Quest Economic Database*:

autocratic government that ratified in the Slovak case, ratification by Zeman's government conforms slightly better to the expectations of the lock-in argument. Figure 3.3, which situates the various Czech parties on a left/right and democratic/autocratic continuum helps to illustrate this point. The lock-in model predicts ratification by parties situated in either of the upper (democratic) quadrants. And indeed, the CSSD was a primarily democratic party. Yet Zeman's grip on power was not tenuous as a lock-in model would predict. The opposition agreement reached between the CSSD and the ODS virtually assured the Social Democrats would remain in office for the foreseeable future, suggesting a lack of support for Hypothesis One in the Czech case.

A minimal threat to the CSSD could have emanated from the Czech Communist Party (KSCM) which was receiving high levels of support in opinion polls during this period. It was the first time since the end of the communist period in 1989 that a communist party polled higher than all of the democratic parties.²⁵⁹ This could lend support to the second domestic democratic lock-in hypothesis- that non-democrats would be the next likely group to assume power and so Zeman and the CSSD ratified to lock-in their policy preferences into the future. However the likelihood of the ruling coalition falling apart leading to new parliamentary elections was very slim because of the strength of the opposition agreement between the Czech Civic Democratic Party (ODS) and the Czech Communists (KSCM).

Hilfe Country Report, June 1999; "Government's Popularity Rises in Late 1999-Poll," *Czech News Agency*, 13 January 2000.

²⁵⁹ "Communists Top Czech Poll for First Time Since 1989," *Agence French Press*, 22 October 1999; "Communists Becoming 'Decisive Force' on Czech Political Scene, Says Leader" *BBC Monitoring Europe- Political*, 25 September 1995; "On Politics: Political Disenchantment Leads to Communist Rise in Czech Republic," *Warsaw Business Journal*, 2 August 1999.

The third hypothesis implied by a lock-in model is that leaders have a sincere preference for democracy and therefore should be observed actually following through on their commitments to respect the rights of racial minorities after ratification. As discussed in the previous section, the Slovaks went on violating the rights of the Romany and ethnic Hungarians for at least three years after ratification, suggesting that they did not have a sincere preference for democratic norms as a lock-in model would suggest. The results from the Czech case are more mixed and imply that the Czechs had some desire to improve the living conditions of the Romany in Czech society in the years after ratification. But three years after ratification the periodic review by the Committee on the Elimination of All Forms of Racial Discrimination suggested the same series of problems regarding police treatment of the Romany.²⁶⁰

In short the democratic lock-in approach predicts ratification when democrats are threatened by autocrats. Figure 3.2, a graphic representation of the ideological orientation of Slovak parties, found in the Slovak narrative is instructive. The lock-in model predicts ratification by those parties situated in the upper left cell (democrats) and yet, despite having the opportunity to ratify Article 14 in the CERD, the democrats failed to do so. The cash-strapped autocrats, represented by Meciar's coalition, were the ones that ratified in March of 1995.

Pressure from Regional IOs

There was certainly pressure on the Czechs and Slovaks to harmonize their policies with those of the European Union, the Council of Europe, and NATO. In

²⁶⁰ "Concluding Observations of the Committee on the Elimination of All Forms of Racial Discrimination: Czech Republic 10/12/2003," Committee on the Elimination of Discrimination, UN Doc #: CERD/C/63/C0/4

Pevehouse's theory states are admitted into international organizations and then alter their policies to fall in line with those of other members. The international organizations can attempt to quell the fears of the military and business elites by offering benefits to these groups, or the organization can apply a series of penalties to coerce the state into harmonizing their policies. In eastern Europe during the 1990's many eastern and central European states were vying for membership in the European Union, the Council of Europe, and NATO, among others. Yet these states were not admitted and then pressured to alter their policies. Instead, the possibility of accession was used to influence states to change their policies on their own.

There is no question that aspirations of membership compelled many of the states in eastern and central Europe to adopt policies that they otherwise would not have chosen. But the question in this chapter has revolved specifically around the extent to which these forces compelled the Czech and Slovak Republics to ratify Article 14 in the CERD. While there is no record of any international organization applying sanctions or formally suspending trade benefits (H_1) for either the Czechs or the Slovaks, the Czechs faced enormous pressure from the EU and NATO to tear down the wall erected in Usti nad Labem. Czech membership in these institutions was explicitly threatened by members of the organizations if the wall was not removed.²⁶¹ The Slovaks were admitted to NATO later than the Czechs and were not among the first eastern European countries to be included in EU accession negotiations. The delay in Slovak admission to the EU and NATO was explicitly attributed to a lack of

²⁶¹ Connolly (1999); Allen (1999); Keyser (1999).

democratic institutions.²⁶² Meciar rejected the efforts of Moravcik's government to negotiate and ratify a Slovak-Hungarian friendship treaty, as the Council of Europe had demanded. However, even though Meciar mocked the Council's admission requirements, there was little that could be done because the Slovaks had already been admitted.²⁶³

While these institutions were willing to apply formal diplomatic pressure (H₂) to effect the changes that they demanded for accession, there was no explicit requirement that these governments ratify Article 14 in the CERD. While it is certainly possible that these government's ratified to signal their democratic intentions to these institutions, neither government was threatened with sanctions or coerced to ratify Article 14.

Socialization

During the 1990's the Czechs and Slovaks had their first opportunity to turn their own policy preferences into law. However, Klaus and the ODS had more success than Meciar and HZDS in developing the credentials of a "liberal democracy." Yet these credentials served a clear material interest- if the Czechs and Slovaks could signal that they were members of the community of liberal democracies then they stood to gain much in the way of trade and security benefits. The process of identity construction and preference formation, according to socialization theories, is ongoing. Yet these theories point to clear patterns that should be observed if ratification is indeed a response to socialization.

²⁶² "Slovak NATO, EU Failure Due to Double Standard- Sestak," *CTK National News Wire*, 16 July 1998

²⁶³ See Kelly (2004) for a fascinating discussion of the Council of Europe's conditions on Slovakia, p. 118-120.

First, socialization theories point to established democracies as the propagators of norms, suggesting that established democracies should be observed ratifying before unstable democracies and autocracies. Italy, France and Denmark all ratified Article 14 between 1978 and 1985.²⁶⁴ However, most of the western European democracies that socialization theories point to as the propagators of norms ratified after many transitional countries. For example, Germany, Spain, Luxembourg and Monaco all ratified after Slovakia in 1995. Ratification did not occur in Germany until 2001. The socialization theory also fails to accurately predict ratification within the sub-region of central Europe. Among those states that were transitioning into democracies and adopting market economies in the 1990's, such as Hungary, Poland, the Czech Republic and Slovakia the most democratic among them should have ratified first, yet the Czech Republic ratified last in October of 2000. One of the earliest states to ratify Article 14 in the CERD in this sub-region was Slovakia. This was the least democratic country among the group of new democracies and so should have ratified last, if at all.

In addition, if the Czech and Slovak Republics ratified because they had been effectively socialized to respect the rights of their citizens, then we should not observe the ratifying governments violating the rights of racial minorities after ratification (H₂). Of course racial discrimination takes many forms but here I am specifically addressing government policies that have the effect of discriminating against racial minorities. Previous discussions in this chapter identify the consistent and blatant transgressions against both the Romany and the ethnic Hungarians in Slovakia in the years after ratification. Meciar and the HZDS went out of their way to limit the rights

²⁶⁴ Italy ratified in 1978, France ratified in 1982, and Denmark ratified in 1985.

of these groups domestically while continuing to “talk the talk” to the international community.²⁶⁵ For example, in response to assertions that his government had mistreated ethnic minorities Meciár issued a report showing that new Slovak legislation had incorporated protections in line with those in the European Council’s Frame Work Convention on the Protection of Ethnic Minorities. However, in their attempt to demonstrate their renewed dedication to the plight of ethnic minorities the HZDS inadvertently published the budget for ethnic minorities which had been slashed to a mere fraction of its level under the previous government. Also, the money that was allocated to minority programs had been dispensed to *Slovenska Republika*, a HZDS-owned newspaper.²⁶⁶

The pattern of government abuse of the Roma after ratification is less blatant in the Czech case than it is in the Slovak case. As discussed above the Czechs made some efforts to respect the rights of this community, but they faced the same criticism that they had faced before ratification from the Committee on the Elimination of All Forms of Racial Discrimination.²⁶⁷ This suggests that socialization alone cannot account for ratification. I find some support for the socialization hypothesis, particularly with Hypothesis One that established democracies ratify before unstable democracies in Europe. However, within the group of transitional countries- Hungary, Poland, Slovakia and the Czech Republic the less democratic countries ratified first,

²⁶⁵ “Meciár Lays Out Policy Priorities,” *CTK National News Wire*, 22 January 1995; “EU/Slovak Republic: Prime Minister in Brussels,” *Europe Information Service: Euro-East*, 14 February 1995; “French Premier Receives Meciár,” *CTK National News Wire*, 20 March 1995; “OSCE High Commissioner Talks With Slovak Premier,” *CTK National News Wire*, 10 January 1996.

²⁶⁶ “Government Defends its Ethnic Policy,” *CTK National News Wire*, 28 November 1995.

²⁶⁷ “Concluding Observations of the Committee on the Elimination of All Forms of Racial Discrimination: Czech Republic 10/12/2003,” Committee on the Elimination of Discrimination, UN Doc #: CERD/C/63/C0/4

followed by the more democratic countries, which contradicts the socialization hypothesis.

Conclusion

I find strong support for the hypothesis that both the Czechs and Slovaks ratified Article 14 in order to send a signal to the international community. Slovakia was rewarded with aid, but did not have to pay a price for ratification until long after Meciar's tenure as Prime Minister had expired. The Czechs did not receive a noticeable boost in foreign aid after ratification, but their weak economy grew worse with the added pressure of the conflicts in Bosnia and Kosovo. Ratification in their case could have been an effort to attract much needed aid, even though this effort was unsuccessful. I find no support for domestic democratic lock-in. Neither Meciar nor Zeman faced an unstable political environment at home which might have caused them to ratify when they did. In addition, while pressure from regional IOs compelled these governments to adopt many policies, there is no evidence that this pressure was responsible for ratification of Article 14 in the CERD. Finally, despite the strong support I find for the socialization hypothesis in Chapter 2, I find very limited support for this approach in Slovakia and the Czech Republic. If these countries were sincerely trying to establish their identities as liberal democracies we should have stronger democracies ratifying before less stable democracies and heightened efforts to protect racial minorities after ratification. In the following chapter I examine the debate surrounding ratification in Kyrgyzstan and Tajikistan.

Chapter 4: Ratification of the Optional Protocol to the International Covenant on Civil and Political Rights in Kyrgyzstan and Tajikistan

Introduction

The states of central Asia provide a useful contrast to the states of eastern Europe explored in the last chapter. Whereas in eastern Europe newly democratizing states had to appease major regional and international organizations in developing their policies, the autocratic states of central Asia did not have these pressures. The absence of a dense network of regional organizations in central Asia means that ratification of UN treaties in this region cannot be explained solely with reference to aspirations of accession to the EU.

European institutions guided newly independent central and eastern European states toward democratic transitions and acceptance of European social norms. Neither formal diplomatic pressure nor sanctions were applied to compel states to accept the oversight of the Committee on the Elimination of Racial Discrimination; however, the policy influence on newly democratizing states from the Council of Europe, the European Union and the Organization for Security and Cooperation in Europe is undeniable. The eastern Europeans, even those with little hope of gaining entry into the EU, still aspired to accede, and thus took opportunities to send signals to Europe. Comparatively, in central Asia, the absence of democratic regional IOs eliminated this policy pressure on the former Soviet republics. The Commonwealth of Independent States (CIS), led by the Russians, was the only regional IO to spring up in central Asia. Neither the Russians nor the autocratic states that composed this organization exerted any substantial pressure on one another to democratize. If anything, the

leaders that assumed control in central Asia feared democratization and the extension of greater rights to citizens in neighboring countries, lest their own citizens demand similar rights.²⁶⁸

It could be argued that ratification of human rights treaties and IPM's was to be expected in Europe- these states were democratizing and sought entry into the most deeply integrated democratic institution in existence, the EU. My findings suggest that ratification in the Czech and Slovak republics was an insincere and largely predictable attempt to signal for aid after regional crises. To counter the criticism that ratification was nothing more than an effort to accede to the EU and to demonstrate the role regional instability plays in ratification, I examine the politics of ratification in Kyrgyzstan and Tajikistan. These states, like all of the others in central Asia, were controlled by autocrats when they ratified. The only regional IO, the CIS, exerted no real pressure on its members to democratize or respect their citizens' rights. Focusing on central Asia makes it possible to control for the effect of democratization and the influence of regional IOs on ratification.

A second motivation for choosing central Asian cases is the lack of established or even tenuous democracies in the region. The realist interpretation of state participation in international institutions is that the institutions themselves make no difference in state policy. Those states that are already complying with the institutions participate. Those that are not complying simply refrain from participating. This implies, of course, that participation rates in global human rights agreements will be particularly low among tenuous democracies and autocracies who may have great

²⁶⁸ The Economist, "Central Asia: No Tulips Please," 18 November 2006.

difficulty protecting the rights of their citizens or may intentionally suppress those rights. The mostly authoritarian leaders that assumed control throughout central Asia in the 1990's cracked down particularly hard on the independent media and political opposition groups.²⁶⁹ These facts make it difficult to argue that ratification occurred because these states were already complying with the terms of the International Covenant on Civil and Political Rights.

I focus in this chapter on ratification of the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). The ICCPR is one of the most far-reaching human rights conventions adopted by the global community. The treaty aspires to provide for self-determination (Art. 1), respect for personal liberty and due process rights (Art. 9), and access to courts (Art. 14). The ICCPR prohibits discrimination (Art. 2), slavery (Art. 8) and arbitrary arrest (Art. 17).

The Optional Protocol to the ICCPR offers individual citizens in ratifying states the ability to petition the Human Rights Committee (HRC) with complaints about their government's actions. This individual complaint procedure has been used more than 1,200 times since the HRC began hearing cases in 1976. Like the IPM in the CERD, accepting the oversight of the HRC entails potential costs to ratifying states. States empower their citizens to submit complaints to the HRC, leaving open the possibility those citizens will use the opportunity to flood the HRC with complaints about government abuse. This chapter seeks to understand why the mostly

²⁶⁹ The one exception to this trend was Askar Akaev in Kyrgyzstan who was, at least initially, concerned with aligning Kyrgyz policies with those of Europe.

autocratic states of central Asia have been overwhelmingly willing to submit their domestic human rights policies to oversight by the HRC.

A desperate need for foreign aid in an increasingly unstable regional environment, I argue, compelled the Tajik and Kyrgyz Republics to seek out ways to signal their intentions to the west. In the Kyrgyz case, economic turmoil, due in large part to the costs of the Tajik civil war forced President Akaev to aggressively court western financial institutions in search of aid. The end of the Tajik civil war and the Russian financial crisis plunged the Tajiks deeper into economic ruin, forcing them to seek out methods for attracting foreign aid from the west in the late 1990's.

In the following section I outline the degree of military and political instability in central Asia in the 1990's. The second section is a narrative account of the political landscape leading up to ratification of the Optional Protocol to the International Covenant on Civil and Political Rights in Kyrgyzstan. Section three provides a narrative account of the factors influencing ratification in Tajikistan. The final section critically analyzes the factors contributing to ratification in Tajikistan and Kyrgyzstan with reference to expectations in the literature.

I. Military and Political Instability in Central Asia in the 1990's

Prospects for Democracy in Central Asia

The militarized disputes, border skirmishes, growing militant Islamist groups in the region and water disputes all contribute to the highly unstable political environment in central Asia. These states were largely unprepared to become independent republics in 1991. They lacked institutions, infrastructure and economies that were independent of Soviet control. It is not surprising that, after these states

achieved independence in the 1990's, their prospects for democracy were very low. Even the Kyrgyz, who seemed to possess the strongest democratic aspirations, were autocratic by the mid 1990's.²⁷⁰ The Kazakhs were in a similar situation. They had moderately autocratic institutions after independence but became an entrenched autocracy by the end of the 1990's.²⁷¹ In Turkmenistan, Tajikistan and Uzbekistan all available democratic indicators demonstrate that these states had no realistic hopes of becoming democratic.²⁷² Scholars continue to tout the low likelihood that these states will ever become democratic:

Talk of prospects for democratization in Central Asia appears to be either an exercise in mindless bravery or in futility. Nowhere in this region do the economic-political requirements for and understanding of genuine democracy exist nor will they anytime soon either in elite or mass practice.²⁷³

While the prospects for democratic governance for most of the countries in this region were low during the early 1990's, there were also a number of security threats that made the likelihood of smooth transitions to democracy even more unlikely. Chief among those threats were the Tajik civil war, water security issues throughout the region, border conflicts with the Russians, and disputes over arable land in the Ferghana Valley.

²⁷⁰ This shift is evident in Freedom House scores for Kyrgyzstan which only take into account the freedom of the media. The Polity IV scale, which measures democratic institutions list Kyrgyzstan as consistently autocratic between 1991 and 2003.

²⁷¹ This shift is evident in both Freedom House and Polity IV scores.

²⁷² This is evident in Polity IV scores and country summaries as well as Freedom House scores and qualitative assessments by scholars in the field. See Cummings (2002) 1-23; Hyman (1993).

²⁷³ Blank (2005) 3.

Tajik Civil War

Even before the fall of the Soviet Union in 1991, the Tajiks were trying to strike a political compromise between ideological extremes and competing regional clans. The ideological differences were represented by the communists (The Democratic Party of Tajikistan) and the Islamic party (Islamic Renaissance Party). By all accounts Tajikistan retained its traditional regional clan structure which led to rivalries among regional clans within the national government.²⁷⁴ The civil war began when the opposition attempted to seize control of the government in May of 1992. The death toll in the conflict has been placed between 100,000 and 300,000 with an additional 100,000 people still missing.²⁷⁵

The effects of this conflict were not confined to Tajikistan. In September of 1993 Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and the Russian Federation established the CIS Collective Peacekeeping Force in Tajikistan. Observers generally agree that the peacekeeping force was actually a front for Russian intervention in the Tajik Civil war, with other states sending very limited numbers of troops.²⁷⁶ Gleason (1993) argues that the Russians participated in this conflict to protect their control of the mountain passes in Tajikistan and to promote peace and stability in the region.²⁷⁷ Yet their participation in the conflict intensified the fighting and the regional character of the crisis. The Uzbeks also chose sides, lending open support to the People's Front in the form of heavy artillery and military training.²⁷⁸ In January of 1993 a small unit

²⁷⁴ See Kuzmin (2001); 177; Akbarzadeh (1996) 1107.

²⁷⁵ Kuzmin (2001) 191.

²⁷⁶ Johnson (2001) 105; Allison (2004) 470.

²⁷⁷ Gleason (1993) 81-82.

²⁷⁸ Ibid. See also Menon (2001) 155.

of UN observers was sent to Tajikistan to evaluate the severity of the crisis. The UN eventually sent a small contingent of troops into Tajikistan. Their numbers did not exceed 120.²⁷⁹

The Tajik civil war imposed costs on states in the region in a variety of ways. The communist led government in Uzbekistan feared that the conflict in Tajikistan would ignite hostilities among the sizeable Tajik population living in Uzbekistan.²⁸⁰ The Uzbeks responded by closing their borders to Tajik refugees.²⁸¹ The refugee flows from Tajikistan during the war were considerable with official estimates as high as 1 million having fled the country to seek refuge in neighboring Kyrgyzstan, Afghanistan, Pakistan, and Iran.²⁸² The Tajik refugees created unrest in neighboring Kyrgyzstan by urging their new hosts to fight for an Islamic state in Tajikistan.²⁸³ The refugees also brought stockpiles of arms and narcotics into Kyrgyzstan, prompting Kyrgyz officials to tighten their security and temporarily close their borders.²⁸⁴ Contributing to the Tajiks already considerable troubles, in 1992 Afghan Mujahideen began slipping across the Afghan-Tajik border. The Mujahideen brought arms to support the Islamic fighters in Tajikistan.²⁸⁵ The Tajik civil war was initially a domestic conflict that, over time, contributed to instability in the region. Other

²⁷⁹ For more information on the UN Mission of Observers in Tajikistan see: <http://www.un.org/Depts/DPKO/Missions/unmot/UnmotB.htm>.

²⁸⁰ Sneider (1993).

²⁸¹ "Uzbekistan Reportedly Refuses Entry to Tajik Refugees," *Interfax News Agency (Moscow)*, translation in the BBC Summary of World Broadcasts, 11 September 1992.

²⁸² Kuzmin (2001) 191. Kuzmin reports both the Tajik government's official estimates of both deaths and refugee flows as well as the Umed Foundation estimates.

²⁸³ "Kyrgyzstan Tightens its Borders with Tajikistan to Stop Illegal Crossings," BBC Summary of World Broadcasts, 15 January 1993.

²⁸⁴ "Security Tightened in Osh Amid Influx of Tajik Refugees, Narcotics and Arms," BBC Summary of World Broadcasts, 22 January 1993.

²⁸⁵ Burke (1992).

conflicts in the region, such as those over access to water rights, are inherently regional as they embody competition over access to a scarce resource.

Water Security in Central Asia

Five Central Asian countries lie primarily in the Aral Sea Basin, with Tajikistan and Kyrgyzstan upstream and Turkmenistan, Uzbekistan and Kazakhstan downstream. Figure 4.1 below provides a map of Central Asia. During the Soviet era Moscow controlled water management for all of the states in central Asia. After the fall of the Soviet Union, water management in central Asia became an international issue that required coordination between the former republics.²⁸⁶ With the exception of Kyrgyzstan and Tajikistan, all of these countries get their water from outside of their borders making them dependent upon the Tajiks and the Kyrgyz for distribution. While the Tajiks and Kyrgyz control the distribution of water in the region, these two countries lack the energy resources enjoyed by the other Central Asia countries. To make up for their lack of energy resources the Tajiks and Kyrgyz dam the water for the purpose of generating hydro-electric power. The seasonal damming of the water causes flooding during the harvest season in the downstream countries and shortages during the growing season.²⁸⁷

²⁸⁶ Dadabaev (2005) 169.

²⁸⁷ Horsman (2001a) 70; Dadabaev (2005) 175.



Figure 4.1: Map of Central Asia²⁸⁸

There are at least two ways in which disputes over water supplies have caused instability in central Asia. These conflicts can lead to militarized engagements across borders, and they can threaten the prospects of political cooperation between central Asian states. Limited water resources in this region have led to disputes between the Uzbeks, Tajiks and Kyrgyz as well as the Chinese and Kazakhs.²⁸⁹ Horsman explains that there have been many violent conflicts over access to water at the sub-state level, though most of these conflicts are minor.²⁹⁰

Militarized conflicts over access to water, to date, have been at the sub-state level. However, conflicts over water have already jeopardized political relations between central Asian states. Relations between Turkmenistan and Uzbekistan have suffered since the Turkmens announced a project to extend the Kara Kum Canal.²⁹¹

²⁸⁸ © Copyright 2002-2003 the Dept. of Anthropology, Dept. of Central Eurasian Studies, The Department of Near Eastern Languages and Cultures, The Trustees of Indiana University and M. Nazif Sharif.

²⁸⁹ Horsman (2001b) 3.

²⁹⁰ Ibid.

²⁹¹ Dadabaev (2005) 178.

The project is likely to lead to a water shortage in Uzbekistan. In 1997 Kazakhs protested at the Uzbek border because Uzbek officials cut the flow of the Druzhba Canal, reducing water supply in Uzbekistan by 70%.²⁹² The Kyrgyz and Uzbeks have attempted to barter water for electricity, but the arrangement has been fraught with conflict and breaks in the flow of both water and electricity.²⁹³ So intense and potentially incendiary are the conflicts over water in the region that scholars have suggested, "...secure democratic regimes and regional instability in central Asia may not be viable possibilities until and unless the states take steps to resolve systemic water problems."²⁹⁴ In a region characterized by instability, coordinating water policies may go a long way in serving the interests of regional collective security.

Border Disputes and the Ferghana Valley

In addition to access to water, central Asian states have had great difficulty resolving their border disputes, which has led to militarized engagements in an already unstable regional environment. These conflicts stem largely from the borders that Soviet cartographers drew that intentionally transcended the locations of ethnic and linguistic populations in the hopes that such sentiments would wither away.

The Uzbeks have disputed borders with Tajikistan, Turkmenistan, and Kazakhstan.²⁹⁵ The disputes that persist between Uzbekistan and all of its neighbors remained unresolved by 2007 and have sparked considerable conflict throughout the region.²⁹⁶ The Uzbeks tried to fortify their northern border with Kazakhstan which was

²⁹² Horsman (2001a) 74.

²⁹³ Horsman (2001a) 75.

²⁹⁴ Sievers (2002) 358.

²⁹⁵ Olcott (2005) 39.

²⁹⁶ Olcott (2005) 40; Polat (2002) 49-50.

met with an official protest from the Kazakh government and ultimately led to armed engagements between Uzbek border guards and Kazakhs.²⁹⁷ The border between Turkmenistan and Uzbekistan is particularly problematic because the energy resources there are likely to spark intense competition between these countries.²⁹⁸ The Uzbek/Kyrgyz border is also a source of considerable tension. Despite the Uzbek's use without payment of natural gas facilities on what is, at least in practice, Kyrgyz land, they have failed to pay for any of the maintenance costs of these facilities and have at times suspended the flow of gas to Kyrgyzstan. This suspension is particularly difficult for Kyrgyzstan as this is the only source of gas flowing into the country.²⁹⁹ In addition, the Uzbeks have erected a fence along a disputed border between the two countries.³⁰⁰

The border between Tajikistan and Afghanistan became a growing problem for the states of central Asia because drugs and arms are smuggled north from Afghanistan, through Tajikistan, into central Asia. Olcott (2001) reports that drug enforcement agencies seized 260 tons of drugs from this region between 1993 and 1996 and more than 1 ton of heroin in 1998 alone.³⁰¹ War lords in southern Tajikistan and northern Afghanistan are primarily responsible for the movement of opium across the southern Tajik border. These war lords "taxed" farmers in the region, and in some instances were integral to poppy production.³⁰² The drug trade, emanating from poppy production in Afghanistan, is a symptom of greater underlying regional problems,

²⁹⁷ Olcott (2005) 40.

²⁹⁸ Ibid at 41.

²⁹⁹ Polat (2002) 51.

³⁰⁰ Ibid.

³⁰¹ Olcott (2001) 42.

³⁰² Makarenko (2002) 10.

most notably the emergence of regional criminal organizations and terrorist networks.³⁰³ The weak points on the southern Tajik border serve as a point of entry for narcotics, arms and Mujahideen fighters to enter central Asia. These factors contribute to the “incessant regional instability” in central Asia.³⁰⁴ Figure 4.2 below lists all of the militarized inter-state disputes among central Asian states between 1993 and 2000.

March 1993:	Fighting breaks out between: Afghanistan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan and Kyrgyzstan. These are mainly border skirmishes. (Dispute #4054)
January 1996:	Kazakhstan and Bulgaria engage in a militarized dispute, no fatalities are reported. (Dispute #4086)
May 1997:	Conflicts over borders lead to militarized disputes between Uzbekistan, Afghanistan, Kyrgyzstan and Tajikistan (Dispute #4176)
August 1998:	Uzbekistan, Tajikistan, Russia, Afghanistan engage in a dispute over borders; no fatalities are reported. (Dispute #4228)
August 1999:	1000 armed Uzbek troops enter Tajikistan (Dispute #4179)
September 1999:	Afghanistan and Russia engage in conflict in southern Tajikistan (Dispute #4201)
October 1999:	Uzbek troops cross into Kyrgyz territory and begin constructing fortifications around Uzbek oil wells, leading to an armed engagement between the two countries. (Dispute #4177)

Figure 4.2: Militarized Inter-State Disputes in Central Asia 1993-2000

Source: Ghosn, Faten, and Scott Bennett. 2003. Codebook for the Dyadic Militarized Interstate Incident Data, Version 3.0. Online: <http://cow2.la.psu.edu>. Dispute numbers correspond to MID data.

Finally, the Ferghana Valley remains a source of considerable conflict in the region. As one of the few sources of rich, arable land, conflicts among farming communities in the valley are widespread. This valley cuts across three of the states in central Asia, Uzbekistan, Tajikistan and Kyrgyzstan. In addition to disputes over farm

³⁰³ Makarenko (2002) 2. See also: Sanobar (1993).

³⁰⁴ Makarenko (2002) 3.

land, the Soviets planned the infrastructure spanning these boundaries, again in the hopes that national loyalties would be replaced with Soviet loyalties. For example, the road from the Kyrgyz city of Osh to the Tajik city of Khojent, crosses into Uzbekistan at four different points.³⁰⁵

The already difficult and unexpected transition to independence for the central Asian republics was further complicated by the Tajik civil war, a scarcity of water in the region and border disputes. Together these contributed to an unstable regional environment and imposed excessive costs on the new central Asian governments.

II. Kyrgyzstan

Until 1991 Kyrgyzstan was a Soviet Republic. The largely unanticipated fall of the Soviet Union in 1991 gave rise to Kyrgyz independence.³⁰⁶ In 1990 Askar Akaev was appointed President of the Supreme Soviet. Though he had served as the Communist Party Secretary for Science and Education, he was a physicist and had been the president of the Kyrgyz Academy of Sciences. He remained in office throughout the turbulent fall of the Soviet Union, enjoying the support of powerful regional clans in Kyrgyzstan.³⁰⁷ Unlike other central Asian leaders Akaev was an outspoken critic of the 1991 coup attempt by hard line communists frustrated with Gorbachev's liberalization efforts in Moscow.³⁰⁸ In addition to the coup in Moscow, Akaev faced a similar coup attempt by the Kyrgyz Communist party in Bishkek in the

³⁰⁵ Martin (2000) 262.

³⁰⁶ Akcali (2005) 42. The Kyrgyz Supreme Soviet voted to introduce the position of president in 1990. Huskey (1995) also discusses the introduction of competitive voting for seats in the Congress of People's Deputies (a Kyrgyz legislative body) and the Kyrgyz Supreme Soviet (821). For more on Akaev's academic background see: Spector (2003) 5 and Kovalskii (2001) 237.

³⁰⁷ Huskey (1997) 77.

³⁰⁸ Dukenbaev and Williams (2003) 27.

summer of 1991. He remained in office by pronouncing his support for Yeltsin and issuing a decree suspending the activities of the Kyrgyz Communist Party.³⁰⁹ He then ran unopposed for president in 1991.³¹⁰ By all accounts Akaev began his tenure as president by introducing liberal, western oriented reform policies.³¹¹

In 1993 a new constitution was adopted which provided for the creation of a modern parliamentary republic. The Constitution established a power-sharing system between three branches of government: the legislative, the executive and the judicial. The bicameral legislature, known as the *Jogorku Kenesh* was originally composed of a lower chamber with 35 members directly elected by the people and an upper chamber, the People's Representative Assembly, with 70 members.³¹² Twenty-two percent of the Kyrgyz population is ethnic-Russian, while 13% is Uzbek and 3% is Ukrainian.³¹³ Violent conflicts between Kyrgyz authorities and various minority populations have occurred in Kyrgyzstan.³¹⁴ Given a high potential for inter-ethnic and inter-regional violence, Huskey (1997) notes that Akaev included representatives of the various ethnic and regional groups in Kyrgyzstan in a grand governing coalition and absorbed them into the government in a variety ways to reduce the hostilities.³¹⁵

While significant checks and balances were included in the constitution, it offered the “president broad political powers which created the conditions for

³⁰⁹ For a discussion of Akaev's suspension of the Kyrgyz Communist Party and the social groups that coalesced to oppose the Communists see: Babak and Vaisman (2004) 188-191.

³¹⁰ Spector (2004) 11.

³¹¹ Huskey (1997) 254-259; Dukenbaev and Hansen (2003) 26-30; Spector (2004) 9-11.

³¹² Akacali (2005) explains that the Kyrgyz people voted in a referendum in 2003 to make the parliament unicameral (42).

³¹³ Ibid. 52.

³¹⁴ Akacali (2005) 53.

³¹⁵ Huskey (1997) 254.

domination of the political system by the executive.”³¹⁶ This arrangement has paved the way for the development of a distinct approach to governing in Kyrgyzstan. The formal, parliamentary democracy with its focus on power-sharing, broad ethnic representation, and human rights belies political realities on the ground. Kolstii (2001) argues that the democratic appearance of Kyrgyzstan, even in the early days after independence was deceptive:

An objective analyst should not be misled by the democratic attributes of the present regime, which is only partly effective and confined by and large to Russian-speaking circles.³¹⁷

While the formal arrangements appear to provide for three co-equal branches, legislative and judicial authority is subordinate to executive authority in Kyrgyzstan. Dukenbaev and Hansen (2003) provide two flow charts to explain the Kyrgyz governing structure. The first, provided for in the constitution, consists of co-equal branches. The second flow chart is drawn with a president superior to the other branches of government, which they contend closer approximates reality.³¹⁸

Clan and regional politics within Kyrgyzstan are also critical to understanding Kyrgyz policy, since their influence trumps that of political parties.³¹⁹ Clan loyalty is an enduring quality in Kyrgyz politics, and prominent national politicians seek ways to offer patronage to their clans. Intense regional cleavages in Kyrgyzstan developed from clan cleavages between those based in the north and those based in the south.³²⁰

Luong (2000) concludes that the structure of the Kyrgyz constitution was the result of

³¹⁶ Dukenbaev and Hansen (2003) 30.

³¹⁷ Kolstii (2001) 238.

³¹⁸ See Dukenbaev and Hansen (2003) Appendix 1 (p.50) and Appendix 3 (p.52).

³¹⁹ Collins (2004); Ackali (2005) 51; Kovalskii (2001) 236; Dukenbaev and Hansen (2003) 24.

³²⁰ Dukenbaev and Hansen (2003) 24.

rational politicians favoring electoral rules and governing arrangements that would serve to advantage their regions over others within Kyrgyzstan.³²¹ Clan and regional affiliations are particularly important to Kyrgyz politics because political parties have had little systematic influence on politics since independence. By 1995 there were twelve political parties registered in Kyrgyzstan, including a re-labeled communist party.³²² Yet, the strength of presidential authority has served to undercut their influence:

...for all of the seeming adherence to a multi-party principle, their opportunities to influence political life in the republic were greatly limited and their political activity remained, for the most part, extra-parliamentary.³²³

In addition to institutional constraints on political parties in Kyrgyzstan, the parties bear little responsibility for ratification of the Optional Protocol to the International Covenant on Civil and Political Rights, which scholars note would have been decided upon by a very small group of Akaev's advisors.³²⁴ Accordingly, this analysis will evaluate ratification of the Optional Protocol as a purely executive act.

The demise of the Soviet Union ushered in a new era in central Asia, characterized largely by economic crises in the former republics. The combination of economic subsidies and central planning from Moscow made the dissolution of the Soviet economic apparatus painful for the former republics. Labor productivity in Kazakhstan fell by 43.8% between 1990 and 1994.³²⁵ Turkmenistan experienced a

³²¹ Luong (2000) 582.

³²² Babak and Vaisman (2004) 191.

³²³ Babak and Vaisman (2004) 191.

³²⁴ Huskey, telephone interview, 28 February 2007. Dukenbaev, telephone interview, 22 February 2007.

³²⁵ Kalininchenko and Semenova (2001a) 61 and Rumer (2000).

significant depression in the industrial sector.³²⁶ The Tajiks' standard of living fell precipitously by all economic indicators in the early to mid 1990's.³²⁷ The Kyrgyz economic transformation from centralized to market oriented was particularly difficult. While other former Soviet central Asia states could rely on their gas reserves,³²⁸ plentiful labor supplies, and significant mineral deposits, Kyrgyzstan lacked such resources.³²⁹ In addition, while Kazakhstan and Turkmenistan were attractive sites for foreign direct investment, many observers have noted that the mountainous physical geography of Kyrgyzstan made the introduction of both modern communication and transportation infrastructure challenging, rendering the country unattractive for FDI.³³⁰

All economic indicators suggest that shortly after the fall of the Soviet Union the Kyrgyz economy was rapidly declining. In both 1993 and 1994 the Kyrgyz national income fell by 20% each year.³³¹ The country was also beset by soaring inflation rates, increasing from 900% in 1992, to 1,300% in 1993.³³² Unemployment rates between 1993 and 1996 steadily rose from 1.7% to 7.8%.³³³ Economic decline

³²⁶ Kalininchenko and Semenova (2001b) 161

³²⁷ Gafarly, Chernikov and Semenova (2001) 226.

³²⁸ Ahmadov (2005) details the plentiful natural gas supplies of both Turkmenistan and Kazakhstan possess, as well as the ensuing conflicts over access to the Caspian Sea among littoral states. Kalininchenko and Semenova (2001a) note that the Kazakhs possessed the richest mineral deposits and significant oil resources (56).

³²⁹ Ackali (2005) 46. Anderson (1997) discusses the advantages that other former republics possessed briefly (65). See also Connery (2000) 3. Though the Kyrgyz do possess significant water and gold supplies, neither is substantial enough to support the Kyrgyz economy.

³³⁰ Ackali (2005) 47; Dukenbaev and Hansen (2003) 14-15; Anderson (2001) 80; Connery (2000) 3. Gurgen et al. note that between 1992 and 1998 the Kazakhs received more than \$5.7 billion in FDI and the Turkmens received more than \$700 million in the same period. (54)

³³¹ Huskey (1997) 257.

³³² Anderson (2001) 79.

³³³ United Nations Development Program, "Kyrgyzstan: National Human Development Report for 2000," available online at: <http://www.undp.kg/english/publications/2000/nhdr.pdf>.

and rampant unemployment in Kyrgyzstan was exacerbated by a steep increase in population growth, with an annual rate of population growth of 2% in the 1990's.³³⁴ A general lack of trade between the former Soviet republics after the demise of the Soviet Union served to further aggravate these problems.³³⁵

In addition to the dire economic conditions surrounding the transformation of the Kyrgyz economy, unrest in neighboring Tajikistan immediately increased the financial costs of Kyrgyz independence. In October of 1992, before the Kyrgyz had even finished drafting their national constitution, the Tajiks issued an urgent plea for aid and peacekeeping troops directly to the Kyrgyz and Kazakhs.³³⁶ As the only country in the regional willing to accept Tajik refugees, thousands poured into Kyrgyzstan, again increasing the cost of regional instability for the Kyrgyz.³³⁷ In the summer of 1993 the Kyrgyz, already overwhelmed with a failing economy, sent four hundred armed troops to the Afghan-Tajik border in order to prevent the militants engaged in the conflict from entering Kyrgyzstan.³³⁸ In all, the Militarized Inter-State Dispute dataset lists twenty-three distinct conflicts in central Asia during the period under review.³³⁹ These conflicts required additional troop outputs and fortification of borders, and in one case Kyrgyz troops had to drive invading Uzbeks troops away from oil wells on Kyrgyz territory. By February of 1993, President Akaev declared

³³⁴ Rumer (2000) 44.

³³⁵ Volgina, Gararly and Semenova (2001) 258-259.

³³⁶ "Urgent Appeal for Aid and Kyrgyz and Kazakh Peace Keeping Troops," *Tajik Radio*, translation in *BBC Summary of World Broadcasts*, 14 October 1992.

³³⁷ Askat Dukenbaev, 22 February 2007, telephone interview. Elida Nogoibaeva, 27 February 2007, email interview.

³³⁸ "Kyrgyz Send 400 Troops to Defend Tajik Border," *Agence French Presse*, 24 July 1993.

³³⁹ Ghosn, Faten, Glenn Palmer, and Stuart Bremer. 2004. "The MID3 Data Set, 1993–2001: Procedures, Coding Rules, and Description." *Conflict Management and Peace Science* 21:133-154.

the economic situation in Kyrgyzstan a crisis, comparing it to the Battle at Stalingrad.³⁴⁰

In the early 1990's President Akaev found himself in a very difficult position. The economy was in a downward spiral, yet his country lacked the reserves of hidden wealth that other Central Asian states possessed. In addition, the mountainous terrain reduced the likelihood that international entrepreneurs would attempt to develop infrastructure in Kyrgyzstan. In 1993 the Kyrgyz possessed a particularly acute need for aid and investment from the international community. These disadvantages led Akaev to embark on an aggressive public relations campaign designed to attract aid from global financial institutions, most notably the World Bank and the International Monetary Fund.³⁴¹ Anderson (2001) suggests:

Akaev was motivated in part by a realization of Kyrgyzstan's limited resource potential and its inaccessibility, and thus took the view that only by adopting such a pro-reform position in advance of many neighboring states could his country hope to attract investment and economic support from the outside world.³⁴²

There were a number of strategies that the Kyrgyz adopted to signal to the international community that they were worthy aid recipients. These included adoption of harsh, macro-economic policies and relatively free political institutions in the hopes

³⁴⁰ "Akayev Compares Stalingrad Victory to Today's Struggle against Economic Crisis," *BBC Summary of World Broadcasts*, 4 February 1993.

³⁴¹ Huskey (2002) notes that the primary goal of this public relations effort was to attract the global financial institutions, not foreign investment (75).

³⁴² Anderson (2001) 76. Huskey (2002) also argues that the lack of natural resources and resulting economic decline led the Kyrgyz to aggressively court the international financial community. (75)

of convincing the international community that they were indeed an “Island of Democracy” or “The Switzerland of Central Asia.”³⁴³

Under the leadership of Akaev, the Kyrgyz adopted a series of policies designed to rapidly liberalize the country’s economy. Consultations with the IMF led to price liberalizations, the privatization of state industries, and reformation of the monetary and banking sector with a strong role for what was to become an independent Kyrgyz national bank.³⁴⁴ In 1993 the Kyrgyz left the Ruble zone, introducing their own currency, the Som. This move had the effect of appeasing the international financial institutions, while at the same time alienating neighboring states.³⁴⁵ Akaev did not consult with the leaders of the former Soviet republics about the introduction of the Som but instead took his policy cues from the west.³⁴⁶ Neighboring states, previously the primary trading partners of Kyrgyzstan, responded by closing their borders, while individual Kazakhs and Uzbeks refused to accept the Som in transactions.³⁴⁷ Yet economic transformation was not the only way that the Kyrgyz sought to capture aid from international financial institutions.

³⁴³ As early as 1992 Akaev referred to his country as the “Switzerland of Central Asia” in a meeting with his Swiss Counterpart Rene Felber. “Kyrgyz President Meets Swiss Leader,” *TASS, The Russian Information Agency* 14 February 1992; See also: “Akayev on CIS and Neutral Role for Kyrgyzstan,” *BBC Summary of World Broadcasts* 19 February 1992 and Anderson (1999). Strobe Talbot is originally credited with referring to Kyrgyzstan as the “Switzerland of Central Asia” in 1992 which has led many observers to question whether or not Talbot has ever been to Kyrgyzstan. See Graubner (2005) 19, footnote 44.

³⁴⁴ “IMF Supports Kyrgyz Economic Recovery Plan,” 30 June 1992 *Interfax News Agency*, translation in *BBC Summary of World Broadcasts*.

³⁴⁵ Spector (2004) 17.

³⁴⁶ During this period Akaev had a series of diplomatic meetings in the US, Japan, and Switzerland. See: “Kyrgyzstan’s International Links,” 1 January 1993, *Russia TV Channel*, translation in *BBC Summary of World Broadcasts*; “Japan to Train Kyrgyz Specialists” 12 February 1993 *The Russian Information Agency ITAR-TASS*; “Swiss Government Delegation Visits Kyrgyzstan” 15 April 1993 *The Russian Information Agency ITAR-TASS*.

³⁴⁷ Spector (2004) 17.

The Kyrgyz were showered with praise by the west for being the first of the central Asian states to institute liberal political reforms. In January of 1993 the World Bank praised the Kyrgyz for what they perceived as “effective cooperation between the parliament and the government,” which, they asserted, constituted “a sign of political stability.”³⁴⁸ In his attempt to earn the title “Island of Democracy in Central Asia” Akaev encouraged the development of a free civil society and offered relative freedom to the national media.³⁴⁹ Kyrgyzstan served as a haven for foreign religious missionary groups that had been banned from neighboring countries.³⁵⁰ Akaev also created an extra-parliamentary body known as the Assembly of People of Kyrgyzstan, made of up of leaders from various ethnic groups in the country, which played an advisory role to the government.³⁵¹ Various observers refer to the Kyrgyz during the early to mid 1990’s as the “international darlings” of the global investment community.³⁵²

The shock therapy program adopted by the Kyrgyz, the introduction of the Som and the liberalization of politics in Kyrgyzstan undermined Kyrgyz national interests in a variety of ways by alienating regional trade partners, devastating the domestic economy and allowing for the development of civic groups that threatened the very stability of the government.³⁵³ However, despite these drawbacks Akaev achieved, at least temporarily, what he had intended with his reform efforts. These

³⁴⁸ “Kyrgyzstan’s International Links; World Bank Support for Kyrgyzstan,” 1 January 1993, Russia TV Channel, translation in *BBC Summary of World Broadcasts*.

³⁴⁹ Anderson (1999) 29.

³⁵⁰ Anderson (1999) 29-33.

³⁵¹ Huskey (1997) 254.

³⁵² Huskey, telephone interview, 28 February 2007; Dukenbaev and Hansen (2003) 28.

³⁵³ On the development of Islamic fundamentalism in Kyrgyzstan during this period see: Akcali (2005) 49-51.

policies were designed chiefly to attract the attention and financial support of the international financial community.³⁵⁴

Kyrgyz ratification of a series of United Nations human rights treaties, including the Optional Protocol to the International Covenant on Civil and Political Rights, came in the midst of these attempts to send signals to the international community. In October of 1994 Akaev's government ratified the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the International Covenant on Civil and Political Rights as well as the Optional Protocol associated with the latter treaty.³⁵⁵ Huskey suggests, "signing [the treaties] was perceived by the government as a low cost way to demonstrate they were more western than other states in central Asia."³⁵⁶ Domestic observers have referred to the series of ratifications that occurred in October of 1994 as a "public relations event."³⁵⁷ In a telling description of ratification, the Director of the Kyrgyz Youth Group for Human Rights, arguably the most influential domestic human rights groups in Kyrgyzstan during the 1990's, suggests that Akaev "signed international treaties with closed eyes, with the sole purpose of demonstrating the democratic aspirations of the Kyrgyz government."³⁵⁸ She goes on to suggest that he clearly had no intentions of complying with these commitments. It is certainly possible that ratification of these human rights treaties constituted a sincere attempt to democratize, yet the massive

³⁵⁴ Anderson (1999) 75-78.

³⁵⁵ The Jogorki Kenesh passed laws in January of 1994 adopting all of these treaties at once; they were officially ratified when Akaev signed the bill in October.

³⁵⁶ Huskey, Eugene, telephone interview, 28 February 2007.

³⁵⁷ Dukenbaev, Askat, telephone interview, 22 February 2007.

³⁵⁸ Eshmatova, Nadira, email interview, 17 April 2007.

influx of aid and rapid descent into authoritarianism in Kyrgyzstan belies this perspective.

Akaev was rewarded for his efforts. Figure 4.3 represents aid flows from the IMF and USAID to Kyrgyzstan between 1993 and 2000. In May of 1993 Akaev reported that he had secured an “\$85 million dollar standby credit from the International Monetary Fund, \$62 million dollars from the World Bank and \$170 million dollars in aid from the United States, Japan and Switzerland.”³⁵⁹ Between 1993 and 1995 the World Bank donated 29% of all foreign aid in Kyrgyzstan.³⁶⁰ World Bank Support for Kyrgyzstan peaked in 1996, with a \$100 million loan. The IMF approved a \$27 million standby loan for the Kyrgyz in 1993 and offered an additional \$88 million in 1994.³⁶¹ Dukenbaev and Hansen suggest:

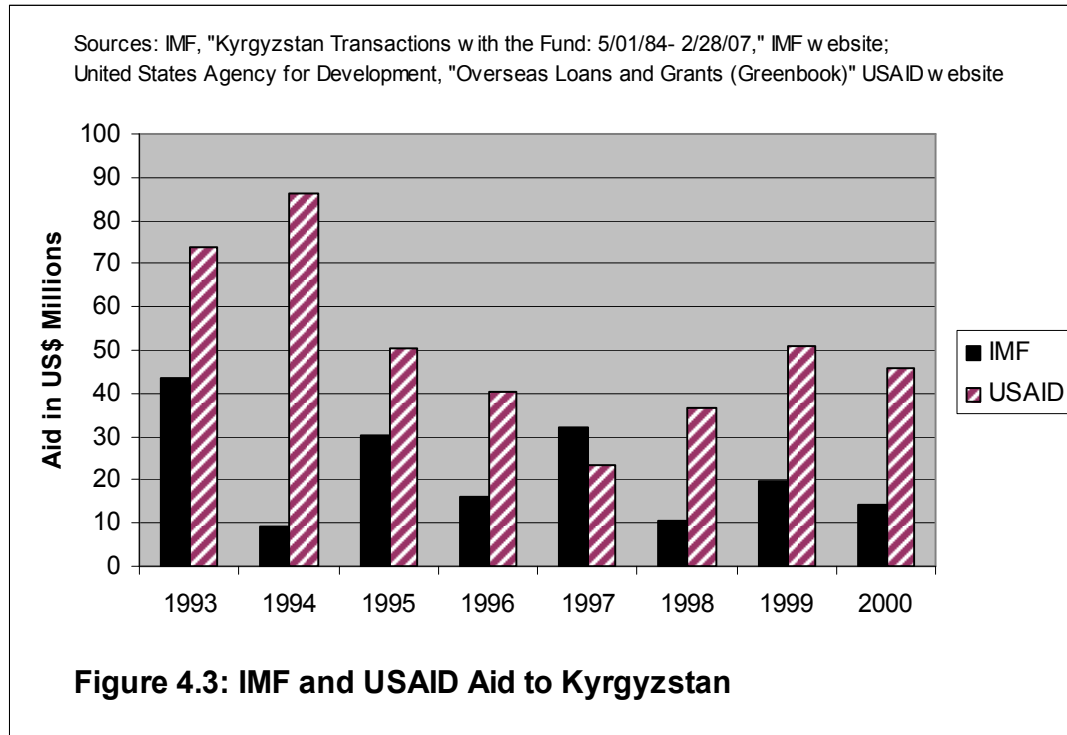
The [Kyrgyz] government quickly realized that the primary means for getting financial aid was to move in the direction of openness, economic restructuring and democracy. Such policies would satisfy the expectations of major Western donor states. In doing so, Kyrgyzstan quickly became a ‘favorite child’ of the international donor community, managing to get strong support from the International Monetary Fund, World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development.
362

³⁵⁹ “Kyrgyzstan’s President Promises to Disband Armed Forces,” *The Financial Times* 22 May 1993.

³⁶⁰ Anderson (1999) 78.

³⁶¹ International Monetary Fund, “Kyrgyz Republic: Financial Position in the Fund as of 31 May 1996,” available at: <http://www.imf.org/external/np/fin/tad/exfin2.aspx?memberkey1=565&date1Key=1996-05-31>.

³⁶² Dukenbaev and Hansen (2003) 28.



Why were the IMF and other lending institutions so willing to funnel money into Kyrgyzstan? It is beyond the scope of this project to explain donor interest but recent work on the effectiveness of IMF programs critically informs the analysis. Critics of IMF policies argue that IMF assistance has not achieved its intended effects because IMF bureaucrats recommend fiscally unsound policies.³⁶³ Others argue that the recommended policies are appropriate but the Fund simply fails to enforce them.³⁶⁴ In testing between these perspectives Stone (2004) finds that the effectiveness of IMF conditionality requirements is undercut by donor political preferences. Donors condition access to IMF aid on political, not economic, considerations.³⁶⁵ When

³⁶³ Vreeland (2003).

³⁶⁴ Bird, Hussain, and Joyce (2004).

³⁶⁵ Stone (2004) 590. American and French influence is measured through UN voting records.

Pakistan conducted a nuclear test, the US cut off their access to Fund resources; when the Pakistanis agreed to support US efforts in Afghanistan their access was reinstated.³⁶⁶ During the mid to late 1990's Akaev successfully aligned himself with the west, which helps to explain why the IMF was so willing to grant aid to the Kyrgyz. This also helps to explain why he continued to receive aid despite his descent into authoritarianism.

The influx of aid from the international community had the perverse effect of liberating Akaev to quickly reverse his earlier attempts at economic and political liberalization. By early 1995 millions of aid dollars from the international community allowed Akaev to begin the process of consolidating presidential power through a series of plebiscites. A 1994 referendum removed parliament's authority to amend the constitution;³⁶⁷ in 1995 Akaev held a referendum to hold presidential elections one year earlier than scheduled.³⁶⁸ Referenda, again initiated by Akaev, followed in 1996 and 1998 which both strengthened presidential authority vis-à-vis the parliament and extended his tenure in office.³⁶⁹ To avoid investigations into presidential corruption Akaev quietly orchestrated the premature dissolution of the parliament in 1994.³⁷⁰ He clamped down on media freedoms, ordering the Kyrgyz Supreme Court (composed primarily of judges selected by Akaev) to close down a newspaper office in late

³⁶⁶ Stone (2004) 577.

³⁶⁷ Huskey (2002) 83; See also Akcali (2005) 42-43.

³⁶⁸ Spector (2004) 19-20.

³⁶⁹ Huskey (2002) 83; Anderson (1999) 27-28.

³⁷⁰ Spector (2004) 19; Huskey (1997) 259; "Kirghizia: The Parliament is Being Killed Before Its Term Expires," *Russian Information Press, Russian Press Digest*, translation in Lexis-Nexis, 7 September 1994.

1994.³⁷¹ Akaev's descent into authoritarianism continued into the late 1990's with more referenda, culminating in a ruling by the Constitutional Court that Akaev could indeed run for a third term despite the two-term limit outlined in the Kyrgyz Constitution.³⁷² Figure 4.4 below lists the significant events leading up to and proceeding ratification in Kyrgyzstan.

The Kyrgyz ratified the Optional Protocol to the ICCPR in 1994, however there were no communications submitted from Kyrgyz citizens to the HRC until 2004. By the end of 2006, twelve complaints were registered with the HRC on behalf of Kyrgyz citizens. The submission of these complaints was due in large part to the work of the OSCE's Office for Democratic Institutions and Human Rights. Together with the International Commission of Jurists and the Kyrgyz Youth Group for Human Rights a series of training seminars were held in Kyrgyzstan to train human rights advocates and NGO lawyers to submit complaints to the HRC. The HRC has not yet issued a decision on any of the petitions submitted by Kyrgyz citizens, making it difficult to assess the impact of ratification of the Optional Protocol on their domestic human rights practices. The HRC's evaluation of Kyrgyzstan's implementation of the ICCPR in July of 2000 pointed to concerns about inequality and lack of protections for women, the infringement of due process rights, and widespread use of child labor.³⁷³

³⁷¹ The newspaper was *Svobodny gory*. For more on media freedoms in Kyrgyzstan in the early days after independence see Anderson (1999) 29-30. See also: Huskey (1997) 242.

³⁷² Connery (2000) 6.

³⁷³ Human Rights Committee, "Concluding Observations of the Human Rights Committee: Kyrgyzstan," 24 July 2000, UN DOC #: CCPR/CO/69/KGZ.

The Committee appeared to be most concerned with intimidation of journalists and human rights activists.³⁷⁴

October 1990:	Akaev assumes power.
August 1991:	Kyrgyz independence.
August 1991:	Coup attempt in Moscow.
August 1991:	Coup attempt in Bishkek.
October 1992:	300,000* Tajik refugees flock to Kyrgyzstan.
October 1992:	Tajiks issue and urgent plea for assistance to the Kyrgyz and Kazakhs.
January 1993:	Kyrgyz temporarily tighten security and close their borders to Tajik refugees.
February 1993:	Kyrgyz constitution adopted.
February 1993:	Akaev declares the Kyrgyz in a state of economic crisis.
July 1993:	Kyrgyz send 400 troops to Tajikistan.
October 1994:	Ratification of the Optional Protocol to the ICCPR.
1994-1995:	The World Bank, IMF and USAID provide the Kyrgyz with approximately \$180 million in aid.
October 1994:	A plebiscite initiated by Akaev removes parliament's ability to amend the constitution and results in its premature dissolution.
May 1995:	A successful plebiscite changes the structure and reduces the number of deputies in the Parliament.
February 1996:	Another successful plebiscite initiated by Akaev expands presidential Constitutional powers granted to the president.
July 1998:	Constitutional Court rules that Akaev can run for a third term (despite the two term limit in the Constitution).

Figure 4.4: Constitutional Changes and Political Events in Kyrgyzstan
*This number comes from "Tajik Refugees Flock to Kyrgyzstan," *BBC Summary of World Broadcasts*, 28 October 1992.

III. Tajikistan

While the Tajik and Kyrgyz experiences immediately after independence are comparable- the two poorest former Soviet republics, with governments facing coup attempts by Neo-Soviets- the similarities between these two states ended in 1992. The Kyrgyz were, at least initially, led down a path of western oriented market

³⁷⁴ Ibid. 5.

liberalization by President Akaev, the Tajiks, however descended into a bloody civil war that lasted until 1997.

Protests in the streets of Dushanbe between 1991 and 1992 appeared to be ushering in the requisite pressure for the ouster of Neo-Soviet rule in Tajikistan. Protestors called for democratization and respect for the rule of law.³⁷⁵ So great were these pressures that then President Nabiyeu, a well-connected Communist party boss under the old system, agreed to a coalition government with the primarily Islamic opposition.³⁷⁶ Armed conflicts between the opposition and government supporters began in May of 1992 and resulted in Nabiyeu's removal from office. A United Nations mission was deployed to Tajikistan in 1994 and expanded in 1997 to reduce the hostilities.³⁷⁷ It is beyond the scope of this project to explain the myriad factors that contributed to the onset and duration of Tajikistan's civil war between 1992 and 1997, but there were a series of political developments in Tajikistan during the war that shed light on the forces that likely propelled Rakhmonov to ratify the Optional Protocol to the International Covenant on Civil and Political Rights in April of 1999. Those factors are explored in the following section.

Despite open hostilities between the opposition and government forces in 1994, a presidential election and referendum on a new constitution were held. The 1994 Constitution provides for a legislative body known as the *Majlisi Oli* (formerly the Supreme Soviet) which consists of 181 representatives, who are nominated for

³⁷⁵ Atkin (1997) 290. For more on the political struggle between government forces and the opposition between 1991-1992 see Akbarzadeh (1996) 1110-1116.

³⁷⁶ Ibid. Atkin makes a very interesting point here, noting that while the opposition was primarily Islamic, they were interested in pressing for democratic reform, not establishing an Islamic state.

³⁷⁷ United Nations Mission of Observers in Tajikistan, "UNMOT Background," UNMOT website: <http://www.un.org/Depts/DPKO/Missions/unmot/UnmotB.htm>.

their 5 year terms by workplace collectives and other public groups.³⁷⁸ The presidential authority provided for in the Tajik constitution was extremely strong, exceeding that in the Russian constitution.³⁷⁹ Atkin (2002) explains:

The fact that Rakhmonov was elected president simultaneously with the referendum on whether to adopt the constitution (and, therefore, before the presidency legally existed) serves as a reminder not to take the authority of the constitution too literally.³⁸⁰

In addition to the obvious difficulty associated with running for an office that did not yet technically exist, there was widespread speculation that the elections were neither free nor fair.³⁸¹ A weak opposition party candidate was allowed to run against the communist party's preferred candidate, Imomali Rakhmonov. Not surprisingly, Rakhmonov won easily in an atmosphere where opposition parties were mostly banned from the political arena and Russian intimidation was prevalent.³⁸²

Russian influence in Tajikistan during the early and mid 1990's cannot be discounted in explaining the orientation of Tajik policy. Rakhmonov and his fellow neo-Soviets were beholden to the Russians for maintaining them in power in Tajikistan. Russian troops were the force behind the neo-Soviet's take-over of the capital, Dushanbe in 1992.³⁸³ In addition to Russian military support, the Tajiks also enjoyed the economic support of the Russians. Abazov (2003) contends that between

³⁷⁸ Kosach (2004) 263.

³⁷⁹ Atkin (2002) 106.

³⁸⁰ Ibid.

³⁸¹ "Human Rights Watch Denies Free Election in Tajikistan," *The Russian Information Agency*, ITAR-TASS 9 November 1994; "Human Rights Group Calls Tajik Elections Fraudulent," *Deutsche Presse Agentur*, 9 November 1994; "Islamic Opposition Rejects Election Results in Tajikistan," *Agence France Presse*, 7 November 1994.

³⁸² Horowitz (2005) 128.

³⁸³ Atkin (1997) 303.

1992 and 1997 the Russians provided the vast majority of aid to the Tajiks.³⁸⁴ In 1994 the US Department of State estimated that 50% of Tajikistan's budget came from Russian subsidies, while 70% of Tajikistan's foreign trade was with Russia.³⁸⁵ As the poorest of the former Soviet Republics, Tajikistan relied on Russian's grants of aid to stay afloat.³⁸⁶ Rakhmonov's reliance on Moscow meant that true democratic reforms were unlikely to be realized in Tajikistan during the nineties.³⁸⁷ The Russians preferred to contain the Tajik civil war, thus favoring regional security at the expense of democracy in Tajikistan. The 1995 parliamentary elections were so marred with electoral fraud and Russian influence that the only opposition party sanctioned by the government to run candidates boycotted and OSCE election monitors refused to participate.³⁸⁸

In May of 1997 the Tajik government, under intense pressure from the Russians, signed a ceasefire agreement with the United Tajik Opposition (UTO). The agreement legalized the opposition and gave opposition leaders representation in the legislature and military.³⁸⁹ The Russian First Deputy Foreign Minister during the Tajik civil war, Anatoly Adamishin, explained the nature of the Russian/Tajik relationship in 1997:

³⁸⁴ Abazov (2003) 68.

³⁸⁵ US Department of State, "Tajikistan Economic Policy and Trade Practices," February 1994.

³⁸⁶ Rubin (1994) provides comparative economic indicators for all of the former Soviet states (209).

³⁸⁷ For a fascinating discussion of Russian influence in Tajikistan during the war see: Brenninkmeijer (1997) 195-196.

³⁸⁸ "National Unity Party to Boycott Tajik Elections," *The Russian Information Agency ITAR-TASS* 24 February 1995; Grabot (1995). On the OSCE's refusal to participate in the Tajik parliamentary elections see: Brenninkmeijer (1997).

³⁸⁹ Horowitz (2005) 136-137; Atkin (2002) 105-106; Radio Free Europe/Radio Liberty (RFE/RL) #239, part 1, 12 December 1996.

I told him [Tajik Prime Minister Samadov]: ‘You’re asking Russia for money. We will give you that money but keep in mind that we cannot afford to be in a situation in which we would – on the one hand – give you money and, on the other hand, get slapped in the face.’³⁹⁰

Throughout the 1990’s the Tajiks relied on the Russian’s for security and economic survival; in return Rakhmonov’s policies reflected Moscow’s interests. However, by 1997 the impending Russian financial crisis limited Moscow’s ability to funnel resources into Rakhmonov’s pocket and forced the Tajiks to begin seeking aid elsewhere.³⁹¹

The Russian financial crisis came at a bad time for the Tajiks. The civil war had devastated the country, resulting in the deaths of between 40,000 and 80,000 people. More than 800,000 refugees had to be repatriated. The economy was in a shambles.³⁹² Both the industrial and agricultural sectors of the economy collapsed,³⁹³ unemployment was estimated at approximately 50%,³⁹⁴ GDP per capita fell consistently in every year between 1992 and 1997³⁹⁵ and inflation reached an annual rate of 1400%.³⁹⁶ Increasing incursions from Afghan Mujahideen into Tajikistan sparked militarized engagements and further devastated the Tajik economy. Unlike the Kyrgyz, the Tajiks had not received significant influxes of aid from the international financial community in the years immediately following independence, and this only

³⁹⁰ Anatoly Adamishin, interview with RFE/RL “Tajikistan: Ambassador Recalls 1997 Peace Talks,” 28 June 2006.

³⁹¹ For more on the effects of the 1998 Russian financial crisis on the Central Asian economies see: Pastor and Damjanovic (2001).

³⁹² Abazov (2003) 60.

³⁹³ “Tajikistan: Review 1998,” *Asia Pacific Review World of Information*, November 1998: accessed on Lexis-Nexis.

³⁹⁴ “Tajikistan Review 1997,” *Middle East Review World of Information*, March 1997: accessed on Lexis-Nexis.

³⁹⁵ “Tajikistan” *Union Bank of Switzerland Regional Report*, January 1997: accessed on Lexis-Nexis.

³⁹⁶ Abazov (2003) 65.

served to deepen their economic crisis at the end of the war. By 1996 the Tajiks were still attempting to convince the IMF to grant them a loan.³⁹⁷

Western financial institutions were largely unwilling to donate aid to the Tajiks between 1992 and 1997 because they were in the throes of civil war and Rakhmonov was seen as an autocrat who was unlikely to liberalize the economy.³⁹⁸ Between the demands of the civil war and Russian economic support, the Tajiks possessed neither the ability nor the desire to make the reforms necessary to win western financial support.³⁹⁹ By the time the ceasefire was negotiated in June of 1997, however, Russian economic support began to wane and Rakhmonov's government was in dire straits.

The poor state of the Tajik economy at the end of the civil war was exacerbated by the reduction in Russian aid and by instability in neighboring Afghanistan. Responding to questions about the Russian military in Tajikistan, the Tajik President defended their presence by reminding observers of the war in neighboring Afghanistan.⁴⁰⁰ By 2000, Rakhmonov urged his fellow CIS members to help his country seal the southern Tajik-Afghan border. He argued that the Afghans were quickly "evolving into a major producer and supplier of drugs," and "a source of international terrorism" that threatened central Asia.⁴⁰¹ Even with Russian troops attempting to fortify the Tajik-Afghan, border a series of armed conflicts erupted

³⁹⁷ The Economist Intelligence Unit, "Country Report: Kyrgyz Republic, Tajikistan, Turkmenistan, Uzbekistan," 1st Quarter 1996.

³⁹⁸ Abazov (2003) 68; "Tajikistan Review 1996" *Asia and Pacific Review World of Information*, March 1996.

³⁹⁹ Though the Tajiks did begin the process of implementing structural reform policies at the urging of the IMF and the World Bank in 1995. For more on these policy changes see: Gurgun et al. (1999).

⁴⁰⁰ "Foreign Minister: Russia to be one of Four Foreign Policy Priority Areas," *BBC Summary of World Broadcasts*, 21 April 1993.

⁴⁰¹ "Tajikistan Urges CIS Countries to Strengthen Tajik-Afghan Border," *Interfax (Moscow)*, 22, February 2000.

between Russian troops and Afghans trying to enter Tajikistan.⁴⁰² In addition to mounting instability from Afghanistan to the south, in 1998 the Tajiks were invaded from the north by one thousand armed Uzbeks led by Colonel Khudoiberdiyev, an ethnic Uzbek.⁴⁰³

Economic desperation forced the Tajiks to aggressively seek out western aid donors in the summer of 1997. Rakhmonov employed a dual strategy to attract foreign aid. First, he made a series of changes to the domestic political system, designed, I argue, to signal to the west that his government was inching toward democracy for the first time since independence. His second strategy was to explicitly ask for aid at every public meeting he had with representatives from western states and financial institutions. Engagement with the west, in the form of donor meetings and requests for aid was a new strategy undertaken by the Tajik government beginning in 1997. Prior to this time their relationship with Russia made such efforts unnecessary. Ratification of both the International Covenant on Civil and Political Rights and the Optional Protocol came in April of 1999, during Rakhmonov's courtship with the west.

Rakhmonov signed three decrees in February of 1998 to make good on the ceasefire agreement, giving the United Tajik Opposition 30% representation in the government.⁴⁰⁴ Though it would have appeased the UTO, who were requesting the creation of an Islamic state, Rakhmonov's government resisted the urge to amend the

⁴⁰² "Russian Border Guards Kill Thirteen Trespassers on Tajik-afghan Border," *Asia Plus (Tajikistan)*, 15 March 2000; "Afghan Fighters Could Invade Central Asia- OSCE Secretary General," *Interfax*, 14 March 2000; "Dushanbe Reports Increase in Fighting in Northern Afghanistan," *Interfax*, 2 March 2000.

⁴⁰³ "Kyrgyz Republic, Tajikistan: Country Profile," The Economist Intelligence Unit, 2001, p. 46.

⁴⁰⁴ "Opposition Representatives Included in Tajik Government," *ITAR-TASS News Agency*, 12 February 1998.

constitution. Responding to opposition demands Presidential Spokesman Zafar Saidov explained, “Only a secular state in which religious organizations have no right to interfere in affairs of state could be genuinely democratic.”⁴⁰⁵

Ratification of the core United Nations human rights treaties was another strategy that Rakhmonov employed to signal for aid. In April of 1999 the Tajiks ratified the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.⁴⁰⁶ The executive director of the Public Committee for Democratic Processes, Parviz Mullojanov suggests that ratification of these human rights treaties in April of 1999 was intended to “enhance [Tajik opportunities] to receive western credits and investments.”⁴⁰⁷ The Public Committee for Democratic Processes is an active NGO in Tajikistan that was created in 1993 to supplement the domestic peace process. Citing the Russian financial crisis and the end of the Tajik civil war, Mullojanov argues that the “crisis in the Tajik economy was a main factor which forced the Tajik government to ratify international human rights documents.”⁴⁰⁸ Figure 4.5 is a timeline of Tajik political and military events leading up to ratification.

In September 1999 a national referendum was held on proposed amendments to the 1994 Constitution. Most of the proposed amendments fell in line with Rakhmonov’s efforts to liberalize the political environment. A proposal to expand the

⁴⁰⁵ “Presidential Spokesman Says No Change to Secular State,” *Interfax News Agency Moscow*, translation in BBC Summary of World Broadcasts 5 March 1998.

⁴⁰⁶ For the status of ratification of these and other UN human rights treaties see: <http://www.unhchr.ch/pdf/report.pdf>.

⁴⁰⁷ Mullojanov, Parviz, email interview, 17 April 2007.

⁴⁰⁸ Ibid.

legislature from a unicameral body to a bicameral body would offer equal representation to geographic regions in the country. Political parties, even those based in religion, would be legalized in Tajikistan. Additional proposals were less clearly democratic, including a proposal to expand presidential terms from 5 to 7 years. Another proposal gave the president the authority to make appointments to the Central Elections Commission and to form and dissolve ministries in the parliament.⁴⁰⁹

According to the Central Election Commission in Tajikistan nearly 92% of eligible voters turned out to vote on the proposed amendments to the constitution. Nearly 68% of voters cast their ballots in favor of the changes.⁴¹⁰

In the fall of 1999 opposition parties and the Europeans expressed concerns that Rakhmonov's government appeared to be intentionally preventing opposition party candidates from running in the presidential elections scheduled for November of 1999.⁴¹¹ The Central Election Commission (composed of individuals selected by Rakhmonov after the success of the referendum) issued a press release explaining that in order to be successfully registered to run for the election, candidates were required to pick up a certificate from the Central Election Commission office. Perhaps the most telling part of the press release was to whom it was addressed:

I request Davlat Usmon (presidential candidate for the Islamic Renaissance Party), representatives of the OSCE, the UN, and other

⁴⁰⁹ Abazov (2003) 61: "Referendum to Decide on Extension of Presidential Terms, Two Chamber Parliament," *ITAR-TASS Moscow*, translation in BBC Summary of World Broadcasts, 27 September 1999.

⁴¹⁰ "Referendum Majority Vote in Favor of Constitutional Change" *Interfax News Agency Moscow*, translation in BBC Summary of World Broadcasts, 29 September 1999.

⁴¹¹ "Three Politicians Effectively Barred from Presidential Elections," *ITAR-TASS Moscow*, translation in BBC Summary of World Broadcasts, 14 October 1999.

concerned individuals to attend a ceremony to present the certificate to the presidential candidate.⁴¹²

This move was a transparent attempt by Rakhmonov to send a signal to international and particularly western observers. Rakhmonov used his expanded authority to demonstrate to the west that his country was making sincere efforts at political reform between 1997 and 1999. In a joint address with opposition party leaders Rakhmonov clarified the importance of demonstrating their commitment to democracy, “external aid to Tajikistan’s economy largely depends on the work of the commission for national reconciliation. The more law and order in the country, the larger the influx of investment to Tajikistan.”⁴¹³ In 1997 President Rakhmonov clearly understood that aid from the west was dependent upon democratic reform. In the midst of these domestic political reforms, Rakhmonov aggressively sought out meetings with donor states and institutions.

Before the first of two donor conferences for Tajikistan, Rakhmonov made a speech calling on donors to step up their aid to his war-ravaged country.⁴¹⁴ His calls to action were well founded. His central Asian neighbors, particularly the Kyrgyz, had received hundreds of millions of dollars in western aid by 1997, while the Tajiks had been given a comparably paltry sum of \$10 million from the World Bank.⁴¹⁵ He then

⁴¹² “Election Body Urges Presidential Candidates to Run in Presidential Poll,” *Tajik Television Report*, translation in BBC Summary of World Broadcasts, 30 October 1999.

⁴¹³ Qtd. In Niazov (1997).

⁴¹⁴ *Ibid.*

⁴¹⁵ “World Bank to Assist Tajikistan’s War Torn Economy,” *M2 Press Wire* 17 December 1997.

September 1991:	Tajikistan declares independence.
May 1992:	President Rakhman Nabiyeu removed from office.
December 1992:	Government forces engage in open hostilities with the United Tajik Opposition (UTO).
January 1993:	UN sends in a small contingent of troops to Dushanbe.
June 1993:	50,000 Tajiks are killed in the fighting, more than 600,000 are displaced.*
September 1993:	Governments of Kyrgyzstan, Russia, Kazakhstan, Uzbekistan, and Tajikistan meet in Moscow to create the CIS Collective Peacekeeping Organization.
September 1994:	Temporary ceasefire signed.
November 1994:	Constitution adopted in a national referendum; Rakhmonov elected president. No opposition parties are allowed to participate in the elections.
February 1995:	Parliamentary elections are held; OSCE election monitors refuse to participate because the elections are marred with fraud.
May 1997:	Under intense pressure from the Russians, Rakhmonov signs a ceasefire agreement with the UTO.
August 1998:	Russian financial crisis limits Russian financial support to Tajikistan.
November 1998:	1,000 armed Uzbeks invade Tajikistan from the north.
1998-2001:	Instability at the southern Tajik border is exacerbated by Afghan Mujahideen who frequently try to enter Tajikistan to assist the UTO.
April 1999:	Ratification of the ICCPR, Optional Protocol and the International Covenant on Economic, Social and Cultural Rights.
September 1999:	National referendum expands legislature to a bicameral body, offers equal representation to geographic regions and legalized religious political parties.
1998-2000:	Sharp increase in foreign aid into Tajikistan, peaking in June 1999 with \$142 million dollars.**

Figure 4.5: Political and Military Events in Tajikistan

* These numbers come from the United Nations Mission of Observers in Tajikistan website, "Background."

** The Economist Intelligence Unit, "Country Report: Kyrgyz Republic, Tajikistan, Turkmenistan, Uzbekistan," 1st Quarter 1996.

made a speech requesting that the United States send aid to his country.⁴¹⁶ The first donor conference in Vienna in the fall of 1997 was a success for Tajikistan. The Vienna conference was attended by more than 60 countries and 30 non-governmental

⁴¹⁶ President Rakhmonov Calls for US Aid to Restore Economy," *BBC Summary of World Broadcasts*, 4 November 1997.

organizations interested in contributing aid to the Tajiks. Rakhmonov managed to secure a commitment of \$60 million from various international donors.⁴¹⁷ Yet, within weeks of securing aid from the Vienna conference, Rakhmonov called for US aid on Tajik television while US representatives were visiting in Dushanbe.⁴¹⁸

Donor interest in Tajikistan was explicitly tied to the peace-process. IMF officials warned Rakhmonov in May of 1998 that the \$100 million credit that had been set aside for Tajikistan would be forthcoming only if the peace process continued.⁴¹⁹ UN Secretary General Acting Special Envoy for Tajikistan, who explained that he had been in close contact with World Bank and IMF officials warned:

The IMF and the World Bank unambiguously insist on unconditional and rapid implementation of such provisions of the general agreement as the reintegration of armed opposition groups into government power-wielding bodies and the inclusion of the opposition representatives in the government according to the agreed 30-per-cent quota.⁴²⁰

These officials went on to address the importance of respect for human rights and particularly religious freedom in Tajikistan. Rakhmonov desperately needed low cost ways to signal to the international community that he intended to continue the peace process and respect human rights, as western donor institutions were demanding.

Making Rakhmonov's pleas for aid all the more intense was the fact that the \$60 million in aid that the Tajiks were promised at the Vienna conference was slow in coming. In a meeting with UN representatives in July of 1998, Rakhmonov reported

⁴¹⁷ "International Donors Pledge 60m in Aid," *ITAR-TASS Moscow* 27 November 1997.

⁴¹⁸ "President Rakhmonov calls for US Aid to Restore Economy," *Tajik Television*, translation in BBC Summary of World Broadcasts 4 November 1997.

⁴¹⁹ "Tajik President Receives IMF, UN Officials," *Tajik Radio*, translation in BBC Summary of World Broadcasts, 7 May 1998.

⁴²⁰ "International Loans Dependent on Peace," *BBC Summary of World Broadcasts*, 12 June 1998.

that his government had only received \$13 million of the promised \$60 million.⁴²¹ The second donor conference for Tajikistan was held in France in 1998. More than \$515 million was committed to Tajik recovery efforts, yet much of that money never made it to the Tajiks due to a resurgence of violence in the country.⁴²² Of particular concern in the summer of 1998 was the murder of four United Nations peacekeeping troops. Immediately following the crisis international observers noted the negative impact that the murders would have on Tajik requests for international aid.⁴²³

However, between 1998 and 2000 Rakhmonov's strategy of minimal democratic reform and aggressive engagement with the west began to pay off. In July of 1999 the European Commission gave the Tajiks a €75 million loan and a €35 million grant of aid.⁴²⁴ In August the US provided over 2000 tons of seed grain, in addition to \$12 million in aid that had just been sent in previous months.⁴²⁵ In the same month the Japanese donated funds to Tajikistan to assist with the rebuilding of critical infrastructure.⁴²⁶ The Germans quickly followed suit, sending aid to the Tajiks for agricultural assistance.⁴²⁷

Major international lending institutions such as the IMF, World Bank, European Bank for Reconstruction and Development and the Asian Development Bank began funneling aid into Tajikistan in the late 1990's. Figure 4.6 below

⁴²¹ "President Rakhmonov Discusses Peace, Humanitarian Aid with UN Official," *Interfax News Agency Moscow*, translation in BBC Summary of World Broadcasts, 7 July 1998.

⁴²² "Tajikistan Country Profile," *Economist Intelligence Unit*, 9 July 1998.

⁴²³ Panfilova (1998).

⁴²⁴ "European Commission Makes Decision on Granting Emergency Financial Aid to Tajikistan," *Russian Economic News* 30 July 1999.

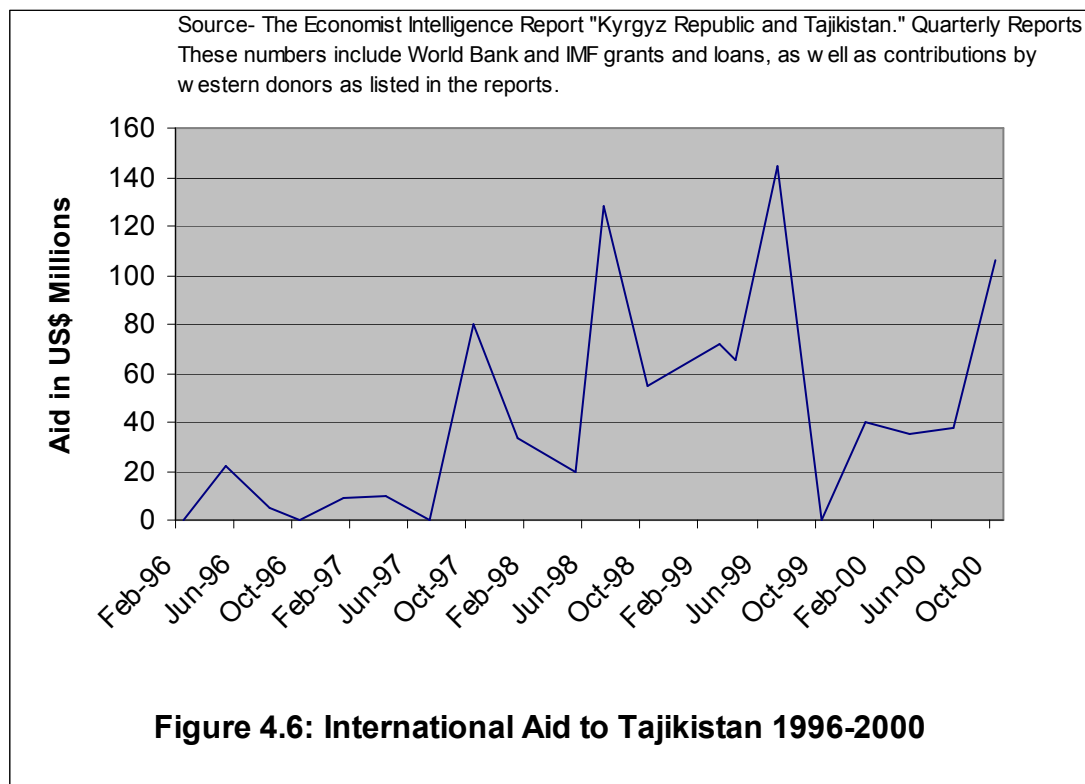
⁴²⁵ Gridneva and Zhukov (1999).

⁴²⁶ "Japan's Government to Help Tajikistan's Rehabilitation Program," *ITAR-TASS News Agency Moscow*, 13 August 1999.

⁴²⁷ "Germany Grants Aid for Poor Regions," *Tajik Radio*, translation in BBC Summary of World Broadcasts 24 September 1999.

represents total aid flows from major international lending institutions into Tajikistan. The most significant influx of aid came in June of 1999, just two months after ratification of the Optional Protocol to the International Covenant on Civil and Political Rights. The chart also demonstrates that independence alone was not enough to compel the west to donate aid to the Tajiks. If independence, rather than Rakhmonov's efforts at democratic signaling accounted for aid flows from the west then we would expect aid to decrease by the late 1990's. Instead, the Tajiks received minimal amounts of western aid in the early to mid 1990's and sharp increases after reforms of the domestic political system, including ratification of the ICCPR.

Rakhmonov understood, in no uncertain terms, that attracting aid from the major lending institutions would depend critically on his ability to liberalize the domestic political system, or at least to make it appear as though the institutional changes that western donors expected were indeed taking place. While he bowed to western pressures to allow opposition party candidates into the government and introduced a degree of competitiveness into the 1999 presidential elections, the human rights situation in his country grew steadily worse despite ratification of the ICCPR.



The most serious human rights violations in Tajikistan in the late 1990's concerned allegations that the government was subjecting individuals, particularly those associated with opposition political forces, to capital punishment without adequate legal protections and extracting confessions with torture.⁴²⁸ Amnesty International devoted considerable resources to publicizing the plights of Valijon Aliboyev and Saidumar Sharipov, ethnic Uzbeks who were accused of crimes including murder, robbery and kidnapping, sentenced to death and denied even the most basic legal protections in Tajikistan.⁴²⁹ Dilfuza Numonova, a young woman accused of murdering her boyfriend was forced by the government to undergo an

⁴²⁸ Human Rights Committee, "Consideration of Reports Submitted By States Parties Under Article 40 of the Covenant: Tajikistan," 18 July 2005, UN Doc #: CCPR/CO/84/TJK.

⁴²⁹ Amnesty International, "Tajikistan: Imminent Danger of Execution," 29 June 2001, AI #: EXTRA 39/01.

abortion so that she would be eligible for the death penalty.⁴³⁰ In these and many other cases the individuals arrested claimed that they were subjected to severe torture at the hands of Tajik security forces and held incommunicado.⁴³¹

Few changes were made domestically to combat allegations of torture and the suspension of basic due process rights immediately after Rakhmonov ratified the Optional Protocol to the ICCPR. However, eight individuals submitted petitions against the Tajik government to the Human Rights Committee alleging that they had been denied due process or tortured by the government.⁴³² The Human Rights committee (HRC) is compelled to hear cases arising out of the right of individual petition recognized in the Optional Protocol to the ICCPR. The Tajik government lost every case before the HRC. However, the pressure from prominent NGO's after the filing of these petitions and the considerable lag time between their submission and the decisions gave the Tajiks time to make some political reforms between 2001 and 2005. During this period an additional 17 individual petitions were submitted to the Human Rights Committee against the Tajik government.⁴³³

With respect to legislation on capital punishment, the Tajiks made dramatic changes to their policies. In 2003 the Majlisi Oli passed an amendment to the criminal

⁴³⁰ Amnesty International, "Tajikistan: Fear of Imminent Execution/death penalty/fear for safety/harsh prison conditions-Dilfuza Numonova," 30 March 2000, AI #: EUR 60/02/00.

⁴³¹ Human Rights Watch, "World Report: Tajikistan 2002," available online at: <http://hrw.org/wr2k2/europe18.html>.

⁴³² The cases are: *Aliboev v. Tajikistan*, CCPR/C/85/D/985/200; *Gaibullodzhon v. Tajikistan*, CCPR/C/81/D/964/2001; *Khalilov v. Tajikistan*, CCPR/C/83/D/973/2001; *Boimurodov v. Tajikistan*, CCPR/C/85/D/1042/2001; *Shukurova v. Tajikistan*, CCPR/C/86/D/1044/2002; *Kurbanov v. Tajikistan*, CCPR/C/79/D/1096/2002; *Khomidov v. Tajikistan*, CCPR/C/81/D/1117/2002; *Kurbonov v. Tajikistan*, CCPR/C/86/D/1208/2003.

⁴³³ Human Rights Committee, "Consideration of Reports Submitted By States Parties under Article 40 of the Covenant and of Country Situations: Initial Report of Tajikistan," 20 July 2005, UN Doc #: CCPR/C/SR.2286: p. 3.

code preventing minors, women or men over the age of sixty from eligibility for capital punishment.⁴³⁴ Between 1998 and 2003 the government consistently reduced the number of crimes for which capital punishment could be assessed.⁴³⁵ A moratorium on the death penalty in Tajikistan went into effect in April of 2004. Interestingly, a survey conducted by a human rights NGO suggested that between 70 and 80% of the Tajik population was in favor of capital punishment.⁴³⁶ With respect to confessions obtained through torture Rakhmonov made very few changes. In 2002 the OSCE and regional NGO's were given permission by the government to conduct the "Action to Support Victims of Torture," a rally in Dushanbe.⁴³⁷ Additionally, the government reported that 211 law enforcement officials were convicted for torturing accused criminals between 2004 and 2005.⁴³⁸ Tajikistan is far from offering the types of legal protections to its citizens that are routinely guaranteed by western governments. Yet the steps that Rakhmonov took in reforming domestic politics under pressure from the west ultimately served to limit his ability to subject political rivals to capital punishment and, to a lesser degree, to torture.

⁴³⁴ Amnesty International, "Death Penalty News" 1 July 2003, AI index #: ACT 53//001/2004.

⁴³⁵ Tajik Government, "Consideration of Reports Submitted by States Parties under 40 of the Covenant: Initial Report," 11 April 2005, UN Doc #: CCPR/C/TJK/2004/1, p.30.

⁴³⁶ Human Rights Committee, "Consideration of Reports Submitted By States Parties under Article 40 of the Covenant and of Country Situations: Initial Report of Tajikistan," 20 July 2005, UN Doc #: CCPR/C/SR.2286: p. 7.

⁴³⁷ Tajik Government, "Consideration of Reports Submitted by States Parties under Article 40 of the Covenant: Initial Report," 11 April 2005, UN Doc #: CCPR/C/TJK/2004/1, p.34.

⁴³⁸ Human Rights Committee, "Consideration of Reports Submitted By States Parties under Article 40 of the Covenant and of Country Situations: Initial Report of Tajikistan," 20 July 2005, UN Doc #: CCPR/C/SR.2286: p. 8.

IV. Analysis

Ratification as a Signaling Device

I have argued that states ratify individual petition mechanisms in human rights treaties to signal for aid. I expect this need for aid to be particularly acute when states bear the financial costs associated with regional instability. My first hypothesis predicts that ratification should occur after periods of economic decline brought on by regional conflict. I find support for this hypothesis in both the Tajik and Kyrgyz cases.

As a newly independent state situated in an unstable region, the Kyrgyz had many economic challenges to contend with in 1991. In addition to the turbulent fall of the Soviet Union, the Kyrgyz economy was impacted by the border skirmishes, water disputes and the Tajik civil war, outlined in section one. The Kyrgyz sent troops to defend the southern Tajik border against Islamic revolutionaries. However, this was not a purely altruistic act- it was motivated by fear that these forces would threaten Kyrgyz security. In addition to the costs associated with sending troops to fortify a foreign border, Akaev was the only central Asian leader willing to expend his already scarce state resources to care for the thousands of refugees that fled from Tajikistan.⁴³⁹ Their naturally disadvantageous economic footing (mountainous terrain and few exportable natural resources) put the Kyrgyz in a precarious economic position just prior to ratification of the Optional Protocol to the ICCPR in October of 1994. Coupled with other attempts to make needed democratic reforms, ratification of the ICCPR appears to have been a strategy, employed by Akaev, to demonstrate his country's engagement with western liberal values.

⁴³⁹ Dukenbaev, Askat. Telephone interview. 22 February 2007.

Similarly, after emerging from the civil war in 1997 Tajik President Rakhmonov faced a stark economic reality. His country was the poorest in a poverty stricken region. Years of civil war had ravaged his country and left even the most basic necessities out of reach for many Tajiks.⁴⁴⁰ Being situated north of Afghanistan created costly externalities for the Tajiks. Militarized engagements with the Uzbeks further contributed to the dismal state of the Tajik economy. After the cessation of open hostilities in his own country, Rakhmonov faced extraordinary pressures from his central Asian neighbors to gain control of the southern border with Afghanistan and stem the flow of narcotics into the region. In the days after independence and even during the civil war, the Tajiks had very strong relations with Russia and depended on the Russians for economic and military support. The Russian financial crisis and a shift in policy priorities in Moscow in 1998 greatly reduced the flow of aid from the Russians. Rakhmonov ratified the ICCPR and the Optional Protocol in April of 1999 following the near collapse of his economy, as part of his sustained effort to court western financial institutions.

My second hypothesis suggests that state leaders are influenced to ratify by their regional peers. In central Asia the rate of ratification of the ICCPR and Optional Protocol is quite high. Among the five states in central Asia, all of which are currently autocratic four have ratified both the ICCPR and the Optional Protocol. The Kyrgyz ratified the individual petition mechanism first in April of 1994. Remarkably, ratification of the IPM preceded ratification of the treaty by one year in Kyrgyzstan. The Uzbeks ratified both the treaty and the IPM in 1995, followed by Turkmenistan in

⁴⁴⁰ For more on the economic situation, particularly in the Tajik countryside see: Dudwick et al. (2003).

1997. Tajikistan was the last in the region to ratify both the treaty and the IPM in April of 1999. Akaev's success in attracting aid from western donors likely influenced other states in the region to emulate his example. His strategy included ratification of human rights treaties and nominal democratic reforms.⁴⁴¹

Because I have argued that ratification is an insincere act, and not an earnest attempt to lock-in democracy or adopt western liberal values, Hypothesis Three predicts that leaders that ratify will not follow through on their commitment to human rights. In other words, ratification of the Optional Protocol is a strategy to attract aid, not genuine evidence of democratic aspirations. The Tajik and Kyrgyz cases are notable in that on the heels of ratification in both countries these leaders cracked down particularly hard on the civil and political rights of their citizens. Article 19 of the ICCPR guarantees freedom of expression, and despite Akaev's acceptance of the treaty a series of prosecutions for defamation of government authorities began in Kyrgyzstan in 1995.⁴⁴² Repression of the independent media beginning with the closing of two opposition run newspapers and prosecutions of journalists in 1995 marked a stark policy change for Akaev, who had been encouraging the development of a free and open media until 1994.⁴⁴³ Rakhmonov's extensive repression of the UTO has already been explored above. Additionally, his government's willingness to subject citizens to capital punishment without adequate legal protections drew the ire

⁴⁴¹ Dukenbaev, Askat. Telephone interview. 22 February 2007. Huskey, Eugene. Telephone interview. 28 February 2007.

⁴⁴² Amnesty International, "Kyrgyzstan: A Tarnished Human Rights Record," 1 May 1996, AI Doc# EUR 58/001/1996.

⁴⁴³ Human Rights Watch, "Kyrgyzstan Country Report: 1995," available online at: http://www.hrw.org/reports/1996/WR96/Helsinki-13.htm#P648_131761

of the international human rights community.⁴⁴⁴ It was not until seventeen petitions were submitted to the Human Rights Committee by Tajik citizens, resulting in seventeen loses for the Tajik government that regional human rights groups latched onto these opinions and exerted pressure on Rakhmonov to change his policies.

If leaders do indeed ratify individual petition mechanisms insincerely as a strategy to court western financial institutions, then we might expect that these leaders would be making other, minimally democratic reforms while aggressively engaging these institutions. This was certainly the case in both Tajikistan and Kyrgyzstan. In Kyrgyzstan, Akaev's pursuit of western aid translated into minimal domestic democratic reforms and ratification of human rights treaties. But it also included a public relations campaign, designed to demonstrate that his country was the "Island of Democracy in Central Asia." After hundreds of millions of dollars of western aid flowed into his country, Akaev abruptly changed course and descended into a series of autocratic reforms.

The Tajiks also successfully used ratification of the ICCPR and its Optional Protocol as one of many strategies to get the attention of western donor institutions. Rakhmonov made the most minimal democratic reforms possible, including ratification in the midst of his courtship with west. After he received the greatest grant of foreign aid in June of 1999, just two months after ratification, he intensified his extra-legal campaign against opposition forces.

⁴⁴⁴ Human Rights Committee, "Consideration of Reports Submitted By States Parties Under Article 40 of the Covenant: Tajikistan," 18 July 2005, UN Doc #: CCPR/CO/84/TJK.

Domestic Democratic Lock-In

A lock-in model of ratification predicts ratification when the domestic political environment is inhospitable to the current leadership and the future of democracy in a given country is in jeopardy. At its core this approach assumes that leaders ratify, the European Convention on Human Rights in Moravcsik's work or the Optional Protocol to the ICCPR here, in the hopes of limiting the policy options of future, less democratic leaders. Ratification of the Optional Protocol in Tajikistan and Kyrgyzstan presents a considerable challenge for the democratic lock-in approach. By April of 1999 Tajik President Rakhmonov appeared to have no intentions of relinquishing power. Elected President in 1994, by 1999 he was an entrenched autocrat.⁴⁴⁵ Kyrgyz President Akaev possessed such expansive formal presidential powers and informal authority that there were no real threats to his power when he ratified the ICCPR in 1994. The lock-in model has limited explanatory power in the Tajik case because Rakhmonov was not a democrat; the approach is undermined in the Kyrgyz case because the domestic political environment in Kyrgyzstan was firmly under the control of President Akaev.

The first testable implication of the democratic lock-in hypothesis is that leaders should be observed ratifying when their grip on power is tenuous. This prediction is not borne out in the Kyrgyz case and the results are mixed in the Tajik case. In the year that his government ratified the ICCPR President Akaev in

⁴⁴⁵ Polity IV scores for Tajikistan throughout the 1990's range from a low of -6 (also the mode) to a high of -1.

Kyrgyzstan won the presidency in a landslide election.⁴⁴⁶ So great was Akaev's grasp on power that when parliamentary investigations into presidential corruption began Akaev quietly orchestrated the dissolution of the parliament. As Huskey (2002) explains, Akaev was extraordinarily popular for his ability to court the west while retaining his identity as a native Kyrgyz son.⁴⁴⁷ Opposition parties were extremely weak in 1994, and the legacy of one-party politics in Kyrgyzstan meant that the Kyrgyz public was content to support this familiar figure. Ratification of the ICCPR and its optional protocol came in the midst of a series of plebiscites initiated by Akaev that served to expand presidential authority, greatly reduce the powers of parliament, and increase presidential terms. In short, Akaev's grip on power in Kyrgyzstan could not be characterized as tenuous when he ratified the ICCPR in 1994. His control of the Kyrgyz political climate was exceptionally high, which allowed him to neutralize any potential threats to his authority.

In Tajikistan Rakhmonov possessed strong formal authority in the government, but in a county where authority could only be projected in a few major cities the political environment was fairly unstable. Warlords and radical Islamic groups controlled much of the countryside in Tajikistan in the late 1990's. These groups presented considerable threats to Rakhmonov, whose authority was confined to the capital of the country, Dushanbe and to the Kulob region.⁴⁴⁸ However, by the late 1990's Rakhmonov employed the expansive presidential authorities provided for in

⁴⁴⁶ "Akaev Scores Landslide in Referendum," *ITAR-TASS News Agency* 1 February 1994.

⁴⁴⁷ Huskey (2002) 77.

⁴⁴⁸ Abazov (2003) 61.

the 1994 Constitution to co-opt or destroy the vast majority of his rivals.⁴⁴⁹ For example, Yaqub Salimov, a potential political rival of Rakhmonov with strong backing from Moscow, was appointed to a diplomatic mission to Turkey, conveniently removing him from the domestic political scene.⁴⁵⁰

In addition to the challenges from the countryside, the terms of the 1997 ceasefire agreement required that Rakhmonov include 30% representation of opposition forces in the government. Nevertheless, Rakhmonov was skilled in finding extra-legal ways to limit their influence. Despite the broad amnesty for opposition forces guaranteed in the 1997 ceasefire agreement, Rakhmonov's security forces illegally arrested and detained 103 former combatants.⁴⁵¹ And while the terms of the ceasefire agreement were signed by government and opposition forces in May of 1997, by May of 1999 opposition party leaders were still issuing calls for its implementation. Specifically, Rakhmonov was suspiciously slow in appointing opposition party leaders to government posts.⁴⁵²

Though Rakhmonov faced considerable threats, from warlords and radical Islamists in the countryside and to a lesser degree opposition forces in his government, he was adept at neutralizing these forces and exerting sustained control of his government. In explaining the factors that contributed to Rakhmonov's decision to ratify the Optional Protocol to the ICCPR in April of 1999, I cannot discount the largely unstable domestic political environment, which lends support to Moravcsik's

⁴⁴⁹ Hall (2005) 26-27.

⁴⁵⁰ Atkin (2002) 102-13.

⁴⁵¹ Hall (2005) 29.

⁴⁵² Pannier et al. (1999).

lock-in thesis. However, to characterize the President's grip on power as tenuous belies his acute abilities to neutralize the considerable threats to his authority. Further, while Rakhmonov was briefly inclined to introduce liberal minded economic reforms as a way to signal to the west in 1999, he was and continues to be, an autocrat. To expand Moravcsik's logic, Rakhmonov could have been attempting to lock-in political stability, rather than democratic institutions. But this perspective is again undercut by Rakhmonov's repression of opposition leaders, which contributed greatly to domestic instability in Tajikistan in the late nineties.

Hypothesis Two predicts that democratic leaders should be more inclined to ratify if the forces that threaten their power are non-democratic. In other words, democrats ratify when threatened by autocrats. The Tajik case is notable because ratification occurred when the autocratic president was threatened by autocratic political forces. Rakhmonov faced a wide array of threats. The warlords and Islamic fundamentalists ruling the countryside were certainly non-democratic forces. The formal political opposition, the United Tajik Opposition (UTO), which was an umbrella for many of the opposition groups functioning in Tajikistan after independence, dramatically shifted its program throughout the nineties. Early on, the UTO was dominated by democratic forces, the Democratic Party and the Rastokhez Popular Movement but by the late nineties these democratic forces had been marginalized by the Islamic Renaissance Party that was calling for the creation of an Islamic state in Tajikistan.⁴⁵³

⁴⁵³ Kosach (2004) 268.

I find no support for Hypothesis Two in Kyrgyzstan. To the extent that there was a viable political opposition in 1994, the minimal threats emanated from clans and ethnic groups, not from political parties. But even these forces were absorbed into a grand governing coalition by Akaev. Babak and Vaisman (2004) suggest:

...for all of the seeming adherence to a multi-party principle, their [political parties] opportunities to influence political life in the republic were greatly limited and their political activity remained, for the most part, extra-parliamentary. Certainly the political opposition proved unsuccessful in its efforts to enjoy the benefits of parliamentary democracy due to Akaev's manipulative tactics.⁴⁵⁴

The democratic lock-in approach predicts ratification when democrats are threatened by autocrats; this theory possesses an underlying assumption that democrats have a sincere preference for democratic institutions. This preference is so intense that leaders are willing to tie their own hands by delegating oversight of their domestic human rights policies to an international tribunal in the hopes of tying the hands of autocrats that come to power in the future.

Hypothesis Three suggests that this sincere preference for democratic institutions should translate into respect for the human rights of their citizens, at least in the short term. I discuss my evidence for this hypothesis above in my discussion of my third Hypothesis. In the years immediately following ratification, neither Rakhmonov nor Akaev made any attempts to protect the civil and political rights of their citizens. Instead, after receiving large sums of western aid, both leaders took dramatic steps to repress their citizens and the media. Ultimately, though, after cases

⁴⁵⁴ Babak and Vaisman (2004) 191.

against them came before the Human Rights Committee, regional human rights groups exerted sustained pressure on these states to make significant changes.

Pressure from Regional IOs

The scarcity of regional IOs in central Asia did not translate to an absence of pressures on these states to adopt given policies. The greatest pressures appear to have emanated from Russia and western aid donors, owing to the poor state of the Kyrgyz and Tajik economies at independence. Yet for all of the pressures that Rakhmonov and Akaev faced, I find no support for Pevehouse's theory that the Tajiks and Kyrgyz ratified the Optional Protocol to the ICCPR in response to pressure from the CIS.

Pevehouse's theory argues for an explicit role for democratic regional organizations in the adoption of democratic policies. The Commonwealth of Independent States (CIS) was the regional organization poised to have the greatest effect on the human rights policies adopted by the central Asian republics in the 1990's. However, the CIS does not conform well to Pevehouse's model. In his model pressure from densely democratic regional IOs compels states to adopt democracy. The key is that transitional states are influenced to adopt democratic policies under pressure from other democracies. In 1993, when the CIS was established, few of the member states were democratic.⁴⁵⁵ Russia, Belarus, the Ukraine, Georgia, and Armenia were the only states that possessed moderate democratic institutions at that time. Autocratic transitions occurred rapidly in Belarus and Armenia, leaving Russia, the Ukraine and Georgia as the only moderately democratic states in the CIS.

⁴⁵⁵ The eleven original members were: Russia, Kyrgyzstan, Armenia, Belarus, Kazakhstan, Moldova, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Azerbaijan and Georgia. This evaluation is based on Polity scores.

There is no evidence that the CIS put any formal or informal pressure on its members to ratify human rights agreements, suggesting a lack of support for Hypothesis One. Hypothesis One predicts that IOs apply sanctions or formally suspend trade benefits if a state does not ratify. If the CIS was capable of exerting any sustained pressure on its members, it would have been more likely that those pressures revolved around the Commonwealth of Independent States' Convention on Human Rights and Fundamental Freedoms. The Convention is a regional human rights framework, sponsored by the Russians and adopted in May of 1995. The substance of the Convention both mirrors the language and makes explicit mention of the ICCPR and the Optional Protocol. Both the Tajiks and Kyrgyz adopted the Convention upon its establishment. Of the twelve states in the CIS in 1995, five did not ratify the Convention.⁴⁵⁶

If this Convention and ratification of human rights treaties in general were important to the Russians, then Pevehouse's theory implies that a failure to adopt the regional human rights accord would result in sanctions or a suspension of trade benefits. There were no formal sanctions or suspension of trade benefits to any central Asian state by the CIS or the Russians for failure to ratify the regional accord. While Russian trade with all of the former republics dropped precipitously in the mid to late nineties, it appears that those states that failed to ratify were not punished any more than those that did ratify.⁴⁵⁷ Despite their creation and adoption of the regional human

⁴⁵⁶ Turkmenistan has since rescinded its permanent membership status. Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan and the Ukraine did not ratify the Convention.

⁴⁵⁷ Sakwa and Webber (1999) 386-390.

rights accord, the Russian-dominated CIS did not appear willing to condition trade on respect for human rights policies or ratification of human rights agreements.⁴⁵⁸

Pevehouse's second hypothesis suggests that IOs should apply formal diplomatic pressure on states to ratify. Again, I find no evidence that the CIS was concerned with ratification of the ICCPR, the Optional Protocol or even the CIS Human Rights Convention. This does not demonstrate a complete lack of concern with human rights policies of the former republics or a general unwillingness to apply diplomatic pressures by the Russians. The human rights issue that most concerned the Russians throughout the 1990's was the treatment by former Soviet republics of Russian diasporas in their countries. The Russians were particularly incensed by Estonian and Latvian policies. Initially, the Russians did not apply formal diplomatic pressure on these states by actually suspending diplomatic relations, they did however, wage what international observers referred to as a "diplomatic offensive." Russian Deputy Foreign Minister Igor Ivanov decried Estonian and Latvian policies toward Russian speakers in the Russian legislature and encouraged his government to call on the OSCE and the Council of Europe to isolate them.⁴⁵⁹ Within a year, the Russian Duma passed a law applying sanctions on Latvia for its policies toward ethnic Russians.⁴⁶⁰

⁴⁵⁸ Even the European Union which was negotiating trade arrangements with the central Asian republics during this period made the text of the agreements narrowly about trade ties. This is a stark contrast to the bilateral trade treaties negotiated between the EU and the states of eastern Europe which explicitly made mention of accession into European institutions and harmonization with EU policies (Peers 1995).

⁴⁵⁹ Gornostayev and Sokolov (1998).

⁴⁶⁰ "Russian State Duma Backs Bill on Sanctions Against Latvia," *Baltic News Service*, 16 November 1999.

I find no support for Pevehouse's theory that ratification of the Optional Protocol to the ICCPR was the result of pressure from regional organizations in central Asia. While the Russians, who dominated the CIS, were willing to apply sanctions for violations of human rights, sanctions and formal diplomatic pressure was not employed to force ratification.

Socialization

Normative models of state behavior assign great weight to normative, rather than coercive forces in international politics. The actors in international politics, who may be states, transnational social movements or NGO's, develop their identities as they interact with other actors. These identities are constructed by social interaction and are in turn constitutive of global norms of behavior. In explaining state ratification of human rights agreements the socialization approach offers two testable hypotheses. First, Risse-Kappen (1996) argues that norms of behavior in the international system are propagated by norm entrepreneurs, who are most likely to be liberal, western democracies. I test this hypothesis by looking at the timing of ratification of the ICCPR's Optional Protocol among all states and among states in central Asia. The second hypothesis that flows from this theory concerns the internalization of liberal values. If states are indeed socialized to respect the human rights of their citizens and ratify the appropriate treaties, then, at least in the short term, ratifying governments should be observed making sincere efforts to follow through on their commitments. I find support for Hypothesis One in central Asia and no support for Hypothesis Two.

Liberal western democracies have overwhelmingly ratified the Optional Protocol to the ICCPR before many tenuous democracies and autocracies. The

Optional Protocol has been available for ratification since 1966. There was a wave of ratifications among primarily European democracies in the late 1970's and early 1980's. This included Denmark, France, Finland, Italy, the Netherlands and Sweden, to name a few. Ratification of the Optional Protocol did not occur until 1994 in Kyrgyzstan and 1999 in Tajikistan. This is not a particularly strong test, as these and all states in central Asia were not independent, and therefore not able to ratify until 1991. This suggests some support for the socialization hypothesis. Established democracies were the first movers, ratifying before transitional states. However, the socialization approach implies that established democracies should be more likely to ratify than tenuous democracies and autocracies. This is simply not supported in the central Asian region. The autocratic leaders of central Asia have proven more inclined to accept the oversight of the Human Rights Committee than many established democracies, for example the US and Britain.

In central Asia the Kyrgyz were the first to ratify the Optional Protocol. This conforms to the expectation of the socialization approach because the Kyrgyz were less autocratic when they ratified than any of the other states in central Asia. Ratification of the Optional Protocol could have served their effort to market themselves as the "Island of Democracy in central Asia." The Uzbeks ratified in 1995, followed by the Turkmen in 1997 and the Tajiks in 1999. Kazakhstan has not ratified. Uzbekistan, Turkmenistan and Tajikistan were all run by entrenched autocrats by the

time they ratified the Optional Protocol.⁴⁶¹ This poses an interesting question. Could the norm diffusion that constructivists use to explain state behavior have served to encourage these autocrats to commit themselves to global human rights accords that they otherwise would have avoided? The evidence in this chapter appears to suggest that Rakhmonov in Tajikistan, Niyazov in Turkmenistan and Karimov in Uzbekistan emulated Akaev's example. Yet, there are two potential ways to interpret this. It could be that Rakhmonov, Niyazov and Karimov accepted the oversight of the Human Rights Committee as a result of normative pressures. Other states accept the oversight and so, they felt compelled to do the same. Or, these leaders could have been emulating Akaev's strategy to ratify in order to obtain aid. Akaev's strategy was quite successful, which could have prompted these cash- strapped autocrats to emulate it.

The problem with relying too much on the socialization approach is that if these leaders had internalized western liberal values then ratification should have been followed, at least in the short term by improved respect for their citizens' human rights. I find overwhelming support against Hypothesis Two in central Asia. I discuss this at length in the Kyrgyz and Tajik case above, noting that violations of human rights intensified (particularly in the Kyrgyz case) after ratification. Human rights violations also intensified in Uzbekistan and Turkmenistan following ratification, though citizens in these countries were able to petition the HRC.⁴⁶² The lack of

⁴⁶¹ The Uzbek's and Turkmen's are listed as a -9 on the Polity IV scale throughout the decade. The Kyrgyz received a score of -3, making them at least nominally less autocratic, and the Tajiks scored a -6 for most of the decade.

⁴⁶² On Uzbekistan see: "Political Reform and Human Rights in Uzbekistan, Kyrgyzstan and Kazakhstan," *Commission on Security and Cooperation in Europe*, January 1998. On Turkmenistan: "Human Rights and Democratization in Uzbekistan and Turkmenistan," *Commission on Security and Cooperation in Europe*, March 2000.

respect for basic human rights in central Asia, despite ratification suggests that while these leaders may have ratified to demonstrate their legitimacy as members of the global community, they had not internalized these values as domestic practices.

V. Conclusion

Both Akaev in Kyrgyzstan and Rakhmonov in Tajikistan ratified the Optional Protocol to the International Covenant on Civil and Political Rights when they were desperately seeking aid from the west. The regional environment was unstable which created costly externalities in both countries. For the Kyrgyz and the Tajiks ratification was part of a broader strategy to attract aid from the west by making minimal democratic reforms. And in both cases this strategy was enormously successful. President Rakhmonov received more aid in the months after ratification than he had in the preceding year, while President Akaev collected upwards of \$90 million after ratification.

This analysis uncovers mixed support for alternate theories of ratification. The domestic democratic lock-in approach predicts ratification by democrats when threatened by autocratic forces. Neither Akaev nor Rakhmonov were democrats when they ratified. And while ratification of the Optional Protocol did come amidst domestic instability in Tajikistan, Rakhmonov's increasingly autocratic tendencies challenge the notion that he ratified in 1999 to lock in democracy. In other words, one would likely be disinclined to limit the policy options of future government if one has no intentions of ever relinquishing power.

While pressure from the European Union likely contributed to ratification in the Czech and Slovak Republics, I find no evidence for Pevehouse's assertion that

ratification came as a result of pressure from regional IOs in central Asia. The CIS was in no position to impose sanctions and the Russians seemed narrowly concerned about treatment of Russia's diaspora's in the former Soviet republics. Even the Europeans, who initiated trade treaties with the central Asian states, did not seem concerned about human rights practices in these countries. Finally, I cannot discount the socialization approach. There is some evidence that these states ratified both the ICCPR and the Optional Protocol because they were socialized to believe that this was part of the legitimate script for a modern nation-state. However, I argue that because these same governments were willing to ratify and then, almost instantaneously violate their citizen's human rights that ratification is evidence of a strategy to attract aid, rather than sincere evidence of norm adoption.

Chapter 5: Conclusion

Why do states ratify individual petition mechanisms in human rights treaties? And why does ratification spread like wildfire throughout geographic regions? While I cannot discount the socialization approach, my findings suggest that autocrats and quasi democrats ratify constraining articles in human rights treaties after regional political crises ravage their economies, as a way to signal to western observers that they aspire to become a part of the democratic club. Ratification could be sincere evidence of norm adoption as normative models suggest, but this project has demonstrated that ratification is more likely an insincere and largely effective strategy for attracting aid from major western donors. Much of this work undercuts the democratic lock-in approach as the impetus behind ratification. This chapter is divided into four sections. In the first section I summarize my findings; the second section evaluates the relative merit of other theories of ratification. In section three I discuss the implications of this project on state compliance with global human rights agreements. The final section offers concluding observations and the direction of future research.

I. Summary of Findings

I demonstrated in Chapter 2 that states are statistically more likely to signal to western donors by ratifying Article 14 in the Convention on the Elimination of all forms of Racial Discrimination and the Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women after periods of regional political crisis. Regional instability compels states to spend their resources buffering themselves against regional threats, while simultaneously cutting off flows of aid and

trade that can be depended upon during times of peace. Regional instability creates an acute need for aid, shared by all states situated in an unstable region and explains the regional trends in ratification. Regional peers face the same costs associated with regional instability and thus seek out ways to attract aid at roughly the same time. Sanctions against Serbia had the unanticipated and unintended effect of harming the economies of many eastern European states. The fighting in the states of the former Yugoslavia and Kosovo imposed significant costs on the newly democratizing states of eastern Europe. Between 2000 and 2003 the Czechs, Poles, Slovaks and Hungarians ratified the Optional Protocol to the Women's Discrimination Convention. Between 1992 and 1995 the Bulgarians, Poles, Czechs and Slovaks accepted the oversight of the Committee against Torture by ratifying Article 22. Similarly, each of these states ratified the Optional Protocol to the ICCPR between 1991 and 1993.

These waves of ratification can be explained with reference to regional political conditions. Ratification served as one of many strategies employed by eastern European states to attract much-needed aid by demonstrating to the west that they intended to make the transition to democracy. In Chapter 3 I analyzed the Slovak experience with ratification of Article 14 in the CERD, arguing that it supports ratification of IPM's as a strategy to attract aid. A failing economy and the mounting costs associated with the Yugoslav crisis forced Slovak Prime Minister Meciar to embark on a public relations campaign with the west. Meciar was not a democrat, hoping to lock in democratic institutions; nor was he particularly inclined to accept

every policy directive expressed by the Europeans.⁴⁶³ His engagement with the west was an effective strategy for attracting aid, earning him upwards of 435 million dollars just two months after ratification. I argue that this was a strategy and not a sincere effort to democratize because Meciar's repression of the Roma and his autocratic tendencies intensified after ratification.

The Czech experience with ratification of Article 14 of the CERD offers more mixed support for the theory advanced in this project. The demise of the Czech economic miracle and the costs associated with sending troops to Bosnia and Kosovo forced Prime Minister Zeman to seek out ways to signal for aid. Ratification of Article 14 in the CERD served a dual purpose in the Czech Republic- allowing the CSSD government to signal for aid and helping the Czechs respond to harsh international criticism about their treatment of the Roma. Ratification did occur during an economic downturn brought on by a regional crisis yet, unlike the Slovaks, the Czechs were not rewarded with large windfalls of western aid. Additionally, while Meciar in Slovakia was an autocrat, Zeman was a member of the Czech Social Democratic Party and a true democrat. The timing of ratification of Article 14 in the Czech case suggests that ratification was a strategy to attract aid, though I cannot discount the possibility that Zeman hoped to lock-in democracy.

In Chapter 4 ratification by autocrats, Akaev in Kyrgyzstan and Rokhmonov in Tajikistan supports the conclusion that ratification is an insincere strategy arising out of a need for aid. The Tajik civil war imposed a series of costs on all of the states in

⁴⁶³ For information on Meciar's clashes with the Council of Europe see Kelly (2004).

central Asia. The war was particularly costly for the Kyrgyz, the only geographically proximate state willing to accept Tajik refugees. The Kyrgyz also sent troops to help fortify the southern Tajik border to prevent militant Islamists from entering the country through Afghanistan. Fighting one another over borders and water imposed additional costs to the newly independent states of central Asia. These costs, coupled with the poor state of the Kyrgyz economy at independence compelled Akaev to seek out western aid. His strategy was creative and extraordinarily effective. Billing his country as the “island of democracy in central Asia” Akaev began an aggressive courtship with the west, which abruptly ceased when he received more than 160 million dollars in aid from the IMF and USAID after ratification.

Similarly, when the Tajiks emerged from the civil war in 1997, the dismal state of the economy obliged President Rakhmonov to seek help from the west. He embarked on a strategy of minimal democratic reforms, including the inclusion of opposition parties in the government, expanding parliament from a unicameral to a bicameral body, legalizing political parties, and ratifying the Optional Protocol to the ICCPR. Rakhmonov was very vocal about his intentions to attract western aid, setting donor meetings and calling on the global community to assist his war ravaged country. Much like Akaev in Kyrgyzstan, Rakhmonov was rewarded with a sharp increase in the amount of western aid after ratification of the Optional Protocol to the ICCPR.

A central finding in this project stemming from both quantitative and qualitative analysis is that ratification of IPM’s is correlated with boosts in western aid. The interrupted time series that I used to test the impact of ratification on aid in

Chapter 2 suggests quite strongly that ratification of IPM's is associated with increases in foreign aid. The anecdotal evidence for Slovakia, Kyrgyzstan and Tajikistan also suggest that ratification, when combined with other democratic reforms serves as an effective signal to western aid donors. The timing of these aid flows, after ratification and not necessarily after independence, means that this aid was not simply a consequence of independence. Despite their weak economy, the Tajiks for example, did not obtain significant western aid until 1999, nine years after independence. This project suggests that state leaders ratify constraining articles in human rights treaties strategically to signal for aid, and that western donors are responsive to these signals.

II. Evaluating the Explanatory Power of other Theories

In the following I evaluate the comparative contributions of alternate theories of ratification. I find very little support for the democratic lock-in approach. I cannot rule out the pressure exerted by regional IOs in explaining ratification in eastern Europe, but this explanation fails in central Asia. Finally, while it is possible to interpret some of my results as support for the socialization approach, many patterns that normative models anticipate do not fit in the cases discussed below.

Democratic Lock-in

This project has, perhaps surprisingly, uncovered a paucity of support for the democratic lock-in approach to ratification of individual petition mechanisms. In the quantitative analysis transitions to democracy were positively (yet weakly) correlated with ratification of Article 22 in the Torture Convention, but not with any other IPM. This conforms to the findings of Mansfield et al. (2006) who find a link between

democratic transition and participation in human rights organizations. Yet their work is challenged by the same weakness that besets lock-in models in general - they offer no explanation for ratification by autocrats. Meciar in Slovakia, Akaev in Kyrgyzstan and Rakhmonov in Tajikistan were autocrats when they ratified individual petition mechanisms in human rights treaties, offering UN tribunals oversight over their domestic human rights policies. Arguing that leaders of newly transitioning democracies ratify human rights treaties in the hopes of locking-in democracy explains a very small set of cases. Every central Asian state except for Kazakhstan ratified the Optional Protocol to the International Covenant on Civil and Political Rights. To focus exclusively on democracies reduces the range of possible explanations for ratification.

Ratification of Article 14 of the CERD in the Czech Republic offers limited support for a lock-in model. The CSSD democratic party ratified after Klaus' center right government fell. However, they faced no domestic instability and their grip on power in the Czech Republic was firm owing to the "opposition agreement."⁴⁶⁴ Unlike the other three cases, the party that ratified in the Czech case was indeed democratic, yet none of the other conditions that a lock-in model would predict in that case were observed. While the Czech case represents the best fit for Moravcsik's lock-in model, the Tajik experience with ratification of the Optional Protocol to the ICCPR is particularly problematic. Rakhmonov was an entrenched autocrat when he ratified, with no plans to relinquish power and clearly no intentions to lock-in democracy. The democratic lock-in approach finds scant statistical support in explaining ratification of

⁴⁶⁴ Deegan-Krause (2006) 69; "CSSD Keeps Leading Position in Opinion Polls," *CTK National News Wire*, 7 April 1999.

IPM's and, most importantly offers no theoretical justification for widespread ratification by autocrats.

Socialization

I find strong statistical support for the influence of socialization on ratification of IPM's in Chapter 2. For all but the Convention on the Elimination of all forms of Discrimination against Women, states appear to be socialized by the world community to ratify. However, this approach entails a series of predictions that are not met in any of the case studies in this project.

First, established democracies should be norm entrepreneurs, ratifying before unstable democracies and autocracies. And yet, some of the most well established democracies, the United States and Britain, for example have not yet ratified the IPM's associated with the ICCPR, CERD or CEDAW. Comparing the low ratification rates among highly established democracies to the relatively higher rate of ratification among central Asian autocrats presents a significant problem for the socialization approach.⁴⁶⁵ Similarly, while the US and Britain have accepted the oversight of the Committee against Torture, the central Asian states have universally avoided the oversight of this committee. They have, however been willing to accept the oversight of the Human Rights Committee, suggesting that they are not following the accepted norm of the established democracies.

⁴⁶⁵ Tajikistan and Kyrgyzstan have accepted the oversight of the HRC and the Committee against Women's Discrimination; Turkmenistan has accepted the oversight of the HRC; Uzbekistan has accepted the oversight of the HRC and the Committee against Torture; Kazakhstan has accepted the oversight of the Committee against Women's Discrimination.

Not only are these established democracies avoiding ratification, but they are also attempting to undermine those states seeking to make stronger commitments within the context of these treaties. In 2002 the United States attempted to block a UN vote creating an optional protocol to the Torture Convention. The optional protocol, which was eventually adopted despite US opposition, authorizes UN observers to visit domestic prisons to evaluate claims of torture.⁴⁶⁶ The detainees confined in Guantanamo Bay, and US acceptance of Article 22 in the Torture Convention made the issue particularly salient for the Bush administration. The case study of ratification of the IPM in the CERD in eastern Europe emphasized that many of the established western European democracies that this theory would predict to have ratified long ago, ratified after the newly democratizing states in eastern Europe.

An additional difficulty in definitively concluding that ratification is the result of socialization is that leaders who ratify are often observed violating their citizens' rights in the short term. With the exception of the Czech case, after ratification leaders typically intensified their repressive policies against their citizens. In Slovakia, Meciar ratified Article 14 in the Racial Discrimination Convention and then proposed language laws that would severely limit Hungarian speakers from engaging in business in Slovakia.⁴⁶⁷ When a mass emigration of Romanies out of Slovakia occurred in October of 1997, Slovak authorities accused Romanies of leaving to find

⁴⁶⁶ Burkeman (2002).

⁴⁶⁷ "Law on Official Language 'Linguistic Imperialism,'" *CTK National News Wire*, 10 May 1995.

other countries to exploit.⁴⁶⁸ President Akaev in Kyrgyzstan ratified the Optional Protocol to the ICCPR and then promptly shut down newspapers and jailed journalists.⁴⁶⁹ In Tajikistan, Rakhmonov publicly shook hands with and appeared to be welcoming opposition parties into the government, yet at the same time Human Rights Watch and Amnesty International were condemning his efforts to subject opposition leaders to torture and capital punishment without basic due process rights.⁴⁷⁰ Socialization theories point to ratification of human rights treaties as evidence of norm adoption, and yet, the same leaders are almost immediately violating their citizens' rights after ratification. This suggests a problem with relying exclusively on the socialization approach to explain ratification. If ratification is evidence of norm adoption then ratifying leaders should, at least in the short term be observed complying with their commitments.

Pressure from Regional IOs

Pevehouse's theory suggests that states democratize and liberalize in response to formal pressure, sanctions and coercion from regional IOs. I test for the influence of regional IOs on ratification in the case studies in this project. The Europeans have created the densest network of regional IOs, which makes the newly transitioning

⁴⁶⁸ "Government Official Says Roma Emigration 'Irresponsible,'" *Slovak Radio- Translation by BBC Summary of World Broadcasts*, 22 October 1997.

⁴⁶⁹ The newspaper was *Svobodny Gory*. For more on media freedoms in Kyrgyzstan in the early days after independence see Anderson (1999) 29-30. See also: Huskey (1997) 242.

⁴⁷⁰ Amnesty International, "Tajikistan: Imminent Danger of Execution," 29 June 2001, AI #: EXTRA 39/01.

Amnesty International, "Tajikistan: Fear of Imminent Execution/death penalty/fear for safety/harsh prison conditions-Dilfuza Numonova," 30 March 2000, AI #: EUR 60/02/00; Human Rights Watch, "World Report: Tajikistan 2002," available online at: <http://hrw.org/wr2k2/europe18.html>.

states of eastern Europe a particularly useful venue for testing the impact of IOs on ratification. Comparing the findings in the eastern European cases with those in central Asia allows me to isolate the effects of regional IOs. This is due primarily to the absence of regional IOs in central Asia. Pevehouse's theory would predict that the states in eastern Europe should be observed democratizing and liberalizing their domestic policies in response to pressures from these IOs. Conversely, the absence of IOs should mean that these transitions are not observed in central Asia. Pevehouse (2002) does not explicitly attempt to explain ratification of human rights treaties, but I have extended his logic in this project to capture the potential effect that regional IOs may have on ratification.

The Czechs and Slovaks faced enormous pressures to harmonize their policies to gain entry into European institutions. Accession to the EU was consistently used to force domestic policy changes, particularly regarding improved treatment of their Roma populations.⁴⁷¹ Yet, in both of these case studies I find no evidence that ratification of Article 14 in the CERD was the result of formal diplomatic pressure or sanctions. The unanimous acceptance of IPM's in eastern Europe may suggest that ratification was used as one of many strategies to signal to the west.⁴⁷² This interpretation is consistent with that offered in this project. I have argued that this signaling served a very specific and highly effective purpose: to attract aid.

⁴⁷¹ On threats to Czech membership see: Connolly (1999); Allen (1999); Keyser (1999). On the Slovaks see: "Slovak NATO, EU Failure Due to Double Standard- Sestak," *CTK National News Wire*, 16 July 1998.

⁴⁷² Poland, Hungary, the Czech Republic, Slovakia, Romania and Bulgaria have ratified every IPM explored in this project.

The influence of regional IOs does not explain ratification in central Asia. The only, relatively-strong regional IO was the Russian-led Commonwealth of Independent States (CSI). The Russian's were narrowly concerned about treatment of Russian diasporas in the former republics, but exerted no sustained pressure and did not apply sanctions to states for failing to ratify human rights agreements. If there was any human rights agreement that the Russians should have cared about it, it most likely would have been the Commonwealth of Independent States' Convention on Human Rights and Fundamental Freedoms. However, the Russian's did not appear to treat those that ratified this Convention any differently than those states that did.

Even the EU, which could arguably have exerted some pressure over central Asian states, did not seem concerned with ratification of human rights treaties or domestic political practices. While negotiating trade treaties with the central Asian states throughout the 1990's, the EU confined the terms of the treaties to trade, expressing no requirements for other domestic policies. In a fascinating comparison of the bilateral trade treaties negotiated between the EU and eastern European states and those between the EU and central Asian states, Peers (1995) explains that there were two separate approaches. The treaties negotiated with the eastern Europeans spoke explicitly of accession to European institutions. The treaties negotiated with central Asian states exclusively addressed trade.⁴⁷³ In assessing the relative importance of these trade relationships to the Europeans, Peers (1995) explains,

⁴⁷³ Peers (1995) 844-847.

Russia is clearly the most important Soviet successor state...Ukraine, Belarus and Moldova are relatively important to the EU...The Asian states are relegated to the back of the EU bus...⁴⁷⁴

Neither the CIS nor the EU had distinct preferences over central Asian ratification of the global human rights treaties. While Pevehouse's theory possesses some explanatory power in Europe, it is undercut by widespread ratification despite an absence of pressure from IOs in central Asia.

Why are states inclined to ratify individual petition mechanisms in human rights treaties, offering UN tribunals nominal oversight of their domestic human rights practices? My central finding is that both newly established democracies (the Czechs) and autocracies (Slovaks, Kyrgyz and Tajik's) use ratification as a signaling device to attract aid. In three of the four cases I examine qualitatively these states were rewarded with large influxes of aid from the west. The short term impact of IPM ratification closely conforms to Hathaway's (2002) approach- ratification serves as a signal to international observers that the ratifying state is committed to human rights, while at the same time limiting external pressure to make significant domestic changes. However, Hathaway's approach only works in the short term. While ratifying leaders are initially able to continue repressing their citizens' rights, the individual petition procedure ultimately serves as a lever for real domestic change. In the following section I explore the impact of IPM's on compliance in the cases examined in this project and compare them to rates of compliance in established democracies.

⁴⁷⁴ Peers (1995) 845.

III. Comparative Compliance

Recent work on compliance with global human rights agreements has made great strides in developing our understanding of the effects of ratification on compliance. Regime type is typically the most important variable explaining compliance after ratification. Neumayer (2005) finds that where there is democracy and a flourishing civil society, there is compliance; autocracies lack the institutions and civil society needed to compel compliance.⁴⁷⁵ In testing the effects of regime type on compliance with the Minimum Age Convention (MAC) regarding child labor, von Stein (2006) persuasively argues that democracies are selective about the human rights agreements that they commit themselves to because citizens will hold them accountable for violating the terms of the treaty. In non-democracies, where the likelihood of enforcement is low leaders will shirk on their commitments.⁴⁷⁶ In examining the effect of ratifying the ICCPR, Camp (1999) finds that human rights practices did not improve after ratification, concluding that the Covenant has no impact on respect for human rights.

The qualitative analysis of ratification and subsequent state behavior offered in this project calls into question the effect of democracy on compliance. I find in the short term as Hafner-Burton and Tsutsui (2005) argue, autocrats use ratification as global window dressing while intensifying abuse domestically. Studying both IPM's and treaties makes it possible to track the longer term effects of ratification on state practice. The follow-up procedures associated with the oversight committees require

⁴⁷⁵ Neumayer (2005) 926.

⁴⁷⁶ von Stein (2006) 30.

states to submit a formal explanation of how they have altered their domestic human rights practices in response to committee decisions. In the next section I examine the jurisprudence, follow-up reports and periodic reports submitted to the UN oversight committees to document the specific ways in which ratification is linked to compliance in both democracies and autocracies. In the short term, my analysis approximates Hafner-Burton and Tsutsui (2005) in that autocrats ratify insincerely and then clamp down particularly hard on their citizens' rights. However, in the long term, regional human rights groups latch onto the decisions and recommendations handed down by the UN oversight committees and pressure governments, even the most entrenched autocrats, to make significant changes to their domestic human rights practices. In what follows I trace the changes made in response to the terms of the treaty and the decisions of the relevant oversight committees.

Tajikistan

Ratification of the Optional Protocol to the International Covenant on Civil and Political Rights occurred in Tajikistan in 2000. The treaty requires, *inter alia*, states to adopt measures that protect the due process rights of the criminally accused (Art 14-15) and refrain from using torture to extract confessions (Art 7). Immediately after ratification Rakhmonov intensified his campaign to jail and execute members of the political opposition.⁴⁷⁷ Despite a broad amnesty for opposition forces, there were

⁴⁷⁷ Human Rights Watch, "Human Rights Developments: Tajikistan," Human Rights World Report 2000, available online at: <http://www.hrw.org/wr2k1/europe/tajikistan.html>.

widespread reports of government arrests in Gorno Badakhshan Oblast.⁴⁷⁸ Amnesty International reported that in 2000 there were at least 200 arrests of supporters of *Hizbut Tahrir*, an outlawed Islamic party.⁴⁷⁹ Beyond the initial two hundred arrests, Amnesty International detailed Rakhmonov's escalation of the abuse:

Hundreds more [members of *Hizbut Tahrir*] are reported to have been arrested in the first eight months of this year. Amnesty International is concerned at reports that large numbers of them were arbitrarily detained, denied access to a lawyer of their own choice and sentenced to long prison terms after unfair trials.

The earliest cases against the Tajiks before the Human Rights Committee concerned the application of the death penalty without adequate legal protections and the use of torture to extract confessions from political opponents, arising out of the detention of members of *Hizbut Tahrir*.⁴⁸⁰ After the filing of these petitions to the HRC, the OSCE Mission to Tajikistan and the Open Society Institute of the Soros Foundation organized a series of seminars, which were attended by more than eighty representatives of the Tajik government.⁴⁸¹ The seminars pressured government officials to eliminate capital punishment in Tajikistan. To address instances of torture the OSCE started the "OSCE Campaign against Torture in Tajikistan in 2002."⁴⁸² And perhaps most importantly during this time, the OSCE ran a series of seminars that

⁴⁷⁸ United States Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices: Tajikistan 2000," 23 February 2001.

⁴⁷⁹ Amnesty International, "Central Asia: No Excuse for Escalating Human Rights Violations," 11 October 2001, AI Doc #: EUR/04/002/2001.

⁴⁸⁰ The cases are: Saidova v. Tajikistan 964/2001; Khomidov v. Tajikistan 1117/2002; Kurbanova v. Tajikistan 1096/2002.

⁴⁸¹ OSCE, "International Conference Agrees on Need to Abolish Death Penalty in Tajikistan," *OSCE Press Release*, 21 December 2001. OSCE, "Roundtable Urges Tajikistan to Restrict Death Penalty," *OSCE Press Release*, 23 August 2001.

⁴⁸² OSCE, "OSCE Campaign against Torture in Tajikistan (26 June – 9 July)," *OSCE Press Release*, 26 June 2002.

were intended to both train police and change domestic laws regarding pre-trial detention and evidence gathering techniques.⁴⁸³ The filing of the petitions before the HRC was sufficient to activate this regional NGO to exert significant pressure to alter the government's domestic human rights practices. The work of these NGO's combined with pressure from the HRC compelled Rakhmonov to issue a moratorium on the death penalty in Tajikistan in 2004.

The HRC also expressed concern about the condition of prisons and length of sentences in Tajikistan in their evaluation of Tajikistan's country report.⁴⁸⁴ The Tajiks responded by revising their criminal code in 2004 which served to significantly reduce the sentences of more than 7,000 prisoners.⁴⁸⁵ But again regional human rights groups were instrumental in pressuring the Tajik government to make this change. The AIDS Foundation East-West and the Analytical and Advisory Centre on Human Rights are explicitly mentioned for their assistance in the Tajik government's follow-up report to the HRC.⁴⁸⁶ Despite the US department of State's critical evaluation of the human rights situation in Tajikistan, they conclude that "government officials are somewhat responsive to the views of human rights groups."⁴⁸⁷

⁴⁸³ OSCE, "OSCE Center Holds Dushanbe Conference on Preventing use of Violence during Investigation and Pre-Trial Detention," *OSCE Press Release*, 5 December 2003.

⁴⁸⁴ Human Rights Committee, "Consideration of Reports Submitted by States Parties under Article 40 of the Covenant: Tajikistan," 18 July 2005, UN Doc #: CCPR/CO/84/TJK, paragraph 14.

⁴⁸⁵ Tajikistan, "Comments by the Government of Tajikistan on the Concluding Observations of the Human Rights Committee," 17 July 2006, UN Doc #: CCPR/C/TJK/CO/4/Add.1: pg. 4.

⁴⁸⁶ *Ibid.* The AIDS Foundation East-West was sent a note of gratitude from the Head of the Tajik Penal System, Lieutenant General Sharipov for their help in reducing the demand for narcotics, promoting health and preventing the spread of HIV/AIDS in Tajik prisons. For the press release on the AIDS Foundation website see: http://www.afew.org/english/news/news_archive.php.

⁴⁸⁷ United States Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices: Tajikistan 2001," 4 March 2002.

Though the Tajiks have not accepted the oversight of the Committee on the Elimination of Racial Discrimination, regional NGO's have again been instrumental in pressuring the government to implement the terms of the Convention on the Elimination of all forms of Racial Discrimination. In discussing the policies altered to bring domestic practices in line with Article 2 of the CERD the Tajiks note the creation of the Social Council. The Social Council is an advisory body made up of leaders of ethnic groups residing in Tajikistan. The Social Council was integral in drafting government policy toward minority groups in 2001 and 2002. The roundtables set up by the OSCE office in Dushanbe and the Swiss Development and Cooperation Agency in Tajikistan served to further integrate the Social Council into its role as an advisory body to the government.⁴⁸⁸ The government passed a law in December of 2003 to "improve the teaching and study of English and Russian," between 2004 and 2014.⁴⁸⁹ Regional IOs and NGO's were also responsible for broadcasting a series of radio programs, played on Tajik radio which concern the human rights situation in the county.⁴⁹⁰ The Open Society Institute and the Tajik Society for Friendship with Foreign Countries published the magazine *Dusti* which addresses minority rights issues in Tajikistan.⁴⁹¹

Far from full implementation of global human rights standards, in recent years the Tajiks have responded to growing pressure to implement the core United Nations

⁴⁸⁸ Tajikistan, "Fifth Periodic Report of States Parties due in 2004: Tajikistan, Addendum" 11 May 2004, UN Doc #: CERD/C/463/Add.1: paragraph 24.

⁴⁸⁹ Ibid. paragraph 8.

⁴⁹⁰ Ibid. paragraph 155. The NGO is the Swiss Cooperation and Development Agency.

⁴⁹¹ Ibid. paragraph 155.

human rights treaties domestically. The work of regional NGO's in facilitating a form of compliance cannot be discounted in Tajikistan.

Kyrgyzstan

Much like Tajikistan, the implementation of human rights treaties domestically in Kyrgyzstan is activated by regional NGO's. While the Kyrgyz were more willing than the Tajiks to alter domestic legislation to bring themselves in line with treaty requirements, there were no submissions to relevant oversight committees prior to the work of regional NGO's. Initially after ratification Akaev's respect for the human rights of his citizens dropped precipitously. As Hafner-Burton and Tsutsui (2005) expect, ratification, at least in the short term, served as window dressing, allowing Akaev to send signals to the west while increasing the repression at home. Yet, this is only half of an on-going story. The OSCE did an enormous amount of work within Kyrgyzstan to implement the ICCPR on the ground; their largest contribution was training NGO's and government officials on the submission of petitions to the Human Rights Committee.

The Kyrgyz explain in their initial report to the Human Rights Committee that upon ratifying the ICCPR and the Optional Protocol they introduced a series of new laws to bring their domestic standards in line with the treaties requirements. These include the introduction of the: Civil Code (parts 1 and 2), the Criminal Code, the Labor Code and the Consumer Protection Act.⁴⁹² Here again, the work of regional IOs and NGO's has been instrumental in giving the text of human rights treaties effect on

⁴⁹² Ibid. paragraph 67.

the ground. The OSCE, the International Commission of Jurists, the Soros Foundation, and the Kyrgyz-American Bureau on Human Rights and the Rule of Law have held a series of workshops beginning in 1997 and scheduled through 2007 to train Kyrgyz government officials and domestic human rights workers about the implementation of the ICCPR.⁴⁹³ Specifically, these seminars have instructed government officials about submitting individual petitions to the Human Rights Committee. And as addressed in Chapter 4, these seminars have resulted in the filing of 12 petitions. Prior to the work of these NGO's there were no individual submissions to the HRC.

Ratification of the Convention on the Elimination of all forms of Racial Discrimination and the efforts of regional NGO's again ushered in important changes in Kyrgyz policies regarding national minorities. Akaev initially created the Assembly of the People of Kyrgyzstan (APK), a body consisting of representatives from a variety of ethnic and racial groups to advise him in the creation of ethnically sensitive policies. However, until the OSCE High Commissioner for National Minorities ran a series of seminars between the APK and members of parliament and the judiciary, the APK was marginalized from government structures.⁴⁹⁴ The OSCE's High Commissioner for National Minorities supplied the funding to the seminars that ultimately allowed the APK to advise the president in the creation of national policies.⁴⁹⁵ The other important development stemming from ratification of the CERD was the adoption of the Language Law making the Russian language equal to the

⁴⁹³ Ibid. paragraph 78.

⁴⁹⁴ Kyrgyzstan, "Initial Report of States Parties Due in 1998: Kyrgyzstan," 15 January 1999, UN Doc #: CERD/C/326/Add.1, paragraph 6.

⁴⁹⁵ Ibid.

Kyrgyz language. This was the Committee's sole recommendation in their response to Kyrgyzstan's initial report.⁴⁹⁶ Akaev added to the 2000 language law in 2004, ensuring that other ethnic groups can freely use their own languages.⁴⁹⁷

With the assistance of the OSCE and some smaller, regional NGO's the Kyrgyz have started to make important changes to their domestic human rights practices. While Akaev may have had no intentions of ever complying with his commitments when he ratified in the mid-nineties, ratification has served as leverage for regional NGO's to institute much needed domestic reform. The result is small, but consistent change in the rights enjoyed by Kyrgyz citizens.

Slovakia

The Slovak case is the best example of reform in government policy arising out of petitions in a UN oversight tribunal. Meciar's policy toward the Roma during the mid nineties drew harsh criticism from the international community. Even after he ratified article 14 of the Convention on the Elimination of all forms of Racial Discrimination his pattern of abuse of the domestic Romany community intensified.⁴⁹⁸ The European Roma Right Center was absolutely instrumental in submitting individual petitions regarding Slovak discrimination of the Roma to the Committee on the Elimination of Racial Discrimination. This NGO was the first to submit individual petitions against the Slovaks leading the charge against state sponsored discrimination

⁴⁹⁶ Committee on the Elimination of Racial Discrimination, "Concluding Observations of the Committee on the Elimination of Racial Discrimination: Kyrgyzstan, 12/04/2001," 12 April 2001, UN Doc #: CERD/C/304/Add. 77, paragraph 7.

⁴⁹⁷ Kyrgyzstan, "Reports Submitted by States under Article 9: Kyrgyzstan, 4th Periodic Report," 13 June 2006, UN Doc #: CERD/C/KGZ/4, paragraph 26.

⁴⁹⁸ USE Roma Rights Center Citation here.

in Slovakia. The jurisprudence arising out of complaints of violations of the CERD led to a widespread response by the Slovaks.

Yet it was not Meciar's government that ultimately made the changes requested by the Committee; they were undertaken by his successor, Mikulas Dzurinda. Sweeping changes were implemented in Slovak discrimination law, including the passage of a comprehensive anti-discrimination law in the Slovak parliament in February of 2004.⁴⁹⁹ By December 2004 the Committee on the Elimination of all forms of Racial Discrimination congratulated the Slovaks on the passage of five separate laws that specifically addressed the status of the Roma in Slovak society.⁵⁰⁰

Initially, ratification of Article 14 in the CERD entailed no costs for the Slovaks. Indeed, Meciar enjoyed the financial advantages of successfully sending signals to the west while making no changes to his discriminatory policies toward the Roma. The short term impact of ratification in the Slovak case conforms to recent work in the compliance literature.⁵⁰¹ Yet, if the time line is drawn out, the work of the Roma Rights Center in submitting individual petitions and the subsequent pressure put on Dzurinda's government served to usher in real change in the Slovak Republic suggests that compliance in autocracies may be higher than expected.

⁴⁹⁹ Slovak Government Approves Anti-Discrimination Bill," *CTK Czech News Agency*, 10 February 2004.

⁵⁰⁰ Committee on the Elimination of Racial Discrimination, "Concluding Observations of the Committee on the Elimination of Racial Discrimination: Slovakia," 10 December 2004, UN Doc. #: CERD/C/65/CO/7, paragraphs 3-4.

⁵⁰¹ Neumayer (2005), Camp (1999), Hafner-Burton and Tsutsui (2005).

Czech Republic

Unlike the other three cases considered in this project, the Czechs were democrats when they ratified the core United Nations human rights treaties and IPMs. The difference between implementation in the Czech Republic on the one hand, and Tajikistan, Kyrgyzstan and Slovakia on the other, is that NGOs were not instrumental in implementing the changes requested by the relevant oversight committee in the Czech Republic, nor did a pattern of domestic abuses follow ratification. Implementation occurred slowly, but the Czechs made significant reforms to their discrimination laws and torture legislation, largely without pressure or assistance from NGOs.

The Czechs ratified the Convention on the Elimination of all forms of Racial Discrimination in 1993; they accepted the oversight of the Committee in 2000. I have argued that ratification was a strategic decision, used by Zeman to signal for aid from the west. There were many individual petitions submitted to the Committee on the Elimination of Racial Discrimination against Slovakia's treatment of the Roma, but as of 5 February 2007 there have been no cases submitted against the Czech Republic. So, while the changes that were ultimately made to Czech discrimination law were not the result of individual petitions, the Czechs responded directly to the concerns of the Committee as expressed in their reviews of Czech state reports. In their sixth periodic report to the Committee on the Elimination of Racial Discrimination the Czechs addressed, in a point-by-point manner the recommendations of the Committee. In 2003 the Committee requested for example, that the Czechs pass a "comprehensive

anti-discrimination law.”⁵⁰² In December of 2004 the Czechs passed a law which offered wide ranging protection against discrimination. It was not aimed only at racial discrimination, but included sexual discrimination in employment, housing, health care, education, etc.⁵⁰³ The Czech human rights ombudsman was empowered to assist individuals in preparing legal documents to in the case of alleged discrimination.⁵⁰⁴ Absent from the Czech reports are any mention of the work of regional NGOs.

Similarly, the Czechs accepted the oversight of the Committee against Torture in 1996. The Committee suggested that the Czechs make prohibition on torture a formal part of their criminal code, train members of the judiciary, prison staff, police officers and doctors on the requirements of the CAT and create an oversight mechanism which would allow prisoner’s to complain about their treatment.⁵⁰⁵ Sweeping changes were introduced domestically in the Czech Republic. These included the passage of no less than six new laws, which defined torture as a criminal offense, governed the rights of prisoner’s in pre-trial detention and ensured that security personnel protect the privacy and dignity of individuals being investigated. Though not a formal law, the Czechs also instituted a training program for police, prison officials, judges and doctors to make them aware of the requirements of the

⁵⁰² Committee on the Elimination of Racial Discrimination, “Concluding Observations of the Committee on the Elimination of Racial Discrimination: Czech Republic, 10/12/2003,” 10 December 2003, UN Doc #: CERD/C/63/CO/4.

⁵⁰³ Czech Republic, “7th Periodic Report Submitted by the Czech Republic,” 11 January 2006, UN Doc #: CERD/C/CZE//7: see paragraphs 170-178.

⁵⁰⁴ Czech Republic, “Initial Report of States Parties due in 1993: Czech Republic 20/05/94,” 20 May 1994, UN Doc #: CAT/C/21/Add.2, paragraphs 177-178.

⁵⁰⁵ Committee against Torture, “Summary Record of the First Part (Public) of the 197th Meeting: Czech Republic. 16/11/94,” 16 November 1994, UN Doc #: CAT/C/SR.197.

CAT.⁵⁰⁶ Again, the work of NGO's does not appear important in explaining the changes that were made to Czech laws.

Finally, the Czechs have had lengthy interactions with the Human Rights Committee. They accepted the oversight of the HRC at the same time they ratified the ICCPR in 1993. By May 2004 there were 21 petitions submitted against the Czech government to the HRC.⁵⁰⁷ The sole issue addressed in every one of these petitions is property restitution. The Czechs originally required that anyone seeking property restitution for property confiscated during WWII possess Czech citizenship and permanent legal residence in the Czech Republic. In 1994, the Czech Constitutional Court removed the residency requirement, but refused to remove the citizenship requirement. And despite numerous rulings against his government in the HRC, Zeman remained opposed to the removal of the citizenship requirement.⁵⁰⁸ Even US pressure was not sufficient to persuade the Czechs to remove the citizenship requirement for property restitution claims.⁵⁰⁹

The difference between the Czechs and the Kyrgyz, Tajiks and Slovaks points to an important role for regional NGOs in explaining compliance with the terms of human rights treaties. In the sole democracy examined in this project, recommendations made by the relevant UN oversight committees were sufficient to usher in real changes to domestic human rights practices. But Czech responsiveness to

⁵⁰⁶ Ibid. paragraphs 4-12.

⁵⁰⁷ Human Rights Committee "Statistical Survey of Individual Complaints Dealt with by the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights," 3 May 2004. Available online at: <http://www.unhchr.ch/html/menu2/8/stat2.htm>.

⁵⁰⁸ "Zeman against Restitution for Expatriates," *Czech News Agency*, 30 July 1999.

⁵⁰⁹ "Washington Repeats that Property Restitution is Important," *CTK National Newswire*, 5 February 1999.

external pressure was not absolute. Despite the twenty one petitions filed in the HRC against them, the Czechs refused to remove the citizenship requirement for those seeking property restitution from the government. However, the Tajiks, Slovaks and Kyrgyz intensified their patterns of rights abuses after ratification, largely relying on the efforts of regional NGOs to implement the terms of human rights treaties. The changes were slow in coming and, with the exception of the anti-discrimination law passed in Slovakia in 2004 they were certainly not as extensive as those laws passed in the Czech Republic. But the efforts of the OSCE in Tajikistan and Kyrgyzstan and the Roma Rights Center in Slovakia brought about real changes in the day-to-day lives of citizens in these countries. These findings suggest that while there may be qualitative differences between the types of compliance observed within democracies and autocracies, the key intervening variable explaining policy change in autocracies is regional NGOs.

IV. Conclusions and Future Research

My findings have interesting implications for how we think about both ratification of and compliance with global human rights agreements. The results cast doubt on the effect of regime type on ratification and compliance. The quantitative analysis suggests that transitions to democracy are not correlated with ratification. The case studies further illustrate that leaders, both in democracies and autocracies, appear to ratify strategically to attract aid after regional crises have ravaged their domestic economies. This project also calls attention to the role of regional political dynamics in explaining the timing of ratification. An acute need for aid can compel leaders that

would otherwise be unlikely to ratify human rights treaties and IPMs to be more inclined to do so. This pressure appears to compel ratification regardless of regime type. And despite an intensification of patterns of abuse in the short term, the longer term effects of ratification can be seen in even the most entrenched autocracies. What begins as an insincere commitment designed to attract aid, ultimately, albeit slowly, results in improved respect for human rights.

In terms of future research it would be interesting to explore the ways in which regional political dynamics explain the differential regional mechanisms for the protection and promotion of human rights. Why are the Africans so far ahead of the Asians in developing a regional human rights regime, for example? Was the elimination of the death penalty among central Asian states the result of a norm cascade, or a series of strategic policy decisions? These questions point to a need for further examination of regional political dynamics in explaining trends in national human rights policies. Scholars are quick to look at domestic political institutions or global influences to explain domestic human rights practices, however my findings suggest that regional dynamics may have strong affects on government policies toward their citizens. The unanticipated role that regional NGO's play in the compliance story should also be examined further. Do autocrats work with NGO's as part of the signaling game, or are massive human rights abusers like Rakhmonov in Tajikistan seeking to make legitimate changes domestically?

In the short term commitment to global human rights agreements may constitute little more than cheap talk. Both autocrats and democrats ratify to signal for

aid. However, when the observation time is extended, an insincere initial commitment can lead to pervasive changes in domestic human rights practices. Further examination of these issues can potentially lead to significant and meaningful changes in securing the rights of citizens in autocracies.

REFERENCES

- Abazov, Rafis. 2003. "Independent Tajikistan: Ten Years Lost," in *Oil, Transition and Security in Central Asia*, ed. Sally Cumming, New York: Routledge Press.
- Ackali, Pinar. 2005. "Democracy and Political Stability in Kyrgyzstan," in *Prospects for Democracy in Central Asia*, ed. Birgit Schlyter, The Swedish Research Institute in Istanbul: Istanbul: 41- 58.
- Ahmadov, Anar. 2005. "Dividing the Caspian: Conflicting Geopolitical Agendas among Littoral States," in *Prospects for Democracy in Central Asia*, ed. Birgit Schlyter, The Swedish Research Institute in Istanbul: Istanbul: 147- 166.
- Akbarzadeh, Shahram. 1996. "Why Did Nationalism Fail in Tajikistan?" *Europe- Asia Studies*, v 48, n 7: 1105-1129.
- Alesina, Alberto and David Dollar. 1998. "Who Gives Foreign Aid to Whom and Why?" *NBER Working Paper* # 6612.
- Allen, William. 1999. "Gypsies Walled Off By Czechs," *The Sunday Herald*, 24 October.
- Allison, Roy. 2004. "Regionalism, Regional Security Structures and Security Management in Central Asia," *International Affairs*, v. 80, n.3: 463-483.
- Anderson, John. 1999. *Kyrgyzstan: Central Asia's Island of Democracy?* Harwood Academic Publishers: Amsterdam.
- Anderson, Kym and Richard Blackhurst, eds. 1993. *Regional Integration and the Global Trading System*. New York: St. Martin's Press.
- Anderson, Kym and Hege Norheim. 1993. History, Geography and Regional Economic Integration in *Regional Integration and the Global Trading System*, edited by Kym

Anderson and Richard Blackhurst, 19-51. New York: St. Martin's Press.

Apodaca, Clair and Michael Stohl. 1999. "United States Human Rights Policy and Foreign Assistance," *International Studies Quarterly* v. 43, n.1: 185-198.

Appel, Hillary. 2001. "Corruption and the Collapse of the Czech Transition Miracle," *East European Politics and Societies*, v. 3: 528-553.

Atkin, Muriel. 1997. "Thwarted Democratization in Tajikistan," in *Conflict, Cleavage, and Change in Central Asia and the Caucasus*, eds. Karen Dawisha and Bruce Parrot, Cambridge: Cambridge University Press.

Atkin, Muriel. 2002. "Tajikistan: A President and His Rivals," in *Power and Change in Central Asia*, ed. Sally Cummings, New York: Routledge Press.

Babak, Vladimir and Demian Vaisman. 2004. "Kyrgyz Republic," in *Political Organization in Central Asia and Azerbaijan*, ed. Vladimir Babak, Demian Vaisman and Aryeh Wasserman, Cummings Center: Portland, OR : 185-257.

Baehr, Peter. 1999. *Human Rights Universality in Practice*, New York: Palgrave.

Beck, Nathaniel, Jonathan Katz, and Richard Tucker. 1998. "Taking Time Seriously: Time-Series-Cross-Section Analysis with a Binary Dependent Variable," *American Journal of Political Science*, v. 42, n. 4: 1260-1288.

Bird, Graham, Mumtaz Hussain and Joseph Joyce. 2004. "Many Happy Returns? Recidivism and the IMF," *Journal of International Money and Finance*, v. 23: 231-251.

Blank, Stephen. 2005. "For a Transition to Democracy in Central Asia," in *Prospects for Democracy in Central Asia*, ed. Birgit Schlyter, The Swedish Research Institute in Istanbul: Istanbul: 3- 20.

Boeri, Tito and Michael Burda. 1996. "Active Labor Market Policies, Job Matching and the Czech Miracle," *European Economic Review*, v.40: 805-817.

Box-Steffensmeier, Janet and Bradford S. Jones. 1997 "Time is of the Essence: Event History Models in Political Science," *American Journal of Political Science* v. 41, n. 4: 1414-1461.

Brenninkmeijer, Olivier. 1997. "International Concern for Tajikistan: UN and OSCE Efforts to Promote Peace-Building and Democratization," in *Tajikistan: The Trials of Independence*, eds. Mohammad-Reza Djalili, Frederic Grare and Shirin Akiner, St Martin's Press: New York: 180-216.

Burke, Justin. 1992. "Afghan Arms and Mujahideen Slip Past Border Guards and into the Tajik Civil War," *Christian Science Monitor*, September 24.

Burkeman, Oliver. 2002. "US Fails to Block Torture Convention," *Manchester Guardian Weekly*, 7 August.

Cahn, Claude, Program Director for the European Roma Rights Center, telephone interview, 14 July 2006.

Camp, Keith Linda. 1999. "The United Nations International Covenant on Civil and Political Rights: Does it Make a Difference in Human Rights Behavior?" *Journal of Peace Research*, v.36: 95-118.

Campbell, Donald and H. Lawrence Ross. 1968. "The Connecticut Crackdown on Speeding: Time-Series Data in Quasi-Experimental Analysis," *Law and Society*, v. 3: 33-53.

Cingranelli, David L. and Thomas E. Pasquarello. 1985. Human Rights Practices and the Distribution of US Foreign Aid to Latin American Countries, *American Journal of Political Science*, v. 29, n. 3: 539-563.

Cleves, Mario, William Gould and Roberto Gutierrez. 2004. *An Introduction to Survival Analysis Using Stata*. College Station, Texas: Stata Press.

Cohen, Benjamin. 1997. The Political Economy of Currency Regions in *The Political Economy of Regionalism*, edited by Edward Mansfield and Helen Milner, 50-74. New York: Colombia University Press.

Collins, Kathleen. 2004. "The Logic of Clan Politics: Evidence from the Central Asian Trajectories," *World Politics*, n. 56: 224-61.

Connery, Joyce. 2000. "Caught between a Dictatorship and a Democracy: Civil Society, Religion and Development in Kyrgyzstan," *Praxis: The Development Journal of International Studies*, v. 16: 1-18.

Connolly, Kate. 1999. "Concrete and Steel to Wall in Gypsies: Czech Elite Surprised By Brussels Anger at Street Ghetto," *The Guardian*, 16 October.

Cook, Joe. 1997. "Czech Roma Seek Refuge in Canada," *The Financial Times*, 18 August.

Crosston, Matthew. 2006. *Fostering Fundamentalism: Terrorism, Democracy and American Engagement in Central Asia*. Ashgate Publishing: Burlington, Vermont.

Cummings, Sally. 2002. "Introduction: Power and Change in Central Asia," in *Power and Change in Central Asia*: New York: Routledge Press.

Dadabaev, Timur. 2005. "Water Politics and Management of Trans-Boundary Water Resources in Post-Soviet Central Asia," in *Prospects for Democracy in Central Asia*, ed. Birgit Schlyter, The Swedish Research Institute in Istanbul: Istanbul: 41- 58.

Damrosch, Lori Fisler. 1991. "International Human Rights Law in Soviet and American Courts," 2315 *Yale Law Journal*.

Deegan-Krause, Kevin. 2006. *Elected Affinities: Democracy and Party Competition in Slovakia and the Czech Republic*, Stanford, CA: Stanford University Press.

Deegan-Krause, Kevin. 2006. "Public Opinion and Party Choice in Slovakia and the Czech Republic," *Party Politics*, v. 6.

Deen, Tahlif. 1995. "United Nations: "U.N. Sanctions Bite Into European Countries Economies," *IPS- Inter Press Service*, 30 May 1995.

Deutsch, Karl. 1981. On Nationalism, World Regions and the Nature of the West in *Mobilization: Center-Periphery Structures and Nation Building*, edited by Per Torsvik, 51-93. New York: Colombia University Press.

Donnelly, Jack. 1986. "International Human Rights: A Regime Analysis," *International Organization*, v. 40, n. 3: 599- 642.

Downs, George W. and Michael Jones. 2002. "Reputation, Compliance and International Law," *Journal of Legal Studies*, v. 31: S95-S114.

Downs, George W., David M. Rocke and Peter N. Barsoom. 1996. "Is the Good News About Compliance Good News About Cooperation?" *International Organization*, v. 50, n. 3: 379-406.

Dudwick, Nora, Elizabeth Gomart, Alexandre Marc and Kathleen Kuehnast, eds. 2003. *When Things Fall Apart: Qualitative Studies of Poverty in the Former Soviet Union*; Washington D.C.: World Bank.

Dukenbaev, Askat and William W. Hansen. 2003. "Understanding Politics in Kyrgyzstan," *Demstar Research Report* No. 16.

Dukenbaev, Askat. Lecturer, Department of Politics, American University of Central Asia, 22 February 2007, telephone interview.

Eshmtova, Nadira. Director, Kyrgyz Youth Group for Human Rights, 17 April 2007, email interview.

European Union. 1992. *Treaty on the European Union*. (92/C 191/01). Available at: http://europa.eu.int/eur-lex/en/treaties/dat/EU_treaty.html

Fearon, James. 1994. "Domestic Political Audiences and the Escalation of International Disputes," *American Political Science Review*, v. 88, n. 3: 577-592.

Fearon, James. 1997. "Signaling Foreign Policy Interests: Tying Hands Versus Sinking Costs," *The Journal of Conflict Resolution*, v. 41, n. 1: 68-90.

Finnemore, Martha. 2001. International Organizations as Teachers of Norms: The United Nations' Educational, Scientific, and Cultural Organization and Science Policy in *International Institutions: An International Organization Reader*, edited by Lisa L. Martin and Beth A. Simmons, Cambridge: MIT Press. 65-98.

Finnemore, Martha, and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change," *International Organization* v. 52, n. 4: 887- 917.

Gafarly, M.S. V.D. Chernikov and N.N. Semenova. 2001. "The Economic Crisis [in Tajikistan]," in *Central Asia: Political and Economic Challenges in the Post-Soviet Era*, Ed. Alexei Vassiliev. London: Saqi Books.

Ghosn, Faten, Glenn Palmer, and Stuart Bremer. 2004. "The MID3 Data Set, 1993–2001: Procedures, Coding Rules, and Description." *Conflict Management and Peace Science*, v. 21:133-154.

Gleason, Gregory. 1993. "Why is Russia in Tajikistan?" *Comparative Strategy*, v. 20, n. 1: 77-89.

Gleditsch, Kristian and Michael Ward. 2003. "Diffusion and the International Context of Democratization," Paper prepared for the Conference on the International Diffusion of Democracy and Markets, University of California, Los Angeles, 7-8 March 2003.

Gleditsch, Kristian and Michael Ward. 2000. "War and Peace in Space and Time: The Role of Democratization," *International Studies Quarterly*, v. 44: 1-22.

Gleditsch, Kristian S. 2002. *All International Politics is Local: The Diffusion of Conflict, Integration, and Democratization*, Ann Arbor: University of Michigan Press.

Goldstein, Judith, Miles Kahler, Robert Keohane, Anne-Marie Slaughter. 2000. "Introduction to Legalization and World Politics," *International Organization*, v. 54, n. 3: 385-399.

Gornostayev, Dmitry and Viktor Sokolov. "Moscow Assumes Stricter Methods of Struggle for Compatriots' Rights in Baltic Countries," *Nezavisimaya Gazeta*, translation in *Russian Press Digest*, 14 March 1998; 1-6.

Gosztonyi, Kristof. 2003. "Non-existent states with strange institutions," Eds. Eds. Jan Koehler and Christoph Zurcher, "Potentials of Disorder," Manchester: Manchester University Press.

Grabot, Andre. 1995. "Tajikistan Gives Voters Only One Option: Take It or Leave It," *Agence France Presse* 26 February.

Grandits, Hannes, and Carolin Leutloff. 2003. "Discourses, actors and violence: the organization of war-escalation in the Krajina region of Croatia 1990-91," Eds. Jan Koehler and Christoph Zurcher, "Potentials of Disorder," Manchester: Manchester University Press.

Graubner, Cornelius. 2005. "Kyrgyzstan: Mapping the Shadow State: The Informal Political Economy Before the Tulip Revolution," Field Research Report. Available online at: http://72.14.253.104/search?q=cache:oObiqpKUcBEJ:www.oei.fu-berlin.de/en/cscca/downloads/cg_pub_report_kyrgyzstan.pdf+Graubner,+Cornelius&hl=en&ct=clnk&cd=2&gl=us

Green, Peter. 1998. "2 Czech Cities to Wall off their 'Problematic' Gypsies," *International Herald Tribune*, 25 May.

Gridveva, Galina and Valery Zhukov. 1999. "US to Provide Seed Grain to Tajikistan to Support its Farms," *ITAR-TASS News Agency* 2 August.

Gurgen, Emine, Harry Snoek, Jon Craig, Jimmy McHugh, Ivailo Izvorski and Ron von Rooden. 1999. *Economic Reforms in Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan*, International Monetary Fund Publication Services: Washington D.C.

Hafner-Burton, Emilie and Kiyoteru Tsutsui. 2005. "Human Rights in a Globalizing World: The Paradox of Empty Promises," *American Journal of Sociology*, v. 110: 1373-1411.

Hathaway, Oona. 2002. "Do Human Rights Treaties Make a Difference," *Yale Law Journal*, v. 111, n. 8 : 1395- 2024.

Hashimoto, Hidetoshi. 2004. *The Prospects for a Regional Human Rights Mechanism in East Asia*. New York: Routledge Press.

Haughton, Tim. 2001. "HZDS: The Ideology, Organization and Support Base of Slovakia's Most Successful Party," *Europe-Asia Studies*, v. 53, n. 5: 745-769.

Heckelman, Jac and Stephen Knack. 2005. "Foreign Aid and Market Liberalizing Reform," *Policy Research Working Paper #3357*, World Bank Development Research Group Public Services Group: Washington D.C.

Hilde, Paal Sigurd. 1999. "Slovak Nationalism and the Break-up of Czechoslovakia," *Europe-Asia Studies*, v. 51, n. 4: 647-665.

Hillman, Richard S., John A. Peeler and Elsa Cardozo Da Silva, ed. 2004. *Democracy and Human Rights in Latin America*. Westport: Praeger Publishers.

Hodge, Warren. 1 January 2006. "Officials at U.N. Seek Fast Action on Rights Panel," *New York Times*, A1. Available online at: www.newyorktimes.com.

Horowitz, Shale Asher. 2005. *From Ethnic Conflict to Still-Born Reform: The Former Soviet Union and Yugoslavia*, Texas A&M University Press: College Station.

Horsman, Stuart. 2001a. "Water in Central Asia: regional cooperation or conflict?" in *Central Asian Security: The New International Context*, ed. Roy Allison and Lena Johnson, Royal Institute of International Affairs, London.

Horsman, Stuart. 2001b. "Environmental Security in Central Asia," The Royal Institute of International Affairs- Russia and Eurasia Programme, *Briefing Paper Series*, n. 17.

Human Rights Watch. Press Release. "Opposition Mounting to US Arm-Twisting," 19 August 2002.

Huskey, Eugene. 1995. "The Rise of Contested Politics in Central Asia: Elections in Kyrgyzstan 1989-1990," *Europe-Asia Studies*, v. 47, n. 5: 813-833.

Huskey, Eugene. 1997. "Kyrgyzstan: The Fate of Political Liberalization," in *Conflict, Cleavages and Change in Central Asia*, Eds. Karen Dawisha and Bruce Parrot. Cambridge: Cambridge University Press.

Huskey, Eugene. 2002. "An Economy of Authoritarianism? Askar Akaev and Presidential Leadership in Kyrgyzstan," in *Power and Change in Central Asia*, Ed. Sally N. Cummings. London: Routledge Press.

Huskey, Eugene. Professor of Political Science, Stetson University, telephone interview, 28 February 2007.

Hyman, Anthony. 1993. "Moving out of Moscow's Orbit: the Outlook for Central Asia," *International Affairs*, v. 69, n. 2: 289-304.

Johnson, Lena. 2001. "Russia and Central Asia," in *Central Asian Security: The New International Context*, ed. Roy Allison and Lena Johnson, London: Royal Institute of International Affairs.

Jones, Colin. 1995. "An Awkward Question- Can Prime Minister Vladimir Meciar, Not Known as a Conciliator, Hold Together a Fragile Coalition?" *The Financial Times*, 1 March 1995.

Kahler, Miles. 2001. Legalization as Strategy: The Asia-Pacific Case in *Legalization and World Politics*, edited by Judith Goldstein, Miles Kahler, Robert Keohane, and Anne-Marie Slaughter, Cambridge: MIT Press.165-187.

Kalinichenko, L.N. and N.N. Semenova. 2001a. "The Economy of Kazakhstan," in *Central Asia: Political and Economic Challenges in the Post-Soviet Era*, Ed. Alexei Vassiliev. London: Saqi Books.

Kalinichenko, L.N. and N.N. Semenova. 2001b. "The Development of the [Turkmen] Economy in the 1990's," in *Central Asia: Political and Economic Challenges in the Post-Soviet Era*, Ed. Alexei Vassiliev. London: Saqi Books.

Katzenstein, Peter J. 1996. Introduction: Alternative Perspectives on National Security in *The Culture of National Security: Norms and Identity in World Politics*, edited by Peter Katzenstein, 1-32, New York: Columbia University Press.

Katzenstein, Peter J. 1997. Introduction: Asian Regionalism in Comparative Perspective in *Network Power: Japan and Asia*, edited by Peter Katzenstein and Takashi Shiraishi, 1-46. Ithaca: Cornell University Press.

Kaufman, Chaim and Robert Pape. 1999. "Explaining Costly Moral Action: Britain's Sixty-Year Campaign against the Atlantic Slave Trade," *International Organization* v. 53, n. 4.

Keck, Margaret, and Kathryn Sikkink. 1998. *Activists Beyond Borders*. Ithaca: Cornell University Press.

Kelley, Judith. 2004. *Ethnic Politics in Europe: The Power of Norms and Incentives*, Princeton: Princeton University Press.

Keyser, Jason. 1999. "Human Rights Experts Speak Up for Gypsies: Abuse of Gypsies Could Mean No NATO for European Countries," *The Washington Times*, 26 July.

Kolsto, Pal, Andrei Edemsky, Natalya Kalashnikova, 1993. "The Dniester Conflict: Between Irredentism and Separatism," *Europe-Asia Studies*, v. 6, n. 6: 973-1000.

Kosach, Grigorii. 2004. "Republic of Tajikistan," in *Political Organization in Central Asia and Azerbaijan*, eds. Vladimir Babak, Demian Vaisman and Aryeh Wasserman, Portland: Frank Cass Publishers.

Koschmann, Victor. 1997. Asianism's Ambivalent Legacy in *Network Power: Japan and Asia*, edited by Peter Katzenstein and Takashi Shiraishi, 83-112. Ithaca: Cornell University Press.

Kousser, Thad. 2005. *Term Limits and the Dismantling of State Legislative Professionalism*. Cambridge, New York: Cambridge University Press.

Kovalskii, V.F. 2001. "Democratic Declarations and Political Realities," in *Central Asia: Political and Economic Challenges in the Post-Soviet Era*, Ed. Alexei Vassiliev. London: Saqi Books.

Krasner, Stephen. 1991. "Global Communications and National Power: Life on the Pareto Frontier." *World Politics*, v. 43: 336-66.

Kupchan, Charles. 1997. The Case for a New Mitteleuropa in *The Political Economy of Regionalism*, edited by Edward Mansfield and Helen Milner, 209-238. New York: Colombia University Press.

Kuzmin, A.I. 2001. "Tajikistan: The Causes and Lessons of the Civil War," in *Central Asia: Political and Economic Challenges in the Post Soviet Era*, ed. Alexei Vassiliev.

Lake, David and Patrick Morgan. 1997. The New Regionalism in Security Affairs in *Regional Orders: Building Security in a New World*, edited by David Lake and Patrick Morgan, 3-19. University Park, The Pennsylvania State University Press.

Lambert, Caroline, Sharon Pickering and Christine Alder. 2003. *Critical Chatter: Women and Human Rights in South East Asia*. Durham: Carolina Academic Press.

Lebor, Adam. 1998. "Czech Cities Wall off Gypsy Ghetto," *The Independent*, 27 May.

Leff, Carol Skalnik. 1997. "The Czech and Slovak Republics: Nation versus State," Boulder Colorado: Westview Press.

Lutz, Ellen, and Kathryn Sikkink. 2001. International Human Rights Law and Practice in Latin America in *Legalization and World Politics*, edited by Judith Goldstein, Miles Kahler, Robert Keohane, and Anne-Marie Slaughter, 249- 275. Cambridge: MIT Press.

Luong, Pauline Jones. 2000. "After the Break-Up: Institutional Design in Transitional States," *Comparative Political Studies*, v. 33, n. 5: 563-592.

Makarenko, Tamara. 2002. "Crime, Terror, and the Central Asian Drug Trade," *Harvard Asia Quarterly*, v. 6, n. 3.

Malanczuk, Peter. 1997. *Akehurst's Modern Introduction to International Law*. New York: Routledge Press.

Mansfield, Edward, Jon Pevehouse and Emilie Hafner Burton. 2006. "Democratization and Human Rights Organizations," Paper prepared for the International Studies Association Conference, San Diego, CA, March 23-25.

Mansfield, Edward and Helen Milner. 1997. The Political Economy of Regionalism: An Overview in *The Political Economy of Regionalism*, edited by Edward Mansfield and Helen Milner, 1-19. New York: Colombia University Press.

Mansfield, Edward and Helen Milner. 1999. "The New Wave of Regionalism," *International Organization* v. 53, n. 3, Summer 589-627.

Martin, Alexis. 2000. "Development and Dialog in the Ferghana Valley," *SAIS Review* v. 20, n.1: 261-266.

Martin, Lisa and Kathryn Sikkink. 1993. US Policy and Human Rights in Argentina and Guatemala, 1973-1980 in *Double Edged Diplomacy*, edited by Peter Evans,

Harold Jacobson and Robert Putnam, 330-363. Berkeley: University of California Press.

Mearsheimer, John J. 1994. "The False Promise of International Institutions," *International Security*, v. 19, n. 3: 5-49.

Menon, Rajan. 1995. "In the Shadow of the Bear: Security in Post-Soviet Central Asia," *International Security*, v. 20, n. 1: 149-181.

Merogan, Nick. 2004. "The Critical Geopolitics of Uzbekistan- Kyrgyzstan Ferghana Valley Boundary Dispute," *Political Geography*, v. 23: 731-764.

Mitchell, Neil J. and James M. McCormick. 1988. "Economic and Political Explanations of Human Rights Violations," *World Politics*, v. 40, n. 4: 476-498.

Mohamed, Abdelsalam A. 1999. "Individual and NGO Participation in Human Rights Litigation before the African Court on Human and Peoples' Rights: Lessons from the European and Inter-American Courts of Human Rights," *Journal of African Law*, v. 43, n. 2: 201-213.

Moravcsik, Andrew. 2000. "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe," *International Organization* v. 54, n. 2, Spring 217-252.

Morgan, Patrick. 1997. Regional Security Complexes and Regional Orders in *Regional Orders: Building Security in a New World*, edited by David Lake and Patrick Morgan, 20-44. University Park, The Pennsylvania State University Press.

Mullojanov, Parviz. Executive Director of the Public Committee for Democratic Processes, 17 April 2007, email interview.

Naddelmann, Ethan. 1990. Global Prohibition Regimes: "The Evolution of Norms in International Society" *International Organization*, v. 44: 479-526.

Organization of American States. Charter of the Organization of American States. Buenos Aires: 27 February 1967.

Neumayer, Eric. 2005. "Do International Human Rights Treaties Improve Respect for Human Rights?" *Journal of Conflict Resolution*, v. 49: 925.

Neumayer, Eric. 2003. *The Pattern of Aid Giving: The Impact of Good Governance on Development Assistance*. New York: Routledge Press.

Niazov, Alisher. 1997. "Tajikistan Urges Donor Countries to Step-Up Aid," *ITAR-TASS Moscow*, translation in BBC Summary of World Broadcasts, 15 September.

Nogoibaeva, Elida. Head of Law Department, Lecturer of the Public and International Law, American University of Central Asia, 27 February 2007, email interview.

O'Loughlin, John, Michael Ward, Corey Lofdahl, Jordin Cohen, David Brown, David Reilly, Kristian Gleditsch, and Michael Shin. 1998. "The Diffusion of Democracy, 1946-1994," *Annals of the Association of American Geographers* 88(4): 545-574.

Organization of American States. American Convention on Human Rights "Pact of San Jose." San Jose, Cost Rica: 22 November 1969.

Panfilova, Viktoria. 1998. "Tajik's Will Receive No International Aid," *Nezavisimaya Gazeta*, translation in Russian Press Digest, 25 July.

Pannier, Bruce, Salimjon Aioubov and Soljida Djakhfarova, "Tajikistan: Peace Process in Crisis as UTO Suspends Activity," *RFE/RL* 27 May 1999.

Pasqualucci, Jo M. 2003. *The Practice and Procedure of the Inter-American Court of Human Rights*. Cambridge: Cambridge University Press.

Pastor, Gonzalo and Tatiana Damjanovic. 2001. "The Russian Financial Crisis and Its Consequences for Central Asia," *IMF Working Paper Series*, no. WP/01/169.

Peers, Steve. 1995. "From Cold War to Lukewarm Embrace: The European Union's Agreements with the CIS States," *The International and Comparative Law Quarterly*, v. 44, n. 4: 829-847.

Petros, Tiffany G. 2000. "Moving Forward: Roma in the Czech Republic," *Central Europe Review*, v. 2, n. 41.

Pevehouse, Jon. 2002. "With a Little Help from My Friends: Regional Organizations and the Consolidation of Democracy," *American Political Science Review*, v. 46, n. 3: 611-626.

Pevehouse, Jon C. 2000. *Democracy From Above? Regional Organizations and Democratization*. Dissertation The Ohio State University.

Poe, Steven C., and Rangsimma Sirirangsi. 1993. "Human Rights and Economic Aid to Africa," 18 *International Interactions*: 309.

Poe, Steven C. and Rangsimma Sirirangsi. 1994. "Human Rights and Economic Aid to Africa," *Social Science Quarterly*, v. 75.

Poe, Steven C., Suzanne Pilatovsky, Brian Miller and Ayo Ogundele. 1994. Human Rights and US Foreign Aid Revisited, *Human Rights Quarterly* v. 16, n. 3: 539-553.

Radim, Marada. 1998. "Party Realignment, Cloakroom Politics and Civic Culture: The 1998 Czech Elections," *East European Constitutional Review*, v. 7, n. 4.

Polat, Necati. 2002. *Boundary Issues in Central Asia*, New York: Transnational Publishers.

Ramirez, Francisco, Yasemin Soysal, and Suzanne Shanahan. 1997. The Changing Logic of Political Citizenship: Cross National Acquisition of Women's Suffrage Rights, 1890 to 1990," *American Sociological Review*, v. 62, n. 5: 735-745.

Ramirez, Francisco, John Meyer, Christine Wotipka, and Gili S. Drori. 2002. "Expansion and Impact of the World Human Rights Regime: Longitudinal and Cross-National Analyses Over the Twentieth Century," *NSF Grant Proposal*.

Ramirez, Francisco, Yasemin Soysal, and Suzanne Shanahan. 1997. The Changing Logic of Political Citizenship: Cross National Acquisition of Women's Suffrage Rights, 1890 to 1990," *American Sociological Review*, v. 62, n. 5: 735-745.

Reus-Smit. 1997. "The Constitutional Structure of International Society and the Nature of Fundamental Institutions," *International Organizations*, v. 51, n. 4: 555-589.

Reynolds, Bill. 1994. "Drinking in Slovakia's Depressing Commentary," *Prague Post*, 22 June.

Risse-Kappen, Thomas. 1996. Collective Identity in a Democratic Community: The Case of NATO in *The Culture of National Security: Norms and Identity in World Politics*, edited by Peter Katzenstein, 357- 99, New York: Columbia University Press.

Risse Thomas, Steve Rop, and Kathryn Sikkink. 1999. *The Power of Human Rights: International Norms and Domestic Change*, Cambridge: Cambridge University Press.

Rodrik, Dani. 1996. "Labor Standards in International Trade: Do They Matter and What Do We Do About Them? In Robert Lawrence, Dani Rodrik, John Whalley (eds.), *Emerging Agenda for Global Trade High Stakes for Developing Countries*. Baltimore: Johns Hopkins University Press: 35-79.

Rubin, Barnett R. 1994. "Tajikistan: From Soviet Republic to Russian-Uzbek Protectorate," in *Central Asia and the World*, ed. Michael Mandelbaum, New York: Council of Foreign Relations Press.

Rudolph, Christopher. 2001. "Constructing an Atrocities Regime: The Politics of War Crimes Tribunals," *International Organization*, v. 55, n. 3: 655-691.

Rumer, Boris. 2000. "In Search of Stability: Economic Crisis and Political Unity," *Harvard International Review*, v. 22, n.1: 44-48.

Sakwa, Richard and Mark Webber. 1999. "The Commonwealth of Independent States, 1991-1998: Stagnation and Survival," *Europe-Asia Studies*, v. 3, n. 1: 379-415.

Sanobar, Shermatova. 1993. "Opium is Busting through Borders," *Moscow News* (Russia), 17 September.

Saxonberg, Steven. 2003. *The Czech Republic before the New Millennium*, Boulder, CO: East European Monographs.

Siervers, Eric. 2002. "Water, Conflict and Regional Security in Central Asia," *New York University Environmental Law Journal*, v.10: 356-402.

Simmons, Beth. Unpublished. Why Commit? Explaining State Acceptance of International Human Rights Obligations. Paper prepared for meeting of the Conference on Delegation to International Organizations, 3-4 May, Brigham Young University.

Simmons, Beth. 2000. "International Law and State Behavior: Commitments and Compliance in International Monetary Affairs," *American Political Science Review*, v. 94, n. 4: 819-835.

Simmons, Beth and Zachary Elkins. 2003. Globalizing and Policy Diffusion: Explaining Three Decades of Liberalization in Governance in *A Global Economy: Political Authority in Transition*, edited by Miles Kahler and David Lake. Princeton, NJ: Princeton University Press.

Simon, Jeffery. 1997. "The IFOR/SFOR Experience: Lessons Learned from the PFP Partners," *Strategic Forum*, n. 120, (July).

Simon, Jeffery. 2005. "NATO Expeditionary Operations: Impacts upon New Members and Partners," Institute for National Strategic Studies, Occasional Paper Series.

Simons, Marlise. 2003. "Sharon Faces Trial After Term Ends." *New York Times* 13 February: Foreign Desk.

Smekal, Hubert. Email interview. 1 August 2006.

Smith, Peter H. 1996. *Talons of the Eagle: Dynamics of U.S.- Latin American Relations*. 2nd ed. New York: Oxford University Press.

Sneider, Daniel. 1993. "Central Asians to Build Own Common Market," *Christian Science Monitor*, January 7.

Spector, Regine. 2004. "The Transformation of Askar Akaev, President of Kyrgyzstan" *Berkeley Program in Soviet and Post-Soviet Studies Working Paper Series*.

Starr, Harvey and Christina Linborg. 2003. "Democratic Dominoes Revisited: The Hazards of Governmental Transitions, 1974-1996," *The Journal of Conflict Resolution*, v. 47, n. 4: 490-519.

Steiner, Henry J. and Philip Alston. 1996. *International Human Rights in Context: Law, Politics, and Morals*, Oxford: Clarendon Press.

Stone, Randall W. 2004. "The Political Economy of IMF Lending in Africa," *American Political Science Review*, v. 98, n. 4: 577-591.

Svensson, J. 1999. "Aid, Growth and Democracy," *Economics and Politics*, v. 11: 275-97.

Tucker, Aviezer, Karel Jakes, Marian Kiss, Ivana Kupcova, David Ondracka, Jan Outly, and Vera Styskalikova. 2000. "From Republican Virtue to Technology of Political Power: Three Episodes of Czech Nonpolitical Politics," *Political Science Quarterly*, v. 115, n. 3: 421-445.

United Nations General Assembly. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. New York: GA Resolution 39/46 of 10 December 1984.

United Nations General Assembly. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. New York: GA Resolution 54/263 of 25 May 2000.

United Nations General Assembly. International Convention Against Apartheid in Sports. New York: GA Resolution 40/64 of 10 December 1985.

United Nations General Assembly. Convention on the Prevention and Punishment of the Crime of Genocide. New York: GA Resolution 260(A) III of 9 December 1948.

United Nations General Assembly. International Covenant on Civil and Political Rights. New York: GA Resolution 2200A (XXI) of 16 December 1966.

United Nations General Assembly. Optional Protocol to the International Covenant on Civil and Political Rights. New York: GA Resolution 2200A (XXI) of 16 December 1966.

United Nations. General Assembly. Universal Declaration of Human Rights. New York: GA Resolution 217A (III) of 10 December 1948.

United Nations. General Assembly. International Covenant on Economic, Social and Cultural Rights. New York: GA Resolution 2200A (XXI) 16 December 1966.

Velasquez Rodriguez v. Honduras. Inter-Am.Ct.H.R. (Ser. C) No.4 Decision of 28 July 1988. Text available at: http://www1.umn.edu/humanrts/iachr/b_11_12d.htm.

Von Stein, Jana. (2006). "Making Promises, Keeping Promises: Democracy, Ratification and Compliance in International Human Rights Law," paper on file with author.

Vreeland, James. 2003. *The IMF and Economic Development*, Cambridge: Cambridge University Press.

Vreeland, James. (unpublished). "CAT Selection: Why Governments enter into the UN Convention Against Torture," *Paper presented at UCSD PIA Symposium*, Winter 2004.

Welch, Matt. 1993. "Meciar Visits US to Improve Image, Secure Investment," *United Press International*, v. 16.

Wendt, Alexander. 1992. "Anarchy is What States Make of It: The Social Construction of Power Politics." *International Organization*, v. 46, n. 2: 391-425.

Williams, Andrew. 1999. "Conflict Resolution after the Cold War: The Case of Moldova," *Review of International Studies*, v. 25: 71-86.

Wotipka, Christine and Francisco Ramirez. (unpublished). "World Society and Human Rights: An Event History Analysis of the Convention on the Elimination of All Forms of Discrimination Against Women," *Paper presented at the 98th American Sociological Association*.