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The United Nations International Covenant on Civil and Political Rights: Does It Make A Difference in Human Rights Behavior?*

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Formal acceptance of international agreements on human rights has progressed to the point where currently over three-quarters of the UN member states are parties to the International Covenant on Political and Civil Rights. In fact, becoming a party to this covenant seems to be concomitant with joining the UN. Of the newly independent states in Eastern Europe and in the region of the former Soviet Union, only Kazakhstan, Tajikistan, Moldova, and Macedonia have not joined the treaty. This article tests empirically whether becoming a party to this international treaty (and its optional protocol) has an observable impact on the state party's actual behavior. The hypothesis is tested across 178 countries over an eighteen-year period (1976–93) and across four different measures of state human rights behavior. Initial bivariate analyses demonstrate some statistically significant differences between the behavior of states parties and the behavior of non-party states. However, this difference does not appear in the bivariate analysis that compares the states parties' behavior before becoming a party to the treaty with their behavior after becoming a party state. When the analysis progresses to more sophisticated multivariate analysis, in which factors known to affect human rights are controlled, the impact of the covenant and its optional protocol disappears altogether. Overall, this study suggests that it may be overly optimistic to expect that being a party to this international covenant will produce an observable direct impact.

Introduction

During the fifty years following the signing of the UN Charter, the body of international human rights law grew dramatically. The high level of formal acceptance of these international agreements suggests substantial progress towards universal recognition of human rights norms. However, the impact of the agreements on actual human rights behavior remains unclear. An optimist would expect that a state's ratification or

accession to these agreements would signal the state's willingness to be guided by the documents' principles, and an optimist would expect that the monitoring mechanisms of these documents would promote the implementation of these rights into national policy. In fact, the effectiveness of these instruments has been questioned by some scholars who emphasize that the monitoring mechanisms are inherently weak and that the instruments primarily serve promotional or socializing functions (Donnelly, 1989, 1986; Forsythe, 1985, 1991; Opsahl, 1995; Ramcharan, 1989; Robertson, 1981). Furthermore, scholars have shown that multiple internal factors contribute to a

* I would like to thank Steve Poe for comments and suggestions on earlier drafts of this manuscript. The data used in this study can be obtained from: <http://iws.ccccd.edu/lckeith/treatiesdata.html>.

state's behavior in regard to human rights (for example, see Davenport, 1995, 1996; Dixon & Moon, 1986; Henderson, 1991, 1993; Moon & Dixon, 1992; Mitchell & McCormick, 1988; Poe & Tate, 1994; Poe et al., 1996, 1997). It may be these extralegal factors, such as civil war or scarcity of economic resources, which make compliance with the international agreements difficult for some parties.

These caveats raise some vitally important questions for those who are concerned with the promotion and protection of human rights. Is the optimism generated by the evolution of international human rights law unrealistic? Are the efforts to get nations to formally accept these documents misdirected? Would it be better to direct efforts and resources towards changing the internal factors that either weaken the state's willingness to respect human rights or impede the state's ability to protect human rights? This study is a first effort to address these questions. I test empirically, for the first time, the hypothesis that becoming a party to an international human rights agreement makes a difference in a state's actual human rights behavior. Two types of statistical analysis provide the basis of the test. First, a statistical test of significance is performed on the difference of means in the human rights behavior of 178 states. This comparison is based on whether the states have or have not become parties to the UN International Covenant on Civil and Political Rights. A test of the difference in the parties' behavior before and after joining is also conducted. Second, a multivariate, pooled cross-sectional time-series analysis tests the impact of joining the agreement, while controlling for factors known to contribute most to human rights behavior.

The International Covenant on Civil and Political Rights

The contemporary history of the development of human rights goes back to the UN Charter. Even though the UN Charter has been described as 'a constitution without a bill of rights and with only a mention of human rights' (Forsythe, 1989: 10), the Charter does list among the UN's purposes, 'promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion'. Overall, its references to human rights are rather infrequent and vague and most of its provisions dealing with human rights are largely promotional or programmatic in character (Alston, 1995; Forsythe, 1991; Ramcharan, 1989; Steiner & Alston, 1996). This lack of specificity led to immediate efforts to rectify the problem. The first result of these efforts was the Universal Declaration of Human Rights, adopted in 1948 by the General Assembly, which covers simultaneously a large range of economic, social and cultural rights as well as traditional civil and political rights. This document served as a springboard for the two principal international human rights treaties that were opened for signature in 1966 and went into force in 1976: the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights.

The Civil and Political Rights Covenant includes and elaborates upon most of the parallel rights enumerated in the Universal Declaration. While it does not include the right to own property or the right to asylum, it does include additional rights such as the right to self-determination and certain cultural rights for ethnic, religious, and linguistic minorities (Weston, 1992). The covenant establishes a Human Rights Committee of eighteen elected experts who

study reports of the individual state's efforts to guarantee the rights included in the covenants. The committee also has the power to investigate and make recommendations concerning one state party's allegations about another state party's violation of the treaty; however, this power is contingent upon both states' expressed recognition of the committee's power to do so.¹ If the states have joined the Optional Protocol, the committee may also make recommendations based on complaints from individuals. The Economic, Social, and Cultural Rights Covenant includes and elaborates on most of the parallel rights which were enumerated in the Universal Declaration; however, this covenant generally requires only that the states parties take steps *towards* achieving the rights recognized in the covenant. As with the political rights covenant, this covenant also requires that the states parties make reports of their progress in working towards achieving these rights. As of January 1998, 140 states had ratified, acceded, or succeeded to the International Covenant on Civil and Political Rights and 92 states had ratified or acceded to the Optional Protocol. In addition, 137 states had ratified, acceded, or succeeded to the International Covenant on Economic, Social, and Cultural Rights.² Thus, close to three-quarters of the world's nation-states have legally recognized a comprehensive set of human rights and have pledged to take appropriate action to protect or provide these rights.

While each of these documents is important in the overall progress of international human rights law, I have chosen for this initial effort to focus on the impact of the International Covenant on Civil and

Political Rights (ICCPR). Both theoretical and practical considerations drive this choice. The Universal Declaration of Human Rights was not chosen for the analysis because the formal acceptance of this resolution has been nearly universal, and thus would offer too little variance for statistical analysis. While the International Covenant on Economic, Social and Cultural Rights, arguably, is as important as the International Covenant on Civil and Political Rights as a human rights document, it was not chosen because of the significant caveat that states are only required to make some effort (relative to their available resources) to move *towards* achieving these rights. Additionally, the broad range of rights promoted in this agreement is much more difficult to measure objectively than are the civil and political rights that are guaranteed in the ICCPR. Finally, from the perspective of political science, my goal is to add to the growing body of comparative literature that has focused on explaining one of the severest forms of human rights abuse, the abuse of personal integrity rights – rights which are clearly protected in the International Covenant on Civil and Political Rights. This study is a first effort to explore the impact of law, domestic or international in a global study of personal integrity abuse.

The Covenant's Implementation Mechanisms

The two primary mechanisms of the covenant are its reporting procedures and its interstate complaints procedures. Article 40 of the International Covenant on Civil and Political Rights requires that states parties submit reports to the Human Rights Committee on 'the measures they have adopted which give effect to the rights recognized [in the covenant] and on the progress made in the enjoyment of those

¹ As of July 1996, only 45 states had made this declaration under Article 41.

² The list of parties to the covenants do not completely overlap. Two states have joined the ICESC but not the ICCPR: Guinea Bissau and the Solomon Islands. Five states have joined the ICCPR but not the ICESC: Belize, Haiti, Mozambique, Thailand, and the USA.

rights'. The committee then examines the reports and submits general comments to the states parties. Article 41 provides the option of an interstate complaint mechanism, but before states parties may file a complaint against another state party, both states must have exercised the option of making a declaration of their recognition of the committee's jurisdiction to consider interstate communications. The Covenant's Optional Protocol, adopted as a second treaty and also entering into force in 1976, provides procedures by which individuals may petition the Human Rights Committee in regards to violations of their rights under the covenant. Scholarly evaluation of these procedures has been somewhat pessimistic.

Scholars have questioned the value of the reports on several dimensions. First, because the reports are filed by the state's own officials, it is rather unlikely that the reports will be totally objective accounts of the state's behavior (Robertson, 1981; Steiner & Altson, 1996). In fact some reports, such as those of the Soviet Bloc states, have made claims to human rights protection that were almost certainly exaggerated, and other reports comprise meaningless extracts of constitutional provisions rather than reports of actual state behavior (Donnelly, 1986, 1989). Second, scholars point to the large number of states that remain delinquent or that, at some point, have been late in filing their reports to the committee (Donnelly, 1986, 1989; Opsahl, 1995). The Human Rights Committee's 1996 report noted that at that time 86 states (two-thirds of the states parties) were in arrears on their reports.³ Some state reports are more than twelve years overdue. According to the 1996 report, 14 states parties were overdue on two or more reports as of July 1996. For example,

the committee reports list that Syria has three reports overdue (one report twelve years overdue) and that Gambia and Suriname each have three reports overdue (one report each over eleven years overdue), despite over 20 reminders from the committee.⁴ Despite these instances of late reports, the majority of states parties generally *have* cooperated and have taken their reporting obligations seriously, with many of them producing substantially improved reports over their initial efforts (McGoldrick, 1991; Opsahl, 1995).

The impact of the committee's examination of the reports and subsequent comments has also been questioned. Rather than dealing with individual or specific violations, the committee is authorized to address comments to the states parties generally. More importantly, the committee cannot compel states to take action in response to its comments (Donnelly, 1986; Opsahl, 1995; Robertson, 1981). However, the examination process usually extends over several sessions, in which state representatives sometimes must field hundreds of questions – thus proving to be a more substantive process than the reports themselves (Opsahl, 1995). As Donnelly (1986: 610) has noted, the questioning during these sessions often is penetrating, and 'the state representatives often are fairly responsive; and the questioning, by diplomatic standards at least, is neither excessively deferential nor merely *pro forma*'. The fact that all states have sent representatives to participate in these sessions demonstrates the seriousness with which the states view the committee and this process (McGoldrick, 1991: 500). While McGoldrick has observed that it is very difficult to provide 'positive evidence

³ By January 1998, the Office of the High Commissioner for Human Rights had posted on its web-page (www.unhchr.org) a list of 94 countries that were currently delinquent in submitting a total 137 reports.

⁴ Other delinquent states include Kenya and Mali which also have three reports overdue with one report each at least ten years overdue. Jamaica has two overdue reports, one at least ten years overdue. Guyana and the Democratic People's Republic of Korea has two overdue reports, one that is at least nine years overdue.

that the existence of the Covenant and the work of the HRC is having any concrete and positive effect on human rights positions in the States parties', he noted that 'many of the State representatives that have appeared before the HRC have stated that the Covenant and the work of the HRC have played an important role at the national level' (McGoldrick, 1991: 504). Even Donnelly, who remains skeptical of the agreement's impact, concedes that in some instances, the process may have provided parties an occasion for 'genuine review and reexamination of national laws, policies, and practices' or may have led to at least minor changes in national law (Donnelly, 1986: 610).

The committee's examination of interstate complaints under Article 41, which in the original draft of the covenant was intended to be the principal mechanism of implementation, ultimately was reduced to an optional procedure that requires both state parties to declare recognition of the committee's power to consider such complaints (Robertson, 1981). Even though 45 states had made declarations as of July 1996, the procedure has not yet been used (Human Rights Committee, 1996). Furthermore, because of the fragile nature of interstate relationships, it is most likely that procedure will not be used at all (Opsahl, 1995: 420).

The Optional Protocol to the Covenant represents a significant advance for the international protection of human rights in that states parties 'recognize the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by the State Party on any of the rights set forth in the Covenant'.⁵ The committee is required to inform the state of the com-

plaint and the state then is given up to six months to respond to the committee with written clarification or explanations and notification of remedies, if any have been taken. The committee examines the complaint and the state's communications in closed meetings and subsequently forwards its 'views' to the relevant states and individuals.⁶ In practice, the committee has made public the text of its final decisions. The individual complaints procedure has been criticized because it lacks a follow-up procedure by which the committee's views are translated into a binding decision. Instead, under the Protocol, the case is effectively closed once the committee's communications are forwarded to the parties. The only pressure on the state party to comply with the committee's views must come from the moral authority of the committee and the publicity generated by the process, and to date, the committee has not been able to generate much public interest or awareness (McGoldrick, 1991; Opsahl, 1995). Additionally, the effectiveness of the protocol has been questioned because the entire individual complaints process relies on the individual's ability to get information to the committees – which would tend to require the unlikely cooperation of the offending state itself. Of course, from a practical standpoint, the states most likely to abuse human rights are the ones that the least likely to become a party to the protocol (Donnelly, 1986: 611).

Thus, in the assessment of the covenant and its protocol, it appears that on the one hand there is a general consensus that the main weakness of these treaties is that they contain only limited implementation power which relies on voluntary compliance. On the other hand, there also is consensus that the strength of the international agreement

⁵ The Protocol requires that individual must have exhausted all domestic remedies and that there is not simultaneously another investigation of the complaint under another international procedure (Opsahl, 1995; Robertson, 1981).

⁶ According the July 1996 Report of the Human Rights Committee, 716 communications against a total 51 countries had been received at that time.

lies in its ability to declare international norms of human rights, its ability to generate information about state human rights policies and actual behavior, and its ability to direct world attention to abuses. Whether the strengths of the covenant are substantial enough to produce an observable impact on actual human rights behavior remains unknown. The following analysis attempts to assess empirically these conflicting expectations.

Analysis of the Difference in Human Rights Behavior in Party-States and Non-Party States

If human rights agreements do make a difference, we would expect that the impact of formal acceptance of the International Covenant on Civil and Political Rights would be found in two comparisons. First, states that are parties to the covenant would be more respectful of human rights than states that have not become parties to the treaty. Second, after becoming a party to the agreement, the behavior of the state would improve over its own former behavior. The formal and highly visible commitment should make the state more willing to improve its performance. In addition, the reporting and recommendations procedures of the instrument could provide additional information that would help the state evaluate and improve its behavior. Even if a state that already respected human rights at a high level became a party to the agreement for symbolic purposes, we still might expect that the heightened visibility and the reporting procedures would help the country continue to monitor and improve its behavior.⁷

Conversely, several arguments could be

made to support the null hypothesis that becoming a party to the agreement would not result in a significant difference in behavior. First, as we have already discussed, it could be argued that the implementation mechanisms of this covenant are too weak to bring about the compliance of unwilling regimes (Donnelly, 1989; Farer, 1987). Second, we would not expect a difference in behavior should a state formally join the agreement for reasons other than actually intending to change its behavior. For example, a state may join the agreement to deflect foreign criticism (Forsythe, 1985), or the state may be coerced into joining the agreement by more powerful nations (Donnelly, 1989). Third, internal factors may interfere with the state's intentions to respect human rights. These factors might include variables such as international and civil war or population and economic constraints – factors which have been shown to negatively affect human rights protection (Davis & Ward, 1990; Henderson, 1991, 1993; Mitchell & McCormick, 1988; Poe & Tate, 1994).

Groups of Comparison

The groups whose behavior I wish to compare are (i) those states which have become a party to UN International Covenant on Civil and Political Rights and (ii) those states which have not. The International Covenant on Civil and Political Rights was adopted by the General Assembly of the UN on 16 December 1966 and entered into force on 23 March 1976. As noted earlier, 140 states are currently parties to this treaty. Appendix A lists the parties to the treaty for the time-period

human rights would be the most willing to join the treaty. If a statistically significant difference is found, which holds up even in a multivariate model, then there are statistical tools to help deal with the concern over the direction of causality – for example, Granger causality tests (Freeman, 1983).

⁷ If a difference in the behavior of states parties and non-party states is observed, the assumptions about the direction of causality may be problematic and should be addressed. It is possible that the states that already respect

under study (a total of 125 parties). In this analysis, states that either have formally ratified or have made accession to the treaty have been coded as states parties to treaty (1). Those states that have not taken any form of legal action toward the treaty have been coded as (0). Additionally, those states that have signed but have never formally ratified the treaty are non-party states because the treaties are not legally binding upon them.

The Optional Protocol to the International Covenant on Civil and Political Rights was adopted separately but entered into force on the same day as the full covenant. This agreement is included in this analysis because presumably adherence to this document would signal an even stronger commitment to human rights and because adherence to this document would make the state subject to more comprehensive reporting and complaints procedures. As noted earlier, 92 states are currently parties to the Optional Protocol. Appendix B lists the parties to this treaty during the time period under study (a total of 73 states). The coding for this document follows identically the rules previously described for the main document.

Measures of Human Rights Behavior

For this study, the perfect measure of human rights behavior might include an indicator of *each* right that is protected in this treaty. According to a list prepared by Donnelly (1993: 9), the International Covenant of Civil and Political Rights protects a total of 27 rights categories. These rights range from the right to life to the right of protection against debtor prison, from the right to protection against slavery to the right of special protection for children, and from the right of protection against torture to the right to marry and raise a family. It would be extremely difficult to gather data that could adequately measure *each* of these of rights. However, political scientists have developed

two standards-based indices that are believed to be an acceptable measure for this study: the Freedom House Political and Civil Rights indices (McColm, 1990) and Stohl et al.'s Personal Integrity measure (Gibney & Stohl, 1988; Gibney et al., 1992; Henderson, 1991, 1993; Poe, 1991, 1992; Poe & Sirirangsi, 1993, 1994; Poe & Tate, 1994; Poe et al, 1997; Stohl & Carleton, 1985; Stohl et al., 1984, 1986). Using both of these sets of measures to test my hypothesis will allow for cross-validation.

The Personal Integrity measure gathered by Stohl et al. includes a narrow set of human rights violations: political imprisonment, torture, and killings or disappearances. While this measure does not fully cover the rights promoted under the covenant, this measure focuses on the rights that are considered to be the most 'egregious and severe crimes against humanity', and the ones that represent abuses that 'are the sort that usually can be avoided' (Poe & Tate, 1994: 854).⁸ More importantly, this index covers the core guaranteed rights – those that would have to be fulfilled in order for the provision of the other rights to be meaningful.⁹ Stohl et al.'s Personal Integrity data,

⁸ The personal integrity measures cover the following rights which are included in the International Covenant on Civil and Political Rights: (i) life, (ii) liberty and security of person, and (iii) protection against arbitrary arrest and detention.

⁹ Political scientists have used other measures that are judged to be less appropriate for this analysis than the measures I have chosen. Several studies have used the Taylor & Jodice (1983) negative sanctions measure (Alfarooni & Allen, 1991; Blasi & Cingranelli, 1994, 1995; Davenport, 1995, 1996; Davis & Ward, 1990; Hibbs, 1973; Muller, 1985). While these data would offer the advantage of particularly long time-frame (1948–82), the 35-year time-frame would only encompass seven years during which the covenant is in force and would entirely exclude the post Cold War period. Additionally, the data cover an unrepresentative sample of countries. More importantly, these data are events counts, and as Stohl et al. (1986: 597) note, a count of reported actions may not give a valid rating of the overall or general human rights abuse since because a measure cannot take into account unreported events or the fact that the effectiveness of past repression may eliminate the need for future abuse.

Political scientists have developed two other standards-

as added to by Poe & Sirirangsi (1993, 1994); Poe & Tate (1994); and Poe et al. (1997) will be used for this study. These data comprise two standards-based variables that follow Gastil's (1980) conceptualization.¹⁰ One variable is based on the reading

based measures of personal integrity rights. Mitchell & McCormick (1988) and McCormick and Mitchell (1988, 1989) use five-point ordinal scales to measure separately two dimensions of political repression: (i) the frequency of political imprisonment and (ii) the frequency of torture and killing (as reported in Amnesty International reports). Mitchell & McCormick (1988: 484) choose to analyze the dimensions separately because they believe that incorporating different dimensions of behavior into a single measure 'inadequately captures the substantive difference' in the behaviors. While this approach seems to present an advantage over studying a multidimensional measure, it has a serious flaw in that measuring the dimensions separately does not take into account the fact that these behaviors are substitutable policy options (see Most & Starr, 1989: 97–132). For example, regime decisionmakers that choose to kill their political opposition will not likely need to imprison them. Additionally, this measure does not take into account other behaviors that may also be substitutable for imprisonment – such as disappearances. Furthermore, as Poe and Tate (1994: 855) point out, Mitchell & McCormick's two separate dimensions probably stem from the same single dimension: the 'regime's willingness to repress its citizens when they are considered a threat'.

Regan (1995) and Gartner & Regan (1996) measure five separate dimensions of political repression: disappearances, torture, arbitrary arrests, political prisoners, and political killings (as reported in Amnesty International reports). Each dimension is coded on a four-point ordinal scale and then summed into an index. This measure is also flawed because of possibility of policy substitutability. For example, a country which engages in political killings and disappearances rather than imprisonment may receive the worst ranking on killings (3) and disappearances (3). However, the high level of repression precludes the need for the state to engage in the other dimensions of repression, thus the state may earn zeros on the arbitrary arrests, political imprisonment, and torture scales. In such circumstances the state would earn a total score of six. At the same time another country may regularly make arbitrary arrests (3) and political imprisonment (3) but never commit the more egregious acts of torture and killing, thus earning a zero in these behaviors – for a total score of six. Obviously, these identical scores would *not* be measuring the same level of repression.

¹⁰ The countries are assigned a rating according to the following rules: (i) Countries [are] under a secure rule of law, people are not imprisoned for their views, and torture is rare or exceptional ... Political murders are extremely rare. (ii) There is a limited amount of imprisonment for nonviolent activity. However, few persons are affected, torture and beatings are exceptional ... Political murder is rare. (iii) There is extensive political imprisonment, or a recent history of such imprisonment. Execution or other political

of annual Amnesty International reports and the other is based on readings of the annual US State Department Country Reports on Human Rights. The variables measure the abuse of personal integrity rights on a scale of 1 to 5, with 1 representing states with the least amount of abuse and 5 representing states with the highest level of abuse. The analysis of these data will cover an eighteen-year period, 1976–93. These data provide the broadest sample of states (179) and cover the first eighteen years in which the covenant was in force (1976–93).

The Freedom House Civil Rights and Political Rights indices cover an almost equally extensive set of countries and provide a time frame that is comparable to the personal integrity measure. The Civil Rights index comprises a comprehensive list of thirteen civil liberties and the Freedom House Political Rights index includes nine criteria covering a broad range of political rights relating to elections, participation, and self-determination (McColm, 1990). A substantial number of the rights protected in the International Covenant on Civil and Political Rights are included in the Freedom House Political and Civil Rights index.¹¹

murders and brutality may be common. Unlimited detention, with or without trial, for political views is accepted. (iv) The practices of (iii) are expanded to larger numbers. Murders, disappearances are a common part of life ... In spite of its generality, on this level terror affects primarily those who interest themselves in politics or ideas. (v) The terrors of (iv) have been expanded to the whole population ... The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals (Gastil, 1980, quoted in Stohl & Carleton, 1985).

¹¹ The Freedom House political rights index covers the following rights which are included in the International Covenant on Civil and Political Rights: (i) political participation, (ii) self-determination, and (iii) freedom of assembly and association. The Freedom House civil liberties index covers the following rights which are included in the covenant: (i) equality of rights without discrimination, (ii) life, (iii) liberty and security of person, (iv) protection against slavery, (v) protection against torture and cruel and unusual punishment, (vi) protection against arbitrary arrest and detention, (vii) hearing before an independent and impartial judiciary, (viii) protection of privacy, family, and

The Freedom House indices are measured as a scale of 1 to 7, with 1 representing states with the most freedom. This measure is counter-intuitive in that the states with the highest level of freedoms receive the lowest scores, and this coding makes the discussion of this variable in the context of empirical analysis somewhat complicated. Some political scientists have dealt with this problem by inverting the variable so that the states with the highest level of freedom receive the highest score (Poe & Tate, 1994; Poe et al., 1997). Following this example, the indices are inverted in my analysis. The Freedom House indices have been criticized for being impressionistic and imprecise in their criteria (McCamant, 1981: 132). However, as Poe and Tate noted (1994), their statement of criteria has improved during the 1980s and, more importantly, it is believed to be the quality of presentation of the criteria that has actually varied rather than the criteria themselves, which are believed to have been consistent over the years. Eighteen years (1976–93) of Freedom House data are used in this analysis. Testing the hypothesis across both the personal integrity and the Freedom House indices should increase the validity of this analysis and strengthen confidence in the inferences drawn.

Data Analysis and Results

My first statistical comparison specifically tests the expectation that those states which have become a party to this treaty will respect human rights more than those states which have not legally accepted the document. For this analysis, a mean was calculated for each of the two groups (states parties and non-party states) on each measure of human rights behavior: Freedom

House (i) Political Rights and (ii) Civil Rights; and the Stohl et al. (i) State Department and (ii) Amnesty International based Personal Integrity Rights measures. For each of the four measures a *t*-test of statistical significance is performed on the difference of means of the two groups.

Table I reports the results of the analysis. The Freedom House measures of Political and Civil Rights for the period of 1976–93 are presented first. When the means of the states which are parties to the International Covenant on Civil and Political Rights (ICCPR) are compared with non-party states, it is found, on average, that the states parties to the treaty have levels of political and civil freedom which are almost one level better than non-party states – a mean difference of 0.83 on civil rights and 0.99 on political rights ($p < 0.001$). Parties to the treaty achieve a mean of 4.28 and 4.34 on civil and political freedoms, respectively; whereas, non-party states achieve means of 3.45 and 3.35. Furthermore, as we would expect, the states that are parties to the more stringent Optional Protocol exhibit the best levels of freedom (with a mean of 5.19 on each measure). Additionally, the difference of means based on becoming a party to the protocol is rather large, equal to between a 1.5 to 1.75 level difference (1.74 for civil rights and 1.82 for political rights). In addition to being substantively significant, each of the difference of means is statistically significant at least at the 0.001 level. The analyses of these two measures of freedom clearly indicate support for the hypothesis that parties to the International Covenant on Civil and Political Rights will behave better than non-parties.

However, the results of the difference of means tests for the Personal Integrity Rights measures, which are presented in the second half of Table I, do not as clearly support the hypothesis. The analyses of both the Amnesty International and State Department-based measures show that states parties

home, (ix) freedom of movement and residence, (x) marry and found a family, (xi) freedom of thought, conscience and religion, (xii) freedom of opinion, expression, and the press, (xiii) freedom of assembly and association, (xiv) free trade unions, and (xv) equal protection of the law.

Table I. Tests of the Differences of Means for Parties and Non-Parties of the International Covenant on Civil and Political Rights: 1976–93

<i>International Instrument</i>	<i>Parties^b</i>	<i>Mean for Non-Parties^b</i>	<i>Mean Difference</i>	<i>Level of Significance</i>
Freedom House Civil Rights ^a				
Covenant on Civil and Political Rights (ICCPR)	4.28 (1315)	3.45 (1523)	0.83	< 0.001
Optional Protocol for ICCPR	5.19 (683)	3.45 (2155)	1.74	< 0.001
ICCPR minus derogators	4.28 (1184)	3.51 (1653)	0.77	< 0.001
Freedom House Political Rights ^a				
Covenant on Civil and Political Rights (ICCPR)	4.34 (1315)	3.35 (1523)	0.99	< 0.001
Optional Protocol for ICCPR	5.19 (683)	3.37 (2155)	1.82	< 0.001
ICCPR minus derogators	4.31 (1184)	3.45 (1654)	0.86	< 0.001
Personal Integrity Rights based on State Department Country Reports				
Covenant on Civil and Political Rights (ICCPR)	2.24 (1281)	2.28 (1471)	– 0.04	< 0.21
Optional Protocol for ICCPR	1.98 (676)	2.35 (2076)	– 0.37	< 0.001
ICCPR minus derogators	2.14 (1150)	2.35 (1602)	– 0.21	< 0.001
Personal Integrity Rights based on Amnesty International Reports				
Covenant on Civil and Political Rights (ICCPR)	2.41 (1281)	2.47 (1471)	– 0.06	< 0.07
Optional Protocol for ICCPR	2.13 (676)	2.55 (2076)	– 0.42	< 0.001
ICCPR minus derogators	2.29 (1150)	2.55 (1602)	– 0.26	< 0.001

^a The Freedom House indices have been inverted so that higher scores indicate greater levels of freedom rather than lower levels of freedom.

^b *N* (number of nation-years) is in parentheses.

to the ICCPR do exhibit a lower level of personal integrity abuse than non-party states, but the differences are rather insubstantial (0.04 and 0.06). The difference of means using the State Department-based measure is statistically insignificant ($p < 0.21$); however, the difference of means using the Amnesty International measure is marginally significant at 0.07. As with the Freedom House based analysis, when the behavior of the parties to the Optional Protocol is compared with states that are not parties to the Protocol, the states parties do demonstrate a substantially better level of behavior (differences of 0.37 and 0.42) that are highly statistically significant ($p < 0.001$).

The lack of significant results with the

personal integrity measure suggest that the states parties group may have been contaminated by the inclusion of states parties who had made derogations from the covenant. Article 4 enables states parties to ignore some of their human rights commitments during 'a time of public emergency which threatens the life of the nation'. Officially, these derogations only relieve states of certain obligations and only during a 'time of public emergency which threatens the life of the nation'. The states must officially inform the UN of its intention to use the clause, from which provisions it is derogating, and the reasons for the derogation. The states may not derogate from certain articles which protect rights such as the right

to life, freedom of thought, conscience, and religion, and the prohibition of torture, and slavery, but violations of non-derogable rights have been found in many cases (Fitzpatrick, 1994a,b; Sieghart, 1983).¹²

It may be that in these situations the regime perceives or experiences such a serious domestic or internal threat that it outweighs any previous international legal commitments. Sri Lanka and Peru are potential examples of these circumstances, with both of these states seeing a dramatic rise in domestic terrorist activity (by the Tamil United Liberation Front and *Sendero Luminoso*, respectively) and a concomitant rise in political repression. A separate analysis was conducted in which the states that derogated from the treaty were moved into the group of non-party states for the years in which they had officially notified the UN of their derogation. When this adjustment is made, the difference between states parties and non-party states personal integrity abuse increases substantially (mean differences of 0.26 and 0.21 on Amnesty International and State Department measures respectively) and become statistically significant at acceptable levels ($p < 0.001$). This result points out a substantively important and unfortunate consequence of allowing this accommodation. Even though these derogations

should legally suspend only a limited set of rights, this analysis shows that the derogations have a significant impact on personal integrity abuse – which includes behavior such as torture, disappearances, and political killings – behavior that is *not* legally excused by derogation.

As a whole, the results of these analyses offer only moderate support for the hypothesis that states which are parties to human rights treaties respect human rights more than non-party states.¹³ The effect is much clearer when looking at the broad range of civil and political rights measured by Freedom House than when looking at the more limited set of personal integrity rights. While these analyses have been limited to comparing parties to the treaty with non-party states, a more direct analysis would compare a state's behavior prior to the joining the treaty with its behavior after becoming a party to the treaty.

Analysis of the State's Behavior Before and After Becoming a Party to the Treaty

The second set of analyses test whether there is an observable difference in a state's behavior after becoming a party to the treaty. A t -test of the difference of means

¹² The derogation clause in the Covenant on Civil and Political Rights has been used by states for prolonged periods of time, such as the nine year derogation period in which the UK (1976–84) claimed the need to derogate their obligations to the covenant due to 'campaigns of organized terrorism related to Northern Irish affairs which have manifested themselves in activities which have included murder, attempted murder, maiming, intimidation and violent civil disturbances and in bombing and fire-raising which have resulted in death, injury and widespread destruction of property' (the UK derogation notification, quoted in UN, 1987: 84). The derogations clause has also been used for relatively short periods such as a two-week period in Panama when the state experienced 'outbreaks of violence, clashes between demonstrators and units of defense forces, and incitement to violence by individuals and political groups resulting in personal injury and considerable material damage' (Panama's derogation notification, quoted in UN, 1987: 68).

¹³ To control for the possibility that the analysis might be confounded by the effects of the end of the Cold War, additional analyses were conducted in which the post Cold War period (1989–93) was separated from the Cold War period (1976–88). Overall, the results held across time periods. In a couple of instances the results were more extreme in the post Cold War period. For example, when analyzing the State Department and Amnesty International measures, the results the differences of means were much smaller and even more statistically insignificant. In addition, the difference of means in the analyses in which the derogators had been regrouped with the non-party states produced even larger differences that were more highly statistically significant. Again, this is a result that hints at the importance of internal threats and the ability to derogate from the treaty.

on each human rights score was conducted to compare each state party's behavior during the two years prior to becoming a party to the treaty with its behavior over four subsequent periods: (i) the first two years after joining the treaty; (ii) the first four years after joining; (iii) the third and fourth year after joining; and (iv) the sixth year after joining. Freedom House and Personal Integrity scores to cover these years were available for 45 states parties. In none of the comparisons did the states parties achieve a statistically significant higher score in the years after joining the treaty than in the years before. The differences in human rights scores are also substantively insignificant as well, with the differences on Personal Integrity scores ranging from 0.01 to 0.09 (on a five-point scale) and the differences on Freedom House scores ranging from 0.02 to 0.31 (on a seven-point scale). Clearly, this second test does not provide support for the hypothesis that human rights behavior improves significantly after becoming a party to the treaty. The lack of difference may be due to possibility that a state's change in behavior precedes its formal adherence to the treaty, especially if the state was involved in a long ratification process. However, the optimistic expectation was that the reporting procedures and committee recommendations would enhance even the state's ability to implement these rights. Still, the limitations of the data analysis prevent us from drawing firm conclusions. Both comparisons of means (party and non-party differences and before-and-after differences) provide only an initial exploration of the hypothesis that International Covenant on Civil and Political Rights makes a difference in human rights behavior. The next step is to explore the question in a full multivariate analysis, which can gauge the effect across both space and time.

A Multivariate Analysis Using A Pooled Cross-Sectional Time-Series Model

While the previous tests have offered an important initial exploration of the research hypothesis, these bivariate tests cannot account for the possibility of a distorting influence from other variables (Lewis-Beck, 1980: 47). Therefore, these results may not lead us to find a relationship between the treaty and human rights behavior when in reality there is a relationship. The next analysis employs a more sophisticated, multivariate model that allows the impact of the treaty to be isolated while accounting for factors previously shown to affect this subset of human rights. Poe and Tate's (1994) model of personal integrity abuse is the most comprehensive multivariate test of this behavior and so their model and data are used to test the hypothesis that the treaty has a positive impact on state behavior for the period of 1976–93. However, in addition to testing the model with the two personal integrity measures, I also test their model with the Freedom House civil rights measure as dependent variables.

Model of Human Rights Behavior

The small body of literature on human rights abuse suggests several theoretical expectations with respect to the circumstances under which such abuses are most likely to occur. Most of these expectations have been supported consistently by the early empirical analyses in this field. My model includes seven independent variables that have been shown to be statistically significant and at least somewhat substantively important factors in state personal integrity abuse. For each of these variables, I will briefly describe the theoretical expectations and subsequently specify how each concept is operationalized.¹⁴

¹⁴ The operationalization of the dependent variable and

Political Democracy

Students of political repression have posited three theories which suggest that democracy will decrease a government's use of political repression. First, Henderson (1991) argues that a higher level of democracy will make a government more responsive to its citizens and thus less likely to repress. Specifically, he argues that the 'democratic process, with its emphasis on bargaining and compromise, offers a meaningful alternative to handling conflict' (Henderson, 1991: 123–124). Second, Poe and Tate suggest that 'democracies provide citizens (at least those with political resources) the tools to oust potentially abusive leaders from office before they are able to become a serious threat' (Poe & Tate, 1994: 855). Democratic institutions and procedures, such as popular elections and an independent judiciary, may act both as a preventative and corrective mechanism against this abuse. Finally, Poe and Tate theorize that 'the freedoms that are essential to procedural democracy may make it easier for citizens and opposition leaders to publicize attempts at repression, thereby bringing down on would-be abusive leaders the weight of majority or world opinion' (Poe & Tate, 1994: 123–124).

When studying the relationship between human rights and democracy, political scientists must carefully define democracy in order to prevent a tautology in describing this relationship. Poe & Tate suggest that in order for democracy to 'function as an independent explanation for state terrorism and the abuse of personal integrity, it must be

defined in terms of procedures and rights that do not themselves preclude repression' and 'must be defined in terms that allow independent operationalization of the concept' (Poe & Tate, 1994: 856). Poe & Tate rely on Bollen's theoretical definition of *political democracy*, which is based on political rights such as fair and binding elections based on universal suffrage and political liberties such as free speech, free press, and freedom of opposition (Bollen, 1980). They suggest that Gurr's institutionalized democracy scores would be an ideal measure.

The Polity III dataset, which extend Gurr's democracy measure through 1994 (Jagers & Gurr, 1995), is one of the democracy measures employed here. Gurr operationalizes institutionalized democracy as an additive ten-point scale that evaluates the competitiveness of political participation in the country, the openness and competitiveness of executive recruitment, and the constraints which are placed on the chief executive.¹⁵

Freedom House's political rights index, which have been described previously, will serve as a second measure of democracy in the multivariate models using the personal integrity abuse measures.¹⁶ As Poe & Tate (1994) point out, this measure is not as ideal as Gurr's democracy measure because it may overlap slightly with the personal integrity measure since the second to last criterion deals with freedom from domination. Our confidence in the validity of these measures has been strengthened because the expected strong negative relationship has been observed consistently across these measures of democracy and across diverse measures of

the ICCPR variable has been described in previous sections. The ICCPR variable is tested as a contemporaneous impact rather than as a lagged impact. Theoretically, one would not expect a universal or continuous lagged effect. Instead one might expect that there would be an *initial* lag in the impact on behavior when the individual state first ratified or accepted the treaty – that it would take time to put in place the procedures necessary to guarantee these rights. The size of the lag would of course depend on individual political and institutional factors in each state.

¹⁵ For a full description of the measure see Jagers & Gurr (1995). The data used can be obtained from: <http://www.colorado.edu/IBS/GAD/spacetime/data/Polity.html>.

¹⁶ Only the Gurr democracy variable will be used in the model in which Freedom House Civil Rights is the dependent variable because the delineation between these two indices is much less clear.

political repression (Davenport, 1995; 1996; Henderson, 1991; Hibbs, 1973; Poe & Tate, 1994; Poe et al., 1997).¹⁷

Population Size

Henderson (1993) argues that a large-sized population may severely strain national resources and concomitantly leave the population's needs or expectations unfulfilled. The pressure to deal with these problems may tempt the government 'to resort to repression as a coping mechanism' (Henderson, 1993: 8). Additionally, Henderson argues that we must control for population size since the laws of probability would dictate that as the number of persons in a country grows so does the number of opportunities for repressive actions. Recent empirical evidence has supported Henderson's hypothesis (Davenport, 1995; Henderson, 1993; Poe & Tate, 1994; Poe et al., 1997). The natural logarithm of the total national population is used in the model in order to deal with the skewed distribution of the population data.

Economic Development

Expectations concerning economic development follow those of population size. Mitchell & McCormick (1988) and Henderson (1991) argue that social and pol-

itical tensions related to economic scarcity are likely to increase instability in the poorest countries and thus increase the probability that the regime would use repressive measures to maintain order; whereas, in wealthier countries the population will be satisfied and less likely to present a threat to order that would trigger repressive state action. Empirical evidence consistently has supported these theoretical expectations (Davenport, 1995; Mitchell & McCormick, 1988; Poe & Tate, 1994; Poe et al., 1997). Economic development is operationalized as the state's per capita GNP (in USD thousands).

Civil War Experience

A growing body of literature has demonstrated that governments faced with internal threats often resort to political repression to restore order. Although the literature on domestic threats has mainly focused on domestic threat or conflict as a dependent variable (Feierabend & Feierabend, 1972; Gurr, 1968, 1970; Gurr & Duvall, 1973; Jenkins et al., 1977; Lichbach & Gurr, 1981; McAdam, 1982; Perrow, 1977; Tilly, 1978), recent studies have demonstrated that domestic threat does increase the probability of state repression (Alfatooni & Allen, 1991; Davenport, 1995; Davis & Ward, 1990; Poe & Tate, 1994; Poe et al., 1996, 1997). Civil war, which poses the most serious domestic threat, is defined here following Small and Singer's guidelines for identifying instances of civil war: (i) 'the government, as the central authority in a country, must be involved as a direct participant in the war' and (ii) 'there must be effective resistance, that is, either both sides must be "organized for violent conflict" or 'the weaker side, although initially unprepared [must be] able to inflict upon the stronger opponents at least five percent of the number of fatalities it sustains' (Small & Singer, 1982: 215).

¹⁷ Henderson found a highly significant negative relationship between the abuse of personal integrity rights and a scale of democracy (based on the topology of Wesson, 1987) that ranged from stable democracies, insecure democracies, partial democracies, limited authoritarianisms, and absolutisms. Poe & Tate's analysis also found a strong negative relationship between personal integrity abuse and two measures of political democracy: Freedom House's political rights measure and Vanhanen's (1990) measure of democratization. Hibbs studies a different conceptualization of political repression – Taylor & Jodice's negative sanctions (Taylor & Jodice, 1983) – and still the strong negative relationship with democracy holds, in this case democracy was operationalized as elite electoral accountability. Davenport's analyses of the relationship between negative sanctions and Banks' (1992) political polyarch and pluralism measures have also supported the previous findings. Additionally, Davenport has found that the specific procedural guarantee of a free press also reduced the likelihood of negative sanctions.

International War Experience International war is yet another serious threat which may compel regimes to resort to political repression as a tool to maintain domestic order during a state of emergency (see Gurr, 1986). A growing body of empirical evidence has supported this hypothesis (Poe & Tate, 1994; Poe et al., 1997; Rasler, 1986). International war is operationalized following Small and Singer's guidelines whereby an international war is one in which '(1) there was a total of a thousand or more battle deaths suffered by all of the participants in the conflict, [and] (2) the particular country suffered at least a hundred fatalities or had a thousand or more personnel taking part in the hostilities' (Small & Singer, 1982: 50–55).

British Cultural Influence Mitchell & McCormick argue that the colonial experiences, which shape the political culture of most states, may impact the state's respect for human rights. In particular, they note that British colonial rule is strongly associated with the development of post-colonial democracies; whereas other colonial experiences, which presumably were more authoritarian, may have left a legacy of greater human rights abuse (Mitchell & McCormick, 1988: 480). While Mitchell & McCormick found only slight evidence to support their hypothesis and Poe and Tate (1994) found no evidence, Poe et al. (1997) did find support for the hypothesis in expanded analysis of personal integrity abuse. Following Mitchell & McCormick, countries that have been territories of Great Britain at some point during their history are coded (1) and all other countries are coded (0).

Military Control Poe and Tate argue that military regimes are more likely to be repressive since 'military juntas are based on force, and force is the key to coercion' (Poe & Tate,

1994: 858). However, the initial evidence of such a relationship has been weak (Poe & Tate, 1994; Poe et al., 1997). Following McKinlay & Cohan (1975:1), military-controlled regimes are defined as those who come to power 'as a consequence of a successful coup d'état, led by the army, navy, or air force, that remained in power with a military person as the chief executive for at least six months in a given year'. A small number of mixed regimes are also included in this category.¹⁸ All other regimes are considered civilian regimes and were coded (0).

Leftist Regime Originally, political scientists hypothesized that Marxist–Leninist controlled states would be more willing to use repression to curb threats because their political ideology justified the domination of the polity in the pursuit of an ultimate political goal (Mitchell & McCormick, 1988; Poe & Tate, 1994; Poe et al., 1997). Initial global analysis supported this hypothesis, but only in the case of abuse as reported by the State Department – a result that seemed to suggest a possible bias in State Department reports rather than a true effect (Poe & Tate, 1994). However, when the global analysis was expanded beyond the initial eight-year period to a period of eighteen years, the evidence clearly contradicted expectations and suggested that leftist regimes were actually less likely to repress personal integrity rights than non-leftist regimes. While this result was not expected, it is not totally counter-intuitive for two reasons. First, in leftist regimes, control of society and personal freedoms may be so complete that the regime is less likely to engage in the more severe abuses of personal integrity rights to maintain order than its non-leftist

¹⁸ These include regimes 'with either a civilian as the chief executive and several military persons in the cabinet or military head of government who nominated a civilian as the head of government and himself worked behind the scenes' (Madani, 1992: 61).

counterparts would be. Second, as Duvall & Stohl (1983) and Lopez & Stohl (1992) argued, human rights repression may have an “afterlife”, which affects the behavior of people long after the observable use of coercion by state agents has ended’ (Lopez & Stohl, 1992: 218). Thus, past repression in leftist regimes may actually reduce the need for future repression or the need for more severe forms of repression, such as those measured by personal integrity rights abuse. Here, it is expected that the presence of a leftist regime will *decrease* the probability of the more severe form of abuse (personal integrity rights abuse), but that it will *increase* the likelihood of the less severe form of abuse (of civil rights), as measured by the Freedom House index. Leftist regime is operationalized as ‘those governed by a socialist party or coalition that does not allow effective electoral competition with nonsocialist opposition’ (Poe & Tate, 1994: 858).

Research Design and Methodology

I employ a pooled cross-sectional time-series design because it provides the advantage of testing the hypothesis simultaneously across time and space, thus controlling for the possibility that the effects in which we are interested may work at different times across different states (see Stimson, 1985). The advantages of this design are offset by two potentially serious problems that must be dealt with: heteroscedasticity and autocorrelation, both of which may lead to the problem of unreliable tests of statistical significance and inferences (see Beck & Katz, 1995; Ostrom, 1990; Stimson, 1985). To deal with the problem of heteroscedasticity I used Beck & Katz’s panel corrected standard errors (Beck & Katz, 1995; Beck et al., 1993), a variation of White’s (1980) robust standard errors that was developed by Beck & Katz to deal with heteroscedasticity in pooled cross-sectional data. I also included a

lagged dependent variable to correct for autocorrelation (Beck & Katz, 1995).¹⁹

Results of the Pooled Cross-Sectional Time-Series Analysis

The results of the analysis for the personal integrity rights variable are reported in Table II. The effect of being a party to the international covenant produces coefficients in the opposite direction of the hypothesis. However, the coefficients are fairly small (ranging from 0.02 to 0.05), and the coefficients are statistically insignificant in all four models.²⁰ The analysis also shows that the addition of this variable does not significantly add to the explanatory power of the model. The R^2 for each model remains unchanged.²¹

Because my initial bivariate analysis had demonstrated a stronger impact from the more stringent document, the Optional Protocol, a parallel model, was used that substituted a dummy variable designating parties to the Optional Protocol in place of the ICCPR variable. Even though the Optional Protocol variable produces coefficients that are properly signed, the coefficients are relatively small (between -0.02 and -0.04) and are not statistically significant at acceptable confidence levels. Thus, even the impact of the more stringent document disappears when controlling for other factors such as the level of development, political democracy, threats, and so on.

¹⁹ See Beck & Katz (1993) and Beck et al. (1993) for a more complete description and justification of this approach. The inclusion of this variable is not only statistically justified, but also theoretically justified because it has been shown that regimes tend to use past decisions as a baseline for present decisions (Wildavsky, 1984).

²⁰ Each of the control variables are in the expected direction and are statistically significant with two exceptions: (i) British influence was only statistically significant at the marginal level of 0.08 and 2) leftist regime is only statistically significant at 0.18, unacceptable level.

²¹ R^2 is the proportion of the variance in the dependent variable that is explained by the model. In models using lagged dependent variables, R^2 is rather large because past behavior tends to be the strongest predictor of future behavior.

Table II. Test of Impact of the International Covenant of Civil and Political Rights On the Abuse of Personal Integrity Rights: 1977–93

<i>Independent Variables</i>	<i>State Department</i>	<i>Amnesty International</i>	<i>State Department</i>	<i>Amnesty International</i>
Constant	0.37 (0.09)***	0.42 (0.10)***	0.10 (0.13)	0.06 (0.13)
Personal Integrity Abuse _{t-1}	0.66 (0.02)***	0.67 (0.02)***	0.68 (0.02)***	0.67 (0.03)***
Freedom House Political Democracy	– 0.07 (0.01)***	– 0.06 (0.01)***		
Polity III Political Democracy			– 0.03 (0.00)***	– 0.03 (0.00)***
Population Size	0.05 (0.00)***	0.06 (0.00)***	0.05 (0.01)***	0.06 (0.01)***
Economic Standing	– 0.01 (0.00)***	– 0.01 (0.00)***	– 0.02 (0.00)***	– 0.02 (0.00)***
Leftist Regime	– 0.08 (0.04)*	– 0.16 (0.04)***	– 0.04 (0.04)	– 0.14 (0.04)***
Military Control	0.04 (0.02)*	0.04 (0.02)**	0.04 (0.02)*	0.03 (0.02)*
British Influence	– 0.03 (0.02)	– 0.06 (0.03)*	– 0.04 (0.02)*	– 0.07 (0.03)**
International War	0.22 (0.06)***	0.15 (0.05)***	0.26 (0.06)***	0.18 (0.06)***
Civil War	0.52 (0.06)***	0.42 (0.05)***	0.47 (0.07)***	0.41 (0.06)***
International Covenant on Civil and Political Rights	0.05 (0.02)	0.02 (0.03)	0.04 (0.03)	0.02 (0.03)
R ²	0.75	0.74	0.75	0.72
N	2478	2478	2149	2149
Log-Likelihood	301.25***	177.18***	102.71***	463.54***
Chi-Squared	8786.02***	8486.29***	8135.33***	6864.28***

Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity, are in parentheses. * $p < 0.05$ (two-tailed). ** $p < 0.01$ (two-tailed). *** $p < 0.001$ (two-tailed).

A parallel analysis was conducted using the Freedom House measure of Civil Rights as the dependent variable.²² The results of the analysis are presented in Table III. The effect of being a party to the international agreement does produce the expected negative coefficients (– 0.02), but the variable is not statistically significant. Once again, a parallel analysis was run substituting parties to the Optional Protocol for the ICCPR variable, and again the variable was not statistically significant (with the coefficient equal to zero).

Since the early bivariate analysis also demonstrated the contaminating effect of including derogators, another multivariate analysis was performed in which the ICCPR variable was recoded so that those years in

which a state derogated from the covenant were coded as (0) rather than (1). When the variable was recoded in this manner, being a party to the treaty does have a negative impact on human rights abuse (ranging from – 0.01 to – 0.04), as would be expected; however, the results are still statistically insignificant.²³ As a whole, the results of these analyses offer little support for the hypothesis that states which become parties to human rights treaties respect

²³ When the revised treaty variable is substituted in the multivariate analysis, the impacts of the independent variables remain unchanged statistically and substantively. In the models using the State Department measure the treaty variable achieves a coefficient of – 0.02 when the Gurr democracy variable is included and a coefficient of – 0.01 when the Freedom House democracy variable is included. In the models using the Amnesty International variable, the treaty variable achieves a coefficient of – 0.04 when the Gurr democracy variable is included and achieves a coefficient of – 0.02 when the Freedom House democracy variable is included. Only the coefficient in the Amnesty International model using the Gurr democracy variables achieves even marginal statistical significance (0.10).

²² Only the Freedom House measure of Civil Rights is tested in a multivariate model because there is no measure for the most important control variable, political democracy, that is clearly independent of the dependent variable, Freedom House Political Rights.

Table III. Test of Impact of the International Covenant of Civil and Political Rights On the Abuse of Personal Integrity Rights: 1977–93

<i>Independent Variables</i>	<i>Coefficient</i>	<i>Standard Error</i>
Constant	1.12	(0.15)
Civil Rights Freedom _{t-1}	0.78	(0.01)***
Polity III Political Democracy	– 0.08	(0.01)***
Population Size	0.02	(0.01)
Economic Standing	– 0.01	(0.00)***
Leftist Regime	0.18	(0.04)***
Military Control	– 0.01	(0.02)
British Influence	0.05	(0.02)**
International War	0.15	(0.05)***
Civil War	0.11	(0.05)**
International Covenant on Civil and Political Rights	– 0.02	(0.02)
R^2	0.92	
N	2149	
Log-Likelihood	488.85***	
Chi-Squared	54872.99***	

Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity, are in parentheses. * $p < 0.05$ (two-tailed). ** $p < 0.01$ (two-tailed). *** $p < 0.001$ (two-tailed).

human rights more than those who have not.

Conclusion

The goal of this study has been to provide the first empirical test of the hypothesis that becoming a party to an international human rights agreement (specifically, the International Covenant of Civil and Political Rights and its Optional Protocol) makes a difference in states' actual behavior. This hypothesis has been tested across 178 countries and across an eighteen-year period, 1976–93. Additionally, the analysis has included four different measures of human rights that are relevant to this specific treaty. While the first set of bivariate analysis suggested some difference in the behavior of states parties and non-party states, this difference did not appear in the bivariate analysis of the parties' behavior before and after becoming parties to the treaty. When the analysis progressed to more sophisticated multivariate analysis of the impact of the

covenant and its optional protocol, the impact disappeared altogether.

Overall, this study suggests that perhaps it may be overly optimistic to expect that being a party to this international covenant will produce an observable impact. The results are consistent with the assertions that the treaty's implementation mechanisms are too weak and rely too much upon the goodwill of the party state to effect observable change in actual human rights behavior. States that recognize these weaknesses may believe that there is little risk to their sovereignty or to the continuation of their current policies in becoming a party to the treaty. Thus with little to risk, they may gain a significant public relations tool in being a party to the covenant. From a less cynical perspective, states may have genuinely intended to honor their commitments to the covenant, but may find themselves facing a serious domestic situation, such as a civil war or domestic unrest, that interferes with their ability to keep their commitment or that lessens their willingness to keep their com-

mitment. The development of domestic laws and institutions that help guarantee the promised protection of human rights during such crises may progress slowly and sometimes unsteadily.

It is too early to entirely dismiss the optimistic expectation that the covenant would make a difference. There are at least two explanations that might explain the failure to discern an observable impact of the covenant. First, the treaty's impact may be more of an indirect than direct process. Parties to the covenant agree to make changes in domestic law that will facilitate the protection of the appropriate human rights. Thus, the treaty's impact may be upon the party state's domestic law, which in turn affects human rights behavior. The impact of domestic law will be dependent upon how quickly and effectively the party state is able to make the constitutional or legal changes to set up or modify the political and legal institutions that will be necessary to fully protect the guaranteed rights. For example, a party state that is able to promptly make changes insuring an independent judiciary might be more likely to increase its protection of human rights. Furthermore, a state that adopts strict constitutional restrictions on states of emergency would perhaps be less likely to renege on its legal human rights commitments. Few studies have actually examined systematically which aspects of constitutional or statutory laws protect human rights best.

Second, becoming a party to the covenant may only be the *final* step in a long socialization process within the international community that influences a state's willingness to protect human rights. Thus, formally joining the treaty may serve primarily as a formal or symbolic recognition of behavioral norms and international standards that the state has already accepted and has begun to act upon. Evidence of this form of influence

would be much more difficult to demonstrate in an empirical manner.

These caveats are important in that they suggest the direction that future research might pursue in order to fully understand the impact of this international covenant. However, they should not diminish the finding that overall human rights protection among the treaty's parties is no better than that in non-party states, all things being equal. As Opsahl (1995) has suggested, the ultimate test of progress in human rights law must be better enjoyment of human rights and fewer violations. Clearly, we are not there, yet.

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Appendix

Appendix A. States Adhering to the International Covenant on Civil and Political Rights as of 31 December 1993

<i>State and Date of ratification, accession, or succession</i>					
Afghanistan	1983	Gabon	1983	North Korea	1981
Albania	1991	Gambia	1979	Norway	1972
Algeria	1989	Germany	1973	Panama	1977
Angola	1992	Grenada	1991	Paraguay	1992
Argentina	1986	Guatemala	1992	Peru	1978
Armenia	1993	Guinea	1978	Philippines	1986
Australia	1980	Guyana	1977	Poland	1977
Austria	1978	Haiti	1991	Portugal	1978
Azerbaijan	1992	Hungary	1974	Republic of Korea	1990
Barbados	1973	Iceland	1979	Romania	1974
Belarus	1973	India	1979	Russia	1973
Belgium	1983	Iran	1975	Rwanda	1975
Benin	1992	Iraq	1971	St Vincent	1981
Bolivia	1982	Ireland	1989	San Marino	1985
Bosnia	1993	Israel	1991	Senegal	1978
Brazil	1992	Italy	1978	Seychelles	1992
Bulgaria	1970	Jamaica	1975	Slovakia	1993
Burundi	1990	Japan	1979	Slovenia	1992
Cambodia	1992	Jordan	1975	Somalia	1990
Cameroon	1984	Kenya	1972	Spain	1977
Canada	1976	Latvia	1992	Sri Lanka	1980
Cape Verde	1993	Lebanon	1972	Sudan	1986
Central African Rep.	1981	Lesotho	1992	Suriname	1976
Chile	1972	Libya	1970	Sweden	1971
Colombia	1969	Lithuania	1991	Switzerland	1992
Congo	1983	Luxembourg	1983	Syria	1969
Costa Rica	1968	Madagascar	1971	Tanzania	1976
Cote d'Ivoire	1992	Malawi	1993	Togo	1984
Croatia	1992	Mali	1974	Trinidad and Tobago	1978
Cyprus	1969	Malta	1990	Tunisia	1969
Czech Republic	1993	Mauritius	1973	Ukraine	1973
Denmark	1972	Mexico	1981	United Kingdom	1976
Dominica	1993	Moldova	1993	Uruguay	1970
Dominican Republic	1978	Mongolia	1974	USA	1992
Ecuador	1969	Morocco	1979	Venezuela	1978
Egypt	1982	Mozambique	1993	VietNam	1982
El Salvador	1979	Nepal	1991	Yemen	1987
Equatorial Guinea	1987	Netherlands	1978	Yugoslavia	1971
Estonia	1991	New Zealand	1978	Zaire	1976
Ethiopia	1993	Nicaragua	1980	Zambia	1984
Finland	1975	Niger	1986	Zimbabwe	1991
France	1980	Nigeria	1993		

Source: Multilateral Treaties Deposited with the Secretary-General, Status as of 31 December 1993.

While this appendix only lists states parties for the period under study, a current list is reported by the United Nations and can be obtained from: http://www.un.org/Depts/Treaty/final/ts2/newfiles/part_boo/iv_boo/iv_4.html.

Appendix B. States Adhering to the Optional Protocol to the International Covenant on Civil and Political Rights as of 31 December 1993

<i>State and Date of ratification, accession, or succession</i>					
Algeria	1989	Finland	1975	Peru	1980
Angola	1992	France	1984	Philippines	1989
Argentina	1986	Gambia	1988	Poland	1991
Armenia	1993	Germany	1993	Portugal	1983
Australia	1991	Guinea	1993	Republic of Korea	1990
Austria	1987	Guyana	1993	Romania	1993
Barbados	1973	Hungary	1988	Russia	1991
Belarus	1992	Iceland	1979	St Vincent	1981
Benin	1992	Ireland	1989	San Marino	1985
Bolivia	1982	Italy	1978	Senegal	1978
Bulgaria	1992	Jamaica	1975	Seychelles	1992
Cameroon	1984	Libya	1989	Slovakia	1993
Canada	1976	Lithuania	1991	Slovenia	1993
Central African Republic	1981	Luxembourg	1983	Somalia	1990
Chile	1992	Madagascar	1971	Spain	1985
Colombia	1969	Malta	1990	Suriname	1976
Congo	1983	Mauritius	1973	Sweden	1971
Costa Rica	1968	Mongolia	1991	Togo	1988
Cyprus	1992	Nepal	1991	Trinidad and Tobago	1980
Czech Republic	1993	Netherlands	1978	Ukraine	1991
Denmark	1972	New Zealand	1989	Uruguay	1970
Dominican Republic	1978	Nicaragua	1980	Venezuela	1978
Ecuador	1969	Niger	1986	Zaire	1976
Equatorial Guinea	1987	Norway	1972	Zambia	1984
Estonia	1991	Panama	1977		

Source: Multilateral Treaties Deposited with the Secretary-General, Status as of 31 December 1993.

While this appendix only lists states parties for the period under study, a current list is reported by the United Nations and can be obtained from: http://www.un.org/Depts/Treaty/final/ts2/newfiles/part_boo/iv_boo/iv_5.html.

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