

Adopting Domestic Institutions to Increase International Reputation¹

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February 17, 2015

Abstract

National Human Rights Institutions (NHRIs), domestic institutions charged with promoting and protecting human rights, have diffused quickly throughout the world after being actively promoted by the United Nations. Although over 100 states have adopted NHRIs, representing a rapid increase since the early 1990s, many states have yet to adopt. Why do some states adopt NHRIs, while others opt not to do so? This paper answers that question by highlighting the importance of NHRIs to the international community. States that adopt NHRIs do so in order to enhance their reputation. However, some states stand to gain larger marginal benefits – those with middling levels of dominance, democracy, and international shaming directed at them; and younger states. I test these hypotheses using a Cox Proportional Hazards model on a global time-series cross-section from 1991–2010. I fail to reject three of the four hypotheses, thus lending support to the theory that states adopt NHRIs in order to enhance their international reputation.

¹I am grateful to Will H. Moore and Jack Mewhirter for feedback while writing this manuscript.

1 Introduction

Why do states adopt institutions that can potentially encroach on their sovereignty? The question is particularly salient with respect to the international human rights regime, as the regime is built upon the commitment states make to a number of institutions including treaties and organizations. While scholars have studied the reasons for state commitment to international human rights institutions (e.g. Mansfield and Pevehouse 2006, Hathaway 2007, Vreeland 2008, Simmons 2009), there exists less work on the reasons states adopt the domestic institutions tied to the international regime: national human rights institutions (NHRIs) (though see Cardenas 2003, Koo and Ramirez 2009, Kim 2013, for exceptions). NHRIs represent an interesting opportunity to explore why states cede sovereignty. They share many characteristics with international institutions as they are concerned with protecting and promoting human rights by establishing limits on the state. In this way, past studies on commitment to international institutions offer insights into possible reasons states adopt NHRIs. However, these domestic institutions differ from their international analogues in important ways to make them worth exploring separately – namely while being tied to the international human rights regime and its goals, they are a part of the domestic landscape of the states that adopt them. I propose that states adopt NHRIs in order to increase their international reputation. A better reputation leads to opportunities to interact in the global society, which can be important for its own sake (Meyer et al. 1997) and also increase access to material benefits such as trade (Hathaway 2005), aid (Cingranelli and Pasquerello 1985, Poe 1992, Lebovic and Voeten 2009, Nielsen 2013), and investment opportunities Blanton and Blanton (2007). In this way, adopting an NHRI is a public act with “expressive benefits” (Hathaway 2002). But not every state has adopted an NHRI because adoption comes with potential costs. Though the government designs their own NHRI², they are subject to international standards (the Paris Principles)³. Even if the government attempts to hamstring the NHRI, institutions may increase in strength over time (e.g. North 1990). For this reason, states balance the potential sovereignty costs of adopting an NHRI with the potential reputational benefits. Those states that stand to gain the largest marginal benefit will adopt with higher probability including

²I address design variation in (Welch 2014).

³The Paris Principles are a set of guidelines for the creation of effective NHRIs adopted by the United Nations General Assembly in 1993.

1) those concerned with international shaming, 2) states in transition or democratizing, 3) those concerned with their global power position, and 4) new states. Past authors find NHRIs diffuse throughout the World Polity (Koo and Ramirez 2009) due to the work of the UN (Cardenas 2003) and INGOs (Kim 2013). I add to this literature by offering a single mechanism as to why any individual state would adopt an NHRI – international reputation. I test the above four hypotheses by estimating a Cox proportional hazards model on a global sample from the years 1991–2010. I find support for all of the characteristics hypothesized to lead a country to adopt in order to increase its reputation except state age. In the next section, I briefly introduce the reader to NHRIs. I then build the argument that states consider their reputation when deciding whether or not to adopt an NHRI and present the hypotheses that logically follow. The next section elucidates the measures and methods used to test the hypotheses. Finally I present the results and conclude with the implications of the findings on future research and the international human rights community.

2 National Human Rights Institutions

Due to the paucity of quantitative social science literature on NHRIs,⁴ I first introduce the reader to these specialized domestic institutions. NHRIs are domestic institutions established by the state tasked with protecting and promoting human rights within that state. They are a continuation and growth from the ombudsman model that has its roots in 19th century Sweden. Ombudsman offices, originally conceived, do not have an explicit human rights mandate. Instead, they allow citizens to register complaints about government misconduct and maladministration (Cheng 1968). This model of government accountability spread throughout Scandinavia (Finland, 1919; Denmark, 1955; Norway, 1962) to other parts of the world (New Zealand, 1962; Australia, 1977) (Koo and Ramirez 2009).

Meanwhile, the United Nations and the international community placed greater emphasis on the protection of individual rights. Some saw domestic institutions as able to supplement the work of the UN Commission on Human Rights and the increasing international human rights treaty regime (Cardenas 2003). In 1946 and again in 1978, the UN highlighted the importance of

⁴Though see (Koo and Ramirez 2009, Cole and Ramirez 2013, Kim 2013) for exceptions.

the domestic landscape, but the idea of NHRIs as a specific type of institution remained vague and hardly caught on (Cardenas 2003, Mertus 2009). However, the concept of the NHRI as a specific domestic institution integral to international human rights and governance became a reality in the early 1990s due to the Paris Principles. The International Workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris in 1991 yielded a set of guidelines to standardize NHRIs in an effort to make them effective at their task. The Paris Principles became a “touchstone of all NHRIs ...outlin[ing] a more ambitious role for NHRIs” (Cardenas 2003, 29). NHRIs became solidified as major players in the international community when the UN used the Vienna Conference on Human Rights in 1993 to highlight the centrality of the domestic institutions culminating in adoption of the Paris Principles by the General Assembly.⁵ Governmental delegates and civil society activists tied the establishment and development of NHRIs to good governance and democracy-building in addition to human rights promotion (Mertus 2009). After the Paris Principles, NHRIs exploded throughout the world States converted existing institutions such as ombudsman offices, post-conflict institutions, and other human rights institutions into their NHRIs (Smith 2006). Others established new institutions using either an ombudsman or committee model (Koo and Ramirez 2009). Whereas only a few states had domestic institutions concerned with human rights for decades, suddenly over 100 states adopted the NHRI model (Koo and Ramirez 2009, Conrad, DeMeritt and Moore 2013) looking to be legitimate members of the international community (Reif 2000).

3 NHRI Adoption

What explains *when* states adopt NHRIs? The emphasis on when is important here. Scholars show that states adopt NHRIs as a global diffusion process with the help of political actors such as the UN and INGOs (Cardenas 2003, Koo and Ramirez 2009, Kim 2013). Figure Accumulation shows corroborates the story told by scholars thus far. However, I wish to add to the literature by explaining the underlying mechanism that explains the diffusion. In short, states care about their global reputation and will take steps to increase that reputation. The reputation is important to states because it allows them to be integrated into the global polity. Interdependence between

⁵UN Resolution 48/134, following the UN Human Rights Commission adoption by Resolution 1992/54.

states creates a system in which reputation can increase the probability for material benefits.

Human rights behavior forms a large part of a states global reputation. After WWII, the Allies pushed the formation of the United Nations (Korey 1998). The world was war-weary and negotiated an organization that would help to overcome collective action problems associated with cooperation that could lead to peace and stability. Due to the diligence of a group of American NGOs,⁶ the Preamble of the UN Charter stresses “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small” which is tied inextricably to the ends of “promotion of the economic and social advancement of all peoples.” States believed these actions could “save succeeding generations from the scourge of war.” The tenets of the United Nations mark a change in appropriate international action. In order to be a member of the international organization that tied the world together, states had to heed their human rights reputation. Human rights discourse became essential to legitimate oneself as a state in the World Polity (Meyer et al. 1997, Simmons 2009). In order to reap the rewards of legitimacy, states now have to consider their human rights reputation. In this way reputation bridges the theoretical gap between rationalists and constructivists/World Polity theorists. A states reputation for what is most appropriate is a powerful tool to gain access to real benefits.

By making commitments to the international human rights regime, states attempt to legitimate themselves. State commitments are critical to the international legal system (Grotius 1625). Legal commitments are the major way to draw attention to appropriate international behavior between states. International legal commitments are seen as more or less costly signals by states to reveal their position on certain matters (Guzman 2002, Sartori 2002, Guzman 2008). These signals are more costly as the repercussions of non-compliance increase. International law is self-enforcing through the mechanisms of retaliation and reciprocation. In many bilateral agreements and agreements about certain subjects (e.g. laws of war, security, trade) retaliation and/or reciprocation make non-compliance costly, thus making commitment costly. However, human rights agreements cannot rely on these mechanisms. When a state raises tariff levels, other states may do the same. However, a state acting rationally would not abuse its own citizens just because

⁶A group of American NGOs is responsible for the extensive use of human rights language in the UN Charter distinguishing “it most sharply from the Covenant of the League of Nations”(John P. Humphrey, quoted in Korey 1998, 30).

another state reneged on a human rights agreement. For this reason, some scholars view international human rights commitments as (close to) costless signals with short-term “expressive” benefits (Hathaway 2002, Vreeland 2008, Hafner-Burton, Pevehouse and von Stein 2009). But if this is the case, states would almost universally adopt human rights agreements. Simmons (2009, p.60-61) shows that states slowly commit to different types of human rights treaties. Simmons (2009) contends states don’t universally commit when treaties open for signature because of the potential costs involved. Whereas NHRIs affect costs on states, the beliefs about these future costs by the states themselves should be highly variable. First off, NHRIs are a relatively new concept for the international human rights regime. Treaties have existed in international law since the beginning of recorded history;⁷ and the first modern human rights treaty, the Convention on the Prevention and Punishment of the Crime of Genocide, was adopted in 1948. NHRIs as a single concept date back to the drafting (1991) or adoption (1993) of the Paris Principles. Secondly, though institutions change over time (North 1990), states design their own NHRIs, as opposed to adopting one standard institution. For this reason, I highlight the more tractable benefits of adopting NHRIs.⁸

As mentioned above, the international human rights regime runs on reputation. Reputation refers to the “belief about a trait ... of an actor based on past actions” (Dafoe, Renshon and Huth 2014, 372-373). Though Downs and Jones (2002) remind us states have multiple reputations – a reputation for different behaviors such as economic, military, or human rights – I contend that some of these types feed into larger types. For instance, states may have a reputation for being more or less pro-social in the international community. An important aspect of the international community since WWII is human rights respect. Increasing a state’s reputation for human rights increases its reputation for being pro-social. States accept more pro-social states into the club of states with higher probability. Acceptance into the club of states allows access to other internationally social benefits such as trade and FDI. Indeed, scholars have found better human rights practices associated with more aid (Cingranelli and Pasquerello 1985, Poe 1992, Lebovic and Voeten 2009, Nielsen 2013), trade (Hathaway 2005), and FDI Blanton and Blanton (2007).

⁷The rulers of two regions of Mesopotamia, Lagash and Umma, set the boundaries of those regions via the Treaty of Mesilim in 2550 BCE.

⁸Future work should explore costs as well.

How can states affect their human rights reputation, thus increasing their acceptance into the World Polity? Most obviously, an executive can decrease her state's human rights reputation by abusing her citizens openly. More interesting is how can an executive increase her human rights reputation? One option is to not repress her subjects. However, given the secretive nature of much repression, pointing to one's lack of abuses amounts to cheap talk. It is cheap, but not completely without payoff. As time goes on, and abuses continue to go unrecorded, a state may be considered more respectful. States have options with potentially higher payoffs in shorter amounts of time. Adopting international instruments such as treaties and NHRIs allow states to adjust others' beliefs about their future human rights practices. The variation in adoption rates however hints at an important point – different states obtain different marginal benefits from adopting international human rights instruments such as NHRIs. This provides theoretical leverage and my explanation for why states adopt NHRIs makes considerable use of this claim. The marginal benefits of NHRI adoption come from accepting the agreed upon appropriate behavior established by the Paris Principles and having the international audience aware of the adoption. If states adopt NHRIs to reap the marginal benefits to their reputation, what types of states would we expect to reap these larger marginal gains? Below I hypothesize four different statuses that lend themselves to NHRI adoption for reputational reasons – three structural and one based on other states' behavior. The structural conditions that should lend states to adopt NHRIs for reputational benefit are the dominance, regime, and age of the state. The actors' behavior refers to shaming behavior by other states. I go over each in turn below.

3.1 State Dominance

Those states most dominant in the international hierarchy⁹ will gain little in reputation from NHRI adoption. States at the top of a hierarchy benefit from the arrangement by writing the rules of the political order and maintaining that political order (Lake 2013, 82). Writing the rules of the political order define the appropriate behavior necessary to be accepted in the club of states. The fact that dominant actors define the appropriate behavior mean they are already in the club of states and thus stand to gain less, marginally, than those not dominant. The United

⁹For this study I follow Lake (2013, 77): "Hierarchy exists when a dominant actor exercises political authority over a subordinate actor."

States provides a perfect example with respect to NHRIs.

After WWII the United States¹⁰ as the dominant actor lead the charge to establish the United Nations, grounding it in peace and human rights (Korey 1998). However, the United States has yet to adopt a national human rights institution.¹¹ Activists have been attempting to expand the mandate of the United States Commission on Civil Rights (USCCR) to include international human rights (thus being renamed as the United States Commission on Civil and Human Rights[USCCHR])(Ward 2010). However, detractors, echoing the arguments of (Downs, Locke and Barsoom 1996), argue the USCCHR would carry significant sovereignty costs while “[t]he rights most Americans recognize—civil rights and individual liberties—are already protected by the U.S. Constitution (e.g., the Bill of Rights) and comprehensive federal legislation” (Groves 2013, 4). In fact, Groves (2013, 7) worries the U.S. will open itself to international scrutiny if an NHRI was adopted, which could adjust its reputation downward. The U.S. example illustrates how globally dominant actors may believe that they have little to gain from reputational increases as they already have relatively high access to the benefits that come from increased reputation.

Likewise, those states at the bottom of the hierarchy will achieve smaller marginal gains from the adoption of an NHRI. No matter how pro-social these states appear to the rest of the world due to their human rights reputation, they do not offer much in the way of the related benefits, such as aid, trade, and investment opportunities. These extremely small and weak states do not even concern themselves with much of the politics of the globe. Indeed, many readers will recognize these states as those most often dropped from data sets due to their relative non-involvement. Examples of states with low dominance include San Marino, Tuvalu, Sao Tome and Principe, and Kiribati. This discussion leads to the first hypothesis.

Dominance Hypothesis: As a state's global dominance increases, its probability to adopt an NHRI increases to a point, in which it will begin to decrease.

¹⁰Although arguable who was hegemon at that time, the United States was certainly one of the dominant actors vying for the spot (Doyle 1986).

¹¹Although the United States does have subnational human rights commissions: New York City Commission on Human Rights, Seattle Human Rights Commission, Sioux City Human Rights Commission, and Salem Oregon Human Rights and Relations Advisory Commission.

3.2 Democratization

The post-World War II order rests upon the three main pillars – peace and security, human rights, and trade liberalization (Simmons 2009). Democracy is, explicitly or implicitly, associated with each of these three liberal pillars in some fashion. Scholars find democracy to be correlated with peace and security (e.g. Babst 1972, Lake 1992, Maoz and Russett 1993, Brecher and Wilkenfield 1997, Reiter and Stam 1998, O Neal and Russett 1999), human rights (e.g. Poe and Tate 1994, Davenport 1995, Davenport and Armstrong 2004), and trade (e.g. Mansfield, Milner and Rosendorff 2000, 2002, Milner and Kubota 2005).

States desire other states to be democratic, and thus other states wish to be considered democratic. To further make the point a cursory survey of many relatively non-democratic states yields names such as the Democratic People's Republic of Korea, People's Republic of China, or the Democratic Republic of the Congo (Clark, Golder and Golder 2013). Of course it takes more than a name for other states to consider a state a democracy, but it serves to exemplify democracy's desirability. As states democratize, they can adopt liberal institutions to signal to other states their intention. They can join international organizations (Mansfield and Pevehouse 2006, 2008) and international/regional human rights institutions (Moravcsik 2003). Doing so acts as a costly signal to international audiences that their governments are committed to being democratic. Some disparage international commitment to the human rights regime as costless (Hathaway 2002), but accepting these institutions garner more costs than, say, naming the country. Though NHRIs are domestic institutions, they are a direct result of the international human rights regime. The General Assembly Resolutions (e.g. Paris Principles, Resolutions 32/127 and 63/170), the international governing body known as the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), and the observer status to the UN granted to certain NHRIs fully embed these domestic institutions into the international regime. In this way, NHRIs represent a liberal domestic institution that states can use to signal to other states their desire to be a part of the global order thus bolstering their reputation. As with the dominance of the state, how democratic a state is affects the marginal benefit of adopting an NHRI to that state's reputation for being a part of the global polity. States that are very autocratic will not be able to send credible signals by adopting an NHRI, thus

their marginal benefit would be low. These states must enact more costly policies as other states closely scrutinize. The most illiberal states may need to invest in elections that are then made transparent in order to prove to the world they wish to belong to the liberal order. Likewise, the most democratic states need not prove their desire and stand to gain fewer marginal benefits from adoption. The states with middling levels of democracy – those transitioning or democratizing – stand to gain the highest marginal benefit. This leads to a second hypothesis.

Democratization Hypothesis: As a states level of democracy increases, its probability to adopt an NHRI increases to a point, in which it will begin to decrease.

3.3 State Age

As a state's reputation depends on what other states believe based on that state's past behavior, newer states have a higher incentive to adopt an NHRI. Often states form following conflict, or conflict follows shortly after formation. In order to signal that the new state wishes to remain peaceful, thus gaining the benefits of membership in the international club of states, it may enact other liberal policies that are tied up with reputation – such as NHRI adoption. Being a new state means fewer years in the past from which other states may draw their beliefs about reputation. New states wish to decrease the variance around other states' beliefs about their reputation by adopting an NHRI. Of the four newest states in the world, three of them have adopted NHRIs (Kosovo, Montenegro and Serbia, and East Timor). South Sudan, the most recent state (July 2011) has yet to adopt an NHRI, but is taking steps to develop one through the Irish Human Rights and Equality Commission's NHRI Capacity Development Partnership Program (IHREC ND). This leads to the next hypothesis.

New State Hypothesis: As a state's age decreases, the probability it will adopt an NHRI increases.

3.4 State Shaming

As a state's reputation is defined by other states' beliefs, other actors' behavior can also induce a state to adopt an NHRI. State leaders use repression to combat challenges to sovereignty. Doing so puts the state's reputation at risk, but only if other states know the repression happened. Information about the existence of the abuse is necessary for states to create their beliefs about the state's behavior, which in turn define the state's reputation. A number of actors act as watchdogs

on governments in order to discover rights abuses including non-governmental organizations, the media, and international organizations (Hafner-Burton 2008). States attempt to hide their abuses from both domestic and international audiences (Rejali 2009, Conrad, Hill and Moore 2014). Though states may sometimes reveal abuse to domestic audiences in order to signal their relative power (Hollyer and Rosendorff 2011), it remains that they do not have the same incentive to be transparent to the international audience. States often hide abuses from domestic audiences as well as those audiences can inform the international audience (Keck and Sikkink 1998, Risse-Kappen, Ropp and Sikkink 1999). When watchdogs learn of abuse, they name and shame the guilty state, informing the international audience. When this happens, other states pay more attention to the named state. In order to stave off criticism and salvage reputation, states can adopt NHRIs. Cardenas and Fibbert (2005) present a number of anecdotal accounts of Middle Eastern and North African states creating NHRIs to correct human rights reputations soiled by shaming or to prevent shaming in the future. Kim (2013) finds the presence of human rights NGOs increases the probability developing states adopt NHRIs. When a state receives blame from other actors, they will adopt an NHRI to stop the reputational bleeding. Just as with dominance and democratizing, the marginal benefits of adopting an NHRI as a result of shaming are highest for those states that are in the middle of the shaming distribution. Those states that are frequent targets – the United States, Israel, China – will not reap ample rewards for adoption, whereas those states shamed least often have a much smaller need to increase their reputation. This leads to the final hypothesis.

Shaming Hypothesis: As a states level of shaming increases, its probability to adopt an NHRI increases to a point, in which it will begin to decrease.

4 Research Design

4.1 Spatial-Temporal Domain

I will evaluate the *Adoption* hypotheses discussed above over the global population of countries without an NHRI in 1990 1991 to 2012. The oldest existing NHRI, established in Sweden in 1809, was originally conceived as an ombudsman office tasked with checking government maladmin-

istration (Cheng 1968). Although the UN Commission on Human Rights¹² held a seminar in 1978 resulting in draft guidelines for the structure and functioning of domestic human rights institutions (UN 2010), the International Workshop on National Institutions for the Promotion and Protection of Human Rights (1991) resulted in the international conceptualization of National Human Rights Institutions as we know them now (Goodman and Pegram 2012). The Workshop culminated in the Paris Principles (later adopted in 1993), and began the UN’s aggressive promotion of NHRIs (Lindsnaes and Lindhold 2000). So, even though the concept of NHRIs began forming in the world in the 1970s, NHRIs as an international human rights concept did not really take off until 1991. The data will be structured as an unbalanced time-series cross-section, with country-year unit of analysis.

4.2 Model

Because I am interested in the point at which a state adopts an NRHI, I estimate a Cox Proportional Hazards model. I opt to use the Cox proportional hazards model (Cox 1972) because it does not require assumptions about functional form (unlike parametric models), but it is able to incorporate covariates (unlike Kaplan-Meier) (Lee and Go 1997). Given a vector of covariates¹³, \mathbf{x} , the hazard function for a country year, i , at time, t , is modeled by

$$h_i(t, \mathbf{x}_i) = h_0(t) \exp(\mathbf{x}_i \mathbf{B}) \quad (1)$$

4.3 Variables

4.3.1 Dependent Variable

The dependent variable is dichotomous taking the value 1 if an NHRI is legally adopted in a particular country in a particular year, and 0 otherwise.¹⁴ I coded the adoption time by consulting various sources – NHRI annual reports, NHRI and government websites, third-party websites,

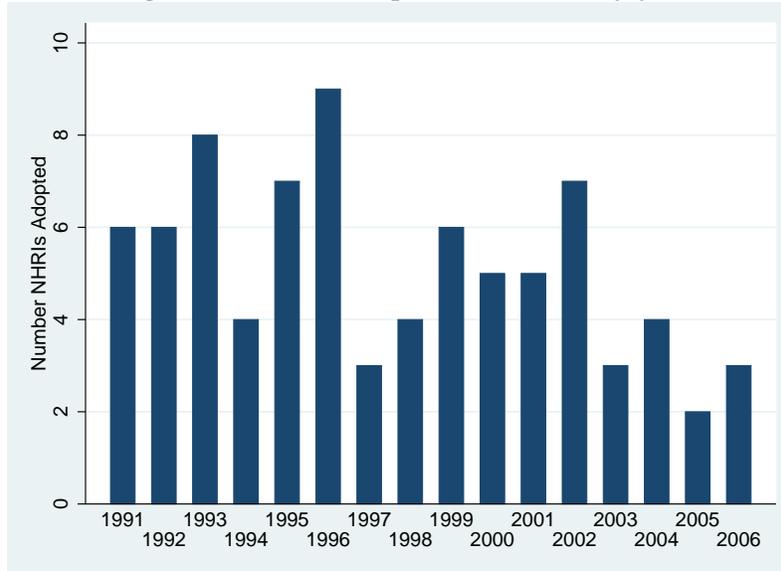
¹²In 2006, the Human Rights Council replaced the Commission and assumed all of its responsibilities.

¹³The covariates include the explanatory and control variables discussed below

¹⁴Once a state adopts an NHRI, the rest of the country years are absent from the dataset because hazard models model time to “failure” (“failure” being adoption of an NHRI in this instance). For example, Jamaica adopted the Office of the Public Defender in 1999. From 2000 to 2012, Jamaica not longer exists in the dataset.

and academic pieces. Figure 1 presents the number of NHRIs adopted in each year of the study.

Figure 1: Global Adoption of NHRIs by year



4.3.2 Explanatory Variables

The *Dominance Hypothesis* requires an explanatory variable that represents dominance in the international hierarchy. Borrowing from Lake (2009), states towards the top of the international hierarchy exert dominance gaining control of other states' sovereignty. States use economic, security, and political means to move up the hierarchy. The more a state can influence other states' policies, the more dominant the state in the hierarchy. The more economic and military resources a state has, the higher its ability to exert dominance in the hierarchy. Dominance being a latent concept, I create a Bateysian latent variable using several indicators.¹⁵

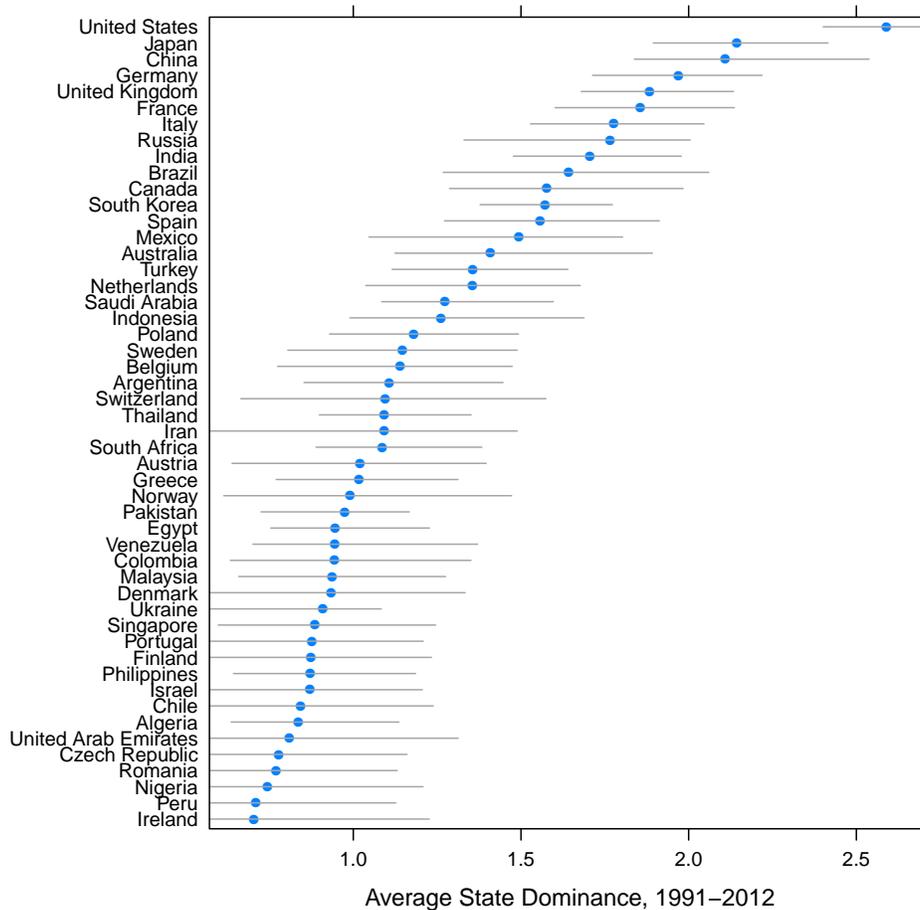
I obtain a majority of the indicators from the constituent variables of the Composite Index of National Capability (Singer 1988). I include all of the variables from the CINC scores – energy consumption, iron and steel production, military expenditure, military personnel, total population¹⁶, and urban population. The CINC score captures many variables considered important as military resources. I also include a couple variables in order to capture economic resources with respect to global dominance. The first of these is total exports. Those states that provide exports

¹⁵For detailed discussion of the latent variable construction see Appendix.

¹⁶I used population data from (Bank 2013) due to the larger temporal coverage

to other states gain hierarchical leverage as they supply needed goods and are paid to do so. I obtain the export trade data from (Gleditsch 2002). I also include state GDP obtained from Bank (2013). I log every variable to account for skewness in the data. Figures 2 and 3 show the fifty most and least dominant states according to the latent variable model.

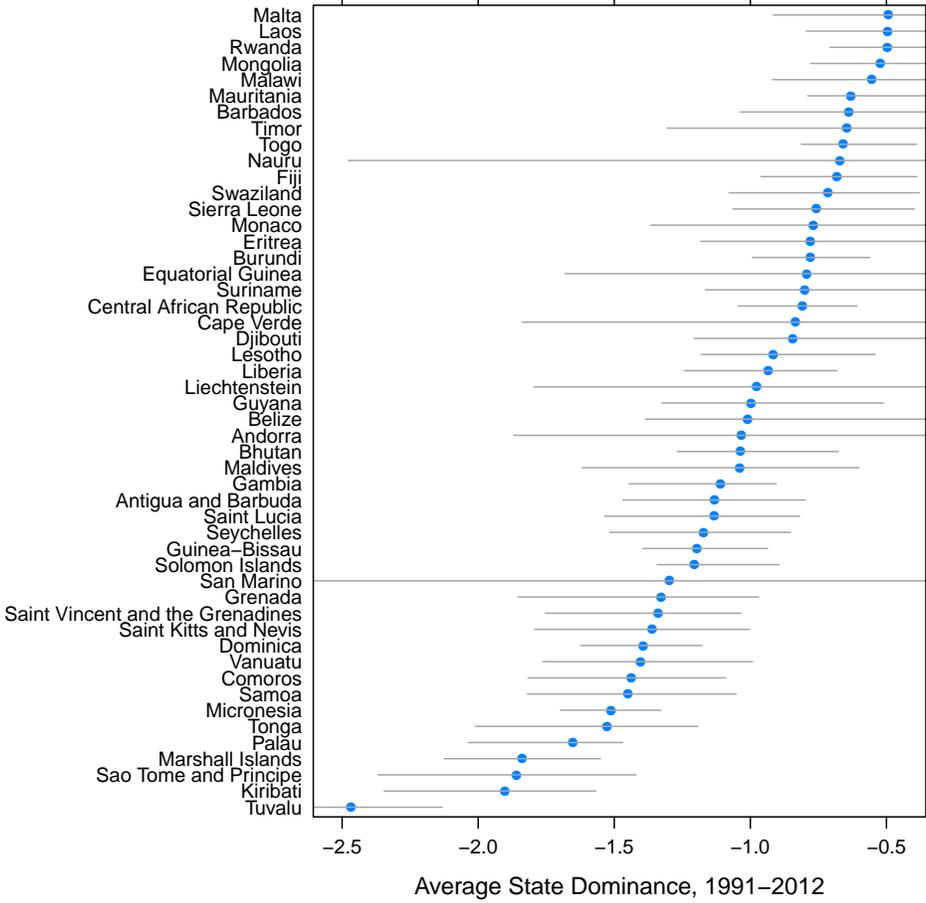
Figure 2:
Fifty Most Dominant States



The *Dominance Hypothesis* posits a nonlinear relationship best captured by an inverse quadratic functional form. For this reason, I also include the squared term of the dominance variable. I expect the coefficient of the squared term to be negative and the coefficient of the constituent term to be positive.

Democracy is a latent concept, so to test the *Democratization Hypothesis* I use the unified democracy score (UDS) (Pemstein, Meserve and Melton 2010). The UDS uses a Bayesian latent

Figure 3:
Fifty Least Dominant States



variable that results in a “cumulative approach... for every country–year... [that] is at least as reliable as the most reliable component measure” (Pemstein, Meserve and Melton 2010, 1). As with the *Domiance Hypothesis*, the nonlinear relationship posited requires the inclusion of the squared term. I expect the coefficient of the squared term to be negative and the coefficient of the constituent term to be positive.

To test the *New State Hypothesis*, I create a state age variable by subtracting the year a state was founded from the current year in the database. I obtain the founded years from Gleditsch and Ward (2013). I expect a negative coefficient for the state age variable.

To test the *Shaming Hypothesis* requires a variable that represents the amount of shame a state receives in a year. Shaming can come from NGOs, the media, IGOs, and other states (Franklin 2008, Hafner-Burton 2008, Murdie and Davis 2012, Ramos, Ron and Thoms 2007). Each actor behaves strategically, with different reasons to shame different governments. The different shaming behavior of different actors has lead to disparate results in the literature with respect to shaming. In order to avoid arbitrarily choosing from which shaming data source to use, I create a Bayesian latent variable capturing the concept of shaming based on shaming data from a number of sources. I include the number of Amnesty International press releases and background reports (Ron, Ramos and Rodgers 2005), the number of *Economist* and *Newsweek* articles discussing human rights abuses (Ron, Ramos and Rodgers 2005), whether a country was targeted by the United Nations Commission on Human Rights (Lebovic and Voeten 2009), and the number of shaming events by human rights NGOs (Murdie and Bhasin 2011). Figures 4 and 5 show the fifty most and least shamed states according to the latent variable model. I include the squared term of the latent variable due to the posited functional form. I expect the coefficient of the squared term to be negative and the coefficient of the constituent term to be positive.

4.3.3 Control Variables

I include a control for human rights respect as it may be related to the dependent variable and a number of the explanatory variables. Current human rights practices may affect a state’s propensity to adopt an NHRI. Downs, Rocke and Barsoom (1996) argue states already complying with an agreement’s substance ratify those agreements more often because the expected cost of non-compliance is lower. Expected cost is a function of the probability the state will not comply

Figure 4:
Fifty Most Shamed States

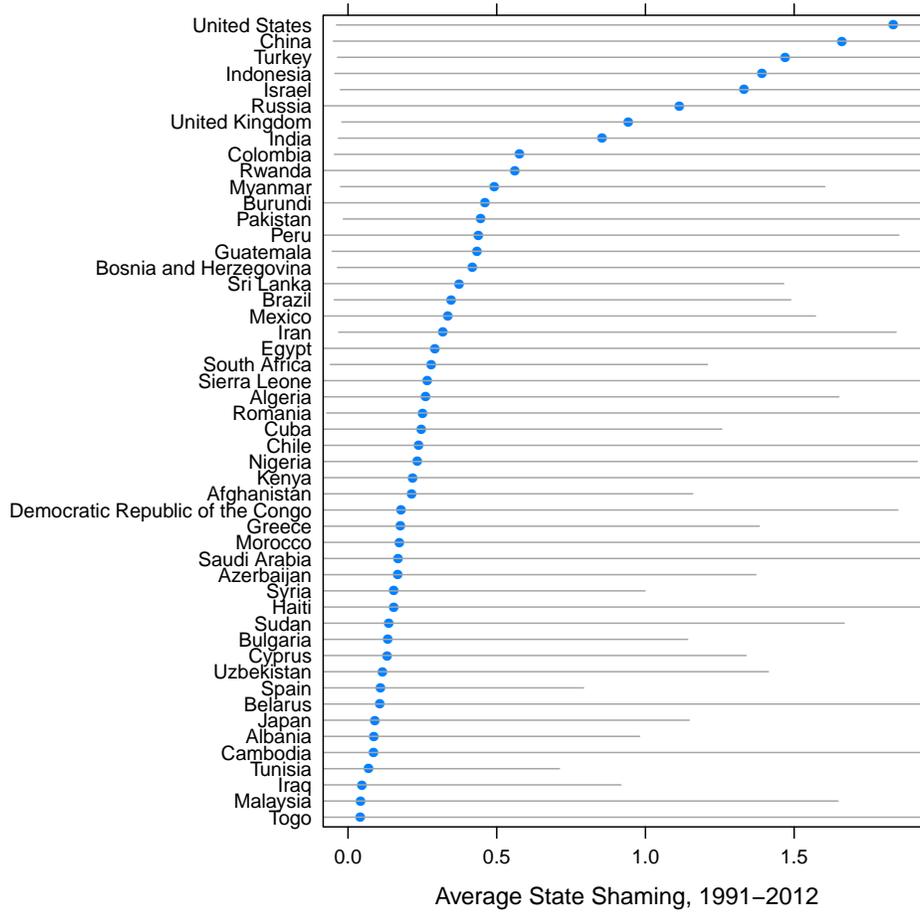
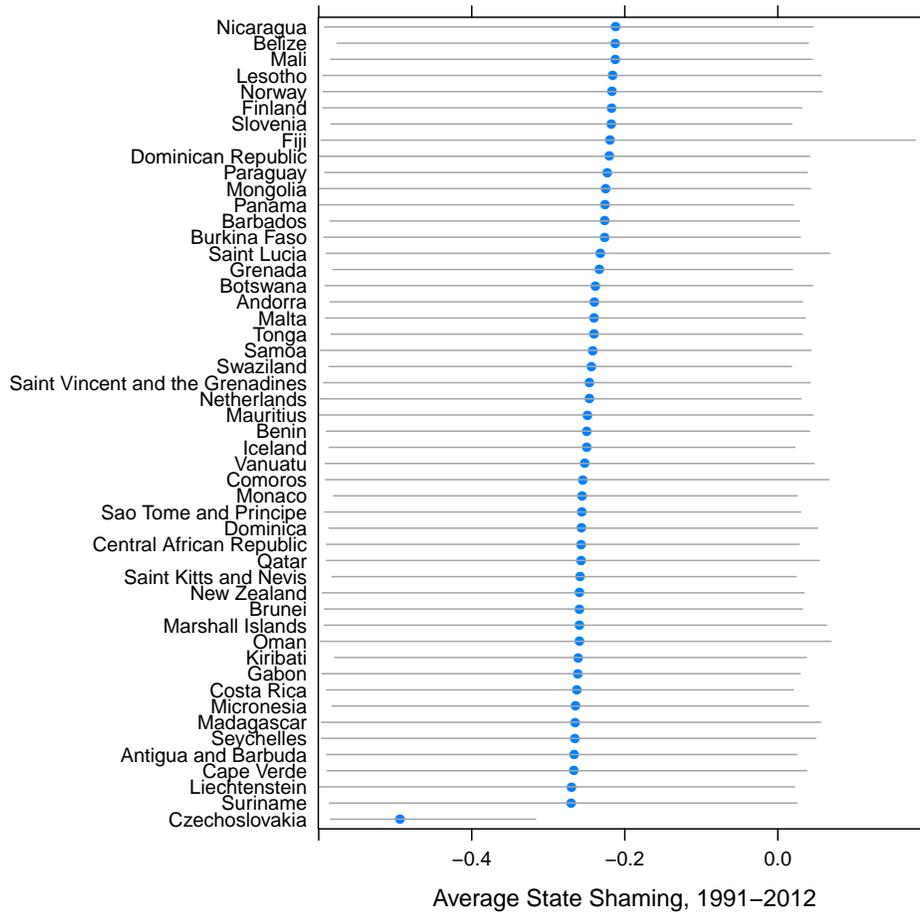


Figure 5:
Fifty Least Shamed States



and the costs of non-compliance. States that generally comply have a low probability of having to pay any non-compliance costs. On the other hand, states with low human rights respect may wish to adopt an NHRI in order to reap short-term reputational benefits.

Additionally, state respect for rights is related to some of the variables used to construct the dominance hypothesis – population (e.g. Poe and Tate 1994, Poe, Tate and Keith 1999), trade (Hafner-Burton 2005), and GDP (Poe and Tate 1994, Poe, Tate and Keith 1999, Davenport 2007). Respect for rights is also related to regime type whether due to democratic institutions creating audience costs for repression, the more pacific and deliberative nature of democracy, or because democracy provides alternative mechanisms of control (Davenport 2007). Lastly, there is some evidence that shaming and human rights practices are correlated (e.g. Risse-Kappen, Ropp and Sikkink 1999, Franklin 2008, Murdie and Davis 2012, Hill, Moore and Mukherjee 2013).

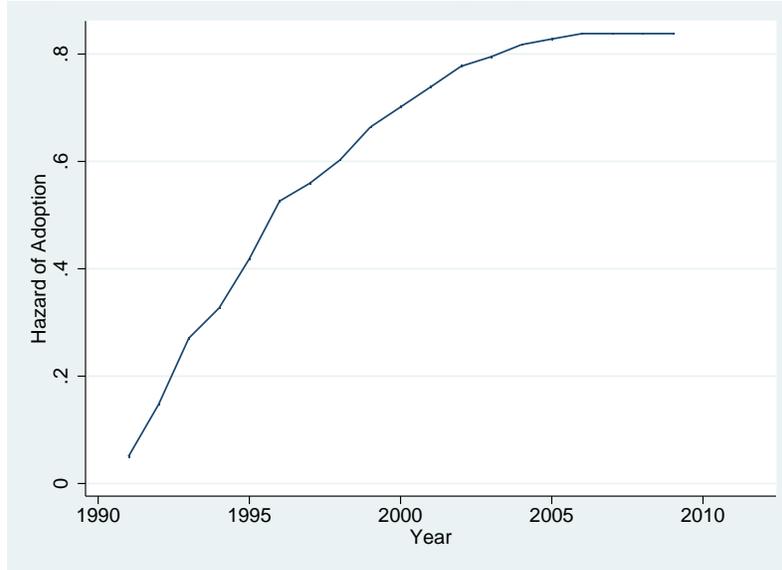
For these reasons I include human rights respect as a control using a latent variable measure from Fariss (2014) constructed using a dynamic modeling process with many of the most used measures used to measure human rights (e.g. PTS (Gibney and Dalton 1996), CIRI (Cingranelli and Richards 2012), ITT (Conrad, Haglund and Moore 2013)).

Another potential confounder to control for is judicial independence. Judicial independence may affect whether a state adopts an NHRI. The human rights responsibilities of NHRIs and domestic courts may overlap. These shared responsibilities could cause domestic judiciaries to welcome NHRIs to the domestic human rights scene as allies. Indeed, Peruzzotti (2012) recounts the River Basin Crisis of Matanza–Riachuelo in Argentina where the Defensoria del Pueblo (Argentina’s NHRI) and the Supreme Court complemented each other’s efforts in 2003–2004. However, the redundancy of priorities may cause more competitive relationships. For instance, the Panamanian Defensor received resistance from the Supreme Court prior to its constitutional adoption in 2004 (Pegram 2012). I remain agnostic as to whether judiciaries will view a new NHRI as complementary or competitive substitutes, but as the courts become more independent, they should be able to affect NHRI adoption towards their preferences.

Judicial independence is also related to some of the explanatory and control variables. The independence of the domestic courts affects economic growth and trade (Barro 1997, Souva, Smith and Rowan 2008). Independent judiciaries also cause states to abuse rights less often (Powell and Staton 2009, Simmons 2009, Lupu 2013).

I control for the independence of the judiciary including a latent variable created by Linzer and Staton (2011) that leverages eight other judicial measures from past scholarship.

Figure 6: Hazard Function of Adopting an NHRI, 1991-2009



By including the non-parametric hazard function, I control for the World Polity variables proposed by Koo and Ramirez (2009). Allowing the data to define the probability a state will adopt an NHRI at baseline. This represents the hard-to-measure or hard-to-model aspects of the socialization pressures on a state by other states and can be seen in Figure 6. As time goes on, the probability a state adopts an NHRI increases, as we expect from the importance of human rights in World Polity theory (Koo and Ramirez 2009) In robustness checks I include World Polity variables resulting in modeling and inference difficulty. When adding NHRI density, the number of global NHRIs present in a given year, the results remain virtually the same, but the maximum likelihood estimator is unable to estimate a standard error for the coefficient. Adding the number of human rights treaties ratified presents inference issues as it soaks up much of the variation in the model. It is no surprise that a variable predicting when a states adopts human rights institutions (treaties) very much predicts when states will adopt human rights institutions (NHRIs).

5 Results

Table 1: Effect of Reputation on NHRI Adoption

	Hazard Ratio	Robust Std. Error	P-value
Explanatory Variables			
Dominance	1.58	0.30	0.016
Dominance ²	0.58	0.10	0.001
Democracy	1.96	0.52	0.012
Democracy ²	0.63	0.12	0.017
Age	1.00	0.00	0.180
Shaming	1.79	0.58	0.072
Shaming ²	0.75	0.13	0.083
Control Variables			
Human Rights	1.05	0.16	0.745
Judicial Independence	0.33	0.30	0.223

Table 1 presents the regression results from the main model. Coefficients are given as hazard ratios. A hazard ratio over 1 represents an increase in the probability a state adopts an NHRI, whereas a hazard ratio under 1 represents a decrease in the probability of NHRI adoption. The presented results show support for three of the four hypotheses – *Dominance*, *Democratization*, and *Shaming*. All three, hypothesized quadratic fits, exhibit a hazard ratio under one for the squared term and a hazard ratio over one for the constituent term reaching standard statistical significance, the highest p-value being 0.083 (Shaming²). These hazard ratios suggest that as each of these variables increase, the probability a state adopts an NHRI increases, but with diminishing marginal probability. At a point, the probability begins to decrease, suggesting for each of these variables, there is a “more adoption in the middle” pattern.

Given the results of the model, I reject the *Age Hypothesis*. The hazard ratio is right at 1, the equivalent of no substantive effect, with a p-value of 0.18 (no statistical significance). However, the rejection of the *Age Hypothesis* does not spell doom for the theory that international reputation drives state NHRI adoption behavior. Further consideration leads me to believe that it's the age of the regime rather than the age of the state that matters. New regimes may attempt to bolster their international reputation rather than new states. Anecdotal evidence supports this

supposition. For example, a number of new regimes adopted NHRIs soon after winning control of the country post-conflict (e.g. Afghanistan, Bosnia, East Timor, El Salvador, Iraq, Liberia, Northern Ireland, and Sierra Leone) (Nowrojee 2001, Mertus 2009), after coups (e.g. Algeria, Tunisia) (Nowrojee 2001, Cardenas and Fibbert 2005), or change from military to civilian rule (e.g. Nigeria) (Nowrojee 2001). Future work should account for regime age, rather than state age, as new regimes will attempt to either reduce the spotlight shone upon them or reduce the uncertainty about their recent and proposed reforms.

Interestingly, a state's human rights practices don't contribute to the probability that a state adopts an NHRI ($p = 0.745$). Scholars propose states either enter into agreements with which they already plan to comply (e.g. Downs, Rocke and Barsoom 1996, Von Stein 2005). Others propose gross offenders will commit and then continue to violate to signal to domestic audiences that they are in complete control (Hollyer and Rosendorff 2011). The finding on the human rights control suggests that these stories may both be playing out pulling the sign of the coefficient in opposite directions resulting in no observed effects. Alternatively, states may opt to adopt NHRIs as a quicker alternative to signal to international audiences. After all, changing the behavior of the government and all its agents is a costly endeavor, both monetarily and temporally. Adopting legal commitments to institutions should be a faster alternative. Although adopting the institution is faster, thus less-costly, this doesn't mean adoption is complete cheap talk as future costs may arise.

How independent the judiciary is does not affect the adoption of NHRIs, either. The results suggest one of two theoretical stories. The first is that domestic judiciaries don't have strong preferences as to whether NHRIs exist alongside them. More interestingly, however, it may be the case that some judiciaries wish for allies in legal human rights cases and some view new institutions as competition. Future work should explore the relationship between NHRIs and domestic judiciaries.

5.1 Testing the Implications

The results from the Cox Proportional Survival Model suggest fairly strongly that states adopt NHRIs in order to increase their international reputation. In order to be more certain about the results I ask one more question that flows from the proposed theory. If leaders rationally adopt

NHRIs with the expectation that it will affect their reputation, does it work? If so, I expect that countries with NHRIs will experience less shaming than those countries without NHRIs. To test this proposition, I regress the shaming score for a country i in year j on a binary indicator of whether country i has an NHRI in year j . The data include 199 countries over the years 1991–2009.¹⁷

I include controls that may be theoretically related to whether a state is shamed and whether they adopt an NHRI including dominance, dominance squared, democracy, democracy squared, human rights respect, and a one year lag of the state’s shaming. I cluster the standard errors on country. Table /reftab:ShamingResults shows the results of the regression.

Table 2: Effect of Adoption on Shaming

	Coefficient	Robust Std. Error	P-value
NHRI	-0.03	0.02	0.053
Dominance	0.07	0.01	0.000
Dominance ²	0.03	0.01	0.010
Democracy	-0.01	0.01	0.364
Democracy ²	-0.00	0.01	0.684
Human Rights	-0.04	0.01	0.001
Judicial Independence	0.08	0.07	0.277
Shaming _($t-1$)	0.59	0.05	0.000

Although, preliminary, these results provide further evidence that states adopt NHRIs in order to affect their reputational standing within the international audience. So, not only does my theory predict that certain factors – middling dominance, democracy, and shaming – will lead states to seek reputation-enhancing behavior, such as NHRI adoption, but it appears that the strategy works as those states with NHRIs receive less shaming and blaming activity from NGOs, IOs, and the media.

¹⁷Unlike the dataset used for the main analysis, country–years are not dropped after a state adopts an NHRI. So if state i adopts an NHRI in year j , data for state i and year $j + 1$ still exists.

6 Conclusion

The present study shows that states adopt NHRIs in order to manage their international reputation. I predict four conditions in which states find themselves that increase the probability of NHRI adoption. Being in the middle of the international hierarchy increases the probability of NHRI adoption. Similar to biological pecking orders, those states on the top do not change their behavior because they already reap the benefits of the system. As that dominance decreases, states find themselves willing to adopt NHRIs to increase their standing. Likewise, those at the very bottom accept their place in the hierarchy, but as their dominance increases, so does their willingness to adopt an NHRI, as they move to climb the ranks. The same curvilinear pattern exists with level of democracy and shaming. These patterns are borne out in the data as the coefficients for each of the variables are positive with a negative squared term. However, I am compelled to reject the hypothesis that young states will adopt NHRIs with higher probability to affect their reputational standing. As mentioned above, future work should explore regime age rather than state age as a number of anecdotes point to the proposed mechanism – adopting an NHRI in order to assuage international uneasiness about that state’s willingness to join the existing liberal order.

The results presented in the paper speak well to past studies on NHRI diffusion throughout the world. Past work has shown that NHRIs diffuse throughout the world as states socialize themselves in the World Polity (Koo and Ramirez 2009). By modeling state decision to adopt NHRIs, I add to this work by allowing the non-parametric hazard function to account for hard-to-measure socialization while attempting to isolate the underlying reason states move towards isomorphism, but never achieve it completely. That is my research shows that the adoption of NHRIs allows states to further embed themselves in the World Polity by using agreed upon acceptable behavior (the adoption of liberal, human rights institutions) to increase their reputation. For certain states, the marginal benefits outweigh the costs, thus their probability of adopting increases. Kim (2013) finds the presence of NGOs important for predicting NHRI adoption. My theory corroborates the finding that NGOs influence NHRI adoption and pulls the lens back to present a more general reason why – reputation. NGOs participate in behavior that affects state reputation – shaming – but other state attributes such as dominance and level of democratization

also influence a state's desire to manage its reputation.

This finding has implications for future study. Researchers should ask what other state attributes and behaviors would create situations in which states look to increase their international reputation? To the extent that those attributes and behaviors affect NHRI adoption, the theory presented can be held to higher scrutiny and thus weakened or strengthened. Also, states have a palette of possibilities when choosing which liberal institutions to adopt. Different institutions are associated with different costs of adoption (Cole 2005). Whereas the presented theory should hold for liberal institutions, thinking about the variation in anticipated costs may yield new insights. For instance, Cole (2005) shows different human rights treaties require different costs. NHRIs should also exhibit variation in anticipated costs based on their design once adopted. Future studies should explore these nuances. Also, the present discussion assumes some amount of possible future costs that an adopting country takes on when adopting an NHRI. Future studies should explore how effective NHRIs are and what makes them more or less effective.

The current study also suggests policy implications for practitioners. Whereas states may adopt NHRIs in goodwill to tie leaders' hands thus allowing them to increase their international reputation in the liberal polity, some states may act with less genuine intentions looking for a quick and easy bump in reputation without having to pay future costs. The international community helps with start-up and functioning costs and training for NHRIs. Western countries donate to Latin American and African NHRIs, Commonwealth and Scandinavian donations make up the majority of the Afghanistan Independent Human Rights Commission budget, and the the UN donates to NHRIs throughout the world (e.g Nowrojee 2001, AIHRC 2010, Pegram 2012, IHREC ND). Those countries that rely on foreign funds for NHRI creation and functioning may be more subject to external monitoring and influence. If countries want to keep the funds coming in, they may make sure the adopted NHRIs meet international standards and aren't just window dressing, minimizing adoption for short-term reputational spikes. Future research should explore how successful donors can be in holding these countries to account.

7 Appendix: Latent Variable Models

As is common with many of the concepts in political science, many of the variables for this study are constructs that cannot be observed directly. Instead of directly measuring them, I use available data that I assume are manifestations of the latent quantity. One can think of it as having observable data y , and using them to discover some latent quantity x (Treier and Jackman 2008, 201). Using an item response theory (IRT) approach to measuring a latent concept is very similar to factor analysis (Reckase 1997). However, IRT models embed each country's level of the latent concept (e.g. shaming, dominance) as an unknown parameter allowing for distributions as well as point estimates. With factor analysis, one can only obtain point estimates. This difference allows the question of measurement error to be more accurately addressed. The model is as follows:

Let $i = 1, \dots, n$ country-years, $j = 1, \dots, m$ indicators (those addressed above), and $k = 1, \dots, K_j$ ordered response categories for item j .

$$\begin{aligned}
 Pr(y_{ij}) &= F(\tau_{j1} - \mu_{ij}) \\
 &\vdots \\
 Pr(y_{ij} = k) &= F(\tau_{jk} - \mu_{ij}) - F(\tau_{j,k-1} - \mu_{ij}) \\
 &\vdots \\
 Pr(y_{ij} = K_j) &= 1 - F(\tau_{j,K_j-1} - \mu_{ij})
 \end{aligned}$$

where $\mu_{ij} = x_i \beta_j$, x_i is the latent level to be measured in country-year i , y_{ij} is the i th country's score on indicator j , and $F(\cdot)$ is the logistic CDF.¹⁸ Finally, τ_j is a vector of unobserved cut-point thresholds for j with length K_{j-1} that are ordered as are the indicator "responses" are ordered.

I estimated the models in a Bayesian framework with Markov Chain Monte Carlo simulations (10000 iterations and 1000 burn-in) using the R2Jags package in R to call JAGS. I used

¹⁸ β_j is the item discrimination parameter because if item j doesn't help distinguish among country-years with different levels of delegated sovereignty, it will be indistinguishable from zero (Treier and Jackman 2008).

uninformative priors for the dominance model. For the shaming model I used a more informative prior that assumed any shaming from any of the actors (media, NGOs, UN) contributed a positive amount of shaming to the state. The choice of prior for the shaming variable is theoretically justifiable, as it does not make sense that states would be less shamed from shaming episodes, and necessary for convergence. Visual inspection of trace plots (Gill 2002, Lam N.d.), autocorrelation plots (Lam N.d.), Gelman–Rubin–Brooks Plots (Brooks and Gelman 1998), and Geweke–Brooks plots (Geweke 1992) suggest convergence.

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