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Sins of Commission?

Understanding Membership Patterns on the United Nations Human Rights Commission

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A prominent liberal explanation for why states join international organizations is to advance norms that such organizations represent. The authors examine the patterns of membership on the now-defunct United Nations Human Rights Commission (now the UN Human Rights Council). In regions where democratic norms did not hold sway, members were elected to degrade human rights norms. Illiberal states sought seats to shield themselves or neighbors from censure by the Commission. As regions became more democratic, it became harder for states with poor records to be elected and easier for states with better human rights records to be elected.

Keywords: *human rights; international organizations; United Nations*

Following the creation of the new United Nations Human Rights Council in March 2006, attention is again focused on the UN as a defender of international human rights. International cooperation on human rights differs in important ways from international cooperation on other issues. Rather than creating rules to govern interactions between states, in the arena of human rights, states attempt to create codes of conduct for how states should behave vis-à-vis their own citizens. In addition to directly challenging state sovereignty by codifying rules of behavior, international cooperation on human rights carries little material benefit. As a result, international human rights organizations are weaker than their economic counterparts. Examining the challenges that confront human rights organizations raises broader questions about the nature of state interest in human rights and the international organizations that promote those rights. Is that interest sincere or strategic? What motivates states to seek membership in international human rights organizations like the Human Rights Council's predecessor organization, the United Nations Commission on Human Rights (UNCHR)?

Previous research has examined which governments are targeted for sanction by the UNCHR (Lebovic and Voeten 2006b), but these decisions are likely to be shaped by the preferences and motivations of the states already elected to that body. Did states initially pursue membership on the Commission to strengthen norms of human rights internationally? Or did they seek to avoid accusations concerning their own behavior? Further complicating this membership selection issue is the fact that seats on the Commission were chosen by regional slates. Regional groupings of states may have varied in their criteria for selecting representatives, which would affect the nature of the decisions made by the Commission.

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In this article, we investigate the relationship between a state's human rights practices and membership on the UNCHR, an organization that embodied the "procedural core of the human rights regime" (Donnelly 1989, 208). We find that states with particularly good and particularly poor records were elected to the Commission to either promote or inhibit its work, respectively. The regional nature of the selection process, however, plays an important modifying role. In more democratic regions, the states with comparatively poorer human rights records were less likely to be selected for the Commission. Rather, states with better than average records were more likely to be selected. The strengthening of liberal norms consequent with the post-cold war spread of democracy altered the Commission's composition. Our work thus supports the claims of scholars that find important links between democracy and the effects of human rights treaties (Neumayer 2005) as well as those who focus on the regional effects of democratization on human rights (Lutz and Sikkink 2000).

More broadly, we argue that scholars and practitioners who are concerned about the effectiveness of international organizations need to address the importance of membership criteria. The absence of membership criteria for the UNCHR had clear implications for its effectiveness, as states with poor human rights records were able to be members and shape its workload accordingly. Furthermore, the failure of the United Nations to adopt membership criteria for the new Human Rights Council suggests that the UNCHR's successor organization will encounter many of the same difficulties the Commission did, despite important differences between the two. Overall, our findings suggest that scholars of international organizations need to move beyond merely judging effectiveness in terms of compliance by developing a clearer understanding of state incentives to seek election to international organizations in the first place.

History of the UNCHR

The UNCHR was created in 1946 as a component of the Economic and Social Council (ECOSOC). Its original purpose was to draft the Universal Declaration of Human Rights. To devote the effort necessary to negotiate the Universal Declaration, the UNCHR initially denied itself the authority to investigate alleged human rights violations committed by UN member countries. Decolonization produced an increase in the size of the Commission as more developing countries were eligible for membership. These new members, in turn, expanded the Commission's activities. Issues such as

the Arab-Israeli conflict, colonialism, and apartheid served to invigorate the Commission.

ECOSOC Resolutions 1235 (1967) and 1503 (1970) authorized the Commission to investigate countries' human rights practices. Under Resolution 1235, the Commission was empowered to publicly shame a state by noting concern about a situation. Consideration of a resolution under the 1235 procedure entailed a public debate, and a successful resolution meant appointing a rapporteur to investigate the situation and report back to the Commission.¹ Unlike the public procedures of Resolution 1235, Resolution 1503 empowered the Commission to confidentially investigate the human rights practices of member states. These investigations were based on communications from individuals to the Commission, and they were intended for information-gathering rather than obtaining redress for victims. The Commission had more courses of action available to it under 1503, including communicating with the accused government and appointing an envoy to the country. For either procedure, instigating an investigation required a majority vote from the Commission.

The fifty-three members of the Commission were elected according to regional slates, with Africa allotted fifteen seats, Asia twelve, Eastern Europe five, Latin America and the Caribbean eleven, and Western Europe and Other ten.² In any given year, one-third of the seats on the Commission were up for election, and elections took place according to a two-step procedure. First, the regional groupings attempted to agree on representatives, who were then subject to a confirmation vote by ECOSOC. If the states in a region failed to agree on a regional slate, then regional representatives for the Commission were elected via secret ballot by ECOSOC.³

In the recent past, the Commission became a magnet for criticism as states with questionable human rights records gained seats. In 2003, the U.S. Department of State accused nineteen Commission members of violating human rights, including China, Zimbabwe, Sudan, Syria, Saudi Arabia, and Congo (Kapp 2003). A bipartisan commission on the U.S. relationship with the UN concluded that "the credibility of the Human Rights Commission has eroded to the point that it has become a blot on the reputation of the larger institution" (Report of the Task Force on the United Nations 2005, 5), and the authors of the report recommended that the UNCHR be abolished. Within the UN, former secretary-general Annan also suggested eliminating the UNCHR, calling for its replacement by a Human Rights Council. According to the Secretary-General this was necessary because

the Commission's capacity to perform its tasks has been increasingly undermined by its declining credibility and professionalism. In particular, States have sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticize others. As a result, a credibility deficit has developed, which casts a shadow on the reputation of the United Nations system as a whole. (United Nations, Report of the Secretary-General 2005, 45)

As a response to these criticisms, the United Nations abolished the UNCHR in 2006 and replaced it with a new Human Rights Council.⁴ There are several differences between the Commission and the Council that merit notice. Most important, the new Council is a subsidiary body of the General Assembly, not of ECOSOC. As a result, members of the General Assembly, rather than the smaller ECOSOC body, elect members (and receive its reports). Other major differences between the old Commission and the new Council are a smaller membership (the Council has forty-seven members) and a more regular meeting schedule (the Commission met once a year for six weeks, whereas the Council meets in at least three sessions a year, each of which lasts at least ten weeks). In addition, the original proposal to create the Human Rights Council included greater attention to surveillance through the creation of a mandatory self-reporting requirement. While the proposed review procedure still needs to be developed in full by the Council, it is envisioned as an annual enterprise requiring a review of reports submitted by all states (General Assembly A/RES/60/251). While these changes are significant, the General Assembly rejected proposals to require nations seeking seats on the Council to receive a two-thirds vote of the General Assembly and to exclude from membership states under Security Council sanction for human rights abuses. These decisions may cause some of the same problems for the Council that brought down the Commission.

The negativity surrounding the UNCHR and the skepticism that surrounds the new Human Rights Council raises a simple and obvious question: if the Commission lacked credibility, why did states seek to be elected as its members? While some states may have sought membership on the Commission to promote respect for human rights, other states appear to have sought membership precisely to weaken the UNCHR and the international norms of human rights and, in so doing, avoid censure. For scholars of international organizations, the UNCHR is an intriguing

case because the ex post effectiveness of the institution seems to have been driven by perverse ex ante incentives regarding membership. Before we can assess the extent to which these perverse incentives did shape membership, we briefly review extant theory regarding the value of international organizations.

Seeking Membership on the Commission

Unlike many other international organizations that create rules to regulate behavior between states, international human rights organizations create rules to regulate behavior between states and their own citizens. At a basic level, human rights organizations encroach on the sovereignty of states. Why, then, would any state seek membership in such an organization? For our purposes, we concentrate on only one such organization and explore what drove states to seek membership on the UNCHR.⁵ The nearly universal membership of the UN, its perceived importance in international affairs, and recent efforts to reform the UN human rights machinery all make the Commission an interesting testing ground for why states join human rights organizations.

States join institutions to share information and monitor compliance by all states (Keohane 1984). When states violated the human rights of their citizens, the information-disseminating function of the Commission alerted other states. By gathering information and making it freely available, institutions like the UNCHR reduce uncertainty and "noisy" communication in the international system (Keohane 1984; Abbott and Snidal 1998). Because of this informational function, defection is more likely to be noticed within the framework of an institution. The effectiveness of the institution can be judged by what the members do with such information (Thompson 2006). A willingness to sanction noncooperative states demonstrates a higher level of effectiveness. Organizations that collect information but fail to act are less effective, as members must demonstrate a willingness to impose costs on defectors.

Public information about defection from an institution like the UNCHR, particularly if that institution is seen as an impartial judge, can damage a state's reputation.⁶ While human rights violations do not directly damage a state's reputation vis-à-vis other states the way unfair trade practices might, the inability to fulfill international commitments and to adhere to accepted liberal practices can also undermine a state's reputation as a worthy international partner

(Axelrod and Keohane 1985). To gain membership into NATO and the European Union, former Warsaw Pact countries were expected to democratize and reform their legal systems to reflect a more liberal approach. Failure to adhere to liberal principles like respect for human rights weakened these states' reputations and hurt their chances of getting into other international organizations that offered material benefit.

From a constructivist perspective, an additional asset from joining international organizations is participating in the debate that frames international norms. The dialogue that occurs within an international organization helps to define what the rules and norms of acceptable behavior are and establishes a normative context that influences and constrains the behavior of decision makers (Finnemore 1993). Discussion in the UNCHR and its successor, the UN Human Rights Council, shape what the international rules and standards should be and, most important, help to define which offenses are punishable (Lebovic and Voeten 2006b). These norms also create a social pressure for states to behave appropriately based on these common norms (Risse, Ropp, and Sikkink 1999). Lebovic and Voeten (2006b) asserted that shaming is possible because states share a sense of membership in an international community.

Passing resolutions under the auspices of the UNCHR provided several benefits to states. First, these resolutions signaled that rights abuses had occurred that may have warranted punishment. Public votes provided information about a government's behavior and could influence perceptions about that government's reputation. The UNCHR also helped states coordinate their actions by determining which acts by which states were worthy of punishment. This coordination function improved the efficacy of the institution.

UNCHR membership also offered expressive benefits; member states were able to use the institution as a platform for statements to promote international norms of behavior and to comment on the appropriateness of current state behavior (Finnemore and Sikkink 1998; Risse 2000). Joining a human rights organization or signing human rights treaties is a visible method of demonstrating a commitment to appropriate conduct (Hathaway 2002; Heyns and Viljoen 2001, 490). Such actions are reputation-enhancing for states attempting to portray themselves as liberalizing, particularly if they are looking for further future cooperation with democratic states. Additionally, states may have sought a position on the Commission to strengthen existing international norms.

Normative explanations for the democratic peace are also relevant here, as states tend to externalize norms that characterize their domestic political environment. Rules and norms of international behavior are extensions of domestic behavior (Maoz and Russett 1993). As evidence, Mitchell, Gates, and Hegre (1999) found that as the percentage of democracies in the international system increases, the likelihood of conflict decreases. Additionally, Mitchell (2002) found that as the proportion of democracies in the international system increases, the more likely all states adhere to norms of nonviolent conflict resolution and use of conflict mediation.

Respect for human rights is another important norm that characterizes democratic domestic politics. Empirical studies on the link between democracy and good human rights practices are numerous (Poe and Tate 1994; Davenport 1999; Poe, Tate, and Keith 1999). Democracies sign human rights treaties to promote strong reliance on the rule of law (Gaubatz 1996; Slaughter 2000), and democratic states should be more likely to seek membership in human rights institutions because of their respect for and reliance on international law for dispute resolution (Dixon 1994; Russett and Oneal 2001).

If democracies see the UNCHR as an opportunity to advance liberal norms such as respect for human rights, then they have strong motivation for seeking membership on the UNCHR. Historically, democratic states have served as norm entrepreneurs, striving to socialize other states on the importance of human rights (Finnemore and Sikkink 1998) and to create institutions to formalize commitments to norms of liberal behavior.⁷ We should see evidence of continued support for liberal norms with more democratic states being represented on the Commission. New democracies, in particular, might have an incentive to join international human rights organizations as this commitment may enable them to bolster a domestic commitment to the principles of human rights. Joining strong international institutions provides politicians in new democracies with the means to reduce future uncertainty, as their commitments bind future politicians (Moravcsik 2000).

Hypothesis 1: Democracies will be more likely to be elected to the UNCHR.

The factors that determine states' decisions to seek membership on the UNCHR are not limited to domestic political factors; the realist idea that powerful states should be well represented on the Commission should

also be considered. Participation on the UNCHR would allow major powers to reward their allies and punish their adversaries. Throughout the cold war, both the United States and the Soviet Union proposed resolutions in the UNCHR calling for investigation into each other's human rights practices (Tolley 1987, 115), making the Commission a forum for super-power contestation. Major powers may have hoped to gain seats for themselves and their allies on the Commission to increase their international leverage on the issue of human rights.

Hypothesis 2: Major powers and their allies will be more likely to be elected to the UNCHR.

Cooperation in any policy area is greatly affected by the degree to which the interests of the actors involved overlap. Seeking membership on the UNCHR guarantees repeated interactions on human rights issues. Assuming that efficacy is a goal for the UNCHR, states with strong human rights records should be more inclined to cooperate on human rights issues and seek membership on the Commission.

Hypothesis 3: States with strong human rights records will be more likely to be elected to the UNCHR.

Although it has received less scholarly attention, there is a possibility that the opposite dynamic is also occurring. If states act to advance norms that characterize their domestic politics, then states with authoritarian policies may attempt to further authoritarian norms. Illiberal states might also have the same incentives to pursue membership on the UNCHR, if only to dilute international human rights norms or to advance alternative less liberal norms.

There is little evidence to support the idea that signing human rights treaties is sufficient to prevent widespread rights abuses. In fact, many of the governments that sign and ratify human rights treaties regularly violate them (Hathaway 2002). Hafner-Burton and Tsutsui (2005) argued that because international human rights treaties are essentially costless, states with poor records sign them as a form of "window dressing," attempting to generate some credibility on a commitment to norms of human rights. These states demonstrate a blatant disregard for these international standards, and participation in international human rights organizations may help them further diminish the importance of such norms.

Furthermore, illiberal states might have been attempting to gain expressive benefits by seeking election to the UNCHR. Once members of the UNCHR,

these states would have been able to project a positive image internationally despite the fact that their domestic behavior had not changed. An example from the history of the UNCHR is instructive. In a meeting of the Commission in April 2003, the Libyan delegate rejected a statement by the observer from Greece that implied his country did not meet international human rights obligations, saying that Libya was not only a "party to the most international human rights instruments . . . but it also had been elected to the Chair of the Commission for the current session" (UNCHR, Fifty-Ninth Session, Summary Record of the 25th Meeting, E/CN4/2003/SR). Libya clearly sought to claim that membership on the Commission ensured that it was not a human rights abuser and that seeking membership in an international human rights organization like the UNCHR, in addition to signing many international human rights accords, constituted a sincere commitment to the protection of human rights.

Election to the Commission also allowed states to appropriate the language of human rights to assail others for their shortcomings. Developing countries often attempted to shift the focus of the Commission's activities toward issues involving economic rights rather than civil or political ones.⁸ Members would use their influence over the agenda of the Commission to blame other states for violations of different types of rights.

Such states may have also sought election to the Commission as an act of self-defense, enabling them to insulate themselves from investigation. Lebovic and Voeten (2006b) found that states on the Commission were less likely to be targets of investigations, and they were also less inclined to support investigating other members of the Commission. Lobbying by UNCHR members under investigation led other members to vote down sanctioning resolutions (Kent 1995, 13; Dennis 1999, 252). Thus, it is not surprising that China, which was a member of the Commission from 1982 until it was abolished, was never censured for the Tiananmen Square massacre. Membership on the Commission for states with bad human rights records afforded certain advantages; not only did it help insulate a state from censure, but also allowed states to use their influence to vote against investigating other members.

Finally, human rights violators could use their presence on the Commission to deflect attention from themselves, both by influencing investigations and by using the language of the Commission to highlight the shortcomings of other states. In this project, we are unable to delineate exactly what motivated illiberal regimes to seek membership on the Commission. We only observe that there are obvious incentives for them to do so.

Hypothesis 4: States with poor human rights records will be more likely to be elected to the UNCHR.

What External Factors Shaped Membership of the UNCHR?

The previous section examined the incentives that individual states might have had for seeking membership on the UNCHR. These individual motivations, however, may have been moderated by the Commission's membership selection process. Rather than being selected by the membership of ECOSOC as a whole, members of the Commission were elected by region.⁹ If the membership selection by all regions merely reflected the individual incentives for membership, then this mechanism should have had no discernable affect on shaping the Commission. Another alternative might be that all regions had the same selection criteria for membership. There is little in the literature to inform our expectations in this area, so our initial hypothesis is a benign one.

Regional Hypothesis 1: There will be no regional effects on Commission membership.

Looking at human rights practices, however, there is a great deal of variation by region. The physical integrity scores developed by Cingranelli and Richards (1999) vary significantly by the regions that were empowered to select members to the UNCHR. Countries can score between 0 and 8 on the physical integrity index (discussed in detail below), with 8 indicating a clean record on human rights and 0 indicating widespread human rights violations in several areas (extrajudicial killings, disappearances, torture, and imprisonment). While the regions of Asia, Africa, and Latin America and the Caribbean averaged physical integrity scores over the time period around 4, the average for Western Europe and Other was in excess of 7. Eastern Europe's average score occupied a middling 5.38. This wide disparity across regions suggests the possibility that different regions might have had different incentives about what types of representatives they chose for the Commission. If individual *states* with strong human rights records have an incentive to advance human rights norms, then *regions* with strong records should also pursue this goal and select members with above average human rights records. Eastern and Western Europe have strong human rights records, so we anticipate that representatives from those regions had human rights

records exceeding the regional average. Conversely, if individual states with weak human rights records have an incentive to degrade human rights norms, regions with weak records may have had an incentive to select members with below average human rights records.

Regional Hypothesis 2: Regional membership selections will reflect regional preferences.

To be a bit more specific, we consider what might define regional preferences. Mitchell, Kadera, and Crescenzi (2005) suggested that a "strong democratic community" provides fertile ground for the expansion of democratic norms. Typically, this type of community argument has been applied to the system level (Crescenzi and Enterline 1999; Kadera, Crescenzi, and Shannon 2003), but we are interested in behavior that does not take place at the system level. Since election to the Commission was undertaken on a regional basis, we do not believe that we are stretching the premise of this community idea too far by exploring the possibility of a regional democratic community effect.

In Bull's (1977) assessment of the international community, he noted that states form a society based on certain "common rules and institutions" based on common values and interests. Mitchell, Kadera, and Crescenzi (2005) considered the importance of liberal norms in international affairs as the number of democracies increases worldwide. Because states have a tendency to externalize their domestic norms (Dixon 1994), as the number (or percentage) of democracies increases, the number of states making decisions on the basis of democratic norms increases. We believe this idea is applicable by region. As the percentage of democracies in a region increases, the importance of democratic norms like respect for human rights increases. On the other hand, in regions with a larger percentage of autocracies, the importance of democratic norms will be slight. In these regions, autocratic norms like coercion and repression will dominate. For this reason, we believe that regions dominated by democracies will select members that will strengthen the democratic norm of respect for human rights. In regions that are dominated by autocracies, representatives will be selected who will either degrade the norm of human rights or manipulate the Commission's work in favor of autocratic norms of behavior.

Because human rights protection is considered a liberal norm, regions with a greater percentage of liberal states are more likely to select representatives to the UNCHR with strong human rights records.

Choosing states above the regional mean demonstrates a strong commitment to this liberal norm. Having states with the best human rights records signals to the rest of the world a regional desire not only to maintain the norm, but also a desire to continue to strengthen it. Even if such states have human rights records surpassing those of their neighbors, other liberal states from these regions have less reason to fear possible investigation by the Commission. As supporters of liberal human rights norms, they have an incentive to select the states that will best represent and further those liberal norms. In contrast, in regions where illiberal norms prevail (that is, where there is a low concentration of democracies) states will be less willing to allow states with human rights records that are better than the regional average to represent them, as these might constitute a threat. States are loath to appoint neighboring states that could support investigating them. Selecting states with records lower than the regional average helps ensure that human rights violations in other regional states will not be investigated. In addition, states with weak human rights records are less likely to be vigorous supporters of extending the definition and international perception of what constitutes violations of human rights norms. The percentage of liberal states in a region defines the strength and direction of regional preferences.

Regional Hypothesis 2a: As the percentage of democratic states in a region increases, the human rights records of that region's representatives will improve.

Research Design

We constructed a data set of 191 countries from 1980 to 2000. The dependent variable for each country-year is whether that country was a member of the UNCHR in that year. Information on Commission memberships was obtained from the United Nations Office of the High Commissioner for Human Rights Web site.¹⁰ We took care to censor out those observations when states were not members of the UN. Each region of the CHR elected one-third of its members each year, so countries not serving on the Commission could join in any one year. Given our interest in explaining the process of initially joining the Commission, countries already on the Commission are excluded from the data set the second and third years of each term. Countries on the Commission reenter the data set every third year, when they must be reelected to the Commission.

We measure regime type (Hypothesis 1) by including each state's Polity score (democracy-autocracy, ranging from -10 to +10), where high scores indicate more democratic countries (Jagers and Gurr 1995).¹¹ We test realist explanations for UNCHR membership as a tool of the major powers (Hypothesis 2) by measuring alliance similarity with the regional leader, using Signorino and Ritter's (1999) *S* score.¹² Those states with alliances similar to the most powerful state in the region have *S* scores approaching 1, while those with dissimilar alliances have scores closer to 0.

We measure state human rights records (Hypotheses 3 and 4) through the use of physical integrity scores that are taken from Cingranelli and Richards (1999, 2004) and are a composite of four variables: extrajudicial killings, disappearances, torture, and political imprisonment.¹³ Using reports from both the U.S. State Department and Amnesty International, each state is ranked from 0 to 2 on each of these four activities. A score of 0 indicates an incidence of fifty or more violations, 1 indicates less than fifty violations, and 2 indicates zero violations. These four scores are then summed to generate a composite score from 0 to 8, so that greater values indicate a better human rights record.¹⁴

We also include a series of control variables. First, we include state power, measured as each state's regional share of system capabilities, drawn from the Correlates of War project (Singer, Bremer, and Stuckey 1972). Second, we include a count of the total number of international organization memberships for each state (Pevehouse, Nordstrom, and Warnke 2003), using international governmental organization (IGO) membership as a proxy for state sovereignty costs (following Moravcsik 2000). States with extensive IGO memberships will be more likely to seek membership in an organization like the UNCHR, and states with fewer IGO memberships will place a higher value on preserving sovereignty and thus avoid membership. Third, we control for the end of the cold war by including a variable equal to 1 for all years after 1990. Finally, we control for involvement in the UNCHR with one other variable. Because the ECOSOC was responsible for electing members to the Commission and selected members by secret ballot when regions could not agree on a slate, we created a dummy for those countries that are members of ECOSOC on the expectation that ECOSOC members will be more likely to be elected to the Commission.

Model Specification

Since we argue that incentives differ by region, the appropriate empirical approach requires accounting for regional differences in the characteristics hypothesized to be relevant to UNCHR membership. Accordingly, rather than using the raw physical integrity scores, we measure the deviation from the regional mean for each state in the region. To test the regional hypotheses, particularly Regional Hypothesis 2a, we interact the proportion of democracies (states with Polity scores greater than 6) in each region with a state's (region-centered) physical integrity score. Regional Hypothesis 2a predicts a positive coefficient on the interaction term; as a region becomes more democratic, states with better human rights records should represent that region on the Commission.

Testing the regional effects of selection might lead one to argue that different models should be estimated for each region. Doing so offers some advantages but imposes an important limitation of only allowing us to compare each region to itself. One might reasonably expect Eastern Europe to elect countries with better human rights records as the region democratized during this period, but for other regions where democratization is less marked between 1980 and 2000, testing the regional hypotheses is more problematic. Accordingly, we pool the regions to permit more robust comparisons. In so doing, we allow the intercept to vary for each of the regions and use the region-centered human rights measure, as well as a measure of the proportion of democracies in the region.

One additional caveat is in order. Not all regional groups at the UN operate in the same manner. Africa tends to choose members for UN bodies by rotating its representatives rather than using competitive elections (Smith 2006, 65; Narasimhan 1988, 327). A brief review of patterns in the data supports the claim that Africa's selection process is different. If a region selected members by rotation, then we would expect that membership terms would be shorter, ensuring that all states in the region can serve. The mean number of terms on the Commission is significantly lower for Africa (2.26 terms per member) than for other regions, in which members serve on average 3 or more terms. More African states are serving on the Commission for shorter terms, as only 29 percent of states in the region serve more than 2 terms. Given that observers of the UN indicate that Africa fills seats by rotation, and because this finding is supported by our data, we have chosen to exclude Africa from our analysis. Adding Africa to the analysis introduces a region with a selection process

that operates differently from the processes at work in other regions, and one where democratic norms do not shape the outcome.¹⁵

To account for the time-series cross-sectional nature of the data, we estimate a population-averaged logit. While conditional models "are more useful when the primary question of interest is the effect of changes in covariates within a particular observation, [marginal models] are more valuable for making comparisons across groups or subpopulations" (Zorn 2001, 475). Using a marginal, or population-averaged, model avoids estimating cluster-specific effects (the approach a fixed-effects model would take) or assuming that the cluster-specific effect follows a stochastic distribution. Rather, a population-averaged model accounts for non-independence across observations or time (Zorn 2001). The coefficients in a population-averaged model represent "the average effect, across the entire population, of a one-unit shift in X_{it} on $\Pr(Y_{it})$ " (Zorn 2001, 474-75). This approach is desirable for our study because we are interested in understanding effects across subpopulations (here, the selection of individual states to the Commission are assumed to be correlated).

Results

The results of our pooled estimation appear in Table 1. Turning first to Hypothesis 1, we find no evidence that more democratic states were more likely to serve on the Commission on Human Rights. The rather modest coefficient (.0324) does not approach statistical significance, strongly suggesting that regime type, standing alone, does not influence the decision to elect a state to the Commission. The same can be said for Hypothesis 2; states with alliance portfolios similar to that of the United States are neither more nor less likely to be selected for a seat on the UNCHR. Given the traditional power of these variables in explaining state decisions to join international organizations, state selection to the UNCHR appears to pose somewhat of a puzzle.

That puzzle can be resolved by assessing a state's human rights record and regional dynamics. States with *worse* human rights records are, on balance, more likely to be elected to the UNCHR (Hypotheses 3 and 4). The negative coefficient on the region-centered physical integrity scores indicates that states where human rights violations are more common (those which score lower on the physical integrity index) are more likely to be selected for the Commission than states where human rights violations are less frequent. This coefficient,

Table 1
Determinants of United Nations Commission
on Human Rights (UNCHR) Membership
(Physical Integrity Scores)

Variable	Coefficient (Standard Error)
Physical integrity—Regional mean _{t-1}	-0.3490** (0.1080)
Proportion of democracies in region	0.7484 (0.9661)
Physical Integrity—Regional Mean _{t-1} × Proportion of Democracies in Region	0.5946** (0.2253)
Region-centered system capability _{t-1}	11.8175*** (2.0084)
Polity score _{t-1}	0.0324 (0.0213)
Region-centered similarity score with system leader _{t-1}	-0.1458 (0.1894)
Economic and Social Council (ECOSOC) member _{t-1}	1.1506*** (0.1980)
Inter national governmental organization (IGO) memberships _{t-1}	0.0499*** (0.0097)
Post-cold war years	-0.2623 (0.2349)
Asia region	2.2022** (0.7303)
Latin America region	1.5355** (0.4860)
Eastern Europe region	2.1204*** (0.5929)
Constant	-7.7287*** (1.0947)
Observations = 1,387	
Number of countries = 107	
Area under receiver operating characteristic (ROC) curve = 87.20%	

Note: Chi-square test for model: .0000.

*Significant at 5 percent. **Significant at 1 percent.

***Significant at 0.1 percent.

however, should be interpreted with considerable care, since the coefficient is actually the effect of differences in human rights records between each candidate state and its regional mean when there are zero democracies in the region.

Turning to the regional dynamics at play in membership selection for the UNCHR, we find that the coefficient for the interactive term is positive and significant. As the number of democracies in a region increased, states with better human rights records (with higher physical integrity scores) were more likely to become members of the UNCHR. This comports well with anecdotal impressions of membership on the Commission and specifies the mechanism by which different regions approached selecting their representatives to the Commission—the extent to which democratic governance and liberal norms have taken root in a region. It is worth underscoring that this model also already controls for a state's individual Polity score, which gives us greater confidence that we are tapping into regional dynamics and not monadic ones.

Interpreting the interactive relationship between a state's human rights record and the proportion of

Table 2
Effect of Human Rights Record and
Democratization on United Nations Commission
on Human Rights (UNCHR) Membership

	Poor Record (Minimum for Region) (%)	Good Record (Maximum for Region) (%)
Asia		
5% democracies	30.13	2.35
25% democracies	22.23	4.46
Latin America and Caribbean		
5% democracies	19.90	1.17
65% democracies	5.97	8.33
Eastern Europe		
5% democracies	35.65	3.13
75% democracies	7.84	16.78
Western Europe and Other		
75% democracies	0.88	1.94
90% democracies	0.52	2.38

Note: All probabilities are significant at the .05 level. Economic and Social Council (ECOSOC) membership, post-cold war, and international governmental organization (IGO) memberships are set at the median (0, 1, and 51, respectively); all other variables are set at their mean values.

democracies in the region requires acknowledging the statistical difficulties inherent in interpretation of interaction terms (Brambor, Clark, and Golder 2005). Table 2 presents predicted probabilities of membership for each of the four regions included in the model in Table 1. For each region, predicted probabilities of Commission membership were calculated for the state with the worst human rights record in the region and the state with the best human rights record in the region. To capture the interactive nature of this phenomenon, we also allow the proportion of democracies in each region to vary, from the regional minimum to the regional maximum. While calculation of predicted probabilities in the presence of interactive effects presents no particular problem, appropriate calculation of the confidence intervals about those values does require attentiveness to the interaction term.

The results presented in Table 2 clarify the interactive relationship between states' human rights records and regional norms. Increasing the percentage of democracies in the region makes it harder for states with poorer records to join the Commission, and comparatively easier for states with good human rights records to join.

Even in regions with relatively few democracies like Asia, modest increases in the percentage of democracies make it harder for states with bad records to be elected. In Latin America, if the region were at its lowest democratic ebb (5 percent democracies in the

region), states with the worst human rights record would have a predicted probability of Commission membership of 19.90 percent; states with a perfect human rights record would have only a 1.17 percent chance of gaining regional support for membership on the Commission. As the region democratizes, we find that states with the worst human rights records fall to a 5.97 percent predicted probability of membership on the Commission, while those states with perfect human rights records have a predicted membership probability of 8.33 percent. This turnabout provides strong support for the hypothesis that, as democratic norms take hold in a region, the dynamic of selection of states to the UNCHR switches from one that favors states with poor human rights records to one that favors states with strong commitment to the protection of human rights. As shown in Table 2, similar dynamics hold for other regions.

Turning to the control variables in Table 1, we find that states with a high proportion of system capability are likely to be members of the Commission. This reflects the fact that major powers such as the "Big Five" of the Security Council were generally members. Members of ECOSOC were also more likely to have been members than states not on ECOSOC, reflecting the important role ECOSOC membership played in gaining seats on the Commission. States with a high number of IGO memberships were also more likely to be Commission members than those with fewer IGO memberships, indicating the importance of low sovereignty costs for these countries. Finally, states in Asia, Eastern Europe, and Latin America and Caribbean were more likely to serve on the Commission than states in Western Europe, suggesting that the number of slots available to Western Europe states was disproportionately low given the number of UN member states in the region. To offer some context of the magnitude of these effects, we also calculated changes in predicted probabilities for the significant control variables from Table 1. Holding all other variables at their means, changing a state's share of regional capability from the 10th percentile to the 90th percentile increased the probability of membership by 37.28 percent; changing the count of IGO memberships the same magnitude (10th to 90th percentile) increased the probability of membership by 61.17 percent. These findings demonstrate that both system capability and sovereignty costs matter. Finally, changing a country's status from a nonmember of ECOSOC to a member of ECOSOC increased the probability of membership by 27.55 percent, underscoring the important role of ECOSOC as a parent body to the organization.

To test the robustness of our results, we changed the cutoff for a democratic regime to a more demanding

standard of a Polity score of 8 or greater, and the results are consistent in sign and significance with those presented in Table 1. This robustness check gives us added confidence in making a liberal community argument and confidence that the results are not merely an artifice of how we designated what was and what was not a democratic regime. We also reestimated the model in Table 1 using the Political Terror Scale (PTS; Gibney and Dalton 1996). Again, the substantive results are the same as those presented in Table 1, suggesting that the results presented here are not sensitive to how human rights violations are measured. Finally, we also tested for the robustness of the results using *global* measures of capability rather than regional ones. Changing the share of system capabilities from regional to a global level did not alter our main findings. The coefficient on the share of regional capabilities was positive and strongly significant, which comports with the earlier finding: more influential countries are more likely to be elected to the Commission. However, the strength of democracy at a regional level remains an important factor as well.

Further Implications

The results presented above are consistent with an approach that stresses the role that regional dynamics playing in shaping membership on the Commission. Individual democratic states may well have valued membership; indeed, the link between democracy and human rights would suggest this. The decision to choose members, however, was not made by individual states themselves, but by regions. This helps explain the difference between our findings and those of Moravcsik (2000). In addition, the null finding for alliance similarity can be read as evidence for the influence of regional effects. That nonfinding negates the proposition that the United States had virtual veto power over states in other regions and could place its handpicked choices on the Commission.

Our work builds on a growing literature on the distinctiveness of the democratic community of states. Recent conflict scholarship suggests that the expansion of the zone of democracies has served to strengthen democratic norms (Mitchell 2002). As a result, international organizations that are composed of democracies have strong effects on reducing the incidence of conflict (Pevehouse and Russett 2006). In the human rights area, liberal theorists have argued that democracies are different and that the expansion of the zone of democracies helps us to

understand the growing human rights norms cascade (Slaughter 1995; Schmitz and Sikkink 2002, 521). Our theoretical orientation takes its inspiration from these lines of argument, though our focus is on the strength of *regional* norms on state selections to the UNCHR. We find that the growth of democracies at the regional level has had important effects on the composition of Commission membership. As regions democratized, states with poor records were less likely to become members, and states with good records were more likely to become members.

In a larger sense, the growing community of democracies brings with it the potential to transform what international organizations do and how we think about them. Since we know that democracies are more likely to provide public goods to their constituents (Brown 1999; Lake and Baum 2001), and that democratizing states are more likely to join international organizations (Mansfield and Pevehouse 2006), this implies that those international organizations that are increasingly comprised of democratic states might also become more effective at providing goods at the international level. The broader theoretical point is significant, as it implies that it might be possible for international organizations to be both “broad” (by having universal membership) and “deep” (by acting to effectively alter the status quo). More research is surely necessary to link changes in membership with changes in the effectiveness of international organizations.

What implications do these findings hold for the new Human Rights Council? Our findings suggest that the Council may hold considerable promise. Changing the selection mechanism from election by region to election by the General Assembly as a whole not only makes membership more prestigious, it also moves the focus from regional norms created by democratic regimes to systemwide norms. If the global percentage of democracies continues to increase, then states with strong human rights records from any region (regardless of the regional norms) are more likely to be selected to the Human Rights Council. Thus, altering the dynamics of membership selection is likely to strengthen representation by liberal democratic states on the Council. On the other hand, should democracy not continue to spread, then states with weaker human rights records may still include much like they did at the regional level for the Commission. In the most optimistic case, this does not suggest that the Council will no longer be politicized, but it suggests that the danger of this is considerably smaller than in the cold war era. For advocates of

human rights, the implications of the new selection mechanism are surely encouraging.

Notes

1. Skeptics frequently questioned the relevance of the United Nations Commission on Human Rights (UNCHR), pointing to its widely publicized failure to stop egregious abuses of human rights such as the genocides of Rwanda and Sudan. But the apparent absence of enforcement by the UNCHR may have understated the impact of the Commission on states' human rights practices. States actively seek to avoid scrutiny by the Commission (Alston 1992, 173; Tolley 1987, 211), and they strive to control the message that the Commission sent about human rights practices in their countries (Guest 1995; Kent 1995). Governments try to avoid the stigma of being delegitimized by the Commission, since international signals have repercussions for a state's domestic legitimacy (Lutz and Sikkink 2000, 659). States also make extensive efforts to rebut or discredit international criticism of their human rights practices (Risse, Ropp, and Sikkink 1999, 23). This shaming function of the Commission (and other human rights organizations) is important in a second way, as strong criticism by the Commission could be used by other actors to bring leverage on human rights violators bilaterally. Nongovernmental organizations (NGOs) already use international human rights standards as a focal point to monitor and shape the behavior of signatories (Joachim 2003; Thomas 2001; Hafner-Burton and Tsutsui 2005). They could also use the message sent by UNCHR to build a coalition for action in other states. Jetschke (1999, 145) noted that NGOs played an important role in lobbying the UNCHR for action on Indonesia. On the basis of the attention brought by the Commission to the situation in East Timor, it became easier for these same organizations to lobby politicians in the U.S. Congress to pressure Indonesia. Thus, the Commission's activities, while not binding, were at times still consequential because societal actors as well as other states respond to its signals.

2. In 1992, membership expanded from forty-three to fifty-three countries, as Africa added four seats and Latin America and Asia each added two seats. The “Other” for Western Europe is the United States and Canada.

3. It was at this stage that the United States was voted off the Commission in 2001, as Austria, France, and Sweden were elected in lieu of the United States (American Journal of International Law 2001, 877). Prior to 2001, there were nine years in which there were contested elections for the Western Europe and Other group (U.S. Senate 2001). Outside of the Western Europe and Other group, Alston (2006) referred to the practice of proposing an identical number of candidates and seats as relatively common. We found no incidents of contested elections for other regions.

4. In its first session in June 2006, the new Human Rights Council agreed to extend most of the mandates of the Commission, including the process utilized under ECOSOC Resolutions 1235 and 1503 (UN General Assembly Document A/61/53: 31).

5. While states were elected to the UNCHR, many of the member states actively campaigned to be selected as representatives from their region.

6. Lebovic and Voeten (2006a) found that investigations by the UNCHR lead to reduced inflows of multilateral foreign aid, particularly from the World Bank.

7. As evidence that other states look to democracies for the cues about acceptable behavior with regard to human rights, several states have recently defended their treatment of detainees by suggesting they are simply following the example of the United States (Wadhams 2006).

8. Relevant examples here include Cuba's resolution on foreign debt (Dennis 1997, 173) and the Philippines' resolution on the effects of structural adjustment on economic, social, and cultural rights (Dennis 1988, 118).

9. This selection process is utilized by several other bodies of the United Nations, such as the rotating, nonpermanent seats on the Security Council.

10. See <http://www.ohchr.org/english/bodies/chr/docs/Membership1947-2005.doc>.

11. Data on capabilities, alliance similarity, and polity scores were all generated following Bennett and Stam (2000).

12. Alliance data are taken from Gibler and Sarkees (2002).

13. Cingranelli and Richards (1999, 408) defined extrajudicial killings as "killings by government officials without due process"; disappearances as "unresolved cases in which political motivations are likely"; torture as "the purposeful inflicting of extreme pain, whether mental or physical, by government officials or by private individuals at the instigation of government officials." Imprisonment refers to the "incarceration of people by government officials because of their ideas."

14. Other cross-national studies of human rights (Poe and Tate 1994; Poe, Tate, and Keith 1999) use the Political Terror Scale (PTS) as a measure of national human rights records (Gibney and Dalton 1996). The PTS is also based on data from the U.S. State Department and Amnesty International reports. However, there are two key differences in the coding scheme. Whereas Cingranelli and Richards's (1999) measure disaggregates a state's human rights situation into discrete categories, the PTS is a more holistic classification scheme in which all of the elements (torture, imprisonment, political murder, and disappearances) are weighted equally. In addition, the PTS classifies countries according to the extensiveness of violations rather than an explicit count of the number of incidents. In other words, torture is "rare" (a score of 1) or "a common part of life" (a score of 4). More information on the PTS can be obtained at (<http://www.unca.edu/politicalscience/faculty-staff/gibney.html>). We reestimated the models in Table 1 using the PTS scores and obtained the same statistical results (all of the variables significant in Table 2 retained their significance; all of the insignificant variables remained so).

15. Including Africa in the model in Table 1 does not change the substantive results: states with poorer records are more likely to be selected to the Commission; as regions democratize, states with better records improve their chances of election to the Commission.

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