

## Chapter 1

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# Do Non–Human Rights Regimes Undermine the Achievement of Economic and Social Rights?

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There is little systematic research examining the international factors that make governments more or less willing to make efforts to protect the economic and social rights (ESR) of their citizens (Cardenas 2007; Bauhr and Nasiritousi 2012; Hafner-Burton 2012; Goodman and Jinks 2013; Minkler 2013). In this chapter we demonstrate for the first time that the longer a government’s participation in the International Covenant on Economic, Social and Cultural Rights (ICESCR) (United Nations 1966), the greater its level of respect for ESR. This finding is consistent with the “mechanisms, actors, and pathways” (MAPs) framework of human rights realization outlined in the introduction of this book. That model emphasizes that a variety of domestic and international forces help hold states accountable for their violations of human rights norms. Participation in the ICESCR engages states in a give-and-take process that promotes human rights accountability. However, it is not simply ratification of human rights treaties that leads to greater protection of human rights; it is engagement with transnational networks and the iterative use of both instrumental and communicative strategies that drives the gradual incorporation of human rights norms into state practices and structures. Consistent with our previous research (Abouharb and Cingranelli 2006, 2007, 2009), statistical analysis confirms that the longer a government’s participation in International Monetary Fund (IMF) and World Bank program lending, the worse its record of respect for ESR. Moreover, we find that the greater the number of international regimes in which a government participates, the worse its respect for ESR.<sup>1</sup>

In order to explain theoretically the difference in the effects of participation in different international regimes, we adopt a principal–agent approach, focusing on

the accountability of politicians to citizens (Haglund and Aggarwal 2011; Cingranelli, Fajardo-Hayward, and Filippov, 2014). We emphasize the agency losses that can occur when international regimes compete with citizens for the attention of policy makers. As national governments become responsible to more international regimes they sometimes become less accountable to their own populations. This is particularly damaging to human rights realization when some of these international regimes, like the program-lending regime, ask governments to prioritize policies which come at the expense of domestic demands to realize ESR.<sup>2</sup> In contrast, membership in other international regimes like the ICESCR reinforces domestic demands for better realization of ESR by increasing international pressure on governments to realize these rights.<sup>3</sup>

Our argument contrasts with the traditional account and underlying assumption in much of the international relations literature that participation in international regimes is only beneficial to national governments and that they serve various purposes which improve governance, lock in good behavior, and advance economic and social outcomes. We argue that the ESR benefits of international regimes are far more conditional on the mix of international regimes that countries join, that is, whether these regimes help reinforce domestic preferences for better ESR outcomes or divert governments to prioritize other goals instead. One of the implications of our research is that membership in multiple regimes has contrasting and often contradictory effects on the domestic realization of ESR.

Our account of the problems created when multiple principals direct the activities of a single agent is consistent with a growing literature that points to similar problems in many substantive policy areas—especially environmental and economic development policy (Oberthür and Gehring 2006; McNeill and St. Clair 2009). States are joining intergovernmental organizations (IGOs) at an increasing rate. Each organization joined has its own set of norms and rules. Governments that participate in many IGOs can choose how to allocate their attention among the demands of their citizens, the demands of particular international regimes, and among the various tasks required by any particular international regime. They can play one regime off against another, and they can also choose to interpret particular regime norms in a variety of ways (Raustiala and Victor 2004). Such choices maximize the discretion of agents, increase agency loss from citizen preferences to politicians, and, in general, lead to less-than-optimal social and economic outcomes. An important lesson that emerges from the study of the interplay of international regimes, therefore, is that international regimes are not self-contained entities (Young et al. 2008). The effectiveness of a specific regime such as the ICESCR in producing compliance usually depends not only on its own features but also on its interactions with other regimes.

*The Mechanisms, Actors, and Pathways Framework*

*Actors.* Our research also highlights the MAPs framework described in the introduction of this volume. At the international level, the actors in our analysis include the organizations that we collectively label the *international financial regime*. These organizations include the World Bank and the IMF. In comparison, the organizations that we collectively label the *international human rights regime* include the United Nations and could also include regional human rights organizations. Both sets of organizations play an important role in the realization of ESR. The World Bank highlights the need to reduce poverty, an important aspect of realizing ESR. A previous director of the IMF, Michael Camdessus (1990), noted that the fund should enable “high quality” economic growth, which benefits the majority of citizens. In comparison, the United Nations, especially the UN Human Rights Council, regularly reviews member states’ progress in the realization of different economic and social rights. At the domestic level, the actors in our analysis are decision makers and those employed by the state who are key in implementing decisions about where to focus state resources in the realization of ESR.

*Mechanisms.* We argue that both international and domestic mechanisms are important in our analysis. For the international financial regimes we examine, their “routine of action”<sup>4</sup> is neoliberal economics which underpins the international financial institutions’ (IFIs’) promotion of program lending. This routine of action manifests itself through legal agreements between these organizations and loan-receiving states. The IFIs enforce their routines of action through legal means. They threaten to withhold monies from loan-receiving states that do not sufficiently implement their loan conditions. In comparison, the mechanisms available to the United Nations are much more subtle. Our analysis suggests that member-state representatives use a variety of approaches to improve the ESR outcomes of other member states. First is the collaborative approach, which conveys the process of member states reviewing other member states’ progress in the realization of particular economic and social rights. As part of this broad collaborative approach, state representatives on these bodies will often also use informational approaches, which typically highlight the facts and figures about the ESR conditions in the member states under scrutiny. Member states on the Human Rights Council and the Council on Economic, Social and Cultural Rights can publicize a member state’s progress (or lack of progress). Finally, they may also use symbolic approaches in their discussions by using language that conveys emotions such as “disappointment” or “congratulations” when other states have made less or more progress than otherwise expected.

*Pathways.* Two different pathways exist in our narrative that link international financial regimes and international human rights regimes to more or less progress

in the domestic realization of ESR. The first pathway is the legal (judicial and quasi-judicial) route. International financial regimes utilize legal mechanisms to impose their policy preferences on loan-receiving states. The agreements between states requesting assistance and the international financial regimes require legal assent, typically through agreement of the executive branch of government and sometimes the agreement of domestic legislatures as well. International financial regimes enforce their agreements by threatening to withhold monies from often cash-strapped governments in return for domestic policy changes. At the domestic level, judicial and quasi-judicial processes are becoming increasingly important in holding states to account in the realization of ESR by making the realization of these rights justiciable. The second pathway highlights how repeated interactions between member-state representatives at forums like the Human Rights Council and the Committee on Economic, Social and Cultural Rights can slowly change the preferences of member-state representatives in ways that encourage them to improve realization of ESR at home.

In the sections that follow, we elaborate on the multiple-principals problem, which is the basis of our theoretical argument. We then review the literature on the human rights effects of participation in human rights treaties and participation in IMF and World Bank program lending. From that discussion, we derive hypotheses about the human rights effects of each regime and present results showing the substantive effect of participation in each regime on the physical quality of life index. We discuss some alternative explanations for the positive effects of participation in some regimes but not others. We end with discussion of the theoretical and empirical contribution of our work.

## THEORETICAL FRAMEWORK

### *The Multiple-Principals Problem*

The *principal-agent problem* or *agency dilemma* refers to the difficulties that arise when a principal relies upon an agent to pursue the principal's interests. The principal compensates the agent for performing certain acts that are useful to the principal and costly to the agent. However, since there are elements of performance that are costly to observe and because there are uncertainty and risk, there is imperfect monitoring of the contract by the principal. As a result, principals always get an sub-optimal outcome. This difference between what the principal demands and what the principal gets under conditions of incomplete and asymmetric information is referred to as *agency loss* (Dixit 1996).

Principal-agent analysis can be directly and most easily applied to the study of human rights if we assume that citizens as principals demand that politicians maximize their effort to protect human rights. Participation or nonparticipation in particular international regimes can amplify or reduce inevitable agency loss in

the relationship between citizens as principals and politicians as agents. Citizens compensate politicians who comply with their human rights preferences by providing them with political or economic support (Cingranelli, Fajardo-Hayward, and Filippov, 2014). However, few politicians make a *maximum* effort to protect human rights. Instead, because citizens face the agency problem, politicians strategically choose a level of effort that is lower than the maximum possible. Unless kept accountable by citizens, politicians will tend to ignore the violation of human rights. Protection of human rights is directly and indirectly costly for politicians. First, increasing efforts to improve ESR such as lowering the infant mortality rate, increasing the literacy rate, or raising life expectancy requires significant expenditure of state resources and personal effort, which politicians may prefer to use in pursuit of other objectives. Second, politicians prefer greater autonomy, and human rights are tools that could be used to constrain their autonomy.

We assume that politicians face different tasks and that they are accountable to multiple principals. While only citizens select national incumbents, the citizens often must share the right to define politicians' priorities with other actors, both domestic and international. Those other actors and the citizens are like multiple principals contracting with a common agent (a politician), in a setting similar to the multi-task principal-agent model (Holmstrom and Milgrom 1991). In other words, politicians may be agents for other principals besides the people, and those other principals may have different expectations for their performance. In a modern state, politicians might also be accountable to the monitors of international regimes, foreign-aid providers, commodity traders, international financial institutions, commercial banks, and resource-extraction companies. With some exceptions, these other potential principals will be less concerned with the issues of concern to the citizenry. Thus, when politicians respond to the preferences of principals other than their own citizens, they will make policy decisions that lead to less accountability to the ultimate principal—the people.

When states participate in multiple international regimes, additional agency loss is generated, because participation in each new regime brings with it a new principal with different preferences and a new contract with politicians. Most additional principals care less about human rights than citizens do. Thus, with the addition of new principals, the preferences of citizens are less salient for the agent because the compensation citizens might offer now weighs less in the overall contract.

While, in general, the involvement of more principals leads to greater agency losses, adding particular additional principals could give politicians incentives to pay more attention to certain tasks also demanded by citizens. We assume that citizens as principals want their politicians, the agents, to make the maximum effort to protect their internationally recognized human rights. If politicians are accountable to citizens, they will. When governments participate in an international regime with explicit human rights goals, such as a human rights treaty

regime, the goals and rules of the regimes reinforce the demands of citizens for better human rights practices. When governments participate in international regimes without explicit human rights goals, participation diverts the attention of politicians away from their citizens, making the politicians more attentive to the goals of other principals.

Participation in an international regime that reinforces citizen demands for human rights protection, such as a human rights treaty regime, will tend to reduce agency loss for citizens who prefer their politicians to exert higher levels of effort to improve human rights performance. Regime monitors will provide politicians with additional incentives to increase their level of effort toward human rights protection. Participation in an international regime that does not reinforce citizen demands for human rights protection, such as the program-lending regime, will tend to increase agency loss in the principal–agent relationship between citizens and politicians, because the human rights priorities of citizens are not reinforced by the norms of the program-lending regime.

#### *The ICESCR Regime*

The decision to take part in the human rights regime begins with a government signing a human rights covenant or treaty—in this case the ICESCR—signifying the willingness of the executive branch to comply with its provisions. For most governments, however, full participation in the regime requires a two-step process. The second step is ratification, requiring the consent of the members of another government institution—usually the legislature. In the United States, for example, President Carter signed the ICESCR, but the Senate never ratified it. Thus, the United States does not participate in the ICESCR, and, according to most interpretations of international law, is not bound to follow its provisions. Once the agreement is signed and ratified, there is a process supervised by the United Nations designed to promote compliance by the participating country.

Economic and social human rights refer to internationally recognized human rights to a government that makes efforts to provide a minimal standard of living for its citizens. These rights were first recognized in the most basic of all international agreements, the UN’s Universal Declaration of Human Rights. Similarly, the subsequent and more authoritative ICESCR recognized rights to a decent standard of living, to adequate food, clothing, and housing, to continuous improvement of living conditions (Article 11), to medical care (Article 12), and to education (Articles 13 and 14). According to Article 2(1) of the ICESCR, each state party is obligated to “take steps, . . . to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized . . . including particularly the adoption of legislative measures.” Consistent with these provisions, we conceptualize “poor performers” as states that have achieved lower levels of basic needs satisfaction for their citizens relative to states with similar resources.

Governments that ratify the ICESCR sincerely must develop institutions and procedures; must plan; and must mobilize resources as necessary to meet citizen claims. To comply with the ICESCR, governments must adjust taxing and spending plans and establish a network of agencies for social welfare. They must also provide some system of remedies to which individuals may resort to obtain the benefits to which they are entitled or to be compensated for their loss. Governments have considerable discretion in choosing how to achieve the objectives outlined in the ICESCR, but government efforts should result in the “progressive realization” of the good economic and social outcomes outlined in the covenant, such as higher literacy rates, longer life expectancy, and lower infant mortality rates—the outcomes we focus on in this research.

The principal mechanism of supervision outlined in the ICESCR is a requirement that each ratifying party report periodically to a UN committee on its compliance with covenant provisions. The relevant UN committee then issues a public final report including its principal concerns and recommendations. A negative report is the only sanction the regime can impose. A positive report is the only reward the regime has at its disposal (Chapman and Carbonetti 2011). This method of ensuring compliance to regime norms has been called “naming and shaming,” and scholars disagree about its effectiveness.

Principal-agent analysis suggests that naming and shaming can be effective even though the UN can only rarely apply punishments or provide rewards. As Mulgan (2003, 10) notes, “In many contexts, the mere expectation of disclosure of an improper action is sufficient to induce the offender to repent and to seek to repair any damage without any need to resort to formal penalties.” Moreover, sometimes the negative consequences may only be implicit or informal, but “even without (formal) sanctions, processes of calling to account can be meaningful and produce learning effects” (Bovens 1998, 39).

The argument that naming and shaming produces positive human rights effects emphasizes that improvements in human rights practices result from interactions between state-level politicians and UN specialized bodies such as the Office of the High Commissioner for Human Rights and other treaty-monitoring bodies. Improvements also result from the mandated procedures established by those bodies such as the universal periodic review (UPR). The naming-and-shaming procedure outlined in the ICESCR is a requirement that each ratifying party report periodically to the Economic and Social Council (ECOSOC) on its compliance with ICESCR provisions. ECOSOC then issues a public report including its principal concerns and recommendations. Since 2006, members of the UN also have been required to submit to UPR, which involves a review of the human rights records of all UN member states every four years by the Human Rights Council. The UPR requires each state to declare what actions it has taken to fulfill its human rights obligations, including those of the ICESCR. The Human Rights Council also issues a report of its findings.

There is qualitative evidence that naming and shaming has led to improvements in government efforts to protect the human rights of their citizens.<sup>5</sup> For example, Heyns and Viljoen (2001) highlight the success of the Convention on the Rights of the Child in encouraging participating states to respect children's rights. These improvements may well be reflected quantitatively in our measures of infant mortality rates, one of the core measures of the well-being of children. In another study, Chapman and Carbonetti (2011) comment on the strong emphasis of the UN Committee on Economic, Social and Cultural Rights on protecting the most vulnerable citizens during times of economic crisis. If member states take this advice seriously there should be some improvements over time in the indicators of rights realization used in this study—adult literacy rate, infant mortality rate, and life expectancy.

A second perspective on why human rights treaty participation matters for accountability emphasizes that treaty language and the commitment of domestic politicians to it provide civil society groups with new tools that can be used to influence domestic politicians (Hafner-Burton and Tsutsui 2005; Hathaway 2002, 2007; Landman 2005; Neumeyer 2005; Simmons 2009). Domestic factors such as the presence of strong civil society groups, adequate protections of freedom of speech and the press, and the existence of enabling institutions—especially an independent judiciary—make it more likely that citizens can hold politicians accountable. In states where some or all of these factors are present, treaty participation will give politicians additional incentives to produce human rights improvements. These explanations emphasize that improvements in human rights result primarily from interactions between civil society groups and politicians (including judges) or from interactions among domestic institutions such as the executive and the judiciary.

Heyns and Viljoen (2001, 502) note that the judiciary has frequently used various human rights conventions as interpretive guides to clarify legislative provisions such as those in the national bill of rights, especially in places like Australia and South Africa and to a lesser extent in the Philippines, Czech Republic, India, and Romania. There have also been numerous instances of legislative reform linked to the ICESCR. For example, in Australia, a number of acts have referenced the ICESCR. These include the Native Titles Act of 1993, the Torres Strait Islander Commission Act of 1989, the Workplace Relations Act of 1996, and the Industrial Relations Reform act 1993. Similarly, India's government referenced the ICESCR when it passed the Protection of Human Rights Act in 1993 (501).

Emboldened by their government's ratification of a human rights treaty, civil society groups can lobby for new laws or for amending or repealing existing laws to better reflect the norms prescribed by the treaty. They can help frame issues for legislative bodies, monitor executive implementation, and stimulate judicial interventions. They can ask domestic courts to apply the language of the international



human rights treaty in domestic judicial contexts (Gauri and Brinks 2008; Simmons 2009). A variety of countries have also undertaken national action plans on human rights, which typically focus on particular interest groups highlighted by these conventions. For example, the South African Human Rights Commission has a particular mandate to monitor the socioeconomic rights described in the ICESCR (Heyns and Viljoen 2001, 503), while the Indonesian Human Rights Commission noted that almost half its case load related to “violations of the rights to welfare” (Tomasevski 2006).

The domestic effects of state–regime interactions would include introducing, repealing, or amending legislation, the creation of national human rights institutions, and usage of the language of international treaties by domestic courts as binding on domestic politicians (Tomasevski 2006; Gauri and Brinks 2008). Some states that ratified the ICESCR subsequently even changed their national constitutions to be consistent with ICESCR treaty norms. The impact of the ICESCR was especially strong during the constitution-drafting processes in Brazil and South Africa (Heyns and Viljoen 2001). The provisions of the ICESCR also played a large role in the drafting of the Philippines’ 1987 bill of rights, the Colombian and Romanian constitutions in 1991, and the Czech Republic’s constitution in 1993 (Heyns and Viljoen 2001, 500–501).

Finally, the “spiral model” of international regime influence on human rights (Risse and Sikkink 1999; Haglund and Aggarwal 2011) highlights a series of linkages and feedback loops between domestic and transnational groups. The premise of the spiral model is that domestic NGOs, especially in developing countries, appeal to transnational NGOs to highlight the plight of citizens in these countries. These transnational NGOs promote human rights norms and pressure Western governments to utilize a variety of mechanisms, including IGOs as well as their own policy choices, to persuade developing countries’ governments, especially where rights realization is not a priority, to change their behavior. In particularly tough cases this process takes a series of turns which may well start with governments’ denying any problems, followed by a process of justification whereby they become “trapped” in the language of rights (Risse and Sikkink 1999). This leads to changes in their behavior, and eventually politicians come to recognize the legitimacy of rights.

### *The Program-Lending Regime*

Since the 1980s, the leaders of the World Bank and the IMF have negotiated agreements with various states requiring loan recipients to liberalize and privatize their economies in the context of strict budget discipline. We refer to these arrangements as *program lending*. Such measures were intended to jump-start economic growth and free up resources for debt service.

It is unlikely that bad outcomes for ESR were intended by the designers of the program-lending regime. More likely, a shift in power from the state to the

market may cause worsened human rights practices by governments mainly because a strong state and substantial government intervention in the market are essential for the progressive realization of ESR (Donnelly 2003; Stiglitz 2002). The IMF and the World Bank have enacted a broad set of policies designed to carefully regulate the behavior of borrower states. These policies are incorporated into loan agreements. They include environmental impact statements, regulations on the treatment of indigenous peoples, the participation of NGOs in project planning, cooperation with technical assistance programs, and performance ratings of governments according to the criteria in the country policy and institutional assessments.

Neither institution is hostile to the progressive realization of ESR in the countries that participate in program lending. Both institutions have endorsed the Millennium Development Goals and are concerned with poverty reduction, which implies greater enjoyment of internationally recognized ESR (Haglund and Aggarwal 2011). The directors of the IMF and the World Bank expect that program lending will stimulate economic development, and thereby improve respect for a wide variety of human rights, including ESR (Blackmon 2008). The bank and the fund have consistently emphasized the importance of improving the accountability of governments to their citizens. Still, we think it is important that the advancement of human rights is not explicitly part of the charter of either international financial institution. Until the 1990s, leaders of the bank and the fund worried, sometimes publicly, that an emphasis on human rights when negotiating loans would allow politics to enter into decisions that should be purely economic. Neither institution wanted to encroach too much on the sovereignty of the governments they were trying to help. As an illustration of this position, during the 1960s, the UN General Assembly passed a series of resolutions urging the bank not to provide loans to Portugal or South Africa because of their colonial and apartheid policies, respectively. The bank, preferring to maintain its apolitical character, ignored the resolutions and continued lending to both countries (Bleicher 1970).

The bank now acknowledges its responsibilities for advancing human rights, but the IMF has been unwilling to do so (Blackmon 2008). As recently as 2001, responding to criticism that the IMF was ignoring the human rights consequences of its activities, an IMF spokesperson declared that it was not obligated to promote human rights around the world. Grant B. Taplin, assistant director in the IMF's Geneva office, stated before the UN Sub-Commission on the Promotion and Protection of Human Rights that the fund, in a strict sense, does not have a mandate to promote human rights. Taplin also stressed that the IMF is not "bound by various human rights declarations and conventions" (Capdevila 2001). Several members of the sub-commission expressed their disappointment. Yozo Yokota, of Japan, noted that human rights are "peremptory norms" that cannot be ignored in

agreements between states or in the operations of international financial institutions (Capdevila 2001).

Beginning in the mid-1990s, the leaders of the World Bank issued a series of statements acknowledging that the advancement of at least some human rights was part of its mission. The bank issued its clearest statement in commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights. The statement was titled *Development and Human Rights: The Role of the World Bank* (World Bank 1998). It describes the bank's view of its role in promoting respect for human rights around the world. First, it says that the bank must be concerned about the advancement of human rights around the world, because, as a creation of the United Nations, the World Bank must advance the human rights goals of the parent organization. Second, the bank acknowledges that it should be measuring its progress not just by how much economic growth it helps produce but also by the extent to which growth is accompanied by increased enjoyment of economic and social human rights by the citizenry of these countries. Economic growth, which does increase enjoyment of ESR, should be accompanied by significant reductions in poverty and advances in standards of living for the masses. In other words, the growth should be equitable.

Finally, the bank acknowledges that respect for some human rights might be necessary preconditions for growth to occur. Subsequent to the issuance of this report, James Wolfensohn, then president of the bank, started to redefine its operational procedures to be consistent with the human rights statement. His new development paradigm was called the Comprehensive Development Framework.<sup>6</sup> In it, the bank acknowledges (see World Bank 2003) that without the protection of human and property rights, and a comprehensive framework of laws, no equitable development is possible. The emphasis of the World Bank on promoting respect for ESR continues today.

Despite the human rights neutrality of the IMF and the advocacy of the World Bank, most quantitative studies of the human rights effects of the program-lending regime report negative effects on various types of human rights (Abouharb and Cingranelli 2006, 2007, 2009; Keith and Poe 2000; Franklin 1997; SAPRIN 2004; Vreeland 2003). However, the empirical issue is not settled; Eriksen and de Soysa (2009) find that participation in program lending led to improvements in government respect for personal-security rights.

### *Research Design*

These arguments about the likely direction of regime impacts and previous research provide the foundation for three hypotheses. First, the longer a government's participation in the ICESCR, the greater its respect for ESR. Second, the longer a government's participation in program lending, the worse its respect for

ESR. Third, the greater the number of international organizations in which a government participates, the worse its respect for ESR.

We examined the 131 developing economies that existed as independent states from 1981 to 2007. Following Milner, Poe, and Leblang (1999), Milner et al. (2004), Moon and Dixon (1985), and Callaway and Harrelson-Stephens (2004), we used Morris's (1979) physical quality of life index (PQLI) and its individual components as our measures of ESR outcomes. The PQLI is a composite of three indicators: infant mortality per thousand live births, life expectancy at age one, and the adult literacy rate. The three independent variables of chief theoretical interest are the measures of participation in the human rights regime, international finance regime, and other regimes. Consistent with the multistage spiral model of human rights realization outlined in the introduction of this book, we measured participation in the human rights regime as the number of years since ratification.<sup>7</sup> Similarly, we measured participation in the program-lending regime as the cumulative number of years countries had participated in program lending over the period of our study. The third independent variable of theoretical interest is the total number of IGOs in which each country participated in a particular year.

### *Findings*

We present only a brief summary of our findings here, because of space limitations. As shown in table 1.1, countries that had participated in the ICESCR for longer periods of time (*ICESCR ratification*) had higher scores on the PQLI, our measure of respect for ESR. Countries that had participated in program lending for greater periods of time (*World Bank & IMF program lending*) had lower scores on the PQLI. Finally, countries that participated in a larger number of intergovernmental organizations (*IGOs joined*) also had lower scores on the PQLI. The second column in the table (*Model 2*) includes the usual control variables, all of which produced results consistent with the literature. The detailed tables containing the results of the statistical analysis and the robustness tests are available from the authors by request.

### *Discussion*

Our theory suggests that the positive contribution of the ESR regime and the negative contribution of the program-lending regime can be best explained by the multiple-principal problem, which leads to less accountability by politicians to citizens' demands. The exception, we claim, occurs when additional principals reinforce citizen demands for human rights. The literature on regime influence suggests other possibilities for explanations of why participation in some regimes would matter while participation in others would not. We reject them all, and here we explain why. The literature suggests two attributes of regimes that might explain their *relative influence* over domestic human rights practices: the degree of support

TABLE 1.1 Generalized Least Squares Model: IGO Membership, ICESCR Ratification, World Bank & IMF Program Lending and Their Impact on Physical Quality of Life Index (PQLI), 1981–2007, All Developing Countries

	Model 1 PQLI (no control variables)	Model 2 PQLI (with control variables)
ICESCR ratification	1.085*** (0.0285)	0.597*** (0.0240)
World Bank and IMF program lending	-0.922*** (0.0420)	-0.231*** (0.0397)
IGOs joined	-0.0337*** (0.00898)	-0.0510*** (0.00793)
Control variables		
Level of democracy		0.766*** (0.0454)
Log of population		2.595*** (0.114)
Log of GDP per capita		12.20*** (0.156)
Incidence of interstate war		-3.290* (1.531)
Incidence of civil war		-0.982** (0.364)
UK colonial heritage		2.122*** (0.279)
International NGOs in country		0.00262*** (0.000283)
Government respect for workers' rights		0.993*** (0.202)
Trade as percentage of GDP		0.0662*** (0.00459)
Year		-0.438*** (0.0324)
Constant	65.24*** (0.499)	790.2*** (64.20)
Observations	3,198	2,188

NOTE: Standard errors in parentheses

\*\*\*  $p < .001$

\*\*  $p < .01$

\*  $p < .05$

^  $p < .1$

a particular regime receives from powerful governments in the world and their relative degrees of legalization. Neither explanation helps explain the findings described above.

First, realist theorists have argued that regimes are likely to exert greater influence in changing the behavior of participants if they have the strong support of the

most powerful states in the international system (see e.g. Krasner 1983). These would be the industrialized democracies, especially the United States. Those governments, along with the private international banks, have assigned the IMF and the World Bank the responsibility for establishing the system of rules and decision-making procedures that determine which developing countries receive capital and under what conditions. When the IMF and the World Bank declare that a government's economic reform program is "off track," governments and banks usually also withhold most financing (Stiglitz 2002). To emphasize the leadership role played by the U.S. government, many observers have referred to the norms and principles of the international finance regime as representing the "Washington consensus." In contrast, the U.S. government is not a strong supporter of the ICESCR regime. This difference led us to expect that participation in program lending would exert a stronger human rights influence than would participation in the ICESCR. However, we found the opposite.

The literature also suggests that regimes also are likely to exert greater influence in changing the behavior of participants if their norms are legalized. "Legalization" of regime norms refers to properties that the institution governing regime compliance may or may not possess—obligation, delegation, and precision (Abbott et al. 2000). On all three dimensions, the program-lending regime is more legalized than the human rights treaty regime. Regarding the degree of *obligation* of participants to follow regime norms, the directors of the bank and the fund can reduce, increase, or terminate financing to governments that do not comply with their conditions (Stiglitz 2002); while, other than "naming and shaming," the UN committee has no mechanisms at its disposal to punish defectors (Hafner-Burton 2008; Hafner-Burton and Tsutsui 2005). Program-lending rules are also more *precise*, because the expected conduct is spelled out in negotiated program-lending agreements. By contrast, the "progressive realization" principle for compliance with the ICESCR is vague and, perhaps for this reason, overall compliance is not measured. The more legalized relationship that characterizes program lending is demonstrated by the broader set of policies designed to carefully regulate the behavior of borrower states. These differences in degree of regime legalization also led us to expect that program lending would exert a stronger influence on the human rights practices of its participants than would the ICESCR regime, but we found the opposite.

We argue instead that regimes are more likely to exert greater and more positive influence over participant human rights practices if human rights improvement is an explicit part of their mandates. Regimes without explicit human rights mandates may exert human rights effects but these effects are likely to be unintended, indirect, unmonitored, and unrewarded. Therefore, they are likely to be weaker in size and less positive. For this reason one would expect the effects of participation in the human rights regime to be larger and more positive, and they are.

### *Conclusion*

This chapter offers a new theoretical framework to analyze the influence of international regimes on the domestic politics of human rights protection. We argue that the influence of international regimes arises as an outcome in a multiple-principal problem. Each international regime is a new principal for the national government, and all such new principals compete with each other and with the ultimate principal, the citizens of the nation-state, for influence on the national government, their common agent. The longer the government participates in an international regime without explicit human rights goals, the less accountable to citizens the national politicians become, and therefore one can expect more human rights violations. On the other hand, participation in an international regime aimed at promoting human rights can improve the accountability of politicians jointly to international bodies and to citizens, since these two principals share similar goals, and therefore one can expect fewer human rights violations.

Our illustrative examples suggest that participation in international regimes can substantially affect the motivations of state-level politicians to devote their efforts to protecting human rights. We assess the effect of the International Covenant on Economic, Social and Cultural Rights. Participation in the covenant encourages politicians to make more efforts to protect ESR. In comparison, participation in program lending discourages politicians from making strong efforts to protect ESR.

Our arguments also demonstrate the application of the multiple-principals problem within the MAPs framework of this volume. We highlight the importance of the MAPs framework's focus on actors and motivations. In particular we find, somewhat ironically, that as the number of pathways to hold leaders accountable increases, so does the agency loss. This agency loss occurs as political leaders navigate strategically between their international obligations in ways that require less effort from them in realizing ESR. Only when pathways explicitly demand better human rights outcomes, as with the ICESCR, do we find improvement on our metrics of ESR.

Our study of the multiple-principals problem within the MAPs framework can apply to all human rights, not just the realization of ESR. Where greater agency loss occurs and political leaders become less accountable for their actions, we expect that human rights outcomes will worsen. For example, we find that ratifying more international covenants worsens ESR outcomes, a good example of agency loss. ESR outcomes worsen because political leaders face more demands to focus their efforts in other areas of policy and place less importance on human rights. Human rights outcomes improve the most when states ratify conventions that explicitly mention human rights. Generally, our findings indicate that research seeking to build theories of why governments respect human rights should give greater attention to the human rights consequences of participation in international regimes. Our research has taken some tentative first steps by emphasizing how the multiple-principals

problem created by regime participation affects the incentives of politicians to protect human rights. We do not argue that the worse outcomes associated with long participation in such regimes as program lending were due to bad motives on the part of the leaders of the IMF or the World Bank. Rather, we emphasize that additional agency loss is generated in the principal–agent relationship between citizens and politicians simply because nation-states participate in multiple international regimes, each bringing with it a new principal with different preferences and a new contract with politicians. Most of those principals care less about human rights than citizens do. These principals expect politicians to devote effort to other tasks besides making stronger policies protecting human rights and monitoring their implementation, and with the addition of new principals, the preferences of the citizens are less salient for the agent. Our arguments also link to the broader themes of this volume by illustrating how the number and type of regimes that countries join can strengthen or weaken the possibility of positive social transformation enabling the realization of ESR within states.

An important practical implication of our findings is that increasing national participation in international organizations and regimes should be complemented by corresponding and purposeful efforts to promote government accountability to citizens, and most importantly to safeguard various human rights. Without such efforts, more active participation in international regimes that do not emphasize human rights promotion is likely to be associated with less effort by national-level politicians to protect human rights—an important indicator of the accountability of politicians to their citizens.

#### NOTES

1. We use the term *international regime* to refer to a set of explicit or implicit principles, norms, rules, and decision-making procedures created by international governmental organizations to constrain the behavior of regime participants in a particular issue area (Koremenos, Lipson, and Snidal 2001). A single international governmental organization can create hundreds of different international regimes, and every national government participates in many international regimes. When a national government decides to join a particular regime, national politicians agree to comply with its norms.

2. In contrast, Sano in this volume notes the social accountability model developed at the World Bank in the mid-1990s to improve ESR outcomes. However, as Sano notes, there is little evidence that the model improves realization of these rights. From our perspective, any positive aspects of the social accountability model are outweighed by the negative ESR consequences of World Bank program lending.

3. See Felice in this volume for a supportive view. See also Nelson in this volume for a discussion of how international NGOs incorporate economic, social, and cultural rights into their day-to-day workings.

4. Described by Haglund and Stryker in the introduction to this volume.



5. But for a counterargument and evidence to the contrary, see Hafner-Burton (2008).
6. A number of documents and other resources on the Comprehensive Development Framework are available on the bank's website ([www.worldbank.org](http://www.worldbank.org)).
7. Most studies have used a dichotomous measure of participation, assigning a government a score of 1 if it had ratified the convention and 0 if it had not (but see Landman 2005).

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