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INTRODUCTION

Following the end of World War II, the new leaders of world politics gathered together and created the United Nations and subsequent international human rights laws with the goal of maintaining international peace and stability and eradicating genocide. However, almost a century later, it is clear that these goals have not been met, as human rights violations continue to be a pervasive global problem. While scholars diverge on the extent to which they think international human rights law is implemented and enforced, no scholar argues that international law sees the routine, effective, and consistent enforcement that would be desirable. The continued prevalence of human rights abuses and disregard for international human rights law has resulted in cynicism towards international human rights law as a whole. For example, Ambassador to Yugoslavia Warren Zimmermann described western diplomatic attempts to stop genocide as "a kind of cynical theater, a pretense of useful activity, a way of disguising a lack of will... impotent and ridiculous."¹ However, while Zimmermann is correct to condemn the lack of western action in Yugoslavia, there are times when the international community has taken strong, decisive actions against human rights abuses.² Binder names this selective interventionism the "selectivity gap," in which very similar cases of human rights abuses are treated very differently by the international community.³ This article will address the selectivity gap in international responses to human rights crises between 1991 and 2001, with a particular emphasis on responses from the United States, and argue that political factors such as diplomatic alignment are important indicators of the likelihood of intervention, alongside traditionally cited

¹ Heidenrich, John G. "Forms of Nonviolent Pressure: Diplomacy, Economic Trade, and Nonviolent Resistance." In *How to Prevent Genocide : A Guide for Policymakers, Scholars, and the Concerned Citizen.* Westport, Conn.: Praeger, 2001: 94.

² Binder, Martin. "Humanitarian Crises and the International Politics of Selectivity." Human Rights Review (Piscataway, N.J.) 10, no. 3 (2009): 328.

³ Binder, Martin. "Humanitarian Crises and the International Politics of Selectivity": 328.

factors such as economic development and geostrategic concerns. Though we are living in a period of relative decline in United States power, the conclusions of this article are important for several reasons. First, the United States still maintains a relatively large influence in the international system, though certainly not as large as it once was, so US concerns will continue to have implications for international responses to human rights violations for the time being. Second, current indicators for the likelihood of intervention can be applied to future international decision makers, including either new hegemons or groups of powerful states with influence over humanitarian intervention.

LITERATURE REVIEW

One of the major debates in current international relations scholarship is the extent to which international human rights law meaningfully influences state behavior. Louis Henkin argues that "almost all nations observe almost all principals of international law and almost all of their obligations almost all of the time."⁴ This assumption that states generally comply with the international treaties to which they are signatories has been generally accepted in scholarship pertaining to international law compliance, primarily because of the argument that states are unlikely to ratify treaties with which they do not intend to comply.⁵ However, recent developments in quantitative studies of human rights law compliance find mixed results, indicating that nondemocratic states often fail to comply with human rights treaties, even after signing them.⁶ Thus, recent research has focused on the factors that influence countries' levels of

⁴ Danceanu, Constanza Fernandez. "Systematic Review of the Causes of Latin American States' Compliance With International Human Rights Law." Human Rights Quarterly 41, no. 3 (2019): 553.

⁵ Danceanu, Constanza Fernandez. "Systematic Review of the Causes of Latin American States' Compliance With International Human Rights Law": 553-554.

⁶ Hathaway, Oona A. "Do Human Rights Treaties Make a Difference?" The Yale Law Journal 111, no. 8 (2002): 1935-2042.

compliance with human rights. Further, recent qualitative studies have concluded that countries often do not comply with international human rights treaties because of the low likelihood of incurring costs for noncompliance.⁷ This raises further questions about what factors determine the limited number of cases in which the international community does choose to intervene in situations of human rights violations.

The three major paradigms of international relations diverge in the extent to which they believe international law can influence state behavior. According to realism, international law has little hope of influencing the way that states behave, unless it is enforced by a hegemon. As Danceanu points out, realism asserts that "states are constantly seeking to gain or to maintain power in order to assert and ensure their own interests."⁸ As a result, realists argue that international law merely serves as an instrument for powerful states to assert their self-interests and will only continue to exist when it serves the interests of dominant states.⁹ While this may seem like a grim prospective for human rights compliance, Neumayer argues that the realist perspective actually bodes well for human rights in the current international system because of the United States' relatively positive record of upholding human rights.¹⁰ However, powerful countries rarely devote their resources to enforcing international human rights law, resulting in an opportunity for states to rhetorically agree to human rights without actually complying in

Hafner-Burton, Emilie M, Tsutsui, Kiyoteru, and Meyer, John W. "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties." International Sociology 23, no. 1 (2008): 115-41. Neumayer, Eric. "Do International Human Rights Treaties Improve Respect for Human Rights?" The Journal of Conflict Resolution 49, no. 6 (2005): 925-53.

⁷ Hafner-Burton, Emilie M, Tsutsui, Kiyoteru, and Meyer, John W. "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties": 115-41.

⁸ Danceanu, Constanza Fernandez. "Systematic Review of the Causes of Latin American States' Compliance With International Human Rights Law": 557.

⁹ Danceanu, Constanza Fernandez. "Systematic Review of the Causes of Latin American States' Compliance With International Human Rights Law": 557.

¹⁰ Neumayer, Eric. "Do International Human Rights Treaties Improve Respect for Human Rights?": 926.

order to deflect pressure to respect human rights.¹¹ Still, there are instances in which states do comply with international law, even when it may not fit their material interests. As a result, while realism does effectively explain why countries sometimes do not uphold human rights, it lacks an explanation as to why states sometimes do comply with international law, even when it does not fit their self-interest.

The liberal institutionalist perspective focuses on international regimes as a way for states to cooperate in order to gain long-term mutual benefits. According to Hillebrecht, "compliance with international law [is] a strategy for achieving international cooperation. Compliance with international law is a way for states to preserve their international reputation... and solve problems that have no clear domestic solution."¹² While they agree with the realist principle that states follow their own self-interest, institutionalists argue that it is possible for states to cooperate long-term in order to achieve mutual self-interest. The key enforcement mechanisms for international law according to institutionalism are reciprocity and reputation, the idea that if states uphold their commitments then other states will act similarly, resulting in long-term benefits for all parties.¹³ While institutionalism would point to a more positive view of the prospects of international law than realism in most cases, Neumayer argues that it may not be more positive in the case of human rights because "it is somewhat questionable whether there are substantial mutual benefits from greater respect for human rights across countries."¹⁴ Further, institutionalism points out that states are unlikely to use sanctions to enforce human rights because "a sanction will only be credible if the threatening group of countries is better off

¹¹ Hathaway, Oona A. "Do Human Rights Treaties Make a Difference?"

¹² Hillebrecht, Courtney. "The Domestic Mechanisms of Compliance with International Human Rights Law: Case Studies from the Inter-American Human Rights System." Human Rights Quarterly 34, no. 4 (2012): 963.

¹³ Danceanu, Constanza Fernandez. "Systematic Review of the Causes of Latin American States' Compliance With International Human Rights Law": 558.

¹⁴ Neumayer, Eric. "Do International Human Rights Treaties Improve Respect for Human Rights?": 927.

actually executing the sanction than refraining," which is not true in the case of sanctions regarding noncompliance with human rights treaties.¹⁵ Therefore, while liberal institutionalism may explain how treaties are upheld long term, it is unclear exactly how well this strain of theory applies to human rights law.

Constructivism asserts that states generally comply with international law as a result of the socialization process and norms within the international system. According to Danceanu, the foundation of constructivism is the belief that states "have shared norms shaped by cooperation, dialogue and inclusiveness."¹⁶ For example, according to Simmons, actors will comply with international law if they are socialized to comply through rewards and punishments as well as through changing values and identities during the socialization process.¹⁷ Similarly, Hawkins argues that the content of arguments has the greatest influence on the development of international law and compliance, rather than the power of outside forces as argued by realists.¹⁸ He argues that, through the persuasion process, states are able to address their needs and interests, compromise on the ultimate outcome, and experience social pressure for compliance. Because the constructivist approach functions under the assumption that states are concerned about their reputations among other states, international human rights law will be upheld for fear of being seen as disinterested in human rights.¹⁹ While the constructivist approach to human rights compliance may hold up in some cases, as Hawkins demonstrates, it may fail to explain

¹⁵ Neumayer, Eric. "Do International Human Rights Treaties Improve Respect for Human Rights?": 927.

¹⁶ Danceanu, Constanza Fernandez. "Systematic Review of the Causes of Latin American States' Compliance With International Human Rights Law": 558.

¹⁷ Danceanu, Constanza Fernandez. "Systematic Review of the Causes of Latin American States' Compliance With International Human Rights Law": 559.

¹⁸ Hawkins, Darren, and Jacoby, Wade. "A Comparison of the European and Inter-American Courts of Human Rights." JILIR : Journal of International Law & International Relations 6, no. 1 (2010): 780.

¹⁹ Hawkins, Darren, and Jacoby, Wade. "A Comparison of the European and Inter-American Courts of Human Rights.": 787.

why some states appear relatively unconcerned with their international reputations and remain outside of the socialization process.

In the last several decades there has been a growth in scholarly interest in settling the debate regarding the influence of international law on state behavior. According to Hafner-Burton and Ron, the first major studies on the impact of human rights law were undertaken in the 1990s and focused on Latin and Central America, which had just undergone major transformations in the area of human rights.²⁰ Such case studies generally promoted the idea that international human rights laws could have a positive impact on the global status of human rights.²¹ For example, Sikkink's case studies on Argentina, Mexico, Guatemala, Uruguay, and Paraguay indicated that local activism against oppressive governments could eventually "shame Northern governments into policy change."²² Similarly, Danceanu works under the assumption that "compliance is the normal organizational presumption" in her "Review of the Causes of Latin American States' Compliance" and provides these explanations for international law compliance in Latin America: sanction for non-compliance, ethics, reputation, naming and shaming, persuasion, membership, capacity, and domestic politics.²³ However, these studies contain the issues which are typically present in qualitative research, such as a lack of standardization of measures and selection bias.²⁴ While case studies are useful in determining the

²⁰ Hafner-Burton, Emilie, and Ron, James. "Seeing Double: Human Rights Impact through Qualitative and Quantitative Eyes." World Politics 61, no. 2 (2009): 366.

²¹ Hafner-Burton, Emilie, and Ron, James. "Seeing Double: Human Rights Impact through Qualitative and Quantitative Eyes.": 366.

²² Hafner-Burton, Emilie, and Ron, James. "Seeing Double: Human Rights Impact through Qualitative and Quantitative Eyes.": 366.

²³ Danceanu, Constanza Fernandez. "Systematic Review of the Causes of Latin American States' Compliance With International Human Rights Law."

²⁴ Hafner-Burton, Emilie, and Ron, James. "Seeing Double: Human Rights Impact through Qualitative and Quantitative Eyes.": 382.

details of individual cases, quantitative research is needed in order to determine the bigger picture of human rights compliance.

While quantitative research on compliance with international law is challenging because of the breadth of the field, the multitude of interpretations of compliance, and the lack of data on compliance, quantitative studies of international law compliance have begun to emerge in the last several decades, particularly in the field of human rights law. Hafner-Burton, Tsusui, and Meyer's study, "International Human Rights Law and the Politics of Legitimation," makes this argument:

- 1. The emergence of a global human rights regime in the last several decades has produced a normative expectation for every state to commit itself to human right protection; but
- 2. Reaction to this normative pressure depends on variations in perception and realities of accountability for non-conformity.²⁵

They argue that, because of the failure to make noncompliance with international human rights law costly, repressive governments may perceive ratification of human rights treaties as a way to deflect criticism of their internal practices and improve their international standing without consequences.²⁶ Therefore, their first hypothesis is that states with records of repression are more likely to commit to human rights regimes than those with no records of repression.²⁷ Second, they hypothesize that repressive governments with greater autonomy from domestic oppositions are more likely to commit to human rights regimes than those with less autonomy.²⁸ Using data from the US State Department Bureau of Democracy, Human Rights, and Labor and Amnesty

²⁵ Hafner-Burton, Emilie M, Tsutsui, Kiyoteru, and Meyer, John W. "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties": 121.

²⁶ Hafner-Burton, Emilie M, Tsutsui, Kiyoteru, and Meyer, John W. "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties": 123.

²⁷ Hafner-Burton, Emilie M, Tsutsui, Kiyoteru, and Meyer, John W. "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties": 123.

²⁸ Hafner-Burton, Emilie M, Tsutsui, Kiyoteru, and Meyer, John W. "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties": 125.

International, they confirm both hypotheses and, further, find that "the decoupling between policy and practice is more radical than [they] had imagined," indicating that repressive states often join human rights regimes without the intention of complying.²⁹

Neumayer's study "Do International Human Rights Treaties Improve Respect for Human Rights?" similarly attempts to quantify the extent to which international human rights law improves respect for human rights in ratifying countries. The study uses data from the two Purdue Political Terror Scales, which codify information from the U.S. Department of State's Country Reports on Human Rights Practices and from Amnesty International reports, and compares countries' levels of human rights compliance to their levels of treaty ratification.³⁰ Neumayer uses similar control variables to Hathaway, including a measure of the extent of external and internal armed conflict, the Polity measure of political democracy, per capita income, population size, and the number of international NGOS with domestic participation.³¹ Neumayer's findings show that "the beneficial effect of ratification... is typically conditional on the extent of democracy and the strength of civil society groups," meaning that treaty ratification is likely to have a positive effect on respect for human rights in democratic countries, but a negative impact on human rights in the absence of democratic civil society.³²

A similar study by Hathaway attempts to quantify international human rights law compliance using various data sets on genocide, torture, fair trial, civil liberty, and women's political equality.³³ In the first portion of the quantitative analysis, she studies the relationship between treaty ratification and country ratings and finds that countries that have ratified human

²⁹ Hafner-Burton, Emilie M, Tsutsui, Kiyoteru, and Meyer, John W. "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties": 132.

³⁰ Neumayer, Eric. "Do International Human Rights Treaties Improve Respect for Human Rights?": 938.

³¹ Neumayer, Eric. "Do International Human Rights Treaties Improve Respect for Human Rights?": 939.

³² Neumayer, Eric. "Do International Human Rights Treaties Improve Respect for Human Rights?": 926.

³³ Hathaway, Oona A. "Do Human Rights Treaties Make a Difference?"

rights treaties generally have better human rights ratings than those who have not.³⁴ However, while countries that have ratified human rights treaties do have higher ratings on average, she finds evidence that countries with poor human rights ratings are sometimes more likely to have ratified relevant human rights treaties.³⁵ Overall, her findings contradict the common claim that compliance with treaties is the norm.³⁶ Next, Hathaway attempts to measure whether countries that have ratified treaties are more likely to conform to the requirements of the treaty. She draws on previous research to select these control variables: international war, civil war, population size, population growth, and the age of the regime in power.³⁷ The results indicate that treaty ratification is actually often associated with worse human rights practices than otherwise expected.³⁸ Hathaway concludes that external pressure encourages states to ratify human rights treaties, but the lack of monitoring and enforcement of human rights treaties means there is little incentive for ratifying states to make the costly policy changes it would take to uphold human rights law.³⁹

The findings of Hathaway's study and similar studies indicate that states resistant to human rights compliance are not likely to comply with international human rights law unless the costs of noncompliance are greater than the costs of compliance. This finding raises the question as to in what situations will other countries raise the costs of noncompliance in order to induce compliance. Choi's study "What Determines US Humanitarian Intervention?" focuses on competing explanations for US humanitarian intervention. According to Choi, realists argue that the decision to intervene is based on national interests, such as "securing the supply of oil or

³⁴ Hathaway, Oona A. "Do Human Rights Treaties Make a Difference?": 1976.

³⁵ Hathaway, Oona A. "Do Human Rights Treaties Make a Difference?": 1978.

³⁶ Hathaway, Oona A. "Do Human Rights Treaties Make a Difference?": 1987.

³⁷ Hathaway, Oona A. "Do Human Rights Treaties Make a Difference?": 1990.

³⁸ Hathaway, Oona A. "Do Human Rights Treaties Make a Difference?": 1989.

³⁹ Hathaway, Oona A. "Do Human Rights Treaties Make a Difference?": 2020.

expanding power interests."⁴⁰ Choi tests this argument using indicators of national interest including oil exports, alliances, and geographical proximity.⁴¹ Conversely, liberals argue that humanitarian interventions are "a manifestation of America's moral obligations and responsibilities as a world leader."⁴² Choi tests this argument using the level of human rights violations in a given country, assuming that, if the liberal argument is correct, the US should be more likely to intervene in places with worse rights violations.⁴³ Based on his research, Choi determines that US interventions are generally better explained by the level of violence in a given country than US national security interests, indicating that liberalism is a better theory for explaining humanitarian intervention.⁴⁴

A similar study by Yoon attempts to quantify reasons for US intervention in Third World internal wars following the end of World War II. Yoon tests realist variables, including intervention by the Soviet Union, communism, strategic importance to the United States, and geographical proximity, as well as economic variables including US dependence on raw material, the importance of the market to the US, and US foreign investment.⁴⁵ Yoon finds little evidence for the economic explanations of US intervention, but finds that the realist explanations do have a statistically significant effect on the likelihood of US intervention. Conversely, Fordham's study, "Power or Plenty? Economic Interests, Security Concerns, and American Intervention" argues that studies such as Yoon's which do not find evidence of economic impact fail to consider the indirect effects of US economic interests, such as the long-term impact of

⁴⁰ Choi, Seung-Whan. "What Determines US Humanitarian Intervention?" Conflict Management and Peace Science 30, no. 2 (2013): 122.

⁴¹ Choi, Seung-Whan. "What Determines US Humanitarian Intervention?": 126.

⁴² Choi, Seung-Whan. "What Determines US Humanitarian Intervention?": 122.

⁴³ Choi, Seung-Whan. "What Determines US Humanitarian Intervention?": 125.

⁴⁴ Choi, Seung-Whan. "What Determines US Humanitarian Intervention?": 128.

⁴⁵ Yoon, Mi Yung. "Explaining U.S. Intervention in Third World Internal Wars, 1945-1989." The Journal of Conflict Resolution 41, no. 4 (1997): 583.

economic concerns on US alliance making.⁴⁶ Fordham tests security interests, including the presence of allies and the presence of rivals, and economic interests, measured by foreign direct investment, and determines that the initial test confirms Yoon's idea that security concerns are more influential than economic concerns on US foreign policy.⁴⁷ However, he demonstrates through further tests that alliances are often formed based on economic considerations, indicating that economic factors do have an indirect effect on US foreign policy.⁴⁸ Overall, these two studies indicate that security concerns have a more immediate effect on US intervention, but that economic concerns are indirectly involved.

Previous quantitative research regarding international law enforcement leaves open a gap regarding what factors influence military intervention into human rights violations. Choi and Yoon successfully demonstrate the importance of security concerns in determining US decisions to intervene. However, as Fordham points out, the importance of economic factors may be undervalued by previous researchers, including Choi and Yoon. This article will thus treat economic variables as indicators of humanitarian intervention that require further exploration. Further, previous scholars consider political explanations of humanitarian intervention such as alliance politics, but fail to consider the way diplomatic relationships outside of security alliances impact the likelihood of intervention. This is surprising given that political interests have a large impact on state behavior. Therefore, this study will focus on diplomatic alignment as a second indicator of humanitarian intervention.

QUANTITATIVE ANALYSIS

⁴⁶ Fordham, Benjamin O. "Power or Plenty? Economic Interests, Security Concerns, and American Intervention." International Studies Quarterly 52, no. 4 (2008): 737.

 ⁴⁷ Fordham, Benjamin O. "Power or Plenty? Economic Interests, Security Concerns, and American Intervention":
745.

⁴⁸ Fordham, Benjamin O. "Power or Plenty? Economic Interests, Security Concerns, and American Intervention": 751.

This article will focus primarily on US-sponsored humanitarian interventions for two reasons. First, there is a large breadth of data available regarding US relationships with other countries as well as US motivations. Second, many scholars essentially argue that US decisions and global decisions are interchangeable because of the predominance of US policy, particularly following the Cold War at the height of US hegemony. For example, Stoll argues that "the United States largely initiated and contributed to today's international legal system, and can still be considered to have an enormous and exceptional potential in terms of military and economic power."⁴⁹ Similarly, Labonte points out that

[The United States] plays a highly important role in shaping international policy concerning responses to mass atrocities, including humanitarian intervention. Moreover, without US support it would be extremely difficult (possibly impractical) for the Security Council or a coalition of the willing to sanction the use of force to halt or prevent mass atrocities, including cases that today would be classified as R2P cases. In other words, the international community of states will not be persuaded to take robust action in halting mass atrocities if Washington is not persuaded.⁵⁰

As these two scholars indicate, it is largely accepted that the United States has a large influence over international decision making, particularly immediately following the Cold War. This makes it possible to use US decision making as an indicator of international decision making. However, this is not to say that the US is able to enforce its preferences unchallenged within the international system. As Bearsdley finds, although the interests of the US and the other members of the P-5 are important determinants of UN action, the organizational mission of the UN is also a powerful influence on humanitarian intervention.⁵¹ However, for the convenience of this study,

⁴⁹ Byers, Michael, and Nolte, Georg. "Compliance." In *United States Hegemony and the Foundations of International Law*. Cambridge, UK ; New York: Cambridge University Press, 2003: 457.

⁵⁰ Labonte, Melissa. *Human Rights and Humanitarian Norms, Strategic Framing, and Intervention : Lessons for the Responsibility to Protect.* Global Institutions Series ; 71. New York: Routledge, 2012: 14.

⁵¹ Beardsley, Kyle, and Schmidt, Holger. "Following the Flag or Following the Charter? Examining the Determinants of UN Involvement in International Crises, 1945-2002." International Studies Quarterly 56, no. 1 (2012): 46.

United States foreign policy will be treated as a reasonable indicator of the likelihood of international humanitarian intervention.

I provide three hypotheses for the quantitative portion of this study. The first hypothesis focuses on diplomatic proximity as measured by voting habits within the United Nations:

Hypothesis 1: The United States will be less likely to intervene in personal integrity violations in countries with more similar voting patterns in the United Nations. As Akhavan argues, "whether military action is taken in a given situation is determined by the political interests at stake."⁵² While the political will is certainly influenced by geostrategic interests, as previous scholars argue, I argue that it is additionally influenced by diplomatic alignment. For example, I would expect the United States to be less willing to intervene in human rights violations in a country with which it had strong diplomatic ties because it would be unwilling to destabilize a relationship with a potential ally or trading partner. Therefore, I argue that the United States will be less likely to intervene in countries with more similar voting patterns in the United Nations.

The second hypothesis focuses on democracy as an indicator of intervention:

Hypothesis 2: The United States will be more likely to intervene in personal integrity violations in countries with medium to high levels of democratization.

I argue that the United States will be more likely to intervene in countries with higher levels of democratization because human rights violations in democracies represent more of a threat to the international order. This view is confirmed by Choi, who argues that "when the United States employs its military abroad to protect human rights, it also aims at advancing or defending democracy as a system of government."⁵³ Additionally, the United States is more likely to be

⁵² Akhavan, Payam. "Enforcement of the Genocide Convention: A Challenge to Civilization." Harvard Human Rights Journal 8 (1995): 18.

⁵³ Choi, Seung-Whan. "What Determines US Humanitarian Intervention?": 126.

willing to intervene in an established democracy than in an authoritarian state with the potential to require nation building by the United States. However, as Paranti argues, the United States is not always as concerned with democracy as it may claim to be. For example, during the Cold War, the United States habitually favored authoritarian regimes over democratically elected communist governments in Latin America.⁵⁴ Consequently, it is plausible that there will not be a relationship between democracy and intervention.

The third hypothesis focuses on economic indicators of intervention:

Hypothesis 3: The United States will be less likely to intervene in personal integrity violations in countries with more integrated economies.

I argue that the United States will be less likely to intervene in personal integrity violations in countries with which it shares greater levels of trade because it will not want to disrupt the trade flow. For example, assuming that the United States would use diplomatic strategies such as economic sanctions before beginning a military intervention, US leaders could expect significant backlash over disrupted trade with important trading partners. However, it is also possible that the relationship will go the other way because the US may want to protect the trade flow from the kind of disruption caused by humanitarian crises. Overall, I expect economic factors to be an important indicator for the likelihood to intervene because of the importance of economic factors in political decision making.

EXPLANATORY VARIABLES

Diplomatic proximity with the United States is measured by the ideal point estimates from Voeten, Strezhnev, and Bailey's "United Nations General Assembly Voting Data."⁵⁵ The

⁵⁴ Parenti, Michael. "Determining Intent: Why Do US Leaders Intervene in Other Countries?" New Political Science 24, no. 1 (2002): 44.

⁵⁵ Voeten, E., Strezhnev, A., & Bailey, M. (2021, May 6). *United Nations General Assembly Voting Data*. Harvard Dataverse. https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi%3A10.7910%2FDVN%2FLEJUQZ.

UN General Assembly Voting data set contains data on roll-call votes in the UN General Assembly from 1946 through 2020. This data is translated into ideal point estimates based on voting patterns as described in "Estimating Dynamic States Preferences from United Nations Voting Data."⁵⁶ The ideal point distance has become the standard data source for constructing measures of states preferences because it contains concrete, measurable actions from most countries over a long period of time.⁵⁷ The ideal point distance is used in this study as a measure of diplomatic alignment with the United States using data on relationships between the United States and all countries included from 1991 to 2001.

Levels of democratization are measured by the Polity Score which provides scores from - 10 for full autocracy to +10 for full democracy.⁵⁸ Choi uses the polity score as a measure of democracy in his study of what determines US humanitarian intervention, as does Fordham in his analysis of the effects of political and economic interests on intervention.⁵⁹ Polity 2 data from 1991 to 2001 is used for this study. Polity 2 is chosen over Polity 1 because it has less missing data for the time period in consideration.

Economic integration with the United States is measured through trade balance, exports and imports, US foreign direct investment, gross domestic product, and fuel exports as a percentage of merchandise exports. Yoon uses foreign direct investment and trade as measures of US economic interests, while Fordham uses only foreign direct investment.⁶⁰ I use both foreign

⁵⁶ Bailey, Michael A, Strezhnev, Anton, and Voeten, Erik. "Estimating Dynamic State Preferences from United Nations Voting Data." The Journal of Conflict Resolution 61, no. 2 (2017): 430-56.

⁵⁷ Bailey, Michael A, Strezhnev, Anton, and Voeten, Erik. "Estimating Dynamic State Preferences from United Nations Voting Data": 431.

⁵⁸ INSCR Data Page. Accessed July 16, 2021. http://www.systemicpeace.org/inscrdata.html.

⁵⁹ Choi, Seung-Whan. "What Determines US Humanitarian Intervention?"

Fordham, Benjamin O. "Power or Plenty? Economic Interests, Security Concerns, and American Intervention." ⁶⁰ Yoon, Mi Yung. "Explaining U.S. Intervention in Third World Internal Wars, 1945-1989": 588.

Fordham, Benjamin O. "Power or Plenty? Economic Interests, Security Concerns, and American Intervention."

direct investment and exports measured in US dollars.⁶¹ I additionally add gross domestic product as a measure of the size of the economy, assuming that the US will be more concerned with countries with larger economies.⁶² In addition, I add a measure of US fuel reliance. Beardsley argues that oil reliance is a top long term security concern in the United States, so issues involving oil exporters will draw particular attention.⁶³ I operationalize this argument using World Bank data on oil exports as a percentage of merchandise exports.⁶⁴

RESPONSE VARIABLES

The response variable measured in this research is US intervention in cases of human rights violations. I include measures for personal integrity violations and humanitarian intervention as separate response variables in order to obtain the most data. Personal integrity rights violations "include the right to life and the inviolability of the human person. Violations of personal integrity rights include prolonged and arbitrary detention, extrajudicial killing, torture, genocide, and other severe violations of bodily integrity."⁶⁵ For the purpose of this research, the data on violations of personal integrity rights will be used to explore the relationship between the United States and countries with high levels of rights violations. This data is valuable to measurements of intervention as long as we assume that high levels of rights violations will cease following US intervention. This data comes from two primary data sets: the Political

⁶¹ "International Data: Direct Investment and MME." Accessed July 16, 2021. US Bureau of Economic Analysis. (n.d.).

 $https://www.google.com/search?q=bea&rlz=1C5CHFA_enUS914US914&oq=bea&aqs=chrome..69i60j69i57j0i43312j69i6112.3340j0j7&sourceid=chrome&ie=UTF-8.$

[&]quot;World Development Indicators." Accessed July 16, 2021. DataBank. (n.d.). https://databank.worldbank.org/reports.aspx?source=2&series=NY.GDP.MKTP.CD&country=#.

^{62 &}quot;World Development Indicators."

⁶³ Beardsley, Kyle, and Schmidt, Holger. "Following the Flag or Following the Charter? Examining the Determinants of UN Involvement in International Crises, 1945-2002": 40.

⁶⁴ "World Development Indicators."

⁶⁵ Hafner-Burton, Emilie, and Ron, James. "Seeing Double: Human Rights Impact through Qualitative and Quantitative Eyes": 364.

Terror Scale, which gives a rating of one through five, with five being the highest possible amount of government inflicted terror, and the CIRI human rights data, which gives a rating of zero through eight, eight being the highest level of respect for human rights.⁶⁶ Second, there is a limited amount of data on humanitarian intervention. I include the Kisangani and Pickering dataset on international military intervention which provides data on various types of intervention. I include only cases which the dataset lists as humanitarian intervention. I add a score of one for US involvement and zero for no US involvement as a second variable.⁶⁷ I use a linear regression to find the relationship between each of the response variables, shown across the top row of Table 1, with each explanatory variable, shown in the first column in Table 1.

RESULTS

	Political Terror Scale (State Department)	Political Terror Scale (Amnesty International)	Cingranelli and Richards Human Rights Dataset	Kisangani and Pickering International Military Intervention Dataset	Kisangani and Pickering International Military Intervention Dataset (US
					Involved)
Polity 2	-0.017*	-0.015*	0.043**	-0.003**	-0.003**
Voeten Ideal Point Distance	0.545**	0.469**	-1.221**	-0.019**	-0.021**
Exports (US\$ Thousand)	-8.939E-10	-1.436E-9	-1.912E-9	-5.331E-11	1.509E-11
US Foreign Direct Investment	-1.238E-6	-1.864E-6	7.059E-7	-2.728E-7	-2.826E-7
Gross Domestic Product	3.667E-14	4.305E-14	-1.422E-13	-5.445E-15	-4.329E-16

Table 1: Multiple Regression Results

 ⁶⁶ "The Political Terror Scale." Accessed July 16, 2021. http://www.politicalterrorscale.org/About/.
CIRI Human Rights Data Project. (n.d.). http://www.humanrightsdata.com/p/data-documentation.html.
⁶⁷ "International Military Intervention." Kansas State University. Accessed July 19, 2021. https://www.k-state.edu/polsci/intervention/.

Oil Exports as a Percentage of Merchandise Exports	-0.001	0.001	0.003	0.001**	0.001**
Adj. R ²	0.241	0.194	0.311	0.029	0.029
N	956	813	900	963	963

*Significant at the .05 level

**Significant at the .01 level

The results of the multiple regression are reported in Table 1. The first hypothesis predicts that the Voeten ideal point distance should have a positive relationship with the Political Terror Scale, assuming that higher levels of intervention correlate with lower levels of human rights violations. Because the Cingranelli and Richards data is coded so that eight is the lowest level of human rights violations, the Voeten ideal point distance should have a negative relationship with the CIRI data in order to indicate the same relationship. The results confirm that the Voeten ideal point distance has a statistically significant positive relationship with both sets of Political Terror Scale data and a negative relationship with the CIRI data. Additionally, the Voeten ideal point distance should have a negative relationship with the Kisangani and Pickering International Military Intervention Dataset. The results confirm a statistically significant negative relationship between the Voeten ideal point distance and the Kisangani and Pickering data, both with and without US involvement.

The second hypothesis predicts that the Polity Score should have a positive relationship with the Cingranelli and Richards data and a negative relationship with the Political Terror Scale data. The results confirm that there is a statistically significant negative relationship between the Polity Score and both sets of Political Terror Scale data, as well as a statistically significant positive relationship between the Polity Score and the CIRI human rights data. We would expect this kind of correlation because the Polity Score takes human rights violations into account as part of its system of measuring democracy. Additionally, the hypothesis predicts that there should be a positive relationship between the Polity Score and the military intervention indicators. The results show a statistically significant negative relationship between the Polity Score and the Kisangani and Pickering international military intervention dataset, indicating that there may actually be a negative relationship between Polity and likelihood of intervention.

The third hypothesis predicts that there should be a positive relationship between all indicators of economic integration and the Political Terror Scale data given the argument that higher levels of economic integration will result in a lower likelihood of intervention, assuming that lower levels of intervention mean higher levels of rights violations. Similarly, the hypothesis predicts a negative relationship between the economic indicators and the Cingranelli and Richards human rights data, which would indicate that higher levels of economic integration resulted in higher levels of rights violations. None of the economic indicators have statistically significant relationships with either the Political Terror Scale data or the CIRI human rights data. Additionally, there should be a negative relationship between the economic indicators and the military intervention data sets. However, there is a statistically significant positive relationship between oil exports as a percentage of merchandise exports and the Kisangani and Pickering international military intervention data, both with and without US involvement. I ran additional regressions using either exports or GDP as indicators rather than combining them to ensure that the data was not losing significance due to collinearity, but did not find this to be the case. None of the other economic indicators have statistically significant relationships with either set of military intervention data. I additionally include a logit regression in order to better test the relationship between the explanatory variables and the dichotomous military intervention data.

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	Kisangani and Pickering International Military Intervention Dataset	Kisangani and Pickering International Military Intervention Dataset (US Involved)	
Polity 2	-0.086*	-0.096	
Voeten Ideal Point Distance	-0.918**	-1.584**	
Exports (US\$ Thousand)	1.109E-7	1.629E-6**	
US Foreign Direct Investment	-0.001	-0.001**	
Gross Domestic Product	-8.989E-12	-1.651E-11	
Oil Exports as a Percentage of Merchandise Exports	0.019**	0.0290**	
Ν	962	962	

*Significant at the .05 level

**Significant at the .01 level

The first hypothesis would predict a negative relationship between Voeten ideal point distance and the Kisangani and Pickering Military Intervention dataset. As shown in Table 2, the data from the logit regression confirms that there is a statistically significant negative relationship between the Voeten ideal point distance and the Kisangani and Pickering data, both with and without US involvement. Notably, the relationship is stronger with US involvement than without, which provides further evidence that US involvement is a key facet of the relationship between diplomatic alignment and intervention.

The second hypothesis would predict a positive relationship between the Polity Score and the international military intervention data. However, the data indicates that there is a statistically significant negative relationship between the Polity Score and military intervention. While this would suggest that the United States is less likely to intervene in countries with medium to high levels of democratization, it is more likely a result of spuriousness in the data. The Polity Score uses human rights violations as a measure of polity, so countries with higher polity scores are guaranteed to have lower levels of human rights violations. This would indicate that there would be no need for humanitarian intervention, so the relationship found by the logit regression is likely spurious. There is no statistically significant relationship between the Polity Score and USsponsored intervention, though this may be a result of the lack of data for US-sponsored intervention rather than an indicator of a lack of relationship between the two variables.

The third hypothesis would predict a negative relationship between Voeten ideal point distance and the Kisangani and Pickering Military Intervention dataset. The data confirms a statistically significant negative relationship between US Foreign Direct Investment and the Kisangani and Pickering intervention data. However, the data finds a statistically significant positive relationship between exports and US-sponsored intervention, as well as a statistically significant relationship between oil exports as a percentage of merchandise exports and the international military intervention dataset, both with and without US involvement.

DISCUSSION

Hypothesis one states that the United States will be less likely to intervene in personal integrity violations in countries with more similar voting patterns in the United Nations. The results of the multiple regression indicate that there is a statistically significant positive relationship between the Voeten ideal point distance and the Political Terror Scale. Since the Political Terror Scale data is coded from one to five, one being the lowest levels of rights violations and five being the highest, the data indicates that countries with more similar voting records to the United States will be more likely to have high levels of domestic rights violations. The results also show a statistically significant negative relationship between the Voeten ideal

point distance and the Cingranelli-Richards human rights data set. Since the CIRI dataset is coded from zero to eight, with zero being the least respect for human rights and eight being the most respect for human rights, this indicates that countries with closer diplomatic relationships with the United States will be less likely to have high levels of respect for human rights. Assuming that international intervention into rights violations will result in lower levels of rights violations over time, I make the argument based on this data that the United States is less likely to intervene in human rights violations in countries that diplomatically align themselves with the United States, meaning that the hypothesis is correct. However, it is also possible that this relationship is influenced by the relationship between democracy and rights violations. Respecting human rights is part of being classified as a democracy, and democracies are likely to have similar voting patterns to the United States. Therefore, it may actually be that countries that diplomatically align themselves with the United States are unlikely to commit rights violations, rather than that the United States is less likely to intervene.

The Voeten ideal point distance is additionally tested with data on intervention. Again, the results indicate a statistically significant negative relationship between the Voeten ideal point distance and the Kisangani and Pickering international military intervention data, both in interventions when the US is involved and when it is not. This confirms the previous assertion that the United States is less likely to intervene in human rights violations in countries that are more closely diplomatically aligned with the United States.

Hypothesis two states that the United States will be more likely to intervene in personal integrity violations in countries with higher levels of democratization. The hypothesis correctly predicts that the Polity score has a statistically significant negative relationship with the Political Terror Scores both from the States Department and from Amnesty International. This indicates

that lower levels of democracy are associated with higher levels of state sponsored terror. Similarly, the Polity score has a statistically significant positive relationship with the Cingranelli and Richards human rights index, indicating that higher levels of democracy correspond with higher levels of respect for human rights. However, it is likely that these results are due to the relationship between high levels of democracy and high levels of human rights rather than international enforcement. In fact, the results from both the regression and the logit regression indicate that there is a negative relationship between the Polity score and the Kisangani and Pickering international intervention data. This suggests that the United States is actually less likely to intervene in human rights violations in countries with high levels of democracy. While it is likely that the United States would not want to intervene in a highly democratic country with which it would likely have a strong diplomatic relationship, it is also possible that these results merely reflect the lessened likelihood of human rights violations in highly democratic countries rather than a negative relationship between democracy and intervention.

Hypothesis three states that the United States will be less likely to intervene in personal integrity violations in countries with more integrated economies. The regression results indicate this to be false, but only find a statistically significant relationship with one variable, oil exports as a percentage as merchandise exports, which has a positive relationship with the Kisangani and Pickering intervention data. These findings differ from Choi, who does not find a statistically significant relationship between intervention and his oil supply variable.⁶⁸ This is likely a result of the fact that Choi uses a dummy variable for oil exporting countries, while I use oil exports as a percentage of merchandise exports. This allows me to measure changes to the relationship between intervention and larger amounts of oil exports, rather than oil exports as a

⁶⁸ Choi, Seung-Whan. "What Determines US Humanitarian Intervention?": 128.

whole. As a result, it appears that the United States is more concerned with countries that export large amounts of oil. The logit regression finds more statistically significant relationships between economic indicators and the Kisangani and Pickering intervention data. It suggests that intervention by the United States is more likely in countries with high levels of exports to the United States. Similarly, both international and US-sponsored intervention are more likely in countries with high percentages of oil as a percentage of merchandise exports. However, it finds that US-sponsored intervention is less likely in countries with high levels of US foreign direct investment. Overall, it does appear to confirm the hypothesis that the United States is more likely to intervene in countries with highly-integrated economies, though this conclusion is confounded slightly by the negative relationship between US foreign direct investment and US-sponsored intervention.

Given the high level of concern for the economy within the US government, it is somewhat surprising that so few of the economic variables turn out to have a statistically significant relationship with US intervention. These findings are corroborated by previous scholars. For example, Choi initially argues that, because developed countries have fewer people living below the poverty line, people in developed countries will be less prone to violence and their governments will have more resources to deal with violence.⁶⁹ This indicates that the United States should be more prone to intervene in countries with low levels of economic development. However, similar to my findings, Choi does not find a statistically significant relationship between economic development and intervention. Fordham also does not find a statistically significant relationship between intervention and his economic indicators.⁷⁰

⁶⁹ Choi, Seung-Whan. "What Determines US Humanitarian Intervention?": 127.

⁷⁰ Fordham, Benjamin O. "Power or Plenty? Economic Interests, Security Concerns, and American Intervention": 746.

However, Fordham does find evidence that trade has influenced who the United States forms alliances with.⁷¹ This suggests that security concerns measured by alliances have an immediate influence on intervention, but economic interests have a long term impact on intervention.⁷² In regards to my data, this suggests that, while economic variables may not have the kind of immediate impact that would show up in this study, they likely play a long term role in shaping other variables which do have short term effects, such as diplomatic alignment.

This study contains several potential sources of spuriousness. First, Beardsley demonstrates in his study of the determinants of UN involvement in international crises that decisions to intervene by the UN are influenced more heavily by the general desire to uphold the UN Charter than by the desires of individual P5 members.⁷³ Similarly, Scott argues that "international law is more than simply a blank slate onto which the most powerful can translate their policy desires," suggesting that the United States does not have full, unchallenged control over decisions made within the international system.⁷⁴ Thus, it is possible that this study overvalues the amount of US influence on international decisions to intervene, particularly in instances of UN-sponsored intervention. Second, as Binder demonstrates, none of the humanitarian crises between 1991 and 2004 went completely unaddressed; some kind of international response, usually in the form of humanitarian aid, was always present.⁷⁵ This indicates that by focusing on military intervention this study may overlook other types of responses to human rights crises. Finally, the relationship between political proximity to the US

⁷¹ Fordham, Benjamin O. "Power or Plenty? Economic Interests, Security Concerns, and American Intervention": 751.

⁷² Fordham, Benjamin O. "Power or Plenty? Economic Interests, Security Concerns, and American Intervention": 754.

⁷³ Beardsley, Kyle, and Schmidt, Holger. "Following the Flag or Following the Charter? Examining the Determinants of UN Involvement in International Crises, 1945-2002": 33-49.

⁷⁴ Byers, Michael, and Nolte, Georg. "Compliance": 449-450.

⁷⁵ Binder, Martin. "Humanitarian Crises and the International Politics of Selectivity": 343.

and likelihood of intervention may be influenced by democracy for two reasons. First, it is reasonable to assume that democratic countries will tend to have a high level of diplomatic alignment with the United States. Since diplomatic countries tend to have higher levels of respect for rights, this is a possible source of endogeneity. Second, as Dancenau points out, states seeking international recognition may view respecting human rights as a means to that end.⁷⁶ Countries which are seeking approval of the United States may choose both to respect human rights and vote in line with the US in the United Nations, thus providing another potential source of endogeneity.

CONCLUSION

In summary, the results of this study indicate that the likelihood of intervention has a statistically significant relationship with both measures of democracy and measures of diplomatic alignment. In regards to the debate between the optimistic view and the skeptical view of international human rights law, I would argue that these results lend themselves more to the skeptical view. According to the optimistic view, substantial changes occurred following the end of the Cold War, including the "emerging norm of justified intervention" into human rights crises and an increased focus on "human security" within the Security Council.⁷⁷ This diverges from the more skeptical view of international human rights law which argues that material forces dictate state behavior, rather than norms regarding human rights.⁷⁸ This view emphasises the inconsistencies in international responses to human rights which are clearly present in my data. For example, my data indicates that in instances of human rights also economic considerations to

⁷⁶ Danceanu, Constanza Fernandez. "Systematic Review of the Causes of Latin American States' Compliance With International Human Rights Law": 561.

⁷⁷ Binder, Martin. "Humanitarian Crises and the International Politics of Selectivity": 330.

⁷⁸ Binder, Martin. "Humanitarian Crises and the International Politics of Selectivity": 330.

some extent. While Choi proves that the level of violence involved in human rights violations does have a significant influence on the decision to intervene, it is still the case that cases where there was no intervention into countries violating human rights may have occurred because of political or economic concerns, rather than humanitarian reasoning.⁷⁹ Overall, it appears that the United State's decisions to intervene are influenced by political considerations, resulting in the aforementioned selectivity gap and discrepancies in international responses to human rights violations.

The data from this study additionally has implications for the strain of research which focuses on the growing trend of countries ratifying human rights law without any apparent intention of compliance. As Hafner-Burton argues,

This failure to make non-compliance costly is both wide-spread around the world and observable; states witness only the most limited repercussions of violations of human rights treaties and, over time, have learned that nonconformity is relatively inexpensive. Repressive governments accordingly are likely to perceive ratification of human rights treaties as an easy way to deflect criticism about their domestic violations and improve their standing in the international community.⁸⁰

According to this argument, repressive states will frequently ratify human rights treaties to obtain the diplomatic legitimization that comes along with treaty ratification, but will not actually implement the treaties because the costs of implementing the treaties are higher than the costs of failing to do so. Neumayer adds to this argument that the implementation of treaties is more likely in democracies as well as autocracies with strong civil societies, but unlikely in autocracies with no civil society, which have the ability to fail to implement treaties with little domestic backlash.⁸¹ Based on the data from this study, I would additionally expect to see that

⁷⁹ Choi, Seung-Whan. "What Determines US Humanitarian Intervention?"

⁸⁰ Hafner-Burton, Emilie M, Tsutsui, Kiyoteru, and Meyer, John W. "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties": 123.

⁸¹ Neumayer, Eric. "Do International Human Rights Treaties Improve Respect for Human Rights?": 941.

countries' abilities to ratify treaties that they do not expect to implement are influenced by their relationships with the United States. For example, a country that aligns itself closely with the United States might be more likely to get away with this kind of behavior than one which already has a tumultuous relationship with the US. Thus, Hafner-Burton and Neumayer's studies may benefit from the consideration of external factors that can influence international law enforcement as well as their included internal indicators of compliance. Overall, I argue that the realist argument that states will only comply with international law when it is enforced by a hegemon is correct, though democracies do appear to be an exception to this rule. Nondemocracies appear to ratify international human rights law in order to gain a boost in their international reputations and will only actually uphold international law if it is enforced by the hegemon or the international community as a whole, as realists argue.

Finally, the data from this study highlights a few potential areas for future study. First, this study relies on the assumption that the United States has a significant effect on international decisions to intervene. In order for this assumption to be accurate, I focus on a time period in which the United States was a clear hegemon. However, as the international system shifts away from US hegemony, I would expect to see its priorities shift away from predominant US interests, meaning that intervention may no longer be so strongly influenced by US political and economic concerns. Future research might focus on less US-centric indicators of intervention. Second, as Binder argues, military intervention is not the only meaningful international response to human rights crises.⁸² Future research might attempt to discern whether the indicators used in this study have significant relationships with alternative responses to human rights crises.

⁸² Binder, Martin. "Humanitarian Crises and the International Politics of Selectivity": 343.

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