The Effect of State Reputation on Human Rights Institution Adoption

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Abstract

Why do states adopt human rights institutions? A vague notion of international reputation underlies many of the theories whether rationalist (e.g. expressive benefits) or constructivist (e.g. norms cascade). I argue that states concern themselves with their international reputation – third party evaluations of the appropriateness of their behavior. They estimate their reputation by observing how often third parties such as NGOs, IGOs, and the media shame them. The more shame a state receives, the higher the probability it will adopt a human rights institution. However, those states always shamed will not be able to send effective signals by adopting, and thus the probability of adoption decreases with too much shaming. The argument suggests a “more adoption in the middle” pattern. I test the argument using original data on National Human Rights Institution (NHRI) adoption and an original latent measure of state shaming in a Cox Proportional Hazards model. Statistical tests comport the argument: states adopt NHRIs in an inverted-U pattern vis-a-vis international shaming.

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1 Introduction

When states adopt institutions they sacrifice sovereignty. In interstate relations, such as trade and conflict, states sacrifice sovereignty to achieve lower transaction costs or increased information (e.g. Keohane and Nye 1977, Keohane 1984, Maggi 1999) which ultimately leads to material gains such as more trade (e.g. Goldstein, Rivers and Tomz 2007) or less conflict (e.g. Oneal and Russett 1999, Mitchell and Hensel 2007). Human rights institutions represent a different dynamic: they place restrictions on state behavior vis–a–vis its population. Human rights institutions create potentially deep violations of state sovereignty, with only uncertain, diffuse, and far-in-the-future material gains. Why, then, do states tie their own hands with human rights institutions? The puzzle has spurred a burgeoning literature that answers the question through different lenses (e.g. Risse-Kappen, Ropp and Sikkink 1999, Goodman and Jinks 2004, Simmons 2009). The importance of international reputation underlies most of these influential studies to different degrees. Simmons (2009)’s comprehensive treatment of international human rights treaties successfully drew on rational and normative arguments by theorizing different types of states such as sincere ratifiers and false positives (Simmons 2009). False positives, those states that do not intend to comply with human rights institutions but adopt them nonetheless, erect “window dressing” seeking “expressive benefits” from a poorly enforced regime (Hathaway 2002). Those that intend to comply adopt due to the normative pull of appropriate behavior, whether acculturated or persuaded (Finnemore and Sikkink 1998, Goodman and Jinks 2004).

State reputation underlies both situations. A state’s international reputation is a judgement of that state’s character used to predict future behavior (Mercer 1996). In this way, reputation is a plastic trait dependent on more than one actor. The actors making judgements about a state, thus contributing to that state’s reputation, include both state and non–state actors such as international governmental and non-governmental organizations. Both insincere and sincere states adopt human rights institutions due to concerns with other actors’ judgements. But not every human rights institution is adopted by every state. Costs of adoption, whether material or sovereignty, may outweigh the reputational benefits. How do states know when the benefits

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2She also theorizes false negatives – states with good human rights records, but that do not commit to human rights institutions. Whereas she argues domestic hurdles preclude adoption, I argue that international reputation also plays a role.
outweigh the costs? The state in question can never truly know its reputation with certainty. Instead, it can estimate its reputation using third parties' actions. International actors shame states for bad behavior. Drawing from World Polity theory (Boli and Thomas 1997, Meyer et al. 1997), states exist in a social system with a cultural framework. That cultural framework is well represented in Article 1 of the United Nations (UN) Charter subtitled “The Purposes of the United Nations.” The post–WWII liberal order of states rests on the importance of democracy and human rights in an attempt to achieve peace (Sections 1–4). When states act outside of these liberal goals, other actors publicly shame them. Third-party shaming acts as a signal to the receiving state on how they are viewed by others. Shaming allows states to estimate their international reputation for being a cooperative member of the liberal social order. States hardly ever shamed will not adopt human rights institutions because their reputations are relatively good. They need not pay the costs to manage their reputations. States shamed often will not adopt as readily either. Often, they have a bad reputation for a reason, and adopting a human rights institution may bring additional costs to future expected repression. Also, some third party actors shame high-profile cases strategically. If a state feels adoption will not lead to less shaming (a better reputation), adoption will not follow. Therefore, I argue and show that human rights institution adoption occurs in an inverted-U pattern. There is more adoption in the middle.

I test the argument by focusing on a specific human rights institution: National Human Rights Institutions (NHRIs). NHRIs are permanent domestic institutions established by the state to promote and protect human rights in that state. They do so in a variety of ways: collecting complaints, issuing recommendations to the government, litigating for victims, investigating sensitive areas such as prisons, and enacting education campaigns. Whereas a few norm entrepreneurs established what would come to be known as NHRIs, the vast majority of NHRI adoptions occurred after the Paris Principles were defined (1991) and adopted by the United Nations Human Rights Commission (1992) and General Assembly (1993). The Paris Principles explicitly defined NHRIs and what they should do and were adopted by the UN General Assembly. States looking to gain reputational benefits had a clear option: adopt an NHRI. From 1990

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3 A state may hold multiple reputations (Downs and Jones 2002). Here I am concerned with a reputation for being a cooperative member of the liberal social order, specifically a state that promotes and/or protects human rights.

4 Early examples include France (1947), Guyana (1966), and Senegal’s (1970) Human Rights Commissions and Nordic and Commonwealth Ombudsmen Offices.
to 1993, the total number of NHRIs almost doubled from 22 to 41. Today, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) lists 147 official NHRIs. Over two thirds of state NHRI adoption occurred after the Paris Principles. The importance of state reputation goes a long way to help explain this explosion in NHRI adoption.

Given that beliefs and motives are not directly observable, I create a latent variable to capture the amount of shaming a state receives from a number of international actors including other states, NGOs, the media, and the UN. This measure estimates a state’s reputation. I estimate the effects of this variable on NHRI adoption using a Cox Proportional Hazards model on a large-N global sample over the years 1991–2009 and find support for my argument that states adopt institutions in response to international shaming which signals their reputational standing in the liberal international society of states.

This study makes several contributions to the literature. International conflict scholars have been willing to directly engage the concept of state reputation (e.g. Mercer 1996, Sartori 2005, Dafoe, Renshon and Huth 2014). Often human rights scholars mention reputation, or take it for granted. I explicitly estimate states’ reputational beliefs and explore how that affects human rights institution adoption. I do so by leveraging international shaming behavior. Thus, this paper adds to the literature on the effects of shaming on state behavior. Much of the literature on shaming concerns compliance with institutions (e.g. Franklin 2008, Hafner-Burton 2008, Murdie and Davis 2012). When focusing on adoption, Kim (2013) finds linear effects of NGO shaming on developing state NHRI adoption. I show that when other actors’ shaming behavior is included and we observe all states, an inverted–U, more adoption in the middle, story emerges. The paper also speaks to underlying, rational mechanisms to social theories on the spread of liberal institutions. World Polity theory leads to predictions of homogeneity of institutionalization through processes such as cascades or diffusion (e.g. Boli and Thomas 1997, Finnemore and Sikkink 1998, Goodman and Jinks 2004, Koo and Ramirez 2009). In reality, world society looks more homogeneous over time with individual states making decisions about adoption at different points in time. I show that states make individual, rational decisions to be part of the cascade/diffusion by taking into account their reputation in global society. Thus, I am able to show when states adopt. Finally, I add to the growing literature on NHRI adoption. The argument in this pa-
per in no way supersedes those before, but generalizes and adds nuance. For instance, Pegram (2010) puts forth a theory of diffusion with three separate mechanisms – coercion, acculturation, and persuasion. Underlying two of these (acculturation and persuasion) are the adopting state’s concern with other actors’ valuations – their reputations. Cardenas (2014, 56)’s influential book on NHRI adoption argues states make strategic decisions to adopt based on “circumstances and broader social environment.” I offer a specific, empirical test for such a claim.

The rest of the article proceeds as follows. First I review the literature on international reputation and argue that human rights scholars should take it more seriously. Next I introduce NRHIs and give a brief historic account of NHRI promotion and how it relates to the World Polity. After establishing that NRHIs are deemed as appropriate institutional options to manage reputation, I lay out the argument for how we as scholars can estimate that reputation via international shaming. I then argue that states care about their reputations enough to affect their behavior leading to a testable hypothesis. I present the data and the latent variable measure. Then I describe the statistical analysis and the results of that analysis. Lastly, I conclude with caveats and suggestions for future research.

2 Reputation and International Politics

It’s worth repeating that a state’s international reputation is a judgement of that state’s character used to predict future behavior (Mercer 1996, 6). States have separate reputations for different characteristics (Downs and Jones 2002). Therefore, we must ask, “a reputation for what?” (Dafoe, Renshon and Huth 2014). International conflict scholars have paid the most attention to reputation in their studies focusing on states' reputations for: resolve (Huth 1997), fulfilling threats (Sartori 2005), and alliance reliability (Crescenzi et al. 2012). Guzman (2008) offers a theory of reputation as a mechanism for states to comply with treaty obligations based on repeated prisoner’s dilemma transactions a la Axelrod (1984).

It’s curious that the same depth of analysis has not been produced for reputation’s effects in the international human rights regime. At this point the reader may bat an eye. When working through this paper I thought I surely missed some seminal work. But alas, a Google Scholar search for “International Reputation and Human Rights” returned many influential pieces such
as Risse and Sikkink (1999), Goodman and Jinks (2004), Donnelly (1986). But only two, Risse
and Ropp (1999), Lutz and Sikkink (2000), even had the word “reputation” in the short excerpt
listed. Given the importance of socialization for human rights, and thus the weight of other
actors’ opinions, the lack of explicit reputation research is astounding.

Many human rights scholars have explored why states adopt institutions that bind the state.
Reputation undergirds much of this work, though it does not reach a state of primary importance.
Perhaps the most comprehensive treatment of human rights institution adoption is (Simmons
2009). Her theory synthesizes much of the relevant literature and thus I frame the literature
review using Simmons (2009) as a guide. Although she focuses on treaties, much of the logic
can be applied to NHRI. States that adopt institutions do so for one of two reasons: either
they believe in the regime and do not anticipate non-compliance (read do not anticipate high
costs) for joining it (sincere ratifiers), or they need a short-term reputational spike, and either bet
on a lack of enforcement (Hathaway 2002), miscalculate the eventual costs (Risse-Kappen, Ropp
and Sikkink 1999), or highly discount the future (Simmons 2009) (false positives). For these
states, adoption is window dressing to reap “expressive” benefits (Hathaway 2002). Despite
the disparate types of states, a common characteristic underlies each: they adopt with others’
opinions in mind; they care how others view them; they care about their reputation. They
strategically adopt accordingly.

Legal expressive theory predicts actors act to “express appropriate attitudes toward various
substantive values” (Anderson and Pildes 2000, quoted in Hathaway (2002, 2005)). How are
states to know the appropriate attitudes? The modern international legal human rights regime
originated in the aftermath of World War II and the establishment of the United Nations. The
hard-shell principle of state sovereignty, in which states were free to act as they would within
their borders without interference, began to share normative space with the idea that states
should be held accountable for how they treat their populations. Treaties became the means to
express solidarity with the idea of state accountability. There exist nine core UN human rights
treaties, from the Convention on the Elimination of all forms of Racial Discrimination (1965)

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5This anecdote proves nothing, but it does a great job of illustrating the paucity of attention to reputation in the field.
6Simmons (2009) calls this group of states “strategic ratifiers.” I shy from this label as I argue that all states choose
adoption for strategic reasons.
7See Simmons (2009, Ch. 2) for a history of the human rights legal regime.
to the International Convention for the Protection of all Persons from Enforced Disappearance (2007), with dozens more international human rights and humanitarian instruments.

Some saw domestic institutions as able to supplement the work of the UN Commission on Human Rights and the increasing international human rights treaty regime (Cardenas 2003). In 1946 and again in 1978, the UN highlighted the importance of the domestic landscape, but the idea of NHRI as a specific type of institution remained vague and hardly caught on (Cardenas 2003, Mertus 2009). However, the concept of the NHRI as a specific domestic institution integral to international human rights and governance became a reality in the early 1990s due to the Paris Principles. The International Workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris in 1991 yielded a set of guidelines to define and standardize NHRI. The Paris Principles became a “touchstone of all NHRI”... outlin[ing] a more ambitious role for NHRI” (Cardenas 2003, 29). NHRI became solidified as major players in the international community when the UN used the Vienna Conference on Human Rights in 1993 to highlight the centrality of the domestic institutions culminating in adoption of the Paris Principles by the General Assembly.8 Inclusion of the Paris Principles in two major international human rights treaties9 further solidified NHRI in the global human rights regime (de Beco and Murray 2014). Governmental delegates and civil society activists also tied the establishment and development of NHRI to good governance and democracy–building in addition to human rights promotion (Mertus 2009). NHRI became integral to the international liberal society of states.

The Paris Principles represent a real tipping point in the normative significance of NHRI. After the Paris Principles, NHRI exploded throughout the world. States converted existing institutions such as ombudsman offices, post–conflict institutions, and other human rights institutions into their NHRI (Smith 2006). Others established new institutions using either an ombudsman or committee model (Koo and Ramirez 2009). Whereas only a few states had domestic institutions concerned with human rights for decades, the number quadrupled from the 1990s and suddenly over 100 states adopted the NHRI model (Cardenas 2003, Koo and Ramirez 2009, Conrad, DeMeritt and Moore 2013) looking to be legitimate members of the international community (Reif 2000).

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8UN Resolution 48/134, following the UN Human Rights Commission adoption by Resolution 1992/54.
9Optional Protocol for the United Nations Convention Against Torture; Convention on the Rights of Persons with Disabilities
3 Theory

For the theory, I conceive of a unitary, rational state. It exists among other states and non–state actors I call third-party actors. Actors in the system wish to maximize their utilities by increasing benefits and/or decreasing costs. At time, t, third party actors decide to shame the receiver, or not. The state receives all of the shaming signals from the third party actors and estimates its international reputation. Based on this assessment, the receiver decides whether or not to pay the cost of adoption in order to reap reputational benefits. The costs of adoption can be material (e.g. monetary: start–up costs, operating expenses) or non–material (e.g. sovereignty costs). The reputational benefits can also be material (e.g. monetary: access to markets, aid) or non–material (e.g. prestige). If the state does not adopt, the sequence of events repeats in time t+1. To expand on the summary of the theory stated above, I start by explaining, in more detail, the benefits and costs of adoption. I then explain how shaming behavior affects the receiver state utility.

3.1 Benefits of Adoption

States that adopt NHRIs receive reputational benefits. Increasing reputation (or preventing it from decreasing) can lead to collateral consequences [Hathaway2007]. States understand that acting in accord with the international liberal regime can reap real material benefits. Scholars of foreign aid allocations and sanctions have found that donor states either reward states for good behavior or punish them for bad behavior [Cingranelli and Pasquerello1985, Poe1992, Alesina and Dollar2000, Lebovic and Voeten2009]. Even if on the margins [Poe et al.1994, Poe and Sirirangsii1994] and politically nuanced [Nielsen2013], state commitments to the international human rights regimes can have real material consequences. Hinting at the argument, Lebovic and Voeten (2009) demonstrate that donors sanction aid-recipients when the United Nations Commission on Human Rights condemn state practices. It is the condemnation rather than the absolute behavior that spurred sanctions. Dunning (2004) suggests states recognize that (potential) donors value human rights and work to make changes to their human rights landscapes after receiving aid.

10Theoretical and empirical evidence from economics and social psychology suggest individuals seek status as an end unto itself [Bakshi and Chen1996, Huberman, Loch and Onculer2004]. States may also value reputation for it’s own sake. It is not necessary for the argument and would only strengthen the results if true.
3.2 Costs of Adoption

But not every state adopts an NHRI because of the costs involved. The state wishes to maximize utility by adopting only when the benefits outweigh the costs. Like most institutions, NHRI require considerable capital to establish and run. For instance, the government paid for NZ$9,277,000 of the New Zealand Human Rights Commission’s NZ$10,552,000\textsuperscript{11} expenses in 2009–2010 (New Zealand Human Rights Commission\textsuperscript{2010}). And of course, there are the costs upon which we cannot put an exact figure: sovereignty costs. Any institution meant to pry into state activity, especially state activity vis-a-vis its own population within its borders creates sovereignty costs. Not only do NHRI seek to curb state abuse, but they participate in United Nations Human Rights Council sessions commenting all issues relating to their mandates (de Beco and Murray\textsuperscript{2014}). NHRI also work with NGOs. The interconnectedness of NHRI in the global polity raise their potential sovereignty costs as they can report to states and institutions that can shame in the future.

3.3 The Importance of Shaming

Given that a state’s reputation is a function of third parties’ beliefs, receiver states must estimate their perceived reputation based on the behavior of those third parties. Considering the extent to which third parties shame them over their human rights gives the receiver state an idea of their reputation. By shaming, third parties – including states, IGOs, NGOs, and the media – send a signal to the international community that the receiver state can use to estimate its own reputation. In this way the amount of shaming a state receives is inversely related to the state’s reputation: the more shaming, the lower the reputation. For example, in 1992, the Indian Prime Minister noted “the question of human rights has now climbed to the top of the international agenda. The best way to face the reality is to establish a Human Rights Commission. It can play a useful role in furthering human rights standards in the country. Its findings will act as correctives to the biased and one-sided report of some of the NGOs. It will be an effective answer to the politically motivated international criticism” (Cardenas\textsuperscript{2014}, 195).

The discussion to this point hints at a linear relationship: the more shaming a state receives,

\textsuperscript{11}Despite not being exactly accurate due to the floating nature of the currencies, as of 2016, these numbers equate to about US$6.2 million of US$7.1 million
the more likely they will be to adopt an NHRI. However, two considerations should adjust the expectation. The first is the strategic actions of third parties. The second is cultural context. Both considerations lead one to expect those too often will not adopt NHRIs, leading to a “more adoption in the middle” pattern.

Literature on NGO shaming activities suggest these third parties act strategically in their decisions on who to shame and how much to shame them. NGOs rely on donations and recruited labor to enact their goals \(^{(\text{Simon 2006, Brown and Minty 2008})}\). In order to attract these resources, NGOs have an incentive to shame high-profile cases. \(^{\text{Ron, Ramos and Rodgers (2005)}}\) use interviews to show that Amnesty International considers state power, US military assistance, and media coverage when developing their shaming strategy. This isn’t to say that all shaming is uninformative. On the contrary, NGOs must consider their credibility in order to draw resources as well \(^{(\text{Hill, Moore and Mukherjee 2013)}}\). But some states may have recourse to believe that they are being unfairly targeted. If so, their adoption of an NHRI will not adjust shaming behavior, thus their reputation will not be affected. Whereas this argument stems from the work on NGO shaming, the other actors act strategically as well. Media also care about high-profile cases: higher consumption allows media to sell more advertisement which generates more revenue. NGOs and IGOs act strategically in order to shape international standards \(^{\text{Ron, Ramos and Rodgers 2005)}}\).

A state shamed often by third parties may need to take more drastic measures to solve its reputational problems. Adopting an NHRI may not send a credible signal, thus negating its reputational benefits. For instance in the midst of international pressure following the political imprisonment and beating of Deputy Prime Minister Anwar Ibrahim, local NGOs dismissed the creation of the Malaysian NHRI as “deflection” and “whitewashing” \(^{\text{Cardenas 2014 214)}}\). In these situations, heavily shamed states may need to show different or deeper behavioral changes. In this case, the state has burned it’s chances using certain institutional remedies to alter reputation. No longer will the benefits outweigh the costs. Both strategic shaming and cultural context lead to the implication that those states shamed very often will not be as prone to NHRI adoption. This line of argument leads us expect a “more adoption in the middle” phenomenon.

**Hypothesis:** The amount of shaming received by a state by third parties affects NHRI adoption in an inverted–U, more adoption in the middle, pattern.
4 Data

For the empirical analysis of the relationship between domestic human rights institution adoption and state reputation, I rely on an original data set of NHRI adoption year and international shaming. The full data set spans the years 1991 to 2012. The data include the time from the Paris Principles onward in order to capture the time in the World Polity in which it is clear that adopting an NHRI will yield reputational benefits. Those few states that adopted before the Paris Principles are not included in the analysis. The data include 181 states over the time period. The data are structured as an unbalanced time-series cross-section, with the country-year unit of analysis.

4.1 Dependent and Explanatory Variables

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

Testing the hypothesis requires a variable that represents the amount of shame a state receives in a year. Shaming can come from NGOs, the media, IGOs, and other states (Franklin 2008, Hafner-Burton 2008, Murdie and Davis 2012, Ramos, Ron and Thoms 2007). Each actor behaves strategically, with different reasons to shame different governments. The different shaming behavior of different actors has lead to disparate results in the literature with respect to shaming. In order to avoid arbitrarily choosing from which shaming data source to use, I create a Bayesian latent variable capturing the concept of shaming based on shaming data from a number of sources. I include the number of Amnesty International press releases and background reports (Ron, Ramos and Rodgers 2005), the number of Economist and Newsweek articles discussing human rights abuses (Ron, Ramos and Rodgers 2005), whether a country was targeted by the

12 Once a state adopts an NHRI, the rest of the country years are absent from the dataset because hazard models model time to “failure” (“failure” being adoption of an NHRI in this instance). For example, Jamaica adopted the Office of the Public Defender in 1999. From 2000 to 2012, Jamaica no longer exists in the dataset.

13 I performed robustness checks with each constituent variable. The general pattern remains: positive coefficient on the constituent and a negative coefficient on the squared term. The standard errors varied. I present the results in the Appendix.
United Nations Commission on Human Rights (Lebovic and Voeten 2009), and the number of shaming events by human rights NGOs (Murdie and Bhasin 2011). Figures 1 and 2 show the fifty most and least shamed states according to the latent variable model with the dots representing point estimates of the mean for each country over all years in the sample and the lines incorporating the min and max amount of shaming. I include the squared term of the latent variable due to the posited functional form. I expect the coefficient of the squared term to be negative and the coefficient of the constituent term to be positive, consistent with an inverted-U pattern.

![Figure 1: Fifty Most Shamed States, 1991–2012](image)

4.2 Control Variables

Democracies have better human rights behavior (Poe and Tate 1994, Davenport 1999). Democratic states may be more prone to adopt NHRIs for a couple reasons. The first stems from a
Figure 2: Fifty Least Shamed States, 1991–2012
selection argument: if democratic states abuse rights less often, they should anticipate an easier relationship with an NHRI. The second stems from a sincerity argument (e.g. Chayes and Chayes 1993, Simmons 2009): those states that commit to institutions do so because they sincerely believe in the ideals of the regime to which they commit. The arguments need not be mutually exclusive and probably inform each other. Level of democracy may also affect how much a state is shamed, as the lines between democracy and human rights can often blur. Hafner-Burton (2008) shows democratic states receive less shame from NGOs, the media, and the UN.

I include the unified democracy score (UDS) (Pemstein, Meserve and Melton 2010) as a measure of democracy. The UDS uses a Bayesian latent variable that results in a “cumulative approach… for every country–year… [that] is at least as reliable as the most reliable component measure” (Pemstein, Meserve and Melton 2010 1). UDS scores are continuous and range from -2 to 2.

I also include a squared term to capture the potential non–linear effects of democracy. Past work suggests transitioning or otherwise middling democracies adopt human rights institutions most often (Moravcsik 2000, Simmons 2009). This work argues leaders commit to human rights institutions to lock–in current policy, making it harder for future regimes to backslide. Others suggest transitioning democracies looked to NHRI adoption as an international signal to build reputation (e.g. Reif 2000, Cardenas 2003, Pegram 2010), much in the line with the argument made in this paper. I expect a negative coefficient on the squared democracy term, suggesting an inverted–U pattern of adoption vis–a–vis democracy.

State human rights behavior may be related to a state’s decision to adopt an NHRI and the main explanatory variable – level of shaming. Committing to public institutions may bring potential sovereignty costs as they limit how states can deal with dissent. For this reason, as state respect for human rights increase, the costs of adoption should decrease (e.g. Downs, Rocke and Barsoom 1996, Simmons 2009). Koo and Ramirez (2009) find greater human rights respect increases the probability states adopt a human rights commission or human rights ombudsman.

14 For robustness, I estimated with Polity scores rather than UDS score. I present the results in the Appendix. The main findings become stronger in that the standard errors shrink. The coefficient on the constituent of democracy becomes significant, while the squared term becomes insignificant.

but not a classical ombudsman. In addition to the possible relationship with adoption, not surprisingly, human rights behavior correlates with the amount of shaming a state receives (e.g. Risse-Kappen, Ropp and Sikkink 1999, Franklin 2008, Murdie and Davis 2012, Hill, Moore and Mukherjee 2013).

For these reasons I include human rights respect as a control using a latent variable measure\(^{16}\) from Fariss (2014) constructed using a dynamic modeling process with many of the most used measures used to measure human rights.\(^{17}\) Judicial independence may affect whether a state adopts an NHRI. The human rights responsibilities of NHRIs and domestic courts may overlap. These shared responsibilities could cause domestic judiciaries to welcome NHRIs to the domestic human rights scene as allies. Peruzzotti (2012) recounts the River Basin Crisis of Matanza–Riachuelo in Argentina where the Defensoria del Pueblo (Argentina’s NHRI) and the Supreme Court complemented each other’s efforts in 2003–2004. However, the redundancy of priorities may cause more competitive relationships. For instance, the Panamanian Defensor received resistance from the Supreme Court prior to its constitutional adoption in 2004 (Pegram 2012). I remain agnostic as to whether judiciaries will view a new NHRI as complementary or competitive substitutes, but as the courts become more independent, they may be able to affect NHRI adoption towards their preferences.

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

I control for the independence of the judiciary including a latent variable created by Linzer and Staton (2011) that leverages eight other judicial measures from past scholarship.\(^{18}\)

I control for a state’s military capabilities. Neorealists argue institutional adoption is epiphenomenal to international power structures. A powerful state that can exert it’s will militarily may

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\(^{16}\) For robustness, I also estimated it using CIRI’s Physical Integrity Index. The results for the main explanatory variables are strengthened (lower p-values) and the human rights estimate remains insignificant.


\(^{18}\) Sources for the latent variable come from Clague et al. (1999), Feld and Voigt (2003), Howard and Carey (2004), Tate and Keith (2009), Cingranelli and Richards (2010), Marshall and Jaggers (2010), Riss-Figueroa and Staton (2010).
not concern itself with its human rights reputation. Indeed, four of the most militarily powerful states have yet to adopt an NHRI (China, United States, Japan, and Brazil). To control for military capabilities I include country Composite Index of National Capabilities (CINC) scores, which include constituent components: total population, urban population, iron and steel production, primary energy consumption, military expenditure, and military personnel (Singer 1988).

I include GDP as a measure of state wealth. Wealthy states may be either more or less prone to adopt human rights institutions. Some argue the international human rights regime, established by the richer West, is a means to perpetuate more powerful states’ positions in the world (e.g. Donnelly 1982, Mohan and Holland 2001). If so, richer countries should adopt more readily. Another, more benign reason richer countries may adopt more often is their fiscal ability to do so. Establishing and running an NHRI costs real money, as the example of New Zealand above attests.

However, if militarily powerful states care less about their reputations, perhaps richer states have the luxury to ignore shaming as well. For this reason, richer states may be less likely to adopt. I remain agnostic to which relationship exists, though Koo and Ramirez (2009)’s lack of a solid finding on GDP suggests both may be at play. I include GDP data from the World Bank (2013), log transformed due to skewness.

International trade ties the world together in ways that increase cooperation on global issues (Keohane and Nye 1977). Actual and prospective trade leads states to treat each other more passively (Oneal and Russett 1999), and may cause states to create more rights respective behavior towards their citizens in order to signal themselves as a stable partner.19 Some states include explicit human rights mandates in their trade agreements that lead to better human rights practices (Hafner-Burton 2005). For these reasons, I include a logged measure of total trade from Gleditsch 2002).

I control for post–conflict states. Peace–building strategies include NHRI adoption or adoption–planning. Examples of these states include El Salvador, Bosnia–Herzegovina, Kosovo, Afghanistan, Liberia, and Iraq (Mertus 2009). Whether part of a negotiated settlement between parties, or coerced from an outside party (i.e. Afghanistan, East Timor, Iraq) (Pegram 2010), conflict termination may increase the chance of NHRI adoption. I include a binary indicator for the year when

19See Blanton and Blanton (2007) for a similar argument with respect to overseas investing.
a conflict terminates taken from Kreutz (2010).

World Polity Theory suggests norms and institutions diffuse throughout the international polity (Boli and Thomas 1997). States adopt human rights institutions and become more isomorphic in time. When states decide to adopt is the inquiry of this paper, but it stands to reason that those that adopt more human rights institutions will be more willing to adopt an NHRI. For this reason, I control for the total number of human rights treaties each state has ratified. For each country–year, a state receives a 1 if the treaty was ratified, and 0 otherwise. I obtained the data from the United Nations Office of the High Commissioner’s Status of Interaction website.

5 Statistical Model

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

$$h_i(t, x_i) = h_0(t) \exp(x_i B)$$

6 Results

The baseline hazard function illustrates the general trend in increasing NHRI adoption (Figure 3). Regardless of covariate values, states’ probability of adopting an NHRI drastically increases throughout the sample until around 2005 when it begins to level off. The curve suggests that

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21 [http://indicators.ohchr.org/]

22 The covariates include the explanatory and control variables discussed below
NHRI increase in their attractiveness as reputation-management tools. Even with this general trend, in order to test the implications of my theoretical argument about the importance of reputation to institution adoption, we should observe a positive coefficient on the estimated parameter of the *shaming* covariate, and a negative coefficient on the *shaming*\(^2\) covariate. Table 1 shows the estimated coefficients for the shaming variables and controls.

**Table 1: Effect of Shaming on NHRI Adoption, Cox Proportional Hazards Model**

<table>
<thead>
<tr>
<th></th>
<th>Coefficient</th>
<th>Robust Std. Error</th>
<th>P-value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shaming</strong></td>
<td>0.591</td>
<td>0.349</td>
<td>0.091</td>
</tr>
<tr>
<td><strong>Shaming(^2)</strong></td>
<td>-0.321</td>
<td>0.194</td>
<td>0.098</td>
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<tr>
<td><strong>Control Variables</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democracy</td>
<td>0.415</td>
<td>0.404</td>
<td>0.304</td>
</tr>
<tr>
<td>Democracy(^2)</td>
<td>-0.589</td>
<td>0.273</td>
<td>0.031</td>
</tr>
<tr>
<td>Human Rights</td>
<td>-0.029</td>
<td>0.208</td>
<td>0.890</td>
</tr>
<tr>
<td>Judicial Independence</td>
<td>-1.003</td>
<td>1.267</td>
<td>0.429</td>
</tr>
<tr>
<td>Military Capability</td>
<td>-27.279</td>
<td>21.629</td>
<td>0.207</td>
</tr>
<tr>
<td>GDP</td>
<td>0.141</td>
<td>0.181</td>
<td>0.437</td>
</tr>
<tr>
<td>Trade</td>
<td>0.124</td>
<td>0.172</td>
<td>0.471</td>
</tr>
<tr>
<td>Conflict Termination</td>
<td>0.117</td>
<td>0.494</td>
<td>0.813</td>
</tr>
<tr>
<td>Treaty Total</td>
<td>0.229</td>
<td>0.079</td>
<td>0.004</td>
</tr>
</tbody>
</table>
The results confirm the predicted relationship of shaming on adoption. The estimated Shaming coefficient is positive ($\hat{\beta} = 0.591, p = 0.091$). The estimated Shaming$^2$ coefficient is negative ($\hat{\beta}^2 = 0.321, p = 0.098$). Both estimates suggest a non-linear, inverted-U pattern of adoption with respect to shaming – more adoption in the middle.\(^{23}\)

Only two of the control variables reached standard levels of significance: Democracy$^2$ ($\hat{\beta} = -0.589, p = 0.031$) and Treaty Density ($\hat{\beta} = 0.229, p = 0.004$). The constituent coefficient estimate for Democracy did not reach standard levels of significance ($p = 0.304$). Democracy’s effect on NHRI adoption is non-linear, but not exactly as predicted. Instead of an inverted-U, democracy only has a negative effect at higher levels. The result represents a similar, but inverse relationship to the non-linear findings of Davenport and Armstrong (2004). Whereas they find only the highest levels of democracy result in better human rights practices, my results show the highest levels of democracy lead to a lower probability of NHRI adoption. Though the result seems odd, thinking more about the data offers clues as to why the relationship emerges in the model. I excluded those states that adopted NHRIIs before the Paris Principles due to likely different dynamics of adoption, such as the entrepreneurial work of Renè Cassin in France. Many of those states excluded are democratic i.e. France, Finland, New Zealand.

The coefficient for treaty density was expectedly positive (0.229, $p = 0.004$). The more treaties a state ratifies, the more likely they are to adopt an NHRI. The finding confirms Koo and Ramirez (2009)’s results.\(^{24}\)

The remaining control variables do not reach standard levels of significance. A state’s human rights practices, judicial independence, military capacity (CINC score), GDP, total trade, and conflict termination do not correlate to adoption in the model. Shaming by third parties explains NHRI adoption better than these controls.

Perhaps the most surprising insignificant variable is human rights. However, the finding is consistent with my argument. Although some authors argue (e.g. Nowrojee 2001, Cardenas 2014) that states adopt NHRIIs when human rights abuses are frequent, the underlying logic remains

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\(^{23}\)Some readers may prefer reported hazard ratios rather than beta coefficients due to their ease in interpretation. However, hazard ratios represent the probability of the event occurring in the treatment group divided by the probability of the event occurring in the control group. In the present study, the continuous nature of the explanatory variable does not lend itself well to this interpretation. But for those more comfortable with hazard ratios, they are as follows – Shaming: 1.806; Shaming$^2$: 0.725.

\(^{24}\)They also include World Density of NHRIIs. Including this measure results in a missing likelihood, and thus the results cannot be properly estimated.
that the states do so in order to manage their reputation. Once we account for state reputation concerns, human rights becomes insignificant. States do not look to adopt when their behavior is poor, they look to adopt when they are caught acting poorly.

Judicial independence does not reach standard statistical significance. The results suggest one of two theoretical stories. The first is that domestic judiciaries don’t have strong preferences as to whether NHRI’s exist alongside them. More interestingly, however, it may be the case that some judiciaries wish for allies in legal human rights cases and some view new institutions as competition. Future work should explore the relationship between NHRI’s and domestic judiciaries.

The lack of a relationship on the CINC coefficient suggests militarily strong and weak countries look past their power when making human rights commitments. Economic power and activity do not predict adoption either. Neither GDP nor total trade affect the adoption rate of NHRI’s.

States do not adopt NHRI’s with more probability directly following conflict. Authors have pointed to the importance of post-conflict societies for NHRI adoption (e.g. Nowrojee 2001, Mer- tus 2009, Cardenas 2014). However, most of these studies suffer from selecting on the dependent variable. Those states that exit conflict and do not adopt an NHRI are neglected. The implicit logic in these studies is that those states exiting conflict need to be more wary of their reputations as they rebuild their societies. Committing to human rights institutions can signal their sincerity. But only those states in the spotlight need worry about their reputation.

7 Conclusion

Mercer published Reputation and International Politics in 1996. As noted above, this and other work considering international reputation focused exclusively on conflict and war (e.g. Huth 1997, Sartori 2005, Crescenzi et al. 2012). This paper assures human rights are considered in international politics, and that reputation is considered in human rights. I have argued that states exist in a World Polity that defines appropriate behavior. When states have a clear sense of what norms others consider appropriate, they ascribe to them in order to manage their international reputation. After drafting and acceptance of the Paris Principles, states knew that adopting an
NHRI could yield reputational benefits. But they did not all adopt simultaneously. Each state estimates it’s reputation by observing the shaming behavior directed its way, and then decides if the reputational benefits would outweigh the material and sovereignty costs of NHRI adoption. Those states with very low (shamed often) or very high (hardly shamed) reputations did not find adoption worth the costs. Rather, NHRI adoption follows an inverted-U pattern with more shaming in the middle.

As usual, the present research offers potential avenues of future study. For instance, I assume constant costs of NHRI adoption (sovereignty costs; material costs). Once states adopt an NHRI, they design the NHRI. Reading NHRI annual reports show that states opt to spend different amounts of money on establishment and operation i.e. variation across material costs. Other work finds the probability the NHRI can levy legal punishment (affecting sovereignty costs) decreases as the executive exerts more control over the legislature during the design process (Welch 2015) i.e. variation over sovereignty costs. Although executives cannot know the exact political environment they will find themselves in the future, they must have beliefs that can formulate expected costs, thus informing how likely NHRI adoption should be. Future work should explore this dependent relationship between adoption and design.

The current study also suggests policy implications for practitioners. States acting within the norm cascade represent strategic adopters. Though some states may adopt NHRIs with sincere intentions, others may be most concerned with the immediate reputational benefits, and may seek to curb the expected sovereignty costs in the design phase. The international community helps with start–up and functioning costs and training for NHRIs. For instance, Western countries donate to Latin American and African NHRIs, Commonwealth and Scandanavian donations make up the majority of the Afghanistan Independent Human Rights Commission budget, and the UN donates to NHRIs throughout the world (e.g. Nowrojee 2001, AIHRC 2010, Pegram 2012, IHREC ND). Those countries that rely on foreign funds for NHRI creation and functioning may be more subject to external monitoring and influence. If countries want to keep the funds coming, they may make sure the adopted NHRIs meet international standards and aren’t just window dressing, minimizing adoption for short–term reputational spikes without intention of increasing human rights respect. Future research should explore how successful donors can be in holding these countries to account.
References


IHREC. ND. “NHRI Capacity Development Partnership Project.”. [URL](http://www.ihrec.ie/international/nhricapacitydevelopment.html)


24


### 8 Appendix

#### Table 2: Robustness: AI Shaming, Cox Proportional Hazards Model

<table>
<thead>
<tr>
<th></th>
<th>Coefficient</th>
<th>Robust Std. Error</th>
<th>P-value</th>
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</thead>
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<td>Treaty Total</td>
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#### Table 3: Robustness: Media Shaming, Cox Proportional Hazards Model

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Table 4: Robustness: HRO Shaming, Cox Proportional Hazards Model

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Table 5: Robustness: UN Shaming, Cox Proportional Hazards Model

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Table 6: Robustness: Polity, Cox Proportional Hazards Model

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Table 7: Robustness: CIRI, Cox Proportional Hazards Model

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