

# Compliance of States with The Universal Periodic Review

*Leonore Martine Schijf (357488)*

Master Thesis

International Public Management and Policy

First reader: Dr. M. Onderco

Second reader: Dr. K. Stapelbroek

Date: 1 September 2016

Word count: 24.965



---

## ABSTRACT

---

This thesis has studied the motives for compliance with the outcomes of the first cycle of the Universal Periodic Review of the United Nations Human Rights Council. The mechanism is based on a peer-review system, in which the human rights record of every UN member state is scrutinized. The recommendations that flow from this process are not binding on the state. Nevertheless, this study has proven that the acceptance rate of recommendations, as well as the implementation thereof, is closely related to state characteristics. In carrying out both quantitative and qualitative analysis, a multitude of insights has emerged. First of all, it has been proven that the power of the state negatively affects the acceptance rate; while compliance is not motivated by the domestic regime, for the disparity cannot be attributed to the degree of the liberal democracy score. The thesis closes with two comprehensive case studies into the compliance, which include the Netherlands and Singapore. By these means, the detailed tendencies of compliance are described, and it can be concluded that national self-interest is the ultimate determinant of compliance; even if the egoistic motives diverge across states.

---

## ACKNOWLEDGEMENTS

---

This thesis will start with a retrospective view, as it would not have been possible to complete the study unaccompanied by the following people. First of all, the contribution of Lieselotte Schijf has been fundamental to the realization of this study, as it was she who introduced me to the workings of the Universal Periodic Review. Her first-hand experience with the mechanism has provided me with the skills to interpret the process from a realistic point-of-view.

Most significantly, I am pleased to record my gratitude to my supervisor, Michal Onderco. I have been privileged to be able to benefit from his expertise and knowledge, and his detailed feedback and suggestions have been of indispensable value. What at first seemed an impossible task has been an interesting journey through the many layers of theory and practice of international relations and law, which has never been boring nor tedious.

Moreover, my second reader, Koen Stapelbroek, has been of great help in pointing out loose ends and elevating the thesis as a whole to encompass a broader understanding of the meaning of the results and their implications.

Lastly, I would also like to acknowledge that this study would not have been possible without the support of my peers, whom have been interesting discussion partners on the topic of this thesis – and beyond. Notwithstanding, any errors or imprecisions in this thesis are my own and can in no way be associated with those of my network.

---

# CONTENT

---

|   |           |
|---|-----------|
| List of Abbreviations.....                            | 6         |
| <b>Chapter 1. Introduction .....</b>                  | <b>7</b>  |
| 1.1 Explanation of the Universal Periodic Review..... | 8         |
| 1.2 Problem Statement.....                            | 9         |
| 1.3 Research Question.....                            | 9         |
| 1.4 Literature Review.....                            | 10        |
| 1.4.1 The Validity of ‘Soft Law’ .....                | 10        |
| 1.4.2 Consequences of Non-Binding Agreements.....     | 10        |
| 1.4.3 Application to the Field of Human Rights.....   | 11        |
| 1.5 Theoretical Relevance.....                        | 13        |
| 1.6 Social Relevance .....                            | 13        |
| <b>Chapter 2. Theoretical Framework .....</b>         | <b>14</b> |
| 2.1 Human Rights Legislation.....                     | 14        |
| 2.2 Realism.....                                      | 16        |
| 2.2.1 The General Assumptions.....                    | 17        |
| 2.2.2 International Decision-Making .....             | 17        |
| 2.2.3 Real Law.....                                   | 18        |
| 2.2.4 International Morality.....                     | 19        |
| 2.2.5 Prophecy of Realism.....                        | 20        |
| 2.3 Liberalism .....                                  | 22        |
| 2.3.1 The General Assumptions.....                    | 22        |
| 2.3.2 Application to International Law .....          | 24        |
| 2.3.3 The Counterarguments .....                      | 26        |
| 2.3.4 A Liberal Solution .....                        | 27        |

|   |    |
|---|----|
| <b>Chapter 3. Research Design</b> .....   | 28 |
| 3.1 The Quantitative Approach .....   | 28 |
| 3.2 The Qualitative Approach .....  | 29 |
| 3.3 The Final Framework: a Synthesis of Quantitative and Qualitative Methods..... | 30 |
| <b>Chapter 4. Quantitative Research</b> .....                                     | 31 |
| 4.1 Methodology .....   | 31 |
| 4.1.1 Control Variables.....  | 31 |
| 4.1.2 Data Sources .....  | 32 |
| 4.1.3 Illustration of the UPR Data .....  | 33 |
| 4.2 The Model .....   | 35 |
| 4.2.1 Variables.....  | 35 |
| 4.2.2 The Regression.....   | 38 |
| 4.2.3 Statistical Robustness.....   | 39 |
| 4.2.4 Interpretation .....  | 41 |
| 4.3 Preliminary conclusion.....   | 44 |
| 4.4 Limitations.....  | 45 |
| <b>Chapter 5. Case Studies</b> .....  | 46 |
| 5.1 Methodology .....   | 46 |
| 5.1.1 Case Selection .....  | 46 |
| 5.1.2 Data .....  | 47 |
| 5.2 The Netherlands .....   | 48 |
| 5.2.1 Exportism.....  | 49 |
| 5.2.2 The Dutch Review .....  | 50 |
| 5.3 Singapore .....   | 57 |
| 5.3.1 Exceptionalism .....  | 58 |
| 5.3.2 The Singaporean Review .....  | 59 |
| 5.4 A Comparative Analysis: exportism vs. exceptionalism.....                     | 66 |

|   |    |
|---|----|
| <b>Chapter 6. Conclusion</b> .....                      | 69 |
| Limitations and Issues for Further Inquiry.....         | 72 |
| Appendix.....   | 73 |
| The Dataset .....                                       | 73 |
| Table 2. Explanatory Power and Heteroscedasticity ..... | 76 |
| Table 3. Normality test .....                           | 77 |
| Table 4. Collinearity.....                              | 78 |
| Table 5. Ramsey RESET test .....                        | 79 |
| List of UPR Recommendations to The Netherlands .....    | 80 |
| List of UPR Recommendations to Singapore.....           | 83 |
| Bibliography .....                                      | 93 |

## List of Abbreviations

|        |   |
|--------|---|
| ICAT   | International Convention Against Torture  |
| ICC    | International Criminal Court  |
| ICCPR  | International Covenant on Civil and Political Rights  |
| ICERD  | the International Convention on the Elimination of all Forms of Racial Discrimination                         |
| ICESCR | the International Covenant on Economic, Social and Cultural Rights  |
| ICRMW  | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| IHL    | International humanitarian law  |
| IL     | International law   |
| IR     | International relations   |
| CAT    | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                      |
| CEDAW  | the Convention on the Elimination of Discrimination Against Women   |
| CERD   | Convention on the Elimination of Racial Discrimination  |
| CRC    | the Convention on the Rights of the Child   |
| EC     | European Community  |
| GATT   | General Agreement on Tariffs and Trade  |
| MARUAH | Working Group for an ASEAN Human Rights Mechanism   |
| MIA    | Multilateral Agreement on Investment  |
| SuR    | State under review  |
| UN     | United Nations  |
| UNECE  | United Nations Economic Commission for Europe   |
| UNHRC  | United Nations Human Rights Council   |
| UPR    | Universal Periodic Review   |
| WTO    | World Trade Organisation  |

---

## CHAPTER 1. INTRODUCTION

---

*“We want a butterfly. We don't intend to put lipstick on a caterpillar and call it a success.”*

– John Bolton (2007)

Human rights, applicable to every single human being around the globe, are designed to ensure their equal worth and the supreme value of human lives. However, in a time where economic and political aspirations of states run high, it is proving to become increasingly harder to add morals to the equation (Campbell, 2004). On the one hand, human rights are becoming increasingly important, as they might prove to be the sole beacon of light in the shadows of globalisation and it has been observed that “[o]ver the course of the past two decades the idiom of human rights has spread like wildfire across international policy arenas” (Hafner-Burton & Ron, 2009). On the other hand – despite the multitude of international treaties which set out the rules and regulations to ensure a strong foundation of human rights and freedoms – violations of these rights are still ubiquitous. The United Nations (henceforth: UN) is the usual suspect when it comes to pointing the finger. As a result, a mistaken belief has arisen that “the United Nations is a bloated, corrupt, glorified talk shop that never changes” (Hafner-Burton, 2013, p. 124).

On the contrary, the overhaul of the UN Human Rights Council (UNHRC) on the 15<sup>th</sup> of March 2006 with resolution 60/251 has proven to bring about significant advances. The new mandate reads to “undertake a universal periodic review, based on objective and reliable fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States” (A/RES/60/251, 2006, p. 3).

While UN Secretary-General Ban Ki-Moon underlined that the UPR “has great potential to promote and protect human rights in the darkest corners of the world” (Ki-Moon, 2007), the unprecedented idea was not received without reservations. Preceding the reorganisation of the UNHRC the ambassador of the United States of America to the UN, John Bolton, said: “We want a butterfly. We don't intend to put lipstick on a caterpillar and call it a success.” (The Economist, 2007). Despite the comical nature of this image, the analogy reflects a serious concern. In order to shake the UN's reputation as an indecisive and inefficient ‘talk shop’, the procedure should prove to be effective in ensuring compliance with international human rights standards. Nevertheless, the non-binding nature of the recommendations which are made during the procedure may prevent any actual change to occur.



Therefore, this thesis will aim to discover the true effectiveness of the first cycle of the UPR by assessing the reasons for compliance with the mechanism, for the UPR itself cannot find validity without a review of its own. Only in this fashion, it can be determined whether the caterpillar has grown beyond the superficial and turned into a butterfly.

## 1.1 Explanation of the Universal Periodic Review

The UPR entails a peer review system in which the human rights situation in each of the 193 UN member states is scrutinized on a 4.5 year basis. The mechanism is an ambitious project, which aims to fulfil the following objectives:

- “(a) The improvement of the human rights situation on the ground;
  - (b) The fulfilment of the State’s human rights obligations and commitments and assessment of positive developments and challenges faced by the State;
  - (c) The enhancement of the State’s capacity and of technical assistance, in consultation with, and with the consent of, the State concerned;
  - (d) The sharing of best practice among States and other stakeholders;
  - (e) Support for cooperation in the promotion and protection of human rights;
  - (f) The encouragement of full cooperation and engagement with the Council, other human rights bodies and the Office of the United Nations High Commissioner for Human Rights.”
- (Human Rights Council, 2007)

To meet these goals the UPR provides a multifaceted process, which consists of three main stages. It starts with a review of the human rights situation in the State under Review (SuR). Per year 42 member states are reviewed in a total of three Working Group sessions. The Working Group, which conducts the review in the Palais des Nations in Geneva, Switzerland, comprises all UN member states and is chaired by the President of the Council. Other relevant interested parties, such as national institutions, UN agencies, and NGOs, are allowed to attend these meetings but cannot partake in the review itself. The product of a Working Group session is a report which summarizes the interactive dialogue of the session and lists all recommendations to the SuR made by each member state active in the procedure.

However, the most remarkable feature of the UPR is that the recommendations made to the SuR towards improving the human rights situation in that nation are non-binding in nature. Moreover, the SuR has the option to either accept or to take note of a recommendation, while nonetheless obliged to provide a written response to each recommendation.

The actual implementation stage takes place in between two UPRs, thus stretching over 4.5 years. Subsequently, the implementation of the recommendations and the current human rights record in the member state are scrutinized once more, resulting in a full circle process. Studies conducted by the NGO *UPR Info* – the only NGO completely dedicated to the UPR process – have highlighted some remarkable results. One of the outstanding success stories of the first cycle was Sierra Leone. The state was recommended by Slovenia to “[t]ake measures to tackle the exploitation of children [...] starting with the ratification of the ILO Minimum Age Convention No. 138 and the ILO Convention No. 182 on Worst Form of Child Labour”. Within a month both conventions were ratified. Additionally, action was taken to ensure more efforts in this field and, therefore, the state also established a dedicated Child Labour Unit (UPR Info, 2014a).

Moreover, accepted recommendations are not exclusive to being implemented. Occasionally, recommendations that are initially noted are subsequently still implemented. For example, recommendations made by Australia and Canada during the first UPR of China in February 2009 to “reduce the number of crimes carrying the death penalty” were not accepted by the SuR. Nevertheless, two year later the Chinese government made a move to abolish the death penalty for 13 economic crimes (UPR Info, 2014a).

## 1.2 Problem Statement

Nonetheless, the UPR process is not without its challenges. Despite the rosy picture that is painted by the institutions involved, the infancy of the mechanism brings about hazards. While the objectives of the UPR mechanism clearly aim towards improving compliance with international human rights law by providing a peer-review system, it is important to assess whether this project achieves its intended goal. The reasons for states to comply, or not to do so, are vital indicators for creating a better understanding of the process. Therefore, this thesis will aim to solve this puzzle by mapping the incentives for compliance with the non-binding recommendations of the UPR, for this will not only improve its comprehension, but it can also create a learning curve for the following cycles.

## 1.3 Research Question

Therefore, the research question of this thesis is formulated as the following:

***Why do states comply with the non-binding recommendations of the Universal Periodic Review?***

## 1.4 Literature Review

The UPR fits in the current era of globalization and changing institutional settings. Baccaro and Mele (2011) paint a picture of the global changes regarding the general trend of “government to governance” (p. 451). In this context, governance can be explained as the new structure of public and private actor collaboration, in which non-state actors not just implement policy, but participate in multiple stages of policy-making as well. Hence, the UPR is an example of the move towards new collaboration structures based on multi-level participation, peer review mechanisms, ‘soft law’, general codes of conduct, and ex-post scrutiny.

### 1.4.1 The Validity of ‘Soft Law’

Legitimacy is key in the effectiveness of agreements of non-binding nature – such as ‘soft law’. Abbott and Snidal (2000) analyse the costs and benefits of soft and hard law in a setting of international relations. In contrast to ‘hard’ law, which refers to precise legally binding obligations, soft law deviates from the specific dimensions of “obligation, precision, and delegation” (p. 422). Contrary to realist beliefs, international actors may prefer soft law in some instances. While hard law creates credibility and reduces transaction costs, it also restricts the actors in their behaviour. Soft law can be especially effective when states fear loss of autonomy or sovereignty and is more suitable in situations of uncertainty. Most importantly, “soft law facilitates compromise, and thus mutually beneficial cooperation, between actors with different interests and values, different time horizons and discount rates, and different degrees of power” (p. 423).

While the study of non-binding agreements is still a developing field with regards to human rights, the body of research in other policy areas can be used analogue to the issue at heart. For example, voluntary agreements in environmental policy are highly common (Glachant, 2007; Manzi & Mariotti, 2003). The main incentive on the side of the polluter is the threat of alternative legislative intervention, while, on the other hand, the foregone costs of legislation make it an attractive tool for policy-makers. Therefore, such voluntary agreements have been proven to be effective in general settings (Glachant, 2007). These findings tie back to the study of Abbott and Snidal (2000), as non-binding agreements can create “accountability politics” and thereby give legitimacy to (environmental) issues (p. 452).

### 1.4.2 Consequences of Non-Binding Agreements

Furthermore, the dynamic nature of non-binding agreements might allow for a learning curve. While hard law generally does not allow for ex-post scrutiny, the flexibility of soft legalization enables actors to assess the effects of their agreements (Abbott & Snidal, 2000). Koremenos (2001) finds that, over time, by distinguishing flexible from fixed effects actors can learn with accumulative

precision what the real distribution of gains of an agreement is. Hence, a systematic feedback mechanism – such as the UPR – can be seen as soft law that starts as a learning curve, continues to provide accountability, and might finish as a stepping stone towards harder legislation in the long-run.

Additionally, the horizontal interaction between states in the UPR fits into the current development of “horizontal governance”. Dimitropoulos (2014) studies the general potential of peer review mechanisms in their ability to achieve compliance. He finds that the power of peer review processes mainly lies in the fact that there is a minimal short-term effect on state sovereignty (p. 44). However, the loss of control at domestic levels might initiate a rise international control. In order to correct for the loss of vertical supervision and judicial review, a peer review mechanism can be used as the alternative (p. 52). Additionally, peer reviews might be superior because, while judicial procedures are retrospective, peer review mechanisms are continuous.

#### 1.4.3 Application to the Field of Human Rights

Aside of official peer review mechanisms, “naming and shaming” can also be considered in a similar context. Hafner-Burton (2008) conducted a longitudinal study on the relationship between this technique and the course of human rights situations in 145 countries around the globe. While naming and shaming is used to increase the pressure of human rights enforcement on some of the world’s least obedient states, the effects seem to be twofold. On the one hand, governments in the glare of publicity are likely to make efforts upon their human rights situation. On the other hand, the bigger picture shows that the motivation of such efforts largely stems from strategic aspirations. Naming and shaming is likely to lead to the improvement of the human rights which are in the spotlight, but it is the subsequent pattern of events that is contradictory to the improvements. In the stages that follow naming and shaming, governments are more likely to reduce political rights. In doing so, the state will be able to retain more power and execute a higher degree of political terror – which in turn “can be used to cancel out other improvements governments make but do not want to work” (Hafner-Burton, 2008, p. 713).

Nevertheless, the measurement of human rights situations across states is also an important feature. In many cases the course of a nation’s human rights are categorised on a two-dimensional spectrum: violation or conformity. However, recent emergence of new approaches shape more subtle boundaries. Contrary to a binary method, Cheng (2004) introduces a new approach to measuring human rights. The ‘Central Case Approach’ stresses the importance of measuring human rights situations “in terms of deviations from a central case of key characteristics” (p. 257). The inclusion of political, economic and social considerations of this method provides more nuanced

conclusion, as rather the extent of human rights compliance is measured than a two-sided view, but also requires more resources and expertise to conduct. A case study into the human rights in Singapore in comparison to other countries examines the effects of a state's unique social and political characteristics in relation to the level of the national human rights situation. Cheng (2004) concludes that the degree of deviation from the 'central case', based on the consideration of the socio-political vectors, would provide a superior insight into human rights violations and that – for example in relation to the rights of Muslims in Singapore – patience and constructive engagement could have improved the quality of court rulings (p. 297).

Green (2001) outlines an additional shortcoming regarding the current measures of human rights compliance. The point that is raised is the misconception that the existence of poverty in a state would provide direct evidence for violations of economic, social and cultural human rights; or vice versa, that a lack of poverty indicates that human rights are being upheld. For example, a government might take all the adequate steps towards ensuring human rights and providing a considerable share of its resources, but the stock of the nation's resources might fall short of solving the issue. On the other hand, a rich and food-abundant country might be violating human rights by failing to safeguard the food supply process by not conducting a sufficient amount of facility inspections, even though none of its citizens were living in hunger.

That being said, many regard the compliance issue of human rights as fundamentally different from other fields of public international law. While Simmons (2000) points out that the effectiveness of compliance in international monetary law lies in the existence of competitive market forces, Hathaway (2002) explains that the lack hereof in human rights law is detrimental to its degree of compliance. Human rights law lacks the costs of retaliation in case of noncompliance, because violations of human rights in one state do not necessarily lead to negative externalities as they might not have adverse effects or threaten other countries. Therefore, she conducts a large-scale quantitative analysis to analyse the correlation between human rights situations and the degree of ratification of treaties in 166 states over a forty-year period. In conclusion, the study discovers that "not only does noncompliance seem to be rampant [...] but countries with poor human rights ratings are sometimes more likely to have ratified the relevant treaties than are countries with better ratings, a finding that is largely unexplained by either the normative or the rationalist theories" (p. 1978).

## 1.5 Theoretical Relevance

While current issues cannot be studied in an academic setting, recent matters – provided that sufficient information or data is available – should not be disregarded. Compliance of agents with non-binding agreements is important in many fields. Aside from its applications in game theory, economics, and psychology, the topic has a current and relevant place in international relations. Moreover, globalization is calling for new mechanisms of international governance and there is an increasing trend towards peer review mechanisms (such as the African Peer Review Mechanism of the African Union, the Environmental Performance Review by the UNECE, and the UPR).

Therefore, the theoretical relevance of this study is apparent due to the existing lack of analysis of the UPR peer review system on an academic basis. Many angles in international relation theory provide inside on the compliance of states with international law. However, while UPR recommendations show similarities with international law, they do not fully equate. Whereas this thesis will at first treat the non-binding agreements of the UPR as general international law, an important aspect is the fact that the recommendations are ‘peer review’-based, which creates an interesting angle of the dynamics of collegiality among states.

## 1.6 Social Relevance

Human rights violations are a global issue. While it is that states such as North Korea, Angola, and Iran are easier recognized than others in having some way to go with regards to improving human rights, one should not undermine this issue of human rights in the developed world either. Large human rights issues due to wars and dictatorships are mainly issues of the developing world, but concerns about, *inter alia*, discrimination, immigration detention, women’s rights, LGBT rights and the prosecution of war criminals can still be largely approved upon in all nations. Therefore, expanding the knowledge on the motives for compliance with the UPR will be highly relevant for society. Additionally, a comprehensive explanation of why states tend to comply might give insides into expanding compliance overall.

---

## CHAPTER 2. THEORETICAL FRAMEWORK

---

*“Neither law nor politics may be a science, but international relations theorists have a comparative advantage in formulating generalizable hypotheses about State behaviour and in conceptualizing the basic architecture of the international system.”*

– Anne Marie Slaughter (1995)

When a SuR accepts a recommendation, the state agrees to a non-binding agreement and as such has the primary responsibility to pursue its implementation. The basis of the recommendations has to be on either: the Charter of the United Nations, the Universal Declaration of Human Rights, human rights instruments to which a State is party, voluntary pledges and commitments made by States, or applicable international humanitarian law (United Nations Human Rights, 2008). Therefore, the recommendations of the UPR will be initially viewed in the same light as international law and subsequently studied in the same field.

### 2.1 Human Rights Legislation

To begin with, it is important to define what ‘human rights’ entail. The basis of human rights is built on a collection of international treaties, of which the most relevant here are: the Convention Against Torture (ICAT), International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), the Convention on the Elimination of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and declarations such as the Universal Declaration of Human Rights. These are products of intergovernmental negotiations and contain certain legal duties for governments regarding either individuals or groups of individuals. On a supranational level, individual UN committees (in legal jargon: ‘treaty bodies’) have supervision and oversee compliance with each of the treaties on human rights and the UPR provides a system in which states engage in peer-reviews (Baylis, Smith, & Owens, 2011). Essentially, human rights legislation is designed to be directed to the actions of states, while in some circumstances it can be extended to include the actions of non-governmental actors as well. However, the primary duty remains at the state-level. For that reason, violations of third party actors can be seen as a shortcoming on the side of the government to uphold human rights within its jurisdiction (Green, 2001). International human rights are universal in the sense that they apply indiscriminately to every single person around the globe. Nevertheless, their legal basis is only justified when the treaties that describe these rights are ratified by the state (Baylis, Smith, & Owens, 2011).

Beyond this brief explanation of the matter at hand, this chapter will provide the theoretical basis for this study. While theoretical and empirical literature specifically on the UPR is still lacking, theories on compliance with international law are widespread; nevertheless, often conflicting. A multitude of theories in both international relations (IR) and international law outline reasons and effects of (dis)obedience with rules and regulations with a voluntary nature. In the following, this chapter will disentangle the body of studies conducted by scholars on this topic by choosing the two most relevant theories in this case: realism and liberalism, for “we need theories to make sense of the blizzard of information that bombards us daily” (Walt, 1998). Thereby, a foundation will be created on which this thesis will analyse the non-binding recommendations made to nations in the first cycle of the UN’s Universal Periodic Review.



## 2.2 Realism

*“Whatever their other disagreements, realists are unanimous in holding that human nature contains an ineradicable core of egoistic passions; that these passions define the central problem of politics; and that statesmanship is dominated by the need to control this side of human nature.”*

– Jack Donnelly (2000)

Realism is often coined as the most “mainstream” theory in international relations and it has formed the “natural background” for the creation of many other IR theories (Wagner, 2014, p. 106). However, regarding IR theories, this theory also holds the most negative outlook on compliance with international law. In the 16<sup>th</sup> century, at the origin of political realism, Machiavelli wrote that “a prudent ruler cannot keep his word, nor should he, where such fidelity would damage him, and when the reasons that made him promise are no longer relevant” (p. 61). This notion stands at the base of the realist theory, as it builds on the assumption that (political) actors are rational agents which will only act in their own self-interest. Furthermore, in the eyes of realists the notion of democracy is not a given for the quality of international interaction. On the contrary, in the words of Tocqueville (1838): “Foreign politics demand scarcely any of those qualities which are peculiar to a democracy; they require, on the contrary, the perfect use of almost all those in which it is deficient.”

From a more contemporary point of view, the post-World War I and II era and the Cold War gave rise to a new surge of realist theory. Starting at the outset, ‘classical’ realist Hans Morgenthau can be seen as the founding father of the realist strand of IR theory. He focused on the *realities* of international law by highlighting the weaknesses of international cooperation. In explaining the tensions between the US and Soviet Union, Morgenthau emphasised that states are driven to anarchy because “states, like human beings, had an innate desire to dominate others” (Walt, 1998, p. 31).

Despite its lengthy history, there is a lack of consensus among academics of the true disposition of realism. Some categorize it as an “attitude of mind” (Garnett, 1984) or “a loose framework” (Rosenthal, 2002, p. 7) rather than a strict theory. Moreover, Garnett (1984) describes realism as “psychologically unpalatable” due to the fact that “[t]here is a bit of an ostrich in all of us, and we do not take kindly to those who constantly remind us of ‘desperate straits’” (p. 110). Nevertheless, developments over time have contributed to a “distinctive but still diverse style or tradition of analysis” (Donnelly, 2000, p. 6). Therefore, some general assumptions of realism will be outlined here in order to establish a common understanding of its meaning.

### 2.2.1 The General Assumptions

Power and national self-interest are the cornerstones of realism. First and foremost, the traits of human nature are assumed to be egocentric. Realism sheds a light on “the fundamental differences between domestic and international politics” (Wagner, 2014, p. 106). While domestic issues revolve around the monopoly of violence, in the international arena states interact without the presence of any higher authority. Hence, in the international system, states are regarded as the primary actors. Realists equate the aggregate of human preferences as the preference of the state. Therefore, realists assume that states function identically as rational, but self-centred actors (Slaughter, 1995, p. 507). This deep-rooted core of egoism of both people and states forms the central problem of politics: because when “[egoistic] passions are ineradicable, conflict is inevitable” (Donnelly, 2000, p. 10).

In turn, states will constantly have to be aware of – and prepare for – the threat of anarchy. This uncertainty and suspicion results in an international zero-sum game in which the only relevant determinant is relative power. Therefore, in relation to international law, realists generally disregard the likelihood of enforcement of international rules and regulations, because “international norms serve only an instrumental purpose, and are likely to be enforced or enforceable only by a hegemon” (Slaughter, 1995, p. 507).

### 2.2.2 International Decision-Making

In order to make these assumptions more tangible, an exemplary case of realism in relation to international institutions will be presented. Steinberg (2002) applies realist theory to the WTO’s General Agreement on Tariffs and Trade (GATT) and, specifically, the Uruguay Round. The consensus decision-making of the procedure, based on sovereign equality of states, raises questions regarding the power of states. As the WTO negotiations aim to produce hard law, in the light of realism it is striking that states permit consensus-based agreements, as “Realists have long argued that — empirically — powerful countries permit majoritarianism only in organizations that are legally competent to produce only soft law, which poses little risk that powerful states would be bound by legal undertakings they might disfavour” (Steinberg, 2002, p. 340). Hence, realism assumes that international organisations will cease to exist when they are based on decision-making rules which are able to obstruct the objective of the most powerful states. Instead, a more appropriate method for realists would be to establish a voting system in which there is a direct relationship between the power of states and the outcomes.

For that reason, it is remarkable that the consensus rule has been maintained throughout the negotiations. The motives for this outcome are, nonetheless, still in line with realism. At first sight,

the procedures of the GATT seem consensus-based. However, instead of creating Pareto-improving measures, a closer look reveals that the trade rounds were characterized by an asymmetric power distribution skewed towards powerful states. First of all, for the majority of trade rounds the agenda setting stage was dominated by either the US or the EC. Moreover, in the conclusion of many agreements misbalance in 'power play' resulted in disproportionate outcomes. The Uruguay Round in particular brought about debateable results. Finger, Reincke, and Castro (1999) found high variances in the net gains and losses of trade-weighted concessions and conclude the main reason for the disproportionate gains of industrial countries – in contrast to developing countries – to be non-economic objections, as they found that “a government that can mobilize non-economic motives into significant support for trade liberalization will be in a position to play a hegemonic role (as the US did) and give up larger concessions that it receives in exchange” (p. 4). Additionally, Petersmann (2003) also concluded that “the Uruguay Round agenda [was] derived essentially from the political needs and business pressures in developed countries” and therefore “the main reason for the acceptance of the TRIPs Agreement by developing countries [...] was political” (p. 32).

### 2.2.3 Real Law

Realists do not recognise international law as a genuine law, because “[w]hen, in the international field, an arbitrary rule-making power tries to impose rules supported neither by common interests nor by a balance of power, these rules never become valid law” (Morgenthau, 1940, p. 275).

As stated by realist theory, the international society is essentially disconnected. Where nations act as solitary actors, the validity of a central law-making and law-enforcing power is dismissed. According to this view, states will never “obey” international law in a strict sense. Conformity with the rules of international law does occasionally occur – albeit only in cases of power and coercion – as appeared to be true in the example above. Koh (1999) describes such conformity will occur along the following line: strong nations will act as they please, while weak nations “suffer what they must” (p. 1402). Hence, realists agree that in times “where there is neither community of interest nor balance of power, there is no international law” (Morgenthau, 1978, p. 282). Nevertheless, following this rationale, how can the current existence of international law be explained?

Morgenthau (1978) explains that “the very lifeblood of international law” finds its origin in the identical and complementary interests of states, and that necessity and mutual consent are its main drivers (p. 282). According to realism, this is as to be expected, for nations will not agree upon legal rules which limit their sovereignty. Therefore, a very important notion of international law is that “each nation is bound only by those rules of international law to which it has consented” (p. 283). A second means of nations to escape the grip of international law is its lack of precision. The massive

amount of unilateral claims, combined with the realists' decentralized perception of the world, make international law highly prone to (deliberate) misinterpretation. It is expected that governments will "use international law [...] for the promotion of their national interest, and to evade legal obligations that might be harmful to them" (p. 285).

Therefore, in the eye of the realist, the mere existence of international law will not lead to the legitimacy of a supranational power and its enforcement. Instead, "in the international field, it is the subjects of the law themselves that not only legislate for themselves but are also the supreme authority for interpreting and giving concrete meaning to their own legislative enactments" (Morgenthau, 1978, p. 286).

#### 2.2.4 International Morality

Following this description of international law according to realism, it is important for this thesis to delve into the field of human rights. However, the focus on human rights in the theoretical strand of realism is nihil. Wagner (2014) explains that "[t]his lack of interest results from an understanding of human rights as a part of domestic politics, the working of which is seen to be diametrically opposed to international politics" (p. 106). While international humanitarian law, which is mainly concerned with the treatment of non-nationals in times of combat, is a large exception to this rule as it broadens the scope of human rights to an international dimension, the concept of morality does come into play.

In general, 'morality' as an international moral code binding on states is expected not to work in the eyes of realists since international enforcement by supranational actors is disregarded by the theory. However, the work of classic realist Hans Morgenthau (1978) touches upon the subject of moral obligations. In his prominent piece *Politics Among Nations*, he affirms that "political realism is aware of the moral significance of political action" (p. 10). Ignorance regarding morality, mores, and law as restraints on power would lead to the nature described by Machiavelli and Hobbes: a world in which "the weak would be at mercy of the strong" (p. 229). However, when recognizing the nuances of ethics, the intellectual and practical influence of realism can be broadened.

The limitations of power can be categorized in three types of norms: ethics, mores, and law. In turn, each of these can be split into two elements: the command and the sanction. Rules may construct commands in any of the abovementioned type of norms, which becomes clear when the sanction is defined. For example, a society might be bound not to steal, which can be either a consequence of ethics, mores, or law. If stealing would lead to a bad conscience, the rule can be characterized as an ethical norm. Yet, it will be seen as a norm of the mores if protests and condemning exclamations

are the effects of stealing. Nevertheless, only when sanctions of a legal nature are in place can the action of stealing fall under the norm of law.

In severe circumstances, all three types of norms form a reinforcing pact. Morgenthau (1978) describes that in the domestic societies of the Western civilization “different normative injunctions against homicide and against individual and collective violence of any kind seek to create the normative preconditions for such a civilized redirection of the struggle for power”. However, this does not mean that the struggle for power is eliminated; it rather touches upon the notion “of creating civilized substitutes for the brutality and crudeness of an unlimited and unregulated struggle for power” (p. 235).

Nevertheless, regarding the discussion on international morality, the picture that is painted is less radiant. On the one hand, Morgenthau resists common realist belief by describing an ‘absolute moral principle’ in which “nations recognize a moral obligation to refrain from the infliction of death and suffering under certain conditions despite the possibility of justifying such conduct in the light of a “higher purpose”, such as the national interest” (p. 240). On the other hand, however, this statement gets undermined by the proclamation that the weight of moral aspects on the scale of politics should be balanced between truth and idolisation, because in the international arena “nations are tempted [...] to clothe their own particular aspirations and action in the moral purposes of the universe” (p. 11). Therefore, due to the likelihood of such a misbalance, Morgenthau returns to the classic realist notion that the self-interest remains the ultimate determinant, or in his own words: “It is exactly the concept of interest defined in terms of power that saves us from both that moral excess and that political folly” (p. 11).

### 2.2.5 Prophecy of Realism

Following the prescriptions of realism ranging from sovereignty, national self-interest, balance of powers, moral excess and political folly, the prophecy which applies to the research question of this thesis will be outlined here. Accordingly, the first hypothesis of this thesis will be formulated in accordance with realist expectations and states that:

*H<sub>1</sub>: The more powerful a nation is, the lower its acceptance rate of UPR recommendations.*

To sum up, looking at compliance with international law and human rights recommendations of the UPR mechanism from the realist point of view proves to be highly negative. The likelihood of compliance without other incentives, such as national self-interest or economic benefit, is disregarded by those who advocate the realist theory.

In order to provide a counterweight to this perspective, another IR theory will be presented in the following. Russett (2001) raises the impression that the status quo of world affairs might need a different approach of explanation. While the pessimism of realism might have been appropriate in the presence of continuous anarchic security threats and counterthreats in the 1800s and 1900s, “the emergence of new democracies with the end of the Cold War presents an opening for change in the international system more fundamental even than at the end of other big wars” (Russett, 2001, p. 240). Therefore, the next section will make use of a different strand of international relations theory to enlighten the process of international relations and law, namely: liberalism.

## 2.3 Liberalism

*“Liberalism takes the myth of equality, the fiction of equal status, the aspiration of equal opportunity from equal rights, and tries to create human dignity or social justice or the just society”*

– David P. Forsythe (2001)

Going back in time to 1795, Immanuel Kant describes in his work *To Perpetual Peace* a set of required conditions for a world without wars. Kant’s political philosophy is an antecedent of liberalism as he proclaims the concept that a nation is the ‘union of men under law’, and urges governments to see international law as a route to achieving world peace (Koh, 1997). However, Kant describes the difficulty of organizing “a group of rational beings who demand general laws for their survival, but of whom each inclines toward exempting himself, and to establish their constitution in such a way that, in spite of the fact their private attitudes are opposed, these private attitudes mutually impede each other in such a manner that [their] public behavior is the same as if they did not have such evil attitudes” (Doyle, 1983, p. 206).

In the evolution of liberalism ever since, the most important principles of liberal theory remain the freedom of the individual and the centrality of human rights. For a long time, however, a lack of positive assumptions and theoretical validity resulted in acclamations of scholars that liberalism should be categorized as an “approach” rather than a “theory” (Doyle, 1983). Nevertheless, Moravcsik (1997) was the first to identify a set of positive assumptions of liberalism regarding “the nature of fundamental social actors, the state, and the international system” (p. 515).

### 2.3.1 The General Assumptions

Firstly, liberalism assumes that individuals and private groups are the most fundamental actors in international politics (Moravcsik, 1997). This notion reflects the liberal “bottom-up” approach and discards the utopian vision of a direct and consistent harmony across members of society. Conversely, social conditions will determine if the self-centred members of society either choose cooperation and compliance, or coercion and conflict. The first important factor in this process is the fundamental beliefs of members of society. Complementarity in beliefs will promote compliance, while deeply rooted disputes will result in conflict. Secondly, material scarcity of goods within a country will also promote the probability of conflict, because the willingness to act increases as members of society have less to lose, which reduces risk, and more to gain. Lastly, the political power dynamic of a state also plays an important role. If influential power of members or groups of society is distributed unevenly, the likelihood of conflicts will increase. This factor provides a link between the social incentives predicted by liberalism and Olson’s logic of collective action. Olson (1965) states that common interests within a group of society will result in collective action among

them only when the benefits solely apply to active participants, as this abolishes the incentive to “free ride”. In the political area, this concept applies to lobbying and explains why it is not the size of the group, but rather the strength of their beliefs that results in influential success (Hix & Hoyland, 2011). Similarly, liberalism on the one hand expects that a more uniform distribution of societal influence results in an internalization of costs and benefits to individuals and a lesser chance of coercion; while on the other hand asymmetry in power allocation increases the benefits for efforts to exploit rent-seeking opportunities (Moravcsik, 1997, p. 517).

The second assumption that Moravcsik raises describes the liberal view of the attribute of domestic institutions. Specifically, a state’s government is assumed to be a representative entity in which the preferences of members of society are reflected – albeit not equally. It is rather the “subset of domestic society” that is represented (p. 518). Formal features of politics which determine the pursued interests include *inter alia* the type of regime, degree of bureaucracy, and organizational capabilities. Alternatively, exit options, including for instance noncompliance and emigration, can provide informal alternatives to undermine formal representation. Therefore, societal pressures are the main determinant of “state preferences”. Note that state preferences are fundamentally distinct from the concepts of national strategy and tactics, as these instead refer to negotiation and bargaining positions. Liberalism does not aim to explain the effects of changes in the strategic environment, but rather concentrates on analysing how states behave when fundamental preferences change. Therefore, joining the first and second assumption provides a clearly different approach to realism. Denominations of sovereignty, security, and welfare are not exclusive determinants in liberal theory, but the state will instead act upon a combination of factors which is preferred by the most powerful national groups.

The third and final assumption by Moravcsik (1997) expands the theoretical basis to an international setting and regards the interdependence of states, specifically regarding the concept of policy interdependence. Whilst realist views assume that states are naturally opposing in their preferences, liberalism expects national behaviour to emerge from a set of underlying stakes in the matter. Hence, awareness of the preferences of other countries is essential to determine the appropriate type of domestic action and gives rise to the assumption that “the pattern of interdependent state preferences imposes a binding constraint on state behavior” (p. 520). A bargaining game between governments will thus only follow when the preferences of states are sufficiently conflicting to justify the high costs and risks involved with coercion.



### 2.3.2 Application to International Law

The abovementioned assumptions of liberalism can be reduced to the single notion that: “Variation in ends, not means, matters most” (Moravcsik, 1997, p. 522). The bottom-up approach to politics concludes that states’ behaviour depends on their internal composition. Hence, in the liberal view, the determinants of compliance with international law originate at the domestic level (Koh, 1997). Subsequently, the link between international relations and international law will have to be analysed.

In *International Law in a World of Liberal States* Slaughter (1995) explores the liberal strand of IR theory and concludes with a theoretical model of liberalism on the cooperation between states in the field of international law. An important notion which is raised at the outset is the fact that liberalism applies to *all* states. While other theories, such as realism, assume a uniform set of variables and ‘wants’ across states, liberalism assumes that the divergence in variables such as domestic regime and the density of domestic society creates unique sets of preferences.

Empirical studies into the likelihood of war among states within the liberal theory coined the term of ‘liberal peace’. This relates back to Kant’s *Perpetual Peace* and implies that – as the name suggest – peace between liberal states is more stable, whereas war is more likely among non-liberal states or between a liberal and non-liberal state (Oneal et al., 1996). This does not mean that liberal states are naturally less hostile, but the reason lies in the fact that their specific variety of variables converge to decrease the probability of armed conflict between them. Mearsheimer (1990) raises the point that people “are more hesitant to start trouble because it is they who pay the blood price” (p. 49) as a possible reason why more democratic power of the people will decrease the likelihood to initiate war. Importantly, Russett (2001) underlines that statistical research on the topic shows that the relationship between democracy and peacefulness is not spuriously caused by exogenous influences such as common levels of economic prosperity or alliances.

The second argument pronounces that citizens of democracies are inclined to respect democratic regimes more than other regimes due to a sense of democratic superiority. Hence, starting war would not only violate other democratic citizens, but also their own democratic values. However, on a critical note, he also raises the notion that “[o]n the other hand, authoritarian leaders are just as likely as democratic publics to fear going to war, because war tends to unleash democratic forces that can undermine the regime” (Mearsheimer, 1990, p. 49).

Subsequently, Slaughter (1995) relates this knowledge to the field of international law. Domestic constraints do not only circumvent armed conflict, but should also provide a more robust base for enforcing international agreements. The principles of liberal democracy include the existence of

“some form of representative government secured by the separation of powers, constitutional guarantees of civil and political rights, juridical equality, and a functioning judicial system dedicated to the rule of law” (p. 511). An important implication for the cooperation between liberal democracies is that the existence of a neutral judicial system will provide a more ‘vertical’ enforcement mechanism than traditional ‘horizontal’ means such as state responsibility, because it constructs trustworthy enforcement instruments.

Moreover, Slaughter describes five additional factors which aid in the validity of agreements between liberal states. First of all, governments of liberal democracies are familiar and conditioned to the use of legal instruments to limit political power, which is connected to the premise that “[a] state, in our Western democracies, cannot disobey its own courts” (Weiler, 1991, p. 2421). This relates to the second factor, which is the fact that the governments of liberal nations are designed by the separation of power and based on a constitution. The existence of individual rights of citizens is the third element, as it not only protects citizens against the government, but also creates a ‘checks and balances’ system of compliance with the law. The next factor is the existence of transparency of the political decision-making processes in liberal governments, as it extends monitoring possibilities from citizens to treaty partners. Finally, supremacy of international law is a more common condition in the constitutions of liberal states, which – yet again – expands the legitimacy of international agreements. As a result, Slaughter (1995) concludes that a community of liberal states would be the most effective in crafting and achieving compliance with international legal standards, because “the resulting system of ‘checks and balances’ – competition and coordination, division and duplication – creates sufficient friction to curb the abuse of power” (Slaughter, 1995, p. 535).

Liberalism is also an important pillar of the specific international law field of human rights. A closer look at the Universal Declaration of Human Rights reflects the general description of the liberal democratic state, because it pronounces that the state is “based on individual rights, democratic accountability, and a mixed economy that provides a broad range of economic and social rights” (Baylis, Smith, & Owens, 2011, p. 505). Likewise, Forsythe (2001) also validates that human rights and liberalism are fundamentally linked. From a historical point of view, the development of the concepts of individual, intrinsic moral rights lies in the hands of Western liberal states. Following the line of classical liberals such as Jefferson and Locke, national constitutions in the West became increasingly devoted to denouncing specific fundamental human rights for their citizens. However, during that time, the view that “all men were created equal and possessed equal rights” only applied to ‘certain’ men, i.e. excluding women, minorities, and slaves. Nowadays however – while it is still true that not all people are equal in moral or material ways – “liberalism takes the myth of equality,

the fiction of equal status, the aspiration of equal opportunity from equal rights, and tries to create human dignity or social justice or the just society” (Forsythe, 2001, p. 202).

### 2.3.3 The Counterarguments

As illustrated above, the liberal strand of Slaughter (1995) provides a comprehensive theoretical basis of international relations and law. While this interpretation was quickly and widely endorsed by scholars, the critiques should not be overlooked. Koh (1997) disputes the distinction along ‘liberal’ versus ‘non-liberal’ lines, because he argues that national identity will never be exogenously or permanently set. In a more constructivist view, human rights are identified as the tools of active citizens which empower them to act on behalf of their rights. Hence, states such as Argentina, South Africa, and Poland should not be perceived as permanently liberal or non-liberal, because they undergo continuous evolutions to either end of the spectrum (p. 2650).

However, the most extensive critical response was written by Alvarez (2001), who questions the work of Slaughter in his article: *Do liberal states behave better?* While he does not disagree that democratic governance is superior due to its moral and ethical values, respect for civil and political rights and economic growth, and aversion of domestic armed conflict, he is highly critical of the premises of compliance raised by Slaughter and as such puts “the burden of proof on those who would contend that liberal states are better law-abiding members of the international community” (p. 194).

An outstanding example of a liberal state which does not fit into the liberal explanation of international cooperation is the United States. Many human rights conventions are enforced neither locally nor vertically, and some even lack ratification. Moreover, the conditions to ratification of treaties of the US are not based on concerns of the inclusion of contracting parties which are ‘non-liberal’ states, but on the perception that domestic US law is superior to international law. Hence, Alvarez (2001) raises the argument that “to the extent this perception (erroneous or not) prevails among US policy-makers, it suggests that the very ‘success’ of ‘liberal’ regimes may sometimes prevent the ‘vertical’ enforcement of certain international obligation – even when these are not inconsistent with domestic law” (p. 195). On the other hand, the US could be the exception to the rule due to its extraordinary economic size and “superpower status” (p. 202). Nonetheless, if this were true, Alvarez stresses liberalists not to exclude this outlier but to instead acknowledge the validity of other theories, such as the explanation of ‘hegemons’ by realists.

Secondly, while Slaughter (1995) describes that more and ‘deeper’ cooperation will arise between liberal states, Alvarez (2001) raises the multiple failed attempts of the OECD Multilateral Agreement on Investment (MIA) as an the exemplary case of the contrary. In theory, the characteristic “bottom-

up” approach of liberal states should have facilitated a checks and balances system to promote legitimacy and increase international cooperation; in reality, the MIA failed due to these features. The negotiation phase of the agreement illustrated that taking into account a multitude of pressures from domestic interest groups and supranational NGOs complicated and eventually obstructed the process. Thereby, Kobrin (1998) draws an important lesson from the reality of cooperation between liberal states. The liberal trait of transparency facilitates more interest group involvement, but in turn, cooperation between states will be hampered because “[i]t will be increasingly difficult to impose globalization [...] as an élite-driven project” (p. 108).

#### 2.3.4 A Liberal Solution

To conclude, there is no clear “winner” in this theoretical discussion on the validity of liberalism in relation to the matter at hand. Hence, the dispute can only be settled with empirical evidence. Even Anne-Marie Slaughter concludes her work on a self-critical note by stating that “[the theory’s] ultimate value must await empirical confirmation of specific hypotheses distilled from this model” (Slaughter, 1995, p. 505). This premise is exactly what will be the objective of this thesis. Therefore, the second hypothesis will be formulated according to the expectations of liberal IR theory, as:

*H<sub>2</sub>: Liberal democracies are more likely to accept UPR recommendations.*

---

## CHAPTER 3. RESEARCH DESIGN

---

*“The protection of basic human rights is one of the most pressing and yet most elusive goals of the international community.”*

– Emilie Hafner-Burton and Kiyoteru Tsutsui (2005)

As outlined in the previous chapter, this thesis aims to find the relationship between human rights recommendations received by states in the UPR process and the degree of acceptance and compliance with these recommendations. While recording human rights, as well as compliance, are both elusive goals, this chapter will provide an insight into the different approaches that will be used to make this analysis possible. Subsequently, the method will be conceptualized and defined in more detail in order to provide solid groundwork on which the empirical study will be based.

### 3.1 The Quantitative Approach

In contrast to a time-series design, in which the effects of the independent on the dependent variable over time “for a single spatial unit” are measured (Kellstedt & Whitten, 2013, p. 86), cross-sectional research evaluates all variables at a single identical moment in time. The choice for the latter over the former is due to data constraints. The UPR has only finalised one single UPR cycle at this point in time, and therefore there is not enough data to map trends over time. Another limitation of time-series analysis is the constraint in spatial unit, which narrows the research to analysing a single country.

Conversely, a cross-sectional design allows for an evaluation of the variation of the dependent variable on the independent variable across a large amount of states. The most powerful tool for this method is multiple regression. While in selecting a bivariate regression analysis there is no need to control for the effects of other variables, multiple regression takes into account a broader spectrum of variables. In this manner the model’s specification is more robust and statistically sound, as the results will take into account a larger set of possible influencing variables (Graddy, 1998).

A correct model specification is crucial in quantitative methods, as – in contrast to experimental studies – the control is not with the researcher, but the entire model relies on the measurement of the data and on statistical control. Regarding the research topic of this thesis, a cross-sectional design would be able to identify the significant factors of states’ compliance. For example, a statistical regression including variables such as the *degree of democracy*, *amount of power*, and *gross domestic product per capita* on the acceptance rate of UPR recommendations of all 193 UN member states can be used to show which of the variables are significant in ensuring or deterring

acceptance. Conversely, at the same time this approach would fall short of explaining why states *comply* with UPR recommendations. As Hathaway (2002) explains: “Although the ratings of human rights practices of countries that have ratified international human rights treaties are generally better than those of countries that have not, noncompliance with treaty obligations appears to be common.” (p. 1940). Therefore, while the implementation rate does lend itself to quantitative analysis, the complexity of the measure of compliance will be of subsequent focal point in the analysis of two in-depth qualitative case studies.

### 3.2 The Qualitative Approach

As indicated, a more appropriate approach to assess the *compliance* of States under Review with the recommendations of the UPR process is a qualitative, co-variational (COV) analysis. By use of a ‘small N’ case study, the compliance with the UPR recommendations of two SuRs will be the focal point. The choice of co-variational analysis on a small scale does not diminish the study’s validity. On the contrary, as explained by Blatter and Haverland (2012): “small-N research is better able to achieve concept validity than large-N research because focusing on a few cases allows variables to be conceptualized in complex and multidimensional ways”. A limitation that should be mentioned however is that this type of analysis is not as robust in its ‘statistical generalization’ as larger scale studies. Nonetheless, case studies can be valuable as “the first step in a larger research program” (p. 34).

In co-variational analysis the case selection process is a crucial element. While statistical approaches often require a large random sample, Blatter and Haverland (2012) stress the fact that “in all types of small-N research, cases should not be selected randomly” (p. 41). Hence, cases should be selected to ensure that the independent variable of interest varies. And again, within the COV approach there are distinctions over spatial variation. For the purpose of finding out why states comply with UPR recommendations, a cross-sectional comparison will be more fitting than an intertemporal one, as – once more – data constraints make research on the trends in UPR compliance unachievable.

### 3.3 The Final Framework: a Synthesis of Quantitative and Qualitative Methods

Due to the advantages and feasibility of the abovementioned research methods, this thesis will choose to complement a qualitative approach with quantitative elements. Both the quantitative and qualitative methods are based on cross-sectional designs. The process of identifying the independent variables, control variables, and case studies should be based on the research question as well as the hypotheses which were derived from IR theories in chapter two. Hence, once more, the research question is defined as:

***Why do states comply with the non-binding recommendations of the Universal Periodic Review?***

And the hypotheses expect the following answers to the subquestions:

| <b>subquestion</b>  | <b>hypothesis</b>   |
|---|---|
| <b>To what extent does the relative position of power affect the amount of UPR recommendations that will be accepted?</b> | <i>H1: The more powerful a nation is, the lower its acceptance rate of UPR recommendations.</i> |
| <b>In what way does the degree of liberalism of states relate to the compliance of UPR recommendations?</b>               | <i>H2: Liberal democracies are more likely to accept UPR recommendations.</i>                   |

These hypotheses will form the necessary stepping stones to answer the research question. First, the quantitative analysis will be conducted in order to find answers about the general tendencies in acceptance of UPR recommendations, as the data for this section will cover all 193 UN member states. Secondly, a twofold of case studies will provide the qualitative angle to the matter at hand and delve deeper into the motivations for (non-)compliance with the recommendations. In this manner, the study will be broad in a sense that it provides insights in different stages of compliance with the UPR recommendation process: from accepting a recommendation to its actual implementation.

---

## CHAPTER 4. QUANTITATIVE RESEARCH

---

*“No single approach can capture all the complexity of contemporary world politics.”*

– Stephen M. Walt (1998)

In this chapter the first empirical part of the thesis will be conducted. By means of quantitative research, an overview of the general trends in the first cycle of the UPR will be sketched. Hence, with the results of this investigation into state characteristics and likelihood to accept recommendations from other UN member states a foundation will be built in order to conduct in-depth case studies in the following chapter.

### 4.1 Methodology

Due to the dual step empirical analysis of this thesis, it is important to outline the details of this process. The first step, being the quantitative operationalization, will be based on a multiple regression. The benefits of quantitative research in this field have already been highlighted by other scholars. For example, Hathaway (2002) found in her research on human rights treaty ratification that: “[d]esigned correctly [...] comprehensive statistical analysis can isolate more effectively the particular effects of treaty ratification on country practices and such an analysis can achieve a breadth of coverage that would be infeasible in a qualitative case-by-case analysis” (p. 1939).

The multivariate regression will be conducted using the Ordinary Least Squares (OLS) method in the statistical computer program *Eviews* and will test whether the relationship between the relative power of states and/or the policy democracy score and accepting of UPR recommendations is statistically significant. Additionally, a set of control variables will be included in the regression. The inclusion of control variables increases statistical robustness as it will assure that the relationship between the variables is not spurious, i.e. that the measured effects cannot be accredited to other characteristics or occurrences (Becker, 2005).

#### 4.1.1 Control Variables

In this case, the control variables which are incorporated are: *wealth*, *population*, and *state of war*. The choice to control for the national level of wealth is due to the rationalist expectation that wealthier states will have more means to implement and comply with recommendations on human rights (Koh, 1997). Moreover, this expectation is in line with academic findings by Ho (2002) in relation to the Basle Accord, as he found that the wealth of countries significantly weighs in leading to higher implementation rates due to the fact that more affluent states not only have more liquidity, but are also able to attract foreign capital more easily than less wealthy countries.



Secondly, including a measure of the population size into the regression might also be able to capture some explanatory power. On the one hand, the amount of citizens could be regarded as a proxy of the organizational size of a nation's public sector, which has been proven in some cases to have a positive impact on the quality of public services (Christenson & Sachs, 1980). On the other hand, a large population that is either politically or ethnically divided could also be a source for conflict (Raleigh & Hegre, 2009) and could subsequently create difficulties for reaching agreements within the government.

The third control variable captures the state of war in which countries exist. The most prominent feature of war is that it is highly likely to impair the functioning of the government, subsequently rendering any motivation for the government to engage in non-compulsory and non-binding recommendations obsolete. Nevertheless, even if the government is able to engage in the procedure, war of any type – international, civil, or ethnic – is expected to affect the acceptance rate because of the realist and rationalist arguments that it is most-likely not in their “self-interest” to focus their attention and resources on this issue at such a point in time.

#### 4.1.2 Data Sources

In the process of quantitative research, the data collection is of the utmost importance as it forms the foundation of the entire analysis. Availability, reliability and impartialness of the data sources are vital and have to be assessed in order for the statistical and theoretical robustness of the findings to be guaranteed.

First of all, the data on the UPR process is provided online to the public by the UN. The figures on the amount of recommendations and the responses to them from the SuR of the UPR process are all available on the website of the UPR Info database. As this data source is a primary source, the reliability of the numbers is certain.

Secondly, the economic and demographic figures, i.e. military expenditures, gross domestic product per capita, and population, which will be used in the regression originate from the World Bank database. This international financial institution is part of the United Nations and is involved in capital programs for developing countries. More importantly, it opened its large database on economic information up to the general public in 2012. The choice of using a single database for a multitude of variables is due to the fact that this will facilitate uniformity amongst the data and the underlying data collection procedures.

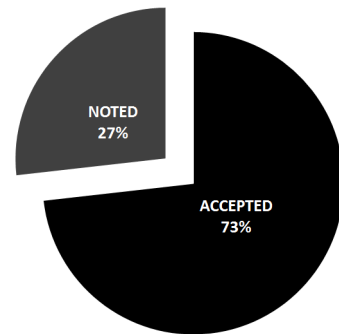
Lastly, the information on the democracy polity score and on the international and domestic state of war has been provided by the Center for Systemic Peace (CSP). This not-for-profit corporation is

involved in academic research on global system analysis and quantitative research on topics varying from international relations to development studies.

#### 4.1.3 Illustration of the UPR Data

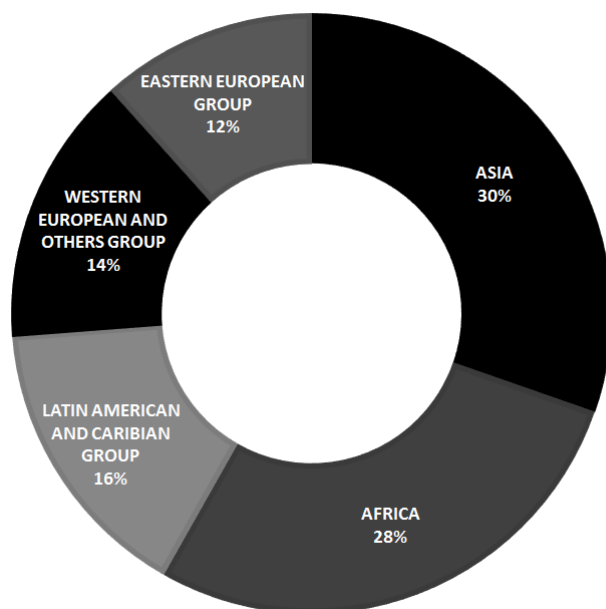
Before delving into the analysis of the relationships between the variables in the regression analysis, the underlying data on the recommendations of the first UPR cycle will be illustrated. The general trend towards acceptance amongst all UN member states over the first cycle of the UPR is shown in Figure 1. On average, 73 percent of recommendations are explicitly accepted by the SuR.

The slice of noted recommendations encompasses 27 percent, and this statistic reflects two standpoints. First of all, the explicit rejection of a recommendation by the SuR results in the 'noted'-status of the matter. Secondly, however, also in the case where the SuR has no clear position on the recommendation at hand, the documentation will reflect this matter as noted. Therefore, it is important not to equate noted recommendations with unambiguous dismissal of the subject.



**Figure 1**  
Global response to recommendations  
source: UPR info

In order to provide a more detailed picture, Figure 2 shows the division of recommendations over regional groups. The place of the Western European and others group (WEOG) encompasses most of



**Figure 2** Average amount of received recommendations per regional group  
source: UPR info

the Western world, i.e. Europe, the US, Canada and Australia, but on the scale of the global statistics it only covers about 25 percent of the total amount of recommendations. The largest receiver of recommendations is Asia with 30 percent, but Africa is a close runner up with 28 percent. Note however that, even though this statistic shows a large interest of recommending states towards Asian and African countries, it is important to look past the surface into responses to such recommendations by the SuR.

Looking at these global averages, the numbers on the acceptance rates of recommendations to a SuR can vary greatly amongst states. To illustrate this, Figure 3 displays the amount of

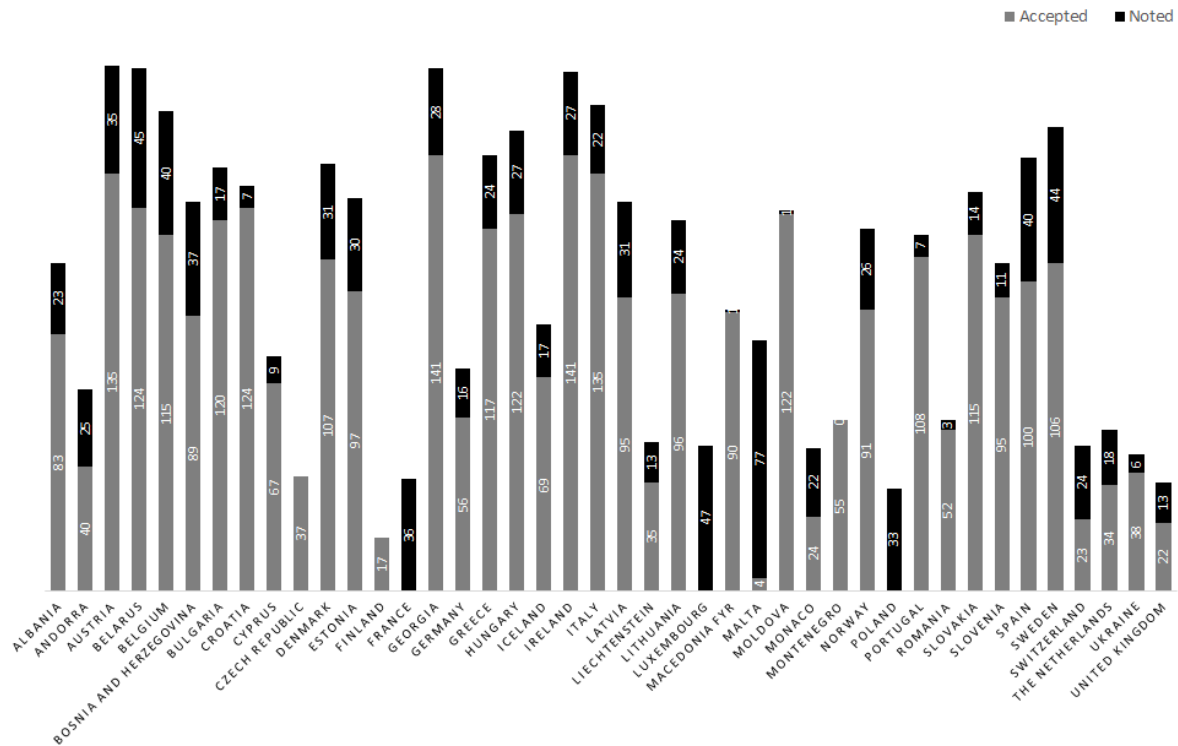


Figure 3 Overview of amount of accepted and noted recommendations for countries in Europe  
source: UPR info

recommendations made to countries in Europe, as well as the responses thereto. At the lower end of the spectrum, the Czech Republic and Finland stand out due to the low amount of recommendations they received, combined with the fact that they accepted every single one of them. Conversely, while France and Poland also received few recommendations, these states decided not to accept any. Nevertheless, disregarding the outliers shows a tendency of the data towards acceptance rates around 80 percent for European nations, as is the case for *inter alia* Albania, Austria, Denmark, Estonia, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, and Norway.

Lastly, the most prominent recipients of the first UPR cycle will be compared. In Figure 4 an overview is provided of the ten states which received the largest amount of recommendations, i.e. (in decreasing order): the US, Iran, Sudan, Myanmar, Nepal, Thailand, Syria, Uganda, Zimbabwe, and Iraq. The graph illustrates the average amount of accepted and noted recommendations in absolute numbers, as well as on a percentage scale. Hence, the statistic provides several insights. First of all, the difference between Sudan and Myanmar is noteworthy. While both received an almost identical amount of recommendations, their difference in acceptance rates is the largest in the entire graph. Specifically, Sudan has the largest acceptance rate with 80 percent, while Myanmar only accepted 39 percent and noted the majority of recommendations. Moreover, when comparing this statistic with

the Figure 3, it is surprising to see that the vast majority of recommendations are accepted by states with the most significant amount of recommendations, while across Europe there is a much more diverse spread of acceptance rates.

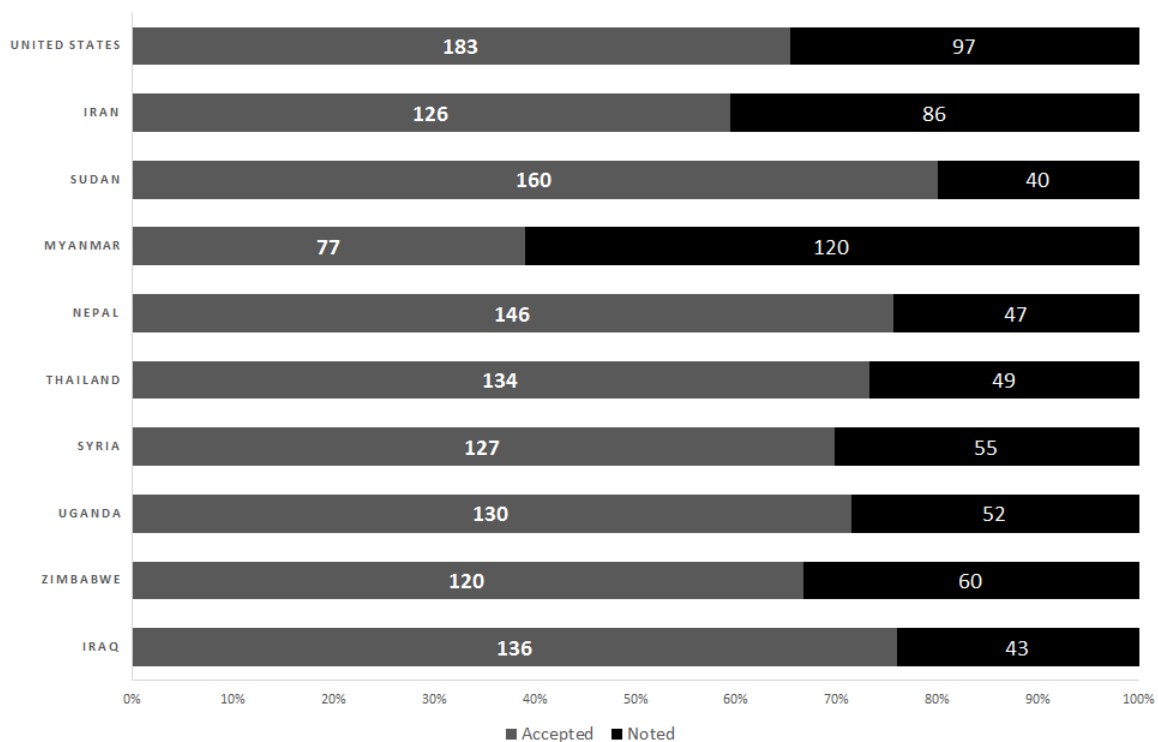


Figure 4 Top 10 of states with the largest amount of recommendations (in decreasing order) and their responses  
Source: UPR info

## 4.2 The Model

The following section will form the heart of the quantitative study. First, the multivariate regression model will be constructed by assembling the data into a comprehensive dataset and testing the relationships between the selected variables. Subsequently, in order to verify the statistical power of the model, the robustness of the outcomes will be assessed.

### 4.2.1 Variables

The specific explanatory and control variables have been established in the previous sections and will be tested in relation to the dependent variable: the acceptance rate of UPR recommendations. As the overview of the data on the UPR recommendations of the first cycle has shown, differences in the causal relationships driving these acceptance rates will have to be explained in detail, as the patterns seem to be largely unsystematic at this point. The method that will be used here is a multiple regression analysis, which can be used to test hypotheses regarding correlation between variables (Kittel, 2006). The analysis in question aggregates the data<sup>1</sup> from all UN member states in

<sup>1</sup> The full dataset can be found in the appendix.

the year 2008 on six variables: the UPR acceptance rate, power, wealth, democracy polity score, population, and state of war. In summation, the variables will be defined and measured in the following way:

| <b>variable</b>          | <b>definition</b>   | <b>measure</b>  | <b>source</b>             |
|--------------------------|---|---|---------------------------|
| <i>accept</i>            | acceptance rate of UPR recommendations during the first cycle | in percentage of total amount of recommendations                    | UPR Info                  |
| <i>power</i>             | relative global position of power                             | military expenses in millions of US\$ <sup>2</sup>                  | World Bank                |
| <i>wealth</i>            | GDP per capita  | in US\$   | World Bank                |
| <i>polity</i>            | ranking of states as political entities                       | democracy polity score of nations on a scale from 1-21 <sup>3</sup> | Center for Systemic Peace |
| <i>pop</i>               | population size   | number of citizens  | World Bank                |
| <i>international war</i> | involvement in international war in 2008                      | 0 = no international war<br>1 = international war                   | Center for Systemic Peace |
| <i>civil war</i>         | involvement in civil war in 2008                              | 0 = no civil war<br>1 = civil war                                   | Center for Systemic Peace |
| <i>ethnic war</i>        | involvement in ethnic war in 2008                             | 0 = no ethnic war<br>1 = ethnic war                                 | Center for Systemic Peace |

As a result, the statistical representation of the corresponding regression is:

$$\begin{aligned}
 \text{accept} = & \beta_0 + \beta_1 \cdot \log(\text{power}) + \beta_2 \cdot \log(\text{wealth}) + \beta_3 \cdot \text{polity} + \beta_4 \cdot \log(\text{pop}) + \\
 & \beta_5 \cdot \text{international war} + \beta_6 \cdot \text{civil war} + \beta_7 \cdot \text{ethnic war} + u
 \end{aligned}$$

In this regression, the variable for the acceptance rate is situated at the left-hand side of the equation, as it is the dependent variable in this analysis. The right-hand side of the equation encompasses all the variables that are believed to have explanatory power, which are the independent variables. First of all,  $\beta_0$  stands for the constant term and represents the interception of the regression line with the Y axis. The computer program that is used, *Eviews*, generates this

<sup>2</sup> "Military expenditures data from SIPRI are derived from the NATO definition, which includes all current and capital expenditures on the armed forces, including peacekeeping forces; defense ministries and other government agencies engaged in defense projects; paramilitary forces, if these are judged to be trained and equipped for military operations; and military space activities." (World Bank, 2015)

<sup>3</sup> According to the Polity IV Project by the Center for Systemic Peace

constant automatically and it does not have a statistical interpretation at this time. The last term,  $u$ , is defined as the error term or the disturbance term and it captures the deviation of the observed value from the true value of the function (Woolridge, 2002). Last but not least, the parameters  $\beta_1$  to  $\beta_7$  are the ultimate concern in this test, as they represent the coefficients of the independent variables and illustrate their explanatory power.

The choice to use the logarithmic transformations for the variables *power*, *wealth*, and *pop* has to do with the process of normalizing the data. For example, the size of the population ranges from over a billion people in China and India, to as little as 9,700 people in Tuvalu. When running a regression with such large discrepancies in the data the outcomes will be biased due to the presence of large outliers. However, by using the logarithmic transformation of the data a more linearized pattern will be established. Thereby, the vast variation in distribution or “outliers” will be normalized. The same holds for the transformation of the GDP per capita and military expenditures.

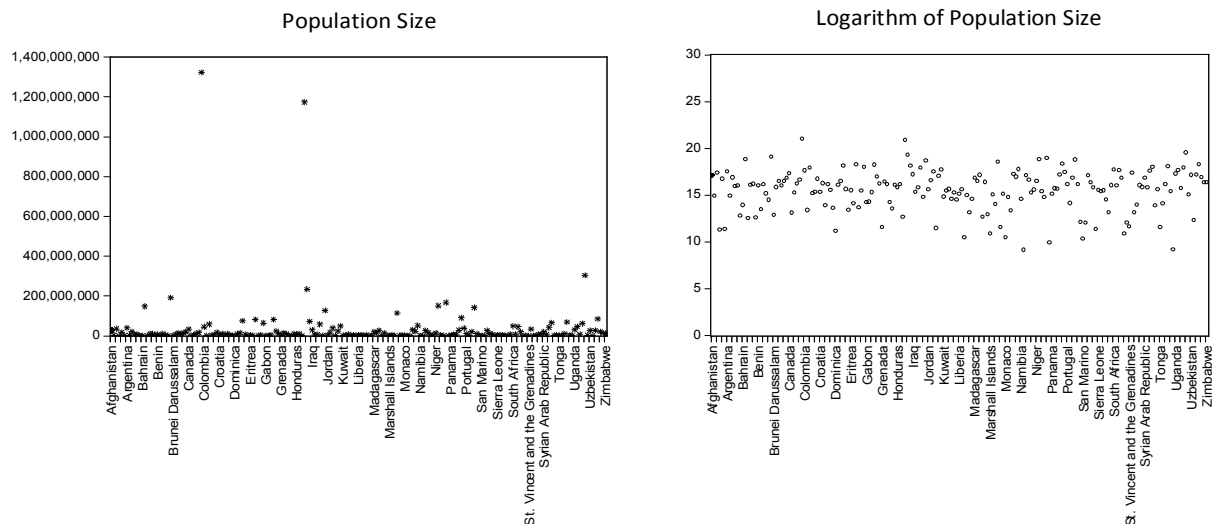


Figure 5 Scatterplots of population size (on the left) and the logarithm of the population size per state (on the right) in alphabetic order source: World Bank

To illustrate this, Figure 5 shows the raw data of population size per state on the left, and the logarithmic transformation on the right. On the left, there are three clear outliers, which are China, India, and the US. However, the graph also illustrates that these states are at the extreme end on the spectrum of population size, as the majority of countries has values below 200 million people. Therefore, in order to eliminate the need to delete the outliers from the dataset, taking logarithms of the data – as reflected in the right-hand graph – makes the disparity of data less volatile.

### 4.2.2 The Regression

The first regression equation that is tested includes all aforementioned independent variables on the dependent variable of the UPR acceptance rate. The detailed results of running this regression in *Eviews* are displayed in Table 1.

**Table 1.** Dependent variable: *accept*

| variable                  | coefficient | standard deviation | coefficient | standard deviation |
|---------------------------|-------------|--------------------|-------------|--------------------|
| <i>intercept</i>          | 0.948244**  | 0.453889           | 0.908977*   | 0.106049           |
| <i>log(wealth)</i>        | -0.006891   | 0.026019           | -0.005079   | 0.016138           |
| <i>log(power)</i>         | -0.020492   | 0.021800           | -0.022166** | 0.010979           |
| <i>log(pop)</i>           | -0.002250   | 0.025282           |             |                    |
| <i>polity</i>             | 0.002064    | 0.003291           | 0.001980    | 0.003140           |
| <i>international war</i>  | 0.037496    | 0.135301           | 0.038608    | 0.134227           |
| <i>civil war</i>          | 0.046865    | 0.132673           | 0.047180    | 0.132137           |
| <i>ethnic war</i>         | -0.232632*  | 0.097519           | -0.232072** | 0.096957           |
| <hr/>                     |             |                    |             |                    |
| <i>R-squared</i>          | 0.108040    |                    | 0.107988    |                    |
| <i>Adjusted R-squared</i> | 0.061445    |                    | 0.068343    |                    |
| <hr/>                     |             |                    |             |                    |
| <i>F statistic</i>        | 2.318715    |                    | 2.723864    |                    |
| <i>Prob.(F-statistic)</i> | 0.029008    |                    | 0.015746    |                    |

\* = significant at the 1% level

\*\* = significant at the 5% level

Rounded to the third decimal, the regression results in the following relation:

$$\begin{aligned} \text{accept} = & 0.948 - 0.007 \cdot \log(\text{wealth}) - 0.020 \cdot \log(\text{power}) - 0.002 \cdot \log(\text{pop}) + 0.002 \cdot \text{polity} \\ & + 0.037 \cdot \text{international war} + 0.047 \cdot \text{civil war} - 0.233 \cdot \text{ethnic war} \end{aligned}$$

Unfortunately, the significance of most of the coefficients is questionable, solely the coefficient of the dummy variable for the state of war is significant at a significance level of 5 percent – all other variables are neither significant at the 1, 5, nor 10 percent level. Particularly the inclusion of the variable for population is highly insignificant. This problem could arise due to the fact that *pop* is already represented in the variable *wealth*, as GDP per capita is calculated as the total GDP divided by the population. Therefore, the risk of multicollinearity rises and for that reason, the variable is removed from the regression.

Subsequently, the simplified regression is run once more and it results in the following relationship:

$$\begin{aligned} \text{accept} = & 0.909 - 0.005 \cdot \log(\text{wealth}) - 0.022 \cdot \log(\text{power}) + 0.002 \cdot \text{polity} + 0.039 \\ & \cdot \text{international war} + 0.047 \cdot \text{civil war} - 0.232 \cdot \text{ethnic war} \end{aligned}$$

As shown in the second column of Table 1, the significance of the variables in this model has improved with the elimination of the statistic for population size, as now the coefficient for *power* is also significant. Moreover, also the goodness-of-fit of the model has increased.

#### 4.2.3 Statistical Robustness

Before conclusions can be drawn from the model results, the statistical robustness of the model has to be verified. By use of different tests the model, as well as its underlying characteristics, will be assessed. Overall, the inspection of the F-statistic of the model gives a general insight into the explanatory power of the model. The F-test<sup>4</sup> is designed to verify that the parameters of the independent variables are significantly different from zero. For the regression of the model, the F-statistic has a probability of approximately 0.016. Therefore, the null hypothesis should be rejected and the conclusion holds that the parameters are significantly different from zero. While this notion is essential for the robustness of the model, several other details of the model have to be assessed as well, namely: heteroscedasticity, normal distribution of the residuals, collinearity, model misspecification and omitted variable bias.

First of all, by use of the Breusch-Pagan-Godfrey test<sup>5</sup> the presence of either homoscedasticity or heteroscedasticity will have to be tested. Heteroscedasticity signals the case in which the variability of the dependent variable amplifies or reduces as the value of the independent variable increases (Woolridge, 2002). Hence, this phenomenon can pose a hazard for the robustness of the model as it decreases the accuracy of its predictive power. The conducted test uses the squared residuals as the dependent variable in order to determine whether the variance is constant over the sample. The outcome of this test concludes an F-statistic of approximately 1.591, corresponding to a probability level 0.180. Therefore, this test gives evidence for the conclusion that there is no heteroscedasticity in the model.

---

<sup>4</sup> For all conducted statistical tests a significance level of 5 percent will be maintained.

<sup>5</sup> see Table 2 (Appendix)



The next test will verify whether the error terms of the model are normally distributed by running the Jarque-Bera test.<sup>6</sup> The null hypothesis establishes that the errors have a normal distribution, but the outcome of the test is not significant. As figure 6 illustrates, the distribution of the residuals is

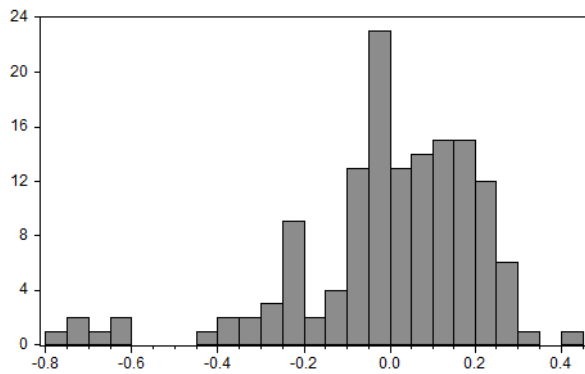


Figure 6 Histogram of the distribution of error terms

negatively skewed, for the majority of the data is concentrated on the right of the median. Nonetheless, the presence of non-normality in the distribution of the residuals can be resolved. The first statistical problem that has to be ruled out is (multi)collinearity. Collinearity occurs when multiple variables in the model are highly correlated with each other, which could greatly

disregard the robustness of the model by distorting the correct parameters. The method that will be used to detect collinearity is the variance inflation factor (VIF). The interpretation of VIFs is straightforward: the value of the VIF indicates the amount of times the standard deviation of the specific parameter is larger than it would have been if the variable had been linearly independent of all the other independent variables in the model. However, there is no official critical value of the VIF on which statisticians have agreed. A multitude of academic sources cites thresholds ranging from “a VIF of 10 or even one as low as 4” (O'Brien, 2007, p. 674). Nevertheless, since the a VIF value of 1 indicates that the standard deviation of a parameter is not affected by collinearity at all, Mansfield and Helms (1982) state that “if the VIF's are not unusually larger than 1.0, then the multicollinearity is not a problem”. In this case, therefore, collinearity can be ruled out based on the fact that all the VIF values<sup>7</sup> do not exceed unity by much nor exceed the lower bound of 4.

The final measure of robustness that will be conducted to verify the model is the Ramsey Regression Specification Error Test (RESET) test. This test is designed to identify whether the model suffers from omitted variables or is specified in the wrong functional form by testing whether non-linear combinations of the independent variables have explanatory power in the model. Specifically, the test compares the original set up of the regression with an alternative, non-linear specification<sup>8</sup>. The outcome of the RESET test with three fitted terms signifies a correct specification and no presence of omitted variables. Therefore, the model is rightly specified.

<sup>6</sup> see Table 3

<sup>7</sup> see Table 4

<sup>8</sup> see Table 5

#### 4.2.4 Interpretation

Since the statistical soundness of the model has been verified, the interpretation of the regression results can commence. In general, the coefficients of the model can be interpreted accordingly. First of all, the variables which are logarithmically transformed have a different relationship with the dependent variable than the constant variables. The coefficient of the logarithm of *power* is approximately  $-0.022$ , which connotes a negative relationship between the variable and the acceptance rate. Specifically, a one percent increase in military spending will result in a decrease of the acceptance rate by 0.022 percentage points, *ceteris paribus*. The concept of 'ceteris paribus' is an important aspect of the interpretation of statistical results. Essentially, the notion means that the relationship holds when keeping all other factors fixed (Woolridge, 2002). Likewise, the interpretation of the variable for *wealth* follows the same line of reasoning. However, as the significance levels for this variable is significant at neither the 1, 5 nor 10 percent level, it is not justified to interpret the coefficient of the variable as a meaningful explanatory variable.

In addition, the constant variables have a different interpretation structure. As the variable *polity* has not been transformed, its explanation is more straightforward. For the democracy polity score, the value of the parameter is approximately 0.002. Despite the fact that this value indicates the acceptance rate to be 0.002 percentage point higher for every point of the polity scale, this parameter is highly insignificant and therefore no explanatory power can be deduced from this variable. The dummy variables for the state of war are threefold, nevertheless, only the variable *ethnic war* is significant. The size of this coefficient is  $-0.232072$ , thus indicating a negative relationship with the dependent variable. This outcome should be interpreted as follows: countries in which ethnic war was raging in 2008 had a lower acceptance rate by approximately 0.232 percentage point than countries which did not experience ethnic war at that time.

This common interpretation is valid for most observations. Nevertheless, reflecting on the outliers is an important aspect of the verification of the results and should be taken into consideration when deriving conclusions from the quantitative analysis.

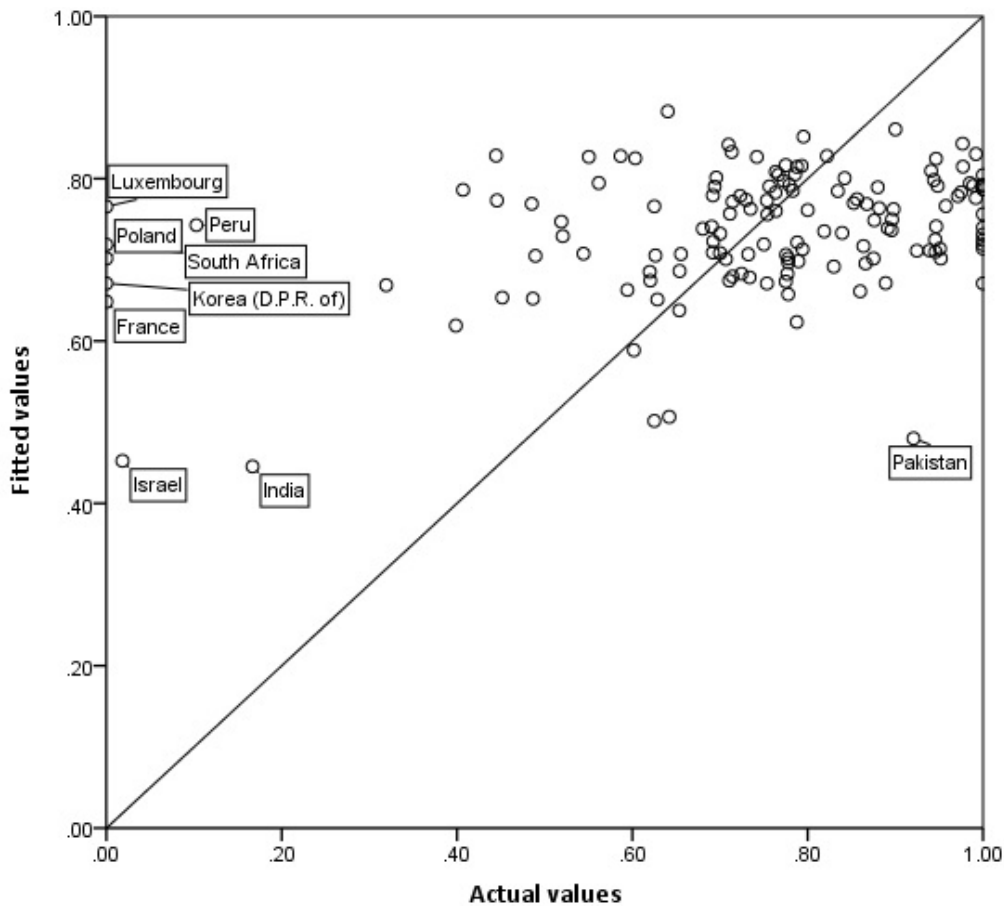


Figure 7. Graph of the actual UPR acceptance rates and the fitted values according to the model

Figure 7 shows the scatterplot of the actual and fitted observations of the UPR acceptance rate during the first cycle, in which the largest outliers from the reference line are labelled. Accordingly, Pakistan is an outlier at the positive end of the spectrum. At the opposite side, Luxembourg, Peru, Poland, South Africa, North Korea, France, Israel and India stand out.

The position of Pakistan can be explained by the dual-faceted character of the UPR. On the one hand, states get critically reviewed and receive recommendations to improve the human rights situation in their nation; on the other hand, the reviewing states can also use the opportunity to strengthen relationships with allies by complementing the SuR on its national efforts regarding human rights. The Pakistani review proves to be largely characterized by the latter. For instance, Kuwait recommended Pakistan to continue the “positive reaction in its efforts to confront the humanitarian problem related to the large number of refugees, which could be an example for other countries” and Tunisia remarked on “the success of the democratization process which led to the elections and noted the efforts made towards the promote development and human rights” and recommended “to pursue this route towards the protection of human rights and to be encouraged by the international community” (A/HRC/WG.6/2/L.8, 2008). Hence, the reason that Pakistan has an

above-expected acceptance rate most likely lies in the fact that many of its recommendations neither included criticism nor required increased action by the national government.

The outliers at the other side can be explained by different characteristics of the UPR process. Regarding the understanding of the mechanism, it must be mentioned that there is a limitation to the definition of the acceptance rates. Firstly, when a recommendation is not clearly responded to by the delegation of a SuR, it will be regarded by the UNHRC as 'noted'. The fact that the outcomes of the first UPR cycle reflect some outliers can be largely accredited to this notion. Luxembourg, Poland, and France have acceptance rates of zero percent, which is due to the fact that the statements of their delegations were too ambiguous to conclude clear responses. For example, the first recommendation made to Luxembourg regarded the ratification of several international instruments, but the response hereon did not reflect a clear position as the delegation stated that: "Luxembourg undertakes to take these recommendations into account and to complete the various ratification processes as soon as possible [...] however, major legal obstacles connected with the European Community's competence in matters relating to migrant workers currently preclude ratification by Luxembourg" (A/HRC/10/72/Add.1, 2009). Hence, the reason for these outliers stems from a lack of clarity and possibly also from insufficient comprehension of the workings of the mechanism by the respective delegations.

The inconsistent position of India in the graph can be explained along similar lines. While five recommendations were explicitly accepted, equivocal responses were provided to the remaining 13 recommendations. Specifically, the non-accepted recommendations generally received responses referring to current efforts of the Indian government at this point in time without elaborating on whether it intends to comply with the recommendation in future (A/HRC/8/26/Add.1, 2008).

Furthermore, states are also permitted to postpone responding to recommendations. This was the case for North Korea, Israel and South Africa, whom did not respond to the majority of the recommendations during the Working Group nor the plenary session and hence these remained labelled as 'pending'. Similar to the instance where responses are not clearly stated, the UNHRC cannot mark pending responses as accepted.

Nevertheless, these outliers are not excluded because they do not affect the validity of the model. Their number is slight and the fact that the UPR process reflects some 'exceptions to the rule' will make that the quantitative model reflects a more realistic view of the mechanism. For example, the case for North Korea was as to be expected. The state's delegation strongly denies any existence of human rights violations within its territory and "claimed the concerns were the result of bias and

“unfair resolutions” regarding their country” (McNulty, 2009). Furthermore, while the review of Israel was characterised by cooperation at the start, it quickly turned sour. During the plenary session, three recommendations were accepted by Israel; yet subsequent to the address of the delegation of Egypt regarding a point of order requesting a response, Israel ceased to respond to all other recommendations. Thus, eliminating the outliers would disregard the nuances of the data. Therefore – as all aspects of the model’s validity have been established at this point – the final aspect that remains is relating the results back to the hypotheses and the corresponding theories.

### 4.3 Preliminary conclusion

The quantitative model which has been formed, regressed, and verified in this chapter provides a robust foundation of evidence to conclude a preliminary conclusion to the hypotheses. In doing so, it must be underlined that these results hold for the aggregate of the data. Contrariwise, the next chapter will zoom into two specific case studies.

The first hypothesis follows an expectation derived from the realist strand of international relations theory and prescribes that the degree of power of a state will negatively affect the UPR acceptance rate. As the regression analysis<sup>9</sup> shows, the variable for power – measured in military expenditures – is highly significant and has a negative sign. Therefore, we cannot reject the first hypothesis.

Hence, it can be concluded that the prelude to compliance, i.e. the acceptance of recommendations, dwindles when a state is powerful. Following the realist strand of IR theory, power will give lead to larger egoistic passions, and a lower degree of respect for any rule of law established in the international arena – as no self-interest can be deduced from it. Moreover, the acceptance rates of the UPR are in line with the realist view of international law that ‘strong states will act as they please’ (Koh, 1998). The fact that power is a significant determinant of the acceptance rate does not only prove the legitimacy of realism with regards to this topic, it also stands at a right angle with the theory of liberalism.

The second hypothesis is formulated in accordance with liberal IR theory and suggests that the level of liberal democracy of a state will have a positive effect on the acceptance rate. Despite the fact that the sign of the respective variable is indeed positive, its significance is not confirmed by the model. Consequently, the second hypothesis has to be rejected. Nevertheless, the fact that the degree of democracy and liberal characteristics is not statistically significant does not imply that the finding is not theoretically significant. Without disregarding the body of liberalism on international

---

<sup>9</sup> see Table 1 (p. 38)

law, the model presented here solely proves that democratic superiority of states with a high polity score will not lead to a higher share of accepted recommendations.

Lastly, the occurrence of ethnic war is also a significant determinant of the acceptance of UPR recommendations. Despite the fact that only a handful of states<sup>10</sup> engaged in ethnic war during 2008, their compliance was considerably lowered by it. The reasoning regarding this outcome can be viewed from two different perspectives. On the one hand, the finding fits within the realist framework, for ethnic war is likely to result in a situation “where there is neither community of interest nor balance of power”. In such a state, “there is no international law” (Morgenthau, 1978, p. 282). On the other hand, when deducing the rationale from liberalism, ethnic war can also be expected to deter compliance with international rules due to the ‘bottom-up’ approach. The approach predicts that complementarity in beliefs will promote compliance (Moravcsik, 1997). However, ethnic war is caused by disparity in beliefs between two or more ethnic groups, and such deeply rooted disputes will most likely result in the opposite.

#### 4.4 Limitations

With this information in the back of our minds, the following section will analyse the UPR mechanism from a qualitative point of view, partly because quantitative research has its drawbacks. On a critical note, the results obtained here display a highly generalised picture that brushes over nuances. There are certainly statistical trends among the acceptance rates of recommendations that can be related back to the characteristics of the state that is under review. However, it would be irrational to assume that the quantitative data captures every single explanatory variable perfectly.

Moreover, the event central to this discussion is the first round in a recurring sequence. The first cycle of the UPR might still be characterized by ailments of infancy, and the learning curve that is expected to occur as the mechanism progresses might provide a better understanding of the underlying roots which can explain why states accept recommendations on their human rights record.

---

<sup>10</sup> Consisting of the following: the Central African Republic, India, Israel, Myanmar, Pakistan, Philippines, and Sri Lanka.

---

## CHAPTER 5. CASE STUDIES

---

*“Human rights are, aside from a policy goal, progressively becoming a policy instrument.”<sup>11</sup>*

– Peter Baehr (1996)

The compliance aspect of the accepted UPR recommendations, as well as the voluntary pledges made by states, is much more nuanced than the acceptance rate of UPR recommendations and should be assessed in a qualitative manner. Therefore, this second empirical aspect of the study will be conducted by use of a co-variational case study design. This approach is similar to the quantitative approach. Nevertheless, “although a quantitative analysis can have a scope that is impractical in a qualitative analysis, it necessarily brushes over the nuances of historical context that can only be garnered from a case-study approach. This is, of course, an argument not for abandoning quantitative analysis but instead for supplementing it with qualitative evidence” (Hathaway, 2002, p. 1939). Consequently, this chapter will endeavour to do exactly that.

### 5.1 Methodology

By conducting comprehensive case studies, this thesis will aim to elevate the general quantitative findings to a more detailed analysis of compliance by selecting two specific states. The UPR is not solely about reviewing human rights situations and suggesting improvement thereon, as the implementation stage is vital to bring about change. Hence, aside from focusing on the reasons for accepting recommendations, this chapter will look beyond and explore the significant factors in compliance with promises made during the first cycle of the UPR.

#### 5.1.1 Case Selection

The first step of the qualitative methodology regarding a case study design entails the motivation and selection of the countries which will be chosen. To make sure the case selection is appropriate to test the hypotheses of the thesis, the following criteria should be met: first, the independent variables of the cases should vary, while secondly, the control variables should be similar. When control variables also vary, the study will be unable to isolate effects and conclude strict causal relationships (Blatter & Haverland, 2012, p. 42).

Therefore, the case selection of countries should include states with varying degrees of power and liberalism – in order to meet the first criterion; whilst the states should be similar in their control variables – as to meet the second one. This method seems quite straightforward and as the UPR

---

<sup>11</sup> Translated from Dutch: “Rechten van de mens zijn naast een beleidsdoel in toenemende mate ook gaan fungeren als beleidsinstrument” (Baehr, 1996, p. 73)

involves all 193 UN member states, the pool of possible cases is substantial. However, the selection process is forced to take into account some degree of generalization, since it is exceptionally challenging to select two states which are completely similar in most aspects but power and liberalism.

The twofold of cases which will be selected for this study are the Kingdom of the Netherlands and the Republic of Singapore. These nations are largely similar in most demographic and economic aspects: neither country is currently at war, nor has been during the UPR cycle; both states have significant trade surpluses; the degree of wealth is largely similar as both GDP per capita levels are around the \$50,000 mark. Furthermore, analysing these states is feasible as the two nations both provide government information, which is openly available over the internet, in English. Conversely however, while the Netherlands is widely praised for its liberal freedoms, Singapore can be categorized as an “illiberal democracy” (Mutalib, 2010). Therefore, this particular case selection is expected to bring about a comprehensive analysis due to the disparity between the countries in terms of legal, judicial and liberal environment.

### 5.1.2 Data

To conduct these case studies, data sources such as governmental websites, information from international organizations (mainly including – but not limited to – the UN), relevant NGOs and stakeholder reports, and media coverage can be used. In this manner, the detailed reasons for compliance with the non-binding recommendations can be mapped. Moreover, not only the degree of compliance overall, but also the tendency towards implementation of the recommendations can be relevant in the overall explanation of compliance.



## 5.2 The Netherlands

*“In love of liberty and in the defense of it, Holland has been our example.”*

– Benjamin Franklin

The Netherlands was one of the 16 states to be reviewed in the inaugural UPR session. On the 15<sup>th</sup> of April, 2008, the representation of the Netherlands was called before the Working Group for a three hour review session on its human rights situation. In the opening statement of its national rapport, which each UN member state is obliged to provide in advance of the Working Group, the text reads: “Human rights represent the fundamental values on which democracy and the rule of law are based: freedom, justice, equality, humanity, respect, solidarity and the love of others. The Netherlands strives for a society based on these values, both at home and abroad” (A/HRC/WG.6/1/NLD/1, 2008, p. 3).

In the field of human rights, the Netherlands is often promoted as a model state (Oomen, 2014). The city of the Hague is host to a multitude of international human rights institutions, such as the International Criminal Court (ICC), the Yugoslavia Tribunal, the International Court of Justice (ICJ), and the Rwanda Tribunal; numerous conventions of the regulation of the conduct of warfare have been brought about after the 1899 and 1907 the Hague Peace Conferences; since 1999, the Ministry of Foreign Affairs has appointed an Ambassador at Large specifically for human rights; and Dutch citizens enjoy a multitude of liberal freedoms, neither restricted to freely express themselves nor to act on some of their vices such as prostitution and recreational drug use (Gerritsen, 2007).

Nonetheless, Dutch foreign policy is characterized by double objectives, often depicted as the struggle between “the clergyman and the merchant” (Baehr, 2000). On the one hand, aspiring to achieve international peace and prosperity stems from a sense of morality; on the other hand, the commercial interests of the state are never out of sight. Without many natural resources, nor the space to produce the necessities for its highly dense population, the Netherlands has always been highly dependent on international trade. Therefore, establishing and maintaining a stable supply chain is vital for its own economic affluence. The rule of law is a fundamental piece in this puzzle.

Accordingly, these ambivalent motivations of the Netherlands will be assessed in the light of compliance with international human rights law, and specifically with the recommendations of the first UPR cycle. To do so, first a foundation for the analysis will be laid down by focussing on the role of human rights in Dutch foreign policy. Subsequently, the assessment of the Dutch UPR process can commence.

### 5.2.1 Exportism

For long, the Dutch have endorsed the international rule of law with great effort. Since the Constitutional amendments of 1953, Article 90 of the Constitution of the Netherlands stipulates a governmental duty that is unique in its kind, for it reads that: “The government shall promote the development of the international legal order”. The advocate whom called for this addition to the Constitution was Jos Serrarens, a Catholic parliamentarian. In the aftermath of the Second World War, his reasoning embraced the goal “to achieve an international legal order in which it is not individual interests that dominate, but a commonly accepted law of morality” (Oomen, 2014, p. 32). Still, the 1953 amendments were critically received in the international news. The Chicago Daily Tribune characterized the move of the Netherlands to grand international agreements and rules a status above its national decision-making and law to result in “Less than a Nation” (Panhuys, 1964, p. 88).

Regardless, the development was characteristic for the Dutch custom of “belangeloosheid” (i.e. being without self-interest), which stems from its protestant background. For instance, in preparation for the third Peace Conference in The Hague – which never took place due to the outbreak of the First World War – professor Cornelis Van Vollenhoven wrote an influential body of work on the role of the Netherlands in the engineering of a global rule of law (Heldring, 1995). Ambitiously, he did not only promote the creation of an international court, but also pushed the Netherlands into the spotlight by stating that it should strive to be the Joan of Arc of international law: a forerunner who fights for the greater good, not just in national self-interest.

At the present time, the ambitions of the Netherlands persist along the same lines. Nevertheless, the circumstances have changed. In 2008, the Dutch Minister of Foreign Affairs addressed his concerns over “the growing moral deficit in the world” in a speech at Tokyo’s Aoyama Gakuin University (Verhagen, 2008a). In dismissing the views of the influential Singaporean writer Kishore Mahbubani, who endorses the view that human rights are the product of “ideological triumphalism”, Verhagen stipulates that the incentives should originate from “nothing less than a moral obligation to people whose governments prevent them from living their lives in dignity”.

Hence, on the one hand, the Netherlands aims to lead by example, driven by the fact that “[y]ou have to perform at home if you want to be credible abroad” (Hamburger, 2008). However, on the other hand, Arjan Hamburger, former Dutch Ambassador at Large of human rights, also recognizes that change does not come about effortlessly. Aside from morality, “it is also a matter of common sense and realism: promotion and protection of human rights promote stability and security and help social and economic development” (Hamburger, 2008).

### 5.2.2 The Dutch Review

Both sides of this coin were shown at the UPR of the Netherlands. At its commencement, the Dutch delegation was chaired by former State Secretary for Justice Nebahat Albayrak, who started off by stating that: “The Netherlands does not expect only to receive compliments during the review, but is open to criticism and suggestions”. In the media, however, the UPR session has been depicted with less humility. A tongue-in-cheek article in the Dutch newspaper NRC mainly noted the slipup of the representative of Belarus who “alleged that the torture situation in the Netherlands is not ideal” and focused on praising the Netherlands for participating, because if “we show vulnerability now, without being weak [...] other countries will see that it brings about a good discussion, and they might dare to do the same”<sup>12</sup> (De Gruyter, 2008). Accordingly, Oomen (2014) notes that the UPR substantiates that to the Netherlands “human rights are above all an export product, a moral cornerstone of foreign policy” (p. 5).

This feature is not a novelty, as Van Genugten (1995) already warned for the delicate position of the subject in foreign policy. When it comes to international relations, negotiations are based on the notion that “everything is connected with everything”. Nevertheless, there is a strong call to disconnect human rights from this interconnected web, for “human rights should not become a commodity”. Current Dutch foreign policy underlines three main objectives: improving the economic position of the Netherlands in the world, promoting global stability and security, and last but not least, fostering human rights and the rule of law. Regarding the latter, the Ministry of Foreign Affairs communicated to the House of Representatives that the spearheads of development should be focused on international cooperation, “including developing countries, because they are part of both the problem and the solution” (Ministerie van Buitenlandse Zaken, 2011).

Therefore, in order to verify the promising words of the Netherlands to ‘lead by example’, this section will move into regarding whether its actions reflect the same. During the review, the Netherlands received a total of 56 recommendations from 27 states. Figure 8 displays the share of recommendations made to the Netherlands per recommending state. Algeria, Egypt, and Russia had the largest amounts of suggestions, with 8, 5 and 4 respectively. However, 27 percent of recommendations – displayed in detail on the right-hand side – came from states who decided to only make a single recommendation. The total number of recommendations made to the Netherlands amounts to 52, but in bundling the recommendations which overlap in content, the final list comprises 31 recommendations (see Appendix). The Netherlands decided to accept the majority of recommendations, yet to note 34 percent.

---

<sup>12</sup> Translated from Dutch: “Nu stellen we ons kwetsbaar op, zonder zwak te zijn. Als andere landen zien dat dit een goede discussie oplevert, durven ze dat misschien zelf ook.” (De Gruyter, 2008)

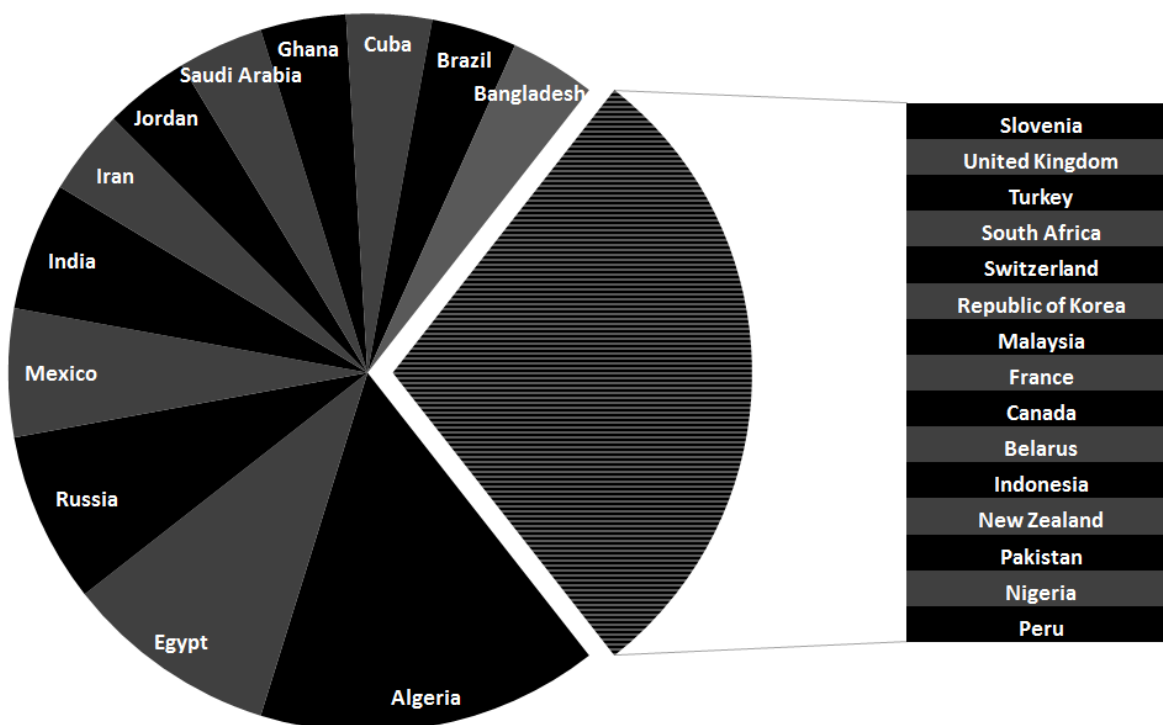


Figure 8 Recommendations made to the Netherlands during the first UPR cycle per recommending state  
Source: UPR Info

Looking beyond the mere number of recommendations, Figure 9 provides an overview of the prominence of the topic which was addressed in relation to the Dutch human rights situation. As illustrated recommendations regarding international instruments, e.g. treaty ratification, were mentioned the most. Moreover, throughout the review the topic of the role of minorities in the Dutch community was often touched upon, which are mainly reflected in the recommendations regarding racial discrimination, migrants, and freedom of religion and belief.

#### *Discrimination and freedom of religion*

Despite freedom of religion, the discrimination of ethnic minorities in the Netherlands – primarily the manifestation of Islamophobia – is worrying for the country’s human rights situation. The topic was brought up in the statements of 12 delegations,<sup>13</sup> of which several proceeded in giving recommendations to improving the Dutch human rights situation. The delegation of Canada was moderately positive in stating that the Netherlands should “continue efforts to intensify the investigation and prosecution of racial hatred and related violence through criminal legal proceedings and other measures” (A/HRC/8/31, 2008). Cuba expanded on this issue by including concerns of xenophobia and racism and recommended the Netherlands “to implement all the

<sup>13</sup> Algeria, Canada, Cuba, Indonesia, India, Iran, Jordan, Nigeria, Morocco, the US, Pakistan, and Saudi Arabia.

articles of International Convention on the Elimination of All Forms of Racial Discrimination” (A/HRC/8/31, 2008).

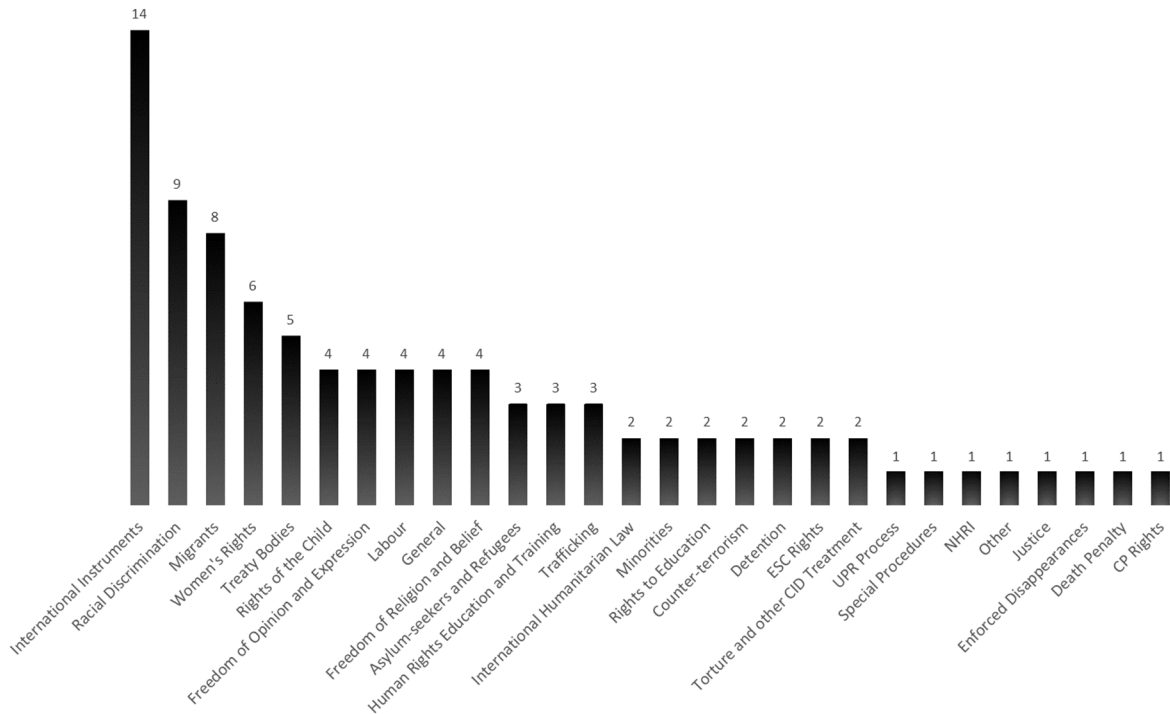


Figure 9 Recommendations made to the Netherlands in the first UPR cycle, per issue category  
source: UPR Info

The topic of discrimination and racial hatred is sensitive to the Dutch public. While the Dutch often strongly identify with and proclaim a national tradition of tolerance, there is a spreading move from “multiculturalism, internationalism and elite politics into the direction of anti-immigration, neo-nationalist and populist politics” (Oomen, 2014). Van Der Veer (2006) explains that the source of this discontent “is not an elaborated theory of *laïcité* that is the foundation of the state as in France; it is rather the shared and recently developed values of liberty of choice in consumption that is the ideological basis of Dutch unity” (p. 124). Nevertheless, aggravated by terrorist attacks around Western capitals at the start of the century, as well as two politically-motivated murders on Dutch public figures, Islamophobia has been on the rise.

The delegation of the United States mentioned that “Dutch Muslims often feel compelled to defend themselves against prejudices regarding their poor integration, a high level of criminal activity among Muslim youth, and views of conservative Muslims on women’s rights, homosexuality, and corporal punishment”, but did not give any recommendations during the review (A/HRC/8/31, 2008). Iran and Saudi Arabia, however, did use the opportunity to make suggestions to the Netherlands and recommended specific action with regards to expand the legislation on

Islamophobia and the defamation of religion. In response to the recommendations, Ms. Albayrak declared that “[d]iscrimination, on whichever grounds, cannot be permitted” and that “the Netherlands is aware of the changes in its society since 2001 and has taken a wide range of measures to counter social divisions and the hardening of social attitudes” (A/HRC/8/31, 2008).

In turn, the Netherlands vowed that the government would examine the recommendations in detail and answer back to the Working Group after two years in the form of its national interim report. Despite such promising words, the recommendations of the first cycle of the UPR were never discussed in the Dutch Parliament – the mechanism has only been mentioned in regards to human rights violations in other nations (Oomen, 2014). However, regardless of the lack of parliamentary discussions, civil servants of the Dutch Ministry of Foreign Affairs did assemble an interim report elaborating on the efforts on the recommendations since the review.

Firstly, with regard to the call of Canada and Cuba for a larger effort towards the elimination of racial discrimination, the Netherlands affirms that it has been actively pursuing the cause since the UPR. While the Dutch judicial system is already involved in investigating and prosecuting racial discrimination cases and the International Convention on the Elimination of All Forms of Racial Discrimination has been ratified with only minor reservations, in 2009 a new project was introduced in which hate crimes can be reported online through the website *Discriminatie.nl*. Nonetheless, the efforts do not seem to be caused by the UPR project, as the Dutch human rights documentation report of 2009 mentions several multilateral agreements as the catalysts of increased efforts in the field of discrimination – yet excluded of any mention of the UPR of the Netherlands (Ministerie van Buitenlandse Zaken, 2009).

Secondly, the statement of Iran to “strengthen rules and regulations with regard to hatred, defamation of religions and Islamophobia” was accepted, but the implementation stage reflects some reservations. The interpretation of the recommendation was extended to “promote tolerance and combat discrimination on all grounds”, i.e. not limited to the Islamic religion (Ministerie van Buitenlandse Zaken, 2010). Moreover, the report states that the Netherlands “will not introduce additional rules, regulations or measures with regard to hatred, defamation of religions and Islamophobia”. Instead, the government refers to several other projects that have been in effect to stimulate the public debate. Hence, despite the fact that the recommendation is accepted, it is difficult to regard it as implemented.

Quite the opposite is apparent in the efforts of the Netherlands with the request of Saudi Arabia to “enforce legislation on equality and non-discrimination and adopt measures to combat

Islamophobia” (A/HRC/8/31, 2008). At the review session in 2008, the recommendation was not accepted. Nevertheless, in 2010 the interim report does reflect that the issue has been taken into account in Dutch legislation. The Municipal Antidiscrimination Services Act, in which a specific infrastructure has been set up by the government for the registration and conduct of complaint procedures of discrimination, was implemented in July 2009. This new law appears to rather fit into a synthesis of the aggregate of recommendations made to the Netherlands on the topic of discrimination than to adhere to any specific recommendation. While for decades a multitude of centres for reporting discrimination have been active around the Netherlands, the step to internalize the matter stemmed from the lack of an even distribution of such bodies across the country. In the first assessment of the effectiveness of the legislation in 2010, the reasoning for the legislation is deduced from the belief that “it is indispensable that every single citizen is able to turn to an independent and efficient institution in its own environment if he or she feel discriminated” (Coenders, 2010, p. 4).

#### *Ratification of International Instruments*

In addition, fourteen recommendations made to the Netherlands touched on the subject of international instruments. The process of treaty ratification in the Netherlands does not coincide with the signing of the agreement, as parliamentary approval is needed subsequently in order for the treaty to be binding on the state.

Some of the recommendations made to the Netherlands in this field were disregarded. First of all, France recommended the Netherlands to “[r]atify as soon as possible the International Convention on the Protection of All Persons from Enforced Disappearance” (A/HRC/8/31, 2008). Yet, just a week before the Dutch review, the Council of Ministers already gave authorisation for the signing of the treaty. Secondly, the delegations of Egypt, Peru and Algeria called for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Nevertheless, these recommendations were noted due to the fact that “it would go too far to bring the level of access to social rights of illegal migrants to the same level as those of legal migrants”, a position the Netherlands shares with the rest of the EU and was emphasised to be “well known in the United Nations” (Ministerie van Buitenlandse Zaken, 2010).

Despite this reticence, the recommendations from Brazil show a different side to the story. Upon recommending the Netherlands to ratify the Optional Protocol of the CAT and of the CRC on the involvement of children in armed conflict, compliance has been positive and hands-on. The delegation has pointed to the fact that “there will always be value-based conflict within the country because it is a multicultural society”, but the chair of the Dutch delegation also underlined that “in a

democracy based on the rule of law, such conflict can be solved peacefully” (A/HRC/8/31, 2008). Specifically however, the motivation seems to find ground in the principle that “[t]he Netherlands respects the absolute nature of the prohibition of torture ... because human rights apply to everyone” (A/HRC/8/31, 2008). Consequently, at the start of 2009 both matters made their way through the parliamentary system and by 2010 both were ratified.

### *Women’s rights*

The next topic, women’s rights, is not an exclusive area since the recommendations reflect some interlocking features with the abovementioned policy areas. Amongst the six recommendations that the Netherlands received regarding women’s rights, issues include both the role of ethnic minority women as well as pleas regarding the implementation of international instruments. As Roggeband and Verloo (2007) explain, multiculturalism and gender equality have been high priorities in the Dutch political discourse. However, the connection is turning out to be less positive than in the past. The compatibility of the policy goals is diminishing as an increasing amount of “political actors, who have never been strong advocates of gender equality before, now use the argument of gender equality to reassert national identity and place more restrictive demands upon immigrants and resident minorities” (p. 272).

The delegations of India and Ghana addressed the lack of the enforcement of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and recommended the Netherlands to “consider implementing the recommendations of the Special Rapporteur on violence against women and CEDAW”, and “strengthen measures to increase the participation by ethnic minority women in line with CEDAW recommendations and consider intensifying human rights education” (A/HRC/8/31, 2008). These matters flow largely from the concerns raised in the 2007 report of the CEDAW treaty body, in which *inter alia* the Dutch government was urged to “intensify its efforts to ensure equal opportunities for women and men in the labour market” and to “appoint a neutral, independent body to conduct an impact assessment of the intended as well as unintended effects of the law abolishing the ban on brothels” (CEDAW, 2007, pp. 4-6).

In response, the Netherlands accepted the recommendations by India and Ghana. First of all, however, the delegation insisted that “[m]any recommendations of the Special Rapporteur have already been implemented or are in the process of implementation” (A/HRC/8/31/Add.1, 2008). Nonetheless, the compliance with the CEDAW has picked up since the Dutch review. Aside from continuing efforts through the National Action Plan on domestic violence, in November 2008 the Netherlands collaborated with Belgium in initiating a new resolution which called on UN member states to increase efforts to fight against all forms of violence against women and to penalise the



perpetrators, in which the text stipulates that “[s]tates have the obligation to promote and protect all human rights and fundamental freedoms of women and girls and must exercise due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms” (A/C.3/63/L.12, 2008). In response to the resolution, the Dutch Minister of Foreign Affairs proudly said that: “The resolution emphasises, once again, that traditions and customary practices are no excuse for tolerating violence against women” (Verhagen, 2008b).

### *Concluding remarks*

The first Dutch review has been characterized by a high regard of the mechanism during the review process, yet also shows some degree of reluctance during the follow-up stages. The Netherlands has implemented the majority of recommendations and moderately followed through on its pledges. Nevertheless, the lack of a national discourse on the mechanism and the absence of media coverage on the topic in the Dutch news signals that the UPR might have been a smokescreen behind which ‘human rights exportism’ can continue. A collective of Dutch NGOs<sup>14</sup> remarked in preparation for the review that they “are increasingly concerned that continued allusions to the role, one may even say ‘leading role’, of the Netherlands in human rights protection worldwide are not put in practice at the national level anymore” (Lourijzen, De Vries, & Wegman, 2007, p. 4).

Nevertheless, compliance with the recommendations does not seem to have been violated. Despite the fact that the recommendations of the UPR are of non-binding nature, the implementation of international instruments which have followed out of the recommendations are certainly binding on the state. International law has a superior place in the Dutch judicial system. In the present day, “internationalism” is still a cornerstone of the Dutch legal order; the Constitution even allows the signing of treaties that violate it. Hence, the supremacy of ratified treaties over the Constitution is direct and it signals an attitude of indifference towards sovereignty (Oomen, 2014).

Looking beyond the Dutch review, the current national landscape seems to be changing. The national dialogue is starting to reflect more awareness of human rights in the Netherlands itself, perhaps driven by the amplification of the topic in the international arena. Therefore, it can be concluded that “[e]ven if ‘human rights talk’, in the Netherlands, is mostly destined for others, it does also slowly make its way into national politics.” (Oomen, 2014, p. 11)

---

<sup>14</sup> Including: the Dutch section of the International Commission of Jurists (NJCM), Art. 1, Netwerk VN-vrouwenverdrag, Dutch CEDAW-Network, Johannes Wier Stichting, Aim for Human Rights, E-Quality, MOVISIE, International Information Centre and Archives for the Women's Movement, Justice and Peace Netherlands, Defence for Children International Nederland, Stichting Buitenlandse Partner, Vereniging voor Vrouw en Recht Clara Wichmann, Stichting Landelijk Ongedocumenteerden Steunpunt, and Stichting LOS.

### 5.3 Singapore

*“Whether in periods of golden prosperity or in the depths of disorder, Asia has never valued the individual over society [...] The society has always been more important than the individual.”*

– Lee Kuan Yew (1993)

On the 6<sup>th</sup> of May 2011, the review of the human rights situation in Singapore commenced. In the opening address to the Working Group the Singaporean delegation was chaired by Ambassador at Large of Foreign Affairs Mr. Ong Keng Yong, who outlined five fundamental principles to characterize the progress of human rights in Singapore. First and foremost, the principle of ‘balance’ was underlined. The trade-off between different rights is “inevitable” and “the interpretation and implementation of rights could not be divorced from their societal context and would evolve as society evolved” (A/HRC/18/11, 2011, p. 3). Secondly, the principle of ‘prioritization’ stipulated the view that social harmony is ranked above all else. Furthermore, the implementation of human rights is subject to the principle of ‘pragmatism’, which necessitates that “[s]ome limits on certain freedoms had to be accepted in order to live in harmony” (p. 3). Subsequently, also the principle of ‘meritocracy’ is brought forward. Due to the fact that Singapore – like the Netherlands – is a nation with a lack of natural resources, the country’s power and status depends on the intelligence and merit of its citizens. Lastly, the Ambassador referred to the principle of ‘effective government’, which from his point of view should be “built upon democratic accountability and the rule of law, a long-term orientation and social justice” (p. 4).

At first sight, this aggregation of principles seems to reflect the values of a liberal democracy. On the contrary, Singapore is often referred to as an “illiberal democracy” (Mutalib, 2010). The Internal Security Act is one of the most controversial aspects of the judicial system. It gives the government the power to arrest any person believed to be acting against national security and keep the person in custody indefinitely without trial. A tight rein is kept on political rights, as elections are commonly only announced at the minimum notice of nine days, which restricts the possibility for opposition groups to collaborate and gain ground (Christie & Roy, 2001). The death penalty is in effect for several offenses, including drug trafficking. In addition, the law considers any person over 18 years old in possession of a certain quantity of drugs as a trafficker (Phan, 2012).

Moreover, even though the Constitution of Singapore does provide for a set of fundamental liberties, there is no legal basis for some of the most fundamental of human rights. Part IV of the Constitution includes *inter alia* the liberty of the person, equal protection, freedom of speech, assembly and association, and freedom of religion (Constitution of the Republic of Singapore, 2015). Note, however, that freedom of press is not provided. Conversely, the Newspaper and Printing Press

Act obliges all newspaper firms and printers to be licenced by the government as “the government believes the media exists to reinforce the regime, not to make statements against “state interests” ” (Phan, 2012, p. 57).

### 5.3.1 Exceptionalism

As illustrated, human rights do not enjoy a solid presence in Singapore’s legal framework. Nevertheless, the disparity is often justified by the gap between the Western concept of human rights versus the ‘Asian view’. The concept of human rights mainly finds its source in the development and interaction between Western states in the aftermath of the Second World War. Christie and Roy (2001) explain that the establishment of human rights in Asian and other Third World countries has been significantly different than in its western context. Aside from significant cultural differences, the divergence in economic development has been a significant determinant of the variance. The desire to converge with the prosperity of the West “opens the door for the controversial argument, put forward by many Asian government officials, that some civil and political liberties must be given up to achieve prosperity” and results in the belief that people “have basic duties, not basic rights” (Christie & Roy, 2001, p. 5).

Since gaining full independence in 1965, Singapore has been a remarkable case of economic progress amongst East Asian countries. An exponential increase in wealth – pushed by economic policies of the People’s Action Party – put Singapore on equal footing with many affluent Western countries. However, the development of human rights has followed a different course. The restriction of liberal freedoms is justified as a necessary evil for maintaining the economic advancement. Specifically, the term “exceptionalism” – which was originally coined to describe the attitude towards human rights of the United States – has been increasingly used to describe the Singaporean mind-set (Chew, 1994). The notion should be interpreted as a tendency for the ruling elite to view the national state of affairs as “exceptional” and to credit its (economic) prosperity to a national wisdom of ‘what is best’. In turn, this has led to a disregard of international human rights standards, with a severely protective approach to sovereignty underlining that “how a government treats its citizens is a matter of sovereign prerogative and is no foreigner’s business” (Christie & Roy, 2001, p. 7).

This tendency has been apparent at several stages of the Singaporean review. The delegations of Timor-Leste, Thailand, Poland, Egypt, Canada and Moldova recommended to “establish a national human rights institution in accordance with the Paris Principles” and South Africa stated that Singapore should “[e]stablish a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights”

(A/HRC/18/11, 2011). Urging Singapore to turn the assessment of human rights within the nation over to an independent body was, however, not up for discussion for the state. Expectantly, none of these recommendations were accepted on the grounds that “Singapore prefers a decentralized, but inter-locking and mutually-reinforcing system of human rights protection. In Singapore's experience, such a system has worked well.” (A/HRC/18/11/Add.1, 2011).

### 5.3.2 The Singaporean Review

After the review was concluded, the Singaporean delegation stressed the fact that they “went into the UPR with an open mind” (Woan, 2011). However, in hindsight, the implementation stage of the UPR recommendations made to Singapore has been characterized by a low degree of action.

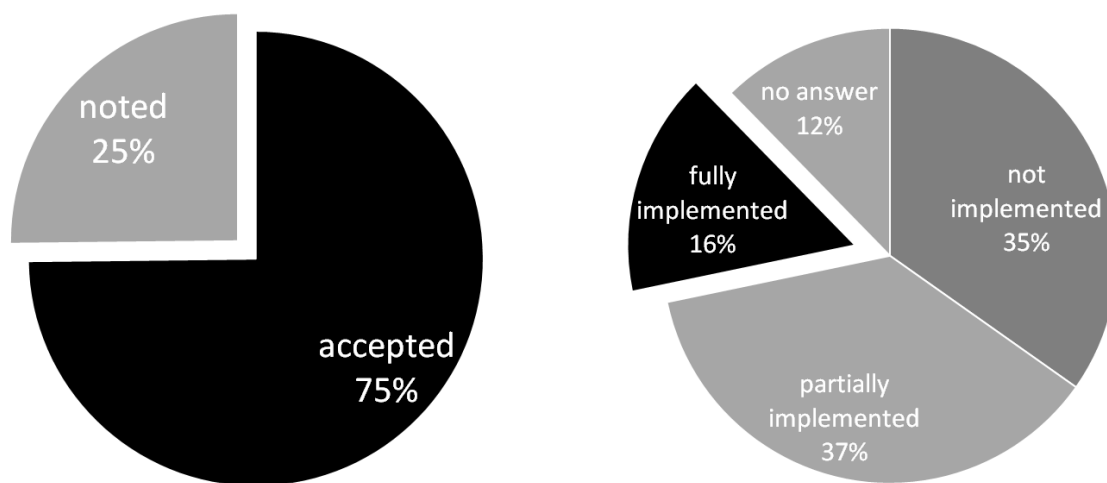


Figure 10 Response to UPR recommendations by Singapore (left); action taken by the midterm on the UPR recommendations (right)  
Source: UPR Info

The discrepancy is illustrated in Figure 10. Out of the total of 143 received recommendations<sup>15</sup> from 49 delegations, Singapore accepted nearly three-quarters; yet only 22 were fully implemented at the interim stage (UPR Info, 2014b). Moreover, the government has not submitted nor cooperated in the production of a midterm report.

The issue which was most prominent among the recommendations to Singapore was the ratification of international instruments. This topic does not stand on its own, for it encompasses a number of human rights issues of which the rights of the child, racial discrimination, and trafficking were mentioned most frequently. In order to assess the total amount of recommendations in a condensed manner, a limited range of prominent yet diverse topics will be evaluated – starting with international instruments.

<sup>15</sup> A complete list of the recommendations made to Singapore during the UPR can be found in the Appendix.

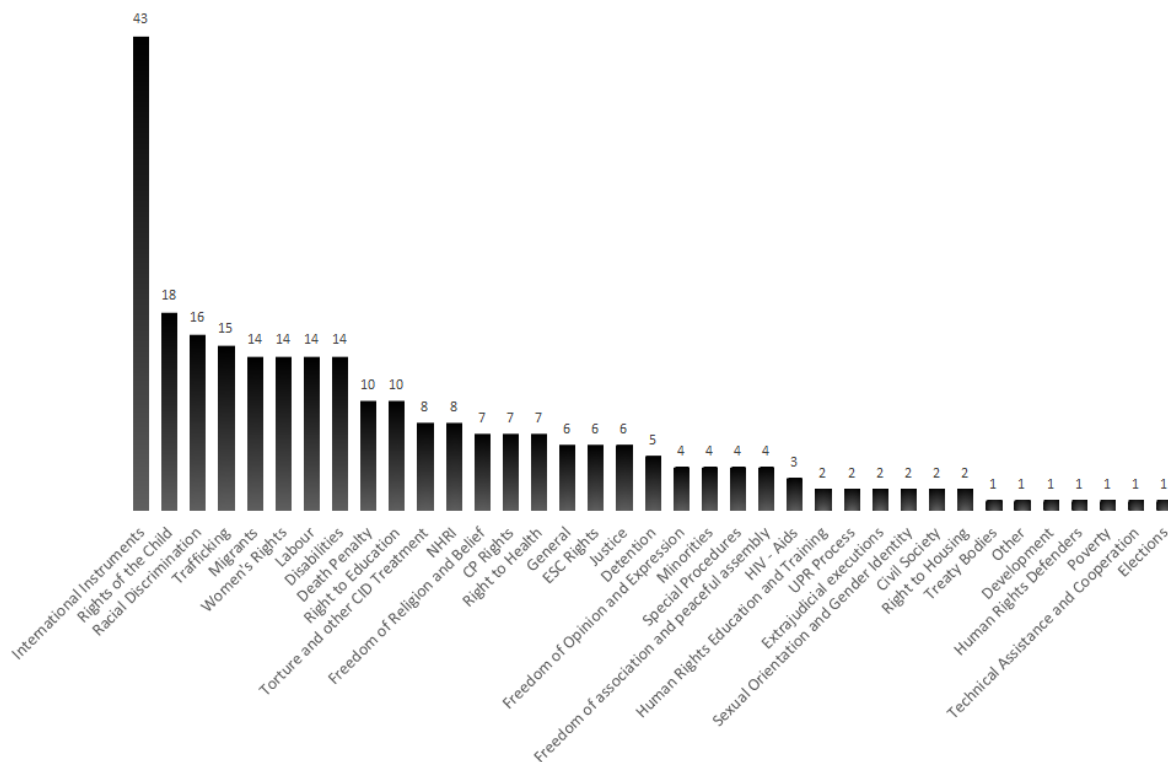


Figure 11. Recommendations made to Singapore, per issue category  
source: UPR Info

### International instruments

Singapore has not ratified a large number of international conventions and treaties, and it has been described by the delegation that Singapore’s “preference is for a decentralised but interlocking and mutually reinforcing system of human rights protection” (Woan, 2011). Nevertheless, a multitude of delegations urged Singapore to consider adhering to a number of international instruments.

Belarus and the Philippines recommended Singapore to “[c]onsider ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime” (A/HRC/18/11/Add.1, 2011, p. 15), an issue that was also partly addressed by Moldova. The recommendation was accepted by Singapore and has been implemented by the midterm. However, implementation should not be confused with ratification. As the recommendation reads, it urges for the ‘consideration’ of the protocol, not for its ratification. The 2012 National Action Plan of the Singapore Taskforce on Trafficking in Persons reflects that studies are being conducted into the achievability of compliance with the protocol by 2013 (Government of Singapore, 2012). Still, at this point in time Singapore has not ratified the instrument.

Another instrument that has been addressed multiple times was the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). The delegations of Algeria, Egypt, Indonesia, Kazakhstan, and Timor-Leste pressed for the consideration

of signing and ratifying the convention. Singapore underlined that it did not have the resources to absorb large quantities of migrants permanently – even though it is in fact one of the wealthiest nations in the East Asian region. However, the recommendations were accepted with the statement that “Singapore agrees that the responsibility for protecting migrant workers must be undertaken by both sending and receiving countries” (A/HRC/18/11/Add.1, 2011). Nevertheless, it also has to be mentioned that during the Working Group the delegation stated that “most migrant workers were aware that they went to Singapore to work, and not to put down roots or settle down for good” (A/HRC/18/11, 2011). Therefore, despite the fact that the recommendation was accepted, it is not surprising that the government has not taken any action to either consider or sign the convention.

Moreover, the delegation of Timor-Leste expanded the discussion of international instruments to include a number of issues that are sensitive to the Singaporean government. In its recommendation the delegation urged Singapore to “[i]nclude in its plan for ratification ICCPR and its two Optional Protocols, ICESCR, CAT, ILO Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise, and ICRMW”; a recommendation that was neither accepted by the state under review, nor implemented. The main reservation of Singapore to adhere to these instruments is its position on the capital punishment, which stands at a right angle with the rules outlined in these treaties and conventions. In its National Report – in advance of the review – it was stipulated that “Singapore considers capital punishment as a criminal justice issue, rather than a human rights issue” (A/HRC/WG.6/11/SGP/1, 2011). Furthermore, the government has stressed that the law has been proven effective, by giving the example that: “[i]n the case of drug trafficking, the death penalty has deterred major drug syndicates from establishing themselves in Singapore” (A/HRC/WG.6/11/SGP/1, 2011).

Nevertheless, the delegation of Canada, Czech Republic, Finland, France, Slovenia, Switzerland, and the United Kingdom all proceeded to make recommendations which urged Singapore to put a moratorium on the death penalty, or to take specific steps towards doing so (A/HRC/18/11, 2011). Expectedly, Singapore noted all related recommendations. Aside from viewing the issue as being within its national legislature and consequently disregarding the power of the UPR in assessing this topic, the delegation stipulated that the death penalty is supported by “the majority of Singaporeans”. Once more, the legitimacy of capital punishment was attributed to an example of national accomplishment: the statistic that “Singapore had one of the lowest homicide and heroin abuse rates in the world” (A/HRC/18/11, 2011).

### *Rights of the Woman and Child*

Furthermore, 18 delegations voiced concerns regarding the rights of women and children in Singapore. The recommendations ranged from complementing its national effort, as Brunei recommended Singapore to “[c]ontinue its efforts in protecting the rights of specific groups such as women, children, the disabled, the aged and migrant workers”, to pleas for immediate change, as Canada urged to “[i]ntroduce legislation to make marital rape illegal in all circumstances” (A/HRC/18/11, 2011).

The former was accepted instantaneously, the latter was noted. On the topic of marital rape, the delegation urged the fact that “changes had recently been made to the Penal Code to protect women whose marriages were on the verge of breakdown or had broken down” but the Working Group for an ASEAN Human Rights Mechanism (MARUAH) still stipulates that the Evidence Act still includes clause 157(d), which states that the credibility of a victim of rape may be discarded if she were of “generally immoral character” (UPR Info, 2014b).

Nonetheless, Singapore accepted the majority of recommendations on the topic of the rights of the child. Poland addressed the delegation by suggesting Singapore to “[a]dopt a comprehensive strategy addressing all forms of discrimination against all groups of children” and to “[e]stablish an independent body monitoring the fulfilment of child rights empowered to receive and investigate complaints on the violations of the rights of the child”, and Moldova recommended to “[h]armonize its various strategies on children and families under a comprehensive national plan of action for children, and further consider the accession to OP-CRC-SC” (A/HRC/18/11, 2011). The former and latter were accepted. Singapore stressed that it is fully willing to “continue to further its efforts in upholding the welfare and right of children in Singapore”. Beyond this, the delegation gestured that specific action was on the horizon, by stating that it was also “actively studying the requirements of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”. Unfortunately, no action has been taken by the government in any way – neither ratification nor a national action plan to do so exists at this point in time.

Singapore did not accept Poland’s recommendation to found an additional independent body, driven by their own understanding that “Singapore addresses children’s rights and issues as part of an integrated approach through legislation, policies and services” and the delegation stressed that monitoring by independent agents is already in position “where necessary” (A/HRC/18/11/Add.1, 2011). In the concluding address to the UPR Working Group, the Permanent Representative of Singapore to the UN explained the reason not to accept setting up an independent body to monitor the rights of the child was due to the fact that “[w]e believe that the best approach in addressing

children's rights and issues is through an integrated system of legislation, policies and services [...] We believe that this approach has worked well for us" (Woan, 2011).

Singapore did take action on an issue on the topic of children's rights which was not addressed during the review. In July 2011, an amendment to the Children and Young Persons Act (CYPA) came into force which expands the legal protection for children in Singapore by including the clause that all children and young persons' homes must be licensed (UPR Info, 2014b).

The CYPA was not mentioned in that specific context; but nevertheless, the act remains highly controversial. The law allows for corporal punishment in the form of caning, which still remains in effect in schools. Switzerland recommended to "[p]rohibit corporal punishment and put in place an educational system respectful of the physical and psychological integrity of minors", France uttered to "[p]ut an end in practice to all forms of corporal punishment and derogate the laws allowing for this practice", Djibouti urged to "[p]ut an end to all practices of corporal punishment that takes place in educational facilities and detention centres" and Poland insisted that Singapore "[f]ully incorporate the principles and provisions of CRC into the domestic legal system, especially those regarding corporal punishment". Similar to the recommendations on capital punishment, none of these recommendations were accepted. The latter was even deemed to be "based on incorrect assumptions or premises", as Singapore "emphasized that its use of corporal punishment was within internationally accepted norms" and considers it a "positive form of discipline" (A/HRC/18/11, 2011).

#### *Right to health*

Aside from controversy, a highly regarded aspect of Singapore's public system is healthcare. The delegations of Saudi Arabia, Russia, Vietnam, Belarus, the United Arab States, Sri Lanka, Cuba, Uzbekistan, Honduras, Ghana, and Swaziland complemented Singapore on its accomplishments in the sector, as well as having the highest ranked healthcare system in Asia. Moreover, out of the seven recommendations made to Singapore on the topic of the Right to Health, six merely stipulated continuing action. For example, North Korea recommended to "[c]ontinue to take positive steps to enhance the enjoyment of economic, social and cultural rights, especially in the areas of health, education and the care of the disabled" and Brunei commented to "[c]ontinue its commitment to advancing the lives of its people through the provisions of best education, housing and medical care, which has rightfully earned its international recognition" (A/HRC/18/11, 2011). Singapore responded by accepting these recommendations.

In turn, the government has indeed continued, but also slightly expanded its healthcare duties. Singapore's citizens benefit from a multitude of healthcare schemes, such as Medisave, Medishield,



and Medifund. In 2012, the policy of Medishield has been expanded to guarantee that all citizens have lifetime medical insurance (UPR Info, 2014b). Moreover, one year after the review the Minister of Health presented a new action plan to improve health care by increasing the share of government spending on healthcare. All aspects of health are to be addressed with the expansion, from elderly care to food advertising guidelines for children. The Minister stipulated that health care was vital because: “if we stay healthy as we age, we can continue to live good quality lives and contribute positively to society and family in many ways” (Yong, 2013). As a result, he concluded that it will require “a whole-of-Singapore approach in order to keep Singaporeans healthy” (Yong, 2013).

Nevertheless, only one recommendation was not complimentary in nature and insisted on increasing efforts. The delegation of Botswana urged Singapore to “take additional measures to guarantee basic economic and social rights, such as in education and health, in particular for communities such as disabled, lower income persons and people living with HIV and AIDS” (A/HRC/18/11, 2011). This recommendation was also accepted, yet not implemented. While Singapore’s Medifund scheme does make anti-retroviral drugs available, the National Medishield policy does not cover many AIDS related diseases. Hence, those who do not qualify for the program are forced to buy the drug in the common marketplace, as the government does not subsidize such medication (UPR Info, 2014b). All the same, since the review no action has been taken to resolve the complications highlighted with this recommendation.

#### *Concluding remarks*

The review of the human rights record of Singapore commenced on a positive note, as the delegation appeared to be willing to cooperate, had submitted the national report in time, and underlined an “open mind”. Subsequently, the Singaporean delegation was submerged in nearly 150 recommendations. And despite the fact that the state showed willingness to implement nearly 75 percent of them, the implementation stage has largely fallen short of these promises.

A remarkable occurrence during the review has been Singapore’s tendency to accept recommendations that it did not agree with completely – as was the case with the recommendations to consider ratification of the ICRMW. However, noncompliance with treaties is explained by the moral strive “not to sign Conventions until it is sure it can comply fully with all their obligations” (A/HRC/WG.6/11/SGP/1, 2011).

In general, noncompliance can still largely be described in the light of “exceptionalism”. First of all, throughout the review several issues have been deemed unfit for the international arena by maintaining that they will be more adequately assessed by national institutions – as is the case for the issue of corporal punishment. Secondly, the delegation often referred to best practices and

exemplary cases to illustrate the effectiveness of Singapore's, and in turn brushing off the need for reform – like with the suggestions to found independent monitoring bodies on several human rights issues. Lastly, as the review of Singapore was completed, the delegation shifted the responsibility from the national to the international community by declaring that: “We were prepared to listen to alternative views, suggestions as well as criticisms. If we were convinced that there was a better way to deal with a particular issue or problem, we were prepared to change our approach. But we needed to be convinced first” (Woan, 2011).

## 5.4 A Comparative Analysis: exportism vs. exceptionalism

The case studies have brought a comprehensive insight into the different tendencies towards accepting and implementing the non-binding recommendations of the UPR regarding human rights in the Netherlands and Singapore. While the individual case studies have shed a light on the details of compliance with UPR recommendations of the states, the analysis will be concluded with a comparative analysis of the two.

First of all, the two states place international law on two very different pedestals. In contrast to the supremacy of international law over the Dutch Constitution, Singapore's Constitution remains the highest law of the land. Moreover, human rights instruments included in Singapore's Constitution "may be restricted by law in the interest of security or public order" (A/HRC/WG.6/11/SGP/1, 2011); while the Netherlands often underlines the fact that it is "one of the few countries in the world whose Constitution enjoins the government to promote the development of the international legal order" (A/HRC/WG.6/1/NLD/1, 2008).

Secondly, the demeanours of the Netherlands and Singapore towards the UPR have differed too. While the Netherlands focused on the international context, Singapore stipulated its national principles. In doing so, it became clear that the two countries aimed to achieve different goals with the same means. The UPR was a tool of the Netherlands to achieve human rights for everyone "both at home and abroad" (A/HRC/WG.6/1/NLD/1, 2008, p. 3); for Singapore the review was ultimately aimed to prioritize 'social harmony' over all else – even if that would mean that "[s]ome limits on certain freedoms had to be accepted in order to live in harmony" (A/HRC/18/11, 2011, p. 3).

The motives and efforts for compliance with the UPR recommendations are, however, the most remarkable. Singapore accepted a higher share of recommendations than the Netherlands. Nevertheless, the same enthusiasm is not copied when it comes to compliance. Singapore has not followed through on the majority of its pledges, and the country's delegation has reflected a certain degree of disregard towards the legitimacy of international law, as well as of the UPR, by undermining, disproving, and dismissing remarks on its national human rights record. 'Exceptionalism' has been apparent at all stages, and the demeanour of the state can be best illustrated by the reoccurring declaration of the Singaporean delegation that: "Singapore prefers a decentralized, but inter-locking and mutually-reinforcing system of human rights protection. In Singapore's experience, such a system has worked well" (A/HRC/18/11/Add.1, 2011).

Successful compliance with recommendations by Singapore has not been in line with moral obligations, but has been characterized by strategic motives. Notably, motivations were often referred to as being beneficial for society or the country as a whole, but the position of the

individual or its fundamental rights was sparsely referred to. In particular, the action with regards to corporal punishment is in line with a premise that has been previously been substantiated by Hafner-Burton (2008) in relation with human rights violations, specifically that “naming and shaming” will lead a strategic pattern of human rights improvement. In the case of Singapore, the government did decide to act on amending the Children and Young Persons Act after several states had urged for reform of corporal punishment in the country’s educational system. Nevertheless, the amendment was trivial as it only ensured equality of housing for children and young persons, but did not alter the issue at hand as the practice of caning in Singaporean schools continues.

Quite the opposite has been the case for the review of the Netherlands, as the Dutch took action on a larger number of issues. However, it seems that the struggle between “the clergyman and the merchant” is still apparent. The pitfall of compliance of the Netherlands lay in its attitude of ‘exportism’: the motive that by striving to expand human rights across the globe, the Dutch economy will be able to profit from global stability. For example, it is not surprising that the new spearheads of development are focused on international cooperation by “including developing countries, because they are part of both the problem and the solution” (Ministerie van Buitenlandse Zaken, 2011). A notion which can be explained as “a matter of common sense and realism: promotion and protection of human rights promote stability and security and help social and economic development” (Hamburger, 2008). Hence, the Dutch review has been characterized by an outward look, even though the objective of the UPR mechanism is to provide a critical view of the human rights records of every UN member state, individually.

During the Dutch review, moral standards were emphasised most, as the Dutch delegation often stipulated that compliance matters “because human rights apply to everyone”; and despite the fact that for issues such as integration of ethnic minorities “there will always be value-based conflict within the country because it is a multicultural society”, “in a democracy based on the rule of law, such conflict can be solved peacefully” (A/HRC/8/31, 2008). Nevertheless, it is remarkable that the actions of the Dutch government are far from in line with the words uttered by the representatives at the UN. The first Dutch review has not been discussed in national politics. Recent efforts for augmenting human rights seem to be largely instigated by different mechanisms. Therefore, it has to be concluded that the Dutch actions speak louder than its words, and the compliance with the UPR is not in line with liberal arguments. If the demeanour of the Netherlands were in line with the argument by Slaughter (1995) that liberal democracies are more effective in achieving compliance with international legal standards, its implementation stage should have reflected more respect for the validity of the agreements and should have resulted a higher degree of action. Conversely,

compliance is not observed as a result of the UPR, solely in cases where action was already underway.

In conclusion, compliance with the UPR should not be distinguished along liberal and non-liberal lines – as Alvarez (2001) also underlined – but can be traced back to the egoistic wants of the state. Nevertheless, the comparison of the two case studies presented in this thesis have highlighted that the motives to pursue realist motives do not necessarily stem from the same characteristics. Singapore, hiding behind principles of ‘balance’ and ‘prioritization’, has brushed off the need for reform by underlining that the scales will be ultimate be tipped towards social harmony – over personal freedom. In doing so, it is able to pursue its ultimate motive to retain certain issues within the national jurisdiction and remain its sovereignty.

On the other hand, for the Netherlands the UPR has been a tool to uphold its reputation as a high-standing model of human rights by showing willingness to be “open to criticism and suggestions”. While at first sight its attitude seemed to reflect more liberal traits than realist egoism, the outcomes of the Dutch review have proven that the Netherlands has also ultimately pursued its own agenda. More specifically however, the compliance of the Netherlands can be characterized as “cheap talk”, which is “an example of governments using liberal ideological arguments to justify actions that they take in pursuit of wealth and power” (Hathaway, 2002, p. 1946).

In conclusion, while the disparity between the motives of the two states is noteworthy, the outcomes of their respective periodic reviews have been very similar. Both Singapore and the Netherlands have pursued their own agenda and have generally only acted when national self-interest could be derived from the matter. Similarly, since realism has been categorized as an “attitude of mind” (Garnett, 1984) or “a loose framework” (Rosenthal, 2002, p. 7) rather than a strict theory, the outcome of the two respective reviews can be characterized along similar lines of the same theory – yet not as a strict identical match.

---

## CHAPTER 6. CONCLUSION

---

*“Compliance does not occur unless it furthers the selfinterest of the parties by, for example, improving their reputation, enhancing their geopolitical power, furthering their ideological ends, avoiding conflict, or avoiding sanction by a more powerful state.”*

- Oona A. Hathaway (2002)

Following the analogy of John Bolton once more, this thesis concludes that his counsel not to just “put lipstick on a caterpillar and call it a success” should still be reassessed, as compliance with the UPR is not ubiquitous yet (The Economist, 2007). In this concluding address, the answer to the research question: ***Why do states comply with the non-binding recommendations of the Universal Periodic Review?*** will be elaborated on, an answer which highlights that state preferences are the ultimate determinant of compliance.

First of all, the quantitative analysis of the acceptance rate of the first cycle of the UPR has shown that the power dynamic of states is the most significant determinant. Specifically, the more powerful a state is, the lower its acceptance rate will be. As explained by the realist strand of international relations theory, powerful states are not concerned with adhering to international law and rules when compliance is not in line with national self-interest because “[w]hen, in the international field, an arbitrary rule-making power tries to impose rules supported neither by common interests nor by a balance of power, these rules never become valid law” (Morgenthau, 1940, p. 275). Nevertheless, the mere existence of the mechanism of the UPR signals that there is some common interest in the matter. This can be explained by the fact that, while the product of the UPR often nudges for the ratification of binding treaties and conventions, the recommendations remain ‘soft’ and have no binding power on the state. Hence, its existence fits with the notion that powerful states only participate when a mechanism is “legally competent to produce only soft law, which poses little risk that powerful states would be bound by legal undertakings they might disfavour” (Steinberg, 2002, p. 340).

Secondly, a qualitative analysis commenced because, “although a quantitative analysis can have a scope that is impractical in a qualitative analysis, it necessarily brushes over the nuances of historical context that can only be garnered from a case-study approach. This is, of course, an argument not for abandoning quantitative analysis but instead for supplementing it with qualitative evidence” (Hathaway, 2002, p. 1939). In doing so, the analysis was expanded to include the most prominent aspect of compliance: the implementation of recommendations. By conducting two case studies, the details of compliance of the Netherlands and Singapore have been addressed. Most importantly, it

has been proven that accepting recommendations does not go hand-in-hand with compliance and is often used as a smokescreen to continue national practice on the same path. Behind the scenes in Singapore, it has been discovered that its sense of 'exceptionalism' disregards reasons for compliance. For the Netherlands, this has meant maintaining its argument to 'lead by example' to justify expanding its human rights 'exportism'.

Specifically, for Singapore a multitude of realist tendencies have dominated, regardless of the fact that in the international playing field it is not a powerful state. International law is not superior in Singapore and the government keeps a tight lid on human rights by labelling violations (such as corporal and capital punishment) as an integral part of domestic politics. Singapore has only acted in line with the UPR recommendations when it could be recognized as an extension of national self-interest, not applying the majority of the recommendations it accepted; in turn mirroring the ancient premise of Machiavelli that "a prudent ruler cannot keep his word, nor should he, where such fidelity would damage him, and when the reasons that made him promise are no longer relevant".

The self-interest that motivated the cooperation of the Netherlands with the UPR did not stem from sovereignty issues, but rather from striving to uphold a prominent reputation as an advocate of human rights. Yet, as the Netherlands identifies more with forcing compliance with international standards on states beyond its borders, it has not been motivated enough to ensure active compliance with the UPR. A lack of national action upon the received recommendations has been masked by stipulating other efforts made in the field. Still, little action can actually be traced back to the UPR. The reason why the Netherlands has participated is due to an egoistic motive to 'lead by example', the idea that if "we show vulnerability now, without being weak [...] other countries will see that it brings about a good discussion, and they might dare to do the same"<sup>16</sup> (De Gruyter, 2008). Hence, the compliance of the Netherlands might be characterized as "cheap talk", which is "an example of governments using liberal ideological arguments to justify actions that they take in pursuit of wealth and power" (Hathaway, 2002, p. 1946).

In summation, this thesis concludes that states comply with the UPR out of self-interest, and forego implementation of recommendations that do not result in this goal – no matter whether the recommendation has been accepted or noted. While such egotism ranges from (seemingly) noble strives to become a leading global example of human rights, to less honourable motives, the study disproves that liberalism is a significant determinant of compliance. Thus, unfortunately, the current

---

<sup>16</sup> Translated from Dutch: "Nu stellen we ons kwetsbaar op, zonder zwak te zijn. Als andere landen zien dat dit een goede discussie oplevert, durven ze dat misschien zelf ook." (De Gruyter, 2008)

picture of the UPR reflects the image of a young and selfish caterpillar, made up to be more beautiful at the superficial level, a beauty that only runs skin-deep.

On a final note, the knowledge which has been gained with this study should be regarded as part of a larger body of research. To the specific field of human rights, the outcome has significant implications for the credibility of international human rights institutions. It has become apparent that egoistic national wants overshadow the efforts of the international instruments which are in place. Therefore, further research should focus on the behavioural side of the issue at hand by continuing to map the tendencies for compliance across treaties, conventions and recommendations. Expanding the knowledge and understanding of the legitimacy and effectiveness of human rights law will shed a light on the matters which should be improved upon. Moreover, in tying this knowledge to the matter of compliance with international rules, the thesis concludes that there should be an augmentation of research on both compliance and human rights combined. The field of human rights law has been proven to be vastly different from other international law areas, as the costs of non-compliance or retaliation are nihil. Therefore, future research will have to determine whether the first cycle of the UPR process has been the exception to the rule, or the rule itself. If the latter is true, the credibility of the entire mechanism should be put into question.



## Limitations and Issues for Further Inquiry

Recognizing the limitations of this thesis, it must be outlined that there have been a number of practical and theoretical implications. The most prominent practical obstacle is the fact that the UPR has only concluded a single cycle at this point in time. As the mechanism progresses, research will be able to result in more detailed maps of compliance and reoccurring events might shed a brighter light on the determinants. Moreover, due to constraints on the scope of this thesis, only a twofold of case studies has been conducted.

To relieve the study of its practical limitations, further research should be focused on expanding the number of case studies and should, especially, continue over the course of time – for that will be the only way to conclude whether a learning curve emerges that nurtures the caterpillar enough for it to turn into a butterfly.

On the topic of theoretical limitations, the value of this thesis must be critically assessed. Most importantly, the conclusions of this thesis should be regarded as an initial spotlight – or ambitiously as a guiding light – into solving the compliance issue at hand. Still, the measures which have been used lack the finesse which might be needed to fully comprehend the specific state motives. Similar to the limitation of large-scale quantitative research, the way the theory of realism has been used here might brush over some significant nuances. Realism is a comprehensive theory of international relations, yet its classical roots and newer branches might reflect different points of view. To alleviate this issue, fine tuning the research design even further by zooming in closer to the characteristics of the state, the determinants of their motives and decisions, as well as the theoretical yardsticks which are used, will have to remain a goal for future research.



## The Dataset (continued)

|                                |             |             |             |              |    |   |   |   |
|--------------------------------|-------------|-------------|-------------|--------------|----|---|---|---|
| Kiribati                       | 0.46666667  | 94,832      |             | 135044455.6  | 11 | 0 | 0 | 0 |
| Korea (D.P.R. of)              | 0           | 24,243,894  | 10000       | 28000000000  | 1  | 0 | 0 | 0 |
| Korea (Rep.)                   | 0.319148936 | 48,948,698  | 28524.89625 | 1.00222E+12  | 19 | 0 | 0 | 0 |
| Kuwait                         | 0.775       | 2,702,221   | 4888.843536 | 1.47402E+11  | 4  | 0 | 0 | 0 |
| Kyrgyzstan                     | 0.88        | 5,318,700   | 159.1235748 | 5139957785   | 14 | 0 | 0 | 0 |
| Laos                           | 0.793103448 | 6,139,127   | 20.20410158 | 5443930125   | 4  | 0 | 0 | 0 |
| Latvia                         | 0.753968254 | 2,177,322   | 596.5005648 | 33669367720  | 19 | 0 | 0 | 0 |
| Lebanon                        | 0.680272109 | 4,186,088   | 1333.191041 | 28829850746  | 17 | 0 | 0 | 0 |
| Lesotho                        | 0.713235294 | 1,972,199   | 36.35562781 | 1630672199   | 19 | 0 | 0 | 0 |
| Liberia                        | 0.640350877 | 3,672,714   | 4.275327662 | 850040458.8  | 17 | 0 | 0 | 0 |
| Libya                          | 0.7         | 5,876,805   | 1337.850574 | 93167701863  | 4  | 0 | 0 | 0 |
| Liechtenstein                  | 0.729166667 | 35,582      |             | 4929414915   | 11 | 0 | 0 | 0 |
| Lithuania                      | 0.8         | 3,198,231   | 566.8089526 | 47438363056  | 21 | 0 | 0 | 0 |
| Luxembourg                     | 0           | 488,650     | 293.6548521 | 54963951912  | 21 | 0 | 0 | 0 |
| Macedonia FYR                  | 0.989010989 | 2,098,769   | 171.104402  | 9834034351   | 20 | 0 | 0 | 0 |
| Madagascar                     | 0.76344086  | 19,926,785  | 113.5323732 | 9413002737   | 18 | 0 | 0 | 0 |
| Malawi                         | 0.550387597 | 14,138,207  | 50.03504555 | 4276769712   | 17 | 0 | 0 | 0 |
| Malaysia                       | 0.544217687 | 27,302,348  | 5077.697948 | 2.30989E+11  | 17 | 0 | 0 | 0 |
| Maldives                       | 0.714285714 | 313,843     |             | 1891633531   | 11 | 0 | 0 | 0 |
| Mali                           | 0.695652174 | 13,138,299  | 144.5268717 | 8737687353   | 18 | 0 | 0 | 0 |
| Malta                          | 0.049382716 | 409,379     | 56.60767401 | 8554293727   | 11 | 0 | 0 | 0 |
| Marshall Islands               | 0.912280702 | 52,245      |             | 152785100    | 11 | 0 | 0 | 0 |
| Mauritania                     | 0.691823899 | 3,422,901   | 119.9354788 | 3585284792   | 6  | 0 | 0 | 0 |
| Mauritius                      | 0.709677419 | 1,244,121   | 17.35896453 | 9641077098   | 21 | 0 | 0 | 0 |
| Mexico                         | 0.924528302 | 114,968,039 | 5018.774624 | 1.09907E+12  | 19 | 0 | 0 | 0 |
| Micronesia (FS of)             | 0.851351351 | 104,498     |             | 261339600    | 11 | 0 | 0 | 0 |
| Moldova                        | 0.991869919 | 3,570,108   | 37.65996311 | 6054806101   | 20 | 0 | 0 | 0 |
| Monaco                         | 0.52173913  | 35,686      |             | 6919241412   | 11 | 0 | 0 | 0 |
| Mongolia                       | 0.977099237 | 2,632,834   | 78.81146241 | 5623236708   | 21 | 0 | 0 | 0 |
| Montenegro                     | 1           | 618,649     | 86.79014077 | 4538345345   | 20 | 0 | 0 | 0 |
| Morocco                        | 0.875       | 30,955,151  | 2904.096756 | 88882967742  | 5  | 0 | 0 | 0 |
| Mozambique                     | 0.940828402 | 22,762,525  | 89.86384765 | 11026247458  | 16 | 0 | 0 | 0 |
| Myanmar                        | 0.390862944 | 51,174,018  |             | 41518000000  | 5  | 0 | 0 | 1 |
| Namibia                        | 0.852459016 | 2,110,791   | 361.6254304 | 8486515516   | 17 | 0 | 0 | 0 |
| Nauru                          | 0.857142857 |             |             | 62000000     | 11 | 0 | 0 | 0 |
| Nepal                          | 0.756476684 | 26,249,412  | 233.9500959 | 12545438605  | 17 | 0 | 0 | 0 |
| Netherlands                    | 0.653846154 | 16,445,593  | 12316.9084  | 9.31328E+11  | 21 | 0 | 0 | 0 |
| New Zealand                    | 0.520547945 | 4,259,800   | 2037.046431 | 1.30459E+11  | 21 | 0 | 0 | 0 |
| Nicaragua                      | 0.822033898 | 5,667,983   | 43.55308818 | 8491388728   | 20 | 0 | 0 | 0 |
| Niger                          | 0.946428571 | 14,737,895  | 53.12248601 | 5403364454   | 17 | 0 | 0 | 0 |
| Nigeria                        | 0.895652174 | 151,208,080 | 1740.03579  | 2.08065E+11  | 15 | 0 | 0 | 0 |
| Norway                         | 0.777777778 | 4,768,212   | 6794.486031 | 4.53885E+11  | 21 | 0 | 0 | 0 |
| Oman                           | 0.620481928 | 2,593,523   | 5153.577591 | 60905332090  | 3  | 0 | 0 | 0 |
| Pakistan                       | 0.920792079 | 167,008,083 | 6173.431372 | 1.70078E+11  | 16 | 0 | 0 | 1 |
| Palau                          | 0.736363636 | 20,228      |             | 213354500    | 11 | 0 | 0 | 0 |
| Panama                         | 0.969072165 | 3,553,480   |             | 24884000000  | 20 | 0 | 0 | 0 |
| Papua New Guinea               | 0.787671233 | 6,550,877   | 53.02523052 | 8000370370   | 15 | 0 | 0 | 0 |
| Paraguay                       | 1           | 6,236,005   | 215.2632738 | 18504128632  | 19 | 0 | 0 | 0 |
| Peru                           | 0.102564103 | 28,625,628  | 1588.845956 | 1.21572E+11  | 20 | 0 | 0 | 0 |
| Philippines                    | 0.625       | 90,371,287  | 2630.518109 | 1.73603E+11  | 19 | 0 | 0 | 1 |
| Poland                         | 0           | 38,125,759  | 8452.286807 | 5.30185E+11  | 21 | 0 | 0 | 0 |
| Portugal                       | 0.939130435 | 10,558,177  | 4759.83794  | 2.62017E+11  | 21 | 0 | 0 | 0 |
| Qatar                          | 0.776785714 | 1,359,114   | 2192.549338 | 1.1527E+11   | 1  | 0 | 0 | 0 |
| Romania                        | 0.945454545 | 20,537,875  | 2937.802859 | 2.04339E+11  | 20 | 0 | 0 | 0 |
| Russian Federation             | 0.619834711 | 141,956,409 | 61482.68877 | 1.66084E+12  | 15 | 1 | 0 | 0 |
| Rwanda                         | 0.944       | 10,222,961  | 73.54080073 | 4796573943   | 8  | 0 | 0 | 0 |
| Samoa                          | 0.903448276 | 183,444     |             | 6441451518.4 | 11 | 0 | 0 | 0 |
| San Marino                     | 0.432835821 | 30,549      |             | 1899809580   | 11 | 0 | 0 | 0 |
| Sao Tome and Principe          | 0.96        | 168,253     |             | 183464986.4  | 11 | 0 | 0 | 0 |
| Saudi Arabia                   | 0.787610619 | 26,366,358  | 44769.01798 | 5.19797E+11  | 1  | 0 | 0 | 0 |
| Senegal                        | 0.693877551 | 12,238,791  | 213.1762177 | 13386346543  | 18 | 0 | 0 | 0 |
| Serbia                         | 0.518987342 | 7,350,222   | 1077.310691 | 49259526053  | 19 | 0 | 0 | 0 |
| Seychelles                     | 0.7875      | 86,956      | 11.20686179 | 962317618.4  | 11 | 0 | 0 | 0 |
| Sierra Leone                   | 0.976744186 | 5,532,139   | 24.00044332 | 2505620416   | 18 | 0 | 0 | 0 |
| Singapore                      | 0.753521127 | 4,839,400   | 9127.657913 | 1.92231E+11  | 9  | 0 | 0 | 0 |
| Slovakia                       | 0.891472868 | 5,379,233   | 1473.698473 | 99832535521  | 21 | 0 | 0 | 0 |
| Slovenia                       | 0.896226415 | 2,021,316   | 823.0822947 | 55589849128  | 19 | 0 | 0 | 0 |
| Solomon Islands                | 0.973913043 | 503,541     |             | 608292551.8  | 21 | 0 | 0 | 0 |
| Somalia                        | 1           | 9,140,259   |             | 1071000000   | 11 | 0 | 1 | 0 |
| South Africa                   | 0           | 49,344,228  | 4396.246774 | 2.8677E+11   | 20 | 0 | 0 | 0 |
| South Sudan                    | 0.121212121 | 9,118,386   | 980.9388794 | 15550350866  | 11 | 0 | 0 | 0 |
| Spain                          | 0.714285714 | 45,954,106  | 18575.5974  | 1.63505E+12  | 21 | 0 | 0 | 0 |
| Sri Lanka                      | 0.642105263 | 20,217,000  | 1736.751667 | 40715240469  | 17 | 0 | 0 | 1 |
| St Kitts & Nevis               | 0.389380531 | 51,110      |             | 734660333.3  | 11 | 0 | 0 | 0 |
| St Lucia                       | 0.542857143 | 172,734     |             | 1171371519   | 11 | 0 | 0 | 0 |
| St. Vincent and the Grenadines | 0.487394958 | 109,158     |             | 695428851.9  | 11 | 0 | 0 | 0 |
| Sudan                          | 0.8         | 34,040,065  |             | 54527549913  | 7  | 0 | 0 | 0 |
| Suriname                       | 0.705263158 | 515,372     |             | 3532969035   | 16 | 0 | 0 | 0 |
| Swaziland                      | 0.753521127 | 1,153,929   | 90.36112748 | 3019779209   | 2  | 0 | 0 | 0 |
| Sweden                         | 0.706666667 | 9,219,637   | 6337.806465 | 5.13966E+11  | 21 | 0 | 0 | 0 |
| Switzerland                    | 0.489361702 | 7,647,675   | 5020.664238 | 5.51552E+11  | 21 | 0 | 0 | 0 |
| Syrian Arab Republic           | 0.697802198 | 20,346,056  | 2026.903591 |              | 4  | 0 | 0 | 0 |
| Tajikistan                     | 0.766666667 | 7,275,252   | 49.7281665  | 5161336170   | 8  | 0 | 0 | 0 |
| Tanzania                       | 0.722891566 | 42,353,790  | 198.1275831 | 27282210005  | 10 | 0 | 0 | 0 |
| Thailand                       | 0.732240437 | 66,185,340  | 5186.600799 | 2.72578E+11  | 15 | 0 | 0 | 0 |
| Timor-Leste                    | 0.936507937 | 1,032,182   | 28.85202696 | 694000000    | 11 | 0 | 0 | 0 |
| Togo                           | 0.842105263 | 5,987,491   | 58.95337576 | 3163416556   | 7  | 0 | 0 | 0 |
| Tonga                          | 0.784313725 | 102,947     |             | 346850175.9  | 11 | 0 | 0 | 0 |

## The Dataset (continued)

|                      |             |             |             |             |    |   |   |   |
|----------------------|-------------|-------------|-------------|-------------|----|---|---|---|
| Trinidad and Tobago  | 0.406779661 | 1,316,449   | 169.6442316 | 28165793618 | 21 | 0 | 0 | 0 |
| Tunisia              | 1           | 10,328,900  | 567.4730971 | 44856586316 | 7  | 0 | 0 | 0 |
| Turkey               | 0.724550898 | 70,363,511  | 16142.07648 | 7.30337E+11 | 18 | 0 | 0 | 0 |
| Turkmenistan         | 0.425287356 | 4,917,543   |             | 19271523179 | 2  | 0 | 0 | 0 |
| Tuvalu               | 0.960784314 | 9,788       |             | 30290770.26 | 11 | 0 | 0 | 0 |
| Uganda               | 0.714285714 | 31,778,799  | 296.637019  | 14239027457 | 10 | 0 | 0 | 0 |
| Ukraine              | 0.863636364 | 46,258,200  | 4352.630004 | 1.79992E+11 | 18 | 0 | 0 | 0 |
| United Arab Emirates | 0.486486486 | 6,798,635   | 11959.12709 | 3.15475E+11 | 3  | 0 | 0 | 0 |
| United Kingdom       | 0.628571429 | 61,806,995  | 63055.09206 | 2.79186E+12 | 21 | 0 | 0 | 0 |
| United States        | 0.653571429 | 304,093,966 | 648932.0353 | 1.47186E+13 | 21 | 1 | 0 | 0 |
| Uruguay              | 1           | 3,348,898   | 794.2728004 | 30366148181 | 21 | 0 | 0 | 0 |
| Uzbekistan           | 0.235714286 | 27,302,800  |             | 27934030937 | 2  | 0 | 0 | 0 |
| Vanuatu              | 0.873684211 | 225,398     |             | 607983815.3 | 11 | 0 | 0 | 0 |
| Venezuela            | 0.655405405 | 28,120,312  | 4446.820658 | 3.156E+11   | 16 | 0 | 0 | 0 |
| Viet Nam             | 0.691860465 | 85,118,700  | 2349.988171 | 99130304099 | 4  | 0 | 0 | 0 |
| Yemen                | 0.85620915  | 21,703,571  | 1524.753944 | 30397203369 | 9  | 0 | 1 | 0 |
| Zambia               | 0.763157895 | 12,456,527  | 280.5800615 | 17911046609 | 18 | 0 | 0 | 0 |
| Zimbabwe             | 0.666666667 | 12,784,041  |             | 4415702800  | 7  | 0 | 0 | 0 |

Table 2. Explanatory Power and Heteroscedasticity

|                                   | <b>H<sub>0</sub></b>   | <b>F-Statistic</b> | <b>Probability</b> |
|-----------------------------------|--|--------------------|--------------------|
| <b>F-Test</b>                     | $\beta_0 = 0, \beta_1 = 0,$<br>$\beta_2 = 0, \beta_3 = 0,$<br>$\beta_4 = 0 \text{ and } \beta_5 = 0$ | 2.724              | 0.016              |
| <b>Breusch-Pagan-Godfrey Test</b> | $var(u x) = \sigma^2$  | 1.591              | 0.180              |

Table 3. Normality test

**Jarque-Bera Test**

*H<sub>0</sub>: the errors have a normal distribution*

|                |        |
|----------------|--------|
| Test Statistic | 79.472 |
| Probability    | 0.000  |
| Skewness Level | -1.372 |
| Kurtosis       | 5.430  |

Table 4. Collinearity

| Variable                 | Coefficient Variance | Centred VIF |
|--------------------------|----------------------|-------------|
| <i>intercept</i>         | 0.011246             | NA          |
| <i>log(wealth)</i>       | 0.000260             | 1.925967    |
| <i>log(power)</i>        | 0.000121             | 1.827153    |
| <i>polity</i>            | 9.86E-06             | 1.118104    |
| <i>international war</i> | 0.018017             | 1.077522    |
| <i>civil war</i>         | 0.017460             | 1.044237    |
| <i>ethnic war</i>        | 0.009401             | 1.100180    |

**Table 5. Ramsey RESET test**

Model specification:

$$y = \beta_0 + \beta_1 \cdot \log(x_1) + \beta_2 \cdot \log(x_2) + \beta_3 \cdot x_3 + \beta_4 \cdot \log(x_4) + \beta_5 \cdot x_5 + \beta_6 \cdot x_6 + \beta_7 \cdot x_7 + u$$

Alternative, non-linear specification:

$$y = \beta_0 + \beta_1 \cdot \log(x_1) + \beta_2 \cdot \log(x_2) + \beta_3 \cdot x_3 + \beta_4 \cdot \log(x_4) + \beta_5 \cdot x_5 + \beta_6 \cdot x_6 + \beta_7 \cdot x_7 + \gamma_1 \cdot \hat{y}_i^2 + \dots + \gamma_{k-1} \cdot \hat{y}^k + u$$

In which  $k$  specifies the amount of fitted terms included in the test. Accordingly, the test verifies the null hypothesis that  $H_0: \gamma_1 = \dots = \gamma_{k-1} = 0$

|                              | fitted terms |          |          |
|------------------------------|--------------|----------|----------|
|                              | <b>1</b>     | <b>2</b> | <b>3</b> |
| <i>F-statistic</i>           | 5.420425     | 2.719241 | 2.118986 |
| <i>probability (F-stat.)</i> | 0.0214       | 0.0696   | 0.1009   |



## List of UPR Recommendations to The Netherlands

- *Ratify as soon as possible the International Convention on the Protection of All Persons from Enforced Disappearance (France); to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Brazil); to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Brazil) and to set clear time frames in this regard, and that the Human Rights Council be informed accordingly (Russian Federation);*
- *Initiate a debate on the death penalty, with a view to reaching responsive conclusions consistent with international human rights law (Egypt);*
- *Reconsider the legality of prostitution given its impact on the realization of a whole range of rights (Egypt);*
- *That a mechanism be established with a view to verifying that political parties and social institutions do not adopt racist or xenophobic programmes (Egypt);*
- *Lawmakers discharge their responsibility under the International Covenant on Civil and Political Rights, in particular with regard to the prohibition of incitement to hatred by law, and enacting the necessary restrictions to protect the rights of others (Egypt);*
- *Take appropriate measures to prevent the use of excessive force by security forces when forcibly repatriating migrants, refugees and asylum-seekers (Nigeria);*
- *Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Egypt, Peru, Algeria) and to increase its efforts to prevent acts of discrimination against migrants (Algeria);*
- *Continue efforts to intensify the investigation and prosecution of racial hatred and related violence through criminal legal proceedings and other measures (Canada) and to implement all the articles of International Convention on the Elimination of All Forms of Racial Discrimination (Cuba);*
- *Ensure that information on the implementation of human rights conventions in the overseas territories be consistently included in reports to treaty bodies (United Kingdom, Russian Federation, Algeria);*
- *Consider withdrawal of reservations with respect to the Convention on the Rights of the Child (Russian Federation) and International Covenant on Economic, Social and Cultural Rights with regard to the Netherlands Antilles (Russian Federation, Algeria);*

- *Strengthen rules and regulations with regard to hatred, defamation of religions and Islamophobia (Islamic Republic of Iran) and enforce legislation on equality and non-discrimination and adopt measures to combat Islamophobia (Saudi Arabia);*
- *To promote and strengthen the foundation of the family and its values among the society (Islamic Republic of Iran);*
- *Take a leading role in setting the tone of the current national debate on integration issues and have the voices of migrants and other groups also be heard (Turkey);*
- *Continue to engage in a national dialogue with a view to promoting respect for diversity and tolerance and consider establishing an institutional mechanism to ensure respect for diversity and tolerance (India);*
- *Complete investigations about civil and criminal implications concerning the release of the film “Fitna” and initiate prosecution of the author in accordance with Dutch law (Pakistan);*
- *Consider formulating measures that would recognize that a truly meaningful enjoyment of the right to freedom of expression is only realized when exercised with responsibility (Malaysia) and undertake proactive measures aimed at preventing the instrumentalization of the freedom of expression to justify campaigns of incitement to racial hatred and violence in the Netherlands (Algeria);*
- *Ensure the inclusion of a gender perspective as the follow-up to the UPR (Slovenia);*
- *Take part in international activities to promote and protect human rights on the basis of an equitable and mutually respectful dialogue (Belarus);*
- *Undertake consistent efforts to counter racism and promote social and religious cohesion (Indonesia);*
- *Consider implementing the recommendations of the Special Rapporteur on violence against women and CEDAW (India), and strengthen measures to increase the participation by ethnic minority women in line with CEDAW recommendations and consider intensifying human rights education (Ghana);*
- *Continue to promote awareness of diversity and multiculturalism at all levels of education (Algeria, Republic of Korea);*
- *Address the issue of demand in the destination country in order to be successful in the fight against trafficking in persons (Bangladesh);*

- *While promoting the rights of freedom of opinion and expression, pay due attention to commiserating responsibility and respect for others (Bangladesh);*
- *Review its legislation in order to protect fundamental rights of all persons, independently of their migrant status, and take necessary measures regarding discrimination against women refugees, migrants and women from ethnic groups, and to guarantee the integration of all women victims of trafficking (Mexico);*
- *Establish or strengthen the machinery for reviewing the accelerated procedure of 48 hours in order to guarantee the rights of the asylum-seekers (Mexico);*
- *To ensure proper representation of minorities in the labour market as per the ratio of minorities (Algeria);*
- *Undertake an in-depth study on trafficking and exploitation of children, particularly with regard to sexual abuse, child prostitution and child pornography, as a basis for urgent remedial action in this regard (Algeria);*
- *Accelerate efforts in increasing female representation in top positions in the senior public service to 25 per cent by 2011 (South Africa);*
- *Take legal measures to deal with intolerance (Jordan) and initiate an awareness-raising campaign for the society at large to ensure a more generalized tolerance (Jordan);*
- *While implementing anti-terrorism measures, respect international human rights obligations, including the right to a fair trial and the right to freedom and security of the person (Switzerland); and consider revising all anti-terrorism legislation to bring it in line with the highest human rights standards (Cuba);*
- *Take necessary steps to establish a national human rights institution (New Zealand);*
- *Work on promoting a society of tolerance through educational measures (Saudi Arabia).*

(A/HRC/8/31, 2008)

## List of UPR Recommendations to Singapore

- *Continue its commitment to advancing the lives of its people through the provisions of best education, housing and medical care, which has rightfully earned its international recognition (Brunei Darussalam);*
- *Continue to take positive steps to enhance the enjoyment of economic, social and cultural rights, especially in the areas of health, education and the care of the disabled (the Democratic People's Republic of Korea);*
- *Continue applying programmes and measures aimed at ensuring universal access of its population to its excellent educational and health services and maintain the highest possible quality of these services (Cuba);*
- *Continue its commitment in assisting the enrolment of poor children in education and ensuring their health care (Oman);*
- *Continue its efforts in providing health care (Saudi Arabia);*
- *Continue with its plans to guarantee the right to education (Saudi Arabia); continue the programme of the provision of quality education including new investments in the development of education (Zimbabwe); continue efforts in developing and improving the quality of education so as to preserve human dignity and development in the country (Qatar);*
- *Continue taking effective policy and other measures to ensure adequate housing for its citizens, particularly in the lower income bracket (Malaysia);*
- *Continue applying its socio-economic and development strategies and plans in the country (Cuba);*
- *Continue to take proactive and innovative steps aimed at ensuring sustainable development policies related to the promotion of economic, social and cultural rights (the DPR of Korea);*
- *Build on its record and take additional measures to guarantee basic economic and social rights, such as in education and health, in particular for communities such as disabled, lower income persons and people living with HIV and AIDS (Botswana);*
- *Continue its ongoing efforts for further promoting the rights of disabled people (Afghanistan);*
- *Consider improving and protecting particular groups including disabled and elderly (Oman);*
- *Continue its efforts in protecting the rights of specific groups such as women, children, the disabled, the aged and migrant workers (Brunei Darussalam);*

- *Continue to strengthen efforts to protect the rights of foreign workers (India);*
- *Continue efforts in protecting the dignity and safety of migrant workers, including through appropriate institutional and legislative measures (Nepal);*
- *Continue to strengthen measures to promote the human rights of migrant domestic workers, including by seeking to further improve working conditions of domestic workers in Singapore (the Philippines);*
- *Consider enhancing cooperation with countries of origin of migrant workers including on refining the process aimed at protecting such workers from exploitation, with a view to better managing the broad range of challenges in dealing with migrant workers (Malaysia);*
- *Continue its positive engagement with neighbouring countries in combating trafficking in persons (Indonesia); continue the positive participation and coordination with neighbouring countries in the context of combating trafficking in human beings (United Arab Emirates);*
- *Consider ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Belarus, Philippines);*
- *Continue to carry out further measures to strengthen the harmony between different ethnic and religious communities (Viet Nam); continue with the successful policy of ensuring inter-ethnic and interreligious harmony in Singapore (Russian Federation); continue efforts in setting and implementing additional measures to enforce harmony and social cohesion between the different ethnic groups in the country (Qatar); continue its civic efforts at all levels, in particular at local levels, to promote racial and religious harmony (Pakistan);*
- *Continue its efforts to promote and protect human rights while also safeguarding the institution of the family in all its component parts, and to preserve religious tolerance (Indonesia);*
- *Continue efforts to promote and protect human rights while preserving the institution of the family in all its components and preserving religious tolerance, prioritize the maintenance of racial and religious harmony through delicate management of relations between the different races and religions and share best practices with other countries regarding the promotion of racial and religious tolerance (Algeria);*
- *Continue its efforts to increase the representation of women at senior levels within the public administration, including the diplomatic service, judiciary and educational institutions, as well as the private sector (the Republic of Moldova);*

- Pursue its efforts to improve the status of women in order to enable them to reach their full potential and contribute to the social and economic development of the country (Algeria);
- Continue developing its legal and institutional framework with respect to the promotion and protection of human rights (Afghanistan); consider developing further the legal and institutional framework with respect to the promotion and protection of human rights in the country (Malaysia); continue to develop the institutional and legal framework in respect of human rights (Jordan);
- Continue to work to strengthen national human rights institutions, while consolidating the achievements in human rights (Nepal); continue to strengthen its human rights institutions and develop further measures to ensure the effective implementation of their mandates (Lesotho);
- Continue its cooperation with the United Nations and other international organizations to develop its legal and institutional framework with respect to the promotion and protection of human rights in Singapore (Lao People's Democratic Republic);
- Further continue its stated policy of studying and reviewing its policy towards ratification of key international human rights instruments (Ethiopia); continue to carry out comprehensive reviews and studies on its existing legislation and level of preparedness, moving towards accession to international human rights instruments as it deems appropriate in the context of its institutional and legal framework, resources and national priorities (Indonesia);
- Continue to undertake appropriate steps with a view to ratifying the human rights instruments mentioned in paragraph 158 of the national report (Bhutan);
- Undertake concrete and appropriate steps towards ratification of and accession to international human rights instruments (Viet Nam);
- Continue on its path of aligning its national legislation with its international obligations under the instruments to which Singapore is a State party (Afghanistan);
- Accentuate measures to provide assistance, care and support to persons at risk of infection and those living with HIV/AIDS, through improved access to prevention, treatment and counselling services (Trinidad and Tobago);
- Continue with its efforts to further promote and protect human rights and freedoms (Sri Lanka);
- Engage the civil society in the follow-up process to the universal periodic review (Poland);
- Establish an effective and inclusive process to follow up on the implementation of recommendations emerging from the universal periodic review (Viet Nam).

- *Maintain the momentum given to positive social policies relating to health care (Afghanistan);*
- *Expedite implementation of the recommendations contained in the 2007–2011 Enabling Masterplan to improve the lives of persons with disabilities (Bhutan);*
- *Accelerate effective implementation of the recommendations of the 2007–2011 Enabling Masterplan of the Ministry of Community Development, Youth and Sports and the National Council of Social Service to review and plan services for persons with disabilities (the Sudan);*
- *Step up efforts in fighting trafficking of human beings (Belarus);*
- *Take additional efforts in preserving inter-ethnic and interconfessional harmony in the country (Belarus);*
- *Share positive experiences and best practices with other countries regarding racial and religious tolerance (Zimbabwe);*
- *Intensify its efforts to eliminate all forms of discrimination against women, inter alia, by advocating and promoting women’s empowerment, and through capacity-building, gender-sensitivity training, and public awareness-raising activities (Indonesia);*
- *Ensure gender-equality is enshrined in the Constitution (France);*
- *Take further steps to ensure the representation of women in senior levels within the public and private sectors is increased (South Africa); intensify efforts to enhance women’s participation in the decision-making process in both public and private sectors, in accordance with the progress achieved in the field of education of women (United Arab Emirates); give the required attention to promoting women’s participation at the decision-making level in both the public and private sectors (Algeria);*
- *Take measures to bring about a change in attitudes, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society (the Republic of Moldova);*
- *Ensure the incorporation into the domestic legal system of the principles and provisions of the Convention on the Rights of the Child (CRC) (Egypt);*
- *Increase attention to programmes for broken families (Oman);*
- *Provide and improve training programmes on human rights for the judiciary and law enforcement personnel (Jordan);*

- *Modify its legislation in such a way as to shift the burden of proof of the guilt of a person facing the death penalty to the prosecution instead of requesting the person to prove its own innocence (France);*
- *Make available statistics and other factual information on the use of the death penalty (Finland);*
- *Provide support for women prisoners with HIV/AIDS (Thailand);*
- *Share experience and good practices with all other countries in the areas of development and protection of human rights (Lao People's Democratic Republic).*
- *Consider ratifying the outstanding international human rights instruments and further update domestic laws to be in line with the articles of those treaties (Lesotho); review its policies in order to accede to the core international human rights treaties to which it is not yet a party (Finland); consider, as appropriate, the accession to core human rights instruments (Jordan);*
- *Consider ratifying other core international human rights instruments, starting with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the instruments mentioned in paragraph 158 of the report, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Algeria); continue to take appropriate measures at the national level with a view to ratifying international human rights instruments, notably those mentioned in paragraph 158 of the national report, including the Convention on the Rights of Persons with Disabilities (CRPD), ICERD, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC) (Morocco); Consider acceding to ICERD, OPCRC-SC and CRPD (Swaziland); consider expediting becoming a party to ICERD, CRPD and OPCRC-SC (India);*
- *Accede to the following human rights instruments: CRPD, the ICERD and the OP-CRC-SC (Sudan);*
- *Consider, within its vision, acceding to other core human rights treaties, including ICERD (Botswana); re-evaluate its policy on the ICERD (Trinidad and Tobago);*
- *Accede to ICERD (Oman); ratify ICERD (Afghanistan);*
- *Become a party to CRPD (Bhutan); become a party to both CRPD and its Optional Protocol and set a specific time frame for the ratification process (Thailand);*
- *Accede to OP-CRC-SC (Iraq, Poland, Afghanistan);*
- *Consider ratifying core international human rights treaties to which Singapore is not yet a party (ICCPR, the International Covenant on Economic, Social and Cultural Rights (ICESCR), ICERD), the*



*Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), OP-CRC-SC, and CRPD with its Optional Protocol (Slovenia);*

*- Consider acceding to ICESCR, the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and ICRMW (Egypt);*

*- Ratify ICCPR and ICESCR and other core international human rights treaties, such as CAT, CRPD and ICERD, and their optional protocols; and withdraw its reservations on key principles of CRC and CEDAW (Czech Republic);*

*- Consider ratifying remaining core human rights treaties, namely: ICESCR, ICCPR, ICERD and CAT (Poland);*

*- Include in its plan for ratification ICCPR and its two Optional Protocols, ICESCR, CAT, ILO Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise, and ICRMW (Timor Leste);*

*- Sign, ratify and implement ICCPR, ICESCR, ICERD, CAT and CRPD (United Kingdom);*

*- Take measures towards signing and ratifying the ICCPR and the ICESCR as soon as possible (Japan);*

*- Accede to ICERD and ratify ICCPR, as a matter of priority (Ghana);*

*- Accede to instruments to which it is not yet a party, with priority given to ICCPR and the Rome Statute of the International Criminal Court (France);*

*- Study further and consider ratification of other international human rights treaties, namely: ICESCR, ICCPR, ICERD and ICRMW (Kazakhstan);*

*- Consider signing and ratifying ICRMW (Indonesia);*

*- Take measures in order to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Republic of Moldova);*

*- Consider withdrawing the reservations made on the two Conventions it has ratified (Finland);*

*- Implement the recommendations of treaty bodies with regard to the implementation of Singapore's commitments under CEDAW and CRC (Slovenia);*

*- Establish a national human rights institution in accordance with the Paris Principles (Timor-Leste, Thailand, Poland, Egypt, Canada);*

- *Take steps to create a national human rights institution in accordance with the Paris Principles (the Republic of Moldova);*
- *Establish a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (South Africa);*
- *Establish an independent elections body (Canada);*
- *Enhance cooperation with labour-sending countries to ensure foreign workers go through proper and legal channels to work in Singapore and continue efforts to protect the rights of all foreign workers from exploitation (Myanmar);*
- *Strictly enforce relevant regulations including the Employment of Foreign Manpower Act and the Passport Act, which prohibit employers to hold on to passports, travel documents and work permits of their foreign workers (Thailand);*
- *Extend the protection afforded by labour law to the entire range of domestic workers (Djibouti);*
- *Adopt legal protection for migrant workers and enforce them, including with respect to wages and working hours, and address allegations of excessive agency fees and forced detention by “repatriation companies” (Canada);*
- *Implement measures adopted to educate foreign workers, in their native languages, of their rights and responsibilities and avenues for assistance (Sri Lanka);*
- *Continue its path of developing a financial system that will allow for assisting workers wishing to demand reparations in cases of litigation with their employer (Switzerland);*
- *Address the concerns raised by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and xenophobia in relation to concerns about migrants and the living and working conditions of migrant workers, abolish corporal punishment for immigration offenders and enact an anti-discrimination law (United Kingdom);*
- *Put in place measures to strengthen the protection of victims of trafficking: among others, to screen and protect victims of human trafficking instead of treating them as criminal offenders, to provide them with temporary shelters during legal proceedings, to support witness protection programs and to provide appropriate remedial measures other than deportation (Thailand);*
- *Circulate and implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), which will further enhance administration of justice (Thailand);*

- *Repeal or at least narrow the restrictions on public discourse on the issue of ethnicity, language, race, religion and politically sensitive issues in order to ensure the full enjoyment of freedom of expression and freedom of peaceful assembly and association (Slovenia);*
- *Continue to engage with the United Nations special procedures and in particular positively respond to the invitation requests by the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions (Czech Republic);*
- *Harmonize its various strategies on children and families under a comprehensive national plan of action for children, and further consider the accession to OP-CRC-SC (the Republic of Moldova);*
- *Adopt a comprehensive strategy addressing all forms of discrimination against all groups of children (Poland);*
- *Establish an independent body monitoring the fulfilment of child rights empowered to receive and investigate complaints on the violations of the rights of the child (Poland).*
- *Declare an immediate moratorium on executions with the aim of abolishing the death penalty (Finland); impose as soon as possible a moratorium on the death penalty, with the view to its definitive abolition, in line with General Assembly resolution 65/206 (France);*
- *Impose a moratorium on all executions and, eventually, abolish the death penalty and in this regard, ratify ICPPR and its second optional protocol (Switzerland);*
- *Immediately impose a moratorium on executions, with a view to complete abolition of the death penalty; make public information about past executions and death sentences handed down by the courts; and review the Penal Code and the Misuse of Drugs Act, with a view to repealing all provisions on mandatory death sentencing and removing all presumption of guilt clauses (Czech Republic);*
- *Support the international moratorium on death penalty executions with a view to abolition, and end the imposition of the mandatory death penalty (Canada);*
- *Take steps towards the abolition of the death penalty and, during the process to abolish it, remove mandatory death sentences and release basic information about the death penalty, including the number of people sentenced to death and awaiting execution on death row (United Kingdom);*
- *Remove from legislation the mandatory nature of the capital punishment for a number of crimes (France); repeal provisions for mandatory death penalty (Slovenia);*

- Immediately put a stop to caning as a form of punishment and repeal all laws providing for this punishment (Czech Republic); put an end in practice to all forms of corporal punishment and derogate the laws allowing for this practice (France);
- Put an end to all practices of corporal punishment that takes place in educational facilities and detention centres (Djibouti);
- Actively review the level of protection of children within the criminal justice system, through raising the age of criminal responsibility and avoid the trying of cases involving children between the ages of 16 and 18 in adult courts (Trinidad and Tobago);
- Ensure that “preventive detention” under the Internal Security Act and the Criminal Law (Temporary Provisions) Act is only used in exceptional circumstances and does not violate the right to a fair trial (Slovenia);
- Review existing provisions with regard to detention without trial and adopt new provisions to inform those detained of their right to counsel and guarantee their access to Counsel immediately upon arrest (Canada);
- Repeal legal provisions criminalising sexual activity between consenting adults of the same sex (Slovenia); draw the consequences of the positive evolution of society with respect to homosexuality by abolishing the provisions of the Penal Code related to private relations between consenting adults (France);
- Introduce legislation to make marital rape illegal in all circumstances (Canada);
- Accept a visit by the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions (Slovenia);
- Consider issuing a standing invitation to special procedure mandate holders (Slovenia).
- Review the *de facto* ban on peaceful public demonstrations, the use of anti-defamation laws; and the registration process for civil society and associations, to ensure that such laws, as adopted and enforced, are consistent with international human rights guarantees of the rights to freedom of expression, freedom of peaceful assembly, freedom of association (Canada);
- Abolish the defamation law and ensure protection and promotion of the rights to freedom of expression and peaceful assembly and association through legislative reform and policy changes (Czech Republic);

- *Abolish the penal law on defamation and ensure, through legislative reform and political change, that freedom of expression, as well as freedom of association and peaceful assembly are guaranteed to all inhabitants, citizens or not, of the country (Switzerland);*
- *Implement the 18 recommendations made by the International Bar Association's Human Rights Institute in its 2008 report "Prosperity Versus Individual Rights" (United Kingdom);*
- *Prohibit corporal punishment and put in place an educational system respectful of the physical and psychological integrity of minors (Switzerland);*
- *Fully incorporate the principles and provisions of CRC into the domestic legal system, especially those regarding corporal punishment (Poland);*

(A/HRC/18/11, 2011)

## Bibliography

### **UN Documentation**

A/C.3/63/L.12. (2008, October 15). *Intensification of efforts to eliminate all forms of violence against women: Belgium and the Netherlands.*

A/HRC/10/72/Add.1. (2009, March 19). *Report of the Working Group on the Universal Periodic Review: Luxembourg. Addendum.*

A/HRC/18/11. (2011, July 11). *Report of the Working Group on the Universal Periodic Review: Singapore.*

A/HRC/18/11/Add.1. (2011, July 11). *Report of the Working Group on the Universal Periodic Review: Singapore. Addendum.*

A/HRC/8/26/Add.1. (2008, August 25). *Report of the Working Group on the Universal Periodic Review: India. Addendum.*

A/HRC/8/31. (2008, May 13). *Report of the Working Group on the Universal Periodic Review: The Netherlands.*

A/HRC/8/31/Add.1. (2008, August 25). *Report of the Working Group on the Universal Periodic Review: The Netherlands. Addendum.*

A/HRC/WG.6/1/NLD/1. (2008, April). *National Report Submitted in Accordance with Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1, The Netherlands.*

A/HRC/WG.6/11/SGP/1. (2011, February 2). *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Singapore.*

A/HRC/WG.6/2/L.8. (2008, May 15). *Draft Report of the Working Group on the Universal Periodic Review: Pakistan.*

A/RES/60/251. (2006, April 3). *Resolution adopted by the General Assembly on 15 March 2006 : 60/251. Human Rights Council.*

## **Literature**

Abbott, K., & Snidal, D. (2000). Hard and Soft Law in International Governance. *International Organization*, 54(3), 421-456.

Alvarez, J. (2001). Do Liberal States Behave Better? A Critique of Slaughter's Liberal Theory. *European Journal of International Law*, 12(2), 183-246.

Baccaro, L., & Mele, V. (2011). For lack of anything better? International organizations and global corporate codes. *Public Administration*, 89(2), 451-470.

Baehr, P. (1996). Politieke en Politicologische Dimensies van een Mensenrecht: het Recht op Zelfbeschikking. In M. Kuitenbrouwer, & M. Leenders, *Geschiedenis van de Mensenrechten* (pp. 73-93). Hilversum: Verloren.

Baehr, P. (2000). Trials and errors: The Netherlands and human rights. In D. P. Forsythe, *Human Rights and Comparative Foreign Policy: Foundations of Peace*. New York: United Nations University Press.

Baylis, J., Smith, S., & Owens, P. (2011). *The Globalization of World Politics* (5th ed.). Oxford: Oxford University Press.

Becker, T. E. (2005). Potential Problems in the Statistical Control of Variables in Organizational Research. *Organizational Research Methods*, 8(3), 274-289.

Blatter, J., & Haverland, M. (2012). *Designing Case Studies, Explanatory Approaches in Small-N Research*. Houndsmills Basingstoke: Palgrave Macmillan.

Campbell, T. (2004). Moral Dimensions of Human Rights. In T. Campbell, & S. Miller, *Human Rights and the Moral Responsibilities of Corporate and Public Sector Organisations* (pp. 11-30). New York: Kluwer Academic Publishers.

CEDAW. (2007). CEDAW/C/NLD/CO/4. *Concluding comments of the Committee on the Elimination of Discrimination against Women: the Netherlands*.

Chayes, A., & Chayes, A. H. (1998). *The New Sovereignty: Compliance with International Regulatory Agreements*. Harvard University Press.

Cheng, T.-H. (2004). The Central Case Approach to Human Rights: its Universal Application and the Singapore Example. *Pacific Rim Law & Policy Journal*, 257-302.

- Chew, M. (1994, November). Human Rights in Singapore: Perceptions and Problems. *Asian Survey*, 34(11), 933-948.
- Christenson, J., & Sachs, C. (1980). The Impact of Government Size and Number of Administrative Units on the Quality of Public Services. *Administrative Science Quarterly*, 25(1), 89-101.
- Christie, K., & Roy, D. (2001). *Politics of Human Rights in East Asia*. London: Pluto Press.
- Coenders, M. (2010, November). Klachten en meldingen over discriminatie in 2010: Landelijk overzicht van klachten en meldingen geregistreerd door gemeentelijke antidiscriminatievoorzieningen.
- Constitution of the Republic of Singapore*. (2015). Retrieved June 2015, from Singapore Statutes Online: <http://statutes.agc.gov.sg/aol/search/display/view.w3p;ident=aa74f082-6a82-4885-a5e4-6cfe5894da40;page=0;query=CompId%3Abd6d83e5-0d12-42a3-ac21-ff6e3e94f5da;rec=0;resUrl=http%3A%2F%2Fstatutes.agc.gov.sg%2Faol%2Fbrowse%2FtitleResults.w3p%3Bletter%3DConstit>
- De Gruyter, C. (2008, April 16). Hoe Nederland mensenrechten 'net niet' naleeft. *NRC*, pp. 1-3.
- Dimitropoulos, G. (2014). Compliance through Collegiality. *MPILux Working Paper*(3), 5-72.
- Donnelly, J. (2000). *Realism and International Relations*. Cambridge: Cambridge University Press.
- Doyle, M. (1983). Kant, Liberal Legacies, and Foreign Affairs. *Philosophy & Public Affairs*, 12(3), 205-235.
- Finger, J., Reincke, U., & Castro, A. (1999). Market Access Bargaining in the Uruguay Round: Rigid or Relaxed Reciprocity? *World Bank Publications*, 1-23.
- Forsythe, D. P. (2001). Human Rights: from Low to High Politics in International Relations. In C. Kegley, & E. Wittkopf, *The Global Agenda* (pp. 201-215). New York: McGraw-Hill.
- Garnett, J. C. (1984). *Commonsense and the Theory of International Politics*. New York: SUNY Press.
- Gerritsen, T. (2007). The Tradition of Human Rights and Humanitarian Action in the Netherlands. *Refugee Survey Quarterly*, 26(4), 214-219.
- Glachant, M. (2007). Non-Binding Voluntary Agreements. *Journal of Environmental Economics and Management*, 54(1), 32-48.
- Government of Singapore. (2012). *National Action Plan Against Trafficking in Persons, 2012-2015*. Retrieved June 2015, from



[http://www.mfa.gov.sg/content/dam/mfa/images/media\\_center/special\\_events/National%20Plan%20of%20Action%20Against%20Trafficking%20in%20Persons%202012%20-%202015/tipbooklet\\_080812.pdf](http://www.mfa.gov.sg/content/dam/mfa/images/media_center/special_events/National%20Plan%20of%20Action%20Against%20Trafficking%20in%20Persons%202012%20-%202015/tipbooklet_080812.pdf)

Graddy, E. (1998). Multivariate regression Analysis in Public Policy and Administration. In G. Miller, & M. Whicker, *Handbook of Research Methods in Public Administration* (pp. 377-408). New York: Marcel Dekker, Inc.

Green, M. (2001). Current Approaches to Human Rights Measures. *Human Rights Quarterly*, 23(4), 1062-1097.

Hafner-Burton, E. (2008). Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem. *International Organization*, 62(4), 689-716.

Hafner-Burton, E. (2013). *Making Human Rights a Reality*. New Jersey: Princeton University Press.

Hafner-Burton, E., & Ron, J. (2009). Human Rights Impact through Qualitative and Quantitative Eyes. *World Politics*, 61(2), 360-401.

Hafner-Burton, E., & Tsutsui, K. (2005). Human Rights in a Globalizing World: The Paradox of Empty Promises. *American Journal of Sociology*, 110(5), 1373-1411.

Hamburger, A. (2008, February 2). Intervention Conference on Human Rights Diplomacy. *Statement Arjan Hamburger, Human Rights ambassador of the Netherlands, at the conference on Human Rights Diplomacy, Fundacion Tres Culturas, Sevilla*.

Hathaway, O. A. (2002). Do Human Rights Treaties Make a Difference? *The Yale Law Journal*, 111(8), 1935-2042.

Heldring, J. (1995, 18 July). Belang is lets Vanzelfsprekends. *NRC*.

Hix, S., & Hoyland, B. (2011). *The Political System of the European Union*. Palgrave Macmillan.

Ho, D. E. (2002). Compliance and International Soft Law: Why Do Countries Implement the Basle Accord? *Journal of International Economic Law*, 647-688.

Human Rights Council. (2007). *HRC Resolution 5/1: Institution-building package*.

Kellstedt, P., & Whitten, G. (2013). *The Fundamentals of Political Science Research* (2nd ed.). New York: Cambridge University Press.

- Ki-Moon, B. (2007, March 12). *Secretary-General's video message for the opening of the Fourth Session of the Human Rights Council*. Retrieved June 2015, from United Nations: <http://www.un.org/sg/STATEMENTS/index.asp?nid=2475>
- Kittel, B. (2006). A Crazy Methodology? On the Limits of Macro-Quantitative Social Science Research. *International Sociology*, 21(5), 647-677.
- Kobrin, S. J. (1998). The MAI and the Clash of Globalizations. *Foreign Policy*, 112, 97-109.
- Koh, H. (1997). Why Do Nations Obey International Law? *Faculty Scholarship Series*(Paper 2101), 2599-2659.
- Koh, H. (1999). How Is International Human Rights Law Enforced? *Indiana Law Journal*, 74(4), 1397-1417.
- Koremenos, B. (2001). Loosening the Ties that Bind: A Learning Model of Agreement Flexibility. *International Organization*, 55, 289-325.
- Lourijssen, M., De Vries, J., & Wegman, F. (2007, November). Dutch NGOs contribution to the First Universal Periodic Review of the Netherlands by the UN Human Rights Council.
- Machiavelli, N. (1998). *The Prince*. (Q. Skinner, & R. Price, Eds.) Cambridge: Cambridge University Press.
- Mansfield, E., & Helms, B. (1982). Detecting Multicollinearity. *The American Statistician*, 3, 158-160.
- Manzina, P., & Mariotti, M. (2003). A bargaining model of voluntary environmental agreements. *Journal of Public Economics*, 87(12), 2725-2736.
- McNulty, J. (2009, December 9). North Korea Defiant Amid Harsh UN Criticism. *UN Watch*.
- Mearsheimer, J. (1990). Back to the Future: Instability in Europe after the Cold War. *International Security*, 15(1), 5-56.
- Meijer, M. (2001). *Dealing with Human Rights: Asian and Western Views on the Value of Human Rights*. Amsterdam: Greber Publisher.
- Ministerie van Buitenlandse Zaken. (2009). *Mensenrechtenrapportage 2009*. Den Haag: OBT.
- Ministerie van Buitenlandse Zaken. (2010). *Universal Periodic Review National Interim Report, the Netherlands*. Retrieved from [http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/NL/Netherlands\\_Interim\\_report.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/NL/Netherlands_Interim_report.pdf)

- Ministerie van Buitenlandse Zaken. (2011, March 8). Letter to the House of Representatives presenting the spearheads of development. Retrieved from [http://www.minbuza.nl/binaries/content/assets/minbuza/en/import/en/key\\_topics/development\\_cooperation/dutch\\_development\\_policy/parliamentary-letter-of-march-18-2011-presenting-the-new-focus-of-development-cooperation-policy](http://www.minbuza.nl/binaries/content/assets/minbuza/en/import/en/key_topics/development_cooperation/dutch_development_policy/parliamentary-letter-of-march-18-2011-presenting-the-new-focus-of-development-cooperation-policy)
- Moravcsik, A. (1997). Taking Preferences Seriously: A Liberal Theory of International Politics. *International Organization*, 51(4), 513-553.
- Morgenthau, H. J. (1940). Positivism, Functionalism and International Law. *The American Journal of International Law*, 34(2), 260-284.
- Morgenthau, H. J. (1978). *Politics Among Nations* (Fifth ed.). New York: Alfred A. Knopf.
- Mutalib, H. (2010). Illiberal Democracy and the Future of Opposition in Singapore. *Third World Quarterly*, 21(2), 313-342.
- O'Brien, R. M. (2007). A Caution Regarding Rules of Thumb for Variance Inflation Factors. *Quality & Quantity*, 41, 673-690.
- Olson, M. (1965). *The Logic of Collective Action*. Cambridge: Harvard University Press.
- Oneal, J., Oneal, F., Maoz, Z., & Russett, B. (1996). The Liberal Peace: Interdependence, Democracy, and International Conflict, 1950-85. *Journal of Peace Research*, 33(1), 11-28.
- Oomen, B. (2014). *Rights for Others*. Cambridge: Cambridge University Press.
- Panhuys, v. H. (1964). The Netherlands Constitutions and International Law. *American Journal of International Law*, 88-164.
- Petersmann, E. (2003). From Negative to Positive Integration in the WTO: The TRIPs Agreement and the WTO Constitution. In T. Cottier, & P. C. Mavroidis, *Intellectual Property: Trade, Competition, and Sustainable Development* (pp. 21-52). Michigan: University of Michigan Press.
- Phan, H. D. (2012). *A Selective Approach to Establishing a Human Rights Mechanism in Southeast Asia*. Leiden: Martinus Nijhoff Publishers.
- Raleigh, C., & Hegre, H. (2009). Population Size, Concentration, and Civil War. A Geographically Disaggregated Analysis. *Political Geography*, 224-238.

- Roggeband, C., & Verloo, M. (2007, June). Dutch Women are Liberated, Migrant Women are a Problem: the Evolution of Policy Frames on Gender and Migration in the Netherlands, 1995-2005. *Social Policy & Administration*, 41(3), 271-288.
- Rosenthal, J. H. (2002). *Righteous Realists: Political Realism, Responsible Power, and American Culture in the Nuclear Age*. Louisiana: LSU Press.
- Russett, B. (2001). How Democracy, Interdependence, and International Organizations Create a System for Peace. In C. W. Kegley, & E. R. Wittkopf, *The Global Agenda* (pp. 230-240). New York: McGraw-Hill.
- Simmons, B. A. (2000). International Law and State Behavior: Commitment and Compliance in International Monetary Affairs. *The American Political Science Review*, 94(4), 819-835.
- Slaughter, A.-M. (1995). International Law in a World of Liberal States. *European Journal of International Law*, 503-538.
- Steinberg, R. H. (2002). In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in the GATT/WTO. *International Organization*, 56(2), 339-374.
- The Economist. (2007, April 4). Bad counsel. *The Economist*. Retrieved December 2, 2014, from <http://www.economist.com/node/8966293>
- Tocqueville, A. (1838). *Democracy in America*. (H. Reeve, Trans.) New York: George Dearborn & Co.
- United Nations Human Rights. (2008). *Working with the United Nations Human Rights Programme*. New York and Geneva.
- UPR Info. (2014a). *Beyond Promises: The Impact of the UPR on the Ground*.
- UPR Info. (2014b, March 24). Singapore: Mid-term Implementation Assessment.
- Van Der Veer, T. (2006). Pim Fortuyn, Theo van Gogh, and the Politics of Tolerance in the Netherlands. In H. De Vries, & L. E. Sullivan, *Political Theologies* (pp. 111-124). New York: Fordham University Press.
- Verhagen, M. (2008a, October 27). Human Rights, Peace and Security: the need for increased international cooperation. Retrieved from <http://www.government.nl/issues/human-rights/documents-and-publications/speeches/2008/10/27/human-rights-peace-and-security-the-need-for-increased-international-cooperation.html>

- Verhagen, M. (2008b, November 8). UN intensifies efforts to combat violence against women. *Government.nl*. Retrieved from <http://www.government.nl/news/2008/11/08/un-intensifies-efforts-to-combat-violence-against-women.html>
- Wagner, W. (2014). International Relations Theories and Human Rights. In A. Mihr, & M. Gibney, *The SAGE Handbook of Human Rights* (pp. 105-122). Los Angeles: SAGE Publications.
- Walt, S. (1998). International Relations: One World, Many Theories. *Foreign Policy*, 29-46.
- Weiler, J. (1991). The Transformation of Europe. *The Yale Law Journal*, 100(8), 2408-2483.
- Woan, T. Y. (2011, September 22). Statement by Her Excellency Tan Yee Woan, Permanent Representative of the Republic of Singapore to the UN on the Adoption of the Outcome of the UPR of Singapore at the 18th Session of the Human Rights Council. Retrieved June 2015, from [http://www.upr-info.org/sites/default/files/document/singapore/session\\_11\\_-\\_may\\_2011/singaporeoralstatement2011.pdf](http://www.upr-info.org/sites/default/files/document/singapore/session_11_-_may_2011/singaporeoralstatement2011.pdf)
- Woolridge, J. M. (2002). *Econometric Analysis of Cross Section and Panel Data*. Cambridge: MIT Press.
- Yong, G. K. (2013, March 12). *COS Speech By Minister for Health Gan Kim Yong - Better Health for All (Part 1 of 2)*. Retrieved June 2015, from Ministry of Health: [https://www.moh.gov.sg/content/moh\\_web/home/pressRoom/speeches\\_d/2013/COS2013SpeechBetterHealthforAllPart1of2.html](https://www.moh.gov.sg/content/moh_web/home/pressRoom/speeches_d/2013/COS2013SpeechBetterHealthforAllPart1of2.html)