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Kurt Mills on Conflict and Compliance: State Responses to International Human Rights Pressure by Sonia Cardenas. Philadelphia: University of Pennsylvania Press, 2007. 200pp.

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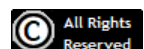


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Abstract

A review of:

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Keywords

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Conflict and Compliance: State Responses to International Human Rights Pressure by Sonia Cardenas. Philadelphia: University of Pennsylvania Press, 2007. 200pp.

Sonia Cardenas has done human rights scholarship a great service in her book Conflict and Compliance: State Responses to International Human Rights Pressure. She attempts to tease out a variety of explanations for why states respond to international pressure to stop human rights abuses—or not. And she does this by drawing on a wide variety of approaches to explaining compliance.

Cardenas begins with an in-depth overview of the state of the field by explaining state compliance with human rights norms, laying out the arguments of both sides: the sceptics who argue that international pressure has limited value, as evidenced by continuing violations, and that improvements are epiphenomenal; and the optimists, who focus on improvements in human rights while disregarding continuing violations of human rights. Here she is correct in taking both groups to task for empirical blindness—for ignoring the side of the compliance record that does not fit within their theoretical frameworks. She raises two groups of questions, the first including those which have not received definitive analysis (and may never...): “What is the impact of international pressure on state compliance” “Which domestic factors mediate this influence?” “Why do states respond as they do to international compliance pressures?”(1) The second group points to a related series of more conceptual and interpretive questions which must be addressed along the way: What do we mean by compliance – does it mean publicly committing to human rights norms or is it more substantive? Why do compliance and violations occur? Does an act of compliance mean that a state is ready to actually stop human rights violations—or does it mean that it is engaging in a game to silence international or domestic critics? In raising the issue of what we mean by compliance, she rightfully critiques activists and scholars who equate signing a treaty or some other public statement with compliance. There are many reasons why a government might make a commitment to respect human rights, only some of which actually have anything to do with stopping human rights violations; on the other hand, sometimes such utterances can entrap a government, or can provide the rhetorical basis for domestic human rights activists.

In taking a first pass on these questions, she turns to both qualitative and quantitative research. Students of human rights compliance will appreciate the depth of the literature review, as the author investigates the role of norms, self-interest, and power in explaining compliance. In examining explanations for compliance, Cardenas argues that we need to look not only at international and national pressures for human rights compliance, but also at cross-cutting pressures that create resistance against the compliance pressure. In line with this latter point, and more fundamentally, she argues that we need to understand why states violate human rights in the first place. This can help us understand how pro-violation constituencies in the country undermine human rights norms. Most importantly are perceptions of threats to national security, and the presence of armed groups. Employing such a two-level model helps to undermine the myopia of both the skeptics and the optimists.

In providing empirical heft to her arguments, she turns to Chile and Argentina, running the cases through both the skeptical and optimistic arguments, and highlighting both the strengths and

weaknesses of each. The book then turns to a more global canvas, applying first quantitative methods to try to tease out whether unilateral or multilateral international pressure, and most importantly sanctions as well as international or domestic pressure, are more effective. Important findings include the role of regional contagion—i.e. the extent of human rights commitment of other countries in the region—and the fact that domestic NGOs have a significant effect on human rights commitments of governments but not necessarily on the level of human rights violations. This, again, raises the issue of what we mean by compliance (she provides five criteria for evaluating compliance—ratification of international treaties, leniency toward those who might be subject to violations, monitoring by international actors, implementation of international norms by changing domestic institutions, and ensuring accountability for those who violate human rights). Cardenas then briefly looks at a few “successes” (such as Eastern Europe and South Africa) and “failures” (such as China, Israel and Cuba) to provide a broader basis for her arguments. She raises some tantalizing issues in this chapter, although given the differing methods, very broad empirical cases, and theorizing employed, the reader is left wanting a bit more to bring the disparate elements together. Hopefully Cardenas (or others) will employ the in-depth analysis and theoretical pluralism she used for her Latin American cases to other cases as well.

Overall, this is an excellent look at why states comply—or not—with international human rights norms, and will be a valuable reference on the bookshelf of students of human rights—as well as, hopefully, policymakers responsible for crafting and implementing international pressure for human rights compliance.

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