Information and leverage: the domestic effects of international human rights law

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Abstract

A central issue in International Relations concerns the effects of international institutions on sovereign behavior. How, for instance, do international human rights treaties influence states’ human rights practices? This essay examines how such international instruments influence a state’s behavior through domestic mechanisms and non-state actors. International human rights law may strengthen the leverage and improve the information of pro-compliance constituents. When they can empower domestic constituencies who have a genuine interest in states’ compliance, even weak institutions such as international human rights treaties may prove powerful in changing states’ behavior. By re-orienting our attention to causal mechanisms by which international treaties generate effects, this study sheds light on how we shall evaluate the effects of international human rights treaties.

**Introduction**

A central issue in International Relations is how international institutions influence states’ policy. Similarly in International Law, a crucial question is whether and how international treaties and accords matter. Deeply engaged in both fields is an emerging and vibrant literature on the effects of international human rights treaties. Does international human rights law influence states human rights policy and practice on the ground?

Some influential answers are positive. They suggest that international human rights norms have a real and powerful impact. Kathry Sikkink and others have documented how transnational human rights activists effectively utilized international human rights norms to push for a positive change in many countries in Latin America.\(^1\) Keck and Sikkink (1998) further argue that this channel of influence in which international norms influence states through transnational activists is neither limited by issue areas nor by geographical regions. In fact, Risse, Ropp, and Sikkink (1999) have demonstrated the power of international human rights norms in diverse countries in the world. They have articulated the five-staged spiral model, in which international human rights norms lead to rule-consistent behavior. Concerning diverse issue areas, many other scholars argue that transnational or domestic actors exploit international norms to generate pressure non norm-violating governments.\(^2\)

Other important answers seem negative. Recent empirical studies find that, lacking enforcement power, international human rights law often fails to induce states’ compliance. Linda Keith (1999) finds that governments who had ratified the UN Convention protecting civil and political rights (CCPR) were no better at protecting human rights. Broadening the scope of human rights treaties, Hathaway (2002) finds that human rights treaties have no positive effect except in democratic states. Hafner-Burton & Tsutsui (2007), focusing on the world’s most repressive states, show that international human rights law has failed.

How should we make sense of these contrasting findings? And, where should we go from here? Some argue that what one finds is determined by research methodology one employs. In a review of the human rights literature, Emilie Hafner-Burton & James Ron (2009) claim that the small N qualitative studies are optimistic about the effects of international human rights law, while the large N statistical studies are suspicious in contrast. There are, however, significant exceptions. Employing qualitative case study methodology, Kathryn Sikkink (2004) does not find success stories everywhere in Latin America. Similarly, not all studies employing statistical methodology are gloomy. Todd Landman (2005) finds that the international treaties protecting civil and political rights have positive effects on the countries that have ratified them. Eric Neumayer (2005), as well as Oona Hathaway (2002), finds positive effects of international human rights law on democratic states who ratify them. Furthermore, Neumayer (2005) and Haftner-Burton & Tsutsui (2005) find that international human rights law is more likely to help improve human rights practice in countries where citizens participate in more international nongovernmental organizations. In a comprehensive study of major UN human rights treaties, Beth Simmons (2009) demonstrates that human rights treaties have significant positive effects, particularly in transitional democracies.

If the literature appears dichotomous with some saying yes while others no to the question of whether international human rights law matters, it is not driven by methodological choice. If anything, the root of the divergence seems to lie in whether one looks for conditional effects or

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uniform effects of International Human Rights Law. Furthermore, what is more striking than the seeming dichotomy is, in fact, the consensus that international human rights law leads to improvement of human rights practice in some countries some of the time. The “optimists” do not believe naively that international human rights law is a magic bullet, but they seek to understand the factors and contexts that enable law’s effect. Likewise, the “pessimists” know that international human rights law works some times, but not as much as they believe it should. Rather than debating over the extent to which international human rights law matters, what is more urgent is to first understand why and how and under what conditions should it matter. We need such a benchmark before we can reasonably evaluate the effects of international human rights law. In fact, such an analytical task must precede and guide any empirical examination.

This article re-orient our attention to the mechanisms by which international human rights law impacts states’ behavior. I argue that one of the most important ways for international human rights treaties and accords to influence states’ behavior is to utilize and further empower domestic stakeholders. Wherever an international agreement has domestic consequences, there can be domestic stakeholders with an interest in states’ compliance with the agreement. These constituents may try to and sometimes succeed to influence the government’s compliance decision. Furthermore, this is particularly important for weak international institutions such as international human rights law, as the majority of them lack the authority to directly enforce states’ compliance or the resources to directly enhance states’ capacity to comply. Often times it is up to domestic constituents to help bring out the power of such weak international institutions. From this perspective, then, international human rights law influences states’ behavior indirectly through domestic constituents and its effect is conditional domestic interest competition.

International human rights treaties and accords can empower domestic constituents through different channels of influence. Two of these are essential. To the extent that the government’s hold on power in part depends on competing domestic interests, its compliance decision tends to attend disproportionately not only those with more political clout but also those better informed. This suggests feasible and incentive-compatible ways for international instruments to alter domestic dynamics. They increase the political leverage of domestic constituents and provide them with vital information. Although such empowerment does not always lead to improvement of human rights practice, political mobilization represents one of the most feasible and realistic ways that international human rights treaties can have a genuine impact.³

To understand when and how international human rights law matters, I highlight the indirect influence of international institutions in a rationalist framework. In so doing, this essay builds on and further contributes to theories of international institutions.

Early theories of international institutions have focused primarily on the functions that international institutions perform directly for states.⁴ While the state centric framework has been important for sorting out broad ways in which international institutions may alter patterns of interaction among states, it has neglected a range of indirect pathways through which international institutions may influence national policies.⁵ As a consequence, we do not fully understand how weak international institutions – the majority of international institutions that lack the authority to directly enforce states’ compliance or the resources to directly enhance states’ capacity to comply – may influence states’ behavior. On the one hand, weak international institutions such as non-

³ Simmons 2009.
⁴ For an insightful review, see Martin and Simmons 1998. Also see Simmons and Martin 2002.
⁵ For an early call to explore how international institutions play into the domestic game, see Haggard and Simmons 1987.
binding accords or binding treaties that lack enforcement provisions are often criticized as inconsequential. In addition to classic realists who view virtually all international institutions as window dressing, modern IR and IL theorists critique international agreements that lack enforcement provisions as merely reflecting what states would have done on their own and thus do not alter states’ behavior. On the other hand, recognizing this void in the institutional literature, constructivists suggest that, if the rationalist institutional theory cannot account for the utility of weak institutions, answers must lie instead in the transformative power of normative moral discourse. Of course, these norms do not automatically transform the identities of target states. Scholars have thus devoted careful attention to specifying the vehicles of such transformation.

This study differentiates the two distinct characteristics of earlier institutional theories. One characteristic is instrumental rationality and the other is the state-centric focus. While the state-centric focus leaves little room for international institutions to work through other channels than interstate politics, instrumental rationality is by and large viewed as an indispensable part of any explanation. Arguably, earlier institutional theories failed to fully appreciate the utility of weak international institutions not because it emphasized rational enforcement, but rather because it neglected alternative sources of enforcement such as non-state actors through domestic mechanisms. My study addresses how weak international institutions may influence states behavior, by relaxing the state-centric focus but largely maintaining the rationalist perspective as in earlier institutional theories.

The article proceeds as follows. Section 2 argues that weak international instruments such as international human rights treaties work most feasibly and effectively through domestic mechanisms. Section 3 focuses on the specific ways in which international human rights treaties and accords play into the domestic dynamics of political mobilization. Section 4 concludes by highlighting the conditional nature underlying the indirect effect of international human rights law.

**Effects of International Human Rights Law through Domestic Mechanisms**

To study how international instruments impact states’ behavior, one can examine their direct effects on states. Alternatively, one can examine their indirect effects on states by looking into how they affect domestic elements in each state. Furthermore, this latter channel of influence is crucial for international human rights law. Although typically lacking enforcement power, international human rights treaties can empower domestic constituencies to enforce national compliance and can thereby have powerful effects on national policies when domestic constituents effectively alter domestic balance of power.

*Domestic mechanisms: Information and leverage*

International agreements have domestic consequences. Those domestic actors who benefit from a particular international agreement may have incentives to influence their government’s decision toward a higher level of compliance and thus they form the domestic sources of

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9 It thus represents a similar orientation as Moravcsik (2000)’s rationalist yet nonrealist effort. However, I do not pose instrumental rationality as opposing normative concerns. On one hand, ideational concerns play a role in how domestic constituencies are mobilized to influence a government’s compliance calculations (Checkel 1997, Finnemore and Sikkink 1998). On the other hand, the state centric focus that I seek to relax is a major characteristic not only in rational institutional theories but also in some constructivist theories (Wendt 1999).
enforcement. This is particularly the case with human rights treaties, which are designed to regulate states’ treatment of their own people.

Domestic actors who benefit from a particular international agreement may have incentives to influence their government’s decision toward a higher level of compliance and thus become domestic sources of enforcement. They may further have certain leverage over their government. This leverage may vary with different political institutions within which these actors operate. In democracies, domestic constituents can exercise their leverage over political leaders through regular repeated elections. Public support, thus, is crucial for political leaders to stay in power. In authoritarian states, the mechanisms through which domestic constituents can exercise their leverage are less institutionalized. Nevertheless, the support and confidence from constituents are often important to the survival of the leadership. Thus, the logic of political accountability operates in diverse political regimes.

Empirically, domestic constituents who form the domestic source of enforcement vary. They can be elected executives who utilize international agreements to redistribute domestic political resources. They can be certain governmental bureaucracies or social interest groups who pursue international rules for normative or strategic reasons. They can be lawyers and judges in national courts who appreciate additional international legal instruments to advance their agendas. Alternatively, they can be knowledge based epistemic communities or norm based networks or social movements, which use international institutions as simply another channel of influence.

Such domestic sources of enforcement present international institutions -- aiming to facilitate national compliance -- with opportunities to play into domestic enforcement. International institutions may seek to influence states’ behavior through domestic channels for several reasons. First, international institutions are frequently limited in resources and thus may not have extensive capacity to carry out monitoring and enforcement functions. Furthermore, they are often delegated with only limited autonomy and thus do not have the mandate to enforce states’ compliance. Thus, it seems an efficient way for international institutions to utilize domestic channels to influence states’ compliance. Second, since a government’s hold on power is in various ways affected by domestic constituents and thus a government must in one way or another respond to domestic constituents, it also seems effective for international institutions to influence a government’s compliance decision through domestic constituents.

This suggests a powerful rationale for why and how international institutions may influence states’ compliance indirectly. Elsewhere I have argued that compliance decisions tend to reflect the political leverage and the informational status of domestic constituencies. These domestic pathways of influence present indirect but incentive-compatible ways for international institutions to influence national compliance. International institutions can strengthen the leverage of those who favor compliance. For instance, by writing compliance provisions into international agreements and by providing this information directly or indirectly to potential victims of noncompliance, international institutions may strengthen the pro-compliance pressure. Often times, domestic constituencies employ international initiatives in debates to defend their cause. Furthermore, while few international institutions are able to directly inspect states’ compliance, many can facilitate

10 For a discussion of domestic sources and consequences of legalization, see Kahler 2000.
domestic constituencies in monitoring their governments. For instance, international institutions can publish information on compliance -- however gathered, through state or non-state channels -- to make it easier for domestic groups and interested public to infer states’ compliance. Frequently, domestic constituents use the information made available by international institutions to mobilize support.

Thus, while domestic constituencies are the direct source of enforcement, international institutions may influence governments’ compliance decisions indirectly by empowering pro-compliance constituencies.

Power of weak international instruments

While virtually all international institutions can utilize and empower domestic constituents, this mechanism is particularly crucial for weak international institutions such as international human rights law to exercise their potential influence over states’ behavior. Many international human rights treaties and accords do not have the authority to directly enforce or the resources to directly enhance states’ compliance. The domestic route of influence is thus particularly important for such weak institutions. To understand this point, we need to first understand why such institutions are weak in the first place.

While many factors may render an international institution incapable, weak international institutions tend to share something in common that makes them weak by design. One way to sort out their commonality is to look into these institutions to examine who benefits from compliance and how the beneficiaries are related to governments. Although all international agreements regulate states’ behavior directly or indirectly, the beneficiaries of compliance or the victims of noncompliance differ. Typically, potential victims of a country’s noncompliance can be other states as in many security regimes, non-state actors in other states as in trade regimes, or non-state actors in that same country as in most human rights regimes.

Because the beneficiaries of compliance are related to governments in different ways, states’ incentives differ in different international institutions. At one end of the spectrum as in many security institutions, states have incentives to either enforce compliance by each other or delegate considerable resources for a third party to carry out enforcement. Here we tend to see strong institutions in the conventional sense. At the other end of the spectrum as in human rights institutions, while it is the government’s behavior that is being regulated, the beneficiaries of compliance are domestic actors. Here we tend to see non-binding declarations and accords and institutions that are delegated limited authority and provided with meager resources.

For weak international institutions such as international human rights treaties, the indirect channel of influence through domestic constituents is both feasible and important. It is feasible because the stakeholders with most profound interest in compliance are domestic constituents who are victims of their own governments’ noncompliance. Thus, it is incentive compatible for international institutions to work through these constituents, who have a genuine stake in the issue. Furthermore, this indirect channel of influence through domestic constituents is important to both weak international institutions as well as domestic constituents. Since states do not have incentives to design strong international institutions, such institutions are given few instruments to influence

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16 To the extent that states allow the emergence of international human rights institutions, they are often trading for other benefits. According to Klotz (1995), states are largely followers or bystanders when it comes to human rights. While he acknowledges that most countries tend to avoid human rights regimes with effective means of enforcement and give rise to only unenforceable rules, Moravcsik (2000) identifies an exception to this rule: the European human
states directly in the traditional inter-state mode. The channel through domestic constituencies is among the most important available to such institutions. Meanwhile, because the interests of noncompliance victims are diametrically opposed against those of their governments, pro-compliance domestic constituencies are often left with limited instruments to advance their interests. International human rights treaties, though limited, can be important to those potential victims who have little protection at home. Accordingly, both international institutions and pro-compliance domestic constituencies have an interest to utilize each other. To the extent that such empowerment can affect domestic interests competition, such weak institutions may nevertheless influence states’ behavior.

From this perspective, the power of weak international institutions – without the authority or capacity to directly enforce or manage states’ compliance – lies in their ability to influence states’ behavior through domestic constituencies. In the next section, I examine the specific ways in which international human rights instruments may work through these channels of influence.

**Political Leverage and Information**

As I have argued above, international human rights treaties can empower pro-compliance constituencies, by increasing the political leverage and improving the informational status of pro-compliance constituents. In this section, I explore specific ways that one particularly weak international human rights instrument realized its potential power. The Helsinki Final Act was an international accord concluded at the Helsinki Summit of the Conference on Security and Cooperation in Europe (CSCE) in 1975. By legal standard, the Final Act was not even a formal treaty. Yet the human rights provisions in the Final Act helped mobilize the unprecedented social movement and opposition activity, which in turn contributed to the historical demise of Communism in the former Soviet Union and Eastern Europe.¹⁷

I seek to delineate how the Helsinki Final Act enhanced the political leverage and improved the information of domestic human rights activists. Besides providing human rights activists and the public with vital information, the Helsinki Final Act strengthened the leverage of human rights activists in specific ways: It legitimized human rights initiatives, enabled them to make strategic use of the Final Act, and suggested a focal point for various opposition movements. Furthermore, through follow-up meetings, the CSCE provided a forum for continuing mobilization of human rights activism.

*Provide information*

Information is important to a movement such as human rights in countries where the state monopolizes information channels. At least three types of information helped human rights activism in exerting its impact on Communist governments.

First, the Final Act codified what states agreed upon, including concrete commitments states made regarding human rights practices. The humanitarian provisions served as an eye opener to citizens in countries where the state monopolized information and ideology.

Second, and perhaps more importantly, the Helsinki Final Act provided information on a legitimate criterion against which human rights practices should be evaluated. It provided a reference point.

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Third, information on actual human rights practices -- particularly against the reference point set by the Helsinki Accords -- was important for forming independent public opinion. Although this information was generated primarily by human rights activists, the CSCE helped facilitate such information in a number of ways. The review meetings on compliance with the Helsinki Final Act provided a forum for such information to be compiled and further disseminated in a mixture of state and societal channels. Furthermore, the formal codification of human rights commitments in the Final Act made it legitimate for Western governments and societies to facilitate disseminating such information, primarily through channels such as samizdat-tamizdat. Finally, the Final Act made it relevant and legitimate for citizens to monitor states’ compliance with the provisions and thus offered some, although often thin, shield of protection for monitoring human rights practices and disseminating such information. Frequently, rather than plain publicizing, information dissemination took the forms of argumentation and comments to justify what is right in terms of both principles and strategies.

**Legitimize human rights initiatives**

By formally compiling governments’ signatures on humanitarian provisions, the Helsinki Final Act made what could be viewed as provocation in some countries legitimate. It enabled human rights activists to catch their government in its own rhetoric.

This legitimizing effect originates from a number of sources. One source is the yard-stick effect. Endorsed by all countries in Europe, the Helsinki Final Act provided a new reference point for human rights practices. Evidence of worse treatment of citizens in one country, against the background of better treatment of citizens in other countries, challenged the competence and legitimacy of the government. Another source of legitimacy is the moral principle that a responsible mature individual should keep his/her promises. A third source of legitimacy is state autonomy or sovereignty, an extension of which means that the government’s words should count. Just like that a state wants its citizens to abide by its rule, the government’s signature on an international agreement should be observed.

Indeed, the Helsinki Accords and particularly the Communist regimes’ commitment to it on paper were frequently referenced in subsequent struggle for freedom of association and freedom of expression.

**Enable strategic use of the Final Act**

By codifying states’ human rights commitments, the Helsinki Final Act offered human rights victims and activists an additional instrument in their demand for the protection of human rights. In fact, it enabled human rights activists to make strategic use of it in advancing their common interests as well as special interests.

As a compromise among states with alternative goals, the Final Act endorsed many and sometimes conflicting principles. This presented both a challenge and an opportunity for human rights activists to use the Final Act. It was a challenge because, while groups such as the Moscow Helsinki group singled out the humanitarian provisions in the Helsinki Final Act, Communist authorities in the Soviet Union and across Eastern Europe emphasized what they sought to achieve in the Helsinki Summit. At the same time, it was a tremendous opportunity because, although both Communist regimes and their oppositions tried to take advantage of the Helsinki Final Act, its value added to human rights movements was much greater than to the regimes. This was because

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18 For a detailed account of how human rights movements and Communist authorities competed to frame the Helsinki Final Act to their own advantage, see Chapter 3 in Thomas (2001).
the governments had enjoyed the monopoly of political control while the oppositions had been desperately in need of additional instruments. Gradually recognizing the great potential of the Helsinki Accords, human rights activists vigorously resorted to the humanitarian provisions in the Helsinki Final Act to promote general awareness of and respect for social and political rights.

**Suggest a focal point**

While the Helsinki Final Act allowed different human rights groups to utilize its provisions to advance their own interests, it also provided social movements with a focal point, whereby different movements within a country and across countries united or formed alliances under the banner of human rights. Such a focal point shaped the coalition of opposition movements in at least two ways. First, under Helsinki a common ideological basis was formed: signatory countries of the Helsinki Final Act simply should observe the humanitarian provisions. Second, the Helsinki Final Act also influenced the common strategy of nonviolence. The Final Act brought out the relevance of the forgotten articles on citizens’ rights in most Constitutions in the Communist countries. The Final Act therefore gave dissidents a sense that the law was on their side and they could fight within the framework of their Constitutions. By resorting to humanitarian provisions in the Helsinki Accords, most opposition movements became human rights movements in terms of their demands and their methods.

**Facilitate activists’ influence through review meetings**

In addition to international agreements, international organizations -- whether they are designed to enforce or manage states’ compliance with these agreements -- are important. Along with Helsinki Accords, the CSCE empowered human rights activism through both channels of information and political leverage. Specifically, the CSCE review meetings facilitated the influence of human rights activists in three distinctive ways.

First, follow-up review meetings broadened the channels of information dissemination, particularly information on compliance with the Helsinki Final Act. As with most human rights policies and practices, the direct monitors were those whose rights were violated and their spokesmen. Although human rights activists usually published their reports of human rights abuses domestically through samizdat, the review meetings provided them additional channels to influence international as well as domestic public opinion. The compliance information sent to the conferences often went back to the originating countries, either through samizdat or foreign broadcasting, often with added legitimacy.

Second, besides enabling human rights activists to reach a larger and broader audience, review meetings renewed the legitimacy of human rights activists as monitors and information disseminators. They further provided human rights activists with opportunities to build international alliance. In this process, they lent certain protection to human rights activists.

Third, regular and somewhat institutionalized review meetings give renewed relevance to compliance with the Helsinki commitments. The review meetings provide human rights activists a forum for continuing mobilization and enabled human rights activism to have enduring influence. At the same time, the deliberate drive of human rights activists to take advantage of each of the

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19 On the point that international agreements provide a focal point in bargaining among relevant actors, see Garrett and Weingast 1993. Some scholars have suggested that, indeed, the Helsinki accords provided a focal point stimulating the formation of Helsinki Groups throughout Eastern Europe. See, for instance, Buergenthal 1992, as cited in Moravcsik 1995.
CSCE conferences to influence public opinion domestically and internationally enabled the facilitating functions of these meetings.

In each of the above specific ways, the Helsinki Final Act and the CSCE facilitated the mobilization of human rights activism in the Soviet bloc. Thus, human rights activists directly and the Helsinki Final Act indirectly reshaped the strategic calculations of authoritarian governments. Naturally, human rights activism did not get translated, in a linear fashion, into the compliance decision of authoritarian governments. Indeed, states’ response was marked alternatively by concessions to and oppression of human rights activists, until necessary conditions were created for positive changes to last. In the words of Charter 77, lasting changes were conceivable only if the necessary conditions were created. These conditions include “a transformation in the hearts and minds of people, in their morality, their relation to society, their civic postures,” that is, their social consciousness. The post-Helsinki human rights activism helped prepare such conditions for lasting changes. The Helsinki Final Act and the CSCE contributed to this process by facilitating domestic human rights activism.

Conclusion

This paper has highlighted the indirect pathways through which international human rights law influences states’ behavior. Because international treaties and accords have domestic consequences and a government must respond to domestic interests to a varying extent, domestic victims of noncompliance and their advocates provide potential sources of domestic enforcement. To the extent that international human rights law can utilize and further empower domestic constituents, they can influence states’ compliance indirectly. Through domestic constituencies, even weak international institutions such as international human rights treaties that typically lack authority or capacity to directly enforce or manage states’ compliance may nevertheless influence sovereign behavior.

I have suggested that international human rights treaties can influence states’ behavior by strengthening the leverage and improving the information of domestic constituencies. I have further delineated how one such weak human rights instrument, the Helsinki Accords, empowered domestic human rights activism through these channels of influence. While these cases demonstrate a serious potential for international institutions to influence national policies through domestic constituencies, this mechanism does not work unconditionally. Some of these conditions stand out.

First, under what conditions may international institutions work through domestic constituencies? While virtually all international institutions may influence states’ behavior through domestic constituencies, not all realize such potential. This domestic constituency mechanism presupposes the existence of domestic interests, who have incentives to respond to and utilize international institutions. In the case of the Helsinki Final Act, human rights movements existed throughout the Soviet bloc in different forms with different focuses before the Helsinki Summit. Without creating dissent or dissidents, the Helsinki Final Act did not create dissent or dissidents. It simply turned human rights victims and activists within the Soviet bloc into stakeholders and realized its potential power through the human rights activism that it helped empower. In contrast to the Helsinki Accords, earlier UN human rights accords had not played into domestic politics in part because domestic human rights activism had not reached a significant level to react to and further utilize these accords.

21 In demonstrating how European human rights institutions functioned by shaming and coopting domestic law makers, Moravcsik (1995) identifies the existence of civil society and domestic legal institutions as a prerequisite.
Second, under what conditions may international institutions influence states’ behavior effectively through such domestic channels? Even when international institutions play into domestic mechanisms of compliance, the effect of international institutions on states’ policies depends on the relative strength of domestic pro-compliance constituencies. In other words, the effect of international institutions through domestic mechanisms of compliance is translated into policy by domestic constituencies. In the case of the Helsinki Final Act, such cross country difference also existed between, for instance, Poland and Czechoslovakia on the one hand and Bulgaria and Rumania on the other hand. However, even when domestic constituencies failed to translate the impact of international institutions effectively into policy, it does not necessarily mean that international institutions are irrelevant. Although stronger pro-compliance activism can translate the effect of international institutions more effectively into policy, it is to the weaker pro-compliance activism that additional instruments from international institutions are particularly valuable. For instance, the informational function of international institutions is particularly important for pro-compliance activists in countries where states monopolize information. This is the case even if pro-compliance activism in these countries can not yet generate substantial influence on states.

Thus, international institutions are facilitators rather than creators or the sole determinant of domestic pro-compliance activism. Like Simmons (2009), this account represents the middle ground: On the one hand, international institutions do not have unconditional or uniform effect; On the other hand, even weak international institutions can influence states’ policies, albeit indirectly. Their effect depends on the existence and the strength of domestic pro-compliance constituencies that these institutions help empower. While domestic constituencies are the direct sources of enforcement, international institutions -- along with other factors -- may contribute to strengthening pro-compliance constituencies and thereby shift domestic power balance.

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22 For a detailed analysis, see Thomas (2001).
23 For factors that are conducive to human rights movements, see Donnelly (1989).