

ECONOMIC SANCTIONS, LEADERSHIP SURVIVAL, AND HUMAN RIGHTS

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1. INTRODUCTION

What is the impact of economic sanctions on the protection of human rights? The literature debates whether sanctions offer an effective instrument to secure foreign policy goals¹ and suggests causal links between sanctions and leadership change.² Human rights scholars examine the unintended adverse impact that development and democratization exert on the level of human rights protection;³ the effect that economic intervention has on the

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¹ See e.g., GARY CLYDE HUFBAUER ET AL., *ECONOMIC SANCTIONS RECONSIDERED* 49–50 (3d ed. 2007) (outlining a method for analyzing the utility of economic sanctions for foreign policy goals); see also Robert A. Pape, *Why Economic Sanctions Do Not Work*, 22 *INT'L SECURITY* 90, 109 (1997) (suggesting that “the empirical basis on which advocates have promoted economic sanctions . . . is fundamentally flawed, and that the deductive logic behind the theory does not consider the characteristics of modern nation-states that weaken the effectiveness of economic sanctions”); Robert A. Pape, *Why Economic Sanctions Still Do Not Work*, 23 *INT'L SECURITY* 66, 66 (1998) (arguing that there is “no basis for even qualified optimism about the effects of sanctions”).

² See Nikolay Marinov, *Do Economic Sanctions Destabilize Country Leaders?* 49 *AM. J. POL. SCI.* 564, 575 (2005) (noting that “[l]ong-run sanctions against some of the world’s most vicious regimes have done much to obscure the average effect of economic sanctions.”).

³ See generally Christian Davenport, *The Promise of Democratic Pacification: An Empirical Assessment*, 48 *INT'L STUD. Q.* 539 (2004) (discussing whether democratization reduces the likelihood of violent repressive activity); see also Bruce Bueno de Mesquita et al., *Thinking Inside the Box: A Closer Look at Democracy and Human Rights*, 49 *INT'L STUD. Q.* 439, 440 (2005) (“States cannot rapidly improve human rights conditions by focusing on particular aspects of the democratization process at the expense of other aspects that appear less strongly related to the protection of personal integrity rights.”).

level of that protection;⁴ and the role of legal systems,⁵ regime type,⁶ reputation,⁷ and political parties.⁸ The link between economic sanctions and human rights remains unexplored. This Article investigates this very question: do economic sanctions impact state practice with respect to human rights through shifts in leadership? Our focus is on physical integrity—the rights to life, freedom from torture, and humane treatment.⁹ We proceed by taking a close look at a subset of cases where states imposed economic sanctions for reasons *other than* human rights violations in the target country.¹⁰ We then evaluate the record of rights protection in the target country before and after the onset of sanctions.

This Article addresses the impact of leadership change on human rights protection in four countries: Turkey, Fiji, Pakistan and Sierra Leone. All four countries were subjected to economic sanctions, which typically have a destabilizing effect on

⁴ See Emilie M. Hafner-Burton, *Trading Human Rights: How Preferential Trade Agreements Influence Government Repression*, 59 INT'L ORG. 593, 624 (2005) (“[Preferential Trade Agreements] are certainly not ideal forms of human rights governance and they are not a replacement for human rights laws.”); see also M. Rodwan Abouharb & David L. Cingranelli, *The Human Rights Effects of World Bank Structural Adjustment, 1981-2000*, 50 INT'L STUD. Q. 233, 233 (2006) (arguing that certain “economic changes often cause at least short-term hardships for the poorest people in less developed countries”). *But see* David L. Richards, et al., *Money with a Mean Streak? Foreign Economic Penetration and Government Respect for Human Rights in Developing Countries*, 45 INT'L STUD. Q. 219, 219 (2001) (finding that “both foreign direct investment and portfolio investment are reliably associated with increased government respect for human rights.”).

⁵ See BETH SIMMONS, *MOBILIZING FOR HUMAN RIGHTS: INTERNATIONAL LAW IN DOMESTIC POLITICS* (forthcoming, 2009).

⁶ See BRUCE BUENO DE MESQUITA ET AL., *THE LOGIC OF POLITICAL SURVIVAL* 406 (2005) (“[M]ore resources increase the advantage in the provision of private goods that leaders with small winning coalitions hold over possible challengers, increasing their hold on office.”).

⁷ See George W. Downs & Michael A. Jones, *Reputation, Compliance, and International Law*, 31 J. LEGAL STUD. 95, 97 (2002) (“[T]he reputational consequences of a state’s noncompliance with a given treaty are similarly limited by the history of its cooperative relationships with the other member states.”).

⁸ See James Raymond Vreeland, *Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention Against Torture*, 62 INT'L ORG. 65, 93 (2008) (“[D]ictatorships with multiple political parties are more likely to sign and ratify the CAT.”).

⁹ These rights fall under the broader category of civil and political rights, currently regulated under the 1966 United Nations Covenant on Civil and Political Rights.

¹⁰ This subset of cases is extracted from HUFBAUER ET AL., *supra* note 1.

governments.¹¹ Distressed leaders often engage in more repression. It follows that in countries where economic sanctions contributed to shifts in leadership in a timely manner, one should observe higher levels of human rights protection. Sierra Leone in 1997 illustrates this example.¹² Conversely, when there is no leadership change following the imposition of economic sanctions, one should observe higher levels of repression. Pakistan in 1999 exemplifies this pattern.¹³

Surprisingly, in Turkey there was no leadership change following the 1980 coup and the subsequent imposition of sanctions, but the level of human rights protection actually improved. In the same vein, Fiji in 1987 underwent leadership change, but human rights protection worsened. This Article sets out to solve the puzzle these two countries present.¹⁴ Our findings suggest that characteristics of their transition to democracy, after economic sanctions were imposed, carry strong explanatory power in these two cases.

The Article is structured as follows: Section 2 summarizes the sanctions literature, focusing on the causal mechanisms associated

¹¹ See Marinov, *supra* note 2, at 565.

¹² The civil war in Sierra Leone lasted from 1991 to 2002. The rebel faction known as the Revolutionary United Front (RUF) initially organized in 1985 following the rise of Joseph Momoh, a military leader, but was fueled further by government corruption and mismanagement of the country's diamond resources. The particularly brutal conflict resulted in the breakdown of state institutions and government control, left approximately 100,000 Sierra Leoneans dead, and caused the displacement of over 2 million more. Foreign intervention, particularly by British and UN troops, was instrumental in brokering the ceasefire, but the country is still extremely fragile and attempting to rebuild following the decade of conflict.

¹³ In 1999 Prime Minister Nawaz Sharif was ousted by General Pervez Musharraf in a bloodless coup. Subsequently, Musharraf suspended Parliament and the constitution, declared a state of emergency, and named himself chief executive. The United States was required to impose sanctions under the Foreign Operations Appropriations Act which stipulates such action be taken when a democratically elected leader is removed from power. This sanction episode, rather than the one relating to nuclear testing which was imposed around the same time, is the focus of this Article. The sanctions in question were lifted following Pakistan's support of the United States in the War on Terror in 2001. Peterson Institute for International Economics, Case Studies in Sanctions and Terrorism: Case 99-3, <http://www.petersoninstitute.org/research/topics/sanctions/pakistanb.cfm> (last visited Feb. 21, 2009).

¹⁴ We follow the research design technique advocated by John Gerring, identifying "deviant" cases "to probe for new—but as yet unspecified—explanations." JOHN GERRING, CASE STUDY RESEARCH: PRINCIPLES AND PRACTICES 106 (2007).

with levels of success and failure. Section 3 discusses conclusions about the political economy of human rights protection, again, concentrating on causal mechanisms of relevance to our research question. Section 4 presents case studies, Section 5 offers theoretical perspectives on future research, and Section 6 concludes.

2. ECONOMIC SANCTIONS AND LEADERSHIP SURVIVAL

The benchmark study on economic sanctions is now on its third edition¹⁵ and continues to find that economic sanctions contributed to their stated goals in about thirty-four percent of the cases.¹⁶ Aside from this important finding, two of the study's conclusions carry implications for our research question: economic sanctions are more effective when imposed against democracies; and sanctions succeed more often when they target friendly nations.¹⁷ By contrast, sanctions are more likely to fail when they target autocratic regimes that insulate themselves from the international community—precisely countries where human rights violations are rampant.¹⁸

Sanctions seem to carry little direct weight when it comes to autocratic leaders' decision to repress their own populations. However, because sanctions destabilize incumbents, they may worsen the record of rights protection in the target country anyway. This intuition derives from the work of Nikolay Marinov¹⁹ and from that of other scholars writing in the Selectorate model tradition.²⁰

¹⁵ HUFBAUER ET AL., *supra* note 1.

¹⁶ *Id.* at 159.

¹⁷ *Id.* at 164.

¹⁸ See TODD LANDMAN, PROTECTING HUMAN RIGHTS: A COMPARATIVE STUDY 108–11 (2005) (using a series of independent variables such as democracy, wealth, and involvement in international organizations to conclude that countries plagued with civil and international war and having large populations are significantly associated with higher levels of human rights violations).

¹⁹ See generally Marinov, *supra* note 2 (arguing that economic pressure and sanctions destabilize the targeted nation's leader).

²⁰ See e.g., BUENO DE MESQUITA ET AL., *supra* note 6, at 75 (“Leaders stay in power by raising government revenue through taxation and then spending that revenue, dividing it between public-goods allocations that benefit everyone in the society and private rewards that go only to members of the winning coalition.”); Fiona McGillivray & Allan C. Stam, *Political Institutions, Coercive Diplomacy, and the Duration of Economic Sanctions*, 48 J. CONFLICT RESOL. 154, 164–70 (2004) (testing a

Leadership survival is the centerpiece of this research agenda. Incumbents are primarily concerned with holding on to power; as a consequence, most policy decisions – from the provision of public goods, to taxation and repression – are guided by the goal of survival.²¹ Authoritarian leaders care even more about survival, for reasons explained below. Thus, the struggle for political survival is fundamentally different for democratic incumbents as opposed to dictators.

The Selectorate model proposes that any polity can be understood in terms of four features: (1) a winning coalition, or the group of individuals whose support is essential to keep a leader in power; (2) a selectorate, or the group who possess the means to join the winning coalition; (3) the disenfranchised; and (4) the leader.²² Given this political architecture, scholars writing in this tradition found a strong association between the size of the winning coalition and regime type. Autocratic regimes typically rely on small winning coalitions. It follows that an autocratic leader needs only to please a select few to remain in power. The most effective way to accomplish this task is to reward this group with private goods. Among other advantages, private rewards bring about more loyalty. Human rights protection lies clearly outside of the private goods definition, as it is non-excludable and characterized by non-rival consumption.²³ Within this framework, authoritarian regimes will systematically undersupply the core human rights: civil liberties, political rights, transparency, and peace. This expectation is confirmed by empirical research.²⁴ Among the reasons leaders have to suppress human rights, and to engage in repression, is their own political survival:

Now we turn to what our theory says about the occurrence, magnitude, and intensity of oppression. . . . First, leaders

theory of sanction duration that focuses on differences between democratic and nondemocratic states in the structure of leaders' support coalition).

²¹ See McGillivray & Stam, *supra* note 20, at 160 ("We characterize both nondemocratic and democratic leaders' goals as ensuring their political survival.").

²² See BUENO DE MESQUITA ET AL., *supra* note 6, at 37, 331–38 (introducing the Selectorate theory and describing the relevant sets of people within any polity).

²³ See MANCUR OLSON, *THE LOGIC OF COLLECTIVE ACTION: PUBLIC GOODS AND THE THEORY OF GROUPS* 14–16 (Schocken Books 1971) (1965) (characterizing "nonexcludability" as an element of "public" or "collective" goods).

²⁴ See BUENO DE MESQUITA ET AL., *supra* note 6, at 338–40 (highlighting various examples of oppressive political regimes).

may seek to punish challengers. . . . Second, leaders may seek to punish members of the selectorate who support a challenger. . . . Third, leaders may seek to punish the disenfranchised who might be engaged in revolutionary action against the regime.²⁵

Furthermore, “small winning-coalition systems not only provide a strong incentive for leaders to oppress, they also strengthen this incentive by punishing removed leaders.”²⁶

What role does political survival play in the economic sanctions debate? According to Marinov, a very important one. In an article that seeks to mitigate possible selection problems in the Hufbauer, Schott, Elliott, and Oegg study,²⁷ Marinov finds that economic sanctions are very effective at destabilizing leaders. Analyzing data on 136 countries, observed over an average of thirty-seven years, Marinov reports that the risk of losing power increases by twenty-eight percent with respect to the baseline if an incumbent leader is the subject of sanctions during that year.²⁸ Hence economic sanctions appear to be intertwined with the struggle for political survival.

In summary, the state of knowledge with respect to economic sanctions indicates that they are of limited success as a foreign policy instrument,²⁹ and that they operate through the imposition of credible challenges to the political survival of leaders in the target country.³⁰ Recalling predictions of the Selectorate model with respect to threats to the political survival of authoritarian leaders, we expect these leaders to engage in more repression.³¹ And we emphasize that, within this polity, human rights protection is already undersupplied. We chose case studies based on these expectations in Section 4.³² The next Section explores the recent scholarship on the political economy of human rights. This

²⁵ *Id.* at 339–40.

²⁶ *Id.* at 343.

²⁷ HUFBAUER ET AL., *supra* note 1.

²⁸ Marinov, *supra* note 2, at 565.

²⁹ See HUFBAUER ET AL., *supra* note 1, at 159 (finding economic sanctions to have successfully achieved their state policy goals in about 34 percent of cases).

³⁰ Marinov, *supra* note 2.

³¹ See BUENO DE MESQUITA ET AL., *supra* note 6, at 343 (noting that the leaders, themselves, do not generally carry out the oppressive measures, but, instead, recruit a large number of people into the “organs of oppression”).

³² Case selection also followed the prescriptions of GERRING, *supra* note 14.

literature uncovers unanticipated adverse consequences that democratization and development carry with respect to the protection of rights.

3. DEVELOPMENT, DEMOCRATIZATION, AND HUMAN RIGHTS:
IMPLICATIONS FOR FINDINGS ON ECONOMIC SANCTIONS

Contrary to conventional wisdom regarding the beneficial consequences of economic development and democratization for the protection of human rights, scholars have recently found that these two pillars of modern political thought have in fact unintended adverse effects. In particular, rights to physical integrity—such as the right to life and the prohibition of torture—are sensitive in the short-term to developmental and democratizing pressures. Economic development empowers the lower classes that, in turn, begin to demand more of the political leadership. This tension evokes political repression, especially by authoritarian regimes. Similarly, democratization vents suppressed political voices, creating tensions that authoritarian leaders prefer to put down.

Davenport analyzes variations in the level of democratization, measured through the presence of constraints on executive power, to investigate if the movement towards full democracy entails a differentiated response on the part of political leaders.³³ He distinguishes between killings and political repression.³⁴ Based on data from Freedom House³⁵ and from the political terror scale,³⁶ covering 137 countries over a twenty-year time span, Davenport concludes that democratizing leaders tend to engage in fewer killings, but remain repressive.³⁷ In a related inquiry, Bueno de

³³ Davenport, *supra* note 3.

³⁴ *Id.* at 543 (“I disaggregate repression into violent (personal integrity violations) and non- or less-violent activities (restrictions of political/civil liberties)”).

³⁵ See FREEDOM HOUSE, FREEDOM IN THE WORLD (2008), <http://www.freedomhouse.org/template.cfm?page=15> (last visited Feb. 10, 2009) (examining the state of civil and political rights in the international community).

³⁶ See Steven C. Poe et al., *Repression of the Human Right to Physical Integrity Revisited: A Global Cross-National Study Covering the Years 1976–1993*, 43 INT’L STUD. Q. 291 (1999) (investigating global human rights violations by various nation-states).

³⁷ See Davenport, *supra* note 3, at 540 (“Movement toward full constraint (i.e., democratization) leads to various combinations of restriction and killing but not at the highest values of the latter, indicating that repression is tamed.”).

Mesquita et al. find that democratization does not improve the record of rights protection until after the process is almost complete—that is, when states have reached adequate levels of multiparty competition:

The principal prescriptive message of the analysis appears to be that those interested in human rights should focus their time and effort on figuring out how best to promote broad-based participation and competition. In particular, the building blocks that help institutionalize democracy do not appear to yield major gains in respect for human rights until party competition is normalized It is unlikely that one will see dramatic improvements in respect for human rights as the process of institutionalizing democracy unfolds. Rather, the payoff comes when the threshold has been passed in terms of party competition.³⁸

It appears that the road towards improved levels of human rights protection is more sinuous than initially thought. The first steps in the direction of full democracy are replete with opportunities for more repression. When economic sanctions aim at promoting democracy, they may inadvertently release pressures that increase the frequency of human rights violations. Certain strategies to promote economic development show the same effects. Here, we emphasize World Bank structural adjustment agreements, as explored by Abouharb and Cingranelli,³⁹ because we suspect that the same causal mechanism may be at play during an economic sanctions episode.⁴⁰

For Abouharb and Cingranelli, the conditions attached to World Bank packages provoke pressure from adversely affected segments of society that ultimately lead to tensions with the government and to repression. Their study analyzes 442 structural adjustment packages that were awarded between 1981 and 2000. Despite an initial improvement in human rights attributed to negotiating pressures (the negotiation hypothesis), ultimately, during the implementation phase, adjustment agreements bring about more violations of physical integrity rights:

³⁸ Bueno de Mesquita et al., *supra* note 3, at 453.

³⁹ Abouharb & Cingranelli, *supra* note 4.

⁴⁰ For an example of even stronger effects, when compared to World Bank adjustment agreements, see JAMES R. VREELAND, *THE IMF AND ECONOMIC DEVELOPMENT* (2003) (describing the IMF's record of prescriptions).

The most important substantive finding of this study is that receiving and implementing a [structural adjustment agreement] from the World Bank had the net effect of worsening government respect for all types of physical integrity rights. This finding is generally consistent with the findings of previous comparative and case study research on the human rights effects of IMF [structural adjustment agreements].⁴¹

As mentioned, we believe that similar pressures may result from economic sanctions. For instance, suspending trade leads to shortages, higher prices and inflation, which can easily bring about protests and civil unrest—followed by state-sponsored repression.⁴² These findings challenge some fundamental beliefs concerning human rights guarantees, namely, that democratization and development unequivocally lead to higher levels of protection. In the next Section we present two case studies to explore another widely held belief: that economic sanctions have either positive consequences for the level of rights protection or no effects at all. We examine countries that were targeted by economic sanctions, according to the criteria discussed below, in order to investigate sanctions' impact on protection. Case selection sought to identify typical and deviant cases⁴³ in the economic sanctions dataset of Hufbauer et al.⁴⁴

4. DATA AND CASE STUDIES

This Section takes a closer look at four countries that illustrate clear patterns of variation on the dependent and independent variables. The choice of cases and the subsequent analysis was based on a subset of the database created by Hufbauer et al.,⁴⁵ excluding: (1) cases that aimed at improving the situation of

⁴¹ Abouharb & Cingranelli, *supra* note 4, at 256.

⁴² To be sure, not all economic instruments behave alike. Certain kinds of preferential trade agreements as well as foreign economic penetration, respectively, have a positive impact on rights protection, through significant reductions in instances of repression. See Hafner-Burton, *supra* note 4, at 623–24 (discussing the benefits of preferential trade agreements); Richards et al., *supra* note 4, at 234 (“Our evidence strongly contradicts the . . . argument that [foreign economic penetration] will make life worse for citizens of developing countries.”).

⁴³ GERRING, *supra* note 14, at 106.

⁴⁴ HUFBAUER ET AL., *supra* note 1.

⁴⁵ *Id.*

human rights in the target country, (2) cases of unilateral sanctions, and (3) cases prior to 1981. These exclusions seek to eliminate confounding factors, to concentrate efforts on cases where sanctions had a higher chance of reaching the stated goal,⁴⁶ and to respect limitations in the human rights data.⁴⁷ Finally, cases were selected where key variables behaved consistently over time.

These criteria led us to the following cases:

- (1) Australia, New Zealand, and India *against* Fiji (1987–2001);⁴⁸
- (2) United Nations and The Economic Communities of West African States (“ECOWAS”) *against* Sierra Leone (1997–2003);⁴⁹
- (3) European Community *against* Turkey (1981–1986);⁵⁰
- (4) United States and Japan *against* Pakistan (1999–2001).⁵¹

In the first two cases, there was a leadership change after economic sanctions were imposed. Whereas human rights improved in Sierra Leone, as customary thinking would predict, they actually deteriorated in Fiji! In the last two cases, there was no leadership change after sanctions were imposed. While in Pakistan the level of protection went down, as customary thinking would expect, in Turkey the level actually went up!

These patterns of human rights protection can be observed in Figure 1, which presents the Cingranelli-Richards (CIRI) Human Rights Dataset’s physical integrity index for each country, between 1981 and 2006.⁵² The index is a cumulative measure of government protection of several rights to physical integrity that the authors

⁴⁶ HUFBAUER ET AL. suggest that international cooperation amongst senders increases the chances of success of economic sanctions. *See id.* at 57–59 (applying an index scaled from 1 to 4 to grade the extent of international cooperation).

⁴⁷ Freedom House started collecting data on political rights and civil liberties on 1973. A more comprehensive collection is not available until after 1976. *See* FREEDOM HOUSE, *supra* note 35 (providing ratings and reports on 193 countries and 15 disputed territories in democracy and freedom).

⁴⁸ HUFBAUER ET AL., *supra* note 1, at 28.

⁴⁹ *Id.* at 32.

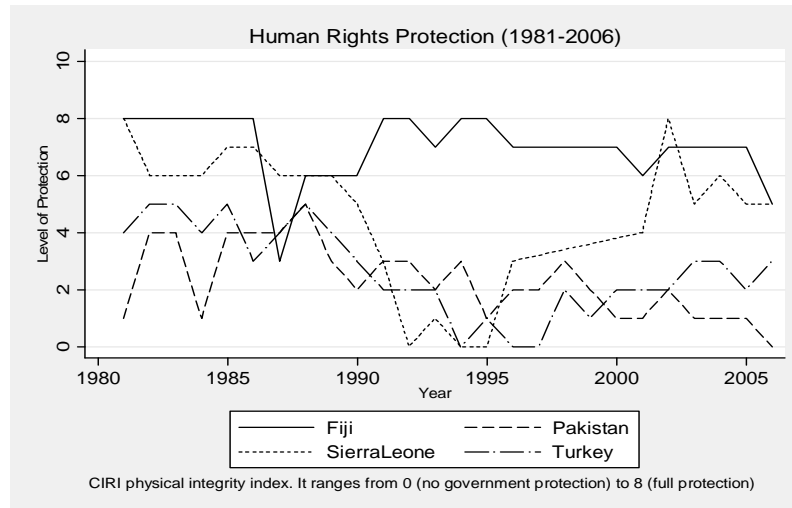
⁵⁰ *Id.* at 26.

⁵¹ *Id.* at 32.

⁵² David L. Cingranelli & David L. Richards, *The Cingranelli-Richards (CIRI) Human Rights Dataset* (2008), <http://www.humanrightsdata.org> (last visited Feb. 17, 2009).

assess in a disaggregated manner.⁵³ On this figure, *higher* values correspond to *higher* levels of protection.

FIGURE 1.



In Fiji, right after sanctions were imposed in 1987, there is an observable sharp decline in the level of rights protection. In Sierra Leone, the imposition of sanctions in 1997 is followed by improvement in rights protection, which is arguably mediated by the consequences of leadership change—as predicted by the literature. Pakistan represents yet another typical case, inasmuch as a dismal human rights record worsens even further, after sanctions were imposed in 1999. Here again, the predictions of the literature are just on target, as there was no leadership change. Turkey’s human rights record is poorly represented in Figure 1, because CIRI’s data starts on 1981, one year after the coup that put an end to the second wave of democratization in the country. Nevertheless, one can see an improvement in the level of rights protection, which is corroborated by more comprehensive data

⁵³ This is an additive index constructed from four physical integrity variables: (1) torture; (2) extrajudicial killing; (3) political imprisonment; and (4) disappearances. It ranges from 0 (no government respect for these four rights) to 8 (full government respect for these four rights). See David L. Cingranelli & David L. Richards, *Measuring the Level, Pattern, and Sequence of Government Respect for Physical Integrity Rights*, 43 INT’L STUD. Q. 407, 409-10 (1999) (describing the methods used for measuring variations in overall respect for physical integrity rights by different governments of the world).

from different sources. Turkey in 1981 illustrates leadership continuity, despite several steps in the direction of democracy, thereby contradicting the predictions of the human rights literature with respect to the level of rights protection.

The puzzle presented by the Turkish and Fijian cases is worth further exploration. First, the political history of these two countries around the time they were the target of economic sanctions must be analyzed. The standard socio-economic and political variables that have been shown in prior research to impact human rights protection will also be examined.⁵⁴ To that end, yearly data on GDP growth, per capita GNI, population, and population growth has been collected.⁵⁵ The political variables include: (1) the Political Terror Scale,⁵⁶ which works as an alternative measure of human rights protection; (2) the Correlates of War database,⁵⁷ which indicates whether these countries were involved in an international armed conflict or in a civil war (or both) during the ten-year period surrounding the imposition of sanctions; and (3) the countries' respective democracy scores, as measured by Polity IV.⁵⁸

⁵⁴ See LANDMAN, *supra* note 18, at 110 (using a series of independent variables such as democracy, wealth, and involvement in international organizations to examine and explain global variation in human rights protection).

⁵⁵ These data are from the World Bank Development Indicators, <http://web.worldbank.org> (follow "Data and Research" at top; then follow "Data"; then follow "Data" on sidebar) (last visited Feb. 19, 2009).

⁵⁶ See Poe et al., *supra* note 36, at 298 (applying Political Terror Scale to measure personal integrity rights abuse).

⁵⁷ See J. David Singer & Melvin Small, *Correlates of War Project: International and Civil War Data, 1816-1992* (1994), available at <http://www.data-archive.ac.uk/doc/3441/mrdoc/ascii/a3441cbk.asc> (collecting data on all international and civil wars from 1816-1992).

⁵⁸ See Keith Jagers & Ted Robert Gurr, *Tracking Democracy's Third Wave with the Polity III Data*, 32 J. PEACE RES. 469 (1995) (providing Polity III data for research on democracy).

TABLE 1 – CASE STUDIES.

		Leadership Change	
		Yes	No
Level of Protection	Down	Fiji 1987–2001	Pakistan 1999–2001
	Up	Sierra Leone 1997–2003	Turkey 1981–1986

Table 1 summarizes the four possible combinations of shifts in the level of human rights protection and change in leadership. Given the strength of the theory and the empirics behind the notion that leadership change should correspond to higher levels of protection,⁵⁹ the majority of the cases should follow the patterns of Pakistan and Sierra Leone. These are our typical cases.⁶⁰ In the next two sections we take a closer look at the Turkish and Fijian cases, in order to investigate circumstances that may account for the abnormal consequences of economic sanctions and leadership survival for rights protection. This effort seeks to explore potential causal explanations that are thus far omitted in the literature.⁶¹

⁵⁹ See Marinov, *supra* note 2, at 565 (explaining that if sanctions are effective in destabilizing leaders, the leaders have an incentive to compromise and produce policy change); Bueno de Mesquita et al., *supra* note 3, at 453 (concluding that real improvements in human rights occur when a society becomes fully democratic).

⁶⁰ See GERRING, *supra* note 14, at 91 (explaining the use of typical cases in case study research).

⁶¹ In a recent article Vreeland unfolds new conditions that influence the practice of torture and countries' decisions to join the 1984 Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT):

4.1. Turkey

Economic sanctions were imposed on Turkey following the collapse of democracy in 1980. It was the third time that the military assumed control of modern Turkey, arguably with the goal of restoring order and economic progress.⁶² Normalization towards democracy was criticized in all three instances, in particular with respect to the 1983 transition:

One of the main arguments . . . is that all three transitions to democracy in Turkey (1950, 1961, and 1983) displayed the essential characteristics of the reform mode of transition—in which the transition process was initiated and controlled by the authoritarian power holders—with important consequences for the ensuing democratic regimes. . . . I argue that the exclusionary or quasi-exclusionary nature of the constitution-making processes (the first excluded former Democrats, and the second excluded all political parties) adversely affected the stability of the ensuing democratic regimes, thus depriving the constitutions of popular legitimacy.⁶³

The 1983 democratization process represents a singular transition since the head of the state under the military dictatorship emerged as the newly elected president of the country, under a constitution that was conceived by the armed forces. Because the constitution was subject to a national referendum, after

Dictatorships that legally endorse more than one political point of view by legalizing political parties ironically practice higher levels of torture than closed dictatorships. The argument follows [the] idea that violence is higher when power is divided. Dictatorships with political parties face pressure to adopt policies to co-opt support, including the adoption of international arrangements such as the CAT.

Vreeland, *supra* note 8, at 93.

⁶² See FERAZ AHMAD, *THE MAKING OF MODERN TURKEY* 181 (1993) (surveying the 1980 military takeover's efforts to address "social divisions, the economic breakdown, and the anarchy and violence"); see generally ERGUN ÖZBUDUN, *CONTEMPORARY TURKISH POLITICS: CHALLENGES TO DEMOCRATIC CONSOLIDATION* (2000) (providing a history of Turkish politics, including the occupation of 1980); A. Aydın Cecen et al., *Economic Growth and Structural Change in Turkey 1960–88*, 26 INT'L J. MIDDLE E. STUD. 37 (1994) (noting that "in the early 1980s Turkey ostensibly entered a new era of export-led economic growth"); Ben Lombardi, *Turkey – The Return of the Reluctant Generals?*, 112 POL. SCI. Q. 191 (1997).

⁶³ ÖZBUDUN, *supra* note 62, at 9.

deliberation of an elected constitutional assembly, the Turkish transition meets the test and is thereby classified as a democratization process by two widely adopted indices: Polity, and the Alvarez, Cheibub, Limongi, and Przeworski (“ACLP”) database.⁶⁴ Given our interest in the consequences of political survival for the protection of human rights, this Article takes issue with the circumstances of the Turkish transition. The fact that the former dictator remained in power after 1983 signals cooptation of the political sphere and warrants further investigation. Indeed, the transition did not bring a substantive change to political institutions in Turkey, despite the ascension of Prime Minister Turgut Ozal following general elections.⁶⁵ If anything, it granted the former dictator, General Kenan Evren, a mantle of legitimacy.⁶⁶ It was clear that the military retained its tutelage over political matters.⁶⁷ For these reasons, Turkey is analyzed here as a country that was the target of economic sanctions in 1981, following the collapse of democracy. However, the 1983 democratization process in Turkey does not meet our threshold of leadership change.⁶⁸ Turkey illustrates a case of economic sanctions that did not destabilize the regime to the point of political reengineering.

Given the outcome of leadership survival in Turkey following the imposition of economic sanctions, an increase in human rights violations is expected. In fact, based on research conducted by Nikolay Marinov, incumbents that are the target of economic sanctions are twenty-eight percent more likely to lose power the following year.⁶⁹ When placed under that spotlight, authoritarian

⁶⁴ See Jagers & Gurr, *supra* note 58 (providing an explanation of the Polity project and assessing its validity); Adam Przeworski et al., *Political and Economic Data Codebook and Database*, 1999, available at, <http://www.ssc.upenn.edu/~cheibub/data/Default.htm>. This dataset is associated with ADAM PRZEWORSKI ET AL., *DEMOCRACY AND DEVELOPMENT: POLITICAL INSTITUTIONS AND WELL-BEING IN THE WORLD, 1950-1990* (2000).

⁶⁵ See ÖZBUDUN, *supra* note 62 (noting that only a few political parties were allowed to compete in the general elections).

⁶⁶ *Id.* at 9 (explaining the consequences of the quasi-exclusionary nature of the constitution-making process).

⁶⁷ See Amnesty International, *Turkey Briefing, I*, AI Index EUR/44/65/88 (Nov. 1988) (confirming that the 1982 Constitution “provided for increased powers for the President, while restricting fundamental rights, and increasing mechanisms of state control”).

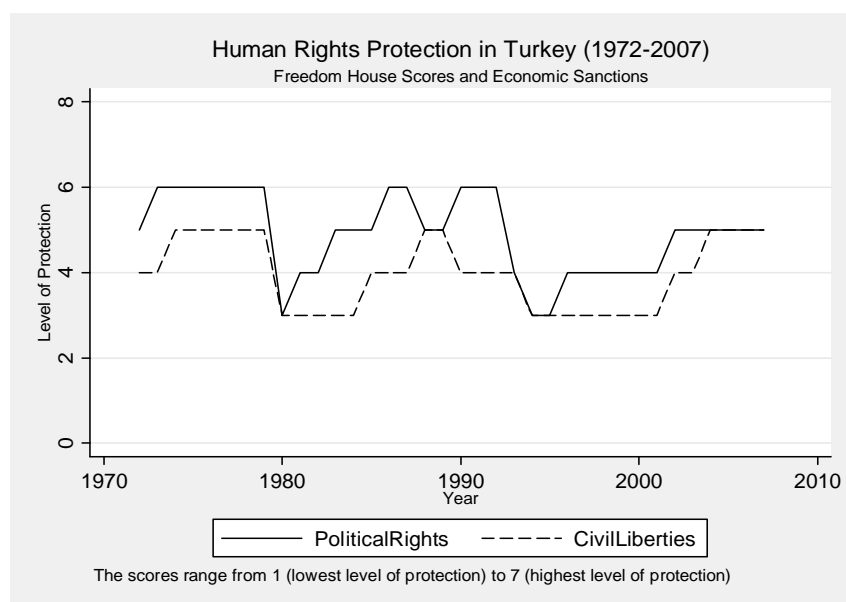
⁶⁸ See AHMAD, *supra* note 62, at 186–188 (providing a detailed account of the undemocratic circumstances under which the constitutional referendum took place).

⁶⁹ Marinov, *supra* note 2, at 565.

leaders tend to resort to any and all means to tighten their grip on power, including repression. In this context, economic sanctions may have the unintended consequence of worsening the human rights situation in the target country, because leaders prefer to curb domestic dissent by violent means. In the case of Turkey, the preoccupation of the Head of State with the country's image abroad was aggravated by credible threats of expulsion from the Council of Europe. During a 1981 visit to Ankara, West Germany's Foreign Minister communicated this threat to General Kenan Evren in unambiguous language.⁷⁰

Nevertheless, despite expectations that human rights protection would decrease in Turkey following the 1980 coup and the subsequent imposition of economic sanctions, several widely adopted measures of human rights protection contradict this prediction. Figure 2 clearly shows these trends.

FIGURE 2.



The graph is unequivocal with respect to the steep deterioration of human rights protection in 1980, the year of the coup. But, subsequently, the scores reveal the improvement in

⁷⁰ AHMAD, *supra* note 62, at 185 ("He warned the generals that their repressive measures could lead to Turkey's expulsion from the Council of Europe and to the suspension of economic aid so vital for recovery.").

rights protection referenced above. The line representing political rights is even more consistent in its slope, indicating that rights to physical integrity, the ones captured by the category “political rights,” enjoyed increased protection.⁷¹

Even if improvements in the protection of civil liberties do not display as strong an increase, the trend is clearly upward. Moreover, higher levels of protection set in right after the collapse of democracy in 1981. At that moment, the literature would have predicted increased levels of repression as the National Security Council and General Evren focused on power consolidation. However, during the first years of the dictatorship—still way ahead of the onset of the 1983 “democratization” process—the level of human rights protection increased.⁷² What explains the Turkish anomaly in light of the findings in the human rights literature?⁷³ This Article argues that part of the explanation lies in the accomplishments of General Evren’s regime in the economic realm, as predicted by the human rights literature itself, but that other important factors are: (1) the negotiated nature of the transition, and (2) the economic and political chaos that prevailed in Turkey before the coup. The quantitative literature on human rights protection is silent about the latter two. We proceed now to analyze these aspects of the Turkish case.

The relationship between economic well-being and human rights protection is well established in the literature.⁷⁴ Briefly stated, countries with better economic indicators tend to experience increased levels of protection. This relationship is

⁷¹ This finding is based on aggregate data collected by Freedom House. It is corroborated in the Political Terror Scale and the CIRI database. *Cf.* Amnesty International, *supra* note 67 (documenting very serious instances of torture, as well as deaths resulting from torture, during the years 1980-1988).

⁷² The human rights literature that favors quantitative methods adopts the practice of lagging the observation of the dependent variable by 3 to 5 years. Control variables, such as growth, particularly take time to impact the level of human rights protection. Bueno de Mesquita et al., *supra* note 3, at 444-45.

⁷³ See Davenport, *supra* note 3, at 540; Bueno de Mesquita et al., *supra* note 3, at 453 (explaining analysis of the data collected on the relationship between democratic processes and human rights violations).

⁷⁴ See BUENO DE MESQUITA ET AL., *supra* note 6, at 102 (suggesting that the protection of human rights will “promote economic growth and greater national prosperity”); LANDMAN, *supra* note 18, at 108-11 (explaining that democracy and wealth are “significantly associated with lower levels of human rights violations”).

clearly mediated by the presence of democratic institutions.⁷⁵ For the purposes of the case under analysis—Turkey between 1976 and 1986—the economic indicators speak unambiguously of the terrible state of the economy during the years that preceded the coup, as well as of the sharp improvements that Evren's rule brought about. The country's GDP growth rate went from ten percent, in 1976, to negative two percent, in 1980. After twelve months of authoritarian rule, the GDP growth rate was back at five percent a year. For the next five years, the rate oscillated between four and seven percent.

With respect to social unrest, the inability of political parties to form and sustain a viable government led to state paralysis and to mounting social protests. The dire situation of human rights protection at that time was documented by Amnesty International's report.⁷⁶ Feroz Ahmad points out the frustration among the population during the years preceding the breakdown of democracy:

The public, worn down by the breakdown of law and order, the galloping inflation and shortages of basic goods, the squabbles among the parties and the paralysed parliament, welcomed martial law and the promise of stability it offered. Few bargained for the radical transformation the commanders had in mind or the ruthless manner in which they implemented their policies.⁷⁷

In the case of Turkey, we argue that the economic chaos that preceded the military coup paved the way for the generals. Without three-digit inflation and close to fifteen percent of the population unemployed,⁷⁸ their level of support would have been much lower in 1980. This is an important point, because the human rights literature pays little attention to the *status quo ante* when studying the impact of economic indicators on human rights protection.

⁷⁵ See LANDMAN, *supra* note 18, at 110 (showing a negative correlation between democratic government and human rights abuses).

⁷⁶ "In December 1978 martial law was imposed in 13 provinces in response to violent riots in the southeastern city of Kahramanmaras, during which over 100 people were killed. During the nine months after the Kahramanmaras riots the government extended martial law to cover 20 provinces." Amnesty International, *supra* note 67, at 1.

⁷⁷ AHMAD, *supra* note 62, at 182.

⁷⁸ Cecen et al., *supra* note 62, at 44.

Another aspect of the Turkish democratization process worth emphasizing is the negotiated nature of the transition. Similar to what happened in Brazil in 1985, and in Chile after Augusto Pinochet, the military chose the terms of the transition and played a heavy hand in designing the democratic institutions that would emerge. We argue that negotiated transitions entail a less repressive shift in power. In fact, because the military had close oversight of the process, other groups within society moderated their demands for fear that the military would renege on its decision to democratize. It follows that the transition became less contentious, and therefore less violent.⁷⁹ The absence of repression in this case had nothing to do with a “benevolent dictator,” but rather resulted from an attitude of hesitation amongst the population.

We argue that the combination of all three factors accounts for the improved level of human rights protection in Turkey, and the timing in which it occurred, following the onset of military rule in 1980.⁸⁰ A closer look at Turkey during the ten-year period surrounding the imposition of economic sanctions does not disprove the notion that leadership survival is often associated with more human rights violations. Nevertheless, the Turkish case sheds light on two factors that the literature should pay attention to, namely the priors to the economic performance of the dictatorship and the nature of the transition to democracy.

The role that economic sanctions played is at best unclear. We do not have strong evidence linking the feeble and controversial efforts towards democracy to economic pressure visited by the sanctions. If anything, more credible pressure seems to have come from Germany’s threat to expel Turkey from the Council of

⁷⁹ Kathryn Sikkink argues that U.S. foreign policy played an important role in the level of repression in Latin America, suggesting that foreign policy characteristics may be a factor in these transitions to democracy. KATHRYN SIKKINK, MIXED SIGNALS: U.S. HUMAN RIGHTS POLICY AND LATIN AMERICA 104 (2004).

⁸⁰ Vreeland’s argument, that closed dictatorships signal their willingness to repress so effectively that they actually need to engage in less repression, may apply here. Vreeland, *supra* note 8, at 69. There is some evidence that the number of political killings in Turkey lessened right after the military coup, while other human rights violations increased. See Amnesty International, *supra* note 67, at 5 (providing several descriptive examples of human rights oppressions following the 1980 coup by the military regime in Turkey).

Europe.⁸¹ To reinforce the limited role of economic sanctions in the Turkish case, Hufbauer et al. classify the cost of sanctions to the target—both the cost as a percent of GNP and the cost per capita—as negligible.⁸²

4.2. Fiji

The Fijian case constitutes another interesting puzzle where a leadership change took place, but the protection of human rights continued to decline. The benchmark year for the Fijian case is 1987, when Brigadier General Sitiveni Rabuka led military coups in May and October, arguably to protect indigenous Fijian interests over those of Fijians of Indian descent (“Indo-Fijians”), who by then comprised a slight majority of the population. In December of 1987, General Rabuka turned power over to Ratu Sir Penaia Ganilau, who was Governor-General before the military coup. General Rubuka went on to proclaim Ganilau the first President of the Republic of Fiji. Subsequently, an interim civilian government was appointed.⁸³ This change came after months of struggle between the two men over who would actually hold executive authority and over how the island should be governed.⁸⁴ For our purposes, it is sufficient to establish that power changed hands at least once, from Rabuka to Ganilau, following the imposition of economic sanctions.

Sanctions were imposed by India immediately following the May 1987 coup, because the coup led to the removal from power of a legitimately elected coalition government that, although headed by a Fijian, consisted mainly of Indo-Fijians.⁸⁵ Australia and New Zealand, Fiji’s powerful neighbors and trading partners, also

⁸¹ See generally AHMAD, *supra* note 62, at 193 (describing modern Turkey’s evolution, including military intervention and political and economic restructuring).

⁸² HUFBAUER ET AL., *supra* note 1, at 119.

⁸³ James Shrimpton, *Familiar Faces Lead Fiji as Civilians Take Over*, THE ADVERTISER, Dec. 7, 1987 (describing Fiji’s return to civilian rule, and the parties involved).

⁸⁴ Roger Barltrop, *Obituary: Ratu Sir Penaia Ganilau*, THE INDEP., Jan. 3, 1994, at 21 (listing some of Ratu Sir Penaia Ganilau’s life events in an obituary).

⁸⁵ See Ralph Premdas, *General Rabuka and the Fiji Elections of 1992*, 33 ASIAN SURV. 997, 998 (1993) (“But in 1987 the governing party lost to a coalition government led by a Fijian but mainly backed by Indians.”). See Andrew McEwen, *The Crisis in Fiji: Britain Resists Gandhi Pressure for Sanctions*, THE TIMES, May 25, 1987, at 9 (describing India’s attempt to convince Britain to join in economic sanctions against Fiji until they restored the elected government).

joined in the trade ban and escalated their measures following the second coup in October, especially in response to violations of labor rights.⁸⁶ All three countries lobbied for others to join the sanctions effort, particularly Britain with its colonial ties to Fiji.⁸⁷ While the rest of the world strongly condemned the military coup in Fiji, no other country joined the sanctions bandwagon.

Fiji became an independent state within the British Commonwealth in 1970 and until 1987 served as a “model multiethnic postcolonial democracy.”⁸⁸ Its transformation to a multiethnic state began during the colonial period in 1879, when the British brought South Asians to work the sugar fields.⁸⁹ Political differentiation between the two groups traces back to colonial times, when the British granted indigenous Fijians perpetual rights to tribal lands. This advantage was institutionalized by the 1970 Constitution that also guaranteed ethnic Fijians a majority of seats in an open electoral parliamentary system.⁹⁰ Under the convoluted and racially based electoral system set out in this constitution, Fiji successfully held five elections that by all accounts were generally free and fair. However, the victorious party in every one of these elections was the Melanesian-dominated Alliance Party; and, the only Prime Minister elected was Ratu Sir Kamisese Mara.

After seventeen years of comfortably holding onto power, and amid allegations of corruption and mismanagement, the Alliance Party narrowly lost out to a multiracial Labor-Federation coalition.⁹¹ Throughout the campaign, the Alliance Party exploited

⁸⁶ Matthew Moore, *ACTU Puts Ban on Maritime Trading; Rabuka's Second Coup*, SYDNEY MORNING HERALD, Sept. 29, 1987, at 12; see Stephen Taylor, *Tensions Raise Fears of Fiji Violence: Rebel Regime in Suva Faces Pressure from Pacific Neighbours*, THE TIMES, Sept. 26, 1987 (“The strongest condemnations came from Australia and New Zealand, who will now consider methods, including economic sanctions, of bringing the military regime swiftly to its knees.”).

⁸⁷ McEwen, *supra* note 85.

⁸⁸ Andrew Scobell, *Politics, Professionalism, and Peacekeeping: An Analysis of the 1987 Military Coup in Fiji*, 26 COMP. POL. 187, 187 (1994).

⁸⁹ *Id.* at 187–88.

⁹⁰ *Id.* at 189. See also MONTY G. MARSHALL & KEITH JAGGERS, CTR. FOR SYSTEMIC PEACE, POLITY IV COUNTRY REPORT 2006: FIJI 2 (2006), <http://www.systemicpeace.org> (last visited Mar. 2, 2009) (“Fijian politics has been characterized by a strong indigenization movement since its adoption of an open electoral parliamentary system upon independence in 1970.”).

⁹¹ See Scobell, *supra* note 88, at 191 (“The election of April 5–11, 1987, brought a slim victory for the Coalition: it won twenty-eight seats to the Alliance’s twenty-four.”).

fears of Communism and painted the challengers as radical leftists.⁹² In the aftermath of this campaign, the newly elected Prime Minister Dr. Timoci Bavadra unfolded his plan to drastically reduce the military—later labeled one of his most threatening proposals and probably the most influential in his overthrow.⁹³

The Royal Fijian Military Forces (“RFMF”) had gained great respect within the country and grew exponentially after it began participating in peacekeeping missions abroad in 1978.⁹⁴ As the RFMF rose in prominence so did coup leader Rabuka, causing some authors (such as Scobell) to find that attributing the coup solely to ethnic hostility is simplistic and that Rabuka was mainly interested in safeguarding his personal interests.⁹⁵ Regardless of Rabuka’s personal motivations, he succeeded in exacerbating the atmosphere of ethnic tension with proclamations such as “Fiji for Fijians!”⁹⁶ He also implemented a propaganda campaign aimed at exploiting religious differences between indigenous Christians and Indo-Fijian Hindus.⁹⁷ This political environment persisted under Ganilau’s civilian government, leading to a mass exodus of Indo-Fijians and to Fiji’s expulsion from the Commonwealth of Nations, an international boycott, and foreign censure.⁹⁸

It is against this background that we observe the level of human rights protection in Fiji for the years 1972–2007. Figure 3 displays Freedom House scores for political rights and civil liberties in Fiji. The steep worsening of rights protection, represented by higher scores in the graph, is clearly noticeable in 1987 following the political turmoil. Political rights scores are visibly worse, especially when compared to pre-coup levels.

⁹² *Id.*

⁹³ *Id.* at 191, 195 (“[T]he critical factor [in the 1987 coup] was the RFMF’s perception of the new Coalition government as procommunist and antimilitary.”).

⁹⁴ *Id.* at 190.

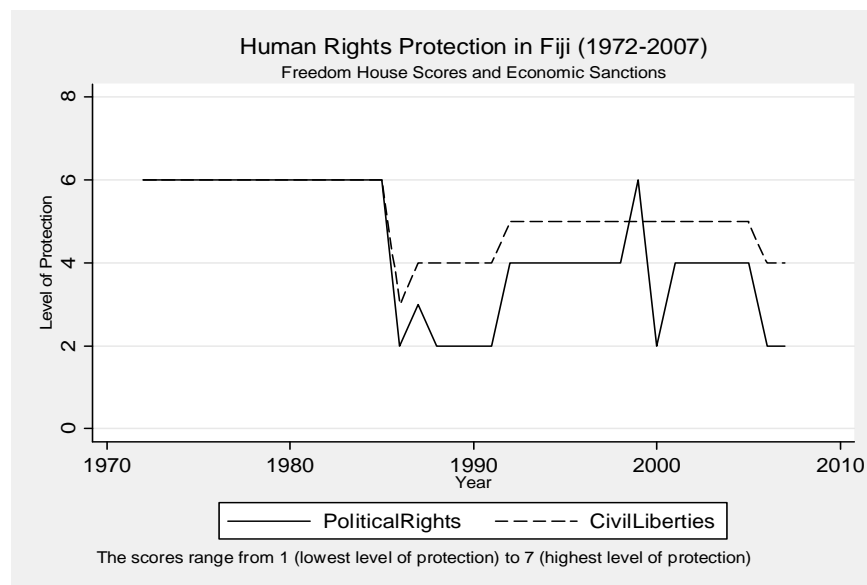
⁹⁵ *See, e.g., id.* at 192 (arguing that ethnic tensions did not “precipitate” the coup).

⁹⁶ Premdas, *supra* note 85, at 997.

⁹⁷ *See* STEPHANIE LAWSON, TRADITION VERSUS DEMOCRACY IN THE SOUTH PACIFIC: FIJI, TONGA AND WESTERN SAMOA 64 (1996) (“Indeed, Rabuka’s own propaganda campaign can only be interpreted as a manipulation to maximum advantage of the plural society syndrome.”).

⁹⁸ Premdas, *supra* note 85, at 997.

FIGURE 3.



As we can see, for both political rights and civil liberties protection, the worst year was 1987. Following the second coup in October, Rabuka suspended civil rights by decree, “assuming powers of detention without trial, [suspending] [a]ll political and trade union activity . . . and [providing] the army-backed government [with] . . . the right to restrict the movement of people, including departures from the country.”⁹⁹

The extent to which this decline in the level of human rights protection is attributable to economic sanctions is the question to which we now turn. After 1987, an interim civilian government was put in place, and although the situation improved slightly, repression continued and ensured Rabuka’s goals. This interim government was responsible for drafting the new constitution, which—although reviewed by several bodies—was put into effect

⁹⁹ *Around the World: Fiji Coup Leader Limits Civil Rights with Decree*, THE GLOBE AND MAIL, Oct. 26, 1987.

“without first being released for public scrutiny.”¹⁰⁰ The result was a document that was “ethnically inegalitarian [sic] . . . [and] assigned electoral preeminence to the minority Fijians over the combined majority of Indians, Europeans, Chinese, Mixed Races, and Other Pacific Islanders.”¹⁰¹ In addition to the advantage granted to indigenous Fijians, ethnic groups were clearly delineated and electoral participation could only take place within these confines.¹⁰² The constitution also reflected other disparities of Fijian society. Provincial divisions were skewed so that less dense constituencies received more seats than more populated urban areas, with the goal of minimizing the influence of areas that had helped the Labor Federation Party win in 1987, and to consolidate power with the traditionally important tribal chiefs based in the east.¹⁰³ One author sums up: “Although the constitution of the Sovereign Democratic Republic of Fiji sets up a form of elective parliamentary rule, even the most generous of interpretations cannot disguise the non-democratic nature of its political institutions.”¹⁰⁴

The contentious nature of the democratization process in Fiji lies at the root of their dismal situation with respect to human rights after 1987. This argument finds support in human rights literature, especially the work of Davenport, who assesses the consequences of democratization on protection of human rights under two headings: political restrictions and killings. Davenport writes:

[Observers] would expect democratization to decrease restriction as well as killing for this form of regime change represents an increased respect for human life and political freedom. It may be the case, however, that the various commitments made and mechanisms developed during the process of regime change are partial or unstable in nature,

¹⁰⁰ LAWSON, *supra* note 97, at 64–65.

¹⁰¹ Premdas, *supra* note 85, at 997.

¹⁰² *See id.* at 999 (outlining the features of the 1990 constitution and its radically different electoral system).

¹⁰³ *See* Premdas, *supra* note 85, at 999–1000 (highlighting the historical developments that created this eastern-western political rift).

¹⁰⁴ LAWSON, *supra* note 97, at 75.

whereby democratic change would decrease killing, but would have no impact on the use of political restrictions.¹⁰⁵

To corroborate Davenport's predictions that states undergoing democratization may experience an increase in levels of repression and fewer killings,¹⁰⁶ we review CIRI's data on Fiji, finding that extrajudicial killings worsened in the actual year of the coup but then returned to pre-coup levels, whereas political imprisonment and torture increased from the year of the coup until the implementation of the new constitution.¹⁰⁷ Clearly, the Fijian case confirms what Davenport labels as "the tanning effect," which is a reduction in instances of killings. We find that the human rights violations captured by some of the aggregate measures of rights protection, such as Freedom House scores displayed in Figure 1,¹⁰⁸ correspond to instances of political restrictions and can be explained by the democratization argument.

So far, no evidence that economic sanctions are to blame for the abysmal situation of human rights in Fiji following the 1987 military coup has been found.¹⁰⁹ We support Hufbauer et al. in their assertion that economic sanctions had "little or no contribution" to the political outcome.¹¹⁰ To the extent that sanctions played any role at all, they pushed the democratization agenda, which took several more years to accomplish. During this timeframe, leadership change in Fiji should have mitigated the

¹⁰⁵ Davenport, *supra* note 3, at 545.

¹⁰⁶ *Id.* at 540 (predicting that state movement "toward democracy [that] confront[s] diverse forms of conflict proves to be hazardous for citizen's rights").

¹⁰⁷ Cingranelli & Richards, *supra* note 52.

¹⁰⁸ FREEDOM HOUSE, *supra* note 35 (showing that the level of human rights protections precipitously drop between 1985 and 1990).

¹⁰⁹ The massive emigration of Indo-Fijians following the coup suggests that they, as a group, faced particularly harsh limitations on their rights. According to research by the Asia Pacific Migration Research Network, Indo-Fijians comprised 91% of emigrants between 1987-1995 due to "political uncertainty, lack of security for land, and the current overall discriminatory treatment." The decision of many to flee was probably influenced by a few well-publicized incidents like the arrest of sociologist and Labour stalwart Dr. Naidu who was imprisoned, blindfolded, gagged and beaten up under the ambiguously worded anti-sedition law. Indo-Fijians began to leave the country in droves, with approximately 40,000, of the 80,000 that came in between 1973-1994, leaving after the coups. For quotes and data, see Asia Pacific Migration Research Network, *Issues Paper from Fiji: Migration Issues in the Pacific*, <http://www.unesco.org/most/apmrnwp6.htm> (last visited Feb. 10, 2009).

¹¹⁰ HUFBAUER ET AL., *supra* note 1, at 80 (labeling the policy result of sanctions imposed on Fiji as having "little or no contribution").

unintended adverse consequences of the democratization process—and perhaps it did, but with respect to killings only. Levels of repression remained high almost until 2000, when they finally declined to the pre-coup threshold.¹¹¹

The Fijian case study reinforces the need to analyze human rights data at the disaggregated level, given that consequences associated with leadership change may vary with respect to what Davenport has labeled the “taming” versus the “pacifying” effects.¹¹² This case also speaks to the need for further research on democratization processes, especially those where leadership change takes place, precisely because of expectations grounded in the literature—namely that transitions will occur without major setbacks for human rights protection.

5. FURTHER RESEARCH

Given the pioneer nature of this investigation and the inherent limitations of its research design, several intervening factors were overlooked. The inductive approach to typical and deviant cases¹¹³ limited the analysis to independent variables that had meaning in these cases, thus neglecting trends in the literature that might as well carry explanatory power in a large quantitative study. Next, two frameworks that warrant close scrutiny in future research are emphasized.

Writing about the making, breaking, and reforming of international legal norms, Goldsmith and Posner propose that compliance with human rights is motivated by symmetric and asymmetric cooperation.¹¹⁴ In their view, state respect for human rights follows a logic of self-interested behavior, as opposed to the

¹¹¹ See FREEDOM HOUSE, *supra* note 35, Fig.1.

¹¹² Davenport, *supra* note 3, at 545. According to Davenport, “taming” occurs in democratizing States when “the various commitments made and mechanisms developed during the process of regime change are partial or unstable in nature, whereby democratic change would decrease killing, but would have no impact on the use of political restrictions.” “Pacifying” occurs in States that have completed democratization to the point that “the uncertainty and anxiety experienced in transitional societies is gone.”

¹¹³ See GERRING, *supra* note 14.

¹¹⁴ JACK L. GOLDSMITH & ERIC A. POSNER, *THE LIMITS OF INTERNATIONAL LAW* 113 (2005) (proposing that human rights cooperation becomes possible once we acknowledge the possibility that some states care about human rights abuses committed in other states).

normative weight of an international legal system.¹¹⁵ They proceed by explaining how nationals in one state are often concerned with the well-being of co-nationals, co-religionists, or co-ethnics who form a minority in another state.¹¹⁶ According to Goldsmith and Posner, this symmetric logic explains respect for human rights amongst states. There is also room for asymmetric cooperation, which plays an important role in democratic regimes.¹¹⁷ In the latter, voters who lack any ethnic or religious ties to the victims of human rights violations in another state demand that their own government take measures to raise the level of rights protection in that state. Economic sanctions are only one of such measures.¹¹⁸

Based on the framework proposed by Goldsmith and Posner, it appears that religious, ethnic, or other socio-cultural ties between the country that imposes economic sanctions and the target country may play a role in the impact those sanctions have on human rights protection in the target country. This impact is mediated by pressures on leadership survival, as discussed earlier. Thus, following the logic of symmetric cooperation,¹¹⁹ it seems reasonable to expect any adverse impacts of economic sanctions on human rights to be milder in countries that have religious, ethnic, or other socio-cultural ties with the nation imposing sanctions. Conversely, in the absence of these linkages, sanctions episodes that fit the pattern of “leadership survival” cases are likely to be associated with the worst level of rights protection.¹²⁰

The work of Andrew Moravcsik provides a second framework for analysis.¹²¹ Moravcsik analyzed states’ preferences with respect to a strong regional human rights regime in Europe in the aftermath of World War II. Surprisingly, he found that newly established democracies displayed greater support for such a

¹¹⁵ *Id.* at 111 (explaining that the “relative absence of genocide and crimes against humanity, reflects a conscience of interest”).

¹¹⁶ *Id.* at 113.

¹¹⁷ *Id.* at 114 (describing how Great Britain’s asymmetric cooperation served to curtail the slave trade worldwide).

¹¹⁸ *Id.* at 116 (describing how U.S. “financial might” enabled the prosecution of certain Yugoslavian war criminals).

¹¹⁹ *Id.* at 113.

¹²⁰ See *supra* note 58 and accompanying text.

¹²¹ Andrew Moravcsik, *The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe*, in *INTERNATIONAL LAW AND INTERNATIONAL RELATIONS* 622 (Beth A. Simmons & Richard H. Steinberg eds., 2006).

human rights regime¹²² compared to older democracies.¹²³ The explanation, according to Moravcsik, lies in newly-established democracies' desire to lock in the gains from the democratization process. By delegating to a powerful judicial body—in this case, the European Court of Human Rights—new democracies and their leaders insulate themselves from authoritarian forces.¹²⁴

A similar dichotomy appears to apply to countries that are targeted by economic sanctions. Sanctions are typically more effective against democracies.¹²⁵ But could sanctions be even more effective when they target newly-established democracies? If so, are there consequences for human rights protection in these countries, given the pressures that are inherent to the democratization process itself?¹²⁶ Subsequent research should exhaust these intervening variables, especially if a large-N quantitative study is pursued.

6. CONCLUSION

This project's initial goal was to investigate the impact that economic sanctions have on human rights protection through the operation of shifts in the target country's political leadership. Building on three different strands of literature, the Authors reached the following conclusions: economic sanctions tend to be less effective against dictatorships¹²⁷ because threatened dictators

¹²² *Id.* at 638 (observing that the willingness of a state to recognize compulsory jurisdiction of and allow individual petitions to international courts are good measures of the state's willingness to accept human rights obligations generally).

¹²³ *Id.* at 638-39 (discussing similarities between established and transitional democracies in their hesitancy to accept regional human rights obligations).

¹²⁴ *Id.* at 642 (noting that combating domestic threats to democracy was "the most consistent public justification" for membership in the European Court of Human Rights).

¹²⁵ HUFBAUER ET AL., *supra* note 1, at 166-68 (presenting data suggesting that democracies are more willing to accommodate the "sender's" demands than autocratic regimes).

¹²⁶ See, e.g., Davenport, *supra* note 3, at 540 (noting that states experience "various combinations of restrictions and killing" as they progress toward democratization). See also Bueno de Mesquita et al., *supra* note 3, at 453 (discussing relationships between development of democratic institutions and human rights protection).

¹²⁷ HUFBAUER ET AL., *supra* note 1, at 166 (noting that evidence suggests autocratic regimes are less susceptible to economic sanctions than democratic governments).

often engage in more repression,¹²⁸ and because economic sanctions destabilize dictators at higher rates.¹²⁹ Thus, economic sanctions have an adverse impact on rights protection in autocratic societies.

A cursory look at a select group of economic sanctions episodes led to classification of the cases according to two main variables: leadership survival and shifts in human rights protection. Cases that contradicted the literature's standard explanations included Turkey in 1980 and Fiji in 1987. In Turkey, rights protection improved, despite the fact that the dictator remained in control; while in Fiji, rights protection worsened following leadership change. This puzzle deserved further investigation.

The Authors proceeded to study the political history of Turkey around the time of the 1980 military coup. This investigation was guided by several findings in the human rights literature that had relevant implications, particularly regarding the relationship between human rights and economic growth, population growth, political parties, international conflict, and civil war.¹³⁰ The Authors conclude that economic growth holds a powerful explanation for the improvement in rights protection following the collapse of democracy in Turkey. Also, it seems that pre-coup political chaos heightened the impact of good growth in the aftermath of the transition. Finally, the negotiated nature of the Turkish transition resulted in fewer instances of violent repression.

The Authors took a similar approach with Fiji. Here, political historians emphasized ethnic tensions, the nature of the military,

¹²⁸ See Bueno de Mesquita et al., *supra* note 3, at 451 (noting that human rights violations increase in states that have attained "intermediate" levels of democracy).

¹²⁹ *But see* Marinov, *supra* note 2, at 573 (observing that democratic regimes suffer "much more government instability" under the pressure of sanctions).

¹³⁰ See SIMMONS, *supra* note 5. See also BUENO DE MESQUITA ET AL., *supra* note 6 (applying theory examining political expediency and consequences of various domestic and foreign policy alternatives). Compare Vreeland, *supra* note 8 at 69 (noting that multi-party dictatorships tend to have higher levels of torture), and Hafner-Burton, *supra* note 4 (examining relationships between human rights and international trade agreements), and Richards et al., *supra* note 4 (discussing possible relationships between foreign investment and human rights protections), and Downs and Jones, *supra* note 7 (emphasizing the role of reputational concerns in regimes' decisions to comply with international human rights obligations), with Abouharb & Cingranelli, *supra* note 4 (discussing the human rights implications of World Bank economic liberalization requirements and arguing that the World Bank SAAs warn government respect for human rights).

and civil-military relations as key explanations for the 1987 coup.¹³¹ Though these ad-hoc arguments offered valuable insight, there was a deeper connection to the explanations offered in the human rights literature. Among that literature, the work of Christian Davenport emerged as a key to the Fijian puzzle.¹³² It seems clear that the democratization process in Fiji was very contentious—partly because of the factors identified by political historians. It was indeed a case where increased levels of repression were accompanied by fewer killings, and thereby an instance where democratization realized its “taming” effect, falling short of full “pacification.”¹³³

When targeted by economic sanctions, will countries that experience leadership change be able to merely tame repression? Will countries with a strong economy be able to pacify dissent more effectively? These questions have important policy implications, as we seek a better understanding of the foreign policy tools. Human rights advocates will benefit from uncovering the unintended adverse consequences for human rights that follow from otherwise popular policies. These are questions the Authors intend to explore in future research.

¹³¹ See Scobell, *supra* note 88, at 192 (weighing the impact of ethnic tension and military-political issues on the May 1987 coup).

¹³² See Davenport, *supra* note 3, at 544-45 (describing the “taming” effect that occurs in democratic transitions where killings decrease, but the government continues to impose repressive political restrictions).

¹³³ *Id.*