Illiberal Human Rights Norms in Trade and the Effectiveness of Western Conditionalities

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Abstract

Are international organizations still able to promote liberal norms? The European Union (EU) is a leading actor in linking human rights issues to external relations, particularly through conditionalities in preferential trade agreements. In this paper, using novel data of all EU trading partners between 1990 to 2020, I argue that EU trading partners are more likely to resist the EU's human rights-trade linkages when they are deeply embedded in regional trade agreements (RTAs) with human rights-violating members. These RTAs reinforce countervailing illiberal human rights institutions—authoritarian laws and norms that adopt relativist approaches to human rights and sovereignty—loosely tied to economic integration. This nexus of regional trade and illiberal human rights norms lowers the cost of noncompliance by providing attractive economic outside options and collective bargaining power, while also diminishing domestic public pressure and reputational costs through the diffusion of illiberal norms. My findings indicate that high levels of embeddedness reduce the effectiveness of EU human rights conditionalities and increase the likelihood of trade negotiation failures. Moreover, conditionality stringency does not significantly impact compliance. However, this embeddedness does not negate the positive effects of EU pressure during negotiations, and EU agreements improve human rights outcomes in countries with low embeddedness. This suggests that the EU's normative influence through trade agreements is short-lived but existent. This study contributes to the literature on the declining liberal international order and offers new insights into the effectiveness of trade-human rights linkages.

Keywords: human rights, European Union, international trade, international organizations, illiberal norms

1. Introduction

Are international organizations still able to promote liberal norms? In the early 2000s, studies have taken an interest in how international organizations helped the development of the international liberal order (LIO), the spread of democracy, and other normative values such as human rights and democracy through liberalization and norm diffusion worldwide (Simmons et al., 2006). These organizations established models of how international organizations and states should look, providing and promoting standards for liberalization, democracy, and human rights (Hafner-Burton, 2005; Petersmann, 2002).

However, what is now more actively being discussed in the literature is how this order is declining, attributed to both the increased populist movements and protectionist demands in the Global North that once led the LIO, and the rising economic and military power of revisionist states that try to reshape the system (Amadi, 2020; Lake et al., 2021; Barnett, 2021; Lobell and Ernstsen, 2021; Steinberg, 2021). Studies discuss how authoritarian international organizations (i.e. organizations with non-democratic members) can contribute to democratic backsliding (Cottiero and Haggard, 2021). There are now as many international organizations in the world with majority-illiberal members as organizations with democratic members (Ginsburg, 2020; Debre, 2021; Libman and Obydenkova, 2018b,a), and this number is increasing.

An important avenue for international organizations promoting liberal international norms is linking issues to trade relations. Linking liberal norms to international trade has been a debated yet common practice by Western countries. Human rights conditionalities are primary examples, included in the unilateral Generalized System of Preferences as well as preferential trade agreements, in order to promote human rights through means of liberalization and interdependence. Earlier studies have advocated the effectiveness of this issue linkage, especially in developing countries (Hafner-Burton, 2005; Petersmann, 2002). Yet, the effectiveness, let alone the legitimacy, of these conditionalities is under debate– some question the effectiveness arguing that clauses are unenforced, also pointing out the selection issue of agreements (Spilker and Böhmelt, 2013) or the conditional effectiveness (Donno and Neureiter, 2018).

The European Union (EU) is a pioneering organization that promotes universal human rights norms of LIO through foreign policies. The EU seeks to promote human rights abroad through external relations and is especially adamant about attaching human rights conditionalities to trade agreements. The organization is the most active if only trading entity that inserts enforceable conditionalities into almost all its trade agreements and has the economic power to impose them on developing countries by taking a take-it-or-leave-it attitude (Ethier, 1998; Meunier and Nicolaïdis, 2005). For most countries, the EU is not an ignorable market due to its sheer size—but whether this power still holds under the current international institutional context is questionable. Are liberal IOs (i.e. the EU and EU agreements) and their efforts to link human rights to trade still effective in inducing change and compliance?

This paper argues that the effectiveness of these Western-driven human rights and trade linkages can be explained by international institutional contexts in which states are embedded, and the proliferating

international organizations with illiberal members. International organizations with illiberal, human rights-undermining members can compete, undermine, and counteract the goals of the Western form of issue linkage through the "illiberal" human rights and trade nexus as mirror images. This linkage between illiberal norms and trade can potentially undermine EU conditionalities by allowing states to both reject existing universal liberal norms and reproduce new illiberal norms within organizations. Illiberal human rights norms such as relativist and cultural approaches to human rights, with emphasis on sovereignty, are institutionalized formally as "authoritarian human rights law" and informally diffused within these organizations. These norms are "loosely linked" to trade in a way that is referenced as a shield against Western pressures and remains unenforceable as non-conditionalities. This no-strings-attached approach of regional economic integration with illiberal actors provides states with more attractive outside options from EU dependence, as well as increased bargaining power as a collective. Illiberal human rights norms that diffuse and resonate within these organizations also reduce the cost of non-compliance by decreasing international reputation costs and domestic pressure for human rights improvement.

This study hence aims to test the effectiveness of EU trade agreements and human rights conditionalities (hereinafter HRC) on human rights improvement and conditions in partner countries. Using novel data that measures the embeddedness of states into illiberal RTAs between 1990 to 2020, I examine the heterogeneous treatment effects based on this embeddedness when states enter into EU trade agreements. I use multiple causal inference methods such as synthetic difference-in-differences and qualitative evidence to support my theoretical argument. This paper presents both the *ex-ante* and *ex-post* treaty compliance behavior of actors, also accounting for the selection effects of international treaties that are sometimes overlooked in international organization studies. I find that countries are less likely to accept EU conditionalities, and EU trade on human rights improvement is less likely to be effective after signing the trade agreement, when the embeddedness is high. This finding implies that EU trade is only effective during the negotiation process when countries change their behavior in order to achieve their material goals as a form of due diligence.

This paper attempts to examine the current state of declining LIO in the area of human rights, and how illiberal human rights norms in economic integration as mirror images can undermine the norms that the EU pushes to promote. It contributes to the burgeoning literature on democratic backsliding and the role of international organizations (Meyerrose, 2020; Cottiero and Haggard, 2021; Meyerrose, 2024). This study also speaks to the sanction and conditionality literature, taking a novel approach by bringing in the international institutional context to explain human rights norms compliance. The study takes sociological institutionalist perspectives of norm diffusion and their domestic and international ramifications, contributing to the authoritarian diffusion literature (Tansey, 2016; Ziegler, 2016). It has strong policy implications for the scope conditions under which human rights and trade linkage may or may not be effective. This study further contributes to the regime complexity literature, explaining compliance through the organizational overlap and outside options (Alter and Meunier, 2009). Lastly, this paper redirects focus to the receiver of norms from the sender, a largely overlooked actor in the

human rights-trade nexus, where their preferences and actions lie.

2. Effectiveness and Acceptance of Issue Linkages

For decades, EU trade agreements have included "Essential Elements" as human rights clauses, signaling they are the most "essential" to agreements, usually appearing in the very beginning of treaties (Horng, 2003). These norms are different from the labor clauses—they are rights with emphasis on negative rights under the International Covenant on Civil and Political Rights (ICCPR). The EU's efforts in linking human rights to trade relations appear both in bilateral agreements and unilateral measures (Generalized System of Preferences(GSP) and GSP+s). In this paper, I focus on the human rights conditions that are included in preferential trade agreements: FTAs, Partnership and Cooperation Agreements, and Customs Unions. These agreements can better demonstrate the bargaining dynamics and interests of trading partners in treaty conclusion as well as effectiveness than unilateral measures where the primary goal lies in human rights promotion.

Most studies on the EU's human rights and trade nexus focus on the interests of the EU, on the inconsistency of conditionality application, both in terms of condition stringency and enforcement (Mckenzie and Meissner, 2017; Sicurelli, 2015; Bartels, 2013) —some clauses are extremely stringent, having the power to immediately withdraw from the agreement when they are violated, even without dispute settlement processes. The European Union indeed has varying interests when it comes to HRCs. Previous work argues that the differences in the EU's institutional interests and power determine the stringency of conditionalities and the selection of trade partners that sign EU agreements (Meissner, 2016; Jung, 2024).

Still, Jung (2024) argues that despite differences in institutional preferences, the EU's preferences are always geared towards a more stringent measure of conditionalities, unrelated to human rights situations in partner countries. And partner countries always prefer weaker clauses, regardless of human rights situations and standards. Indeed, both developed and developing countries oppose conditionalities in trade because they are perceived as protectionism in disguise (Postnikov and McKenzie, 2022), offensive, and undermining sovereignty (Zwagemakers, 2012). Even in countries such as Canada and Australia, negotiations have been held up for decades due to this disagreement. Likewise, even countries with high human rights standards oppose conditionalities because they are deemed irrelevant and offensive to their domestic practices (Leino-Sandberg et al., 2005). Franca-Filho et al. (2014) describe how Latin American countries were critical of the EU's imposition of human rights norms in trade agreements due to the narrow scope of standards and arbitrary application.

Despite the general aversion to human rights conditionalities (HRCs), the variation in partners' interests and the degree of resistance to issue linkages has received little attention. Nessel and Orbie (2022) argue trade negotiations and outcomes are also shaped by the preferences of the trading partners that are as important as the interests of the EU. Regarding conditionality compliance, extant literature has

focused on how the recipients of conditionalities act on calculations of expected gains and loss (Donno and Neureiter, 2018; Schimmelfennig, 2007; Noutcheva, 2006; Hafner-Burton et al., 2015; Moravcsik, 1995), which is primarily about more FDI or trade flows (Girod and Tobin, 2016). There are also domestic factors of compliance—regime types, veto players, state capacity, political stability, and political interest groups (Drazen, 2002; Joyce, 2006; Mayer and Mourmouras, 2002; Montinola, 2010; Wright, 2009).

In line with the cost-benefit argument, studies contend that compliance is associated with the likelihood of enforcement—there will be less enforcement when the partner is more strategically important for the sender of sanctions, and hence less compliance (Dreher, 2009; Kilby, 2009; Stone, 2004; Vreeland, 2006). However, there are less than a handful of cases when EU human rights conditions have been enforced, and these are limited to Partnership and Cooperation Agreements with African countries enforced decades ago. The EU does not frequently implement sanctions upon violation for multiple reasons: the benefits that can come from trade (Spilker and Böhmelt, 2013), not wanting to lose influence upon its partners by cutting off relations, and the possibility that sanctions do not guarantee improvement but worsen civilian lives by isolating the state and legitimize the repressive government (Fierro, 2003; Smith, 2001).

From this discussion, it appears that partner countries' decisions to comply or not may not solely be driven by fear of enforcement. If the economic benefit argument holds, why then do we sometimes observe lower compliance in countries highly dependent on the EU, such as various African and Southeast Asian states? The European Union is the top trade destination for over 80 countries and the largest trading bloc in the world. This makes trade preferences provided by the EU highly attractive for most countries. This makes the behaviors of the trading partners more puzzling based on the cost-benefit calculation. Hence this paper aims to address how interests and the calculation of conformity to human rights-trade linkages are shaped within states, considering international institutional contexts. It also considers the role of different international actors and regional organizations, with implications for the declining or varying effectiveness of EU HRCs over time.

Another issue when it comes to examining compliance and effectiveness is potential issues of selection (Jung, 2024). States can select into EU agreements, and disagreement on human rights issues is allegedly the most frequent cause of negotiation deadlock and failure (Zwagemakers, 2012; Kuznar and Menkes, 2022). This is both because of the disagreement by the EU on the human rights situation of the partner, or the partners' resistance to the conditionality that the EU imposes. Because of this, it is not just after the conditions are implemented that change state behavior, but the partner can also improve human rights that meet EU standards prior to the agreement. Hence, the partners can also decide to comply before signing treaties in the form of due diligence.

This paper examines both the ex-ante and ex-post effectiveness as well as the acceptance of norms in trade. Understanding the resistance to EU norms requires the understanding of compliance both before and after treaty signing, but also signing onto the agreements themselves because states that are willing

to comply may select into the agreements. Figure 1 describes the process of trade negotiations and how human rights issues are treated between the EU and the trading partner. This is not a game-theoretic model but is intended to facilitate understanding of EU trade negotiations and the issue linkage process. First, the EU is always the proposer and linker of norms in trade negotiations, and trading partners are the takers of norms, having the incentive to weaken them if possible (Stokke, 2006). The partner can either accept or reject the offer made—when the partner accepts the proposal, it can change behavior before signing the agreement [1], or improve human rights after signing. Another option is for the country to sign the agreement but choose not to change behavior. If the initial proposal is rejected, the EU can, depending on the EU's interest in the partner and bargaining leverage, make a concession and propose weaker clauses. If the EU refuses to compromise, the negotiation can face a deadlock. And when the partner rejects the EU's compromise, this can repeat the process leading to a prolonged negotiation or a deadlock. This paper investigates the partners' behavior in which they choose not to accept EU norms and not sign the agreement (reject), as well as the effectiveness of ex-ante and ex-post treaty signing. The former will be shown in the form of a negotiation holdup/failure or a prolonged negotiation due to the repeated process.
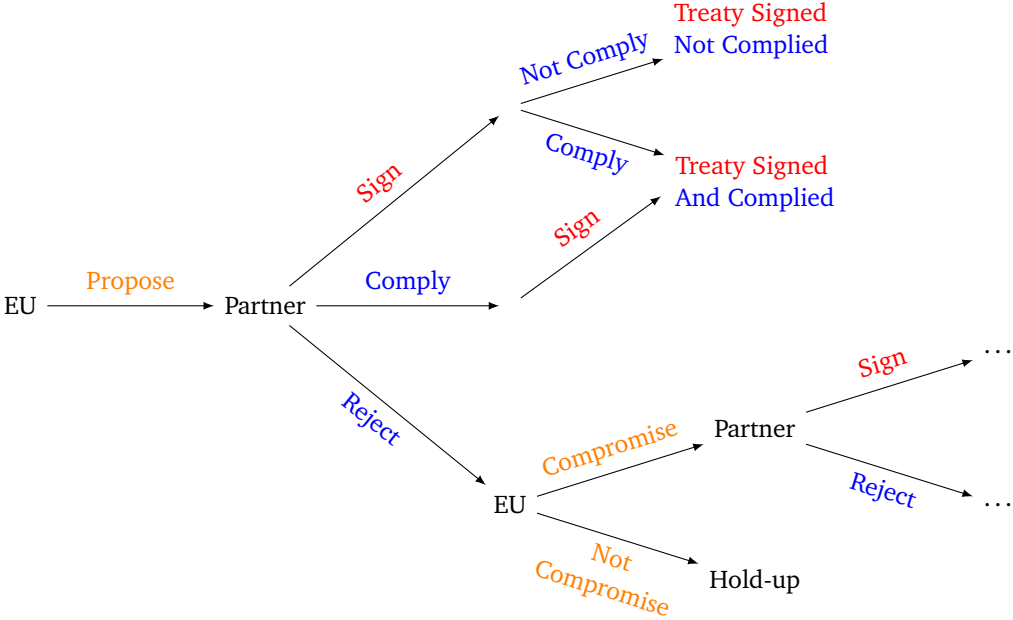

Figure 1: Process of Human Rights-Trade Linkage

3. Illiberal Human Rights-Trade Nexus

In recent years, there has been extensive literature focusing on the backsliding effects of organizations on the Liberal International Order(Libman and Obydenkova, 2018a,b; Stoddard, 2017). Cottiero and

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[1]The state can go back to the status quo or maintain improved human rights conditions.

Haggard (2021) find that membership in authoritarian regional international organizations (RIOs), organizations that consist of more autocratic than democratic members, makes democratization less likely and increases authoritarian consolidation. They argue that these organizations help provide resources and support to sustain authoritarian regimes and reduce dependence on financial institutions and trade previously dominated by Western democracies. Furthermore, through deeper integration, these authoritarian regional blocs reinforce authoritarian governance by formulating their own international law (Ginsburg, 2020).

Linking these discussions, this article theorizes that a collective of influential RTAs and human-rights violating trading partners can impose a countervailing, illiberal version of trade-human rights linkage that can at times be more influential than EU conditionality when the embeddedness into these organizations is high. Based on the assumption that states act based on cost-benefit calculations (Donno and Neureiter, 2018), I argue that higher embeddedness reduces the incentives of Western norm compliance by reducing the cost of norm resistance as well as increasing the cost of compliance. This form of regional economic integration and illiberal human rights nexus works in two ways: First, it is through trade relations with illiberal actors that provide material alternatives to resist EU norms and disincentives by punishing states that accept EU norms. Second, it is through the illiberal human rights norms and trade linkage that offers new concepts and understandings of human rights norms that are reinforced and diffused within these organizations. This institutionalization of illiberal regional norms reduces the domestic and international reputation costs of non-compliance.

What is distinct from previous studies is that I bring in a new conceptual framework that is specific to human rights and trade that can apply to both democracies and non-democracies. There are implications to the issue linkage as well as the eroding LIO literature that hinges on both the rejection of existing Western norms and the diffusion of new illiberal norms. Here I examine regional trade agreements, technically indicating "treaties between two or more governments that define the rules of trade for all signatories"(World Bank, 2018). This includes bilateral trade relations.

Figure 2 presents a simplified illustration of how regional trade agreements (RTAs) with multiple illiberal members undermine the EU's trade-human rights linkage. Transnational human rights norms are tightly linked to EU trade agreements as enforceable conditionalities, whereas illiberal human rights norms are loosely linked as non-conditionalities in regional trade relations. This version of the illiberal norms-trade nexus is a mirror image of EU issue linkage that can undermines the effects of EU conditionalities that I explain in the following sections.

Rejecting EU Norms
Regional trade agreements that have primary goals in economic integration are important in explaining states' calculation of the material benefits or costs of norm compliance. RTAs are distinct from other types of international organizations, in that they yield immediate and visible material benefits and domestic ramifications. Exporting countries often emulate the norms and standards of their destination countries, a dynamic that influences both EU external relations and competing illiberal RTAs (Greenhill,

Loosely Linked

| Regional Eco-nomic Integration | Illiberal Human Rights Norms |

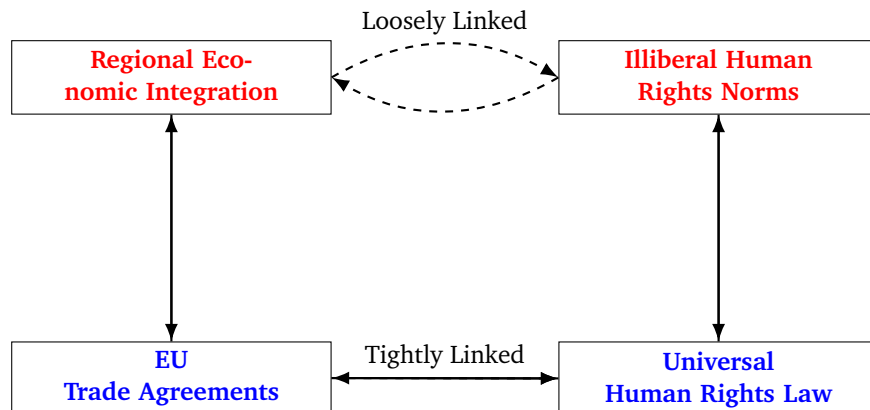| EU Trade Agreements | Tightly Linked | Universal Human Rights Law |

Figure 2: Human rights- trade linkage in the EU and illiberal RTAs

2010). Studies argue that the level of compliance and emulation is likely to depend on the volume of trade and the importance of the markets of the destination countries (Kahn-Nisser, 2019), and more outside options can make the conditionalities of trade agreements less effective (Gray and Slapin, 2013). A countervailing trade-illiberal human rights linkage can hence undermine incentives to comply with EU norms by driving up the cost of norm compliance or reducing the cost of resistance.

The first mechanism is the "carrot" that provides economic support and trade benefits to members, thereby reducing dependence on the EU by trade divergence. RTAs have in fact proliferated over the past couple of decades, and one of the recent trends is that South-South agreements have grown significantly. Scholars attribute the proliferation of RTAs to the impasse or very little progress in multilateral relations including the Doha Round (Goldstein et al., 2006). In recent years, even non-European regional trade agreements have incorporated economic and security objectives that are not directly related to trade. While the EU is the most socially and politically integrated regional bloc, other states also seek to meet their political goals through integration with like-minded members. The Global North countries' turn to more protectionist policies also contributed to the smaller, West-dependent countries diversifying trade or turning to regionalism (Barros Leal Farias, 2020). These regional agreements provide an alternative to EU trade. Studies show how outside options and overlapping IOs can constrain the bargaining range and limit the effectiveness of existing IOs and conditionalities (Gray and Slapin, 2013; Clark, 2022; Lipscy, 2009). Clark (2022) uses Indonesia as an example, illustrating how the burdens of IMF conditionality were reduced when the country joined the Chiang Mai Initiative, an alternative lending institution.

However, because the EU remains among the top trade destinations for many states, the economic outside options are likely to be led by a number of large economic powers. China is the most prominent growing economy that provide alternatives to EU trade, especially to already authoritarian countries through trade and aid. The country has different approaches to human rights: objectives in development that precede human rights, and an ultra-statist view that prioritizes sovereignty and non-intervention. Chen (2019) also argues that China is constantly attempting to align with other authoritarian states,

labeling themselves as a "Like Minded Group (LMG)", promoting an alternative view of human rights (Vatanka, 2019). China is involved in regional trade relations both bilaterally and with other RTAs, such as the Association of Southeast Asian Nations (ASEAN). Scholars have argued that EU trade policy towards East Asia has, in fact, largely been shaped by China (Kim, 2022). With the signing of Regional Comprehensive Economic Partnership (RCEP), China became a contender of the EU as a leading economic power—the country currently has 24 FTA projects in Asia, while the EU only has 16 and only 4 are in place. For ASEAN, China accommodated member states through FTAs with tariff reductions and economic concessions right after the financial crisis in the region (Ba, 2003; Meissner, 2018). In Africa, Chinese investment helped the promotion of human capital and development, but also buttressed authoritarian regimes in the region (Webster, 2012). China and Africa Cooperation (Focus on Development of African Communities: FODAC) is a multilateral mechanism that functions as the main source of Chinese investment and development promotion, in which multiple African regional trade organizations partake. There are similar forums in the Middle East, such as the China-Arab States Cooperation Forum (CASCF).

China's strategy shows a stark contrast to the EU's approach—funding flows into states are quicker without strings attached, emphasizing non-intervention (Condon, 2012; Fachqoul and Defraigne, 2015). This strategy can disincentivize compliance by driving down the cost of non-compliance, and because most states are not favorable towards human rights conditionalities in the first place (Watkins, 2022). While many states are heavily reliant on EU trade, what makes these alternative options more appealing to domestic leaders is the absence of conditionalities in the trade benefits provided by illiberal states. These states do not require improvements in human rights, democratic conditions, or changes from the status quo in exchange for trade preferences (Yildiz, 2022). Condon (2012) state how China is a "rogue" donor that provides aid and trade benefits with no strings attached, the country explicitly stating that civil and political rights should not be prioritized over economic, social, and cultural rights. These nonconditionalities and economic benefits can be more appealing to states, especially when they perceive the imposition of EU norms as offensive and undermining sovereignty.

It is not true, however, that China alone provides outside options to states. The rise in Chinese exports alone does not have a significant effect on human rights, and studies argue that the economic power of China is overestimated (Kahn-Nisser, 2019). While China is an important actor, it is through the complexity of multiple outside options that the RTAs provide. There are also alternatives from regional trade, Russia, and other oil-exporting countries. The presence of countries such as Turkiye and UAE have become prominent as non-traditional donors and trading entities, exerting great influence in sub-Saharan Africa, the MENA region, and Balkan states (Muğurtay, 2022).

These illiberal powers not only function as outside options, but they can actively pressure member states to weaken ties with the EU using "sticks". In Russia's case, when Ukraine entered negotiations on the Comprehensive Free Trade Agreement with the EU, Russia pressured members of the Eurasian Economic Union (EAEU) to impose customs duties on Ukraine. Russia's effort in regional economic

integration is arguably to strengthen authoritarian regimes in these countries and pull away members from the European Union (Libman and Obydenkova, 2018a; Börzel, 2017). EU sanctions and normative policies have been largely ineffective in the region due to these countries' high dependence on Russia (Yildiz, 2022). For Russia, the acceptance of liberal norms and democracy in the periphery is perceived as a threat to political survival, especially after the consecutive political instabilities (Risse and Babayan, 2015). Likewise, it is not merely through outside options that RTAs with illiberal actors play a significant role, but the illiberal actors through regionalism also make the inclination towards liberal democracy "dangerous" (Yildiz, 2022). This approach by illiberal states increases the cost of EU norm compliance, thereby reducing conditionality effectiveness.

Another way these RTAs work is through economic collective bargaining power, just like the economic market power that EU member states hold as a giant trading bloc. Weaker states through regional organizations can bargain as a collective, sharing similar cultural and ideological approaches to human rights issues. Regional organizations can provide smaller states with formal protection from larger powers through collective power (Björkdahl, 2008; Long, 2017). A number of EU trade agreements are negotiated by other regional organizations such as the Southern African Development Community (SADC), which allows weaker countries to express their interests on human rights issues consolidated as a group. Even if this attempt fails, regional trade organizations still potentially can use member states as a frame of reference at the negotiating and enforcement stage, asking for equal treatment. Even though the EU-ASEAN FTA project fell apart in 2007 and the EU turned to bilateral agreements with Singapore and Vietnam, Vietnam was suspected of bringing up the EU-Singapore FTA's weak human rights conditionality as a frame of reference in order to weaken conditionalities imposed on Vietnam. Furthermore, the country has already previously used membership in ASEAN as a shield from external human rights pressures (Molthof, 2012). Hence, highly integrated, deep trade relations allow member states to collectively resist Western pressures as trading blocs, demanding similar levels of human rights standards with their peers. This would also make it difficult for the EU to enforce conditionalities in a consistent manner if states ask for equal treatment with their peers in the regional group, undermining effectiveness.

Reproducing Illiberal Norms

This section shows how illiberal norms that are both formal and informal, can create new norms that can undermine existing norms. The linkage with regional trade further reinforces these illiberal norms through illiberal diffusion and making outside options even more attractive. While the previous section hinges on the potential rejection of European norms, this section talks about the adoption of alternative illiberal norms. These norms can be in the form of formal institutions, what Ginsburg (2020) calls "authoritarian international law". Authoritarian regimes have developed their own form of international law that includes less democratic rules, looser cooperation, and those that can help with autocratic regime survival. He argues that autocracies make use of democratic forms of governance for purposes that are undemocratic. These laws are in fact, non-binding and a mere mirror image of actual democratic systems, containing multiple loopholes but no teeth (Bui, 2016; Walker, 2016). They serve as a facade

that helps to fend off or appease democratic pressures from the West, signaling compliance without actual changes in domestic policies (Debre, 2021; Whelan and McWard, 2020; Hafner-Burton et al., 2024). Indeed, these authoritarian human rights laws have an emphasis on cultural and historical values, leaving room for relativist interpretation of human rights. They also contain loopholes that can be potentially used to undermine human rights, also lacking enforcement mechanisms.

These authoritarian human rights laws are loosely coupled with economic integration, merely referenced in generic language and not as binding conditionalities like the EU. The most prominent examples are The ASEAN Human Rights Declaration (ADHR) agreed upon by the members of ASEAN, and the African Charter on Human and People's Rights (ACHRP) which are tied to the RTAs appearing in the preambles of RTAs such as COMESA, EAC, AEC, IGAD, Abuja Treaty, ECOWAS, Arab Maghreb Union (AMU), and SADC. For example, the EAC's Art. 6(d) stipulates the promotion and protection of human and peoples' rights in accordance with principles of the African Charter on Human and Peoples' Rights (ACHRP), as well as specific measures of gender equality in article 5 and 6. Human rights mandates are indeed tied to the economic integration process for most African countries and the RTAs that they are overlappingly a part of (Nwauche, 2009). However, what is important to note is that these RTAs do not mention universal human rights laws, but only the regional human rights law—multiple countries have only signed the regional international human rights law and not the ICCPR (International Covenant on Civil and Political Rights), implying the possibility of window dressing. Cameroon, for example, in order to prove that it was complying with human rights law, appealed to a regional international law as a defense against the human rights violation accusation [2]. Likewise, this authoritarian form of human rights law allows member states to hide behind these institutions and justify violations of transnational human rights law promoted by the EU.

In the ACHRP, there are "Clawback Clauses" as potential loopholes that can undermine protection laws. Article 6 states that "No one may be deprived of his freedom except for reasons and conditions previously laid down by law.", leaving room for arbitrary government rule to violate and undermine human rights. The importance of African family values is also enshrined in the Charter (Chap 2), implying the manipulability of regional human rights law (Bennett, 1999). The Charter has been sometimes referenced against the universal human rights norms to support traditionalist stances on human rights, especially regarding gender discrimination and women's rights. And like the AHRD, the Charter lacks sufficient enforcement mechanisms and suffers from issues of non-transparency, and prolonged decision process (Isanga, 2012). Other regional-level laws such as the Revised Arab Charter face similar problems (Nwauche, 2009).

The ADHR of 2012 also legitimizes human rights being discussed within the regional framework and is compatible with the absolutist vision of non-intervention (Davies, 2013). The declaration includes how the realization of human rights must be considered in national and regional contexts, historical,

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[2]Amnesty International, 2013 "Republic of Cameroon: Make human rights a reality" https://www.amnesty.org/en/wp-content/uploads/2023/05/afr170012013en.pdf

cultural, and social backgrounds, leaving room for relativist interpretations of human rights law. [3] The declaration is also not legally binding and remains declaratory, and the relationship with ASEAN is not clear (Davies, 2013), indicating the loose link with the trade agreement. There is also a clause (Art.40) that could undercut the whole document, where purposes and principles can be interpreted as state-centric traditional values of ASEAN .[4] The emphasis on persons' (Art 10-25) instead of individuals also reflects the disproval of Western approaches to human rights (Clarke, 2012). In fact, only four countries (Cambodia, Phillipines, Thailand, Vietnam) from signatories have signed the ICCPR and the Convention Against Torture.

However, is not just through formal laws that institutionalize illiberal conceptions of human rights, but through identities and norms that are shared among the members of these organizations that re-inforce new norms in RTAs. Scholars argue that these authoritarian institutions help build solidarity among members through regional identity and cultural similarities. Regional identities can help with social cohesiveness and integration that are elements of culture, nature, politics, history, and religion (Paasi, 2009). Debre (2021) claims that authoritarian regional organizations can help regime survival by ideational resources to incumbents, providing ideational communities that can potentially devalue democracy and human rights. Examples are Russia's "Eurasianism", and the so-called "Asian Values" and the "ASEAN way" of ASEAN states. For Africa, the African approach to human rights roots in the struggle against colonialism and apartheid (Heyns, 2003), meaning that these notions have developed as a struggle for liberalization and the preservation of African identity and cultural heritage that may not be in line with the Western approaches (Gawanas, 2009).

The authoritarian diffusion literature also speaks to the diffusion of "illiberal" human rights norms through trade relations, where norms are spread within regions by way of learning and adaptation (Tansey, 2016; Ziegler, 2016; Kneuer and Demmelhuber, 2016). Trade relations can buttress these norms as trading countries tend to influence one another (Greenhill, 2010), antithetical to the EU's goals of human rights promotion through trade. A regionally shared norm can increase the legitimacy of human rights-undermining practices, normalizing violations. These norms can be the notions of non-interference and sovereignty (Allison, 2008) that are not just driven by illiberal economic powers. Indeed, local actors create new concepts and understanding of global rules in a regional context that challenges transnational norms (Acharya, 2011). Studies have argued that illiberal international norms, including human rights, can have countervailing effects with the diffusion of democracy (Risse and Babayan, 2015). States observe neighboring states in their regional environment, and illiberal norms are mimicked and compared among themselves as institutions through both praise and blame

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[3]This can be found in Article 6, which states "the enjoyment of human rights and fundamental freedoms must be balanced with performance of corresponding duties as every person has responsibilities to all other individuals, the community and society" , and Article 7 imposes direct restrictions on human rights intervention, stating that "The realization of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds".

[4]Article 40 states: "Nothing in this Declaration may be interpreted as implying for any State, group or person any right to perform any act aimed at undermining the purposes and principles of ASEAN."

([Costa Buranelli, 2020](); [Houle et al., 2016]()). By comparison with neighbors in the same regional environment and through authoritarian international human rights law allowing states to window-dress, these factors jointly drive down the international reputation costs of non-compliance, reducing the naming-and-shaming effect of the EU as well.

Domestically, the calculation of domestic leaders can change with this window-dressing and the regional diffusion of illiberal norms. Compliance with European norms for governments has been a way to keep down the threats of social unrest and international reputational costs. However, when norms against compliance with external Western pressures are prevalent, the cost of resistance will decrease. [Yildiz]() ([2022]()) argues that this kind of domestic resonance can also shape the human rights promotion agendas of states. When domestic actors identify with illiberal regional human rights norms, this can resonate into a reduced effectiveness of EU issue linkages ([Risse and Babayan, 2015]()). This is by invoking authoritarian human rights laws, as well as comparison with its neighbors that share these norms. For instance, a former Korean Presidential candidate pushed for the execution of the death penalty, which was against EU pressures, referencing neighboring Asian developed countries that actively execute prisoners[5]. Studies have also shown that when human rights pressures from the West are high, and this pressure is framed as if it is geopolitically targeting the nation, citizens are less likely to call for improvements ([Gruffydd-Jones, 2019]()). This sovereignty-emphasizing framing, as well as the institutionalization of illiberal norms, can reduce the cost and increase benefits for non-compliance, by minimizing domestic audience costs. Yet, the domestic costs of non-compliance may be different depending on regime types ([Cottiero et al., 2024]()) and the strength of civil society, which I control for in the analysis. Hence, my main hypotheses regard the acceptance of EU human rights conditions as well as the effectiveness, before and after the treaty signing.

H1: *EU's human rights norms in trade agreements are less likely to be accepted when partner countries are more embedded in regional trade agreements with multiple human rights violators.*

H2: *EU's human rights norms in trade agreements are less likely to be effective (ex-ante and ex-post) when partner countries are more embedded in regional trade agreements with multiple human rights violators.*

In summary, this article posits that the embeddedness into RTAs with multiple human rights violators can undermine the effects of EU trade on human rights. This is by both rejecting existing norms and reinforcing new illiberal norms, which interact and feed back one another. Table 1 presents how this illiberal version of issue linkage an influence states' decisions regarding compliance with EU issue linkages. First, economic integration can provide states with alternatives and increase individual bargaining power as a collective. This jointly reduces the cost of resistance, undermining effectiveness. Punishment by illiberal powers for forming closer ties with the EU can increase the cost of norm compliance that has similar effects. On the other hand, creating and reproducing illiberal human rights laws and norms

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[5]Yeonhap News, 08/05/2023: https://www.yna.co.kr/view/AKR20230805038100053

regionally can also reduce the cost of norm resistance, by driving down both domestic and international reputation costs. All of these mechanisms interact with one another and can jointly undermine EU conditionalities as a vicious circle–the reproduction of illiberal human rights norms can make outside options more attractive, and incentivize like-minded states to further stick together.

	Mechanisms	Cost Calculations
Rejecting liberal norms through regional trade relations	1) Outside options (carrot)	$\Rightarrow$ Cost of resistance ↓
	2) Collective bargaining power	
	3) Punishment (stick)	$\Rightarrow$ Cost of compliance ↑
Reproducing illiberal norms through loosely linked issues	1) Reduced domestic pushback	$\Rightarrow$ Cost of resistance ↓
	2) Reduced reputation cost	

Table 1: Rejecting and Reproducing Norms

4. Research Design

To empirically test my theoretical argument, I collect data on all the EU's trading partners with or without a trade agreement from 1990 to 2020. This is to address some of the endogeneity concerns that may arise due to the selection into agreements. There can be more than one agreement signed with one country, and this includes 134 agreements.

Dependent Variable

My main dependent variables are composed of two parts: the acceptance and effectiveness of EU trade and human rights linkage. First, acceptance is measured by how likely the country is to sign the agreement or the likelihood of negotiation failure. For the likelihood of treaty conclusion, I code as 1 if the agreement has been concluded and is in place. I use a Hazard model to estimate the conclusion of the agreement after the start of negotiation. Disagreement on human rights issues is what the EU states as the most frequent reason for negotiation deadlock and failure (Zwagemakers, 2012; Kuznar and Menkes, 2022). This was the case for the failure of concluding FTAs with ASEAN, China, India, and so on. Agreements with Canada and Australia also took decades due to this disagreement. I code the duration of the negotiations as well as whether the agreement is held up indefinitely. This variation is compared between countries that have started a trade negotiation with the EU. I take also into account the stringency of human rights conditionalities from Jung (2024) that measures stringency based on the scope of human rights law included in the treaty, as well as enforceability. This variable is coded from the lowest stringency (0) to the highest stringency (5).

Compliance is oftentimes used interchangeably with effectiveness, which can at times be problematic (Simmons, 1998). In this paper, I focus on the effectiveness of "European human rights-trade linkage",

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where effectiveness can be measured by changes in human rights practices. I use the Fariss et al. (2019) latent human rights scores as the human rights records that measure physical integrity rights—this is how much individuals are protected from government killings, torture, and imprisonments. The higher the score, the better the human rights conditions.

However, these human rights scores are impacted by multiple factors, including domestic and other international forces. There is also high autocorrelation for this variable. Hence, in addition to the human rights scores (Fariss), I estimate effectiveness by using the execution of the death penalty, as one area that the EU specifically dominates. The death penalty is always questioned by the EU in retentionist states and is controversial even in developed countries. This variable will be a more direct measure of compliance with EU-specific human rights norms, which also apply to developed countries. I code as 1 if the country has executed the death penalty in a given year, and 0 for otherwise. This data is from Amnesty International—I use a binary measure since collecting the number of executions in some countries is inconsistent and impossible, and one execution can also mean that the country is not conforming to EU norms. While the death penalty is not explicitly included in the treaties themselves, the use of this measure can be helpful in understanding direct compliance with EU-specific norms because they are nearly always brought up during negotiations with retentionist states. Technically, the execution of the death penalty is not a violation of human rights under international human rights law (ICCPR) but is the core of the EU human rights agenda, and an explicit conditionality for EU membership accession. Execution of the death penalty has always been considered a human rights violation within the EU as cruelty and torture, while it is not debated as a human rights issue in the US (Jouet, 2023). EU efforts to reduce or to put a hold on the death penalty in third countries have been quite effective, such as Yemen, Belarus, and Nigeria (Behrmann and Yorke, 2013). The EU constantly pressures countries to abolish and not execute the death penalty, threatening partners with tariff measures [6], withdrawing of trade preferences, and refusing to conclude FTAs without commitment to a moratorium (Jung and Koo, 2018).

Countries indeed have abolished or put the death penalty on a moratorium with the strengthening of EU trade relations—yet in more recent years, death penalties have been reinstated in multiple countries including Pakistan, Sri Lanka, Papua New Guinea, Gambia, and Malawi. Even a third of UK citizens call on bringing back the death penalty after Brexit since the UK is no longer bound by EU law [7]. Due to these reasons, explicit pressure to abolish or put the death penalty on hold from the EU is perceived as a severe intervention in internal affairs (Huong and Khoo, 2019)—Hence this measure can effectively measure even democratic countries' and their resistance to EU norms.

Explanatory Variable: Embeddedness into Illiberal RTAs (IHRRES)
For the main independent variable, I measure the embeddedness of EU trade partners into RTAs that

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[6]DW, 01/07/2019 "Sri Lanka death penalty reinstatement 'extremely disturbing" https://www.dw.com/en/sri-lanka-death-penalty-reinstatement-extremely-disturbing/a-49428391

[7]Yahoo News, 3/29/2017 https://au.news.yahoo.com/brexit-one-three-brits-want-172202680.html

contain multiple human rights-violating partners. Inspired by Hafner-Burton et al. (2019) on corruption measures of IOs and Cottiero and Haggard (2021)'s IAS (IO Autocracy Score) which measures states' level of membership in authoritarian international organizations, I create a new measure called IHRRES (Illiberal Human Rights RTA Embeddedness Score). While the IAS is based on all international organizations, I focus here only on the RTAs that are comparable to the EU PTAs and use human rights scores as my main measure (Fariss et al., 2019). I also do not subset the authoritarian organizations that have low democracy scores at a cutoff point, and weight the organizations based on their importance. This is because membership in RTAs that are composed of states with better human rights conditions can also affect state behavior, also counteracting the influence of illiberal RTAs.

To measure the IHRRES, I first average the human rights scores (Fariss) of all members of RTAs that the country of interest (i) at a given year (t) is included in, excluding country i to observe the impacts of neighbors and not the country itself. I do not examine agreements where the majority of the signatories are EU members—this can rule out the effects of European states that share similar values with the EU. Then I average the scores across RTAs, weighting them by the depth of the agreements, using DESTA scores (Design of Trade Agreements) developed by Dür et al. (2014). The dataset measures the depth of different types of economic integration agreements, taking into account commitments to market access, flexibility instruments, enforcement tools, and non-trade issues. The data covers all negotiated trade agreements up to 2020 and will be an indicator of how integrated and important the agreement is for country i. The universe of RTAs is also from this dataset. Using treaty depth is a more appropriate proxy for the social and economic integration of regional trade agreements than simply using trade flows. Trade flows are endogenous to the signing of RTAs in the first place. Furthermore, treaty depth is indeed associated with trade volume, the level of integration, and the within-organization intensity of trade flows (Hofmann et al., 2017). And because treaty depth also takes into account the inclusion non-trade issues, this also can be an indirect measure of how much states are willing to cooperate on social issues, allowing illiberal norms to better infiltrate.

Hence, a country can have multiple illiberal RTAs in place, with varying levels of economic cooperation and integration which I take into account. The data is coded from 0 to 7(higher the deeper), but for weighting purposes, I add 1 to the variable. I finally multiply (-10) by the equation to intuitively interpret high IHRRES as "higher" embeddedness into illiberal RTAs.

My main explanatory variable looks like this:

$$IHRRES_{it} = -10 \times \frac{\sum_j \left(\frac{\sum_{k \neq i} \text{FARISS}_{jk}}{\text{MEMBER\_COUNT}_j - 1} \times \text{DESTA}_j \right)}{\sum_j \text{DESTA}_j}$$

Where $IHRRES_{it}$ is the IHRRES for country i at time t. $FARISS_{jk}$ are FARISS human rights scores for country k in organization j, in which country i belongs, the inner sum is taken over all countries k in organization j, excluding country i. $MEMBER\_COUNT_j$ is the count of the number of countries in organization j, and is subtracted by 1 because of country i. $DESTA_j$ is the weight for each organization

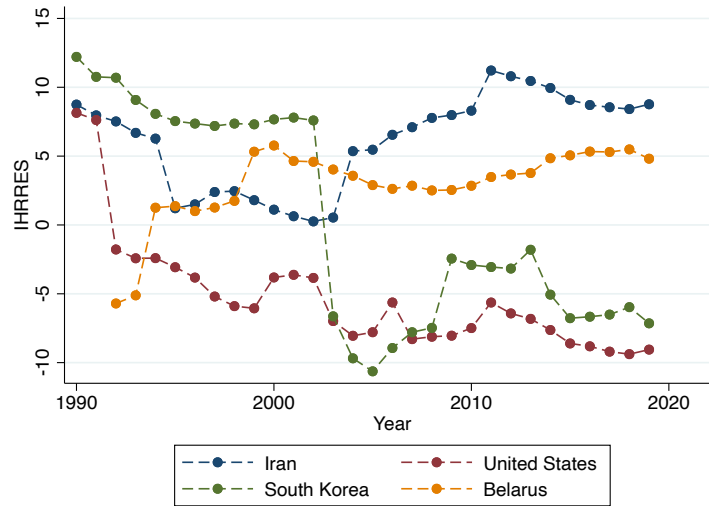j, and the outer sum is taken over all organizations to which country i belongs.

Figure 3: Variation of IHRRES over time

Figure 3 shows example states and their variation of IHRRES over time. In South Korea's (green) case, IHRRES went down dramatically in 2004 since Korea started signing new FTAs under the new regime after democratization. The United States, as a reference democratic state, has constantly low IHRRES compared to other countries. The other two examples are nondemocratic regimes (Iran and Belarus) with relatively higher IHRRES, with an upward trend over the years.

Controls

In all the models, I include the partners' trade dependence on the EU, using export data to the EU retrieved from the IMF Direction of Trade Statistics (CD ROM), divided by the GDP of each country in US dollars (World Bank World Development Indicators Database). I also include export shares(%, EU to partner) taken from the Eurostat database to measure the EU's trade dependence on the partner. This is to account for the relative economic bargaining power that the EU and trading partners have. I also control for the EU's resource dependence—while the EU is mostly self-sufficient, it depends heavily on trade when it comes to energy and raw materials. This is measured by import shares (%) of energy and raw materials, also taken from Eurostat. To control for some EU-side interest variables from previous studies, I use Jung (2024)'s variables on public trust in the Commission, and agreements signed after the Lisbon Treaty. These factors empower the European Parliament, a more pro-human rights institution that pushes for more stringent human rights clauses. And since compliance may be conditional on the stringency of conditionality, I take Jung (2024)'s measure of HRC stringency which is coded from 0 to 5 based on the enforceability and scope of human rights law.

I include gravity-model setting variables such as distance(distance from Brussels to the capital in km), GDP, and GDP per capita (both logged). To exclude the effect of China alone driving the outcome, I

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include export dependence on China (total export to China/GDP), also logged. To understand heterogeneity across regime types and the strength of civil society, I include V-dem civil society scores, and polity scores above 5 transformed as an indicator for democratic regimes. I also lag human rights variables (Fariss) by 1 year. Finally, I include country-fixed effects for some models and cluster standard errors by country.

Model Estimation

For H1 on the selection and failure of trade agreements, I use probit and Cox Proportional Hazard models to predict the likelihood of agreement conclusion once negotiations begin with the trading partner. To test H2, I use synthetic difference-in-differences (Arkhangelsky et al., 2021)(SDID) with staggered treatment, using human rights scores as the dependent variable. This method can be useful for observing policy effects with treated and untreated units are repeatedly observed over time. SDID is more flexible in assumptions than the standard difference-in-differences, controlling for more differences in the treatment and control units. Bringing together the strength of both DiD and Synthetic Control (SC) methods– SDID overcomes the parallel trends assumption but allows panel inference like DID, and reweights and matches the pre-treatment periods like the SC model. The goal is to observe the heterogeneous treatment effects of EU trade agreements as the treatment, whether high or low IHRRES is associated with different levels of effectiveness. The treatment group is countries with EU trade agreements in place and the control group is countries that do not have agreements. Additionally, I use logit and probit regression models to test the probability of death penalty execution during negotiations and after treaty signing.

5. Findings and Discussion

Accepting EU Norms

First, I examine the likelihood of negotiation failure, which is compared with countries that started a trade negotiation with the EU. Using Cox Proportional Hazard models, I find that across models in Table 2 that one-unit increase in IHRRES is associated with the hazard of treaty conclusion decreasing by 5 to 7% (columns 1-3). Higher trade dependence on the EU increases the chances of a treaty conclusion by over 30%, whereas dependence on China reduces the likelihood of the agreement. Figure 4 is a probit coefficient plot that shows the likelihood of failure of trade agreements, which are agreements that have been held up indefinitely. This outcome is consistent with the hazard models in the table. These findings support H1 on the acceptance of EU human rights norms in trade. I do not find any findings on the stringency of human rights conditions and the association with IHRRES, presented in the appendix (Table 6,7).

Table 2: Cox Hazard Model: Hazard of agreement conclusion

	(1)	(2)	(3)	(4)
		Hazard of Agreement Conclusion		
IHRRES	0.94**	0.93***	0.95*	0.98
	(0.02)	(0.02)	(0.03)	(0.04)
Human Rights Score	1.06	1.18	1.15	0.92
	(0.11)	(0.19)	(0.21)	(0.21)
GDP per capita (logged)		0.74*	0.72*	0.97
		(0.12)	(0.12)	(0.21)
GDP (logged)		0.99	1.01	0.91
		(0.10)	(0.13)	(0.13)
Distance			1.00*	1.00
			(0.00)	(0.00)
EU Resource Dependence			1.08*	1.08*
			(0.05)	(0.04)
Export from EU (%)			1.11	1.14
			(0.26)	(0.26)
Dependence on EU			1.46***	1.31**
			(0.18)	(0.16)
Dependence on China (logged)			0.90**	0.91
			(0.05)	(0.05)
Trust in European Commission				1.02
				(0.02)
Post-Lisbon				2.96**
				(1.41)
Democracy				1.49
				(0.48)
Country Fixed-Effects				YES
N	1222	1210	1152	1152
$PseudoR^2$	0.008	0.019	0.036	0.049

Notes: Exponentiated coefficients; Standard errors in parentheses (clusterd by country); *, **, and *** indicate significance at the 10, 5, 1% levels.
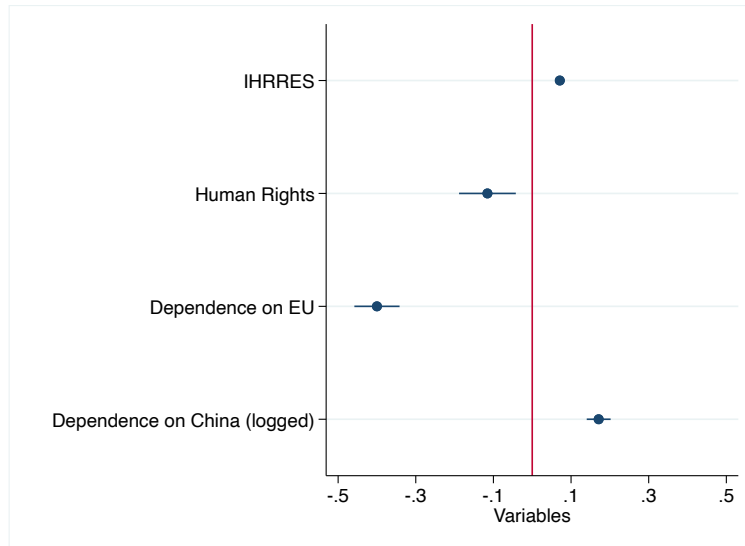
Figure 4: Negotiation Failure

Notes: Probit estimates of negotiation failure (negotiations suspended indefinitely) as DV, other control variables and constant omitted.

Effectiveness of EU Norms: Death Penalty

The effectiveness of EU trade is measured both prior to (ex-ante) and after (ex-post) the treaty conclusion. Figures 5a presents a marginplot for the effectiveness during negotiations on the death penalty depending on IHRRES (ex-ante), and 5b is when agreements are concluded (ex-post). Figure 5a's red line represents countries that are in the negotiation process with the EU and the blue line is when countries are not in negotiation process with the EU. This excludes observations of countries after when they have signed the agreement. The figure shows how death penalties are executed less during negotiations, and IHRRES does not have significant effects during negotiations. Yet high IHRRES increases the probability of death penalties being executed when there is no negotiation with the EU. This finding is against my expectations that high IHRRES will lead to less effectiveness of EU trade on human rights, before agreement signing.

I find contrasting outcomes in Figure 5b. Here the red line are when have concluded trade agreements with the EU and the blue line represents those without trade agreements. I find that high IHRRES is associated with a higher likelihood of death penalty execution, even increasing steaper for countries with trade agreements than those without. This finding supports H2 on how the effectiveness of EU trade on human rights is undermined when IHRRES is high.
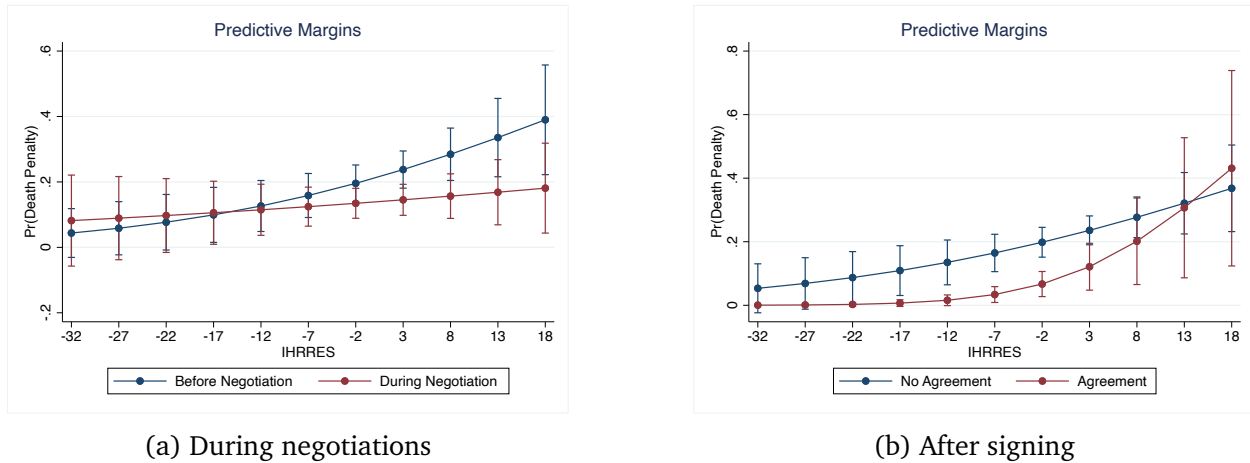
(a) During negotiations   (b) After signing

Figure 5: Death penalty execution before/after treaty conclusion

Effectiveness of EU Norms: Human Rights Conditions

I use SDID with staggered treatments to estimate the effectiveness of EU trade on the human rights records of partner countries, which I posit to differ by IHRRES. I divide the sample into two groups: countries with high and low IHRRES. The bootstrapping method performs well in this case since I am using a large panel with multiple treated units. The limitation of this approach is that I cannot observe the interacted effects and states' behavioral change over time. Yet, it will be a simplified way of viewing the heterogeneous treatment effects of IHRRES on human rights records. The high-IHRRES states are those with average IHRRES over the median (-.22), and whose scores are increasing in the last 5 years of observation. My dependent variable is Fariss human rights scores and EU trade agreements as treatments, which the years vary by country. The covariates include GDP(logged), GDP per capita (logged), distance from Brussels, EU's trade dependence on the partner (export shares), trade dependence on the EU (logged), and trade dependence on China (logged). 53% of the sample are countries with high IHRRES. Observations from 1991 to 2019 are used due to missing data and to balance the panel. The balance table for the covariates are presented in Appendix (4)

Figure (6) shows the coefficient of SDID results for high/low IHRRES countries. I find that the Average Treatment Effect of the Treated (ATT) for low IHRRES states is 0.167 and statistically significant at the 0.05 and 0.1 significance level. Low-IHRRES countries that have signed treaties experience an average increase of 0.167 in their human rights scores, suggesting a marginal (10.5% of the SD) but positive relationship between treaty signing and improvements in human rights conditions. On the other hand, the ATT for high IHRRES states is not statistically significant, with smaller ATT. EU trade has heterogeneous effects depending on the embeddedness into illiberal RTAs, and EU trade on human rights is less effective for high-IHRRES states. Yet the human rights-improving effect on low-IHRRES states remains marginal.
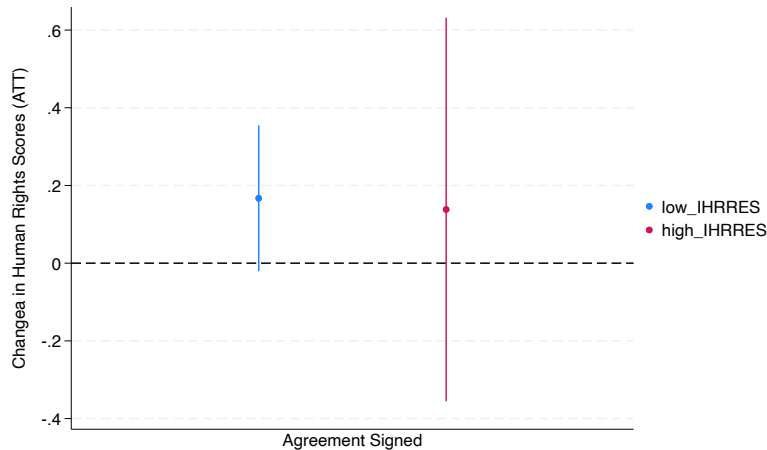
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Figure 6: ATT of High/Low IHRRES States

Notes: Average Treatment Effect of the Treated for low and high IHRRES countries with confidence intervals. Left(blue) is statistically significant at a 0.1 significance level.

Effectiveness of EU Norms: Human Rights Conditions (case studies)

Additionally, using synthetic control methods (SCM) (Abadie and Gardeazabal, 2003; Abadie et al., 2010) I conduct case studies on individual countries. While not making causal inference from the outcome, the findings are interesting. I choose exemplary cases that each have high IHRRES (Tajikistan) and low IHRRES(Dominica). First, I set control group countries(donor countries) that share similar IHRRES and other features with the treatment country but do not have an agreement with the EU. [8]

Among countries with high IHRRES scores, Tajikistan signed a Cooperation and Partnership Agreement with the EU in 2004 and has an increasing IHRRES score over the years in (Figure 7a). I found similar countries that showed this trend that I use as controls: Bangladesh, Bhutan, Cameroon, Chad, Kenya, Pakistan, Tanzania, Uganda, and Yemen. These countries do not have an agreement with the EU but share traits such as GDP, GDP per capita, human rights scores, dependence on China, as well as IHRRES—these variables serve as predictors in the SCM model. The pre-treatment period is from 1995 to 2003, and post-treatment ranges to 2019. In Figure 7a, the synthetic control group shows very similar patterns to the treated group—The difference between the two lines is not statistically significant.

Tajikistan can indeed be a primary example of a state heavily influenced by its neighbors, trying to balance between Western powers and Russia, due to the poor economic performance and geopoliti-

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[8]In order to understand the heterogeneous effects of IHRRES, there are certain conditions to be met: 1) A long enough pre-intervention period 2) balanced panel data before and after the intervention 3) comparable donor countries(multiple) that did not conclude trade agreements with the EU. Given these conditions, I found partner countries that concluded agreements between 2000-2010, which leaves 34 states. These countries are: Albania, Antigua and Barbuda, Benin, Bulgaria, Bahamas, Bosnia and Herzegovina, Belize, Barbados, Chile, Cameroon, Dominica, Dominican Republic, Algeria, Egypt, Fiji, Guyana, Jamaica, Saint Kitts and Nevis. South Korea, Lebanon, Saint Lucia, Morocco, Madagascar, Northern, Macedonia, Montenegro, Mauritius, Papua New Guinea, Serbia, Suriname, Seychelles, Tajikistan, Trinidad and Tobago, Saint Vincent and the Grenadines, Samoa, and Zimbabwe.

cal vulnerability. Russian influence in the region in terms of politics, military, and education space is prominent, and bordering China and Afghanistan has also made Tajikistan susceptible to geopolitical influence (Dzhuraev and Muratalieva, 2020; Salimov, 2015). The country is also highly dependent on neighboring countries like Uzbekistan and Turkmenistan, especially in terms of energy supplies. Hoffmann (2010) argues that international pressures and external influence are more dominant in this country due to this vulnerability. Tajikistan is not yet a member of the Eurasian Economic Union but is a founding member of the Eurasian Economic Community, and the country has preferential trade agreements with more non-democracies than democracies. This includes China, UAE, Pakistan, Syria, Turkey, Afghanistan, and Iran. The EU's attempt to increase the cost of non-compliance in this region has indeed not been very effective, which is consistent with my projections.

On the other hand, Figure 7b presents a different pattern between the treated and synthetic control groups. Dominica concluded a trade agreement with the EU in a slightly later year in 2008, where I set the pre-treatment period at a later 2000, and the post-treatment period is up to 2019.[9] The predictor variables are the same as above, but what is immediately observable is a divergence in the level of human rights scores between the two groups post-treatment—this indicates that countries with low IHRRES, and EU human rights conditions are more effective, compared to the synthetic control group that assumes a counterfactual with no agreement with the EU. The average treatment effect is statistically significant at the 0.01 significance level.
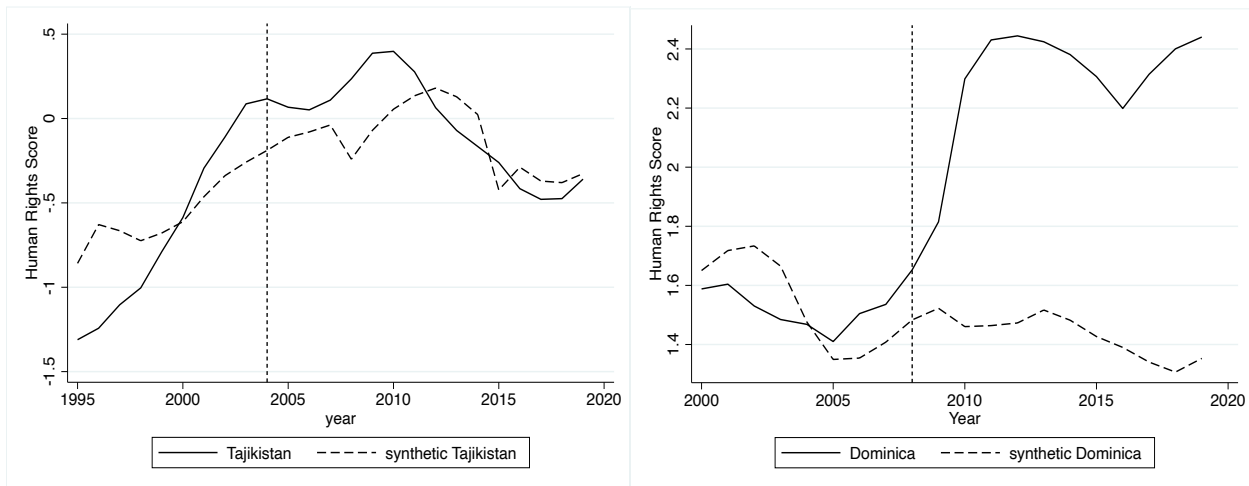
(a) Low IHRRES Country (Tajikistan)   (b) High IHRRES Country (Dominica)

Figure 7: Synthetic control methods : high/low IHRRES cases

Notes: The right graph presents a comparison between Tajikistan, a high IHRRES state and the synthetic control groups. The left is a comparison between Dominica, a low IHRRES state compared with synthetic control groups.

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[9]The controls used in the analysis are Kiribati, Nauru, Thailand, Tonga, and Tuvalu. The selection of countries is limited since countries with high IHRRES are likely to already have an agreement with the EU.

Discussion

From the analysis, I find consistent evidence that high IHRRES is associated with weaker human rights records and a higher chance of death penalty execution, as well as a higher chance of EU agreement failure. Higher embeddedness in illiberal RTAs undermines the effect of EU trade agreements on human rights conditions, but only after when the agreements are in place. EU trade agreements can indeed be effective in inducing behavioral changes, both in the case of the death penalty and human rights scores for low-IHRRES states (see Appendix 8 and Appendix 7), supporting previous studies on conditionality effectiveness. Although, the effect is small. High IHRRES also does not affect norm compliance during negotiations, supporting Kim (2012)'s argument on due diligence of labor conditionalities. Trading partners with high IHRRES have a stronger interest in concluding agreements with the EU, but little sincere intention of changing behavior in the long run. Domestic factors such as regime types and the strength of civil society also change the calculation of states to resist universal human rights norms, consistent with my assumptions. I also find evidence of trade relations with China influencing the likelihood of treaty failure, which indicates that countries may "afford" negotiation holdups and failure given outside options. Higher trade dependence on the EU, on the other hand, is associated with a smaller chance of agreement failure, also strengthening the outside option argument. Yet, outside options alone are insufficient to explain these outcomes on compliance.

Mechanisms and Robustness Checks

Testing how illiberal human rights laws can be used as a defensive tool against EU pressures, I coded the countries that are signatories of trade agreements that reference "authoritarian human rights law" as a binary variable in a given year. These are countries signatories to the ACHRP, ADHR, Cairo Declaration on Human Rights in Islam, Arab Charter of Human Rights, etc. I find that EU trading partners with trade agreements that partake in these laws are more likely to execute the death penalty (Appendix 5) than those who do not. I also exploit independent variables as countries that signed EU agreements as a collective, which examines the collective bargaining power argument. The variable is coded as "Multilateral"—when the EU signs agreements with another RTA, such as ECOWAS, the members would be coded as 1. While this variable does not affect the effectiveness of human rights conditions, it does affect the stringency. I find that when trade agreements with the EU are negotiated multilaterally (not bilaterally), states end up with weaker HRCs. Multilaterally negotiated agreements are likely to end up with 1.57 unit weaker HRC, significant at a 0.05 significance level (Appendix 6).

I also interact with the stringency of human rights conditions to observe whether this influenced the level of effectiveness after the treaty conclusion. I do not find any significant statistical relations between HRC stringency and effectiveness (both death penalty and Fariss scores), even when interacting with the IHRRES variable (Appendix 7). Finally, since states with high/low human rights scores can select into illiberal/liberal EU trade agreements, I use an instrumental variable that addresses some of the endogeneity that may arise. I instrument a binary variable that codes states which concluded agreements with the EU after the Lisbon Treaty in 2009, as exogenous to human rights conditions or death penalty execution. The EU concluded significantly more PTAs after 2009, yet this is not necessarily associated

with better human rights records compared to states that concluded agreements pre-2009. I find that high IHRRES for countries that signed EU agreements is associated with a higher likelihood of death penalty execution, although not consistently significant across models (Appendix 8).

6. Conclusion

This paper examines under what conditions the Western form of human rights and trade linkage are accepted, and may or may not be effective. There are burgeoning RTAs with illiberal members and illiberal human rights norms that are mirror images of EU trade and human rights linkage but with countervailing effects. I find that states are more likely to resist EU norms when they are surrounded by, and deeply integrated with adverse human rights actors—agreements reach a deadlock, and states do not follow EU norms after signing the agreement. Yet, the effectiveness of EU trade in inducing behavioral change is not ignorable. It remains effective in multiple EU partners and also during negotiating periods, even in states that are highly embedded in these illiberal RTAs. I also find heterogeneous effects when it comes to the strength of civil society and regime types, which change calculations of domestic leaders.

Examining human rights issues in trade is crucial, as they are the leading cause of negotiation failures in EU agreements. However, the varying levels of resistance from trade partners remain perplexing. This behavior does not just come from human rights conditions, nor the economic bargaining powers and dependence of those countries. This study has multiple implications to the current status LIO and the effectiveness of international organizations' efforts to improve human rights through economic integration and interdependence. It further implies under what contexts human rights conditionalities can indeed be effective, underscoring the importance of international institutional contexts. Hence there is strong policy implications for the EU in changing the incentives and enforcement mechanisms for high/low embedded states. This article further introduces a new measure and framework of linkage between economic integration and illiberal human rights norms that can be applied to different studies.

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7. Appendix

Table 3: Descriptive statistics

Variable	N	mean	sd	min	max
IHRRES	4,777	-2.84	8.71	-32.16	18.42
Human rights score	4907	0.43	1.54	-3.39	5.16
Death Penalty Executed	6,932	0.12	0.33	0	1
Agreements in place	7149	0.24	0.42	0	1
Signed after Lisbon	7149	0.07	0.25	0	1
Trust in the Commission (%)	7149	43.42	5.04	35	53
Agreement type	2051	1.93	0.47	1	3
GDP(logged)	5760	23.31	2.38	15.99	30.87
GDP per capita (logged)	5760	8.07	1.56	3.13	12.12
Partner Dependence(on EU,logged)	5358	-17.25	1.45	-26.11	-11.59
P Dependence on China (logged)	4,888	-19.75	2.77	-30.78	-14.40
EU resource dependence (%)	6528	0.73	2.63	0	36.65
Distance from Brussels(km)	7147	7243.02	4013.66	320.77	18722.67
Export share to EU (%)	5808	0.2	0.65	0	8.15
Democracy	7,413	0.25	0.43	0	1
Civil Society	5,211	0.64	0.28	0.01	0.98
Negotiation Failure	4,560	0.13	0.34	0	1
Negotiation Ongoing	6,374	0.24	0.43	0	1

Table 4: Balance Table by IHRRES

Covariate	Treated Mean for Low IHRRES (SD)	Control Mean for Low IHRRES (SD)	Treated Mean for High IHRRES (SD)	Control Mean for High IHRRES (SD)
GDP	24.48 (2.26)	23.51 (2.81)	23.92 (1.63)	22.97 (1.86)
GDP per Capita	8.87 (0.92)	8.21 (1.28)	8.06 (1.32)	7.02 (1.44)
Distance	7609.49 (3923.39)	9249.67 (3273.58)	4490.13 (2729.74)	5909.09 (1969.59)
Export Share (%)	0.25 (0.39)	0.31 (1.04)	0.89 (0.44)	0.07 (0.20)
Dependence on EU	-15.96 (4.66)	-16.27 (4.60)	-15.93 (4.21)	-17.08 (1.84)
Dependence on China	-17.93 (5.55)	-16.35 (8.42)	-17.84 (4.88)	-18.56 (5.61)
N	554	1273	464	1624

Table 5: Logit Model: Death Penalty Execution and Authoritarian Human Rights Law

	(1)	(2)	(3)	(4)
		Execution of Death Penalty		
Authoritarian Human Rights Law	2.91***	1.03	1.30	1.26
	(0.96)	(0.34)	(0.52)	(0.53)
Agreement in Place	0.16***	0.09***	0.04***	0.04***
	(0.09)	(0.05)	(0.03)	(0.03)
Authoritarian Human Rights Law	4.06**	7.06***	7.98**	8.36**
X Agreement in Place	(2.70)	(4.93)	(7.50)	(8.00)
Human Rights Score		0.64***	1.15	1.14
		(0.08)	(0.21)	(0.21)
GDP per capita (logged)			0.79**	0.79**
			(0.07)	(0.08)
GDP(logged)			1.41***	1.40***
			(0.11)	(0.11)
Distance			1.00*	1.00*
			(0.00)	(0.00)
EU Resource Dependence			1.01	1.01
			(0.05)	(0.05)
Export Share to EU (%)			1.65*	1.55*
			(0.45)	(0.40)
Trade Dependence on EU (logged)			0.93	0.94
			(0.11)	(0.11)
Post Lisbon			1.15	1.11
			(0.11)	(0.11)
Dependence on China (logged)			1.04	1.04
			(0.06)	(0.06)
Democracy			0.51*	0.50*
			(0.19)	(0.19)
Civil Society			0.18***	0.20***
			(0.10)	(0.11)
Country Fixed Effects				YES
N	6932	4907	3871	3871
$PseudoR^2$	0.071	0.109	0.251	0.253

Notes: Logit estimates with with exponentiated coefficients; standard errors(clustered by country) in parentheses; *, **, and *** indicate significance at the 10, 5, 1% levels.

Table 6: OLS Model: Multilateral Trade Agreements and Condition Stringency

	(1)	(2)	(3)	(4)
		Condition Stringency		
Multilateral Agreement	-0.36	-0.58*	-1.57***	-1.60***
	(0.33)	(0.31)	(0.32)	(0.30)
Human Rights Score		-0.31***	-0.12	-0.10
		(0.11)	(0.18)	(0.18)
GDP per capita (logged)			-0.07	-0.09
			(0.14)	(0.15)
GDP (logged)			-0.16	-0.16
			(0.14)	(0.14)
Distance from EU			-0.00	-0.00
			(0.00)	(0.00)
EU Resource Dependence			0.03	0.03
			(0.04)	(0.04)
Export Share to EU(%)			-0.62	-0.52
			(0.00)	(0.00)
Dependence on EU			-0.06	-0.07
			(0.09)	(0.09)
Post-Lisbon			0.87***	0.88***
			(0.45)	(0.40)
Dependence on China (logged)			0.17***	0.18***
			(0.05)	(0.06)
Democracy			-0.01	0.01
			(0.23)	(0.23)
Civil Society Score			-0.09	-0.20
			(0.49)	(0.50)
Country Fixed Effects				YES
N	1969	1599	1365	1365
R^2	0.013	0.113	0.312	0.320
$Adjusted R^2$	0.012	0.112	0.306	0.313

Notes: Standard errors(clustered by country) in parentheses; *, **, and *** indicate significance at the 10, 5, 1% levels.

Table 7: OLS Model: Condition Stringency as Explanatory Variable

	(1)	(2)	(3)	(4)
		Human Rights Score		
Condition Stringency	-0.09	-0.01	0.00	0.00
	(0.15)	(0.00)	(0.01)	(0.01)
IHRRES	-0.07	-0.00	-0.00	-0.00
	(0.07)	(0.00)	(0.00)	(0.00)
Condition Stringency	0.00	-0.00	0.00	0.00
X IHRRES	(0.02)	(0.00)	(0.00)	(0.00)
Human Rights Score (lagged 1y)		1.00***	0.98***	0.99***
		(0.00)	(0.01)	(0.01)
GDP per capita (logged)			0.02*	0.02*
			(0.01)	(0.01)
GDP (logged)			-0.02**	-0.02**
			(0.01)	(0.01)
Distance from EU			0.00	0.00*
			(0.00)	(0.00)
EU Resource Dependence			0.00*	0.00
			(0.00)	(0.00)
Export Share to EU(%)			0.01	0.01
			(0.01)	(0.01)
Dependence on EU			0.01	0.01
			(0.01)	(0.01)
Post-Lisbon			-0.02	-0.02
			(0.02)	(0.02)
Dependence on China (logged)			-0.00	0.00
			(0.00)	(0.00)
Democracy			0.02	0.02
			(0.02)	(0.02)
Civil Society Score			0.03	0.02
			(0.04)	(0.04)
Country Fixed Effects				YES
N	1127	1126	1001	1001
R^2	0.151	0.982	0.981	0.981
$Adjusted R^2$	0.149	0.982	0.981	0.981

Notes: Standard errors(clustered by country) in parentheses; *, **, and *** indicate significance at the 10, 5, 1% levels.

Table 8: IV Model: Human Rights Score as Dependent Variable

	(1)	(2)	(3)	(4)
		Execution of Death Penalty		
Agreement in Place	-2.60***	-2.58***	-1.51	-0.48
	(0.20)	(0.20)	(1.20)	(1.68)
IHRRES	0.02***	0.02**	0.03**	0.03**
	(0.01)	(0.01)	(0.01)	(0.01)
Agreement in Place	-0.12***	-0.12***	0.03	0.06
X IHRRES	(0.03)	(0.04)	(0.07)	(0.07)
Human Rights Score (lagged 1y)		-0.04	-0.05	0.04
		(0.09)	(0.11)	(0.11)
GDP per capita (logged)			-0.03	-0.19*
			(0.09)	(0.11)
GDP (logged)			0.26***	0.35***
			(0.06)	(0.09)
EU Resource Dependence			-0.00	-0.02
			(0.02)	(0.03)
Export Share to EU(%)			0.10	0.000
			(0.15)	(0.18)
Dependence on EU			-0.04	-0.03
			(0.06)	(0.06)
Dependence on China (logged)			0.07**	0.02
			(0.03)	(0.04)
Distance			-0.00**	-0.00
			(0.00)	(0.00)
Democracy				-0.53***
				(0.19)
Civil Society Score				-0.82**
				(0.024)
Country Fixed Effects				YES
arthrho	1.68**	1.69*	0.27	-0.09
	(0.83)	(0.88)	(0.54)	(0.63)
lnsigma	-0.97***	-0.96***	-1.01***	-1.00***
	(0.05)	(0.05)	(0.05)	(0.04)
N	4496	4377	3827	3593

Notes: Standard errors(clustered by country) in parentheses; *, **, and *** indicate significance at the 10, 5, 1% levels.