

Compliance and Regime effectiveness

The ILO and Core Labour Standards

International regimes are established to manage cooperation at the international level. Yet, contemporary international theory does not provide a comprehensive discussion of the effectiveness of international regimes. This study addresses the question of the effectiveness of international regulatory human rights regimes by examining the International Labour Organisation (ILO) and its impact on ILO member states. It provides an extensive theoretical discussion of the concepts compliance and regime effectiveness, which serves as orienting guideline for the further considerations. The ILO is scrutinised with regard to its possibilities to impact its member states and to induce compliance with international labour standards. The effect of the ILO is analysed by assessing an empirical model covering a period over twenty years and including 51 ILO member countries.

Do regimes matter? This question has been raised by HAAS (1989) and has led to a broad academic discussion on the spirit and purpose of international regimes. For all international institutions the question raises whether these institutions achieve their objectives, whether they make any difference and whether the situation would have been different if they had not been there. MITCHELL (1994: 426) specified HAAS' question into the following: "Given that power and interests play important roles in determining behaviour at the international level, is any of the compliance we observe with international treaties the result of the treaty's influence?" These – sometimes inconvenient – questions challenge the *raison d'être* of international institutions. The presence of regulatory regimes in absence of compliance is regarded as government without governance and therefore dysfunctional (HOLSTI 1992: 44). In order to assess compliance, one must not only consider the government (the norms, rules and procedures of an institution), but in particular the governance (outputs and responses).

Concerning the International Labour Organisation (ILO) the same questions have been raised and have drawn attention to the functioning and effectiveness of the organisation (see SENTI 2002). The ILO is one example of regulatory policy-making at the international level. Recognised as the oldest international organisation dealing with human rights, the ILO emphasised since its establishment that lasting peace is only possible on the basis of social justice, which requires the right of human beings to economic security and equal opportunities. According to the ILO, rights at work are crucial for the development of the labour force since the working part of the population spends a considerable amount of its time at work. The ILO's supervisory system has been acknowledged to be highly effective in terms of instruments and processes

(LANDY 1966; GHÉBALI et al. 1989). There remains the question, how differences in compliance within the organisation can be explained and whether the ILO is able to induce compliance. In this context the following legitimate questions are raised: is the ILO's long-term objective '*decent work for all*' making any progress? If yes, is this progress due to the work of the ILO? Does the ILO pursue its goal effectively?

Even though there is an international consensus on the underlying relevance of core labour standards as adopted in the "Declaration on Fundamental Principles and Rights at Work" in 1999, the discrepancy between the ratified fundamental conventions and compliance on the national level is evident. The fundamental conventions comprising core labour standards have until this day been ratified by an average of 90 percent of all ILO members (ILOLEX 2010). Unfortunately, this high level of ratification does not go along with the application of the principles at the national level. Therefore the following questions will be tackled by the present paper:

*To which extent do ILO member states comply with international labour standards?
Is the organisation effective in reaching its goals? Does the ILO have an impact on its member states?*

This research complements the present research on compliance and regime effectiveness by four components. First, empirical studies on compliance in conjunction with regime effectiveness have been rare in the context of human rights. So far the empirical research concentrated either on the question under what conditions states complied with international treaties (DEUTSCHBEIN 2006; DIMITROVA 2006) or whether human rights treaties made a difference (HAFNER-BURTON and TSUTSUI 2007; HATHAWAY 2002; KEITH 1999; NEUMAYER 2005; STRANG and CHANG 1993). But as BERNAUER (1995: 360 f.) points out, not every observed change in behaviour can be attributed to the endeavours of the institutions; exogenous factors must be controlled. In order to tackle the question to what extent international regimes are able to influence compliance at the national level, particularly internal efforts will be considered, while always controlling for exogenous factors. Second, the focus on labour rights offers an in-depth analysis of a single phenomenon instead of an overall assessment of human rights. These contain a wide variety with regard to their scope, working method and institutional design. While compliance with different human rights can be assessed (see HATHAWAY 2000), an assessment of regime effectiveness would be impossible. Third, most studies analyse compliance with human rights treaties by means of a binary variable: whether or not a relevant convention has been ratified. In contrast to these, the present study aims at a more differentiated and appropriate understanding of compliance. Fourth, the study compares industrialised with develop-

ing countries. This approach allows for a close examination of the impact of international treaties on compliance according to the development level of its member states.

Only very few empirical studies addressed the questions “under what condition do states comply” and “do regimes matter” with regard to human rights. The empirical research on compliance with international treaties and in particular the effectiveness of international regimes has been tackled particularly from an environmentalist point of view. It seems evident though that the effectiveness of international regimes is of interest to the member states and donor countries. With their yearly membership fee they contribute to the existence of the regime, but besides the reports of the supervising bodies, the committees and the financial accounts, no empirical review of the work done and the goals attained is presented. This gap in research is eventually also due to the fact that such an empirical assessment is difficult to implement and is challenged by the operationalisation and examination methods. Nevertheless, the present study will attempt such an assessment and illustrate the constraints encountered.

Compliance and Regime Effectiveness

How are compliance and regime effectiveness related to each other? Compliance and regime effectiveness are often regarded as two different issues. The study of the existing literature revealed, however, that the two subjects are closely interrelated and interdependent. While compliance theory refers to the question, under what circumstances states comply with their obligations, regime effectiveness theory researches under what circumstances an international regime is effective. Since effectiveness is related to the question to what extent member states comply, the combination of these two approaches will be addressed. Research on compliance has been evolving rather as a new subject in international relations since the 90s (CHAYES and CHAYES 1993, 1995; HATHAWAY 2002; SIMMONS 2000). Studies on regime effectiveness started to be published towards the end of the 90s. They dealt mainly with the effectiveness of environmental regimes (BREITMEIER et al. 2006; WEISS and JACOBSEN 1998; YOUNG 1989). HATHAWAY (2002: 1938) points out, that “the major engines of compliance that exist in other areas of international law [than public international law] are for the most part absent in the area of human rights. Unlike the public international law of money¹, there are no ‘competitive market forces’ that press for compliance”. States that violate human rights are not threatened by sanctions or retaliation, as human rights treaties do not contain enforcing measures. The realist approach suggests that states act in their own interest and comply with treaties, if they coincide with their interest, since “considerations of power rather than of law determine compli-

¹ The term „public international law of money“ refers to SHUSTER’s (1973) and SIMMONS’s (2000) papers on the international monetary regimes after World War II.

ance” (MORGENTHAU 1967: 199). This assertion is however rather limited. According to SIMMONS (2000: 328) the hegemony of realist thinking in international relations has even done much to discourage inquiries into the role that international law might play in explaining international outcomes. According to CHAYES and CHAYES (1993: 188 ff.) the decision of non-compliance is not only influenced by the cost-benefit calculation, as the realist approach claims. They suggest rather three additional factors that may be considered causes of non-compliance; (1) the ambiguity and indeterminacy of treaty language, (2) limitations on the capacity of parties to carry out their undertakings, (3) the temporal dimension of the social and economic changes contemplated by regulatory treaties. These three factors can be regarded as causes as well as defences or excuses for non-compliance. However, the three factors are key elements for a straightforward implementation of treaty obligations. It can be concluded, that CHAYES’ and CHAYES’ (1993, 1995) approach to compliance views non-compliance as a deviant rather than an expected and deliberate behaviour, which is due to a lack of clarity, capability, or priority. In this case, coercive enforcement measures are the wrong means to induce behavioural change (CHAYES and CHAYES 1995: 22). CHAYES and CHAYES (1995) suggest instead pointed activities such as ensuring transparency, dispute settlement and capacity building in order to tackle the constraints to compliance mentioned above. BLOKKER and MULLER (1994: 289) note, however, that member states’ compliance is increasingly being watched from “above” by the organisation, and from “below” by individuals interlinked in transnational networks. BURGERMANN (1998: 913) confirms these finding and calls for the inclusion of the activities of transnational advocates as an explanatory variable to compliance with international human rights regimes. Examples of major actors in transnational advocacy networks are local social movements, foundations, the media, churches, trade unions and consumer organisations (KECK and SIKKINK 1998: 9). The analysis of compliance with regulatory treaties is closely linked to the notion of regime effectiveness. Even though there is a difference between treaty compliance and regime effectiveness, compliance “may be a fair first approximation surrogate for effectiveness” (CHAYES and CHAYES 1993: 176), as treaties are intended to induce behavioural change and to ameliorate the situation to which they are directed.

The question under which conditions an established regime will be effective, is the consequence after having resolved under which conditions a regime can or is likely to be established (UNDERDAL 1992: 227). Even a regime with strong injunctions does not necessarily need to be effective, most notably if it acts with weak institutions. In this respect regimes are regarded as independent variables where it must be determined whether their interventions impact outcomes. In contrast to this understanding, the use of the term effectiveness within the UN has often been used with a normative understanding; more specifically as a justification for initia-

tives or measures taken and is equated with optimising the institution as a whole (DICKE 1994: 310). Whether or not the measures taken do render the organisation more effective is rarely evaluated after the implementation of the measures. The realist approach assesses the impact of international institutions as marginal for maintaining peace. They are rather seen as instruments for influential members in order to enforce their national policies or interests at the international level. Since the realist approach seizes international institutions as functions of power and interest policy, it assesses the effectiveness of international institutions as very low (DICKE 1994: 345). In contrast to the realist approach, the functional analysis and the regime theory have been taking account of the role of international organisations and their effectiveness with a more liberal approach. The nation state is no longer believed to be the appropriate mean in order to manage the accelerated change in the economic and technological development (CLAUDE 1971: 391 ff.). In this context international institutions are seen as more appropriate, although there are some restrictive issues to the effectiveness of these institutions (e.g. politicisation of the agencies). However, the present literature on international regimes has pointed in particular to concrete challenges in measuring regime effectiveness (HELM and SPRINZ 2000; HOVI et al. 2003; MILES 2002; SPRINZ 2005; UNDERDAL 1992) rather than developing a comprehensive theoretical approach to explaining regime effectiveness.

Enhancing compliance within the ILO

Compliance is considered as a first step towards effectiveness. But how to achieve compliance, if the treaty does not have any “intrinsic material incentives” (BURGERMANN 1998: 906) and if there is no legitimate enforcement body? And how can the ILO contribute to more compliance respectively what measures does the ILO take in order to support its member states in the effective implementation of labour standards? Do these measures have an impact on ILO member states? The theoretical deliberations above bring about two particularly important aspects regarded as enhancing compliance with human rights treaties: capacity building and non-state participation. These two concepts correspond to the two main working methods of the ILO: technical cooperation and tripartite consultations. Since the ILO is not able to force its member states to comply and such an approach would moreover be very questionable, these two instruments are the only ones available to the ILO. With regard to regime effectiveness, which considers the impact of the input and outcome of an institution, this applies also to the present reasoning.

In the context of compliance the present literature has referred to “technical cooperation” (hereinafter TC) as capacity building. According to the UNDP capacity building “empowers people to realise their potential and better use their capabilities, and assures ownership and

sustainability of development programmes” (UNDP 1997: 12). According to the theoretical approaches, shortcomings of compliance do not necessarily mean a lack of will, but are rather attributed to the lack of capacity to comply with the requirements of international agreements (CHAYES and CHAYES 1995: 159). In particular with regard to affirmative action, knowledge, capacity and resources are required. Since the adoption of the Decent Work Agenda (see ILO 2008: section A I) the focus of the ILO technical cooperation has been on four equally important strategic objectives: (1) promote and apply the ILO Declaration on Fundamental Principles and Rights at Work, (2) create greater opportunities for women and men to secure decent employment and income, (3) enhance the coverage and effectiveness of social protection for all, (4) deepen tripartism and social dialogue by strengthening the capacities and knowledge base of the social partners. Technical cooperation is clearly not conceived as gesture of goodwill but rather as concrete measures to give effect to ILO Conventions. Therefore it must be assumed that the more capacity building invested in a member state, the better the compliance with ILO labour standards.

The term tripartite consultation refers to a politico-economic strategy, which is characterised by the collaboration of the state, employee and the employer organisations (SCHUBERT and KLEIN 2006; SCHWERIN 2006: 36). Two types of consultation can be differentiated: tripartism (referring to as consultation at the international level) and social dialogue (referring to as consultation at the national level). The ILO is the only international organisation with an institutionalised non-state participatory tripartite design. Since the establishment of the ILO, all bodies and organs comprise governments’, employers’, and workers’ delegates, which dispose of equal voting rights. The principle of tripartism is “also reflected in the Committees of the Conference and of the Governing Body, and permeates everything the organisation does” (CREIGHTON 2004: 238). Tripartism is therefore a constitutive element of the Organisation. The ILO presents a wide literature on tripartism and social dialogue, its origins, characteristics and scope. Generally this literature refers to the effectiveness of tripartism, without presenting any evidence. DONNELLY (1986: 629) argues for instance, that “much of the explanation for the success of this reporting-monitoring system lies in the ILO’s ‘tripartite’ structure, in which workers’ and employers’ delegates from each member state are voting members of the organisation along with government representatives”. Given the participation of two non-state actors in the negotiation of labour standards and the repeatedly emphasised increase in effectiveness, one must assume that tripartism has a positive impact on compliance.

Social Dialogue, on the other hand, is defined as representing “all types of negotiation, consultation and information sharing among representatives of governments, social partners or between social partners on issues of common interests relating to economic and social policy” at

the national level (ILO 2007: 2). The same reasoning as for tripartism is put forward; SIMPSON (1994: 40ff.) states, for instance, that experience has shown that mechanisms for regulation terms and conditions of work and settling labour disputes are more effective if they are determined jointly by the parties involved and that an effective industrial relations system, based on real tripartism, is central not only to social stability, but also to sustained growth and development. The resolution concerning tripartism and social dialogue, which the ILC adopted at its session in 2002², recognises that social dialogue plays an essential role in the promotion of fundamental principles and rights at work, the achievement of employment objectives and the improvement of social protection. Through the application of opened and appropriate consultations, labour standards are believed to receive more weight and attention. Given that the employers' and workers' representatives are independent and exercise their duties, it must be expected that social dialogue yields to better working conditions. So far there exists mainly descriptive literature on the historical development or comparative studies of the implementation of social dialogue in various countries (BUDA 1995; TREBILCOCK 1994), but no empirical analysis of its impact on compliance – which is a very particular impact to analyse – has been done.

Although the theory of compliance does not mention tripartite consultation in particular as a crucial factor for the compliance with human rights treaties, its impact is scrutinised in this paper. In this context it corresponds to the idea of transnational advocacy networks as suggested by KECK and SIKKINK (1998) and BRUGERMANN (1998). The ILO is convinced that these factors have a major impact on compliance and therefore also on regime effectiveness. The aim of this thesis is, amongst others, to assess if this assumption applies.

Empirical Evidence

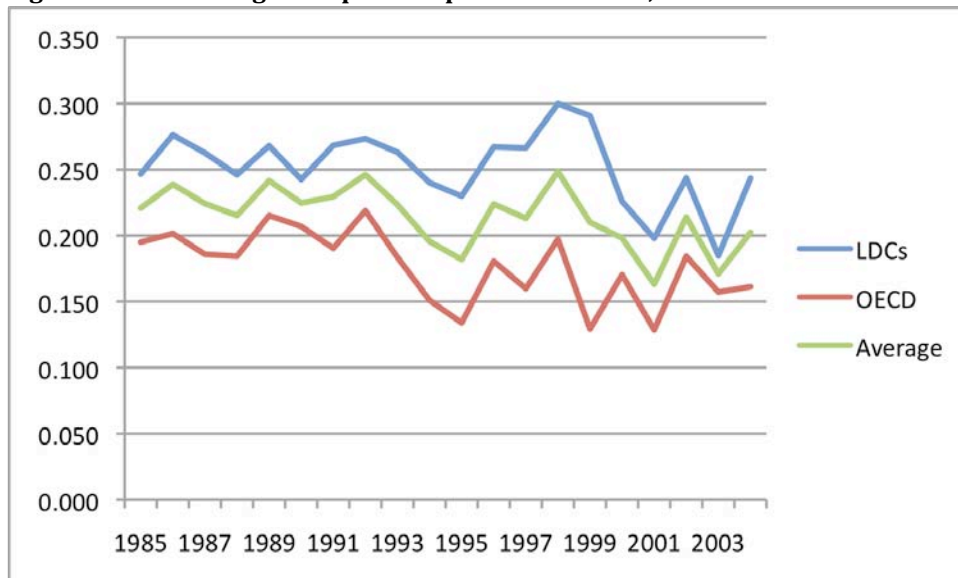
In the following the empirical evidence will be illustrated. The relationships will be scrutinised by means of 51 member states of the ILO. The member states have been selected according to several preconditions to which they needed to conform in order to be included in the analysis (see appendix A.1 for the case selection). In order to maximise cross-sectional variation, two groups have been established: one group includes OECD countries and the other one Least Developed Countries (LDCs). The division into two groups provides substantial variation with regard to political systems and economic conditions.

² Resolution concerning tripartism and social dialogue Adopted on 18 June 2002.

Compliance

The operationalisation of compliance with human rights and particularly with labour rights has posed difficulties to the scientific research. According to UNDERDAL (1992: 228) the ratification of conventions is an unreliable indicator of substantive effectiveness, as it does not encompass all levels of compliance. BÖHNING (2003a, 2003b, 2005) designed, however, a comprehensive index for all ILO member countries qualifying their compliance with ILO core labour standards, which he called the Gap System.³ In contrast to previous research where only the ratification level was measured, the Gap System indicates whether or not the ratified conventions are being applied at the national level. It consists of two dimensions; *adherence* and *implementation* of the core labour standards.⁴ Figure 1 shows that the Labour Rights Gap has been subject to ups and downs during the period under scrutiny. While the Gap has particularly become smaller for OECD countries, LDCs were not able to reduce their Gap substantially.

Figure 1 – Labour Rights Gap development over time, 1985-2004



Source: Author's own based on BÖHNING (2005)

Capacity-building

As indicated, the ILO has been providing its member states since its establishment with technical cooperation in order to improve their ability to apply ratified conventions. Therefore the ILO expenditures on technical cooperation will be used as measurement for ILO capacity building efforts. The data on the expenditure on technical cooperation is retrieved from the ILO "Financial Reports and Audited Financial Statements". One financial period covers two consecu-

³ The gap-dataset was kindly provided by Roger Böhning. His dataset was published in 2005 and measures the compliance gaps of the ILO member countries for the period 1985-2004 in five-year intervals.

⁴ See appendix A.2 for the Gap System conceptualisation.

tive years and includes the report of an external auditor.⁵ For each country the total TC inflows during a four-year period are taken into account and divided by the corresponding population. In addition, a time lag of one period is applied to the ILO TC inflows per capita.⁶

Tripartism

The level of consensus reached within each country delegation among the three representatives is taken account of by using the voting coherence. It is measured by using the votes cast in favour of new labour standards during the International Labour Conference (ILC). The level of voting coherence among the government, workers' and employers' delegates is determined by the analysis of the ILC Records of Proceedings respectively the Record Votes on new labour conventions.⁷ A lag of one period is applied to each voting coherence period.⁸

Social Dialogue

According to the ILO, social dialogue is rooted essentially in freedom of association and the right to collective bargaining. Experience has also shown that there is no global implementation procedure for social dialogue, each country needs to find its own way to deal with the tripartite consultations at the national level (ILO 2007: 4). Since no "social dialogue indicator" is available, one has to hark back to an indirect indicator: a proxy. Therefore the freedom of association and collective bargaining gap indicator (FACB) compiled by BÖHNING (2005) will be applied in order to compute the analysis. This choice implies, that the results need to be interpreted with caution and always with regard to the proxy indicator used.

Control Variables

Three control variables are introduced into the model in order to control for the domestic characteristics of the ILO member states as well as exogenous factors, which the ILO is not able to influence; development level, democracy, and Foreign Direct Investment (FDI).⁹

Panel analysis

The panel analysis covers a period of 20 years with four points in time. The analysis was conducted on the entire sample as well as on the subgroups, LDCs and OECD countries. The results of the panel analysis are reported in Table 1.¹⁰

⁵ The Financial Reports were kindly provided by the ILO Library in Geneva.

⁶ See appendix A.3 for the conceptualisation of TC inflows per capita.

⁷ The ILC Records of Proceedings were kindly provided by the ILO Library in Geneva.

⁸ See appendix A.4 for the conceptualisation of Voting Coherence.

⁹ These are measured by the GDP per capita variable (WORLD BANK 2007), polity variable (Polity IV Project published by MARSHALL and JAGGERS 2009) and FDI net inflows as percentage of GDP (WORLD BANK 2007).

The outcomes of the analysis do not correspond entirely to the expected results. The impact of the Freedom of Association and Collective Bargaining Gap Indicator was confirmed and was assessed to be the most influential variable of the three independent variables. It can be concluded, that free associations and collective bargaining are crucial factors conducive to compliance with labour standards. While free associations and collective bargaining are a necessary conditions for social dialogue, it must be questioned whether they are sufficient. Therefore the impact of social dialogue is less clear and cannot be resolved conclusively within this study.

Table 1 – Panel analysis, 1985-2004

Independent variables	Models entire sample	LDCs	OECD
TC inflows	0.000594 (0.69)	0.000784 (1.10)	-.0221144*** (-6.30)
Voting Coherence	-0.0289069 (-1.49)	-0.0084077 (-0.52)	-0.131431*** (-4.01)
FACB	0.3716579*** (10.88)	0.4062788*** (3.85)	0.3098591*** (4.52)
GDP per capita (log)	-0.0056973 (-1.36)	0.0054716 (0.79)	0.0262616** (2.27)
Democracy	-0.0028447 (-1.49)	-0.0032909* (-1.95)	-0.0262724*** (-4.95)
FDI net inflows, % GDP	-0.0015127*** (-3.65)	-0.0018652*** (-5.73)	-0.0061997** (-0.97)
Intercept	0.3023634*** (7.72)	0.1527692*** (2.97)	0.3954436*** (6.94)
Time Dummy	Yes	Yes	Yes
Adjusted R ²	0.4090	0.2446	0.3700
F-value	145.30	23.26	11.75
No. of countries	49	27	22
No. of observations	196	108	88

*Note: Significant at the * 10%, ** 5%, *** 1% level.*

Voting coherence, on the other hand, was not estimated significant in the panel analysis. It can therefore be concluded that voting coherence in general does not contribute much to compliance. Whether this applies also to tripartite consultations at the ILC cannot be settled conclusively. Voting coherence is only one dimension of tripartism within the ILO. It is however the only practiced expression of non-state participation within the organisation. TC inflows do not show any significant coefficient for the entire sample as well as for LDCs. Surprisingly, it seems to be an explanatory variable for OECD countries. This could be due to the fact that OECD countries do already have a high level of compliance and do not claim much TC inflows. The

¹⁰ Since the regression diagnostics (see appendix B.2) indicated that the null hypotheses for cross sectional dependence was being rejected, it was decided to rely on DRISCOLL and KRAAY (1998) standard errors for the analysis as suggested by DE HOYOS and SARAFIDIS (2006) as well as by HOECHLE (2007). In addition, outliers and points with high leverage have been scrutinised with regard to the biasing effect. It was, however, concluded that no observation makes a significant difference to the results.

control variables correspond to the expected signs, while the development status does not seem to have much influence. FDI inflows are negatively correlated and statistically significant in all three models. Democracy seems to be a more important factor for OECD countries than for LDCs. The predicted relationships seem, however, to apply in particular to OECD countries. Concerning LDCs one must assume that other factors – not included in the analysis – impact compliance with labour rights; factors, which the ILO is not able to influence. In addition, the explanatory power of the LDC-Model is lowest; therefore it must be assumed that particularly the compliance of LDCs depends on other factors than postulated in this study. In conclusion it can be said that the impact of the measures triggered by the ILO is estimated rather low. The main instruments available to the ILO do not seem to have the expected effect respectively do not seem to make the organisation more effective in achieving its goal. National characteristics, such as democracy, or factors not included in the analyses are more decisive for compliance. Whether the situation would have been different if the ILO had not been there is not easily answered. However, this study scrutinised only a selected group of ILO member countries over a period of twenty years. The overall impact of the ILO as well as its accomplishments for the period 1919-1985 has not been assessed within the framework of this paper.

Conclusion

This paper addressed the question of regime effectiveness and tackled the question, whether the ILO was pursuing its goal “*decent work for all*” effectively and whether it had an impact on its member states. In contrast to previous studies on the effectiveness of international institutions, this study tackled not only the causes of “success” and “failure”, but rather to what extent the international institution was able to contribute to “success”. With regard to the subject under scrutiny – the ILO – the further steps were to identify, which factors could lead to compliance with international labour standards and which measures were taken by the ILO to improve compliance. Two instruments of the ILO are believed to foster compliance in ILO member states; technical cooperation and tripartite consultations. The impact of capacity building, tripartism and social dialogue on compliance was scrutinised by means of a panel analysis. However, the empirical results did not support the postulated relationships as a whole. While the impact of capacity building and tripartite deliberations at the ILC was not substantiated, the impact of social dialogue was assessed to be conducive to compliance with labour standards. In this respect the ILO’s assumption seems to be correct that tripartite deliberations at the national level play an essential role in promoting labour rights and that free and independent associations yield to better compliance with ILO labour standards. The subanalyses on LDCs and OECD countries presented however interesting insights on the impact of ILO measures. The impact on OECD countries was assessed stronger than in LDCs. Therefore it must be

concluded that in particular for LDCs other factors – than the ones included in the analysis – impact compliance.

The first question of interest in this thesis – presented in the introduction – refers to the extent, to which ILO member states are complying with labour standards. It has been answered by consulting BÖHNING's (2005) Gap System, which corresponds to the concept of compliance; it defines clearly “full compliance” and “no compliance” with view to the ILO's expectations. In order to answer this first question there was no empirical analysis necessary. The examination of the ILO member states compliance level displayed however, that there was no linear development towards better compliance. Labour rights have rather been subject to ups and downs for the last 20 years and the level of compliance of 1985 compared to 2004 did not show much improvement. The average compliance of LDCs and OECD countries was 2004 almost at the same level as twenty years before.

The second question, whether the ILO matters respectively whether compliance is regime-induced, has not been confirmed by the present analysis. The present study is however subject to several restrictions, which do not allow a final assessment of the question “do regimes matter” respectively “does the ILO matter in the field of labour rights”. Although the analysis has been done in concordance with the theoretical deliberations and the deduced hypotheses, there remains the overall impact of the ILO that cannot be measured empirically. The ILO undoubtedly has an overall impact on its member states by its mere existence, however, much more decentralised forces seem to determine compliance at the national level. This finding has direct consequences for the regime effectiveness, since it makes it difficult to induce behaviour, if compliance cannot be achieved solely through technical cooperation and tripartite consultations.

The study of regime effectiveness has however disclosed gaps in theoretical and empirical research. This is surprising, since the emergence of international institutions has shaped the period after World War II and has led to the establishment of more than 250 international organisations (UIA 2000). The question regarding their effectiveness has however been tackled in only a few cases. The effectiveness of international environmental regimes has dominated the discussion while human rights regimes have been left aside. Methodological and operational difficulties constrain the research in this area. A broader discussion of these constraints and difficulties could however lead to new insights on how to proceed operationally on the concept regime effectiveness in order to analyse international treaties or institutions with regard to their impact on collective behaviour.

In order to pursue the subject of regime effectiveness more intensively, the comparison of international institutions with regard to their institutional setting would provide the possibility to compare the impact of the monitoring system and transparency as suggested by the theoretical approach. The awareness of institutional characteristics improving the effectiveness of international regimes could be of interest to future establishments of international regimes and influence the institutional design. There remains however the fact that states with national interests constitute the members of international regimes. Whether these states advocate effective institutions with the respective competence to insist on compliance is however not certain in this context.

References

- BERNAUER, Thomas (1995): The effect of international environmental institutions: How we might learn more. *International Organization* 49(2), 351-377.
- BLOKKER, Niels and MULLER, Sam (1994): Towards more effective Supervision by International Organisations. In Blokker, Niels and Muller, Sam (eds.): *Towards more effective Supervision by International Organisations*. Dordrecht: Kluwer Academic Publishers, 275-312.
- BÖHNING, Wolf Roger (2003a): *Gaps in basic workers' rights: Measuring international adherence to and implementation of the Organization's values with public ILO data*. Declaration Working Paper 13. Geneva: ILO.
- BÖHNING, Wolf Roger (2003b): *Normalised and disaggregated gaps in basic workers' rights*. Working Paper 17. Geneva: ILO.
- BÖHNING, Wolf Roger (2005): *Labour rights in crisis: Measuring the achievement of human rights in the world of work*. New York: Palgrave Macmillan.
- BREITMEIER, Helmut, YOUNG Oran R. and ZÜRN, Michael (2006): *Analyzing International Environmental Regimes: from case study to database*. Cambridge: MIT Press.
- BROWN, Drusilla K. (2000): *International Trade and Core Labor Standards: A Survey of the Recent Literature*. Paris: OECD.
- BUDA, Dirk (1995): Auf dem Weg zu europäischen Arbeitsbeziehungen? Zur Perspektive des Sozialen Dialogs in der EU. In Mesch, Michael (ed.): *Sozialpartnerschaft und Arbeitsbeziehungen in Europa*. Wien: Manzsche Verlags- und Universitätsbuchhandlung, 289-334.
- BURGERMANN, Susan D. (1998): Mobilizing Principles: The Role of Transnational Activists in Promoting Human Rights Principles. *Human Rights Quarterly* 20(4), 905-923.
- CHAYES, Abram and CHAYES, Antonia H. (1993): On Compliance. *International Organization* 47(2), 175-205.
- CHAYES, Abram and CHAYES, Antonia H. (1995): *The New Sovereignty. Compliance with international regulatory agreements*. Cambridge: Harvard University Press.
- CLAUDE, Inis Lothair (1971): *Swords into Plowshares: the Problems and Progress of international organization*. New York: Random House.
- CREIGHTON, Breen (2004): Freedom of Association. In Blanplain, Roger (ed.): *Comparative labour law and industrial relations in industrialized market economies*. The Hague: Kluwer Law International, 233-274.

- DE HOYOS, Rafael E. and SARAFIDIS, Vasilis (2006): Testing for Cross-sectional Dependence in Panel Data Models. *The Stata Journal* 6(4), 482-496.
- DEUTSCHBEIN, Olaf (2006): *Compliance mit internationalen Verpflichtungen – Die Einhaltung der ILO-Kernarbeitsnormen unter besonderer Berücksichtigung intra-institutioneller Variationen*. Bamberg: Otto-Friedrich-Universität.
- DICKE, Klaus (1994): *Effizienz und Effektivität internationaler Organisationen: Darstellung und kritische Analyse eines Topos im Reformprozess der Vereinten Nationen*. Berlin: Duncker & Humbolt.
- DIMITROVA, Teodora (2006): *Social Dumping: Theoretical and Empirical Aspects*. Fakultät für Wirtschaftswissenschaften und Statistik. Konstanz: Universität Konstanz.
- DRISCOLL, John C. and KRAAY Aart C. (1998): Consistent Covariance Matrix Estimation with Spatially Dependent Panel Data. *Review of Economics and Statistics* 80(4), 549–560.
- DONNELLY, Jack (1986): International Human Rights: A Regime Analysis. *International Organization* 40(3), 599-642.
- ELLIOTT, Kimberly A./FREEMAN Richard B. (2003): *Can labor standards improve under globalization?* Washington (D.C.): Institute for International Economics.
- GHÉBALI Victor-Yves, AGO Roberto and VALTICOS Nicola (1989): *The International Labour Organisation: a case study on the evolution of U.N. specialised agencies*. Dordrecht: Nijhoff.
- HAAS, Peter M. (1989): Do Regimes Matter? Epistemic Communities and Mediterranean Pollution Control. *International Organization* 43(3), 377-403.
- HAFNER-BURTON Emilie M. and TSUTSUI Kiyoteru (2007): Justice Lost! The Failure of International Human Rights Law To Matter Where Needed Most. *Journal of Peace Research* 44(4), 407-425.
- HATHAWAY, Oona A. (2002): Do Treaties Make a Difference? Human Rights Treaties and the Problems of Compliance. *Yale Law Journal* 111(8), 1935-2042.
- HELM Carsten and SPRINZ Detlef (2000): Measuring the Effectiveness of International Environmental Regimes. *Journal of Conflict Resolution* 45(5), 630-652.
- HOECHLE, Daniel (2007): Robust standard errors for panel regressions with cross-sectional dependence. *The Stata Journal* 7(3), 281-312.
- HOLSTI, Kalevi J. (1992): Governance without Government: Polyarchy in nineteenth-century European international politics. In Rosenau, James N. and Czempiel, Ernst-Otto (eds.): *Governance without Government: Order and Change in World Politics*. Cambridge: Cambridge University Press, 30-57.
- HOVI, Jon, SPRINZ, Detlef, UNDERDAL Arild (2003): The Oslo-Potsdam Solution to Measuring Regime Effectiveness: Critique, Response, and the Road Ahead. *Global Environmental Politics* 3(3), 74-96.
- ILO (2007): *Social Dialogue: All partners for decent work*. Geneva: ILO.

- ILO (2008): *Declaration on Social Justice for a Fair Globalisation*. Geneva: ILO.
- ILOLEX (2010): *Database of International Labour Standards*. <http://www.ilo.org/ilolex/english/index.htm> [21.03.2010].
- KECK, Margaret E. and SIKKINK, Kathryn (1998): *Activists beyond borders: Advocacy networks in international politics*. Cornell: Cornell University Press.
- KEITH, Linda Camp (1999): The United Nations international covenant on civil and political rights: Does it make a difference in human rights behavior? *Journal of Peace Research* 36(1), 95-118.
- LANDY, Ernest A. (1966): *The effectiveness of international supervision: thirty years of I.L.O. experience*. New York: Oceana Publications.
- MARSHALL, Monty G. and JAGGERS, Keith (2009): *Polity IV Project. Political Regime Characteristics and Transitions, 1800-2007. Dataset Users' Manual*. Center for Systemic Peace.
- MILES, Edward L. (2002): *Environmental Regime Effectiveness: Confronting Theory with Evidence*. Cambridge: The MIT Press.
- MITCHELL, Ronald B. (1993): Regime Design Matters: Intentional Oil Pollution and Treaty Compliance. *International Organization* 48(3), 425-458.
- MORGENTHAU, Hans J. (1967): *Politics among Nations: The Struggle for Power and Peace*. 4th edition. New York: McGraw-Hill.
- NEUMAYER, Eric (2005): Do International Human Rights Treaties Improve Respect for Human Rights? *Journal of Conflict Resolution* 49(6), 925-953.
- SCHMIDT, Oliver (2004): *Globalisierung und Arbeitsstandards. Kontroversen, Grundlagen, Ansätze*. Münster: Lit Verlag.
- SCHUBERT, Klaus and KLEIN, Martina (2006): *Das Politiklexikon*. Bonn: Dietz.
- SCHWERIN, Barbara (2006): *Tripartismus im europäischen Arbeitsrecht*. München: Martin Meidenbauer Verlag.
- SENTI, Martin (2002): *Internationale Regime und nationale Politik: Die Effektivität der Internationalen Arbeiterorganisation (ILO) im Industrieländervergleich*. Bern: Verlag Paul Haupt.
- SHUSTER, Milan R. (1973): *The public international law of money*. Oxford: Clarendon Press.
- SIMMONS, Beth A. (2000): Money and the Law: Why comply with the public international law of money? *The Yale Journal of Public International Law* 25, 323-362.
- SIMPSON, William R. (1994): The ILO and tripartism: Some reflections. *Monthly Labour Review* 117(9), 40-45.
- SPRINZ, Detlef (2005): *Regime Effectiveness: The Next Wave of Research*. Potsdam: Potsdam Institute for Climate Impact Research & The University of Potsdam.

- STRANG, David and CHANG Patricia Mei Yin (1993): The International Labor Organization and the Welfare State: Institutional Effects on National Welfare Spending. *International Organization* 47(2), 235-262.
- TREBILCOCK, Anne (1994): *Towards Social Dialogue: Tripartite Cooperation in national economic, and social policy-making*. Geneva: ILO.
- UIA (2000): *Yearbook of International Organisations and Biographies*. 6th edition. Brussels: Union of International Associations. CD-Rom.
- UNDERDAL, Arild (1992): The Concept of Regime "Effectiveness". *Cooperation and Conflict* 27(3), 227-240.
- UNDP (1997): *Capacity Development*. Technical Advisory Paper 2. New York: UNDP.
- WEISS, Edith B. and JACOBSEN, Harold K. (1998): *Engaging Countries: Strengthening Compliance with International Environmental Accords*. Cambridge: The MIT Press.
- WORLD BANK (2007): *World Development Indicators 2007*. Washington D.C: World Bank. CD-Rom.
- YOUNG, Oran R. (1989): *International Cooperation: Building Regimes for Natural Resources and the Environment*. New York: Cornell University Press.

Appendix

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A. Data and Operationalisation

A.1 Case selection

Countries, which conform to the three prerequisites ((i)OECD membership or LDC status since 1980, (ii) ILO admission before 1980, (iii) labour rights gap variable available) are considered for the analysis.

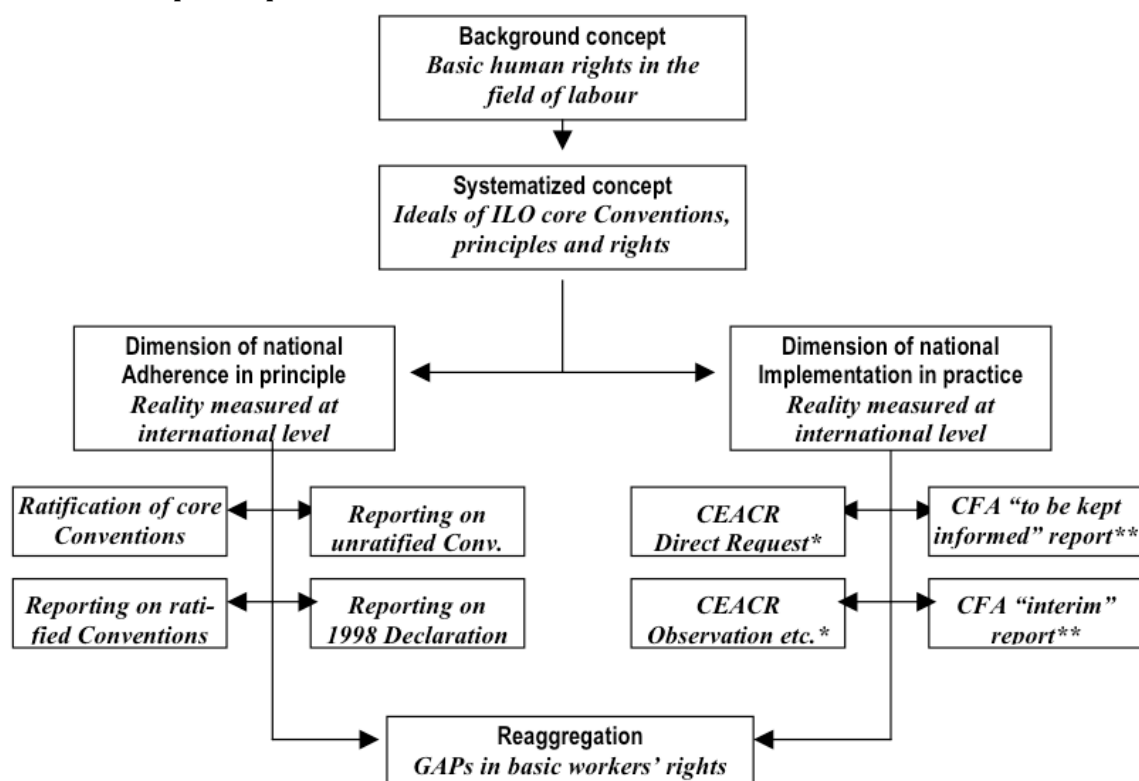
Table 1 - Sample

Countries	LDC or OECD	OECD membership	ILO Admission	LDCs	ILO admission before 1980	OECD member before 1980	labour rights gap 1985-2004	Total
Afghanistan	LDC	-	1934	1	1	-	0	2
Angola	LDC	-	1976	1	1	-	0	2
Australia	OECD	1971	1919	0	1	1	1	3
Austria	OECD	1960	1919	0	1	1	1	3
Bangladesh	LDC	-	1972	1	1	-	1	3
Belgium	OECD	1960	1919	0	1	1	1	3
Benin	LDC	-	1960	1	1	-	1	3
Bhutan	LDC	-	-	1	0	-	0	1
Burkina Faso	LDC	-	1960	1	1	-	1	3
Burundi	LDC	-	1963	1	1	-	1	3
Cambodia	LDC	-	1969	1	1	-	0	2
Cape Verde	LDC	-	1979	1	1	-	1	3
Central Afr. Rep	LDC	-	1960	1	1	-	1	3
Chad	LDC	-	1960	1	1	-	1	3
Comoros	LDC	-	1978	1	1	-	1	3
Congo, DR	LDC	-	1960	1	1	-	0	2
Czech Republic	OECD	1995	1919	0	1	0	0	1
Denmark	OECD	1960	1919	0	1	1	1	3
Djibouti	LDC	-	1978	1	1	-	1	3
Equatorial Guinea	LDC	-	1980	1	1	-	1	3
Eritrea	LDC	-	1993	1	0	-	0	1
Ethiopia	LDC	-	1923	1	1	-	1	3
Finland	OECD	1969	1920	0	1	1	1	3
France	OECD	1960	1919	0	1	1	1	3
Gambia	LDC	-	1995	1	0	-	1	2
Germany	OECD	1960	1919	0	1	1	1	3
Greece	OECD	1960	1919	0	1	1	1	3
Guinea	LDC	-	1959	1	1	-	1	3
Guinea-Bissau	LDC	-	1977	1	1	-	1	3
Haiti	LDC	-	1919	1	1	-	0	2
Hungary	OECD	1996	1922	0	1	0	1	2
Iceland	OECD	1960	1945	0	1	1	1	3
Ireland	OECD	1960	1923	0	1	1	1	3
Italy	OECD	1960	1919	0	1	1	1	3
Japan	OECD	1964	1919	0	1	1	1	3
Kiribati	LDC	-	2000	1	0	-	0	1
Korea	OECD	1996	1991	0	0	0	0	0
Lao, PDR	LDC	-	1964	1	1	-	1	3
Lesotho	LDC	-	1966	1	1	-	1	3

Liberia	LDC	-	1919	1	1	-	0	2
Madagascar	LDC	-	1960	1	1	-	1	3
Malawi	LDC	-	1965	1	1	-	1	3
Maldives	LDC	-	2009	1	0	-	0	1
Mali	LDC	-	1960	1	1	-	1	3
Mauritania	LDC	-	1961	1	1	-	1	3
Mexico	OECD	1994	1931	0	1	0	1	2
Mozambique	LDC	-	1976	1	1	-	0	2
Myanmar	LDC	-	1948	1	1	-	1	3
Nepal	LDC	-	1966	1	1	-	1	3
Netherlands	OECD	1960	1919	0	1	1	1	3
New Zealand	OECD	1973	1919	0	1	1	1	3
Niger	LDC	-	1961	1	1	-	1	3
Norway	OECD	1960	1919	0	1	1	1	3
Poland	OECD	1996	1919	0	1	0	1	2
Portugal	OECD	1960	1919	0	1	1	1	3
Rwanda	LDC	-	1962	1	1	-	1	3
Samoa	LDC	-	2005	1	0	-	0	1
Sao Tome and P.	LDC	-	1982	1	0	-	1	2
Senegal	LDC	-	1960	1	1	-	1	3
Sierra Leone	LDC	-	1961	1	1	-	0	2
Slovak Republic	OECD	2000	1919	0	1	0	0	1
Solomon Islands	LDC	-	1984	1	0	-	0	1
Somalia	LDC	-	1960	1	1	-	0	2
Spain	OECD	1960	1919	0	1	1	1	3
Sudan	LDC	-	1956	1	1	-	1	3
Sweden	OECD	1960	1919	0	1	1	1	3
Switzerland	OECD	1960	1919	0	1	1	1	3
Togo	LDC	-	1960	1	1	-	1	3
Turkey	OECD	1960	1932	0	1	1	1	3
Tuvalu	LDC	-	2008	1	0	-	0	1
Uganda	LDC	-	1963	1	1	-	1	3
UK	OECD	1960	1919	0	1	1	1	3
United Republic of Tanzania	LDC	-	1962	1	1	-	1	3
USA	OECD	1960	1934	0	1	1	1	3
Vanuatu	LDC	-	2003	1	0	-	0	1
Yemen	LDC	-	1965	1	1	-	0	2
Zambia	LDC	-	1964	1	1	-	1	3

A.2 Labour Rights Gap

Scheme 1 – Gap conceptualisation



Source: BÖHNING (2003b: 1)

* CEACR = ILO Committee of Experts on the Application of Conventions and Recommendations

** CFA = ILO Committee on Freedom of Association

A.3 TC inflows

Table 2 – TC inflows 1985-2004

Period	Applied lag	Population
1985-1990	1980-1983	1980
1990-1994	1986-1989	1985
1995-1999	1990-1993	1990
2000-2004	1996-1999	2000

Source: Author's own.

TC inflows for this paper have been determined by retrieving the single ILO Extra-budgetary technical cooperation expenditures on member states from the biennial “Financial Report and Audited Financial Statements” for the period 1985-2004. In order to control for the accuracy of the data, the data retrieved by the author have been compared to the ILO’s yearly data, which is only available for the period 1997-2006.¹ Since the ILO’s financial report is published in two-year intervals, the data retrieved by the author consisted of biennial totals. For the comparison of the data, the two-year totals were divided by 2 and equally allocated to

¹ The Development Cooperation Branch (CODEV) of the ILO in Geneva kindly provided the ILO data on yearly TC expenditures.

the two respective years. Therefore a minor impreciseness is involved in the comparison. Table 3 indicates, however, high covariance between the two TC inflows measures, which in turn demonstrates high identicalness of the measures.

Table 3 - TC inflows ILO vs. TC inflows J.H.

	tcilo	tcjh
tcilo	1.0000	
tcjh	0.9137***	1.0000

*Note: Significant at the * 10%, ** 5%, *** 1% level.*

A.4 Voting Coherence

1. Determination of the members in arrears (List “Arrears of contributions due by member states which are two years or more in arrears and which are subject to paragraph 4 of article 13 of the constitution”)
2. Consultation “First Report of the Finance Committee” to determine whether the countries in arrears have been accorded the right to vote.
3. Determination Delegates present and voting (“List of registered Delegates and Advisors”)
4. Consultation Record Vote on Convention and codification of votes casted.
5. Determination Voting Coherence per Convention
6. Determination average Voting Coherence per period:

$$\frac{\text{(Sum Voting Coherence during one period)}}{\text{(Sum conventions considered-(non-participation due to arrears))}}$$

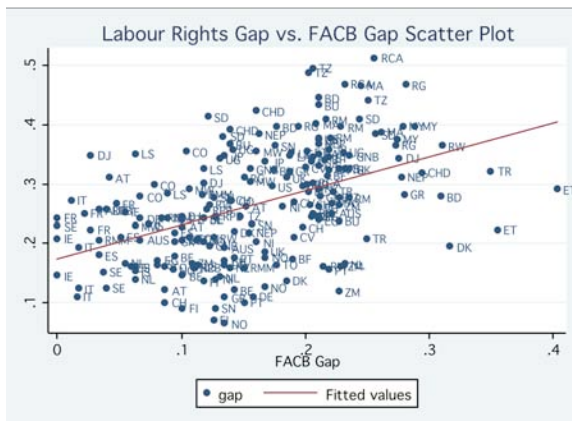
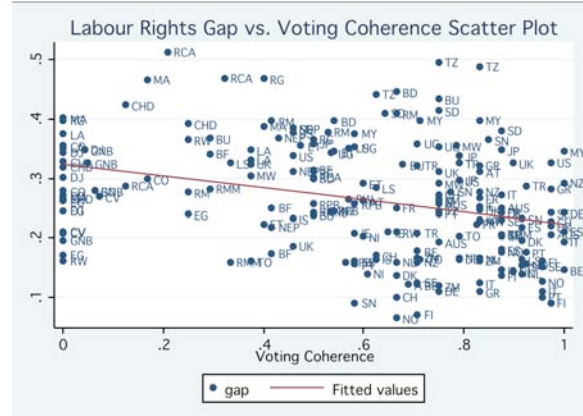
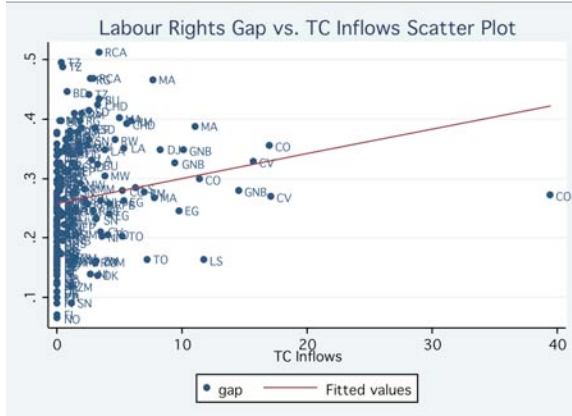
Table 4 - Voting Coherence

Period	Applied lag	Conventions
1985-1990	1980-1984	C154-C159
1990-1994	1985-1989	C160-C169
1995-1999	1990-1994	C170-C175
2000-2004	1995-1999	C176-C181

Source: Author’s own.

B. Estimation Results

B.1 Scatter Plots



B.2 Regression Diagnostics Panel Analysis

a) Fixed vs. Random Effects

Hausman test

Ho: difference in coefficients not systematic

chi2(6) = 22.02
 Prob > chi2 = 0.0012

b) Time-fixed Effects

Wald test

Ho: All years coefficients are jointly equal to zero

F(3, 138) = 10.91
 Prob > F = 0.0000

c) Cross sectional independence

Pesaran's test of cross sectional independence = 5.022, Pr = 0.0000

d) Heteroscedasticity

Modified Wald test for groupwise heteroskedasticity in fixed effect regression model

Ho: $\sigma(i)^2 = \sigma^2$ for all i

chi2(49) = 1647.25
Prob > chi2 = 0.0000