

# Reporting Compliance

How Reporting Mechanisms in the ILO Improve Collective Labor Rights

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## Abstract

Issuing monitoring reports is one of the key mechanisms through which international organizations can facilitate state compliance without enforcement. Yet, we observe a great variation in whether such monitoring leads to compliance. This paper argues that a critical design feature determining this effectiveness is its accessibility for third-party actors. These actors provide information that allows international organizations to verify states' self-claim of compliance and provide more tailored advice on resolving noncompliance. Consequently, I expect the degree of compliance induced in target states to vary with third-party participation in the reporting process. To test this argument, I adopt a mixed-method approach under the institutional context of the International Labor Organization (ILO). A crucial actor in promoting labor standards worldwide, the ILO adopts a wide range of reporting mechanisms to monitor member states' application of labor rights. I compare two reporting mechanisms employed by the ILO using difference-in-differences and two-way fixed effects models. I collect 177 member states' convention ratification records and ILO's reports regarding their collective labor rights compliance between 1985-2012. I find ILO reports significantly improve member states' labor standards, although their effectiveness depends on who leads the reporting process. Then, using two case studies of Cambodia and China, I provide evidence that the deepening of compliance follows from the dynamic monitoring in the report-compilation process, in which the ILO engages target states in compliance learning.

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# 1 Introduction

Established in 1919 after the First World War, the International Labor Organization (ILO) was tasked with the improvement of labor conditions and social justice. Since then, the ILO has come to be recognized as a flag bearer in setting standards and norms for labor rights: By 2021, the ILO boasts a near-universal membership with 187 member states. It has adopted over 200 conventions and recommendations on topics covering a broad range of labor issues. Its conception of core labor rights – collective labor rights, non-discrimination, and the eradication of forced labor and child labor – has been widely adopted in many aspects of international relations: diplomatic language (Kent and Center, 2007; Baccini and Koenig-Archibugi, 2014), economic agreements (Postnikov and Bastiaens, 2014; Bastiaens and Postnikov, 2020), as well as deference from other international organizations (IOs) (Moorman, 2000). So, has the ILO been effective in promoting and protecting labor rights among its member states?

Despite the ILO's status as the flag-bearer of international labor rights, empirical studies have produced mixed evidence regarding the organization's ability to achieve its mandated goals: On the one hand, the ratification of ILO conventions is often followed by increases in wage levels and welfare provision (Strang and Chang, 1993; Rodrik, 1996). Other procedures, such as reporting and naming-and-shaming, have also been associated with increased respect for labor rights (Koliev and Lebovic, 2018; Koliev, Sommerer and Tallberg, 2021). On the other hand, several research point to the ILO's weak enforcement mechanisms, arguing that the organization lacks the means necessary to protect labor rights (Boockmann, 2010); even worse, ILO conventions may even generate negative spillovers that lead to a deterioration of employees' working conditions (Peksen and Blanton, 2017). In other words, while the ILO wields considerable agenda-setting power on labor rights issues, it is unclear whether the organization can effectively hold its member states to the standards it set.

These mixed findings over the effectiveness of the ILO, moreover, reflect the larger debate on whether IOs with weak enforcement mechanisms can alter member states' behavior (Henkin, 1979; Chayes and Chayes, 1993; Downs, Rocke and Barsoom, 1996). A sizeable body of research has shown how compliance can be achieved when enforcement mechanisms are built into salient issues like security (Fortna, 2003; Leeds and Savun, 2007; Mattes, 2008) and trade (Bagwell and Staiger, 2002; Davis, 2012). Conversely, it is often posited that treaty-renegeing and international law-breaking are profuse in issues areas where stringent enforcement is typically lacking (Keith,

1999; Hafner-Burton, 2013; Ye, 2020). Recent studies, however, have highlighted a non-coercive approach towards compliance: IO reporting. A wide range of high-profile international organizations and institutions – such as the UN’s Universal Periodic Review (UPR) on human rights, the Paris Agreement on climate change, the World Bank on the (now-defunct) Ease of Doing Business Index – now routinely request information from their member states, evaluate their performance, and issue public reports on the degree to which members comply with their international commitments. Meanwhile, a growing body of evidence shows that these reporting mechanisms can affect compliance with international cooperation (Chayes and Chayes, 1998; Krommendijk, 2015; Terman and Byun, 2022; Doshi, Kelley and Simmons, 2019; Koliev, Sommerer and Tallberg, 2021). Less, however, is known about variations *within* IO reporting: In this paper, I argue that different reporting mechanisms –even those nested in the same organizational context– generate different information. And these reports, in turn, exert heterogeneous effects on states’ compliance.

One of the most influential arguments as to why monitoring in international institutions works is that it generates more information on states’ behaviors (Keohane, 1984; Dai, 2002). Such information then leads to compliance by engaging downstream actors, who may influence the targeted state’s behavior through various channels like economic incentives (Barry, Chad Clay and Flynn, 2013; Peterson, Murdie and Asal, 2018), legal challenges (Allen, 2023), peer pressures Terman and Voeten (2018), and social mobilizations (Simmons, 2009; Kelley, 2017). Moreover, scholars have identified a wide range of monitoring mechanisms that fall broadly under two categories: one that retrospectively collects information from agents involved parties in reaction to alleged compliance violations (i.e., “fire alarms”), and one that empowers monitors to proactively assess state compliance before the decisions are implemented (i.e., “police patrols”)(McCubbins and Schwartz, 1984; Nielson and Tierney, 2003). Thus, two additional questions ensue: are these mechanisms equally conducive to compliance? If not, what explains the effectiveness of a monitoring mechanism?

Despite the theoretical importance of monitoring, few studies have theorized and evaluated the variation in the effect of different monitoring mechanisms<sup>1</sup>. A major challenge is that the design of these mechanisms is often confounded by issue-specific or IO-level factors that could also explain the levels of compliance. To overcome the inferential threat posed by these potential confounders, I offer a systematic comparison of two reporting mechanisms that involve different levels

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<sup>1</sup>Reporting mechanisms are monitoring strategies that disseminate information obtained through monitoring in the form of compiled documents. In the paper, I use the two concepts interchangeably

of third-party participation under the same organizational context. Empirically, I test the effects of different reporting mechanisms using the case of the ILO by collecting and analyzing ILO reports on collective labor rights compiled between 1985 and 2012. The ILO has a long history of using reports to facilitate member states' engagement with international labor standards. To this end, the organization has set up various committees that adopt both monitoring mechanisms. Therefore, leveraging the variations across sub-organizational committees, I isolate the effects of reporting mechanisms while controlling for other common confounders such as organizational strength and memberships (Koremenos, Lipson and Snidal, 2001).

In examining the variation across different reporting mechanisms, this paper makes three contributions that both add to the broader literature that challenges coercive enforcement as the *sine qua non* of compliance and extend our understanding of how reports work. Firstly, this paper highlights the theoretical importance of non-coercive approaches IOs can employ to facilitate compliance. Existing literature often characterizes the ILO as a weak institution with no means of coercive enforcement (Mosley, 2008, 2011; Baccini and Koenig-Archibugi, 2014; Peksen and Blanton, 2017) and thus overlooks the rich heterogeneity of reports within the organization. The notion that the effect of reporting may differ even within the same IO, therefore, speaks to the importance of treating monitoring and reporting as IO features that are separate from enforcement capacity. The literature on enforcement often considers the effectiveness of IO monitoring as a function of the organization's ability to correct the non-compliant behaviors it observes (Downs, 1998; Dai, 2005) since they both require substantive input of material resources. While I do not dispute that a strong enforcement mechanism may be conducive to more comprehensive and effective monitoring, I demonstrate that even holding the level of material resources as given, the outcome of compliance in an IO can still vary under different reporting mechanisms.

Secondly, by comparing the two reporting mechanisms that are established around the same time within the same organization, this paper is, to the best of my knowledge, among the first to provide empirical evidence on how the design of monitoring mechanisms affects their effectiveness. Substantively, I find that after states become subjected to reporting mechanisms within the ILO that employ police patrol strategies, their respect for labor rights improves only through institutional changes, such as new legislation and policies. Conversely, when states are exposed to fire alarm strategies, their domestic labor rights not only improve institutionally but also behaviorally

(e.g., how governments treat trade unions and labor activists). This finding provides an important qualification as to when IO reporting works and does not work.

Thirdly, to assess the heterogeneous effects of different reporting mechanisms, I compiled an original dataset that contains measurements of reports from two committees in the ILO: the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the Committee on Freedom of Association (CFA). Whereas the former has increasingly received recent scholarly interests (Kahn-Nisser, 2014; Koliev and Lebovic, 2018; Koliev, Sommerer and Tallberg, 2021), existing studies have yet to examine the effectiveness of CFA reports, which address complaints about potential violations against collective labor rights. These complaints represent a major component of the ILO’s work, producing a rich corpus of detailed labor disputes. Therefore, in addition to collecting over 170 ILO member states’ treaty ratification status and the ensuing reports generated in the CEACR and the CAS, I also collect novel, case-level information on over 3,000 complaints and 8,000 reports generated by the Freedom of Association Complaints procedure.

The rest of this article is organized as follows: Section 2 develops the theoretical argument that IO reporting affects compliance by generating a wide spectrum of information. Section 3 discusses the various reporting institutions in the ILO and develops the main hypotheses of this paper. Using labor indices and archival documents, section 4 carries out two sets of quantitative analyses that capture different levels of monitoring effectiveness of the International Labor Organization’s (ILO) strategy. Section 5 then further explores the potential mechanisms of the theory using the compliance records of Cambodia and China in the ILO. Section 6 concludes by drawing several implications based on the findings presented in this paper as well as discussing potential future research directions.

## **2 Information Provision and Reporting in IOs**

As Dai (2002, pp. 407-408) puts it, “Information provision by international institutions lies at the foundation of neoliberal institutionalism... it is in fact a centerpiece of neoliberal institutionalism that international institutions provide compliance information to facilitate compliance with international agreements”. Unsurprisingly, therefore, the link between information provision and

compliance outcome has been theorized extensively <sup>2</sup>. On the one hand, functional theories posit that when a state is revealed to violate its previous commitments, it suffers a reputation cost and is seen as less reliable in future cooperations (Keohane, 1984). On the other hand, constructivists argue that the consequence of social punishments, ranging from “shaming, shunning, exclusion, and demeaning, or dissonance derived from actions inconsistent with role and identity” (Johnston, 2001, p.499), also incentivizes states to avoid being cast as a “rule-breaker”. Furthermore, empirical studies have found evidence that these mechanisms are active both at the domestic and international level. Domestically, the information provided by IOs may galvanize citizens or interest groups to challenge their government either in the streets or the courts (Simmons, 2009; Conrad and Ritter, 2019). Internationally, the information generated by IOs against a targeted country may be picked up by third parties such as international non-governmental organizations (INGOs), transnational activists, or other governments (Keck and Sikkink, 1998; Seidman, 2007). These actors may in turn exert pressure on the violator, or generate further attention and criticism.

Therefore, reporting mechanisms in IOs have received increasing scholarly attention due to their potential to provide this public good (Kelley and Simmons, 2019): a centralized source of information on the degree to which states comply with their international commitments. As a form of monitoring mechanism frequently adopted by international institutions, reporting mechanisms provide three types of information on compliance. Firstly, the content of information submitted by states themselves and, when permitted, information supplemented by non-state actors, like domestic citizens or NGOs. Secondly, based on these submissions, reporting mechanisms, often staffed by specialized experts or international bureaucrats, provide an evaluation of a country’s performance. Lastly, a document containing both the submission and evaluation is usually compiled into a document (namely, the report) and circulated, so that the information regarding the states and whether or not they participated in the mechanism in the first place becomes publicly observable.

While these reporting mechanisms can take on a wide range of formats, few studies have empirically investigated how variations across reporting mechanisms affect compliance outcomes. As such, the rest of this section first discusses the two most common reporting mechanisms: police patrols and fire alarms, and how they differ from each other. Then, I provide a supply-side theory on how these differences may explain the variation in their effectiveness. Lastly, using the orga-

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<sup>2</sup>for a comprehensive review regarding the role of information provision on international cooperation and compliance, see Simmons (2010)

nizational context of the ILO, I provide examples of both types of mechanisms by describing the reporting procedures in two major committees in the ILO.

## 2.1 Varieties of Reporting Mechanisms

Inspired by the seminal work of McCubbins and Schwartz (1984) on Congressional oversight, the literature on international monitoring often categorizes monitoring mechanisms into two camps. One mechanism institutes a centralized monitor who examines member states' activities with the aim of deterring violating outcomes. In contrast, the other mechanism is activated after the decisions are made, most often by the victims of such decisions, who then relay the consequences of these decisions to monitors (Dai, 2002; Hoffman, 2002; Tallberg, 2002; Nielson and Tierney, 2003; Creamer and Simmons, 2020; Eilstrup-Sangiovanni and Sharman, 2022). Analogously, the former is often referred to as *police patrol* oversight, and the latter as *fire alarm* oversight. A major difference between the two mechanisms relates to how much third-party actors participate in the process of information provision: Since the consequences of states' decisions can only be observed post hoc, third-party actors who are or may be potentially harmed by these decisions often lack the necessary channel to participate in before-the-fact oversights. Thus, compared to fire alarms, which require a third party to provide information on noncompliance as a new actor to trigger the reporting process, police patrols rely more heavily on the centralized and active efforts of international monitors – a role commonly fulfilled by IO bureaucrats. Comparatively, instead of relying on monitors' direct and routine surveillance, fire alarms are characterized by procedures that enable third-party actors to participate in the monitoring process.

As a common form of monitoring, many reporting mechanisms can also be classified as either police patrols or fire alarms. For example, a classic case of police patrol can be found in the IAEA, which requires states to regularly self-report stocks of nuclear weapons and subsequent annual progress made toward non-proliferation. These claims are then by routine inspections led by the organization, whose outcomes are then published in the Nuclear Safety Review, a report issued by the IAEA annually (Goldschmidt, 1999). Conversely, the reporting mechanisms in human rights institutions, such as the (then) UN Human Rights Committee (Dai, 2002) and the Convention Against Torture (Creamer and Simmons, 2019) are ones that closely resemble fire alarms. These international institutions permit and frequently receive independent input from individuals and

NGOs, whose on-the-ground experience of human rights abuses often triggers further investigative reviews. During these processes, accounts and data provided by these non-state actors are then also used to cross-reference claims offered by government officials.

Given the rich variation in the design of reporting mechanisms, scholars have sought to theorize when may an IO prefer one design over another. For instance, fire alarms are often seen as more trusting than police patrols, since the former implies a belief that violations would be relatively sparse, but the latter operates under an assumption that non-compliance is likely to occur once the police have gone away. (Hoffman, 2002; Keating and Abbott, 2021). Similarly, whereas fire alarms may lie dormant without being put into action for long periods of time, police patrols require constant or routine engagement from the monitoring IO, and may therefore require more financial and personnel resources than fire alarms (Nielson and Tierney, 2003). Thus, in organizations like the IAEA, which is both delegated with high-salience issues like nuclear containment –thus building trust among member states is more difficult – and is equipped with sufficient material resources and specialized expertise, we should expect to see reporting mechanisms that take on the form of police patrols. In comparison, within the human rights regime, where states share a similar understanding of compliance as “treaties have become focal ... statements of the international community’s values relating to human rights”<sup>3</sup> (Creamer and Simmons, 2019, p.1053) but often suffers from a lack of material resources, many human rights institutions turn to fire alarms that allow victims of human rights abuses to alert the institutions about their suffering.

While there exists a burgeoning literature on reporting mechanisms, two challenges remain. Firstly, not all international institutions are equipped with only one mechanism. In addition to the ILO, which will be discussed in more detail in the rest of this section, the WTO also relies on private firms to report and litigate instances of noncompliance, as well as provide information in the dispute settlement mechanism (Davis, 2012; Brutger, 2018). Moreover, it also reviews and reports countries’ trade policy regularly through the trade policy review mechanism (Creamer and Simmons, 2019)<sup>4</sup>. Secondly, there has been little attention paid to theorizing and evaluating

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<sup>3</sup>Here, it should be noted that “trust” denotes “a willingness to place the fate of important interests in another’s hands, based on some belief that the other will not use this discretion to harm the truster” (Keating and Abbott, 2021, p.1094), rather than simply taking the other party’s word at its face value

<sup>4</sup>Additionally, studies have identified a hybrid form of monitoring that exhibits features from both types of mechanisms: whereas this reporting mechanism functions on a centralized and regular basis, it also permits and receives input from individuals and NGOs, who strategically aligns the submission of information with the schedule of the reports (Tallberg, Sommerer and Squatrito, 2013), for example, the Universal Periodic Review initiated by



the variation in effects across different reporting mechanisms. Paradoxically, this limitation is in part caused by the literature’s focus on mechanism design. The identification of why reporting mechanisms vary across issue areas and organizations introduces at the same time a selection problem: The factors that explain mechanism designs could also explain post-implementation levels of compliance. To address these issues simultaneously, therefore, this paper focuses on two major reporting mechanisms –the police patrol oversight led by the CEACR and CAS, and the fire alarm oversight led by the CFA –in the ILO to control for issue-area and IO-level confounders, such as the organization’s resources, capacity, membership composition, and so on. Before diving into the analysis of how these mechanisms function under the context of the ILO, however, it is necessary to first introduce some theoretical reasoning as to why we may expect these reporting mechanisms, which are neither designed nor empowered to enforce compliance, would have the power to deter or rectify violations in the first place.

## 2.2 Why Reporting Mechanisms Work (Differently)

As mentioned earlier in this section, information provided by reporting mechanisms is crucial in facilitating compliance. By itself, however, information does little to change violating behaviors among member states directly. Instead, two conditions usually need to hold for information on compliance to take on actual effects. First, there needs to be an audience that is attentive to the information disseminated from the reporting mechanisms. Upon receiving the information, the audience would then take actions that influence the decisions made by the targeted state. The literature on compliance has discussed extensively who can act as the audience, including other states (Hafner-Burton, 2013; Terman and Byun, 2022), interest groups (Davis, 2012; Peterson, Murdie and Asal, 2018), NGOs (Murdie, 2014), firms (Barry, Chad Clay and Flynn, 2013; Brutger, 2018), citizens (Simmons, 2009), and even individuals (Sikkink and Kim, 2013). These audiences are incentivized to react to the information disseminated through a reporting mechanism as they either share similar normative visions espoused by the IO, or the violation creates negative spillovers which affect them. Thus, via channels like sanction (Nielsen, 2013), litigation (Fjelstul and Carrubba, 

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the UN Human Rights Council (Terman and Voeten, 2018; Schoner, Working Paper). Since there remain relatively fewer cases of the hybrid form of monitoring, and they rarely occur in conjunction with other mechanisms under the same institutional context, in this paper, I bracket the discussion on hybrid monitoring for the sake of conceptual simplicity.

2018), social pressure (Terman and Voeten, 2018), public opinion (Chaudoin, 2023), and mass mobilization (Conrad and Ritter, 2019), the mobilized audience can attempt to bring the targeted state back to compliance.

A second, and more implicit condition, is that the information revealed by the reporting mechanisms is either previously unknown to its audience, or the cost of obtaining such information is prohibitively high. This condition, moreover, has two further implications. On the one hand, even when an audience has the motivation to discipline noncompliance, going after another state often comes with a price. Collecting information on noncompliance is often costly, time-consuming, and requires a certain level of specialized expertise (Chayes and Chayes, 1998). In addition, confronting a state about its potential wrongdoings can cause damage to diplomatic ties or even cause backlashes (Terman, 2023), which may be further if the information is perceived to be partial or politically charged (Thompson, 2006; Pelc, 2010). On the other hand, if the audience can obtain information on noncompliance without the help of the IO, then one should expect the audience to invoke the aforementioned channels and seek to rectify violations on their own, rendering the intervention of the IO superficial. In sum, reporting mechanisms work only when they make a new piece of information easily accessible to an attentive audience, who has the means to alter the decisions made by the targeted state.

Given these conditions, how does the design of such mechanisms shape their effectiveness? Holding the organizational context fixed, the potential audiences of reporting mechanisms are largely similar, as the documents compiled through reporting mechanisms are usually disseminated at the IO level, often via a centralized outlet or public forum. For example, within the IAEA, the aforementioned Nuclear Safety Review, the organization also issues various other annual reports such as the Nuclear Security Review and the Nuclear Technology Review, all of which are published by the office of the Director General “in response to requests by member states” (IAEA, 2021, p.3). Similarly, the reports produced by various committees, including the CEACR and the CFA, in the ILO are circulated to all member states during the organization’s annual summit, the International Labor Conference<sup>5</sup> (ILC) and is reviewed and adopted by the member states during the conference (ILO, 2019). In addition, these mechanisms greatly reduce the cost of information collection by

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<sup>5</sup>The ILC is an annual Conference that brings together governments’, workers’ and employer’s delegates of the ILO member states to establish and adopt international labor standards. It is also a forum for discussion of key social and labor questions. It is often referred to as an “international parliament of labor”.

replacing numerous bilateral exchanges with one multilateral clearinghouse (Lall, 2017; Carnegie and Carson, 2019). Their technical expertise also lends credence to the quality of information contained in their reports (Green, 2013), and instead of simply blaming the target state for failing to uphold its international commitments, they can offer informed recommendations on how to remedy the situation. Theoretically, therefore, the variation in reporting mechanisms, if any, should come from their ability to generate new information that can mobilize the intended audience. In particular, I argue that member states within an IO are the most likely group of actors to be mobilized by reporting mechanisms, as they usually receive the reports firsthand and are given a social forum to discuss and react to the content within these reports.

So, do the reporting mechanisms differ in their ability to generate information that is new to their member states? I argue the availability of channels that permit non-state actors – NGOs, interest groups, or individuals – to supply information to the IO makes firm alarms more effective in changing member-state compliant behaviors than police patrols. Non-state actors situated within a targeted country are uniquely suited to provide information that is difficult for international actors to observe otherwise. Such information is crucial in identifying whether noncompliance has indeed occurred, verifying accounts given by the state and imposing potential reputation costs, and determining whether the noncompliant actions are deliberate or unintentional (Chayes and Chayes, 1993). As such, the participation of non-state actors in the reporting mechanisms affects the output of information in two ways. Firstly, it directly makes more information on noncompliance available, making it easier for the audience states to determine whether it is necessary or beneficial to take action. Secondly, it helps to identify the gap between the target state’s formal institutions and empirical practice, so that the recommendations given in the reports can be better tailored to fix the issue that led to noncompliance both institutionally and behaviorally.

The above discussion of how non-state actors’ information provision may lead international actors to pressure their government shares affinity to the “boomerang model” proposed by Keck and Sikkink (1998). More recently, works by Pérez-Liñán and Atehortúa (2024) similarly argue for the effectiveness of third-party engagement in “dialogic oversight”. By bringing in the variation in reporting mechanism designs, however, I contend that non-state actor participation is itself a result of institutional choice made at the IO-level. Instead of simply broadcasting the information supplied to them, the reporting mechanisms also investigate, evaluate, and synthesize. This active

process of involvement thus imbues the information with more neutrality and legitimacy (Abbott and Snidal, 1998; Pelc, 2010). Moreover, the channel between domestic groups and international institutions is not always open, not only because of the hindrance from the home government but also because of the structure of IOs. Since the reporting mechanisms that adopt a police patrol strategy have few alternative sources of information to check against the self-reports made by states themselves, whenever states come under the scrutiny of police patrol, they are only incentivized to make changes that are visible and can thus be verified by IOs without the input from non-state actors. These changes, therefore, often take place on an institutional level, like policy documents, legislation, executive announcements, etc. In contrast, when a reporting mechanism adopts a fire alarm strategy, it receives additional information with which it can both gain insights into the empirical practice of the target and direct the attention of the audience states to the gap between institutions and behaviors. Thus, I hypothesize that, controlling for other confounders, police patrol reports are only effective in improving a state's institutional compliance, whereas fire alarm reports can lead to both institutional and behavioral compliance.

To summarize, fig. 1 provides a stylized representation of the heterogeneous effects of different reporting mechanisms. Given this theoretical framework, the ILO provides an ideal organizational context for further empirical analysis for several reasons: the ILO has a long history of using reports to engage and nudge states to fulfill their obligations towards labor. It established numerous committees that serve the role of reporting mechanisms. In particular, the two committees examined in this paper (the CEACR and the CFA) are tasked with monitoring the standards of collective labor rights in member states through the collection of different types of compliance information, thereby providing a controlled comparison between the two types of reporting mechanisms. In the last part of this section, therefore, I provide a brief overview on the institutional contexts of these committees, how they function, and the roles they play in the ILO.

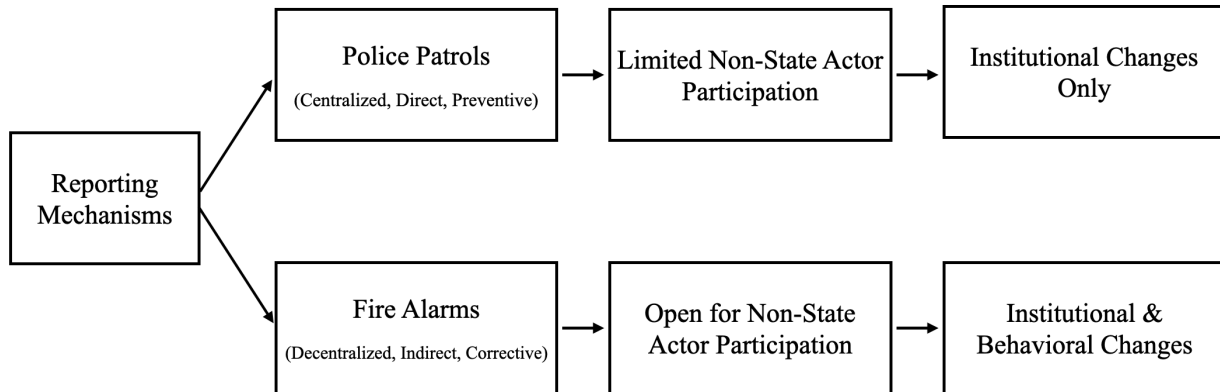


Figure 1: The variation in the effects of reporting mechanisms

### 2.3 Reporting Mechanisms in the ILO

As one of the oldest IOs in the world, the ILO has accumulated a rich record in labor rights promotion. Currently, the organization has 187 member states, numerous employers’ and workers’ NGOs sitting as tripartite members (Thomann, 2008), and governs nearly 200 active conventions, among which 10 are considered as fundamental<sup>6</sup>. Taken together, the ten fundamental conventions form the five major pillars – collective labor rights, the elimination of forced labor, the elimination of child labor, the eradication of discrimination, and workplace health and safety protections – to which the ILO directs most of its efforts of monitoring and reporting.

In order to monitor the wide range of treaty compliance, the ILO delegates a committee to supervise compliance among member states that have ratified the related conventions: the Committee of Experts on the Application of Conventions and Recommendations (CEACR). The CEACR is composed of 20 jurists appointed by the ILO governing body for three-year terms. Every three

<sup>6</sup>The 110th International Labor Conference in 2022 adopted a resolution to add the principle of a safe and healthy working environment to the International Labour Organization’s (ILO) Fundamental Principles and Rights at Work, elevating the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) to the status of fundamental conventions, along with the existing eight: Forced Labour Convention, 1930 (No. 29); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Abolition of Forced Labour Convention, 1957 (No. 105); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

years, the CEACR issues a questionnaire to governments, asking them to detail the steps they have taken in law and practice for the fundamental conventions that they have ratified<sup>7</sup>. After the CEACR receives the filled-out questionnaire from the government, it reviews the materials and requests further clarifications when deemed necessary. At the end of the review process, the CEACR publishes a series of observations in its annual report, flagging countries that failed to submit reports or comply with the committee’s requests. These reports are then disseminated at the annual International Labor Conference in both plenary and specialized meetings, further drawing attention to the non-compliant countries in the public forum of ILC via “shortlisting”<sup>8</sup> (Koliev and Lebovic, 2018, p.438). This practice of naming-and-shaming, moreover, is only terminated when the CEACR deems the member states in question have made sufficient efforts in compliance and retracts its request or observation.

The CEACR thus constitutes a *IO-centric* reporting mechanism that investigates countries’ compliance records for the conventions they previously committed to on a yearly basis. It centralizes the current status and incremental changes of states’ legal institutions. Moreover, the reports also provide novel evaluations made by legal experts on states’ labor codes and policies, whether there exists a gap between these institutions and the international standards states have committed themselves to, and suggestions on what steps states can take to reduce or close the gap.

Within the context of the CEACR, a handful of studies have found this institution to be effective through both channels of reputation and reciprocity. For instance, the reports regularly update the list of conventions newly adopted by member states each year. Baccini and Koenig-Archibugi (2014) find that states are more likely to ratify ILO conventions when they learn that their economic partners have ratified conventions, alleviating fears of becoming less competitive in attracting foreign investments or in selling to export markets. Moreover, treaty ratification also becomes more likely when a country’s peers, measured as the number of co-memberships in other IOs, ratify conventions as it generates a desire for the country to identify with its in-groups. Kahn-Nisser (2014) similarly argues that reviews by the CEACR generate considerable reputational concerns among EU accession countries. More recently, Koliev, Sommerer and Tallberg (2021) posit that the effect of reciprocity and social identity are empirically complementary in guiding

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<sup>7</sup>The report schedule for regular (non-fundamental) conventions is every six years

<sup>8</sup>In particular, a conference committee – the Committee on the Application of Standards – engages in detailed discussions of countries performance based on the CEACR reports through multiple sittings

member states' behaviors. While not distinguishing the institutional and behavioral aspects of labor rights improvements, the authors' comprehensive analysis shows that ILO reports and the ensuing naming-and-shaming that expose treaty violations reduce severe labor rights restrictions.

While the CEACR plays a crucial role in monitoring member states' compliance, there exist two major limitations that restrict the scope of their reports. Firstly, member states are only required to submit information on compliance regarding the conventions they have already ratified<sup>9</sup>. Secondly, there exist very few channels for non-state actors' participation. While states can consult with interest groups like trade unions and employers' associations before submitting the questionnaire to the committees, the ability of these associations to partake in the review process is stringently restricted in three ways: First, they must be representative at a national level. Second, states can elect to not go through the consultation step at all. Lastly, states can choose which associations they want to consult, as well as the scope of the consultation (ILO, 2019, p.14). Given these restrictions, the ILO "came to the conclusion that the principle of freedom of association needed a further supervisory procedure to ensure compliance with it in countries that had not ratified the relevant Conventions" (Curtis, Wolfson et al., 2022, p.123) and established the Committee on the Freedom of Association (CFA) to further monitor states' performance regarding one of the foundational labor rights: collective labor rights.

Unlike the CEACR, the CFA embodies a *third-party centric* mechanism which receives and accepts complaints against member states *regardless* of their ratification status on collective labor rights conventions. Created in 1951, The CFA is tasked to examine complaints of alleged violations of freedom of association. Complaints may be brought against a member state by another member state, by its national unions and employers' associations, or by INGOs like the International Trade Union Confederation and International Organisation of Employers. Complaints also do not need to seek states' approval before filing the complaints, and in the cases where national-level associations are not independent of state controls, the CFA also accepts complaints brought by local-level associations. Once the CFA decides to take up a complaint, it then requests clarifying information from the defendant state before reporting and recommending to the Governing Body whether and what necessary steps should be taken to remedy the violation. For instance, in a recent complaint alleging the extralegal arrests of Chinese labor activists (Complaint no.3184), the CFA requested –

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<sup>9</sup>As an example, Section A.1 documents the self-report obligation as stipulated by the Convention on the Freedom of Association (No.87)

with partial success – the Chinese government to transmit records of judicial documents in reaction to the government’s defense that the arrests were made on bases other than labor protests.

In the rest of this article, I restrict the empirical analysis to collective labor rights. The focus on collective labor rights is a standard practice in labor politics literature (Mosley, 2011; Marx, Soares and Van Acker, 2015; Koliev, Sommerer and Tallberg, 2021), and makes reports compiled by the CEACR and the CFA more comparable. Given the function carried out by each of the reporting mechanisms discussed in this section, the observable implications with regard to the ILO can be hypothesized as:

*H1a: IO-centric reports (CEACR) lead to institutional improvements of collective labor rights in member states*

*H1b: IO-centric reports do not lead to behavioral improvements of collective labor rights in member states*

*H2a: Third-party centric reports (CFA) lead to institutional improvements of collective labor rights in member states*

*H2b: Third-party centric reports lead to behavioral improvements of collective labor rights in member states*

### 3 Research Design

#### 3.1 Measuring the Collective Rights of Labor

To capture changes in the rights of domestic workers, this paper focuses on one of the most fundamental indicators: the collective rights of labor, which are constituted by two conceptual pillars: freedom of association and the right to collective bargaining. In the late 1940s, the ILO instituted the two following conventions that established workers’ collective rights as one of the organization’s fundamental principles:

*Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.*<sup>10</sup>

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<sup>10</sup>Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Article 2



*Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.*<sup>11</sup>

To measure the quality of collective labor rights, I use the Freedom of Association and Collective Bargaining (FACB) dataset, which is first assembled by Kucera (2002, 2007) and Mosley (2011) and later extended by Marx, Soares and Van Acker (2015). The main outcome of interest – “the collective labor rights score” – measures the quality of cross-country collective rights of labor from 1985 to 2012. Each country receives an annual score based on the content analysis of a wide range of sources to minimize bias and possible omission from specific sources: the annual Human Rights Reports by the US State Department, the ILO reports, and the International Trade Union Confederation’s (ITUC) Annual Reports on the Violation of Trade Union Rights. The score is composed of 37 criteria evaluating either institutional or behavioral violations of the rights stipulated by Convention No. 87 and 98, containing six sub-categories: the freedom of association and collective bargaining-related liberties; the right to establish and join worker and union organizations; other union activities; the right to bargain collectively; the right to strike; and rights in export processing zones (Mosley, 2011, pp.115-120). Violations on each of the 37 criteria are measured as a dummy variable which equals one if the above-mentioned sources document at least one violation for a country during a given year, and zero otherwise. The final score is a weighted sum of all dummy variables, with each weight corresponding to the relative importance of that criterion (e.g., general prohibitions of unionization weigh 10, whereas authorization requirements for joining a union weigh 1) and reserved so that higher scores indicate better protection for labor rights.

Among the 37 criteria that constitute the FACB index, the overall score can also be further divided into two sub-categories: 21 criteria measure the *legal* elements of the collective labor rights score. The other 16 measure the *practical* elements of the collective labor rights score. This coding method separates the recorded legal rights from the observance of rights in practice<sup>12</sup>(Kucera, 2007; Mosley, 2011), making the resulting scores more finely-grained and flexible than other commonly

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<sup>11</sup>Right to Organise and Collective Bargaining Convention, 1949 (No.98), Article 2

<sup>12</sup>In the original dataset, Kucera (2002) and Mosley (2011) uses the term *legal* to refer to the institutional protection a country provide to labor rights; in contrast, the term *practical* is used to denote the extent to which behavioral violation of labor rights is observed within that country. Table A.1 and table A.2 list the rubric used to compute the FACB index

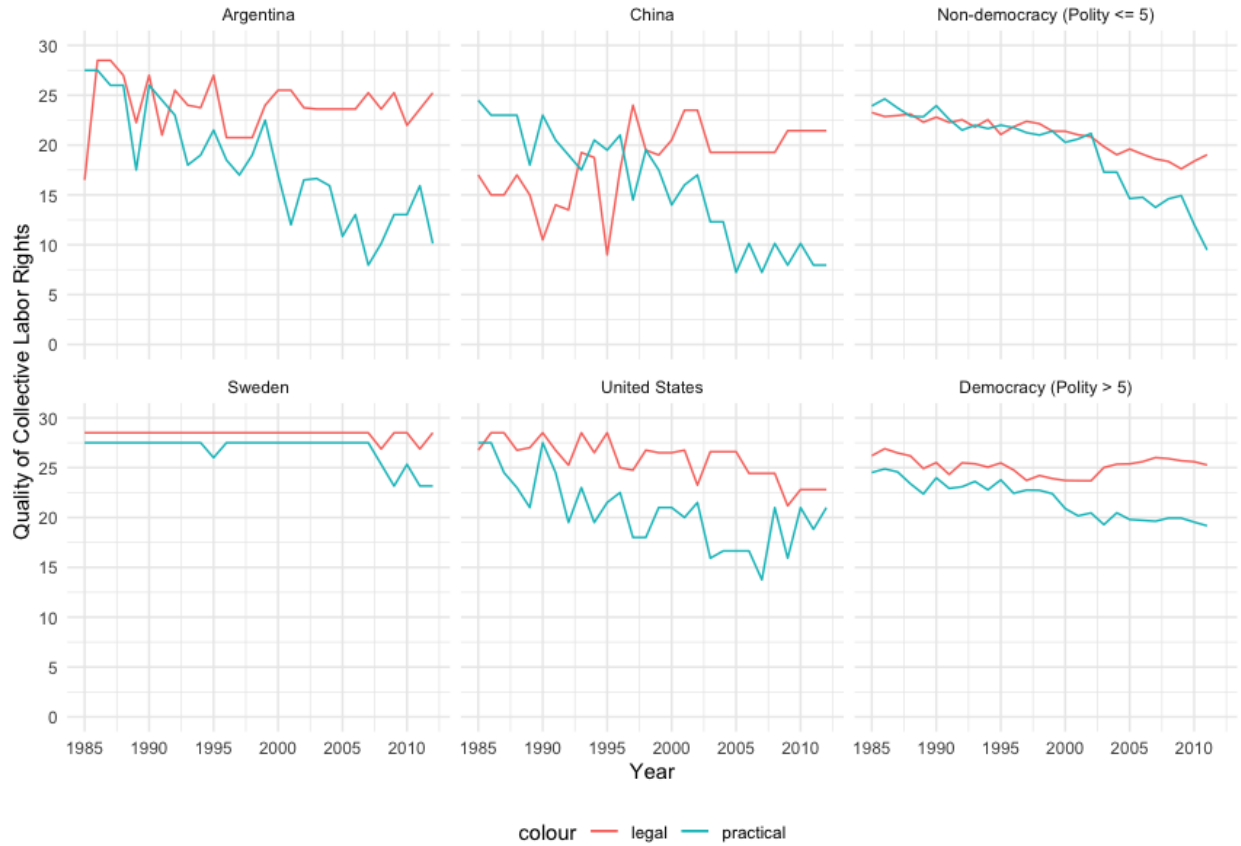


Figure 2: Legal and Practical Collective Labor Rights Index of selected countries and groups

used indicators of labor rights such as the Freedom House or the CIRI indices<sup>13</sup>. I utilize these two measurements to reflect the institutional changes and behavioral changes states demonstrate with respect to their domestic labor rights, as previously specified in the hypotheses. Figure 2 provides the changes in the FACB index over time for selected countries and groups.

### 3.2 IO-Centric Mechanism: CEACR Reports

To measure the effect of CEACR reports, I adopt a dummy variable that indicates whether a member state has ratified the conventions that protect the collective rights of labor: ratification of both Convention No. 87 and No. 98. I argue that this variable is an appropriate treatment

<sup>13</sup>The Freedom House index is a five-point scale from “most repressive” to “free” (House, 2010). The CIRI index for labor rights is a three-point scale from “severely restricted” to “fully protected” (Cingranelli, Richards and Clay, 2014)

proxy to states' exposure to the police patrol mechanism in the ILO. First, the CEACR only reviews information submitted by the member states on their ratified conventions. Ratifying these two fundamental conventions, therefore, subjects the states to the supervisory procedure in the two committees. Second, these reports provide a summary of otherwise scattered and technical information regarding member states' domestic labor codes and policies, contain evaluations and recommendations made by legal experts, and are publicized and discussed in plenary meetings during the ILC by participants from all countries. These reports, as a result, become a focal point from which states learn about how each other is providing legal protections to workers, exchange suggestions and sentiments about learned labor violations, and make commitments on future changes and improvements.

After a member state ratifies a convention, the committees issue a *detailed* report form for the state to fill out as stipulated by article 22 of the ILO constitution. After the initial round of detailed reporting as described in section 2.3, the state is further expected to report, often in simplified form, updates to their efforts made in compliance with the ratified convention at a three-year interval. It is noteworthy that while the principles of collective rights have long been formulated and advocated, there remain significant variations in the reception of these values. Among the ten fundamental conventions, Conventions No. 87 and 98 are the least-ratified two. Between 1985-2012, only 59% of country-year observations have ratified the former, and 66% have ratified the latter. Jointly, the observations in which a state has ratified both conventions just about exceed 50%. A visual summary of countries' ratification history of the two conventions can be found in fig. A.2.

The hypothesized effect of CEACR reports, therefore, can be identified by comparing the institutional and behavioral compliance of states that ratify the two conventions with those that have yet to do so, which are used to construct the counterfactuals, across each period. Thus, I use an augmented difference-in-differences model (Imai, Kim and Wang, 2021) to estimate the effect of reports on collective labor rights. The model can be specified as:

$$\hat{\tau}(F, L) = \underbrace{\frac{1}{\sum_{i=1}^N \sum_{t=L+1}^{T-F} D_{it}}}_{\text{Average over all countries}} \underbrace{\sum_{i=1}^N \sum_{t=L+1}^{T-F} D_{it} \left\{ (Y_{i,t+F} - Y_{i,t-1}) - \sum_{i' \in M_{it}} (Y_{i',t+F} - Y_{i',t-1}) \right\}}_{\text{country-specific estimate}}$$

Within the observed period, 23 out of 177 states (13%) become treated. For each member state that ratified both conventions, I first select a matched set of countries with identical treatment histories up to  $L = \{1, 2, 3, 4\}$  years prior to ratification. A matched set is then refined by removing countries in the matched set with covariates and outcome histories that are highly dissimilar from the ratifying countries using Mahalanobis distance<sup>14</sup>. For each matched set, a difference-in-difference estimation is computed for each treated unit and then averaged across each period to estimate the average causal effect on the treated country (ATT).

Furthermore, to increase the comparability between countries that have ratified conventions and those that haven't, I further include several matching covariates. Drawing from previous literature, I include three sets of covariates in the model. The first matching variable I included in the model is the level of democracy of each state in its observation year. Following the seminal work of (Dahl, 2008), it has been long established that democratic regimes significantly outperform non-democracies in terms of the protection of civil rights (Levitsky and Way, 2010; Mainwaring and Pérez-Liñán, 2013). Using the states' Varieties of Democracy (V-Dem) score during the observed period, I tried to capture the underlying connection between regime types and the protection of workers' rights. The second set of variables considers labor economic factors. I include GDP per capita, relative trade openness, FDI flows, debt ratio, and labor market participation rate (Przeworski et al., 2000; Mosley, 2011; Dean, 2022). Lastly, I include a set of variables relating to countries' general human rights conditions: the number of domestic labor rights INGOs, the total number of ratified ILO conventions, and the Physical Integrity index (Cingranelli, Richards and Clay, 2014). The summary statistics table for the matching covariates, as well as their sources, are included in section A.4.

### 3.3 Third-Party Centric Mechanism: CFA Reports

To measure the effect of CFA reports on collective labor rights, I collected a set of original data that documents reporting activities regarding freedom of association complaints (FOAC) in the ILO. The CFA is a Governing Body committee and is composed of an independent chairperson and three representatives each of governments, employers, and workers. The main mandate of

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<sup>14</sup>In addition, as fig. A.4 shows, pairwise matching maximizes balance between the treated units and their controlled set. Most of the covariates are well-balanced, with a standard mean difference between -0.25 to 0.25. This results in a total of 460 observations in the panel data.

the CFA is to review FOACs submitted against any member states, set up tripartite meetings for each complaint, and compile reports after each meeting. FOAC is the most major complaint procedure that specializes in supervising and monitoring collective labor rights. Employers and trade unions – either national, foreign, or international – can submit a complaint to the CFA against member states in the ILO with allegations of violations of collective labor rights, regardless of the defendant country’s ratification status on Conventions No.87 and 98 (ILO, 2018*a*). Once the complaint is received, the CFA would evaluate specific allegations and decide if a case should be further pursued. For the complaints that are taken up by the CFA, a tripartite dialogue with the government, employers, and workers is then set up. The committee would solicit extra information regarding the alleged violation from all parties involved. After the review process is concluded, the CFA makes recommendations to the ILO secretariat regarding proper remedies. Finally, the secretariat would task the CFA with follow-up monitoring of the case.

The monitoring process of FOACs is one with high information intensity. Cases often remain active for multiple years and require multiple rounds of dialogues, information requests, and document submissions. While a complaint remains active, interim reports are often produced on an annual basis. During the period from 1985 to 2012, over 1000 FOACs were initiated. The average duration of each complaint is around two to three years, resulting in more than 3000 reports in total. These reports often feature multiple sources, ranging from various governmental departments, business associations, union representatives, as well as INGOs. Much information contained in these reports, moreover, was previously private to external observers. Figure 3 illustrates the total number of reports issued by the CFA pursued between 1985-2012. Dynamically, the total number of cases has increased over time, particularly in Latin America, as a result of both the ILO’s field office initiatives (ILO, 2018*a*) and the economic transformation the region underwent starting in the 1980s<sup>15</sup> (Dean, 2022). The period from 1985 to 2012, which is covered in the sample analysis, includes the bulk of freedom of association cases, as well as their reports.

For each country-year observation in the cross-sectional dataset, a value is assigned to the variable *Active Cases* based on the number of freedom of association complaints that meet the following conditions: (1) the complaint is filed to the Freedom of Association Committee; (2) upon preliminary reviews, the Freedom of Association Committee deems the complaint eligible for

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<sup>15</sup>fig. A.1 decomposes the number of cases the CFA pursued between 1950-2020, disaggregated by decades and regions

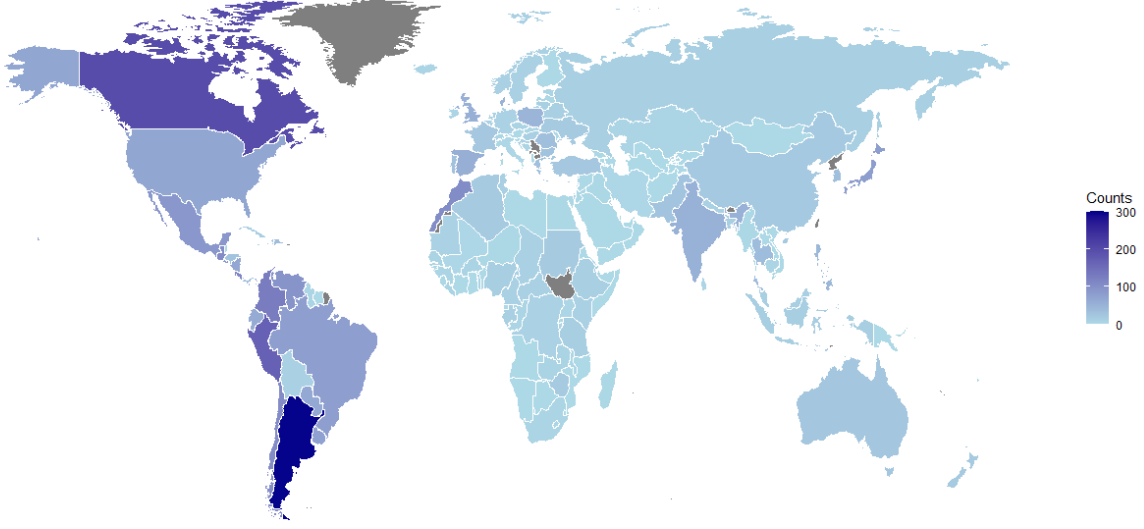


Figure 3: Cumulative sum of the number of reports issued by the Committee on Freedom of Association between 1985-2012, by countries.

the initiation of freedom of association case, thereby setting up tripartite meetings during which the defendant state can submit its response; and (3) a report is produced regarding the alleged transgression.

Given the continuous measurement of the main independent variable in this model, I adopt two-way fixed effects models to estimate the effects of CFA reports on collective labor rights. The models are formulated as the following:

$$\Delta Y_{it} = \beta_0 + \beta_1 \# \text{ NEW REPORT}_{i,t-1} + \sum_{i=2}^K \beta_k \Delta X_{itk} + \alpha_i + \gamma_t + \epsilon_{it}$$

In order to better capture the effect of FOA reports on the improvement of governments' respect for labor rights, I use first-difference in which all variables are represented as incremental changes from time  $t - 1$  to  $t$ . Thus,  $Y_{it}$  takes on two sets of metrics: the change in state  $i$ 's institutional respect for collective labor rights, measured by the legal elements in the FACB index; and the change in state  $i$ 's behavioral respect for collective labor rights, measured by the practical elements in the FACB index. Moreover, for the main independent variable, the number of new freedom

of association reports produced on state  $i$ , is lagged by one year. The CFA meets three times a year and examines complaints lodged against governments and then presents the committee’s suggestions for the Governing Body to approve (ILO, 2018*b*). As a result, the CFA often has a turnover period of one year before the first report is issued. Furthermore, while the FACB index draws on multiple sources, it is possible that a FOAC may cause a temporary dip in the index at the initiation year when the ILO reports are the only source documenting a violation. Using a lagged measurement, therefore, alleviates the concern of observation bias. Finally, I adopt the same set of control variables as the ones used as matching covariates in the previous section, with the additional control of countries’ ratification status of Convention No.87 and No.98.

## 4 Results

### 4.1 Institutional Changes of Respect for Labor Rights (H1)

To test the first set of hypotheses that exposure to police patrol mechanisms leads to institutional improvement (H1a) but not behavioral improvement (H1b) in states’ respect for labor rights, I estimate a difference-in-difference estimator using the variables specified in the previous section.

Figure 4 reports the estimates of average treatment effects among treated units (ATT) of exposure to the IO-centric reporting mechanism on countries’ respect for labor rights with 95% confidence intervals ( $H_1$ ).  $t = 0$  indicates the first year when a country ratifies both Convention 87 and 98 and begins to be monitored by CEACR reports. In both panels, I plot the contemporaneous effects at  $t = 0$  and the persistent effects after the first report for 5 years (from  $t = 1$  to  $t = 5$ ). The shaded regions for periods prior to the time of ratification aim to detect anticipation effects and pre-trends. I use  $t = -1$  as the reference group and plot the estimated effects for up to 4 years before the first reports are issued ( $t = -2$  to  $t = -4$ ).

The results show overall empirical support for *H1*. The left panel shows a positive and significant treatment effect when comparing the trend of institutional compliance between the treated and controlled groups. Namely, exposure to the IO-centric reporting mechanism leads to a significant institutional improvement for labor rights by 0.15 - 0.2 standard error up to four years after a member state ratifies the conventions on collective labor rights and receives the first CEACR reports on collective labor rights. Substantively, this effect is similar in size to the difference in

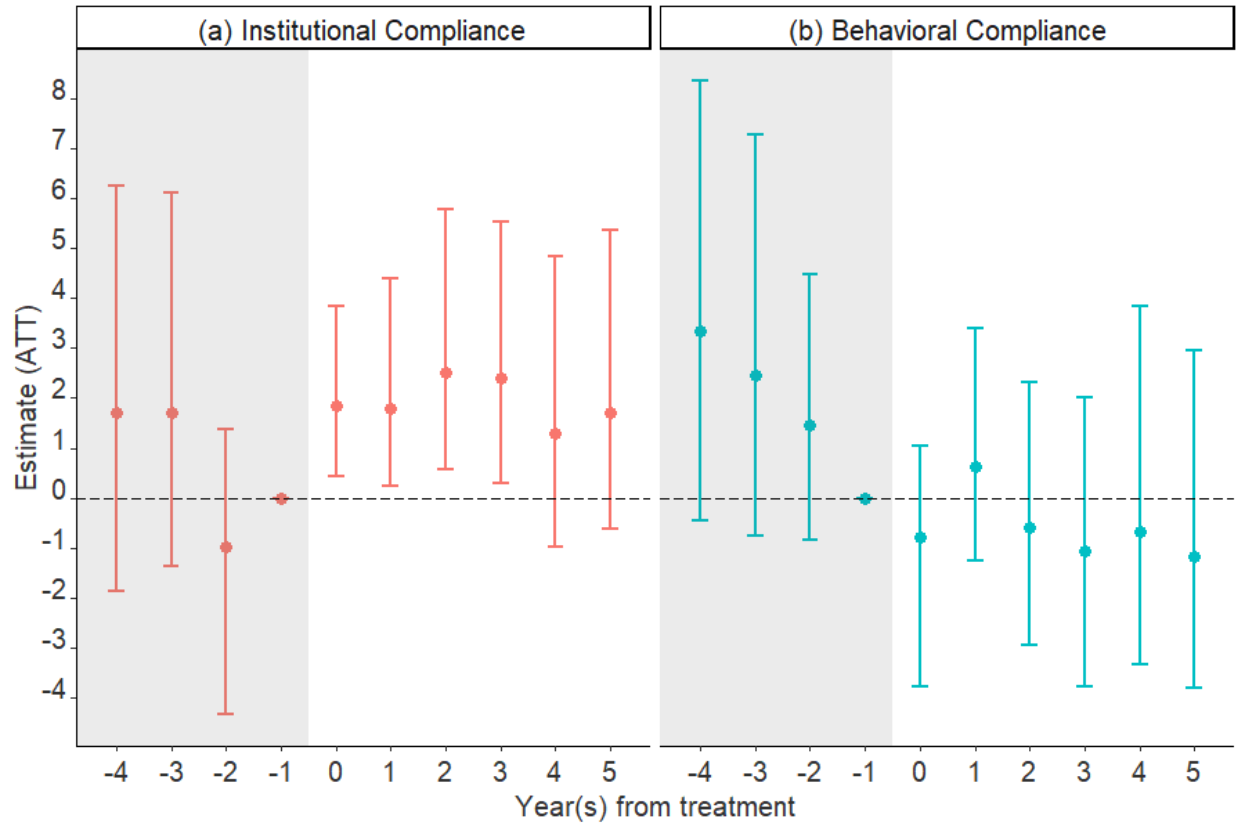


Figure 4: Effect of IO-centric reports on member states' institutional (left) and behavioral (right) compliance of collective labor rights. The plot shows the ATT (average treated effects on the treated units) of exposure to the CEACR reporting mechanism on countries' collective labor index. The model uses mahalanobis matching and estimates 95% confidence intervals with 1000 bootstraps.

labor institutions between the US and Vietnam around 2000. It is also worth noting that the effect becomes statistically indistinguishable from 0 starting from the fourth year, which is intuitively sensible as there should exist a ceiling in institutional compliance through domestic legislation on collective labor rights. In contrast, the right panel compares the trend of behavioral compliance between the treated and control groups. All of the confidence intervals in the post-treatment periods cover zero, indicating there is little evidence suggesting behavioral improvements occur in states after they come under the monitoring of the CEACR reporting mechanism.



## 4.2 Behavioral Changes of Respect for Labor Rights (H2)

For the second set of hypotheses, I estimate the effect of CFA reports using a two-way fixed effects model. The hypotheses posit that exposure to fire alarm mechanisms leads to both institutional improvement (H2a) and behavioral improvement (H2b) in states' respect for labor rights. Table 1 reports the results. Model (1) and (2) return the baseline results of the bivariate regressions (with fixed effects). Since Marx, Soares and Van Acker (2015) calculated the FACB index between 2003-2012 only for a subset of countries that are included in Mosley (2011), I further estimate two sets of models: one that contains the entire time period from 1985-2012 (Model 5 and 6) and one that excludes the decade between 2003-2012 (Model 3 and 4). The results provide consistent evidence supporting hypothesis  $H_{2a}$ . Additionally, after controlling for the aforementioned covariates, CFA reports are also a strong predictor for institutional improvements in states' respect for labor rights, in line with the expectation of  $H_{2b}$ , after including the control variables. Lastly, I discuss some potential alternative explanations in section 4.3.

DV: Model:	$\Delta$ institution (1)	$\Delta$ behavior (2)	$\Delta$ institution (3)	$\Delta$ behavior (4)	$\Delta$ institution (5)	$\Delta$ behavior (6)
<i>Variables</i>						
FOA Cases (1 year lag)	0.027 (0.035)	0.118*** (0.028)	0.151*** (0.048)	0.126** (0.062)	0.070** (0.032)	0.113*** (0.039)
<i>Specification</i>						
Controls	No	No	Yes	Yes	Yes	Yes
Time Period	Full	Full	Restricted	Restricted	Full	Full
Country FE	Yes	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes
Observations	2,756	2,756	1,398	1,398	1,790	1,790

*Robust standard-errors in parentheses are clustered at the country level*  
*Signif. Codes: \*\*\*: 0.01, \*\*: 0.05, \*: 0.1*

Table 1: Regression results for the effects of FOA cases on labor rights improvements

The two-way fixed effects models control for unobserved confounders at the country and year level, and given appropriate assumptions, produce consistent estimations for the treatment effects that are equivalent to the weighted average of the baseline difference-in-differences estimates. Nevertheless, recent developments in political methodology have revealed several drawbacks to this approach: Importantly, 2FE models often assign negative weights to observed units which

are difficult to interpret substantively. The elimination of these negative weights, moreover, requires stringent assumptions that are unlikely to hold in observational studies (Imai and Kim, 2022; Callaway and Sant’Anna, 2021; Goodman-Bacon, 2021). In order to address the challenge of estimation and to shed light on causal pathways between the main explanatory and outcome variables, I present a sensitivity analysis proposed by Cinelli and Hazlett (2020). The purpose of the analysis is to assess how large a bias resulting from a potentially omitted variable would be necessary to explain away all of the effects attributed to the explanatory variable of interest, i.e., the CFA reports. Detailed discussion on the sensitivity can be found in section A.8 – in short, to account for the effect of CFA reports on institutional and behavioral improvements of labor rights, unobserved confounders need to explain more than 36% and 47% of the residual variance on each variable respectively.

### 4.3 Motivating Case Selections

The empirical patterns laid out above merit further discussions on several findings. To start, skeptics of international compliance tend to see treaties and agreements without enforcement mechanisms as little more than window-dressing. While it might be tempting to interpret the effects of the CEACR reports in the same fashion, namely that states that have ratified the core conventions of collective labor rights in the ILO do not provide better domestic labor rights environments than those who haven’t – they just say so in their legal codes. It is worth noting, however, that this pattern does not imply that such institutional improvements are superficial, as these changes occur in states’ domestic legal systems. While it is not uncommon that in many industrializing and democratizing (or less-than-democratic) countries, the governments do not live up to the standards dictated by their own laws (Caraway, 2009; Marx, Soares and Van Acker, 2015), many have documented that opening up the judicial environment can lead to better compliance through activating mass mobilization and empowering domestic courts (Simmons, 2009; Conrad and Ritter, 2013). To illustrate how reporting mechanisms like the CEACR facilitate substantive labor legislation, I use Cambodia as a case study that further investigates the mechanism through which public reports affect meaningful compliance in the next section.

Next, the results detailed in table 1 in support of  $H_{2b}$  are unlikely to stem from estimation bias. First, results from the sensitivity analysis indicate that the effect of CFA reports on institutional

improvements of labor rights is rather insensitive towards bias resulting from omitted variables. Second, and more substantively, the CFA has little leeway in selecting cases that might be easier to pursue, as the institutional rules of the ILO require the committee to take up all complaints as long as they are technically eligible. In fact, as the workload of the committee increases over time, it focuses on cases that “represent a systemic violation on a national level”<sup>16</sup>, rather than complaints that only contain isolated incidents. Therefore, to the extent that selection may occur when the CFA chooses which complaints to further pursue, these nationally representative cases should theoretically be the more difficult ones, thereby creating a downward bias. Accounting for the selection bias, therefore, would lead to a higher estimate that indicates CFA reports to be more effective in addressing institutional improvements. To further examine how CFA reports simultaneously tackle institutional and behavioral compliance and use them to facilitate improvements for collective labor rights, I further adopt a case study on China, which experienced freedom of association complaints on both grounds.

## 5 Case Studies: Cambodia and China

### 5.1 Cambodia

Emerging from decades of civil conflicts and wars in the early 1990s, the new government of Cambodia was eager to participate in the global economy. Similar to many other Southeast Asian countries, Cambodia decided to develop its textile industry and became an exporter of apparel, as the sector requires an abundance of labor and relatively less capital investment. The comparative advantage of the country quickly attracts not only neighboring East Asian investors from Japan, South Korea, and Taiwan, but also multinational apparel companies from Europe and the US. The growth of the Cambodian textile industry, as a result, was spectacular: starting from only thousands of dollars in exports in 1990, export value skyrocketed to half a billion by the turn of the millennium.

The boom quickly drew attention from the global apparel trading system, which had been operating under a system of quotas since the 1960s (Polaski, 2006).<sup>17</sup> In particular, in 1998, The

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<sup>16</sup>Interviews with John Ritchotte, senior labor relations and collective bargaining specialist, and Tim de Meyer, senior specialist on international labor standards and labor law

<sup>17</sup>The quota system sets limits on the textile and apparel products from any one country that can be sold in large,

US government initiated negotiations with Cambodia to bring the latter into the quota system. The end product of the negotiations is a uniquely designed US-Cambodia Textile Agreement, which established quota limits on Cambodia's apparel exports to the US in the coming three years. Moreover, it includes a novel term stipulating that if the Cambodian government were able to ensure substantial compliance by the apparel factories with national labor laws and internationally agreed labor rights, the new quotas would be increased on an annual basis and extended after the agreement concludes in 2001.

While interest groups in both countries recognized the value of the agreement, several concerns made implementing the deal difficult: To start with, the nascent regime of Cambodia was in the process of revamping the legal system inherited from its predecessor. Few national labor laws, therefore, can actually be applied to monitor compliance in the textile industry. Second, the government was also extremely limited in its bureaucratic capacity to carry out public monitoring.<sup>18</sup> Inspection by private monitors was also infeasible as neither country was willing or able to pay the associated cost.

Faced with these challenges, the two governments turned to the ILO as a third-party monitor. Given the ILO's reporting mechanisms and its familiarity with the Cambodian labor legislation, the organization was well positioned for this role: The ILO's supervisory system would report the relevant information at a regular interval on Cambodia's compliance record, upon which bonus quota would be allocated. In addition, the ILO had been closely involved with Cambodia's crafting of its new labor codes (Caraway, 2009), providing not only technical and legal assistance but also going so far as drafting an earlier script of the country's new Labor Code<sup>19</sup>. As such, a few months after the US-Cambodia Textile Agreement came into force on January 1st, 1999, Cambodia ratified Convention 87 and 98 simultaneously, opening itself up to the CEACR reporting mechanism.

Cambodia's ratification of Convention No. 87 and 98, therefore, provides an ideal case for testing the first set of hypotheses about the effects of IO-centric reports. Prior to the textile negotiations with the US, the Cambodian government demonstrated little interest in joining either

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affluent markets like the US and Europe. When a country is not a party to the quota system, it is free to sell into these markets. These markets, however, can also limit or completely cut off their access with no consequence. The system was brought to an end by WTO negotiations in 2005.

<sup>18</sup>According to IMF's statistics, the average wage for civil servants (\$28/month) in Cambodia at the time was a little over half of the minimum wage (\$45/month) in the textile industry (IMF 2003, p.9, see also Polaski 2006, p.921)

<sup>19</sup>Mission Report by Arturo Bronstein, ILO Regional Office for Asia and the Pacific, May 2-6, 1994. Accessed at the ILO Archive (Dossier No. ACD 49-158-3-119)

convention. In its correspondence to the ILO, the Cambodian government argued that the lack of specific legislation on freedom of association and collective bargaining, which the administration struggled to design due to a lack of expertise, means that the country would automatically be in non-compliance should it choose to sign on to the conventions (ILO, 1994*a*, p.128). Instead, the push to ratify mostly came from the need for a reliable source of information, so that the audience—in this case, the US—could learn about its compliance records with more ease. Indeed, the US proved to be attentive to the information provided by the ILO: In the US Department of State Country Reports of Human Rights for Cambodia, the section on workers’ rights expanded significantly after 1999 – Importantly, direct references to ILO’s reports on Cambodia more than quadrupled over a ten-year window between 1995-2005<sup>20</sup>.

To estimate the effects of Cambodia’s exposure to IO-centric reports, I use synthetic control to generate a counterfactual control group Abadie and Gardeazabal (2003); Abadie, Diamond and Hainmueller (2010). The units within the control group receive weights based on their similarity along pre-specified covariates to the treated unit such that pre-treatment outcomes and covariates closely resemble that of the treated unit. In this case, Cambodia received the treatment in 1999, and the control group consisted of countries that ratified neither convention between 1985-2002. I use the same set of covariates used in the event study, with an additional covariate indicating if a country is a neighboring Asian country<sup>21</sup>. Figure 5 presents the result from synthetic control. After 1999, the institutional respect for labor rights in Cambodia became significantly ( $p < 0.05$ ) higher than the control group, with an annual average of 6.76. In comparison, there is no discernible pattern for the behavioral respect for labor rights: While the point estimate for Cambodia is smaller than the control group, the difference between the two remains indistinguishable ( $p > 0.1$ ) from 0 across the post-treatment period.

The archival evidence, moreover, further aligns with the quantitative results. Starting from 1999, the Cambodian government began to issue for the first time laws and administrative decrees that regulate and protect the rights to strike<sup>22</sup>, settle disputes<sup>23</sup>, and unionize<sup>24</sup>. By the mid-2000s,

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<sup>20</sup><https://2009-2017.state.gov/j/drl/rls/hrrpt/index.htm>

<sup>21</sup>These countries include Afghanistan, China, Mongolia, North Korea, South Korea, India, Bhutan, Pakistan, Bangladesh, Myanmar, Sri Lanka, Nepal, Thailand, Laos, Malaysia, Singapore, Philippines, Indonesia, and Fiji

<sup>22</sup>*Pakas on the Right to Strike (No. 005 MoSALVY), 2000,*

<sup>23</sup>*Pakas on Labour Dispute Settlement (No. 12 MoSALVY), 2002*

<sup>24</sup>*Prakas on registration of professional organizations and certification of union representation (No. 16 MOS-ALVY), 2002*

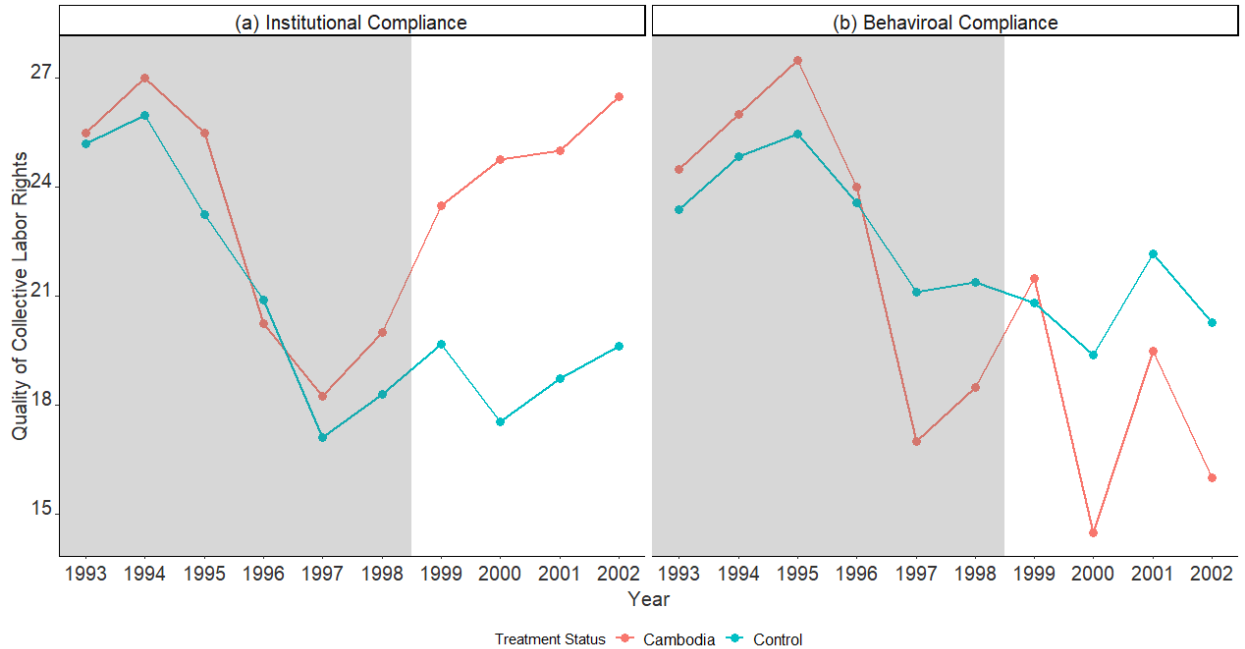


Figure 5: Synthetic controls of institutional (left) and behavioral (right) compliances of collective labor rights in Cambodia exposure to the IO-centric reports issued by the CEACR. The shaded area indicates pre-treatment years.

Cambodia emerged as the country that has the most protective labor laws in the region (Bronstein, 2005; Caraway, 2009). In comparison, the reports' effect on behavioral respect of collective labor rights appears muted. Violations of freedom of association and collective bargaining were still found on a number of occasions, and in several serious cases, resulted in freedom of association complaints.

The case of Cambodia, therefore, crystallizes the mechanism through which CEACR/CAS reports improve the institutional respect for labor rights. The legal expertise provided by the Committee of Experts not only enables it to identify non-compliance in a target country's labor laws but also to provide advice and coordinate assistance in cases where the country lacks the legal capacity to meet the standard of compliance. Equipped with the professional insights provided by the Committee of Experts, the Committee on the Application of Standards then provides a further push by leveraging the pressure of public forums.

## 5.2 China

While Cambodia represents a typical experience for developing countries threading the delicate balance between seeking to enter the global market and satisfying the demands of international regulations, the case of China in the ILO provides a theoretically hard test for this article's second set of hypotheses. Until the last 15 years of the 20th century, China experience had little to no interaction with the ILO. When the ILO reopened its floor to China the latter replaced Taiwan's representation in the UN system in 1971, China became the only state in the ILO that did not apply for its membership. Since its accession into the organization, moreover, China has ratified only a handful of ILO conventions and has signed neither convention on collective labor rights. The historical aloofness of China in participating in the ILO thus to a great extent alleviates concerns of selection in attributing the effect of CFA reports on China's compliance records towards labor rights.

After regaining its seat in the ILO, China expressed little intention to fulfill its obligation as a member state. In fact, China did not send any delegation to the ILO until 1983, after extensive steps were taken by the ILO's Director-General, Francis Blanchard, who took three trips to China between 1980 and 1982 to negotiate with the government over China's participation in the ILO<sup>25</sup>. In exchange for China's agreeing to fill the seat left vacant by Taiwan, the 1983 International Labor Conference moved to waive China's statutory contribution since 1971, which had accumulated to more than 37 million US dollars<sup>26</sup> and nullified all conventions ratified by Taiwan since 1949. In addition, the ILO channeled a substantial amount of resources to various technical cooperation projects in China, which frequently requested assistance in personnel training and collecting labor statistics<sup>27</sup>. In stark contrast, compliance on China's side remained low. Before 1989, it only ratified one convention (*Convention on the Vocational Rehabilitation and Employment*, No.159. Ratified in 1988). China was also slow in fulfilling its reporting obligations, citing the state's limited capacity. Until the end of the 1980s, China's attitude towards ILO standards could perhaps be best summarized by the speech given by Guan Jinghe, China's representative to the ILO, during an ILO

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<sup>25</sup>Briefing: Mission of the Director General to China. Accessed in the ILO Archive (Dossier No. Z-3/265/BJ3)

<sup>26</sup><https://www.nytimes.com/1983/06/07/world/around-the-world-china-takes-ilo-seat-vacant-since-1971.html>

<sup>27</sup>An official in the ILO Beijing Office once observed that, "each time there is a contact between the Chinese and [the ILO], some new proposal for technical co-operation emerges". Letter from S.K. Jain to A. Ahmad, 18/07/1984. Accessed in the ILO archive (Dossier No. Z-1/265/1 (J.6))

symposium in March 1989: “China is a big country... it is not possible to meet the requirement of the extensive application of ILO Conventions and recommendations”, (Guan, 1989, p.57).

This dynamic between a catering ILO and a distant China, however, took a dramatic turn in the aftermath of China’s violent crackdown on mass protests in 1989. While the violent repressions were met with astonishment worldwide, only a handful of international actors directly took on the issue of labor repression: weeks after the violent repression had happened, complaints made by the International Confederation of Free Trade Union (ICFTU), the predecessor of ITUC, over the massive killing of workers reached the governing body of the ILO. For the first time since China gained its membership in the organization, it was challenged with an FOA complaint (No.1500) adopted by the CFA. Although faced with extremely defensive responses from China at first, the CFA officials eventually succeeded in convincing China that “noncompliance was more destructive of its reputation and sovereignty than cooperation” (Kent and Center, 2007, p.195). In the government’s official response to the ILO Office regarding the initiation of case 1500, Zhang Wei, the Director of Foreign Affairs in the Ministry of Labor, wrote that the committee “made some utterly unjustifiable requests [that] can not be accepted”, and that although the government “is making further analysis on those unfounded attacks and wrong viewpoints...[but] Frankly speaking, it is impossible for us to complete the work.”<sup>28</sup>. In private, however, Zhang frequently contacted ILO personnel in Beijing and Geneva “asking what to do with case 1500”<sup>29</sup>. The ILO officials in Beijing advised the Ministry of Labor to “give information as much as possible replying to the queries made by the Committee of Freedom [of] Association. If the government remained silent, the Committee would draw its conclusions without taking the government’s view into account and that would certainly not be the intention of the government”<sup>30</sup>.

As such, by the time case No.1500 closed in 1992, China was seen to have cooperated at the procedural level. During the active period of this complaint, the Chinese government provided the names of more than 100 labor activists as well as the charges brought against them. The response given to the CFA constitutes the “most comprehensive response to date that the Chinese

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<sup>28</sup>Letter from Zhang Wei to Th. Sidibe, Director of the International Labour Standards Department, International Labor Office. Apr. 4, 1990. Accessed at the ILO Archive (Dossier No. ACD 49-158-3-265)

<sup>29</sup>Mission Report by S. Ago, Regional Adviser on International Labour Standards. No. 4/91. Accessed at the ILO Archive (Dossier No. ACD 7-119-87-98-1972/98)

<sup>30</sup>Ibid.



government supply to a foreign inquiry”<sup>31</sup>. This list was then obtained by Human Rights Watch and the ICFTU, and became the very first instance in which international observers learned how Chinese labor was impacted since June 1989. Swiftly disseminated to various INGOs and foreign governments, the information extracted by the ILO played an instrumental role in tens of releases of labor leaders and activists between 1989 and 1992 (ILO, 1992*a*).

Shortly after the conclusion of case No. 1500, a second case, No. 1652 against China was again initiated in the ILO in 1992 concerning China’s newly passed Trade Union Law. This case is a clear example that the CFA helps to bring attention to countries’ institutional compliance. Like the previous case, China’s defensive position on non-interference was briefly resurrected but soon complied with demands made by the CFA reports to provide “detailed information on national law and practice concerning the settlement of labor disputes” (ILO, 1994*c*). While China defended its single union system in the Trade Union Law, it provided information on the purpose and process of the 1994 Labor Law, which was underway during this complaint. It marked the first entry of self-reported documents provided by China regarding the state’s domestic legislation. By the time the case concluded in 1994, revisions had begun on the 1992 Trade Union Act. Moreover, the new Labor Law acknowledged ILO’s definition of tripartitism in collective bargaining, as well as formally endorsing a list of collective labor rights (Kent, 1997, p.531). A shift in China’s expressed attitude towards its obligation of compliance with the ILO also became apparent: Appearing before the International Labor Conference in 1994, China’s representative stressed the country’s new-found interest in complying with ILO’s labor standards, and sought “more emphasis on the role of labor legislation in protecting the basic rights of workers” (ILO, 1994*b*, p.83).

Another case where China’s compliance with the ILO translated into domestic institutional improvements happened in 2006, when China ratified ILO’s core convention on the Elimination of All Forms of Discrimination of the Right to Work (No.111). Parallel to the experience in the 1990s, China’s ratification of this convention was preceded by legal challenges initiated in the CFA. In 2005, the CFA concluded in case no. 2189 that “Chinese legislation and single-union system were not compatible with the principles of freedom of association” (ILO, 1992*b*). Following this case, China claimed that one of the reasons for ratifying Convention No.111 was to “protect migrant workers from rural areas from discrimination”, thereby ensuring the rural workers’ freedom of “improv(ing)

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<sup>31</sup>*News from Asia Watch*, March 13, 1991. Accessed at the ILO Archive (Dossier No. ACD 49-158-3-265)

work conditions” (Tapiola, 2014, p.14). One year later, the same language was adopted in the corpus of the new Labor Contract Law, confirming that “all individual workers have the right to negotiate their own written employment contracts with their employers, specifying terms, conditions, and benefits” (Donn and Zhao, 2016, p.258). This stipulation is especially beneficial to rural workers since in the past they suffered from widespread and institutionalized discrimination based on their rural “household identity” (*hukou*) and were thereby excluded from seeking jobs and insurance in urban China (Zhou, 2016).

In sum, since 1989, China has increasingly complied with the ILO both institutionally and behaviorally. The ILO leveraged its third-party reporting mechanism to direct the attention of a global audience to the condition of Chinese workers. A major feature in the CFA’s institutional design is the national tripartite mechanisms, which bring the state into a social dialogue with workers and employers. The participation of non-state actors enables the committee to uncover novel information and use it to engage the state’s response. The voluntary nature of states’ participation further amplifies the pressure and effect CFA reports can have on the behavioral changes of labor rights: Other international actors can not only obtain information on whether a state’s domestic behavior constitutes violations of collective labor rights, but can also observe the state’s capacity as well as intention towards compliance from the CFA reports.

## **6 Conclusion: Is the bad news about enforcement bad news about compliance?**

In their classic work, (Downs, Rocke and Barsoom, 1996) worried that the partial focus on compliance without building the necessary means of enforcement would hurt the depth of international cooperation. This paper provides two rejoinders to their concerns: first, at the level of member states, concrete changes both in terms of institutions and behaviors can still happen even when the IO is not equipped with strong enforcement mechanisms. In particular, I find that reporting mechanisms under the organizational context of the ILO have a tangible influence in holding the member states up to their international commitments. It should be noted, however, that while ILO reports have a local effect of increasing respect for labor rights, the findings in this paper do not necessarily contradict the observed trend of the “race-to-the-bottom” phenomenon (Peksen and

Blanton, 2017), where states that factors like international trade and global value chains reduce the relative power of labor and lead to an overall downward trend in labor standards worldwide. Nevertheless, the results documented in this paper add to the growing literature that examines the efficacy of IO reports: International organizations do not just “function”, rather, they absorb members, hold conferences, conduct investigations, disseminate information, adjudicate litigations, etc. Therefore, instead of seeing compliance as a one-shot commitment that brings a country under some obligations in IOs, this paper argues that compliance is better seen as a tug-of-war that continuously monitors states’ performance. Compliance, in other words, is a dynamic process of engagement rather than an automatic process evenly applied to all members.

Second, IO reports work, but not equally. In particular, it matters how a report is made, and who participates in the report-compilation process. A key reason why reports can affect compliance is their ability to mobilize interested audiences, like certain member states in the IO, with novel information. Therefore, one should expect that reports containing more accurate information and solutions against violations would have great effects on compliance. The CEACR reports are able to improve states’ institutional respect for labor rights because they provide a focal point for other states to learn about a target country’s labor codes and policies. In the case of Cambodia, the reports made by legal experts staffing the committees frequently draw the attention of audience states like the US, which are invested in learning about the legal improvements made in Cambodia. However, the virtual exclusion of non-state actors in the entire mechanism greatly hinders its ability to observe the gap between a state’s law and practice, and can therefore make few comments on how to remedy behavioral violations of labor rights.

In comparison, the CFA reports allow for the participation of non-state actors, notably business associations and trade unions, thereby further uncovering on-the-ground information that is scattered across various domestic actors. In the case of China, consistent international pressure from the ILO, taking the form of freedom of association complaints, are effective tools to extract information and, gradually, compliance from the deviant state. Importantly, while the CFA’s focus on China initially starts with a high-profile event of labor suppression, its prescription on how to rectify labor abuse extends to the word of law. In other words, compliance may not always be good news, but even without the aid of enforcement, it is still a good start for changes.

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## Appendix

### A.1 Questionnaire Items as Stipulated by Convention No. 87 (Excerpts)

Item	Content
1	Please indicate whether effect is given to the Articles of the Convention: (a) by customary law or practice, or (b) by legislation. In the first alternative, please indicate how effect is given to the Articles of the Convention. In the second alternative, please give a list of the constitutional and legislative provisions or administrative or other regulations which give effect to the Articles of the Convention...
2	<p>Please supply available information concerning the customary law, practice, legislative provisions and regulations and any other measures the effect of which is to ensure the application of each of the following Articles of the Convention. In addition, please provide any indication specifically requested below under individual Articles (omitted here)...</p> <p>If the Committee of Experts on the Application of Conventions and Recommendations or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.</p>
3	Article 11 of the Convention is as follows: Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise. <b>Please indicate the legislative or other measures taken to ensure the free exercise of the right to organise.</b>
4	Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.
5	Please supply any general observations which may be considered useful with regard to the manner in which the Convention is applied.
6	<p>Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated...</p> <p>Please indicate whether you have received from the organizations of employers or workers concerned any observations... If so, please communicate the observations received, together with any comments that you consider useful.</p>

## A.2 Scoring Rubrics for the FACB Index

Item	Criterion	Weight
1	General prohibitions of unionization	10
2	Previous authorization required for unionization	1.5
3	Only workers' committees and labor councils permitted	2
4	Only state-sponsored or other single unions permitted	1.5
5	Exclusion of tradable/industrial sectors from union membership	2
6	Exclusion of other sectors from union membership	2
7	No rights to form/join confederations of unions	1.5
8	Previous authorization requirements regarding Item 7	1
9	No rights to elect representatives in full freedom	1.5
10	No rights to establish union constitutions or rules	1.5
11	General prohibition of union participation in political activities	1.5
12	General prohibitions of collective bargaining	10
13	Prior approval by authorities of collective agreements	1.5
14	Compulsory binding arbitration	1.5
15	Exclusion of tradable/industrial sectors from right to collectively bargain	1.75
16	Exclusion of other sectors from right to collectively bargain	1.75
17	General prohibitions of right to strike	2
18	Previous authorization required prior to strike	1.5
19	Exclusion of tradable/industrial sectors from right to strike	1.5
20	Exclusion of other sectors from right to strike	1.5
21	Restricted rights in export processing zones	2

Table A.1: Labor Standards Coding Template for *Institutional* Compliance (Source: Kucera (2002); Mosley (2011); Marx, Soares and Van Acker (2015))

Item	Criterion	Weight
1	Murder or disappearance of union members or organizers	2
2	Other violence against union members or organizers	2
3	Arrest, detention, imprisonment, or forced exile for union membership or activities	2
4	Interference with union rights of assembly, demonstration, free expression	2
5	Seizure or destruction of union premises or property	2
6	Exclusion of other sectors from union membership	2
7	General absence of right to unionize resulting from ocio-economic breakdown	10
8	Employment conditional on non-membership in union	1.5
9	Dismissal or suspension for union membership or activities	1.5
10	Interference of employers (attempts to dominate unions)	1.5
11	Dissolution or suspension of union by administrative authority	2
12	No union control of finances	1.5
13	Other specific de facto problems or acts of prohibition against unions	1.5
14	Intervention of authorities in collective bargaining	1.5
15	Other specific de facto problems or acts of prohibition against collective bargaining	1.5
15	Other specific de facto problems or acts of prohibition against strike	1.5

Table A.2: Labor Standards Coding Template for *Behavioral* Compliance (Source: Kucera (2002); Mosley (2011); Marx, Soares and Van Acker (2015))



### A.3 Chinese government response towards FOA Complaints

Case #	Years Active	Government Response
No. 1500	1989 - 1992	In its communication dated 28 September 1989, the Government states that the ICFTU's complaint alleging the violation of Convention No. 87 is <b>completely unfounded</b> and is a case of <b>blatant intervention in the internal affairs</b> of China, which the Government <b>cannot accept</b> .
No. 1652	1992 - 1994	In its communication of 19 October 1992, the Government stated that the accusations made against it <b>were unfounded</b> . This was <b>a serious case of interference</b> in the internal affairs of a sovereign State.
No. 1819	1995-1997	In a communication dated 13 October 1995, the Government indicates that <b>it has learned through investigations... The Government has nevertheless undertaken vast inquiries in respect of the allegations</b> made with the Minister of Public Security and the Minister of Justice, as well as with the All-China Federation of Trade Unions (ACFTU) and the cities and provinces of Beijing, Shanghai, Guangdong, Hunan and others.
No. 2031	1999-2001	In a communication dated 6 March 2000, the Government states that the complaint presented by the ICFTU alleging that the Chinese Government violated the principle of freedom of association is <b>completely unjustified</b> . <b>However, the Government, in a sincere attempt to cooperate fully with the ILO, undertook in-depth inquiries, in respect of the issues raised in the complaint,</b> with the Ministries of Public Security and Justice as well as with the All-China Federation of Trade Unions and the departments concerned of the Provinces of Shaanxi, Gansu, Sichuan and Hunan.

Case #	Years Active	Government Response
No. 2189	2002-2005	The Government states that it has made an extensive investigation of related individuals and incidents, including visits to such relevant departments as the Ministries of Public Security, State Security and Judiciary Affairs, the ACFTU and local governments... <b>there should be no need for discussion by the Committee on Freedom of Association.</b> Nevertheless, <b>in the spirit of promoting cooperation and enhancing understanding</b> , the Government expresses its willingness to maintain dialogue with the Committee.
No. 3184	2016-present	By its communications dated 6 March and 26 April 2018, the Government informs that <b>a special investigation into the allegations in this case had been carried out.</b> With regard to the alleged cruel treatment of Mr Zeng and others during their detention, the investigation revealed that they were not subject to cruel treatment while in detention. The Government adds that the public security authority deals with cases <b>in strict conformity with the relevant legal provisions</b> and that the rights of those concerned were sufficiently guarded during the hearing process.

## A.4 Summary Statistics

	mean	sd	median	min	max	source
Respects for Labor Rights	27.29	7.84	29.00	0.00	37.00	FACB
Respects (Legal)	23.57	5.30	25.25	0.00	28.50	FACB
Respects (Practical)	22.72	4.40	24.50	0.00	27.50	FACB
Both Convention	0.62	0.48	1.00	0.00	1.00	NORMLEX
Active FOAC	0.82	1.82	0.00	0.00	17.00	NORMLEX
GDP per capita (logged)	8.15	1.55	8.10	4.89	11.49	World Bank Database
Polity2	1.78	7.20	5.00	-10.00	10.00	Polity5 Project
Physical Integrity Index	4.76	2.31	5.00	0.00	8.00	CIRI
Labor Rights INGOs	17.16	10.80	16.00	0.00	58.00	Peksen and Blanton (2017)
Population (logged)	15.96	1.56	15.94	12.36	21.02	World Bank Database
Trade volume (logged)	4.19	0.60	4.22	-1.18	6.10	IMF DOT
Net FDI inflow	3.07	7.67	1.46	-161.24	172.72	IMF DOT
External debt	5.42	6.73	3.81	0.00	135.38	IMF DOT

## A.5 Committee of Freedom of Association Cases

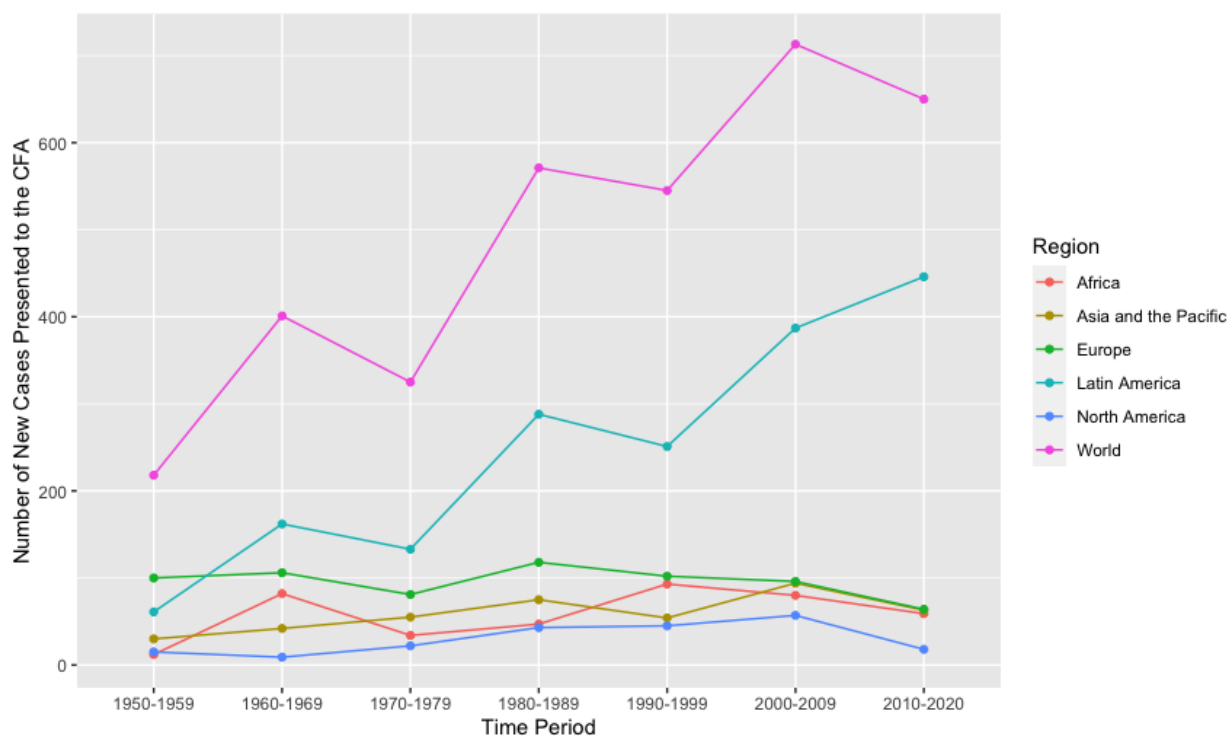


Figure A.1: Complaints taken up by the Committee on Freedom of Association (1951–2020) by decade and region (Source: ILO (2021))

## A.6 More Details on the Event Study

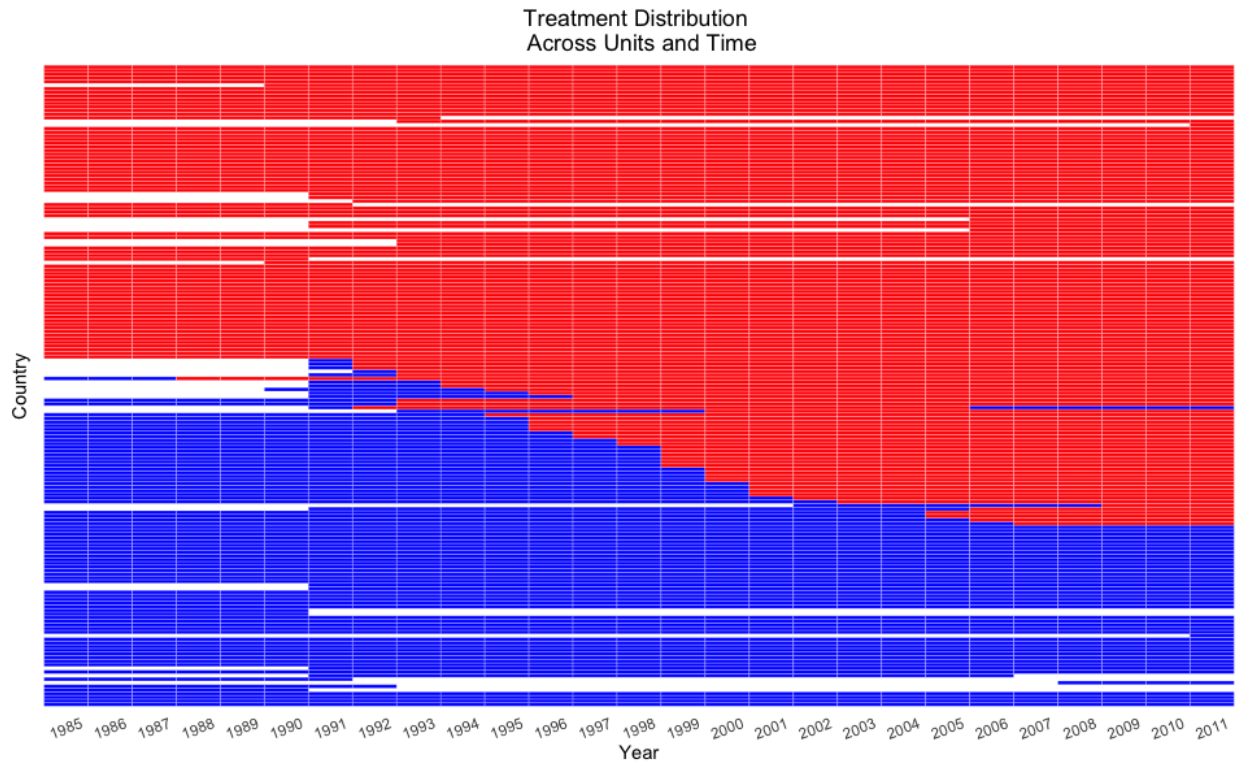


Figure A.2: The treatment history for model 1

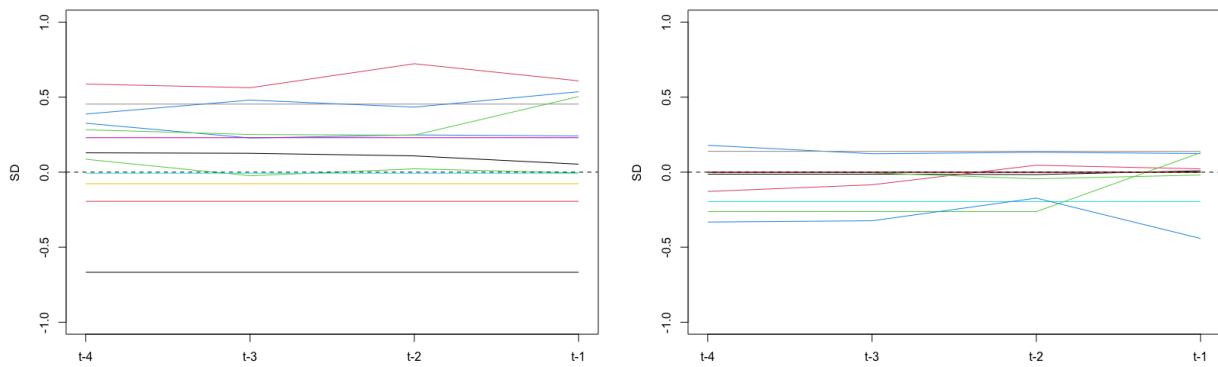


Figure A.3: Mahalanobis matching (right) significantly improves balance of matching covariates

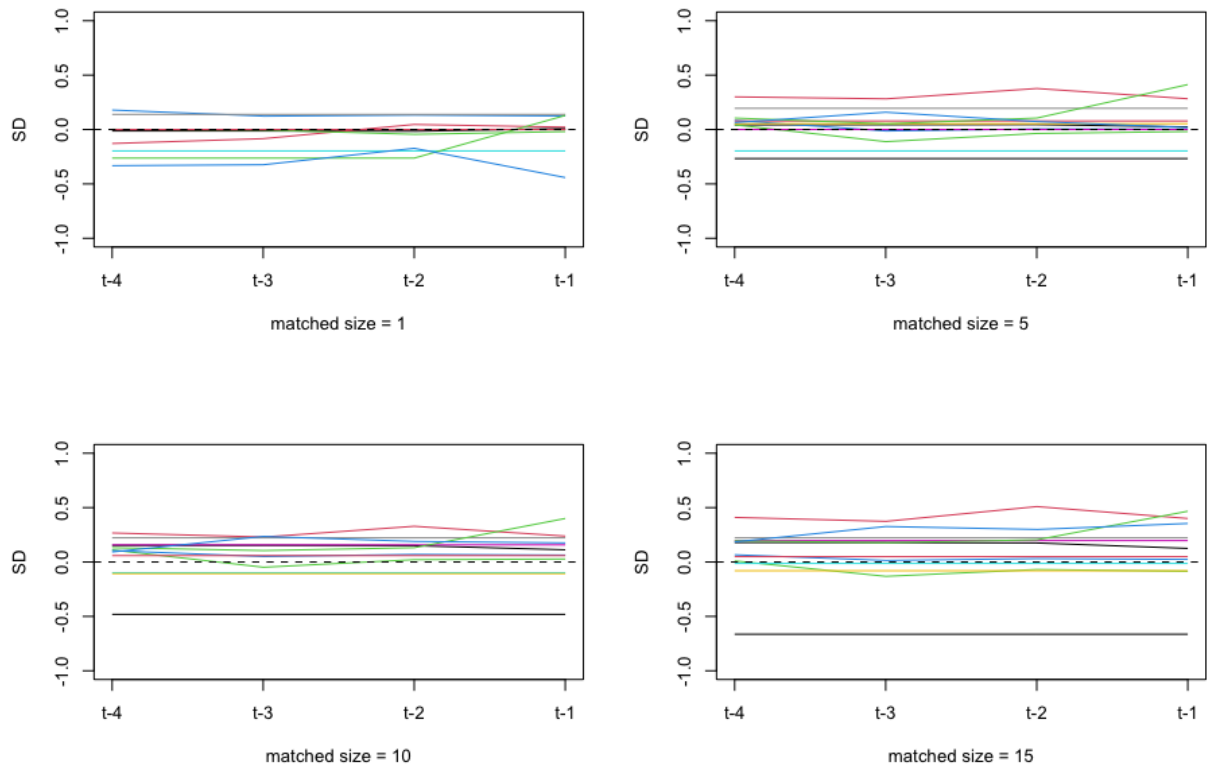


Figure A.4: Pairwise matching results in the best balance between treated and controlled units

## A.7 Full Results for Table 1

Dependent Variables:	d_legal	d_practice	d_legal	d_practice	d_legal	d_practice
Model:	(1)	(2)	(3)	(4)	(5)	(6)
<i>Variables</i>						
l.foac	0.027 (0.035)	0.118*** (0.028)	0.151*** (0.048)	0.126** (0.062)	0.070** (0.032)	0.113*** (0.039)
d_lgdp			2.62 (2.25)	2.12 (1.92)	2.44 (2.01)	2.15 (1.75)
d_polity			0.029 (0.057)	0.112 (0.074)	0.026 (0.052)	0.094 (0.069)
d_physint			0.100* (0.058)	0.059 (0.075)	0.091* (0.052)	0.070 (0.071)
d_LINGO			0.265*** (0.100)	0.128 (0.133)	0.143 (0.088)	0.065 (0.107)
d_lpop			-13.5 (9.40)	-2.27 (7.43)	-12.9* (7.70)	-2.96 (6.10)
d_trade			-0.0002 (0.007)	0.003 (0.008)	-0.003 (0.006)	0.001 (0.007)
d_fdinetinflows			-0.032 (0.027)	0.031 (0.027)	-0.010 (0.007)	0.007 (0.007)
d_debt			0.007 (0.024)	-0.007 (0.017)	-0.0001 (0.020)	0.001 (0.015)
d_labor_part			-0.030 (0.080)	-0.112 (0.093)	0.014 (0.067)	-0.094 (0.087)
<i>Fixed-effects</i>						
ccode	Yes	Yes	Yes	Yes	Yes	Yes
year	Yes	Yes	Yes	Yes	Yes	Yes
<i>Fit statistics</i>						
Observations	2,756	2,756	1,398	1,398	1,790	1,790
R <sup>2</sup>	0.02821	0.05952	0.03987	0.05421	0.03377	0.06745
Within R <sup>2</sup>	0.00014	0.00236	0.01143	0.01052	0.00714	0.00725

*Clustered (ccode) standard-errors in parentheses*

*Signif. Codes: \*\*\*: 0.01, \*\*: 0.05, \*: 0.1*

## A.8 Sensitivity analysis for table 1

This section describes the procedure to carry out the sensitivity analysis for  $H_2$  as proposed by Cinelli and Hazlett (2020). Suppose that there is some unobserved covariate  $U_i$  that is correlated both with the presence of CFA reports and with the outcome variables. Intuitively, we want to measure how strong the relationship between  $U_i$  and the variable measuring CFA reports –i.e., FOA CASES – and the relationship between  $U_i$  and the outcome variables on labor rights improvements, would have to be to completely explain away the effect attributed to the CFA reports in the linear regressions presented in table 1. Formally, the strengths of these relationships are measured by partial  $R^2$ :

$$R_{Y_i \sim U_i | \text{CFA report}_i, \mathbf{X}}^2 = \frac{R_{Y_i \sim \text{CFA report}_i + \mathbf{X} + U_i}^2 - R_{Y_i \sim \text{CFA report}_i + \mathbf{X}}^2}{1 - R_{Y_i \sim \text{CFA report}_i + \mathbf{X}}^2}$$

$$R_{\text{CFA report}_i \sim U_i | \mathbf{X}}^2 = \frac{R_{\text{CFA report}_i \sim \mathbf{X} + U_i}^2 - R_{\text{CFA report}_i \sim \mathbf{X}}^2}{1 - R_{\text{CFA report}_i \sim \mathbf{X}}^2}$$

, which are then used to compute the estimated value of bias:

$$|\widehat{\text{bias}}| = \sqrt{R_{Y \sim U | \text{CFA report}, X}^2 \times \frac{R_{\text{CFA report} \sim U | X}^2}{1 - R_{\text{CFA report} \sim U | X}^2 \times \frac{V(Y_i^{\perp \mathbf{X}, \text{CFA report}})}{V(\text{CFA report}^{\perp \mathbf{X}})}}$$

The curves on the graph shown in fig. A.5 represent the change in  $\hat{\beta}$ , the coefficient on the treatment variable FOA CASE, that would result from varying the partial  $R^2$  of the unobserved confounder with the treatment variable and different assumed values for the partial  $R^2$  of the unobserved confounder with the outcome variables, institutional (left) and behavioral (right) improvements in collective labor rights. On each curve, the combination of the two partial  $R^2$  results in the same value for the bias. The red dotted line indicates the curve on which the bias would completely explain away the effect attributed to the CFA reports in the original regression. For instance, unobserved confounders that explain more than 36% of the residual variance of both the CFA reports and the institutional improvements of labor rights are strong enough to bring the point estimate to 0, namely, the bias would equal 100% of the original estimate. Similarly, to account for the effect of CFA reports on behavioral improvements of labor rights, unobserved confounders need to explain more than 46.51% of the residual variance on both variables.

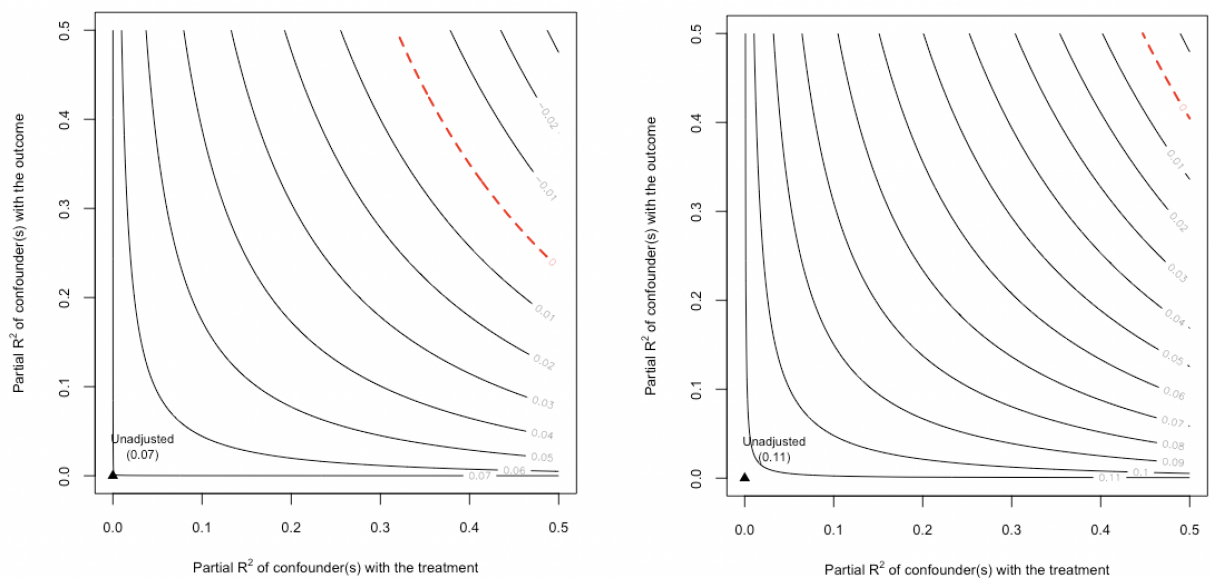


Figure A.5: The plots show the sensitivity of model (5) and (6) in Table 1 to potential unobservable omitted variable bias.