Weak Institution, Weak Compliance?

How ILO Reporting Improves Collective Labor Rights

Ruofan Ma*

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Abstract

Can international organizations (IOs) with weak enforcement mechanisms lead to meaningful compliance? Existing literature has long debated the relationship between institutional design on enforcement and the cooperative outcome: Organizations with few means to enforce their mandates are often theorized to struggle in seeking behavioral changes from member states. This paper challenges this conventional view by highlighting a feature of IOs beyond enforcement strength: monitoring strategies. IO reporting is a key process through which treaty organizations can extract private information from member states. IOs can collect and examine information on the level of states' actual compliance and change states' behaviors. Consequently, even when an IO is constrained in its enforcement capacity, it can still affect compliance when its reporting practices can unveil both public and private information from member states. To test this argument, I adopt a mixed-method approach under the institutional context of the International Labor Organization (ILO): First, I compare two monitoring strategies employed by the ILO using difference-in-differences and two-way fixed effects models. I collect 172 member states' convention ratification records and their reports for freedom of association complaints between 1985-2012 and find heterogeneous effects in improving labor protection. Then, using archival evidence between the ILO and China, I map out how the gradual deepening of compliance follows from the monitoring strategies that brought the pair into dialogue and contention.

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*Department of Government, Harvard University; ruofan_ma@g.harvard.edu

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), such as the World Trade Organization (Moorman, 2000).

Nevertheless, despite the ILO's status as the champion 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 et al., 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 this paper, I demonstrate that these seemingly contradicting findings can be reconciled by decomposing the different aspects of labor rights, as well as different monitoring strategies the ILO employs to protect them.

The mixed findings over the effectiveness of the ILO reflect the larger debate on whether IOs with weak enforcement mechanisms can alter member states' behavior (Henkin, 1979; Chayes and Chayes, 1993; Downs et al., 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-reneging 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 engage in periodic reviews of their member states' behaviors and issue public reports on the degree to which members are in compliance with their international commitments. Meanwhile, a growing body of evidence shows that these reporting institutions can affect compliance with international cooperation (Chayes and Chayes, 1998; Krommendijk, 2015; Terman and Voeten, 2018; Doshi et al., 2019; Koliev et al., 2021). Less, however, is known about variations *within* IO reporting: Do different reporting systems generate different information? Moreover, do they have different effects on compliance?

One of the most influential arguments as to why monitoring in international institutions work is that it generates more information on states' behaviors, which in turn leads to compliance through downstream mechanisms such as reciprocity and reputation (Keohane, 1984; Dai, 2002; von Stein, 2012). What information is generated by monitoring, however, is often treated as a black box. In this paper, I offer a systematic comparison of different reporting institutions, which are a type of monitoring by IOs. I theorize that these institutions, while potentially effective in facilitating compliance, differ significantly in terms of the type of information they collect and disseminate. Some reporting institutions serve the role of *information collectors*, which gather and centralize information that is publicly accessible, such as national statistics, laws, and high-profile events. On the other hand, some reporting institutions function as *information inspectors*, which request from member states or other domestic actors information that was previously private or difficult to access for international actors, such as transcripts of court hearings and witness statements. Based on this categorization, I hypothesize that these two types of reporting

institutions lead to different reactions from member states. Empirically, I test the heterogeneous effects of different reporting institutions 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 provide different types of information through reporting. Therefore, leveraging the variations across sub-organizational committees, I'm able to isolate the effects of reporting institutions while controlling for other common confounders such as organizational strength and memberships (Koremenos et al., 2001). Lastly, I use the compliance records of China in the ILO to provide detailed examples of the information contained in different reports.

In examining the variation across different reporting institutions, 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, in relation to the enforcement school, the notion that the effect of reporting may differ even within the same IO 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 institutions.

Secondly, in relation to the management school, identifying different varieties of reports highlights a nuance among these institutions that has received little attention: On the one hand, different reporting institutions focus on different types of information, which means they affect different aspects of states' compliance. On the other hand, it also means that they are less effective in areas where the information they generate is less relevant. Substantively, I find that ILO reports that mainly collect public information facilitate respect for labor rights only through institutional changes, such as new legislation and policies.

Conversely, reports that uncover previously private information do so only through behavioral changes, such as governments' dealing with trade unions and labor activists. This finding provides an important qualification as to when IO reporting work and does not work.

Thirdly, in order to access the heterogeneous effects of different reporting institutions, I compile an original dataset that contains measurements of reports from three committees in the ILO: the Committee of Experts on the Application of Conventions and Recommendations (CEACR), the Conference Committee on the Application of Convention and Recommendations (CAS), and the Committee on Freedom of Association (CFA). Whereas the first two committees have received many recent scholarly interests (Koliev and Lebovic, 2018; Koliev et al., 2021), few have studied the effect of the CFA reports, which address complaints about potential violations against collective labor rights. These complaints represent a sizeable amount of the ILO's work as well as producing a rich corpus of detailed labor disputes. Therefore, in addition to collecting over 170 ILO member states' treaty ratification history which reflects the report procedures in the CEACR and the CAS, I also collect 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 canonical 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 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 extensions.

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 inter-

national institutions provide compliance information to facilitate compliance with international agreements". Unsurprisingly, therefore, the link between information provision and compliance outcome has been theorized extensively (Simmons, 2010). On the one hand, rationalists 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 incentives 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 institutions in IOs have received increasing scholarly attention for their potential to provide this exact public good (Kelley and Simmons, 2019): a centralized source of information on the degree to which states are in compliance with their international commitments. These reports can take on a wide range of forms, from extensive commentaries compiled by panels of legal experts to concise, numerical assessments of countries' performance. Nevertheless, despite its close link to information provision theoretically and its rich varieties empirically, few studies have provided a systemic evaluation of how different reporting institutions may provide different types of information, which in turn impact states' compliance records in a heterogeneous fashion. As such, the rest of this section first discusses a crucial feature that separates reporting institutions into two groups: the availability of the information contained in reports to international observers. Second, using the organizational context of the ILO, I provide examples of both types of reports by describing the reporting procedures in three major committees in the ILO.

2.1 Varieties of Reporting Institutions

In determining whether states are in compliance with their international commitments, international monitoring often draws on two sets of interrelated, yet analytically distinct criteria. The first set contains information that is available to international actors without the need to request access, which I refer to as public information. Public information is crucial in evaluating the degree to which states are in compliance with international rules because they provide a direct comparison between a country's domestic legal standards with the international ones. For example, transnational activists of LGBTQ rights observe closely policies and laws – anti-discrimination, criminal law, partnership, etc. – being made at the national level (Ayoub, 2015); the ILO keeps a routinely updated list of minimum wage level across countries; the WTO repeatedly consider tariff rates an important factor in adjudicating trade disputes (Davis, 2012). It is worth noting, however, that although public information may be readily available, the process of information collection may still be costly, requiring an extensive degree of both technical know-how and time investments.

The second set of compliance criteria, in contrast, consists of private information. This is the type of information that, without making particular requests, is often observable only to states or other actors operating domestically. While public information is crucial in evaluating states' compliance records, it alone does not provide the full picture as states' behaviors may deviate from their own institutional regulations. For instance, it is widely debated whether ratifying the Convention Against Torture (CAT) or adopting domestic laws in accordance with the CAT actually stops the signatory from pursuing political violence against its citizens (Vreeland, 2008; Hollyer and Rosendorff, 2011; Conrad and Ritter, 2013). Moreover, unlike the deliberate processes that usually precede institutional outputs, a seemingly non-compliant behavior may be caused by unintentional factors (Chayes and Chayes, 1993). Therefore, further information that is private from international observers is often needed in order to ascertain whether rule-breaking indeed happened.

In obtaining both types of information, IO reporting could prove to be a useful approach. In the for-

mer case, generating public information through reporting institutions in IOs can greatly reduce the cost of information collection by replacing numerous bilateral exchanges with one multilateral clearinghouse. In addition, the technical expertise of IOs may lend credence to the quality of such information (Green, 2013). In the latter case, IOs serve as international focal points for domestic groups to supply private information (Seidman, 2007). Moreover, once pieces of private information move from the domestic arena to an international one, disseminating them through IOs may be viewed as more objective or less politically charged, following the findings that suggest IOs are perceived to be more neutral international actors than states (Thompson, 2006; Pelc, 2010).

While public and private information are complementary in their effects, in practice many reporting institutions tend to focus on one type of information more than the other for two major reasons. First, not all organizations are able to extract private information from their member states. Whereas treaty organizations in the international financial regime like the IMF and the ADB often request thorough inspections over the conditionality imposed on the borrowing state, many human rights organizations rely only on the self-reports from member states, with little capacity to further investigate or verify these submissions. Second, many reporting institutions are often tasked with collecting either public or private information. For example, within the International Atomic Energy Agency (IAEA), the Nuclear Technology Review focuses on the global status and trends in the fields of nuclear science and technology, synthesizing research advancements made by member states or other research bodies. In comparison, the compilation of the Nuclear Safety Review involves both states' reporting on information like nuclear material reserves. It is often followed up by *ad hoc*, routine, or special inspections (Goldschmidt, 1999). As such, it is important to distinguish reporting institutions into two camps based on the type of information they seek in order to perform their monitoring roles: information-collecting institutions that gather and centralize information that is publicly accessible and information-inspecting institutions that request private information from member states or other domestic actors.

Since IOs obtain public and private through different reporting institutions, we need to consider whether states also implement their commitments differently when facing the scrutiny of each type of

reporting. Information-collecting reports focus on outputs that can be observed on an international level with relative ease. In order to avoid reputation costs or social punishment which often follow as a result of being classified as non-compliant by these reports, therefore, targeted states are incentivized to engage in institutional changes through highly-visible outputs such as policy documents, legislation, executive announcements, etc. In contrast, these reports are less likely to alter states' commitment-violating behaviors, many of which are shielded under the information barrier between the international and subnational spheres.[1]. Taken together, these theoretical arguments generate the first set of hypotheses to be empirically evaluated in this article:

H1a: IO reports that collect public information increase institutional compliance in member states

H1b: IO reports that collect public information do not increase behavioral compliance in member states

On the slip side, I hypothesize that information-investigating reports have the opposite effects. Namely, report institutions that extract private information are more effective in generating compliance through behavioral changes in the member states, whereas their impact on institutional compliance is limited. Private information is often necessary to adjudicate whether a member state's behavior is ultimately a violation of its previous commitment, such as whether the state is or works with the perpetrator, whether the violations are intentional, etc. Therefore, reporting institutions that focus on private information provide an important platform "for the putative offender to give reasons and justifications for suspect conduct" (i.e., "jawboning", see Chayes and Chayes, 1993, p.204), which are then further reviewed and critiqued by the reports and publicized to the general audience. In contrast, these institutions add little to the jawboning process if the related information had already been public, in which case the blame of non-compliance can be more easily attributed. Moreover, the institutional outputs also become locked in and more costly for the state to reverse. Therefore, the second set of observable implications are as follows:

[1] In fact, many studies suspect that non-compliant states often resort to overt behaviors that reduce the likelihood of such violations being exposed publicly (Hafner-Burton, 2008; Lupu, 2013; Conrad and DeMeritt, 2014). For a counter-argument, see Strezhnev et al. (2021)

H2a: IO reports that extract private information does not increase institutional compliance in member states

H2b: IO reports that extract private information increase behavioral compliance in member states

Figure 1 further provides a stylized representation of the heterogeneous effects of different reporting institutions.

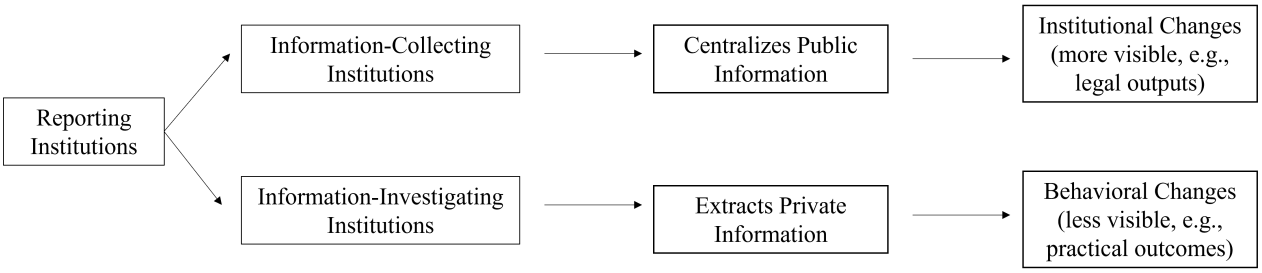


Figure 1: The effects of various reporting institutions

Given this theoretical framework, the ILO provides an ideal organizational context for further empirical analysis for several reasons: While this paper argues that reporting institutions have a causal impact on compliance that is independent of enforcement mechanisms, across organizations the two factors are confounded by the general resources available to IOs. Organizations with more funding, staff, and closer personnel connections in the domestic arenas typically enjoy more power to acquire information and enforce policies. Therefore, focusing on one IO can help address potential confoundings from the idiosyncrasies of individual organizations. Moreover, the ILO has a long history of using reports to engage and nudge states to fulfill their obligations towards labor. It established numerous committees which serve the role of reporting institutions. In particular, the three committees examined in this paper (the CAS, CEACR, and 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 institutions. To provide more institutional contexts on these committees, I provide a brief overview of their functions and roles in the ILO in the next section.

2.2 Reporting Institutions 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[2]. 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 two main supervisory committees: the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the Conference Committee on the Application of Convention and Recommendations (CAS), which work sequentially and complementary:

The CEACR is composed of 20 jurists appointed by the Governing Body for three-year terms. Every three years, governments have to provide reports concerning the steps they have taken in law and practice to apply any of the fundamental conventions that they have ratified[3]. After the CEACR receives the reports from the government, it reviews the reports and requests further clarifications when deemed necessary. After 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. Following these reports, the CAS, which meets annually during the International Labor Conference[4] (ILC), further draws attention to the non-compliant countries in the public forum of ILC via "shortlisting" (Koliev and

[2]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).

[3]The report schedule for other conventions is every six years

[4]The ILC is an annual Conference that brings together governments', workers' and employer's delegates of the ILO member states, serving as an "international parliament of labor".

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.

Therefore, the CEACR and the CAS in tandem create a report institution that investigates countries' compliance records on a yearly basis for the conventions they previously committed to. Within the context of the ILO, a handful of studies have found this institution to be effective through both channels of reputation and identity. For instance, during the annual ILC, the CAS reports on conventions that become newly adopted by member states. 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-membership 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 et al. (2021) posit that the effect of reciprocity and social identity are empirically complementary in guiding member states' behaviors. The authors' comprehensive analysis shows that reports by both the CAS and the CEACR that expose treaty violations in the ILO help to reduce severe labor rights restrictions.

While the CEACR and CAS jointly play 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. Secondly, the self-report obligations specified by most conventions focus more heavily on "public information", as previously described.[5].

To compensate for these restrictions, the ILO later established the Committee on the Freedom of Association (CFA) to further monitor states' performance regarding one of the foundational labor rights: collective labor rights. The CFA is tasked to examine complaints of alleged violations of freedom of

[5]For instance, Appendix A documents the self-report obligation as stipulated by the Convention on the Freedom of Association (No.87)

association. Complaints may be brought against a member State by employers' and workers' organizations. Unlike the CEACR, the CFA receives and accepts complaints that are either filed by or against member states that have yet to ratify C87 and C98, the two core conventions regulating collective labor rights. Furthermore, once the CFA decides to take up a complaint, it often requires private 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 (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 et al., 2015; Koliev et al., 2021), and makes reports complied by the CEACR/CAS and the CFA more comparable. Given the function carried out by each of the reporting institutions discussed in this section, the observable implications with regard to the ILO can be specified as:

H1a: CEACR/CAS reports increase legal improvements of collective labor rights in member states*

H1b: CEACR/CAS reports do not increase practical improvements of collective labor rights in member states*

H2a: CFA reports do not increase legal improvements of collective labor rights in member states*

H2b: CFA reports increase practical improvements of collective labor rights in member states*

3 Data and Measurements

3.1 Dependent Variables: Collective Rights of Labor

As mentioned, to capture changes in the rights of domestic workers, this paper focuses on one of the most fundamental indicators: the collective rights of labor (CRL), which is constituted by two conceptual pillars: freedom of association and the right to collective bargaining. Following the principles of the

UN's Universal Declaration of Human Rights (1948), the ILO issued 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. (Convention No.87, Article 2, 1948)

> Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. (Convention No.98, Article 2, 1949)

In sum, the characteristics of CRL make it an ideal variable to examine what types of changes take place when information is easy to exert in an organization with limited enforcement capacity like the ILO. Drawing from the Freedom of Association and Collective Bargaining (FACB) dataset first assembled by Kucera (2002, 2007) and Mosley (2011) and later extended by Marx et al. (2015), the main outcome of interest –"the overall collective labor rights score"–measures the quality of cross-country collective right of labor from 1985 to 2013. Moreover, the FACB index is a weighted score of 37 criteria documenting both *de jure* and *de facto* violations of the rights stipulated by C87 and C98, summarized into six umbrella categories:

> . . . [F]reedom 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, 2010: 115-120)

Among the 37 criteria that constitute the FACB index, the overall score can also be further divided into two sub-categories: "the legal elements of collective labor rights score" and "the practical elements of collective labor rights score", which separate the recorded legal rights from the observance of rights in practice. I utilize these two variables to respectively measure institutional changes and behavioral changes, as previously specified in the hypotheses.

3.2 Model 1: CEACR/CAS Reports

To measure the effect of CEACR/CAS reports, I adopt a dummy variable that indicates whether a member state has ratified the conventions that protect the collective rights of labor[6]: ratification of both Convention No. 87 and No. 98. Since the CEACR only reviews information transmitted from the member states regarding their ratified conventions, ratifying the two core conventions on collective labor rights exposes states to reporting institution that specializes in collecting public information. The effect of CEACR/CAS reports, therefore, can be identified by comparing the legal and practical compliance of states that ratify the two conventions with those that have yet to do so, which are then used to construct the counterfactual, across each time period.

Furthermore, in order to increase the balance of comparisons across countries that have ratified conventions (treated) and those that haven't (control), I've included several matching covariates. Drawing from previous literature on democratization, I include three sets of covariates in the model. The following paragraph briefly introduces the reason for their inclusions and metrics of measurements. The first control 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' Polity 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 control variables considers the dynamic between economic factors and labor rights. I include GDP per capita (in thousands) to measure states' general level of development (Przeworski et al., 2000) and relative trade openness (Mosley, 2011). Lastly, in order to measure the relative strength of the industrial sector under the entire economy, I include a variable that captures the country's productive

[6]It is noteworthy that while the principles of collective rights have long been formulated and advocated, the reception of these values is, at best, mixed. Among the eight conventions (excluding the recent two) that outline the four core labor rights, C87 and C98 are the least-ratified two. Within the time period of 1985-2013, only 59% of country-year observations have ratified the former, and 66% have ratified the latter. Collectively, the observations in which a state has ratified both conventions just about exceed 50%.

power, calculated by the percentage of industry in the total GDP (Dean, 2022).

3.3 Model 2: CFA Reports

In 1951, 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 et al., 2022, p.123). This realization resulted in the establishment of the CFA for the purpose of examining complaints of violations of freedom of association, whether or not the country concerned had ratified C87 and C98. More specifically, the CFA is a Governing Body committee and is composed of an independent chairperson and three representatives each of governments, employers, and workers. As a result, in addition to the regular monitoring procedure, in which states submit regular reports on the conventions they have ratified, CRLs receive extra monitoring through the dispute-settling procedure set up by the CFA.

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. FOAC is the most major complaint procedure that supervises and monitors collective labor rights. Employers and trade unions – either domestic, from another country, or international – can submit a complaint to the committee on freedom of association (CFA) against member states in the ILO alleging violations of collective labor rights, regardless of whether the defendant country has ratified C87 or C98 (ILO, 2018b). 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. Figure 2 presents a more detailed procedural flow of a FOAC.

The monitoring process of FOACs is one with high-information access. Cases often remain active

for multiple years and require multiple rounds of dialogues, inquiries, and information gathering. For example, during the period from 1985 to 2013, there is over 1000 FOACs being initiated. The average duration of each complaint is around two to three years, resulting in more than 3000 reports in total (for each year a complaint remains active, an interim report is required on an annual basis). Moreover, these reports often feature multiple sources, ranging from various governmental departments, business and union representatives, witness testimonies, as well as comments from NGOs. Much information contained in these reports was previously private to individual actors.

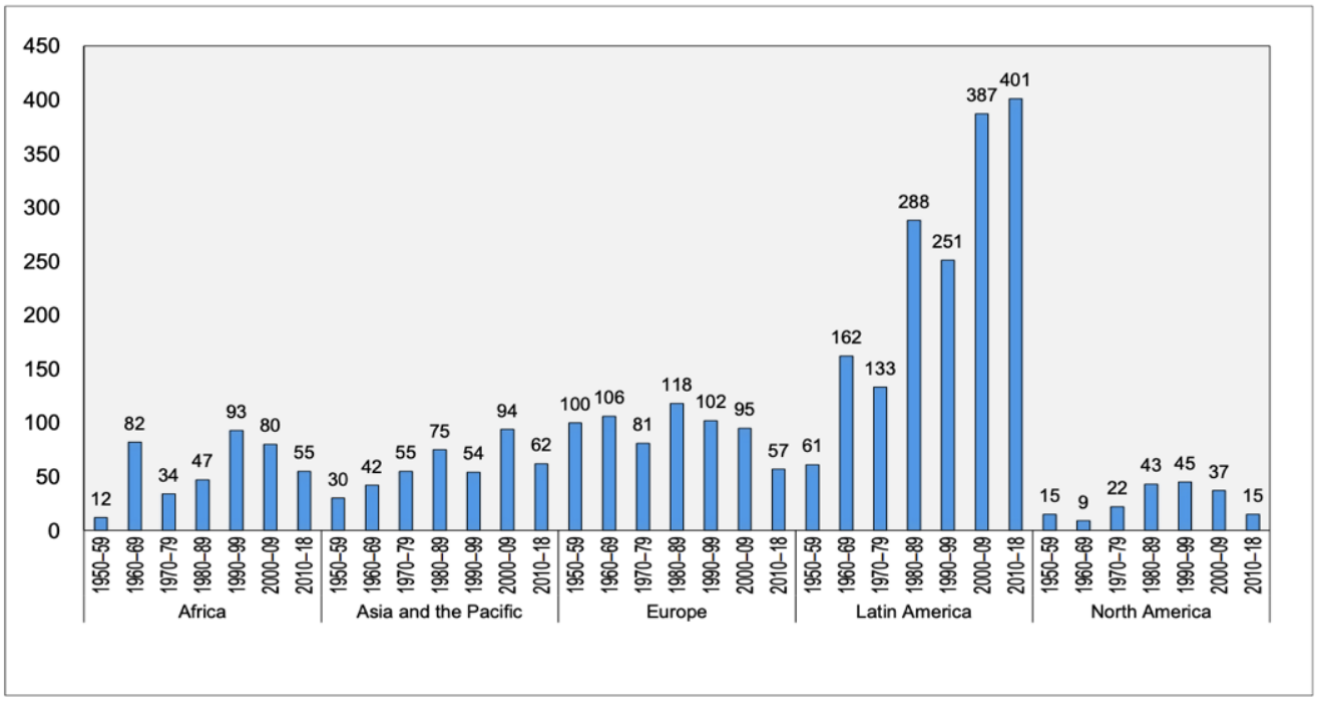


Figure 2: Complaints presented before the Committee on Freedom of Association (1951–2018) by decade, per region (Source: ILO (2018b))

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 in the ILO by a body of organization—most commonly unions and INGOs—recognized by the ILO; (2) upon preliminary reviews, the Freedom of Association Committee deems the complaint eligible for the initiation of freedom

of association case, thereby requiring the defendant state to submit its response; and (3) a report is produced regarding the alleged transgression. Model 2 adopts the same set of covariates as described above, with the additional control of countries' ratification status of Convention No.87 and No.98. Summary statistics for variables included in model 1 and 2 can be found in the appendix.

3.4 Estimations and Results

For model 1, I use an augmented difference-in-differences model (Imai et al., 2021) to estimate the effect of CEACR reports on collective labor rights. The model can be specified as:

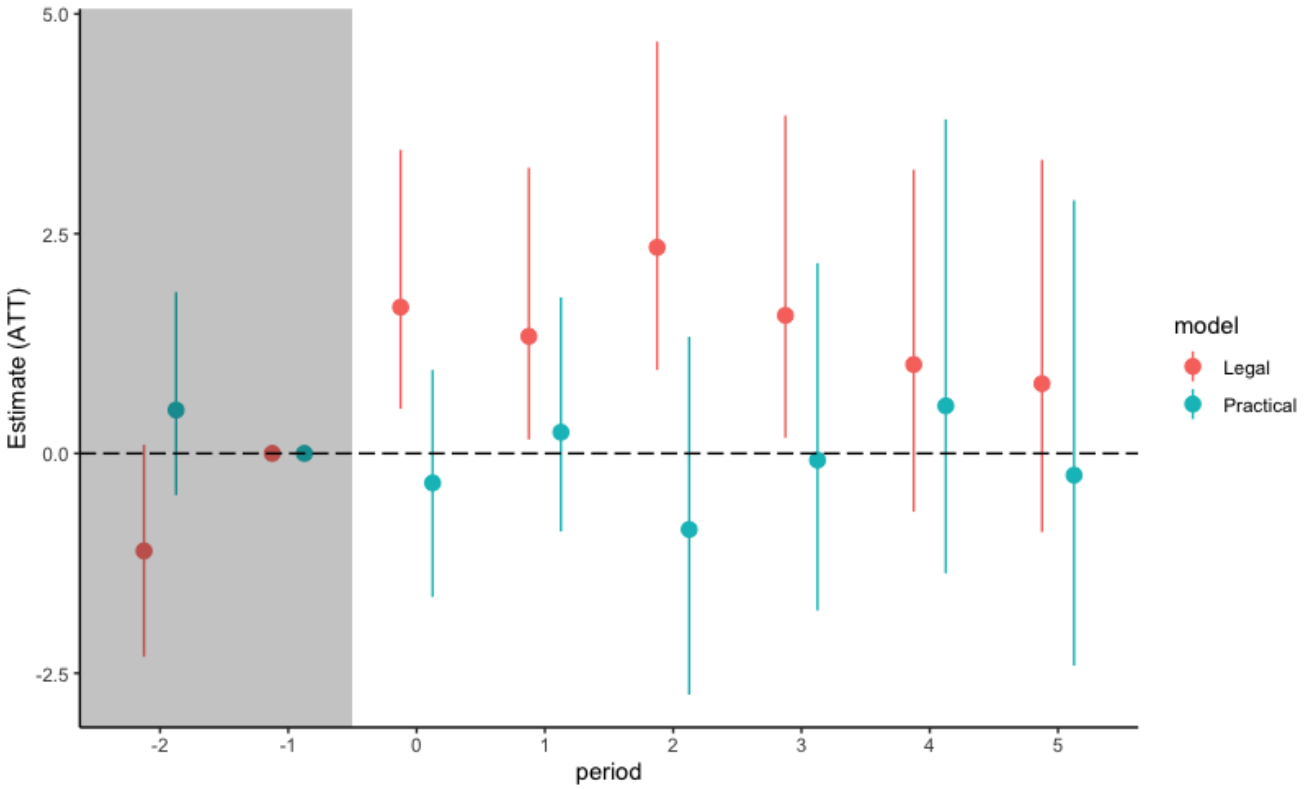
$$\hat{\tau}(F,L) = \underbrace{\frac{1}{\sum_{i=1}^{N}\sum_{t=L+1}^{T-F} D_{it}} \sum_{i=1}^{N}\sum_{t=L+1}^{T-F} D_{it}}_{\text{Average over all countries}} \underbrace{\{(Y_{i,t+F} - Y_{i,t-1}) - \sum_{i' \in M_{it}} \omega_{it}^{i'} (Y_{i',t+F} - Y_{i',t-1})\}}_{\text{country-specific estimate}}$$

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 pruning countries in the matched set with covariates and outcome histories that are highly dissimilar from the ratifying countries using Mahalanobis distance. For each matched set, a difference-in-difference estimation is computed for each treated unit and then averaged across each time period to estimate the average causal effect on the treated country (ATT). fig. 3 reports the estimates of average treatment effects among treated units (ATT). Different color schemes denote the two aspects of respect for labor rights: legal and practical. The results show empirical support for H1*: exposure to the CEACR/CAS reporting institutions leads to an increase in legal respect for labor rights by

compliance with the ILO's principles of collective labor rights (through the ratification of C87 and C98) is strongly correlated only with the better performance of legal standing for domestic workers' collective rights, not with the practice observance of rights.

Since in model 2 the main independent variable is continuous, I instead use two-way fixed effects linear models to estimate the effect of CFA reports on collective labor rights. model (2) can be formulated

Figure 3: DiD estimates for CEACR/CAS report exposure



Note: Standard errors are obtained from 1500 Monte-Carlo simulation

as the following:

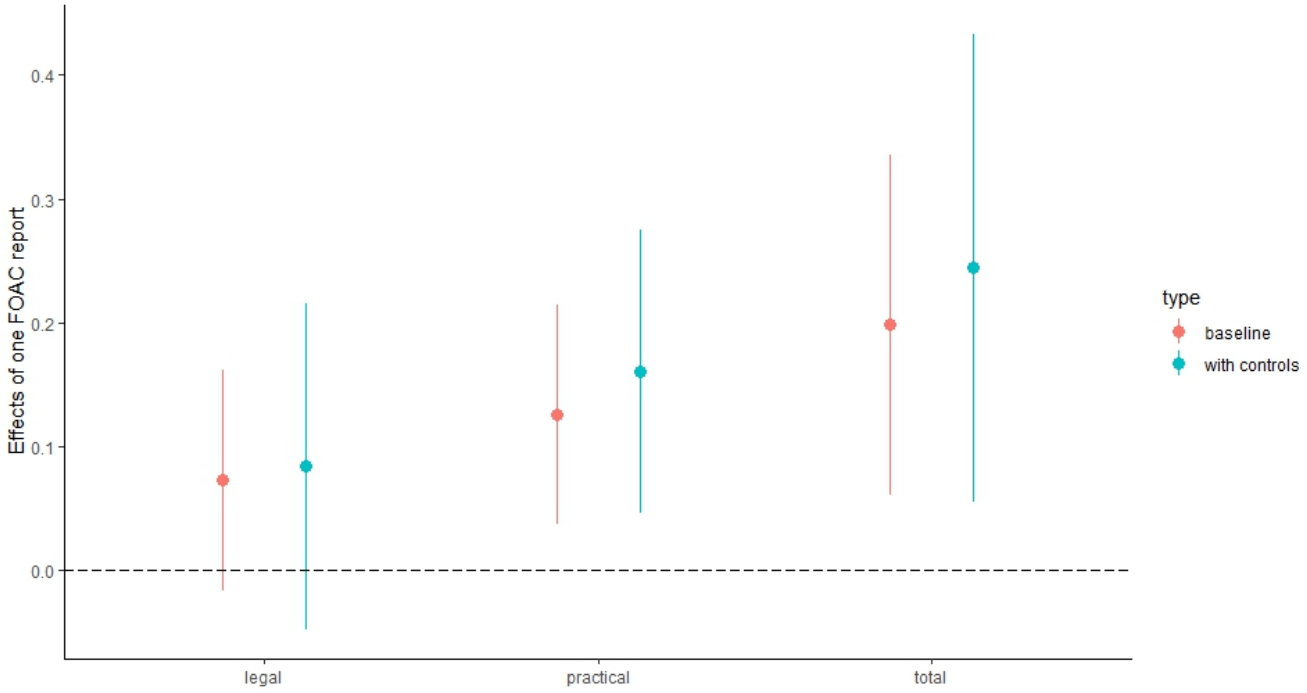
$$\Delta Y_{it} = \beta_0 + \beta_1 \#\,\text{REPORT}_{i,t-1} + \beta_2 \Delta\text{GDP PER CAPITA}_{it} + \beta_3 \Delta\text{INDUSTRY}_{it} + \beta_4 \Delta\text{EXPORT}_{it} + \beta_5 \Delta\text{RATIFY}_{it} + \alpha_i + \gamma_t + \epsilon_{it}$$

in which takes on three sets of metrics: the overall collective labor rights score, the score for the legal elements of the items included in the collective labor rights, and the score for the "in practice" elements of the items included in the collective labor rights.

Several fine prints in this model are worth mentioning. First, in order to better capture the effect of compliance has on the improvement of these labor scores, I adopted a first-difference model in which all variables are represented as incremental changes from time t-1 to t. There is, however, one exception to

this method: notice that for the main independent variable, the number of freedom of association reports produced for legal complaints, is instead lagged by one year. This is because 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, 2018a). As a result, the conclusions issued by the CFA usually have a turnover period of one year before it reaches back to the defendant state. Furthermore, in order to account for potential clustering effects by countries, the model is reported with country-clustered robust standard errors. The results of the statistical regression are visually represented in fig. 4. The results show empirical support for the hypotheses from section 2.

Figure 4: Effects of one FOAC report



3.5 Implications

What do the empirical findings laid out above tell us about compliance? As mentioned in the previous section, skeptics of international compliance tend to see treaties and agreements without enforcement

mechanisms as little more than window-dressing: they make the signatories look prettier without actually making citizens' lives better. What we observe from the first model in this section tells by and large a similar story, 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, this pattern does not imply that such legal improvements are superficial: 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). Moreover, if we go beyond this narrow conception of seeing compliance as mostly paper signing, we are in fact able to reach a more optimistic conclusion. Aggregately, therefore, the quantitative analyses corroborate the argument that compliance should not be simply treated as "0"s and "1"s, instead, the content of compliance varies as member states face the scrutiny of different reporting institutions. To further supplement this observation with qualitative case studies, the next section explored the evolving relationship between China and the ILO and discusses –in Koh (1996)'s term –through what "transmission belt" can international compliance be channeled into the domestic sphere and lead to substantive change.

4 China and the ILO

The case of China in the ILO provides a theoretically hard test for this article's hypotheses. Despite being the most populated communist country that claims to be led by the working class, China has, however, been seen as a "problem" within the ILO for a long period of time due to its complicated history with the organization (Robinson, 1994). In 1919, the Republic of China was one of the founding members of the ILO. This status, however, was suspended after the establishment of the People's Republic of China in 1949. It was not until the UN's decision of recognizing the People's Republic as the sole representative of China in 1971 that the ILO reopened its floor to this now-permanent member on the UN Security Council. As such, the People's Republic becomes the only state in the ILO that did not apply for its membership. Moreover, China has yet to ratify either Convention No.87 or No.98, which

further alleviates concerns of selection in attributing the effect of CFA reports on China's compliance records towards labor rights.

Following its accession to the ILO, China expressed little intention to fulfill its obligation as a member state. In fact, it 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 (Kent and Center, 2007). 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[7]. Starting from 1984, the ILO further assigned one of the ten non-elective governing body seats and an assistant Director-General post to China (Donn and Zhao, 2016). In stark contrast, compliance on China's side remained low. Before 1989, it only ratified one technical convention on Vocational Rehabilitation and Employment (Co.159, ratified in 1988). Until this point, 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 symposium in March 1989: "it is not possible to meet the requirement of the extensive application of ILO Conventions and recommendations" (Guan, 1989).

This dynamic between a catering ILO and a distant China, however, took a dramatic turn in the aftermath of June 4, 1989. Such an event, certainly, marked the end of specific exemptions and entitlement for China in the ILO. Whereas the "China Solution" of 1989 was 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), who later merged with World Confederation of Labour to form the ITUC, over the massive killing of workers reached the governing body of the ILO. And 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 succeed in convincing China that "noncompliance was more destructive of its reputation and sovereignty

[7] https://www.nytimes.com/1983/06/07/world/around-the-world-china-takes-ilo-seat-vacant-sin
html

than cooperation" (Kent and Center, 2007, p.195). As such, by the time case no.1500 closed in 1992, China "was seen to have cooperated at the procedural reporting level" (Kent, 1997, p.529): it fulfilled the ILO's requirement to supply details on all the people mentioned in the complainant's various communications, and for releasing several Workers' Autonomous Federation (WAF) leaders and militants (ILO, 1992a).

Shortly after the conclusion of case no. 1500, a second case, no. 1652 (April 1992) against China was again initiated in the ILO concerning China's newly passed Trade Union Law. Similarly, China's defensive position on noninterference was briefly resurrected but soon complied with its reporting obligations. The conclusion of case no.1652 in 1994 witnessed a clear shift in China's expressed attitude in relation to its obligation of compliance in the ILO. Appearing before the Committee on the Application of Standards in June 1994 in relation to the Convention on Minimum Wage-Fixing Machinery, China's representative stressed the new interest of China in ILO labor standards, in view of its transition to a market economy, which required "more emphasis on the role of labor legislation in protecting the basic rights of workers". Information was also provided on the purpose and process of the 1994 Labor Law, marking the first entry of self-reported documents provided by China as it pertains to the state's domestic legislation. The new Labor Law showed acceptance of ILO standards of tripartite and collective bargaining, thus superseding a 1988 law that allowed collective bargaining only by workers in private enterprises (Zhou, 2016).

Another typical case where China's compliance in the ILO translates into domestic legal improvements happened in 2006, in which year China ratified ILO's core convention on the elimination of all forms of discrimination of the rights to work (Co.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, 1992b). Following this case, China claimed that one of the reasons for ratifying Co.111 was to "protect migrant workers from rural areas from discrimination", thereby ensuring the rural workers' freedom of "improv(ing) work conditions" (Tapiola, 2014, p.14).

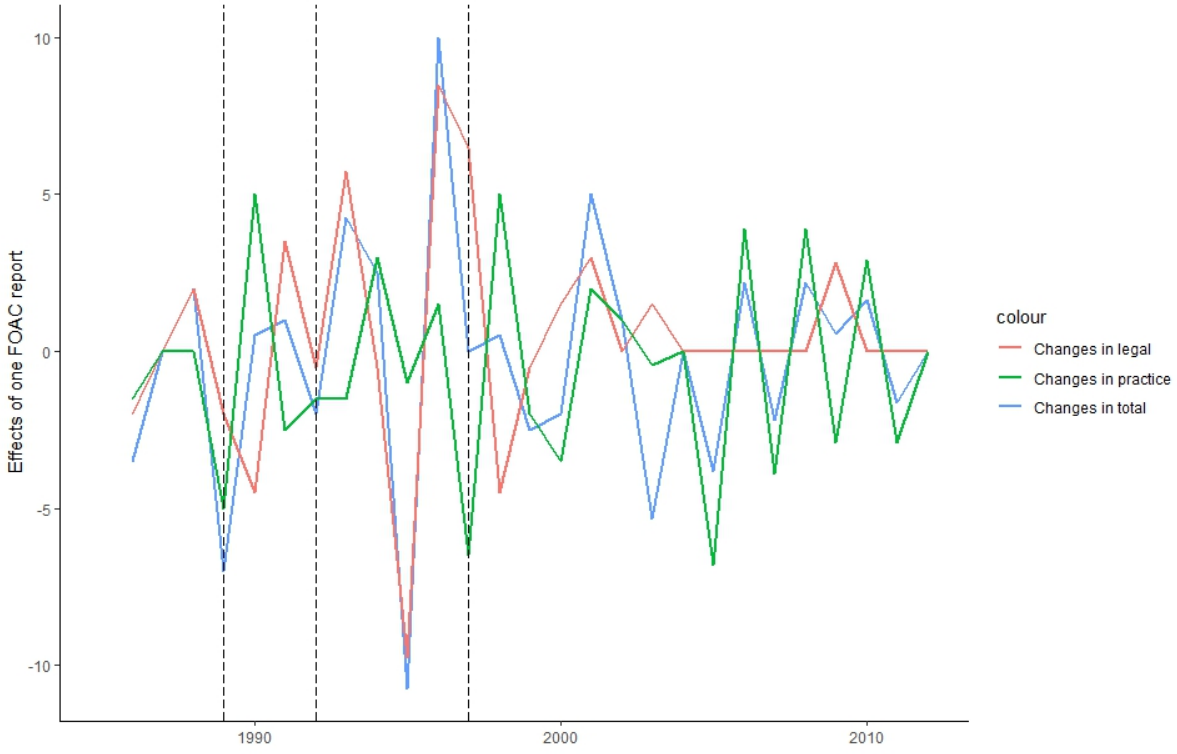
One year later, the same language was adopted in the corpus of the Labor Contract Law, confirming that "all individual workers have the right to negotiate their own written employment contracts with their employers, specifying terms, conditions, and benefits" (Donn and Zhao, 2016, p.258). This stipulation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

In sum, since 1989, it has become clear that China has been growing increasingly in compliance with the ILO, which has masterfully directed the attention of a global audience to the suffering of Chinese workers during the repression. A major feature in the CFA's institutional design is the national tripartite mechanisms, which engage the defendant state in a tripartite dialogue. Similar to the UN's universal periodic review, tripartite in the ILO provides powerful social environments "where states learn about shared expectations of appropriate behavior, and face social consequences for their ability or failure to adhere to those expectations" (Terman and Voeten, 2018, p.5). As a result, in both the case of the 1994 Labor Law and of 2007 Labor Contract Law, a recurring pattern of boomerang effect can be discerned: while China still shies away from making concrete commitments over the ratification of collect rights conventions, the basic language of collective rights –collective bargaining and contracting –seeps into the legal corpus through the intercorrelated convention network. From the viewpoint of the ILO, both documents ended up promoting collective bargaining and the settlement of industrial disputes. While the political dimension underlying the single-union system is not directly dealt with, it can thus no longer be said that China is not cooperating with the ILO on freedom of association issues.

For those who assign little value to international institutions, these changes may come as extra puzzling since the constitutional structure made China a peculiar case in that the All-China Free Trade Union (ACFTU) monopolized the sphere of union association. In fact, to this day, China remains among the minority member states who have yet to ratify either C87 or C98. Nevertheless, changes did happen. And not only in terms of the new national legislation but the actual landscape of labor. Contrary to the widespread myth that labor movements were harshly disciplined in the aftermath of 1989, wildcat labor

unrests kept on flourishing: according to a confidential report by the ACFTU, during the two years following the repression of the Tian'anmen protests, more than fifty thousand workers engaged in strikes, slowdowns, rallies, petitions, and sit-ins to register dissatisfaction with the government's failure to guarantee a basic livelihood (Perry, 2009). Later on, the passage of the new 1992 labor union law further created a more permissive structure of political opportunity. In that year alone, the Ministry of Public Security reported more than 540 episodes labeled as illegal demonstrations and assemblies and more than 480 strikes involving hundreds of thousands of workers. Mapping these individual reports onto the macro level, figure 5 shows the aggregate, legal, and substantive indices of collective labor rights in China as well as their changes in trend.

Figure 5: China's Freedom of Association and Collective Bargaining Index



Note: vertical dashed lines indicate initiation of FOAC complaints

5 Conclusion: Is the bad news about enforcement bad news about compliance?

In their classic work, (Downs et al., 1996) worried that the partial focus on compliance without building the necessary means of enforcement will 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 institutions 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 overall trend of the "race-to-the-bottom" phenomenon Peksen and Blanton (2017), given the depressive factors of international trade and global value chains. Nevertheless, these results 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, and so on and so forth. Therefore, instead of seeing compliance as a one-shot deal that brings under some obligations in IOs, it is better that we start to see compliance as a tug-of-war that continuously seeks to reign in deviating states.

Second, IO reports work, but not equally. IO reports centralize and extract information on states' compliance records, which further generates concerns for reciprocity, reputation, and identity. Therefore, one should expect that reports containing different types of information would lead to heterogeneous effects on compliance. The CEACR/CAS reports in the ILO focus on publicly available information concerning member states' legislation and policy. As a result, they are more effective in calling out the deficiencies in regulating domestic labor conditions and spurring institutional changes. In comparison, the CFA reports are designed to uncover private information, which may be scattered across various actors. As 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 from the deviant state. As

O'Donnell and Schmitter famously observed, the process of liberalization is defined as the process by which political rules start to modify in the direction of "providing more secure guarantees for the rights of individuals and groups" (2013, p.5), almost always serves as the precursor of the more substantive diffusion of citizenship. 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.

References

P. M. Ayoub. Contested norms in new-adopter states: International determinants of lgbt rights legislation. *European Journal of International Relations*, 21(2):293–322, 2015.

L. Baccini and M. Koenig-Archibugi. Why do states commit to international labor standards? interdependent ratification of core ilo conventions, 1948–2009. *World Politics*, 66(3):446–490, 2014.

K. Bagwell and R. W. Staiger. Economic theory and the interpretation of gatt/wto. *The American Economist*, 46(2):3–19, 2002.

I. Bastiaens and E. Postnikov. Social standards in trade agreements and free trade preferences: An empirical investigation. *The Review of International Organizations*, 15(4):793–816, 2020.

B. Boockmann. The effect of ilo minimum age conventions on child labor and school attendance: Evidence from aggregate and individual-level data. *World Development*, 38(5):679–692, 2010.

A. Chayes and A. H. Chayes. On compliance. *International organization*, 47(2):175–205, 1993.

A. Chayes and A. H. Chayes. *The new sovereignty: compliance with international regulatory agreements*. Harvard University Press, 1998.

C. R. Conrad and J. H. DeMeritt. Unintended consequences: The effect of advocacy to end torture on empowerment rights violations. In *Examining torture*, pages 159–183. Springer, 2014.

C. R. Conrad and E. H. Ritter. Treaties, tenure, and torture: The conflicting domestic effects of international law. *The Journal of Politics*, 75(2):397–409, 2013.

C. R. Conrad and E. H. Ritter. *Contentious compliance: Dissent and repression under international human rights law*. Oxford University Press, 2019.

K. Curtis, O. Wolfson, et al. *70 years of the ILO Committee on Freedom of Association: a reliable compass in any weather*. ILO: International Labour Organization, 2022.

R. A. Dahl. *Polyarchy: Participation and opposition*. Yale university press, 2008.

X. Dai. Information systems in treaty regimes. *World Politics*, 54(4):405–436, 2002.

X. Dai. Why comply? the domestic constituency mechanism. *International Organization*, 59(2):363–398, 2005.

C. L. Davis. Why adjudicate? In *Why Adjudicate?* Princeton University Press, 2012.

A. Dean. *Opening up by Cracking Down: Labor Repression and Trade Liberalization in Democratic Developing Countries*. Cambridge University Press, 2022.

C. B. Donn and M. Zhao. Freedom of association: A comparison of chinese and us approaches to ilo standards. In *The ILO from Geneva to the Pacific Rim*, pages 251–276. Springer, 2016.

R. Doshi, J. G. Kelley, and B. A. Simmons. The power of ranking: The ease of doing business indicator and global regulatory behavior. *International Organization*, 73(3):611–643, 2019.

G. W. Downs. Enforcement and the evolution of cooperation. *Michigan Journal of International Law*, 19:319–344, 1998.

G. W. Downs, D. M. Rocke, and P. N. Barsoom. Is the good news about compliance good news about cooperation? *International Organization*, 50(3):379–406, 1996.

V. P. Fortna. Scraps of paper? agreements and the durability of peace. *International Organization*, 57 (2):337–372, 2003.

P. Goldschmidt. The iaea safeguards system moves into the 21st century. *Supplement to the IAEA Bulletin*, 41(4):15, 1999.

J. F. Green. *Rethinking private authority*. Princeton University Press, 2013.

J. Guan. Country paper on china. *International Labour Office, Report on the ILO Asian-Pacific Symposium on Standards-Related Topics (New Delhi, March 14-17, 1989)*, 1989.

E. M. Hafner-Burton. Sticks and stones: Naming and shaming the human rights enforcement problem. *International organization*, 62(4):689–716, 2008.

E. M. Hafner-Burton. Making human rights a reality. In *Making Human Rights a Reality*. Princeton University Press, 2013.

L. Henkin. *How nations behave: law and foreign policy*. Columbia University Press, 1979.

J. R. Hollyer and B. P. Rosendorff. Why do authoritarian regimes sign the convention against torture?

signaling, domestic politics and non-compliance. *Signaling, Domestic Politics and Non-Compliance (June 1, 2011)*, 2011.

ILO. *Report in which the committee requests to be kept informed of development - Report No 281, March 1992*. International Labor Office, 1992a. URL https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:50002:0::NO::P50002_COMPLAINT_TEXT_ID:2901852.

ILO. *Report in which the committee requests to be kept informed of development - Report No 337, June 2005*. International Labor Office, 1992b. URL https://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:2906999.

ILO. *Freedom of Association: Compilation of decisions of the Committee on Freedom of Association*. International Labor Office, 2018a.

ILO. *Committee on Freedom of Association - annual report for the period 2018*. International Labor Office, 2018b.

K. Imai, I. S. Kim, and E. H. Wang. Matching methods for causal inference with time-series cross-sectional data. *American Journal of Political Science*, 2021.

A. I. Johnston. Treating international institutions as social environments. *International studies quarterly*, 45(4):487–515, 2001.

S. Kahn-Nisser. External governance, convention ratification and monitoring: The eu, the ilo and labour standards in eu accession countries. *European Journal of Industrial Relations*, 20(4):383–398, 2014.

M. E. Keck and K. Sikkink. *Activists beyond borders: Advocacy networks in international politics*. Cornell University Press, 1998.

L. C. Keith. The united nations international covenant on civil and political rights: Does it make a difference in human rights behavior? *Journal of Peace Research*, 36(1):95–118, 1999.

J. G. Kelley and B. A. Simmons. Introduction: The power of global performance indicators. *International Organization*, 73(3):491–510, 2019.

A. Kent. China, international organizations and regimes: the ilo as a case study in organizational learning. *Pacific Affairs*, pages 517–532, 1997.

A. E. Kent and E.-W. Center. *Beyond compliance: China, international organizations, and global security*. Stanford University Press, 2007.

R. O. Keohane. *After hegemony: Cooperation and discord in the world political economy*. Princeton university press, 1984.

H. H. Koh. Why do nations obey international law. *Yale Law Journal*, 106:2599, 1996.

F. Koliev and J. H. Lebovic. Selecting for shame: The monitoring of workers' rights by the international labour organization, 1989 to 2011. *International Studies Quarterly*, 62(2):437–452, 2018.

F. Koliev, T. Sommerer, and J. Tallberg. Compliance without coercion: Effects of reporting on international labor rights. *Journal of Peace Research*, 58(3):494–509, 2021.

B. Koremenos, C. Lipson, and D. Snidal. The rational design of international institutions. *International organization*, 55(4):761–799, 2001.

J. Krommendijk. The domestic effectiveness of international human rights monitoring in established democracies. the case of the un human rights treaty bodies. *The Review of International Organizations*, 10(4):489–512, 2015.

D. Kucera. Core labour standards and foreign direct investment. *Int'l Lab. Rev.*, 141:31, 2002.

D. Kucera. Measuring trade union rights by violations of these rights. *Qualitative indicators of labour standards: Comparative methods and applications*, pages 145–181, 2007.

B. A. Leeds and B. Savun. Terminating alliances: Why do states abrogate agreements? *The Journal of Politics*, 69(4):1118–1132, 2007.

S. Levitsky and L. A. Way. *Competitive authoritarianism: Hybrid regimes after the Cold War*. Cambridge University Press, 2010.

Y. Lupu. Best evidence: The role of information in domestic judicial enforcement of international human rights agreements. *International Organization*, 67(3):469–503, 2013.

S. Mainwaring and A. Pérez-Liñán. *Democracies and dictatorships in Latin America: emergence, survival, and fall*. Cambridge University Press, 2013.

A. Marx, J. Soares, and W. Van Acker. The protection of international labour rights: a longitudinal

analysis of the protection of the rights of freedom of association and collective bargaining over 30 years in 73 countries. In *Global Governance of Labour Rights*, pages 13–41. Edward Elgar Publishing, 2015.

M. Mattes. The effect of changing conditions and agreement provisions on conflict and renegotiation between states with competing claims. *International Studies Quarterly*, 52(2):315–334, 2008.

Y. Moorman. Integration of ilo core rights labor standards into the wto. *Columbia Journal of Transnational Law*, 39:555, 2000.

L. Mosley. *Labor rights and multinational production*. Cambridge University Press, 2011.

G. O'donnell, P. C. Schmitter, and L. Whitehead. *Transitions from authoritarian rule: Tentative conclusions about uncertain democracies*. JHU Press, 2013.

D. Peksen and R. G. Blanton. The impact of ilo conventions on worker rights: Are empty promises worse than no promises? *The Review of International Organizations*, 12(1):75–94, 2017.

K. J. Pelc. Constraining coercion? legitimacy and its role in us trade policy, 1975–2000. *International Organization*, 64(1):65–96, 2010.

E. J. Perry. China since tiananmen: a new rights consciousness? *Journal of Democracy*, 20(3):17–20, 2009.

E. Postnikov and I. Bastiaens. Does dialogue work? the effectiveness of labor standards in eu preferential trade agreements. *Journal of European public policy*, 21(6):923–940, 2014.

A. Przeworski, R. M. Alvarez, M. E. Alvarez, J. A. Cheibub, F. Limongi, F. P. L. Neto, et al. *Democracy and development: Political institutions and well-being in the world, 1950-1990*. Number 3. Cambridge University Press, 2000.

T. W. Robinson. Chinese foreign policy from the 1940s to the 1990s. *Chinese foreign policy: Theory and practice*, pages 555–602, 1994.

D. Rodrik. *Labor Standards in International Trade: Do They Matter and what Do We Do about Them?*. Overseas Development Council, 1996.

G. W. Seidman. *Beyond the boycott: Labor rights, human rights, and transnational activism*. Russell Sage Foundation, 2007.

B. Simmons. Treaty compliance and violation. *Annual review of political science*, 13:273–296, 2010.

B. A. Simmons. *Mobilizing for human rights: international law in domestic politics*. Cambridge University Press, 2009.

D. Strang and P. M. Y. Chang. The international labor organization and the welfare state: institutional effects on national welfare spending, 1960–80. *International Organization*, 47(2):235–262, 1993.

A. Strezhnev, J. G. Kelley, and B. A. Simmons. Testing for negative spillovers: Is promoting human rights really part of the "problem"? *International Organization*, 75(1):71–102, 2021.

K. Tapiola. The ilo declaration on fundamental principles and rights at work and its implementation in china. In *China and ILO fundamental principles and rights at work*, pages 9–16. Kluwer Law International, 2014.

R. Terman and E. Voeten. The relational politics of shame: Evidence from the universal periodic review. *The Review of International Organizations*, 13(1):1–23, 2018.

L. Thomann. The ilo, tripartism, and ngos: Do too many cooks really spoil the broth? In *Civil Society Participation in European and Global Governance*, pages 71–94. Springer, 2008.

A. Thompson. Coercion through ios: The security council and the logic of information transmission. *International Organization*, 60(1):1–34, 2006.

J. von Stein. The engines of compliance. In *Interdisciplinary Perspectives on International Law and International Relations*, pages 477–501. 2012. ISBN 1107020743.

J. R. Vreeland. Political institutions and human rights: Why dictatorships enter into the united nations convention against torture. *International Organization*, 62(1):65–101, 2008.

F. Ye. The impact of bilateral investment treaties (bits) on collective labor rights in developing countries. *The Review of International Organizations*, 15(4):899–921, 2020.

C. Zhou. Legal protection of the right to old-age insurance for migrant workers from rural areas in china. In *The ILO from Geneva to the Pacific Rim*, pages 233–250. Springer, 2016.

Appendix A: Report Items as Stipulated by Convention No. 87[8]

1. Please indicate whether effect is given to the Articles of the Convention: (a) by customary law or practice, or (b) by legislation.

2. 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 (omitted here).

3. Please indicate the legislative or other measures taken to ensure the free exercise of the right to organize.

4. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention.

5. Please supply any general observations which may be considered useful with regard to the manner in which the Convention is applied...

6. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated...

[8]Excrept from Report Form For the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87). URL: `https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:51:0::NO:51:P51_CONTENT_REPOSITORY_ID:2543066:NO`, accessed Mar.10th, 2023

Appendix B: 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 **completely unfounded** and is a case of **blatant intervention in the internal affairs** of China, which the Government **cannot accept**.
No. 1652	1992 - 1994	In its communication of 19 October 1992, the Government stated that the accusations made against it **were unfounded**. This was **a serious case of interference** in the internal affairs of a sovereign State.
No. 1819	1995-1997	In a communication dated 13 October 1995, the Government indicates that **it has learned through investigations** that . . .
No. 1930	1997-1999	In its communication dated 15 January 1998... **the Government finds it incomprehensible and strongly regrets the submission of the present complaint.**

Case #	Years Active	Government Response
No. 1930 (Cont.)	1989 - 1992	**The Government has nevertheless undertaken vast inquiries in respect of the allegations** 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 **completely unjustified**. **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,** 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...**there should be no need for discussion by the Committee on Freedom of Association**. Nevertheless, **in the spirit of promoting cooperation and enhancing understanding**, 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 **a special investigation into the allegations in this case had been carried out**. 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 **in strict conformity with the relevant legal provisions** and that the rights of those concerned were sufficiently guarded during the hearing process.

Appendix C: Additional Graphs and Tables

Table 1: Summary Statistics

	mean	sd	median	min	max
Respects for Labor Rights	27.29	7.84	29.00	0.00	37.00
Respects (Legal)	23.57	5.30	25.25	0.00	28.50
Respects (Practical)	22.72	4.40	24.50	0.00	27.50
Both Convention	0.62	0.48	1.00	0.00	1.00
Active FOAC	0.82	1.82	0.00	0.00	17.00
Export	34.24	23.72	28.71	0.01	189.18
GDP per capita (logged)	8.15	1.55	8.10	4.89	11.49
Industry	27.06	10.68	26.05	3.24	84.80
V-dem	0.47	0.29	0.41	0.01	0.92

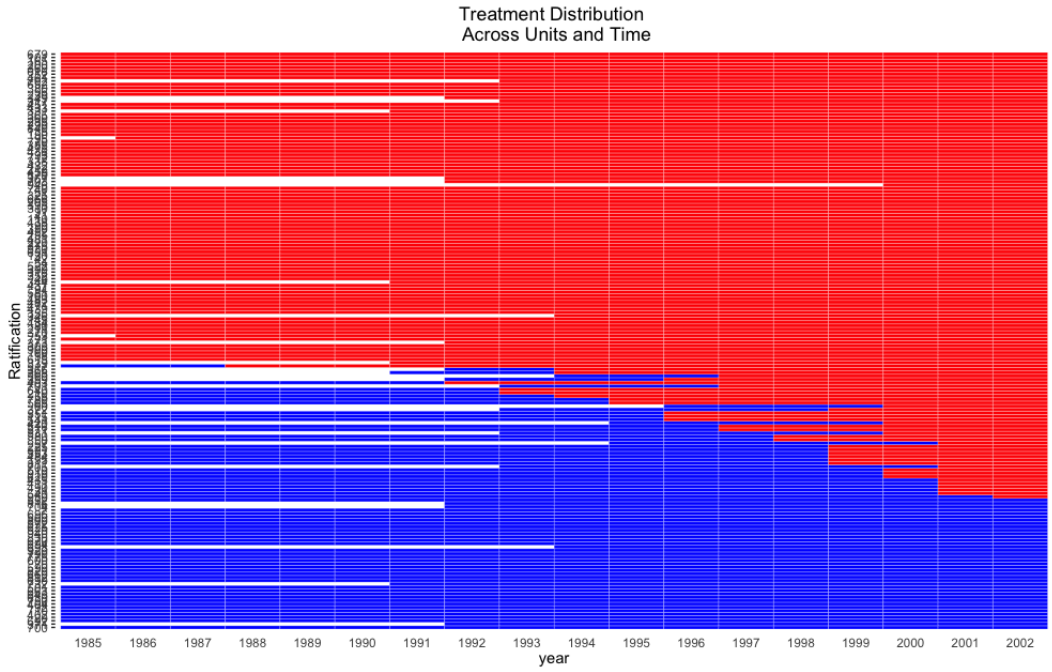


Figure 6: The treatment history for model 1