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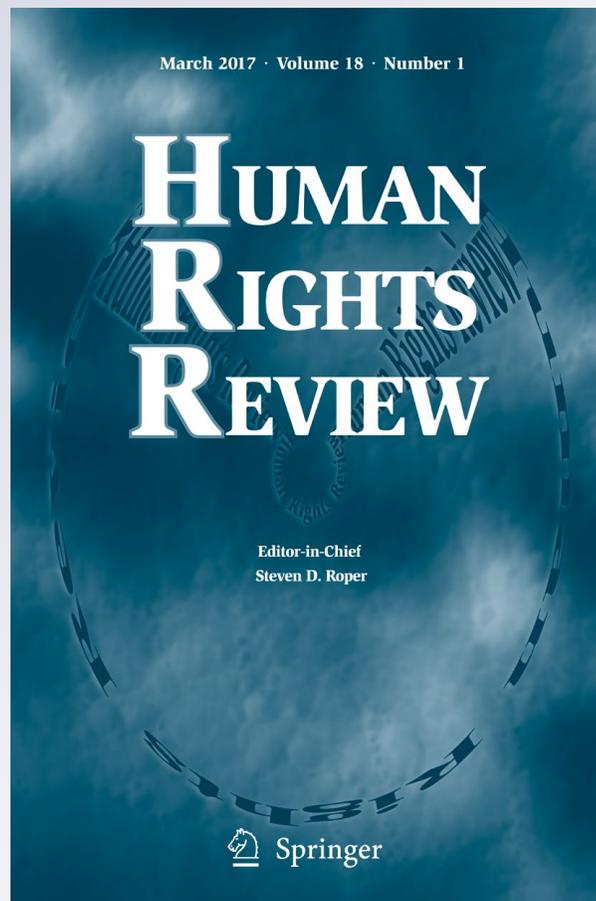
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“Walking a Tightrope: Human Rights, Basic Human Needs and US Support for Development Projects in the Multilateral Development Banks”

Daniel Braaten¹ 

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Introduction

US foreign aid serves many purposes. One of its main rationales is to provide economic relief to those in need. Equally important are the political goals the USA pursues with foreign aid such as helping allies and promoting domestic economic prosperity. These political goals can also be country-specific, for example using foreign aid to try and leverage changes in a countries respect for human rights. In many instances, however, these goals can work at cross-purposes. When the USA uses the denial of foreign aid as leverage against a rights repressive state, then the economic relief from that aid is denied to the population that needs it. For the USA, there is a way around this problem known as the basic human needs exemption. Basic human needs (also known as the “needy people clause”) refer to a development strategy briefly favored by US policy makers in the late 1970s that focused specifically on providing assistance to poor people (Curry 1989). As an overall strategy for US foreign aid, the basic human needs approach was short lived; however, the concept has found its way into various pieces of legislation that govern the distribution of both US bilateral and multilateral aid.

The Foreign Assistance Act of 1961 states that economic assistance cannot be provided to countries that engage in a consistent pattern of gross violations of human rights unless the assistance will benefit “needy people.” The International Financial Institutions Act (IFI Act) of 1977, which governs US policy in the Multilateral Development Banks (MDBs), contains a similar provision. Specifically, Section 701 of the IFI Act instructs the US Executive Directors (USEDs) in the MDBs to use their “voice and vote” to direct assistance away from countries which systematically violate individual human rights unless the assistance would directly contribute to the basic human needs of the recipient countries citizens (US Congress 1977). The purpose of these basic human

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needs exemptions is to allow aid to go to countries if it directly benefits needy people. A foreign aid official once described the point of these exemptions as, “Why should the poor be twice penalized...once by their government torturing and repressing them, and then by the U.S. by depriving them economic aid?” (quoted in Apodaca 2005, p. 67). This pattern of sanctioning a state for their poor human rights record and then providing exemptions to that sanction create many interesting questions to examine.

The main research question addressed in this study is what factors best explain US MDB human rights sanctions and what factors best explain exemptions to those sanctions? New data cataloging US votes in the MDBs, and more importantly why the US voted the way it did in the MDBs, provides the necessary empirical content to help answer these questions. The results are that human rights violations drive US human rights sanctions in the MDBs but only in the context of military alliances, economic interdependence, and level of economic development. In other words, countries which are close to the US militarily and economically, and relatively less developed countries, are less likely to be sanctioned by the USA than countries which are not close to the USA but have similarly poor human rights records. Exemptions to US human rights sanctions in the MDBs, however, appear to be mainly driven by media coverage although further analysis is required to uncover the underlying causal analysis driving this result. Finally, votes against proposals from China account for a large percentage of the overall US human rights sanctions in the MDBs as well as a large percentage of the exemptions to those sanctions.

This research fits within the areas of US foreign policy, human rights, foreign aid, and economic sanctions. It also addresses broader questions about multilateralism and how states pursue their foreign policies through multilateral institutions. The rest of the paper will continue in five sections. The first section will present the literature on the reasons and goals of economic sanctions and US foreign aid. The next section will present some of the history of the basic human needs mandate in US foreign policy. The third section will contain the descriptive results, followed by the fourth section that contains both the research design and the results of the analysis. Finally, the last section contains the conclusion.

Economic Sanctions, Foreign Aid, and US Foreign Policy

The reasons why a country like the USA would utilize economic sanctions as a foreign policy tool are varied, but generally speaking the use of sanctions has two purposes: their instrumental use and their symbolic value (Whang 2011). The instrumental value of sanctions is that they will induce the target state to change their behavior in a way that the sanctioning states desires. The symbolic value of sanctions is that they allow the sanctioning state to appear to be “doing something” to induce a behavioral changes in the targeted state and thus gives the sanctioning state important domestic political benefits (Whang 2011).

On the instrumental use of economic sanctions, their purpose is to leverage some policy change, such as an improvement in promoting and protecting human rights, in the target state although their effectiveness in doing so is debatable (Pape 1997). Despite the fact that sanctions often may not induce the policy change sanctioning states desire, many states such as the USA often utilize economic sanctions—in the

form of denying foreign aid, trade opportunities, or support for projects in the Multilateral Development Banks (MDBs) among other mechanisms. The reasons for sanctions are multiple but of particular importance to this paper are sanctions based on the human rights performance of the targeted state. Much of this literature focuses on the selective use of sanctions on issues of democracy and human rights.

Christian von Soest and Wahman (2015) argue leaders in Western countries (who are the predominant sanctioning states) make a cost-benefit calculation when considering employing sanctions against authoritarian states. The cost-benefit calculation factors in the economic vulnerability of the target state and the more vulnerable the state the more likely it will face sanctions. For example, they point out that authoritarian countries with a low GDP or high inflation are much more likely to face sanctions by the USA for their anti-democratic actions (von Soest and Wahman 2015). In terms of human rights, Nielsen (2013) argues that states that give foreign aid do sanction states that violate human rights by cutting off aid but do so selectively. Nielsen (2013) finds that donor states sanction recipient states if they violate their people's human rights and if the states are not close political allies, when the human rights violations have negative consequences for the donor state (i.e., bad media coverage), and when the human rights violations are widely publicized. Close political allies are almost never sanctioned for their human rights violations, and regardless of whether a state is sanctioned the sanctions are not total in that some types of aid may be denied (i.e., military), but other types of aid still flow to the recipient state (Nielsen 2013).

The denial of foreign aid is a common form of economic sanction but it has primarily been studied as the denial of bilateral aid. However, the denial of multilateral aid is also an oft-used economic sanction and much recent work has highlighted how the USA uses multilateral aid—primarily through votes in the MDBs—as an instrument of its foreign policy. Neumayer (2003) examined the allocation of aid by MDBs and UN agencies and found that in general poorer countries received more support but the various MDBs and agencies he examined gave variable amounts to countries depending on such factors as population, respect for human rights, corruption, and level of military expenditure. Lebovic and Voeten (2009) also find that the World Bank will deny aid to countries sanctioned by the UNHCR.

More recent work by Strand and Zappile (2015) examine determinants for US support for projects in the MDBs. They also test USA formal influence in the MDBs by examining whether the projects the US votes against end up getting passed by the Executive Boards of the various MDBs. To the latter point, they find that, across the various MDBs, projects the USA voted against end up passing 64 % of the time. In terms of US support, they found that the USA generally rewards (by voting in favor of their proposals) poorer countries that are trending towards more openness to trade, democracy, and better protection of human rights (Strand and Zappile 2015). Looking specifically at how human rights influence US voting in the MDBs, Braaten (2014a) finds the USA tends to vote against MDB projects for countries that have a poor record on protecting political rights but not rights of physical integrity. He also finds that the USA used the MDBs to leverage states on specific human rights issues such as pressuring Serbia to turn over suspected war criminals to the ICTY and that the USA also targeted specific countries such as China for their human rights record more than other states (Braaten 2014b).

These studies examine why the USA votes against proposals from countries in the MDBs but they do not examine a complicating factor to the overall picture of US foreign policy and the use of economic sanctions which is why some states receive exemption from sanctions while others do not? The basic human needs exemption to voting against proposals in the MDBs by the USA provides the optimal vehicle to study this question.

Basic Human Needs in US Foreign Policy

The idea of basic human needs as a main driver of US foreign aid originated in the 1970s with a change in Congress regarding how, and for what purposes, US foreign aid should be distributed. Sartorius and Ruttan (1989) argue that purpose of this new focus of development aid was to channel aid that met the “basic needs” of the poorest people in the poorest countries. The idea was also for aid to be targeted for specific purposes such as food and nutrition, rural economic development, population planning, and health and education.

This focus on basic human needs represented a shift in foreign aid focus from the 1960s where US foreign aid emphasized technical and capital assistance programs (USAID 2014). According to Sartorius and Ruttan (1989), this shift was driven by a multitude of factors, which stemmed from changes in the overall orientation of US foreign policy at the time (*détente*), as well as the increasing assertiveness of Congress in foreign policy and an associated change in Congress towards a more needs-orientated development strategy. Also, changes in mainstream development thinking on the best way to bring people out of poverty at the time were focused on providing basic human needs (Streeten 1979). The new shift in US foreign aid was crystallized by Congress with an amendment to the US Foreign Assistance Act of 1961 which was to channel bilateral assistance:

To help the poor majority of the people in developing countries to participate in the process of equitable growth through productive work and to influence decisions that shape their lives, with the goal increasing their incomes and their access to public services which will enable them to satisfy their basic needs and lead lives of decency, dignity, and hope. (Quoted in Curry 1989, 1090).

These ambitious goals were then manifest in programs that were aimed at increasing the agricultural productivity of small farms, increasing literacy, reducing infant mortality, slowing population growth, addressing unemployment, and reducing income inequality in the poorest countries (Curry 1989). While the basic human needs approach to development assistance represented a break from past policy and thinking on development strategy, it was also ultimately short lived. In the 1980s with the election of Ronald Reagan and the more general conservative orientation of US foreign policy development, policy shifted towards promoting free markets as a mechanism for reducing poverty. Ultimately, the basic human needs approach to development assistance failed in political and bureaucratic terms and US foreign assistance became (or reverted) to focus less on development and more on other US interests (Curry 1989).

The current iteration of basic human needs in US foreign aid is as an exemption to a sanction by the USA. The purpose of the basic human needs exemption is to allow aid to go to countries if that aid directly benefits needy people regardless of the fact that the particular country in question may be under sanction from the USA. This ostensible humanitarian position has not been without criticism, specifically that foreign aid can be channeled to countries that the USA would otherwise not provide aid to for reasons such as their human rights record. As Apodaca and Stohl acknowledge, “U.S. foreign aid legislation allows for the continuation of economic assistance to even the most repressive governments if the aid programs directly benefit the needy people of the country” (1999, p. 188). Empirically, this criticism is not without merit as previous studies have found that sometimes foreign aid, food aid in particular, can be “substituted” for other foreign policy tools that allow aid to be channeled to human rights abusing states (Fariss 2010).

It has been well established that US foreign aid is both “selfish and selfless” (Heinrich 2013). This is because both humanitarian and strategic factors drive US policy surrounding aid, whether it is bilateral or multilateral as in the MDBs (Braaten 2014a). The notion that US foreign aid policy is a combination of humanitarian as well as strategic concerns is not surprising. What is perhaps more interesting is how these goals interact to drive US foreign policy, and what happens in the case of conflicting humanitarian goals such as sanctioning a rights repressive state and also providing aid to people in need? It is to these questions, now, that this paper will turn.

US Human Rights Sanctions and Basic Human Needs Exemptions in the MDBs

Table 1 contains a list of some of the specific legislation that governs US votes in the MDBs. The list only includes legislation that prohibits the US Executive Director from supporting proposals from those countries for human rights reasons. The US Treasury Department is required to publish the votes of the US Executive Directors in the MDBs and if the USA abstains or votes no on a proposal a reason is usually given for the vote (United States Department of Treasury 2012). The reasons are generally references to some specific legislation that prohibits them from voting in favor of the proposals. The reason code column in Table 1 refers to the reason codes that guide the US Executive Director’s votes in the MDBs. There are 72 reason codes in total used by the US Executive Directors but Table 1 only includes those codes which reference a specific sanction (i.e., requiring the Executive Director to vote no) for human rights.¹

The legislation in Table 1 covers a variety of human rights concerns including section 701 of the International Financial Institutions Act, which requires the USEDs to vote against loans for countries that systematically violate human rights. There are also various country-specific pieces of legislation that single out certain countries for sanctions because of human rights. Those countries include Myanmar, Cambodia, Zimbabwe, Serbia, Sudan, Sri Lanka, and Belarus.

¹ The full list of reason codes can be found on the US Treasury Department’s website: <https://www.treasury.gov/resource-center/international/development-banks/Documents/Voting%20records.pdf>

Table 1 US human rights sanction legislation for the MDBs

Reason code	Description
8	Human rights, as governed by P.L. 95-118, Sec. 701, and amended by P.L. 101-240 Sec. 541(c), and P.L. 102-511, Sec. 1008. The assistance does not support basic human needs
12	Harboring indictees for war crimes, as governed by P.L. 107-115, Sec. 581(b-d).
13	Policy towards Myanmar (Human rights/democratic government), as governed by P.L. 104-208, Sec. 570(a)(2).
14	Government of Cambodia, as governed by P.L. 108-447, Foreign Operations 2005, Sec. 554(a). The assistance does not support basic
20	Failing to apprehend war criminal indictees, as governed by P.L. 109-102, Foreign Operations 2006, Sec. 561(a) (1). Exceptions or waiver authority not applied
21	Worker rights, trade distortion, surplus capacity, as governed by P.L. 100-202, Sec. 406(1).
22	Female genital mutilation, as governed by P.L. 104-208, Sec. 579.
29	Religious persecution, as governed by P.L. 105-292, Title V, Sec. 402, 405(12) and 422. The assistance does not support basic human needs
41	Trafficking in persons, as governed by P.L. 106-386, Sec. 110. The assistance does not qualify under any specified exception
44	Zimbabwe Democracy and Economic Recovery Act of 2001, P.L. 107-99.
45	Zimbabwe, as governed by P.L. 109-102, Foreign Operations 2006, Sec. 572.
47	Serbia, as governed by P.L. 109-102, Sec. 563 (Foreign Operations 2006). If Serbia is not certified.
52	Sudan, as governed by P.L. 107-245, Sudan Peace Act section 6(b)(2) (2002).
53	Myanmar, as governed by Burmese Freedom and Democracy Act of 2003, P.L. 108-61.
64	Sri Lanka, as governed by P.L. 111-117, Division F, Sec.7089. The assistance does not support basic human needs.
68	Belarus, as governed by P.L. 109-480, section 6(e). The assistance does not meet humanitarian needs.

Additionally, there is legislation that prohibits the USA from supporting proposals from countries for specific human rights violations including harboring war criminals, worker rights, female genital mutilation, religious persecution, and human trafficking.

Table 2 contains legislation that grants exemptions (allows the USED to vote in favor of the proposal in the MDBs) to a human rights sanction if the proposal supports basic human needs. As in Table 1, the reason code column in Table 2 refers to the reason codes that guide the US Executive Director's votes in the MDBs. The legislation contained in Tables 1 and 2 overlap but not completely. What this means is that not every human rights sanction that governs the voting behavior of the USEDs contains a basic human needs exemption to that sanction. The sanctions for which there are exemptions include the following: the human rights sanction from section 701 of the IFI Act; the sanctions against Cambodia, Zimbabwe, Sri Lanka, and Belarus; and finally, the sanctions for religious persecution and human trafficking. The human rights sanctions that do not carry a basic human needs exemption include sanctions against Myanmar, harboring and failing

to indict war criminals, workers rights, female genital mutilation, sanctions against Serbia,² and sanctions against Sudan.

Table 3 displays the number of human rights sanction reason codes applied to proposals from different countries by the USEDs in the MDBs from 2004 to 2012. Table 3 also presents the total number of times the USA voted on proposals from those countries and the percentage of those votes where a human rights sanction reason code was applied. As percentage of total votes, the application of the human rights reason code varies considerably. For some countries on the list, a code was only applied to 1, 2, and 3 % of their proposals, but for other countries such as China, Myanmar, and Sudan, the codes were applied to 89, 94, and 169 % of the proposals, respectively. It should be noted that more than one code could be applied to a proposal, which gives the 169 % number for Sudan. For example, the USA sanctioned Sudan by voting against its proposals in the MDBs but although the act was singular (one vote against one proposal) the reasons were multiple (i.e., severe violations of human rights as governed by Sec. 701 of the IFI act, religious persecution, human trafficking, etc.).

Finally, Table 4 presents the number of basic human needs exemption reason codes applied to proposals from different countries by the USEDs in the MDBs from 200 to 2012. The BHN code column presents the number of times a basic human needs exemption was applied to a respective country. The human rights code category is the number of votes a human rights code with a BHN exemption possibility was applied. This column is different than the similarly titled column in Table 3, in that the codes included in this category are only those that include a human rights sanction and a BHN exemption. For example, section 701 of the IFI Act requires the USA to vote against proposals from countries that engage in severe violations of human rights. This law, however, also allows the USA to support proposals from those countries if those proposals support basic human needs. Conversely, for example, the legislation requiring the USED to vote against proposals from Myanmar does not have a basic human needs exemption as part of the legislation.³ Therefore, the former is included in the human rights vote column in Table 4 while the latter is not. The BHN percentage column is the percentage of those human rights codes that were basic human needs exemptions. This allows one to see what percentage of human rights sanctions the USA actually granted exemptions to for basic human needs in the MDBs.

The results show a wide range of exemptions granted but of particular note is almost 40 % of the human rights sanctions applied to China received a basic human needs exemption. This descriptive data shows which states the USA sanctions in the MDBs for their human rights record and how often they are sanctioned. It also shows which states receive basic human needs exemptions to those sanctions and how often they receive them. The next sections of the paper will investigate what causes this variation in human rights sanctions and the exemptions to those sanctions.

² This legislation and the legislation governing the harboring and failure to apprehend war criminals does contain provisions for the waiving of the sanction but those provisions do not basic human needs.

³ This was the case for Myanmar from 2004 to 2012, which is the time period under investigation in this study.

Table 2 US basic human needs exemption legislation for the MDBs

Reason code	Description
7	Human rights, as governed by P.L. 95-118, Sec. 701, and amended by P.L. 101-240 Sec. 541(c), and P.L. 102-511, Sec. 1008. The assistance supports basic human needs
15	Government of Cambodia, as governed by P.L. 108-447, Foreign Operations 2005, Sec. 554(a). The assistance supports basic human needs.
28	Religious persecution, as governed by P.L. 105-292, Title V, Sec 402, 405(12) and 422. The assistance supports basic human needs
40	Trafficking in persons, as governed by P.L. 106-386, Sec. 110. The assistance supports one or more specified exceptions
44	Zimbabwe Democracy and Economic Recovery Act of 2001, P.L. 107-99.
45	Zimbabwe, as governed by P.L. 109-102, Foreign Operations 2006, Sec. 572.
63	Sri Lanka, as governed by P.L. 111-117, Division F, Sec.7089. The assistance supports basic human needs.
67	Belarus, as governed by P.L. 109-480, section 6(e). The assistance meets humanitarian needs

Research Design

This paper will test several hypotheses on what drives US human rights sanctions in the MDBs and what drives the USA to grant basic human needs exemptions to those sanctions. Concerning human rights, the first, and most basic, hypothesis to test is that the US will sanction states that abuse human rights.

H1: The worse a country's human rights record the more likely the USA will apply a human rights sanction against that state in the MDBs.

As previous literature on human rights sanctions and the distribution of bilateral aid and previous literature on voting patterns in the MDBs has shown, strategic, political, and economic factors also influence the application of human rights sanctions (Nielsen 2013; Braaten 2014a; Strand and Zappile 2015). With the USA less likely to apply human rights sanctions to those states with which it has close strategic, political, and economic ties:

H2: Countries with a poor human rights record but are also important strategic and political allies of the USA are less likely to receive a human rights sanction from the USA in the MDBs than countries that have a poor human rights record and are not important strategic and political allies of the USA.

H3: Countries with a poor human rights record but are also economically important to the USA are less likely to receive a human rights sanction from the USA in the MDBs than countries that have a poor human rights record and are not economically important to the USA.

Finally, since the purported mission of the MDBs is to provide development financing to the developing countries of the world, there is an incentive for all member states, including the USA, to support most of the proposals in the MDBs. This is perhaps most evident for proposals from the poorest countries in the MDBs as their capacity and need for economic development is higher. With that in mind, one can assume that level of economic development will be an important contextual factor for the application of US human rights sanctions in the MDBs.

Table 3 US human rights codes per country in the MDBs

Country	HR codes	Total votes	Percentage
Belarus	7	67	10 %
Bosnia-Herzegovina	34	103	33 %
Bulgaria	4	117	3 %
Burundi	2	79	3 %
Cambodia	13	123	11 %
China	432	484	89 %
Croatia	1	111	1 %
Equatorial Guinea	4	12	33 %
Eritrea	3	15	20 %
Iran	4	8	50 %
Kazakhstan	2	177	1 %
Kenya	1	140	1 %
Lebanon	2	25	8 %
Libya	1	6	17 %
Madagascar	11	81	14 %
Mauritius	1	27	4 %
Moldova	2	104	2 %
Myanmar	15	16	94 %
Regional	47	669	7 %
Romania	2	224	1 %
Russia	2	690	0 %
Serbia	101	187	54 %
Somalia	1	4	25 %
Sri Lanka	44	118	37 %
Sudan	44	26	169 %
Syria	3	6	50 %
Thailand	1	48	2 %
Uganda	1	119	1 %
Venezuela	10	28	36 %
Zimbabwe	15	21	71 %
Total	810	3835	21 %

H4: Poorer countries with a poor human rights record are less likely to receive a human rights sanction from the USA in the MDBs than relatively wealthier countries with poor human rights records.

In addition to testing hypothesis on the application of human rights sanctions by the USA in the MDBs, this paper also will test hypothesis on why the USA grants exemptions to those sanctions. The ostensible purpose of the basic human needs exemption built into many of the pieces of legislation that mandate the USA vote against proposals from countries which violate certain

Table 4 US basic human needs exemptions per country in the MDBs

Country	BHN code	HR vote	BHN%
Belarus	2	7	29 %
Burundi	0	2	0 %
Cambodia	5	15	33 %
China	166	425	39 %
Equatorial Guinea	0	4	0 %
Eritrea	1	1	100 %
Iran	1	4	25 %
Kazakhstan	0	2	0 %
Kenya	1	1	100 %
Lebanon	0	1	0 %
Libya	0	1	0 %
Madagascar	1	11	9 %
Mauritius	0	1	0 %
Myanmar	0	4	0 %
Regional	5	19	26 %
Somalia	1	1	100 %
Sri Lanka	18	43	42 %
Sudan	5	13	38 %
Syria	0	2	0 %
Thailand	0	1	0 %
Uganda	0	1	0 %
Venezuela	2	10	20 %
Zimbabwe	3	8	38 %
Total	211	577	37 %

human rights is to help poor people in poor countries. The idea is to avoid a “dual punishment” where citizens in those countries are deprived aid which may help them achieve certain basic human needs and also have to live under a rights repressive government.

H5: Poorer countries with a poor human rights record will receive more basic human needs exemptions from the USA in the MDBs than relatively wealthier countries with a poor human rights record.

To test the above hypotheses, this study utilizes US votes in the MDBs by country and year. The temporal dimension of the data ranges from 2004 to 2012 and the spatial dimension includes 166 countries, which includes the territories of the Canary Islands, Cook Islands, South Sudan, and the Palestinian West Bank and Gaza. From 2004 to 2006, Serbia and Montenegro were considered the same but from 2007 onward they were considered separate in terms of votes in the MDBs. There is also a Regional category, which includes votes on proposals that involved more than one country or

region.⁴ The data is unbalanced since not every country seeks approval for projects in the MDBs every year but most do. The voting data is published by the Treasury Department on its website and it contains a brief description of the projects voted on, and which country it is for, which Bank and Lending Window it was brought before, the date of the vote, the amount of the loan, and how the USA voted on the proposal (yes, no, abstain), and finally if the USA voted no, or abstained, a reason for that decision is also given (United States Department of Treasury 2012). The MDBs consist of five major institutions: The World Bank, the Inter-American Development Bank (IADB), the Asian Development Bank (AsDB), the African Development Bank (AfDB), and the European Bank for Reconstruction and Development (EBRD). Although each institution is a separate entity, they share a “family resemblance” in their purpose, structure, organization, and procedures (Babb 2009).

There are two dependent variables utilized in this study. The first is a measure of US human rights sanctions in the MDBs. The variable is a dummy variable of whether, when voting on the particular project, the USA references one of the human rights codes seen in Table 1. If there is a reference to a human rights code for that vote, then that vote will be labeled 1, but if not then it will be labeled 0. The second dependent variable is used to test the hypothesis on basic human needs exemptions. This is also a dummy variable where, when voting on the particular project did the USA made reference to basic human needs in justifying their vote? If this is the case, then those votes will be labeled 1. In all other votes where no reference to basic human needs was made, those votes will be considered 0. The main independent variables are as follows: human rights, support for military and political allies, economic ties with the USA, and level of economic development. The control variables used include media coverage of human rights, presence of conflict in a state, population level, proposals from China, and party of the President in power when vote was cast.

The human rights category is broken down into two variables: political rights and physical integrity rights. Political rights are measured using Freedom House’s measure of a country’s respect for political rights (Freedom House 2012). Freedom House’s annual survey of Freedom in the World rates countries on a seven-point scale with 1 indicating the highest level of political freedom and 7 representing the lowest level of political freedom. Freedom House’s categorization of political rights includes free and fair elections, ability to form political parties, and popular sovereignty (Freedom House 2006). Physical integrity rights are measured using the Political Terror Scale (PTS). The PTS is constructed from US State Department and Amnesty International country reports and consists of five points with a 5 indicating large-scale and indiscriminate repression in a country and a 1 indicating countries with little to no threats to individual personal integrity (Gibney, Cornett, and Wood 2012). The physical integrity rights violations encompassed by the PTS include extrajudicial killing, torture, disappearances, and political imprisonment.

Although theoretically there is overlap between measures of political rights and physical integrity rights, the Pearson correlation between the political rights measure and the physical integrity rights measure used in this study is .358. This indicates that

⁴ Those original regional votes in which all the individual countries that are a part of the proposal could be identified were disaggregated and a separate observation was created for each country. Those original regional observations in which it could not be established which countries were a part of the project were left as one regional observation.

the scales are capturing distinct phenomenon, which is consistent with literature that finds different level of support for both types of rights in many countries (Hafner-Burton and Ron 2009; Lebovic and Voeten 2009; Neumayer 2003). Finally, to ease interpretation, both the Freedom House scale and Political Terror Scale have been inverted so that the better a countries human rights record the higher their value on each scale.

Support for military and political allies is measured with two separate variables. The first captures support for military allies and measures whether or not a country receives US military aid. If a country receives military aid from the USA that indicates a security relationship between the USA and the recipient country and therefore signals the country as a military ally (Rosenblum and Salehyan 2004). The military aid variable is coded 1 if a recipient country receives any amount of military aid from the USA and 0 if the country does not receive any military aid from the USA. Military aid is coded this way to accommodate the wide variation in the amount of aid the USA distributes to various countries. Where certain countries receive large amounts of aid because of their importance to the USA but also because of their size and capacity while smaller states will not require as much aid regardless of their strategic importance to the USA (Rosenblum and Salehyan 2004). Military aid data is gathered from the United States Agency for International Development (2012) document, otherwise known as the “Greenbook,” published annually by USAID.

The second variable measuring support for political allies is operationalized as a country’s voting consistency with the USA in the UN General Assembly on votes the USA deems “important.” The US State Department annually produces a document entitled *United States Participation in the United Nations*. This document identifies the UN General Assembly resolutions in which the USA believes its interests are at stake and in which it lobbies other countries to its position (United States Department of State 2012). A country’s vote is coded 1 if it is in line with the USA, 0.5 if the country abstained, and 0 if the country’s vote is the opposite of the USA.

Close economic ties with the USA are measured by the volume of trade a country has with the USA. Volume of trade with the USA is defined as the total of US exports to a country and imports from that country each year. Volume of trade between the USA and a recipient country is a useful measure of economic interdependence and a good proxy for how important that country is to the USA in economic terms. The trade data comes from the foreign trade statistics division of the United States Census Bureau (2012a) and is transformed into a natural log scale for the model.

Level of economic development is measured using GDP per capita in US dollars and is transformed into a natural log scale for the model. GDP per capita serves as a proxy measure for recipient countries’ needs (Demirel-Pegg and Moskowitz 2009). Higher GDP per capita numbers represent less need or less demand for development projects from the MDBs and lower GDP per capita represents more need or greater demand for those projects. GDP per capita information comes from the IMF World Economic Outlook database (2012).

The rest of the control variables include the amount of media attention a country receives for human rights, whether the country is involved in an ongoing conflict, population level, proposals from China, and party of the President in power. In studies on human rights sanctions and bilateral aid, media attention was shown to be a significant factor in whether a country was sanctioned or not for their human rights

performance (Nielsen 2013). This makes sense as the more attention a country gets for its poor human rights performance, the more domestic and international pressure is put on states that provide aid to that country to use that aid to leverage a better human rights performance. The variable is a continuous measure of how many news stories a year were written about a country that made reference to human rights. The variable was constructed using Lexis Nexus to search the *New York Times* archives using the key words “human rights” and the country’s name. If those key words were within 25 words of each other in the story, then it was included as an observation.

Whether the country is involved in an ongoing conflict is included as a control variable since countries in conflict are less likely to receive development financing from the MDBs because of their precarious security environments and the economic destabilization that accompanies conflict. The variable is a dichotomous measure where 0 means the country is not currently involved in a conflict and 1 means the country is currently involved in a conflict. The conflict data is taken from the Center for Systematic Peace Major Episodes of Political Violence 1946–2012 dataset, which defines conflict as major episodes of political violence that involves more than 500 directly related fatalities (2012). Population level is a continuous variable that measures a country’s population for the given year. In the model, a natural log scale is used for population. The inclusion of population is meant to account for any bias against countries with large population since those countries have greater capacity for MDB projects and hence will account for more votes. The population data is taken from the US Census Bureau (2012b).

Previous research on USA voting in the MDBs indicates that the USA consistently votes against proposals from China (Braaten 2014a; Braaten 2014b; Strand and Zappile 2015). In addition to voting consistently against proposals from China in the MDBs, the USA also grants China a lot of basic human needs exemptions in the MDBs as evidenced by the results shows in Table 4. Therefore, China votes are included as a control variable to assess whether US human rights sanctions and basic human needs exemption policy exists outside of the systematic effect exerted by the large amount of proposals brought by China to the MDBs. The variable is coded 1 if the vote is for a proposal from China and 0 if the vote is for a proposal from any other country. Finally, party of the President in power is included as a control variable to capture the fact that Republicans tend to favor bilateral aid over multilateral aid (Strand and Zappile 2015; Milner and Tingley 2012). If the President in power at the time of the US vote was cast was a Democrat then the variable is coded 1 and if the President in power was a Republican when the vote was cast then the variable is coded 0. Additionally, in keeping with the scholarly practice, all independent variables are lagged 1 year to reflect the information available to decision makers when voting decisions were made (Meernik, Krueger, and Poe 1998; Apodaca and Stohl 1999; Lai 2003; Demirel-Pegg and Moskowitz 2009).

To test the first four hypotheses using human rights sanctions in the MDBs as the dependent variable, this study employs rare events logistic regression (relogit) clustered around country-years. Rare events logistic regression is necessary for situations with a binary dependent variable in which there are dozens to perhaps thousands of fewer “events” or 1s than non-events or 0s (King and Zeng 2001). Table 3 shows that the USA applied a human rights code to 810 votes from 2004 to 2012; however, there are 14,689 observations in the dataset. This means that the USA only applied a human

rights reason code (which is utilized here as an indicator of a human rights sanction) to 5.5 % of the total observations during the time period under investigation. This qualifies the phenomenon under investigation as a rare event.

Since the dataset is unbalanced, it may be considered prudent to employ fixed effects to account for any bias. However, in the dataset as it is constructed, there is much more variation in the independent variables across countries than there is across time. Because of this, the fixed effects model dropped too many observations to run and therefore that model was not used here. I do not believe this is fatal to the analysis however for two reasons. First, the definition of fixed effects is varied and often contradictory (Gelman 2005). This suggests that although it can be useful estimator in certain contexts, it is not the final arbitrator of quality statistical inference. Second, its application to the specific dataset in this study is of limited use since there is a lot more variation across countries in the dataset than time since the timeframe of the study is only from 2004 to 2012. This can cause issues for the fixed effects estimator because as Alison states, “if predictor variables vary greatly across individuals but have little variation over time for each individual, then fixed effects estimates will be very imprecise.” (2009, p. 3).

Results

Table 5 presents results from the *relogit* estimation. As can be seen, both the physical integrity rights measure and political rights measure are significant and in the posited direction. This indicates that the worse a country's record is on protecting rights of physical integrity and political rights, the more likely the USA will use a human rights sanction against that country in the MDBs. Although both human rights variables are significant, the effect of the rights of physical integrity variable is rather substantial while the effect of the political rights variable is not. The second column in Table 5 presents the change in the probability of a country receiving a human rights sanction from the USA as the independent variable moves from the maximum category to the minimum category. The probability was calculated using the *relogitq* command in Stata which returns quantities of interests such as the probability of a 1 (in this case a US human rights sanction) when one independent variable is set at a certain level (e.g., maximum and minimum) and all other independent variables are set at their means. The number in the column is determined by subtracting the probability of a US human rights sanction when the independent variable in question was set at its maximum level from what the probability of a US human rights sanction is when the independent variable is set at its minimum level. For rights of physical integrity, the probability of a US human rights sanction decreases by 37.7 % when moving from countries with a poor record on rights of physical integrity to countries with a more positive record on protecting rights of physical integrity. Conversely, for political rights, the probability of a US human rights sanction decreases by 1.6 % when moving from countries with a poor record on protecting political rights to countries that are more protective of political rights.

The measures for military and political allies—receipt of US military aid and voting similarity in the UN General Assembly are both significant although the sign for UN voting similarity is not in the hypothesized direction. This means that as voting

Table 5 ReLogit estimates: likelihood of US human rights sanction vote in the MDBs

Variable	Coefficient	Change in probability (HR sanction)
Political rights	-.335** (.117)	-.016
Personal integrity rights	-1.63*** (.512)	-.377
Military aid	-1.83*** (.438)	-.024
UN important votes	.046*** (.013)	.040
Level of trade	-.725*** (.184)	-.647
Level of econ development	1.44*** (.371)	.262
Media	.009 (.011)	.033
Conflict	-1.35* (.652)	-.006
Population	.157 (.186)	.010
Party	-.517 (.376)	-.003
China	6.43*** (1.26)	.745
Number of obs.	13,690	

* $p < .05$; ** $p < .01$; *** $p < .001$

similarity between the country in question and the US increases, so does the chance of the USA applying a human rights sanction to that country in the MDBs. Level of trade and level of economic development are both significant and in the hypothesized direction. The change in probability for both variables is also quite large. Countries with the highest volume of trade with the USA are 64.7 % less likely to receive a US human rights sanction in the MDBs than countries with the lowest volume of trade with the USA. Conversely, for level of economic development, the wealthiest states in the MDBs are 26.2 % more likely to receive a human rights sanction from the USA than the poorest countries in the MDBs.

Additional control variables that are significant include conflict and proposals from China. The conflict variable shows that countries engaged in conflict are less likely to receive a US human rights sanction in the MDBs which seems counterintuitive since with conflict often comes severe violations of human rights; however, the change in probability is extremely small at less than 1 %. The China votes results show that if China brings a proposal before the MDBs the probability of the USA applying a human rights sanction increase by 74.5 %. This finding is in accord with the descriptive results presented in Table 3 above and indicates that proposals from China comprise a big

percentage of the US human rights sanctions in the MDBs. The control variables of media coverage, population, and party of President were not significant.

Tables 6 and 7 present the probabilities of the USA applying a human rights sanction in the MDBs for different levels of respect for political rights and respect for rights of physical integrity and the different levels of the main independent variables—military aid, UN voting similarity, level of trade, and level of economic development. The probabilities were calculated using the same procedure in Table 5 except the two independent variable(s) in question are set at their maximum and minimum categories while all other independent variables in the model are set at their means. Table 6 shows the probabilities of a US human rights sanction when respect for political rights are at their highest and lowest levels along with when US military aid, UN voting similarity, level of trade, and level of economic development are at their minimum and maximum levels. For countries with little to no respect for political rights, there is a small difference in probability of receiving a US human rights sanction if that country also receives US military aid (1 to 8 %, respectively). For those same countries, the probability of a US human rights sanction is basically indistinguishable between those countries that have a high voting similarity with the USA in the UN and those with a low voting similarity. There is also an approximately 7 % difference in the probability of a US human rights sanction in the MDBs for countries which have a high respect for human rights but differ in their voting similarity with the USA in the UN. There are more substantial differences with the level of trade and economic development variables. For instance, for countries that have little to no respect for political rights but also have a high volume of trade with the USA, the probability of a US human rights sanction in the MDBs is less than 1 %. However, for countries that have little to no

Table 6 Probability of US human rights sanction vote in the MDBs, given the value (highest and lowest) of political rights, military aid, UN voting similarity, level of trade, and level of economic development

DV	IV	Political rights		Political rights	
		1	(95 % CI)	7	(95 % CI)
HR sanction	Military aid				
	No	.0799	.0248–.2245	.0118	.004–.0326
	Yes	.0143	.005–.0335	.0019	.0008–.0044
	UN vote similarity ^a				
	Low	.0037	.0014–.0101	.0861	.020–.3267
	High	.0005	.0001–.0024	.0128	.0056–.0271
	Level of trade ^a				
	Low	.4655	.1596–.8172	.1122	.0186–.4605
	High	.0004	.00003–.0053	.0001	.00001–.0006
	Level of econ dev ^a				
	Low	.0001	.0001–.0070	.0001	.00001–.0007
	High	.3272	.1210–.6289	.058	.0117–.2683

^a Low and high levels for UN voting similarity, level of trade, and level of economic development are 2 standard deviations below the mean and 2 standard deviations above the mean, respectively

Table 7 Probability of US human rights sanction vote in the MDBs, given the value (highest and lowest) of rights of physical integrity, military aid, UN voting similarity, level of trade, and level of economic development

DV	IV	Probability	(95 % CI)	Probability	(95 % CI)
		Physical integrity rights			
		1		5	
HR sanction	Military aid				
	No	.7344	.1786–.9735	.0008	.0001–.02
	Yes	.3152	.0334–.843	.0001	.00001–.0018
	UN vote similarity ^a				
	Low	.1056	.0053–.7797	.00003	.00000–.0004
	High	.7575	.2362–.9733	.0008	.00004–.0150
	Level of trade ^a				
	Low	.9652	.4099–.9992	.0087	.0008–.0869
	High	.014	.0009–.2025	0	.00000–.00015
	Level of econ dev ^a				
Low	.0237	.0023–.2082	.00001	.00000–.00042	
High	.9362	.2537–.9983	.0044	.0006–.0312	

^aLow and high levels for UN voting similarity, level of trade, and level of economic development are 2 standard deviations below the mean and 2 standard deviations above the mean, respectively

respect for political rights but have a low volume of trade with the USA, the probability of a US human rights sanction is 47 %. Finally, for countries with little to no respect for political rights, the probability of receiving a human rights sanction from the USA in the MDBs increases by 33 % for the relatively wealth countries in the MDBs than from the very poorest states in the MDBs.

Table 7 shows the various probabilities of receiving a US human rights sanction in the MDB for the lowest and highest values of the respect for rights of physical integrity variable and the lowest and highest values for US military aid, UN voting similarity, level of trade, and level of economic development. For countries that receive US military aid and have little to no respect for rights of physical integrity, they have a 31 % probability of receiving a US human rights sanction in the MDBs. However, for countries who have little to no respect for rights of physical integrity but do not receive US military aid, that probability increases to 73 %. Voting similarity in the UN also shows big differences among states that do not respect rights of physical integrity but also have variability in their voting similarity with the USA in the UN. For example, countries that have little to no respect for the rights of physical integrity and also have low levels of voting similarity with the USA in the UN have a 11 % probability of receiving a US human rights sanction in the MDBs, while countries with a high level of voting similarity with the USA in the UN have a 76 % probability. This is again not in the hypothesized direction and a much bigger effect than was seen in Table 6 with political rights. Level of trade and level of economic development both show very large differences in the probability of a US human rights sanction at their highest and lowest levels. For countries which are the worst in protecting rights of physical integrity but

have high levels of trade with the USA, they have an approximately 1 % chance of receiving a US human rights sanction in the MDBs, while for countries with low levels of trade with the USA, that probability increases to 97 %. A similar difference is seen in level of economic development with countries that have little to no respect for rights of physical integrity and a very poor having a 2 % probability of receiving a US human rights sanction in the MDBs, but that probability increases to 94 % for the relatively wealthy states in the MDBs who also have little to no respect for rights of physical integrity.

The above analysis shows what drives US human rights sanctions in the MDBs. The rest of the paper will now examine what drives the US to offer exemptions to those sanctions. The main argument here is that the purpose of the basic human needs mandate is to prevent a “dual punishment” of those citizens who live in a rights repressive states also being denied foreign aid. The dependent variable used in this analysis, the basic human needs exemption, was described above. To test Hypothesis 5 regarding which countries receive a basic human needs exemption to US human rights sanctions, a logit model with robust standard errors clustered around country-years is utilized. The basic human needs exemption is an exemption to a sanction and therefore only those states subject to US human rights sanctions would be eligible for such an exemption.

To capture the states that would be eligible for a basic human needs exemption, only those votes which are subject to the human rights legislation listed in Table 1 (indicated by the reason code listed next to the vote) but also subject to the basic human needs exemption legislation listed in Table 2 (also indicated by the reason code listed next to the vote) are included in the estimation. For example, in Table 1 the first piece of legislation listed is Section 701 of the IFI Act which prohibits the USA from supporting loans in the MDBs to countries which “severely” violate human rights and the reason code attached to that piece of legislation is an 8. The first piece of legislation referenced in Table 2 is also Section 701 of the IFI Act but here the reason code attached is 7 because this is the code for the basic human needs exemption for that particular piece of legislation. Therefore if a US vote in the MDBs has either a 7 or 8 next to it on the Treasury Department website where all the US votes are published, then it is included in the subset of votes used to analyze what drives exemptions to US human rights sanctions. That gives the total number of votes included as 577 with 211 of those being basic human needs exemptions. The same independent variables are included in the analysis with a new measure of level of economic development—life expectancy at birth. The new measure is included to better capture a demand for basic human needs projects than GDP per capita. Measures such as life expectancy or infant mortality rate are better indicators of whether basic human needs have been fulfilled rather than measures that show the amount of spending on trying to improve those outcomes or overall measures of economic development such as GDP (Hicks and Streeten 1979). The data for life expectancy at birth comes from the United Nations Development Programme (2013).

Table 8 presents the results of this analysis. Only UN voting similarity and media coverage are significant predictors of basic human needs exemptions to US human rights sanctions. Interestingly, life expectancy at birth was not significant indicating that poorer countries (or countries with a greater demand for basic human needs projects) that also abuse human rights were not more likely to receive a basic human needs

Table 8 Logit estimates: likelihood of US basic human needs exemption vote in the MDBs

Variable	Coefficient	Change in probability (BHN exemption)
Political rights	.266 (.229)	.3776
Personal integrity rights	-.330 (.326)	-.2136
Military aid	-.017 (.336)	-.0038
UN important votes	-.023* (.010)	-.3363
Level of trade	-.127 (.192)	-.3803
Life expectancy	.012 (.043)	.0788
Media	.014*** (.004)	.6469
Conflict	.108 (.514)	.0252
Population	-.121 (.298)	-.2249
Party	-.109 (.505)	-.0252
China	.226 (1.81)	.0512
Number of obs.	556	

* $p < .05$; ** $p < .01$; *** $p < .001$

exemption to a US human rights sanction in the MDBs than relatively wealthier countries who also abuse human rights. UN voting similarity is significant but the sign is in the opposite direction than would be expected (this was also the case in the analysis of US human rights sanctions), meaning countries with lower voting similarity are more likely to receive a basic human needs exemption. Media coverage is significant in this analysis but was not a significant predictor of US human rights sanctions addressed earlier. As media coverage of human rights in a country increase, so does the likelihood of a basic human needs exemption to a US sanction in the MDBs. The finding could be interpreted in different ways such that media coverage is highlighting the suffering of individuals under rights repressive regimes and the basic human needs exemptions are used as a means to avoid inflicting those citizens with the “dual punishment” of living in an oppressive state and being denied development aid that would support their basic human needs. Additionally, the positive finding may indicate an improvement in the human rights situation in a country and the USA is using the basic human needs exemption as a reward for that improvement but the country in question has not improved enough to be completely exempt from sanctions. Unfortunately, the variable as it is constructed cannot adjudicate between these two

possibilities. Finally, since neither of the human rights measures is significant, one cannot conclude that the basic human needs exemption is used to reward rights abusing states through the back door.

Conclusion

One limitation of this study is that the voting record only reflects the US position on projects that have come before the Executive Boards for formal approval. This emphasis on the formal influence of the USA in the MDBs neglects the considerable informal influence the USA has. Evidence suggests that the USA is able to exert considerable informal influence in the MDBs by stopping proposals it has strong objections to well before they reach the various executive boards for formal approval (Wade 2002; Woods 2003). Additionally, several studies have shown that the USA is capable of exerting informal influence in the MDBs by determining leadership and staffing decisions (Babb 2009; Andersen et al. 2006; Woods 2003; Wade 2002). Finally, because of the consensus decision-making requirement much of the politicking on decisions takes place before the Executive Boards meet making it difficult to observe horse-trading and other political dynamics that occur in all political bodies (Woods 2003). All of this suggests that by solely examining the formal votes of the USA, one only gets a partial picture of its foreign policy in the MDBs. However, despite these limitations observing how the USA votes on projects that do come before the Executive Board does provide some insight into how basic human needs influence voting decisions.

Overall, the worse a country's record on human rights, including both political rights and rights of physical integrity, the more likely that country will face a human rights sanction from the USA in the MDBs. However, this finding must be contextualized in that the probability of that country receiving a US human rights sanction decreases, considerably in some instances, if that country also receives US military aid, has a high volume of trade with the USA, is a relatively poor country, and curiously if that country has a high voting similarity with the USA in the UN. What drives the USA to offer basic human needs exemptions to these sanctions appears to be the level of media coverage human rights receives in that country. Life expectancy at birth which was the measure used to proxy a country's demand for basic human needs projects was not a significant determinant of basic human needs exemptions by the USA. Important caveats to keep in mind in light of these findings is that this study does not examine the individual merit of every proposal to see if they meet any objective basic human needs criteria. It is possible, therefore, that a variable such as life expectancy is not significant because countries that have low life expectancy at birth did not bring forth any proposals that were aimed at meeting the basic human needs of their populations. Also media coverage of human rights does not account for stories reporting on improvements in human rights in a country or increased repression in a country but is rather a measure of the volume of human rights coverage of a country.

Also at issue is the outsized role proposals from China play in US human rights sanctions in the MDBs and basic human needs exemptions to those sanctions. As Tables 3 and 4 show, proposals from China account for much of the human rights sanctions by the USA in the MDBs and also many of the basic human needs exemptions. As the country with the largest population and one of the fastest growing

economies in the world, it is not surprising that China brings forth a large amount of proposals before the Executive Boards of the World Bank and the Asian Development Bank for approval. The USA treats proposals from China as automatic no votes because of their human rights record except if those proposals serve the basic human needs of the Chinese people and as the results show the USA finds that many of those proposals do meet those standards. These findings indicate that the USA might be trying to have it both ways with China. On the one hand, the USA wants to appear to be sanctioning China for its poor record on protecting human rights within its borders, but on the other hand, it still quite frequently votes in favor of proposals from China.

Finally, future research should analyze project level data to examine patterns in the types of projects that receive a basic human needs exemption from US human rights sanctions. This study only analyzed country level factors that drive US human rights sanctions and exemptions to those sanctions. Project level data may be able to better specify what factors contribute to the use of the basic human needs exemption by the USA whether the project really do contribute to basic human needs improvement or other political, strategic, or economic factors influence their use. As the various pieces of legislation that have basic human needs references in them acknowledge there are two components of US foreign policy working at cross-purposes here. On one hand is the notion of promoting human rights and sanctioning governments, which violate those rights, and on the other hand is ensuring that needy people are not denied assistance, which can also play into the promotion of human rights. The basic human needs exemptions show how complex, and perhaps confused, US foreign policy can be.

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