

Third, institutions matter. The right to benefit from scientific progress and its applications may require, for instance, that vulnerable communities are better organized in order for knowledge to be transmitted, and "owned" horizontally rather than imposed, or delivered, from above. Farmer field schools and participatory plant breeding are examples in the field of agricultural research. Scientific progress for the poorest cannot be conceived without the poorest, whose needs are sometimes misunderstood, even by the scientists pursuing their research with the best intentions. Participatory research is also empowering and may constitute a powerful curb to a path of technological development that, by benefiting primarily those who are already well connected or who have the highest purchasing power, would increase inequalities both within societies and between societies. Just like economic growth is not poverty-reducing per definition, scientific progress may, or may not, be conceived in ways that serve farmers who need it most.

On the Indivisibility and Interdependence of Basic Rights in Developing Countries

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ABSTRACT

The concept of the indivisibility and interdependence of all human rights has gained widespread acceptance among advocates and scholars alike. First, this article empirically looks at the degree to which two fundamental basic rights, subsistence and security, are simultaneously respected in developing countries. A modest but significant correlation coefficient of .15 was found. The authors then construct a new composite Basic Rights index to find the determinants behind simultaneous fulfillment of basic rights. The country rankings reveal a high correlation over a five year period, though some ascend significantly (e.g., Chile, Guatemala, Brazil), while others fall (e.g., Botswana, Thailand, China). Regression analysis suggests that a country's income, degree of trade openness, democratic political institutions, population size, and degree of internal conflict are all important factors in Basic Rights attainment. In contrast, a country's legal origins and whether it has endorsed international covenants are modest factors, while the degree of foreign direct investment and whether it is involved in an international conflict do not seem to matter much.

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I. INTRODUCTION

The notion that all human rights are indivisible and interdependent (I/I) originated in UN circles in the 1950s. Since the 1950s the indivisibility and interdependence of human rights has been the topic of various World Conferences on Human Rights, Declarations, and disputes among academics, activists, and legal scholars.¹ The idea has some conceptual grounding in the works of scholars who argue that all human rights, or some specific subset of human rights, are necessary to assure the dignity of the person. Opponents of the notion of I/I dismiss it either implicitly or explicitly. For instance, Aryeh Neier and Kenneth Roth both doubt the efficacy of economic, social, and cultural rights, largely on procedural grounds.² Additionally, individuals espousing "Asian values" and the "right to development" often dismiss, or at least ascribe an inferior status to, civil and political rights.³

While the conceptual issues surrounding the I/I debate are important, this article seeks to determine the prevalence of I/I in real life. The first question asked is: "to what degree do governments respect basic human rights simultaneously?" To answer that question the authors calculate the correlation coefficient between basic human rights—security and subsistence rights—for developing countries from 1997 to 2005 using the best available data. Security and subsistence rights are then combined to construct a new composite index for basic rights. After looking at the new country rankings, the next question asked is: "what are the important determinants behind government respect for basic rights?" To answer that question the authors performed a regression analysis using a composite measure on different variables that represent government ability and willingness to respect basic rights. While other empirical studies have examined some of the factors underlying respect for a given kind of human right, to the authors' knowledge

1. See Daniel J. Whelan, *Interdependent, Indivisible and Interrelated Human Rights: A Political and Historical Investigation* (2006) (unpublished Ph.D. dissertation, University of Denver). The I/I concept was central to deliberations at the 1968 first World Conference on Human Rights at Teheran, to the drafting of the 1986 *Declaration on the Right to Development*, and to deliberations at the 1993 second World Conference on Human Rights. Scholars interested in economic rights implementation have addressed I/I in *The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights*, 9 HUM. RTS. Q. 122 (1987); *The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, 20 HUM. RTS. Q. 691 (1998).
2. Aryeh Neier, *Social and Economic Rights: A Critique*, HUM. RTS. BRIEF 13 (2006); Kenneth Roth, *Defending Economic, Social and Cultural Rights: Practical Issues Faced by International Human Rights Organization*, 26 HUM. RTS. Q. 63 (2004).
3. For more on Asian values, see the views of Lee Kuan Yew in: Fareed Zakaria, *Culture is Destiny: A Conversation with Lee Kuan Yew*, 73 FOREIGN AFF. 109 (1994). The idea that economic and social rights are functional prior to civil and political rights is exemplified in the 1968 Proclamation of Teheran at the First World Conference on Human Rights. See Whelan, *supra* note 1, at 5.

none has used a composite indicator, that is, one that tries to capture the I/I nature of basic rights.

II. PREVIOUS LITERATURE

In this section the article reviews the normative and empirical literatures touching on the I/I of basic rights.

A. Normative Literature

Human dignity is often identified as the key normative foundation that justifies all human rights.⁴ It certainly plays that role in the International Bill of Human Rights.⁵ Others have expanded or refined the normative foundations of human rights by focusing on their necessity in order to fulfill basic needs, purposeful human action, and human freedoms.⁶ When properly understood, these arguments justify a wide catalog of civil, political, economic, social, and cultural human rights. Nevertheless, some criticize supporting a full menu of human rights because of impracticability and difficulty of implementation, the difficulty in specifying the division of labor of duties, and cultural insensitivity.⁷ Until these objections are decisively settled, the strongest case for human rights must pertain to the most fundamental set, that is, basic rights. That further implies that researchers should first focus to this minimalist case, even while acknowledging that other human rights are important and other I/I linkages may exist.

Henry Shue identifies basic rights as those minimal reasonable demands that everyone can place on the rest of humanity to assure one's own self-

4. JACK DONNELLY, *UNIVERSAL HUMAN RIGHTS IN THEORY AND PRACTICE* (2d ed. 2002).
5. For instance, not only does the Preamble to the Universal Declaration of Human Rights (UDHR) refer to human dignity twice, the first line of Article 1 reads, "All human beings are born free and equal in dignity and rights." Universal Declaration of Human Rights, adopted 10 Dec. 1948, G.A. Res. 217A (III), U.N. GAOR, 3d Sess, art. 1, U.N. Doc. A/RES/3/217A (1948).
6. Joel Feinberg, *The Nature and Value of Rights*, in *THE PHILOSOPHY OF HUMAN RIGHTS* 61 (Morton E. Winston ed., 1989); David Copp, *The Right to an Adequate Standard of Living: Justice, Autonomy, and the Basic Needs*, 9 SOC. PHIL. & POL'Y 231 (1992); Alan Gewirth, *Human Dignity as the Basis of Rights*, in *THE CONSTITUTION OF RIGHTS* 10 (Michael J. Meyer & William A. Parent eds., 1992); ALAN GEWIRTH, *THE COMMUNITY OF RIGHTS* (1996); AMARTYA SEN, *DEVELOPMENT AS FREEDOM* (2d ed. 2001); Amartya Sen, *Elements of a Theory of Human Rights*, 32 PHIL. & PUB. AFF. 315 (2004).
7. SEN, *DEVELOPMENT AS FREEDOM*, *supra* note 6; Shareen Hertel & Lanse Minkler, *Economic Rights: The Terrain, in ECONOMIC RIGHTS: CONCEPTUAL, MEASUREMENT, AND POLICY ISSUES* 1 (Shareen Hertel & Lanse Minkler eds., 2007); James W. Nickel, *Rethinking Indivisibility: Towards A Theory of Supporting Relations between Human Rights*, 30 HUM. RTS. Q. 984 (2008).

respect and survival. Because of this, Shue argues that basic rights are necessary for the enjoyment of all other rights, and it is this link that justifies basic rights.⁸ There are two kinds of basic rights: security rights and subsistence rights. Security rights correspond primarily to civil rights and refer to rights to be free from murder, torture, rape, and assault. Subsistence rights correspond primarily to economic rights and refer to rights to unpolluted air and water, adequate food, clothing, shelter, and health care. Taken together, both kinds of rights are *indivisible* because both are indispensable to one another and also equally necessary for the enjoyment of any other right.⁹ One cannot enjoy subsistence rights if one is not also free from murder, just as one cannot enjoy security rights if one has starved to death. Moreover, all other non-basic rights are dependent on security and subsistence rights being fulfilled.¹⁰ In contrast, perfect symmetry does not exist. In Shue's account not all non-basic rights are indispensable to basic rights—though they still may be useful. This might be seen as violating the broadest notion of indivisibility.¹¹ This article will focus on the more narrow case of indivisibility of basic rights.

B. Empirical Literature

In this section the article surveys the empirical literature examining the relationship between different human rights and their determinants, including

8. HENRY SHUE, *BASIC RIGHTS: SUBSISTENCE, AFFLUENCE, AND U.S. FOREIGN POLICY* 9 (2d ed. 1996).
9. While Shue does not use the word "indivisibility," that is what he means when he writes: "The only parallel being relied upon is that guarantees of security and guarantees of subsistence are equally essential to providing for the actual exercise of any other rights." *Id.* at 26. See Daniel J. Whelan, *Untangling the Indivisibility, Interdependency, and Interrelatedness of Human Rights* (Hum. Rts. Inst., University of Connecticut, Economic Rights Working Paper Series, Working Paper No. 7, 2008) available at <http://www.econ.uconn.edu/working7.pdf>, for a good, short treatment of the distinctions between "indivisibility" and "interdependence" (and "interrelatedness") of human rights. In contrast, Nickel considers indivisibility to be a very strong form of interdependence. Nickel, *supra* note 7, at 987.
10. For instance, Shue argues that all liberties depend on basic rights, and also that basic rights depend on some liberties. SHUE, *supra* note 8, at 70–71.
11. The way Nickel frames indivisibility in this case is that basic rights provide strong supporting relations to one another and to all other rights, but non-basic rights provide weak supporting relations to basic rights. Supporting relations refer to the degree to which one right helps the functioning and stability of another right. Nickel's central argument is that the strength of supporting relations crucially depends on the quality of implementation (ability to stop threats to rights bearers) and that because developing countries in particular will inevitably have difficulty in all of the high quality implementation necessary to provide strong supporting relations across *all* rights, the concept of system-wide indivisibility is somewhat untenable. Even if Nickel is right, Shue's analysis endures because of its more limited focus. Nickel, *supra* note 7, at 987–90.

economic development, democracy, relationship to international human rights covenants, and the degree of globalization.

1. Correlations Between Different Kinds of Human Rights

Few studies have examined whether human rights are indeed I/I. The notable exception is Wesley Milner, Steven Poe, and David Leblang, whose chief concern is to see if there are trade-offs amongst different kinds of human rights, as some scholars have suggested.¹² The authors examine four main types of rights—security, subsistence, political liberties, and economic freedoms—to determine whether they are empirically related to one another. For their measure of security rights, they use the five-point ordinal Political Terror Scale (PTS) created from the annual human rights report issued by Amnesty International.¹³ They use the Physical Quality of Life Index (PQLI) as a measure of subsistence rights, the Polity III democracy measure developed by Jagers and Gurr as a measure of liberties, and the Fraser Institute (Fraser) measure of economic freedom.¹⁴ The authors conduct bivariate correlations between these four types of rights to determine whether regimes make trade-offs, or whether they are realized together. While the authors suggest that bivariate correlations provide no direct evidence for the "trade-off" argument, it does appear from Table 3 that there is a negative correlation between PQLI (representing subsistence rights) and PTS (representing security rights) for both countries belonging to the Organization for Economic Cooperation and Development (OECD) and countries not belonging to the OECD. That finding is most relevant for this article's analysis. In contrast, the authors find positive bivariate correlations between Polity III (democracy) and PQLI,

12. Wesley T. Milner, Steven C. Poe, & David Leblang, *Security Rights, Subsistence Rights, and Liberties: A Theoretical Survey of the Empirical Landscape*, 21 HUM. RTS. Q. 403 (1999).
13. The PTS is a standards-based measure that is coded from one to five with five representing countries where rights are not abused, and one representing countries that are the worst performers on human rights.
14. The Polity III measures the level of democracy in a country along an additive continuum that ranges from zero to eleven. A score of zero represents no democracy in the country and eleven represents a democratic regime. The Fraser Institute measure is an index of economic freedom that incorporates seventeen components covering four key areas of economic freedom: 1) money and inflation; 2) government operations and regulations; 3) discriminatory taxation and takings; and 4) international exchange. A zero to ten rating scale is used for each component of the index. The physical quality of life index was developed by David Morris (1979) to more directly measure the quality of life or well-being of a country's citizens. It seeks to overcome some of the measurement limitations of GNP as an indicator of development and social welfare. Country values are assigned on the basis of the following indicators: basic literacy rate, infant mortality, and life expectancy at age one. All indicators are equally weighted on a zero to one hundred scale with one hundred being best.

and Fraser (economic freedom) and PQLI, suggesting that those couplings of rights are enjoyed together.

Daniel Kaufman looks at the issue of interdependence and indivisibility between different types of human rights and governance.¹⁵ Specifically, he examines the links between "first generation" rights (i.e., political liberties) and "second generation" rights (socioeconomic rights). Kaufman then examines the links between these two kinds of human rights and governance indicators.¹⁶ He generally finds that first generation rights are necessary for the attainment of second generation rights, and that the former causally affects a country's level of respect for the latter.¹⁷ He finds a causal link from first generation human rights to improved socio-economic rights attainment at both the aggregate countrywide level as well as the micro project level.¹⁸ It is worth noting, however, that Kaufman uses child mortality and income per capita to measure economic rights fulfillment. This is significant as the large body of literature examining the relationship between democracy and the level and changes in per capita income points to mixed results at best.¹⁹

2. Determinants of Respect for Human Rights

Government respect for human rights depends on both their ability and also their willingness to respect human rights.²⁰ Ability refers primarily to government resources; without sufficient resources governments cannot be expected to implement the costly legal systems necessary to ensure civil and political rights protections, nor could they be expected to implement the costly health, education, and workforce policies necessary to ensure social and economic rights. But even governments with ample resources

15. DANIEL KAUFMANN, WORLD BANK INSTITUTE, HUMAN RIGHTS AND GOVERNANCE: THE EMPIRICAL CHALLENGE (2004).

16. *Id.* For civil and political rights measurement, Kaufman draws from the Cingranelli and Richards Human Rights Data Set to construct two composite measures: one related to torture, extrajudicial killing, and political imprisonment, the other to women's rights. This article also uses this data set, and describes it further in section three. Governance indicators include measures for rule of law (protection of property rights, judiciary independence, etc.), control of corruption, regulatory quality, political stability and lack of violence, crime, and terrorism; government effectiveness (including quality of policy making, implementation, and public service delivery); and voice and external accountability. See World Bank Institute Governance and Anti-Corruption, available at <http://web.worldbank.org/WBSITE/EXTERNAL/WBI/EXTWBIGOVANTCOR/0,,menuPK:1740542~pagePK:64168427~piPK:64168435~theSitePK:1740530,00.html>.

17. KAUFMANN, *supra* note 15.

18. *Id.*

19. For a good review, see UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP), HUMAN DEVELOPMENT REPORT 2002, at 56 (2002).

20. David L. Cingranelli & David L. Richards, *Measuring Government Effort to Respect Economic and Social Human Rights: A Peer Benchmark*, in ECONOMIC RIGHTS CONCEPTUAL, MEASUREMENT, AND POLICY ISSUES (Shareen Hertel & Lanse Minkler eds., 2007).

may lack the will to implement human rights institutions and policies, either because it is not a priority for them, and/or citizens are not pressing their human rights claims. This section reviews the empirical literatures on both ability and willingness while acknowledging that even this distinction is inadequate to explain observed human rights outcomes. Even able and willing governments may be thwarted in their efforts to employ human rights respecting policies by outside mediating factors, just as good outcomes may occur even in countries with unwilling governments.²¹ This article now surveys literature discussing the link between human rights and income, legal origins, and globalization on the one hand; and the link between human rights and democracy and the ratification of international human rights treaties on the other hand.

a. Ability

i. Income

The literature often refers to a country's income and level of development synonymously. For reasons most expertly espoused by Amartya Sen, the two are not the same.²² That said, the level of economic development (most often conceptualized as income as measured by Gross Domestic Product) has been identified in the empirical literature as an important determinant of a government's ability to fulfill subsistence rights.²³ The greater the potential resources to the government, the more it is able to fund basic subsistence, literacy, and health programs. In contrast, in their study on subsistence rights, Bruce Moon and William Dixon examined the impact of economic growth upon the equitable distribution of human needs on a large sample of countries over a twenty-five year period to determine whether economic growth has an impact on basic needs measured by PQLI.²⁴ They found that

21. By themselves, GDP per capita, legal origins, and economic globalization indicators are not sufficient to measure government ability because many other indicators influence a government's ability to provide for citizens' basic rights, such as official development assistance (ODA), long-term debt, expenditures for health care and education, the imposition of structural adjustment policies (SAPs) and other marketization measures, and military expenditures. Economic inequality as measured by the GINI index of inequality also influences government ability to promote basic rights, since inequality often fuels underdevelopment in key areas of social life.

22. SEN, DEVELOPMENT AS FREEDOM, *supra* note 6.

23. Bruce E. Moon & William J. Dixon, *Basic Needs and Growth-Welfare Trade-offs*, 36 INT'L STUD. Q. 191 (1992); Hans S. Park, *Correlates of Human Rights: Global Tendencies*, 9 HUM. RTS. Q. 405 (1987); Steven C. Poe & C. Neal Tate, *Repression of Rights to Personal Integrity in the 1980s: A Global Analysis*, 88 AM. POL. SCI. REV. 853 (1994); Conway Henderson, *Population Pressures and Political Repression*, 74 SOC. SCI. Q. 322 (1993); Milner et al., *supra* note 12.

24. Moon & Dixon, *Basic Needs and Growth-Welfare Trade-offs*, *supra* note 23.

more affluent countries, measured by per capita Gross National Product (GNP), are not necessarily better at meeting the basic needs of their citizens. The realization of these needs has more to do with state commitment or willingness to redistributive justice for the lower social strata. In fact, some less developed countries with fewer economic resources at their disposal, such as Cuba and Mauritius, have done a better job of providing for the basic needs of its citizens than have some more affluent countries.

A number of studies have found that the level of economic development is significantly related to the realization of physical integrity or security rights. Neil Mitchell, James McCormick, and Conway Henderson found that rising expectations, social tensions, and political tensions related to economic scarcity increase the probability that regimes will resort to repressive tactics against citizens.²⁵ In other words, there tends to be an inverse relationship between a country's affluence level and human rights violations.²⁶ Other studies have found similar results.²⁷

ii. Colonialism and Legal Origins

The empirical human rights literature has long looked at the effects of colonial heritage, even if there has been a lack of theorizing.²⁸ British colonies get the most attention, and the entire theoretical justification seems to be summarized in one line in Mitchell and McCormick: "The classic assertion that British colonial experience is associated with the development of democracy and, by extension, with greater respect for human rights, finds some support in our data."²⁹ Why Britain would support democratic institutions in its colonies more than say, France, is not really considered. In any case, the empirical results are mixed. Both Mitchell and McCormick and Boswell and Dixon find no effects of British colonial heritage on respect for human rights (when properly controlled), while Poe, Tate, and Keith find negative

25. Neil J. Mitchell & James M. McCormick, *Economic and Political Explanations of Human Rights Violations*, 40 *WORLD POL.* 476 (1988); Conway Henderson, *Conditions Affecting the Use of Political Repression*, 35 *J. CONFLICT RESOL.* 120 (1991).

26. Henderson, *Population Pressures and Political Repression*, *supra* note 23, at 322, 327. He argues, "it is only logical to think that, with a higher level of development . . . [or when basic needs are being met] . . . people can be satisfied and so less repression will be needed." This thesis has come to be known as the *simple poverty thesis*. The wealthier a country, the less likely it is to violate human rights.

27. Poe & Tate, *supra* note 23; Milner et al., *supra* note 12.

28. Mitchell & McCormick, *supra* note 23; Terry Boswell & William Dixon, *Dependency and Rebellion: A Cross-National Analysis*, 55 *AM. SOC. REV.* 540 (1990); Steven C. Poe, C. Neal Tate & Linda Camp Keith, *Repression of the Human Right to Personal Integrity Revisited: A Global Cross-National Study Covering the Years 1976-1993*, 43 *INT'L STUD. Q.* 291 (1999); M. RODWAN ABOUHARB & DAVID L. CINGRANELLI, *HUMAN RIGHTS AND STRUCTURAL ADJUSTMENT* (2007).

29. Mitchell & McCormick, *supra* note 23, at 492.

effects on personal integrity rights *abuse*, and Abouharb and Cingranelli find negative effects on government respect for economic and social rights (though positive effects on government respect for worker rights).³⁰

In contrast, a new but more developed literature in economics finds that a country's legal origins affects things like its judicial independence, investor protection, regulation, corporate law, labor law, and government ownership.³¹ The authoritative reference is La Porta et al., which both summarizes the empirical and theoretical literatures, and also provides new arguments and justifications for the importance of legal origins (though their relationship to human rights is not explicitly considered).³² A relatively independent judiciary that establishes legal precedent characterizes English common law. It originated because aristocrats and merchants wanted strong commercial protections and limits on the crown.³³ French civil law is more codified and rules-oriented and originated the way it did because the French revolutionaries, and later Napoleon, wanted to use state power to alter property rights, and were more suspicious of judicial involvement.³⁴ In general, common law countries with English legal origins tend to support private market outcomes, whereas civil law countries with French legal origins tend to rely more on state intervention to modify or replace market outcomes.³⁵ Because legal origins were most often imposed on developing countries through conquest and colonization, they represent an important constraint on policy choices.

In particular, a country with better property rights and investor protections can count on more investment, which may in turn result in higher income and higher tax revenues to support basic rights protections. However, countries with English legal origins may be less prone to use the state for that purpose. In contrast, countries with French legal origins may be more willing to use the state for basic rights protections, but have fewer resources to do so because of lower income. Therefore it becomes an empirical question as to whether legal origins do constrain a country's policy options, and if so, in which direction.

30. *Id.*; Boswell & Dixon, *supra* note 28; Poe et al., *supra* note 28; ABOUHARB & CINGRANELLI, *HUMAN RIGHTS AND STRUCTURAL ADJUSTMENT*, *supra* note 28.

31. Rafael La Porta, Florencio Lopez-de-Silanes & Andrei Shleifer, *The Economic Consequences of Legal Origins*, 66 *J. ECON. LIT.* 285 (2008).

32. *Id.*

33. *Id.* at 288.

34. *Id.* at 288-89.

35. At least that is the argument of Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer. German legal tradition is sort of a hybrid of the English and French tradition, whereas Scandinavian legal origin is a small, separate category. Notably, the Scandinavian countries had no colonies. *Id.*

iii. Globalization

Another factor that has come to exert an increasing influence on the government's ability to secure citizens' basic rights is economic globalization. There is a growing scholarly consensus that this process has led to new challenges and opportunities for the fulfillment of basic human rights. According to critics, for example, national policymakers may have a harder time promoting sustainable development and securing basic rights since the nature of the globalization process prioritizes the interests of the market over the socioeconomic needs of citizens. In particular, the main financial institutions that regulate globalization—the International Monetary Fund (IMF) and the World Bank—promote a rather minimal role for the state in the regulation of social and economic matters that directly impact the quality of citizens' lives.³⁶ Conversely, neo-liberal advocates have posited a positive association between globalization and human rights in arguing that opening a country's borders to trade, finance, commerce, and investment stimulates economic growth and creates greater aggregate wealth, which trickles down to improve the socioeconomic lot of citizens, even the most poverty-stricken.

To date, most of the empirical literature on this topic has focused on either security or subsistence rights, with a few recent studies analyzing labor or workers' rights and women's rights.³⁷ A notable exception is the work of Rodwan Abouharb and David Cingranelli, which empirically looks at the affects of World Bank and IMF structural adjustment programs (SAP's) on the whole catalog of human rights: economic, social, civil, and political.³⁸ They find that length of time under a SAP negatively affects economic,

36. Critics allege that global institutions play a key role in the spread of global capitalism through the imposition of conditionality or structural adjustment policies that force developing countries to adhere to painful neo-liberal market principles that disproportionately impact the poorest sectors of society. Common measures include slashing public expenditures, privatizing state-owned companies, deregulating labor practices, and promoting export-oriented development strategies to encourage foreign investment. V. SPIKE PETERSON & ANNE SISSON RUNYAN, *GLOBAL GENDER ISSUES* (1993); Anne Sisson Runyan, *Women in the Neoliberal "Frame,"* in *GENDER POLITICS IN GLOBAL GOVERNANCE* 210 (Mary K. Meyer & Elizabeth Prügl eds., 1999). These policies weaken indigenous development strategies and increase the level of poverty in a country.

37. David L. Richards & Ronald D. Gellenny, *Is it a Small World after All? Globalization and Government Respect for Human Rights in Developing Countries*, in *COPING WITH GLOBALIZATION CROSS-NATIONAL PATTERNS IN DOMESTIC GOVERNANCE AND POLICY PERFORMANCE* (Steve Chan & James R. Scarritt eds., 2002); Claire Apodaca, *Global Economic Patterns and Personal Integrity Rights After the Cold War*, 45 *INT'L STUD. Q.* 587 (2001); M. Rodwan Abouharb & David L. Cingranelli, *Money Talks? The Impact of World Bank Structural Adjustment Lending on Human Rights, 1981–2000*, Paper Presentation at the American Political Science Association Meeting, Philadelphia, PA (Aug. 2003); David L. Cingranelli, *Democratization, Economic Globalization, and Workers' Rights*, in *DEMOCRATIC INSTITUTION PERFORMANCE: RESEARCH AND POLICY PERSPECTIVES* (Edward McMahon ed., 2002); Shawna E. Sweeney, *Government Respect for Women's Economic Rights: A Cross-National Analysis, 1981–2003*, in *ECONOMIC RIGHTS*, *supra* note 7, at 233.

38. ABOUHARB & CINGRANELLI, *HUMAN RIGHTS AND STRUCTURAL ADJUSTMENT*, *supra* note 28.

social, and physical integrity rights, but positively affects certain civil and political rights. So it turns out that there is little consensus over the human rights effects of global economic interdependence because the majority of empirical studies have found either weak, uneven, or erratic results or unexpected strong, positive effects.³⁹ Some studies have found a statistically insignificant or even negative relationship between the elements of basic rights and measures of financial globalization (i.e., foreign direct investment (FDI) and portfolio investment).

At the same time these studies have found a strong positive relationship between the elements of basic rights and measures of trade globalization. In an empirical analysis of 176 countries for the years 1980 to 1993, Milner finds a strong positive relationship between trade openness (measured as exports plus imports as a percentage of GNP) and security and subsistence rights, but a negative relationship between financial openness (i.e., a six-point measure of capital controls that ranges from zero to six) and these rights.⁴⁰ Milner's findings generally support those of previous studies regarding the positive effects of democracy and economic development and the negative effects associated with international and civil conflict and population growth. Given globalization's complex features and the mixed empirical results, it is difficult to determine *a priori* what type of relationship to expect between globalization and basic rights. Hence, the authors put both the critical and positive arguments to the test to see which one holds more empirical weight.

b. Willingness

i. Democracy

A potentially important determinant of government *willingness* is the level of democracy in a particular country.⁴¹ Extensive empirical literature

39. Richards & Gellenny, *supra* note 37; David L. Richards, Ronald Gellenny & David Sacko, *Money With A Mean Streak? Foreign Economic Penetration and Government Respect for Human Rights in Developing Countries*, 45 *INT'L STUD. Q.* 219 (2001); Apodaca, *supra* note 37.

40. For his measure of security rights, he uses the five-point ordinal Political Terror Scale (PTS) created from the annual human rights report issued by Amnesty International. He uses the Physical Quality of Life (PQLI) as a measure of subsistence rights while controlling for the important determinants of state human rights practices, including democracy, economic development, economic growth, international and civil conflict, and population growth. For his measure of international financial openness, Milner tracks the trends for each of the various capital controls for both the OECD and non-OECD nations as reported by the IMF. A score of zero on his measure represents the least open economy and a score of six represents the most open international market. Wesley T. Milner, *Economic Globalization and Rights*, in *GLOBALIZATION AND HUMAN RIGHTS* (Alison Brysk ed., 2002).

41. Rhoda Howard & Jack Donnelly, *Human Dignity, Human Rights, and Political Regimes*, 80 *AM. POL. SCI. REV.* 801 (1986) provide an earlier argument for why liberal states are necessary to ensure respect for human rights.

finds that democracy promotes various categories of human rights, including subsistence and security rights. For instance, democracies are less likely than authoritarian regimes to violate physical integrity rights, and more likely to support civil and political rights.⁴² In their cross-sectional time series study, Poe and Tate find empirical support for the argument that democracy provides "citizens (at least those with political resources) the tools to oust potentially abusive leaders from office before they are able to become" repressive of these rights.⁴³ Democracy is also strongly associated with the protection of workers' rights, such as collective bargaining and freedom of association.⁴⁴

Another set of studies finds that democracies do a better job of satisfying basic human needs or subsistence rights than other political systems, even when controlling for level of development.⁴⁵ Moon and Dixon, for example, found that even controlling for national wealth (i.e. GDP per capita), democracy is associated with higher levels of satisfaction of basic needs.⁴⁶ More recently, empirical studies in the institutional literature have found that democracies tend to have higher levels of welfare expenditures because citizens are able to use open and regular institutional channels to influence more generous policy than would be implemented in non-democratic states.⁴⁷ According to Sen, the exercise of basic political rights and freedoms under democracy, such as freedom of assembly and association, makes it more likely that there will be a policy response to citizens' basic needs, and importantly, that the enjoyment of basic needs may actually require the exercise of such rights.⁴⁸ Because of these consistent findings,

42. Richards, Gelleny & Sacko, *supra* note 39; Richards & Gelleny, *supra* note 37; Poe et al., *supra* note 28. Authoritarian regimes are more apt to resort to repression and try to control society by force or the threat of force, because they have a more direct monopoly on the instruments of repression, for example, through the military, police, and prison systems. Poe & Tate, *supra* note 28.

43. Poe & Tate, *supra* note 23, quoted in Milner et al., *supra* note 12, at 413.

44. David L. Cingranelli & Chang-yen Tsai, *Democracy, Globalization and Workers' Rights: A Comparative Analysis*, Paper Presented at the 2003 Annual Meeting of the American Political Science Association, Philadelphia, PA (2003).

45. Rhoda Howard-Hassmann anticipated this result earlier in her famous rejection of the "full belly thesis." Rhoda Howard, *The Full-Belly Thesis: Should Economic Rights Take Priority Over Civil and Political Rights? Evidence from Sub-Saharan Africa*, 5 HUM. RTS. Q. 467 (1983); Bruce E. Moon & William J. Dixon, *Politics, the State, and Basic Human Needs: A Cross-National Study*, 29 AM. J. OF POL. SCI. 661 (1985); Milner et al., *supra* note 12.

46. Moon & Dixon, *Politics, the State, and Basic Human Needs*, *supra* note 45.

47. See also Duane Swank, *Mobile Capital, Democratic Institutions, and the Public Economy in Advanced Industrial Societies*, 3 J. COMP. POL'Y ANALYSIS: RES. & PRAC. 133 (2001); DUANE SWANK, *GLOBAL CAPITAL, POLITICAL INSTITUTIONS, AND POLICY CHANGE IN DEVELOPED WELFARE STATES* (2002); ADAM PRZEWORSKI, MICHAEL E. ALVAREZ, JOSE ANTONIO CHEIBUB & FERNANDO LIMONGI, *DEMOCRACY AND DEVELOPMENT: POLITICAL INSTITUTIONS AND WELL-BEING IN THE WORLD, 1950-1990* (2003); Thomas D. Zweifel & Patricio Navia, *Democracy, Dictatorship, and Infant Mortality*, 11 J. DEMOC. 99 (2000); SEN, *DEVELOPMENT AS FREEDOM*, *supra* note 6.

48. SEN, *DEVELOPMENT AS FREEDOM*, *supra* note 6, at 153.

democracy has become a central concept in explanations of variations in national human rights practices.

ii. International Treaties

A government's willingness to expend effort towards basic rights fulfillment may also be influenced by whether it is a party to international human rights instruments governing basic rights.⁴⁹ In a large quantitative analysis, Linda Camp Keith investigates the influence of international human rights treaties on government effort to promote human rights.⁵⁰ Specifically, Keith focuses on whether nation-state ratification of the International Covenant on Civil and Political Rights (ICCPR) has any observable impact on the state party's actual behavior towards civil and political rights provision.⁵¹ Bivariate relationships show that states that are parties to the ICCPR are more inclined to apply effort to protect physical integrity rights and civil and political rights compared to states that are not parties to the convention. However, Keith's multivariate model, which controls for a number of standard explanations for human rights variation (i.e., level of democracy, interstate/internal conflict,

49. Domestic legal constraints may be even more important. Lanse Minkler employs economic theory to analyze the political policymaker's decision problem about how much effort to direct to economic rights fulfillment. The idea is that political policymakers can be described as maximizing their own utility, subject to constraints that include both budgetary and political considerations. Constraints are determined not only by the available budget (tax receipts and international aid), but also by constitutional provisions. Constitutional provisions enshrined as enforceable law are "hard constraints" in the sense that the policymaker's hands are literally tied—she must adopt policies consistent with those provisions. Of course hard constraints of this sort also require supporting institutions, like willing and able constitutional courts. In contrast, constitutional provisions can also take the form of directive principles, in which case they are "soft constraints." Directive principles are important goals meant to guide policy actions. If a policymaker ignores or undervalues these principles she may suffer political consequences, such as a loss of legitimacy or reduced chances of re-election. Some implications of the analysis are that the constitutionalization of economic rights provisions can reduce policymaker judgment errors due to (a) preferences not in accordance with sound reasoning about economic rights, (b) benefit and cost estimates based on a lack of (or biased) information, and (c) discount rates that are too high. Lanse Minkler, *Economic Rights and the Policymaker's Decision Problem*, 31 HUM. RTS. Q. 368 (2009).

50. Linda Camp Keith, *The United Nations International Covenant on Civil and Political Rights: Does It Make A Difference in Human Rights Behavior?*, 36 J. PEACE RES. 95 (1999).

51. International Covenant on Civil and Political Rights, adopted 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (entered into force 23 Mar. 1976). To measure government respect for citizens' civil and political rights, she uses the Freedom House Civil Rights and Political Rights Indices, which together comprise a comprehensive list of twenty-two rights, the majority of which are enumerated in the ICCPR. She also uses the Physical Integrity measure originally developed by Michael Stohl, David Carleton & Steven E. Johnson, *Human Rights and U.S. Foreign Assistance from Nixon to Carter*, 21 J. PEACE RES. 215, 215-226 (1984). Keith, *supra* note 50.

population size, economic development—i.e., income, leftist regime) fails to replicate the results of her bivariate analysis. In Keith's multivariate model, she finds little support for the hypothesis that states that become parties to human rights treaties respect human rights more than non-party states. She concludes with the observation that it may be overly optimistic to expect that a state, being a party to the ICCPR, will actually expend more effort to ensure civil and political rights provision than a non-party state.

Other more recent studies have reached similar conclusions regarding the relationship between international human rights treaties and basic rights fulfillment.⁵² Todd Landman, for instance, examines nation-state treaty compliance with the ICCPR and human rights outcomes in the areas of civil and political rights and personal integrity rights.⁵³ He employs a battery of independent and control variables to account for other influences on state human rights practices independent of treaty ratification. Landman's findings indicate that current levels of national human rights protection are a function of the level of past human rights protection, ratification of the ICCPR, interstate and internal war, population size, and region.⁵⁴

The normative and empirical literatures generate the following implications. First, no matter how people feel about the entire catalog of human rights and potential rights inflation, there is reason to give primacy to *basic* rights equally and indivisibly as necessary for survival and a dignified existence. Because of this, a responsive government would respect basic rights equally and indivisibly. Moreover, security rights and subsistence rights are conceptually interdependent with one another, and all other human rights depend on their existence. Second, the ability of government to fulfill any basic rights depends on the resources at its disposal, which in turn depends largely on national income and institutional constraints. Third, the willingness of government to fulfill basic rights depends on how responsive it is to public demands.

III. EMPIRICAL ANALYSIS

This research employs a cross-sectional design for the period of 1997 to 2005. The country sample includes 151 low human development (e.g., Er-

52. Oona A. Hathaway, *Do Human Rights Treaties Make a Difference?*, 111 YALE L. J. 1935 (2002); TODD LANDMAN, *PROTECTING HUMAN RIGHTS: A COMPARATIVE STUDY* (2005).

53. He measures human rights using the Freedom House seven-point index of civil and political rights, Poe & Tate, *supra* note 23, the five-point personal integrity scale, and Hathaway, the five-point torture scale, *supra* note 52. He also employs a non-recursive model to account for potential feedback effects in the norms-rights relationship.

54. *Id.*

irea, Nigeria, Zambia), medium human development (e.g., China, Turkey, Philippines), and high human development (e.g., Argentina, Mexico, Qatar) non-OECD developing countries. From 2002 to 2006, the authors also analyzed seventeen OECD, Central and Eastern Europe, and Commonwealth of Independent States (CIS) countries as a robustness check. The actual number of cases is somewhat reduced because of missing data, as information for many countries is not systematically recorded across time and space. Appendix A provides a list of countries included in this sample. Appendix B provides summary statistics of the variables to be discussed.

A. Correlation Between Basic Rights

The first question asked is "What is the empirical relationship between security and subsistence rights?" For our measure for security rights, we use the physical integrity rights index (PIR) from the Cingranelli and Richards (CIRI) Human Rights Data Set. The PIR index is an additive index that is constructed from four three-point indicators of physical integrity—torture, extrajudicial killing, political imprisonment, and disappearance—each of which ranges from a low of zero (no government respect for a particular type of right) to a high of two (full government respect for a particular type of right). The additive index of these four rights ranges from a low of zero (no government respect for all four rights) to a high of eight (full government respect for all four rights).⁵⁵

Subsistence rights are measured using the United Nations Development Programme's (UNDP) Human Poverty Index (HPI).⁵⁶ The HPI includes the following components: i) *longevity*, as measured by percentage of people not expected to survive to age forty; ii) *knowledge*, as measured by adult illiteracy rate; and iii) *decent standard of living*, which describes the lack of access to overall economic provisions as measured by the percentage of the population without access to safe water sources plus the percentage of people without access to health services plus the percentage of moderately and severely underweight children under five plus the percent of children

55. Details on the construction of the Physical Integrity Rights Index and its use can be found in: David L. Cingranelli & David L. Richards, *Measuring the Level, Pattern, and Sequence of Government Respect for Physical Integrity Rights*, 43 INT'L STUD. Q. 407 (1999). The PIR index is highly correlated with the political terror scale, developed by Mark Gibney and used by scholars such as Poe, Tate, Milner, and Leblang, at beyond the .01 level of statistical significance. Conversation with David Cingranelli.

56. United Nations Development Programme (UNDP), Human Poverty Index, available at <http://hdr.undp.org/en/statistics/indices/hpi/>.

under five.⁵⁷ The HPI measure is scaled so it has a range from zero to one hundred, with zero being the best.

There are other measures of subsistence rights in developing countries, including the PQLI, mentioned earlier, and the Human Development Index (HDI) developed by the UNDP. The HDI includes life expectancy, adult literacy, and real GDP per capita. While the HDI has been widely used to measure the progress of a community as a whole, it is not a good measure to describe the situation of the most deprived people.⁵⁸ To look at the overall well-being of a community, one could use the average indicators in the HDI. The problem occurs at the lower tail of the distribution, representing the most deprived segments of a community. An indicator that uses averages, like an income average, can mask what's happening to the poorest in the community. A country with a high average income can easily consist of both a high percentage of rich and a high percentage of poor people; averaging conceals the latter. In contrast, measuring respect for basic rights requires finding out what's happening at the lower tail of the distribution. While the HDI and HPI share a similar knowledge indicator (the distinction being that by using adult illiteracy the HPI frames it as a knowledge deprivation), the HPI measures deprivations in the lower tails in the distribution for both longevity (probability of dying before age forty), and standard of living, especially with respect to children's health (percent of children under five who are underweight). The HPI uses basic benchmarks and then finds the degree to which they are not being met.

In some ways the HPI and PQLI are similar. For the PQLI, country values are assigned on the basis of the following indicators: basic literacy rate, infant mortality, and life expectancy at age one. All indicators are equally weighted on a zero to one hundred scale. Both the HPI and the PQLI reflect the "basic needs" approach by measuring results and not expenditures, which are influenced more by wealth and development levels. However, this article uses the HPI because, in comparison to the PQLI, it better captures the deprivations associated with unrealized subsistence rights. Like the HDI, the PQLI includes adult literacy rates to measure knowledge. It also uses two measures for health outcomes: infant mortality, an average, and life expectancy at age

57. In 2001 and 2003 there were changes made to the way the HPI was calculated. For instance, in 2001 access to health services as a component of deprivation to a decent standard of living was removed because of data unreliability. In 2003 the percentage of the population not using improved water sources was replaced by the percentage of the population without access to an improved water source. See the 2001 and 2003 Human Development Reports for details on all of the changes. We will account for these changes in our data analysis with binary indicator variables for the years 2001 and 2003. UNDP, HUMAN DEVELOPMENT REPORT 2001 (2001). UNDP, HUMAN DEVELOPMENT REPORT 2003 (2003).

58. UNDP, HUMAN DEVELOPMENT REPORT 1997, at 20 (1997).

one, a lower tail benchmark. The HPI also includes two health indicators, both measured against lower tail benchmarks (probability of dying before age forty and the percent of children under age five who are underweight). Those indicators capture the health outcomes of both children and adults, unlike those used in the PQLI. Additionally, the HPI includes a measure that aims to capture those deprived of an adequate standard of living, namely the percentage of the population not using improved water sources.

Correlations between the components of basic rights indicators reveal that there is a statistically significant relationship between security and subsistence rights. In our sample, correlating the HPI with the PIR over the pooled data (all years and all *developing* countries) produces a modest but significant positive correlation coefficient of .15, which is flagged at greater than the .05 level of statistical significance.⁵⁹ The mean values for the developing country HPI and PIR are 71.61 and 56.83, respectively. While the correlation coefficient is modest, its degree of statistical significance suggests that it is non-negligible. Perhaps because the authors' studies use different measures and data (i.e., this study uses HPI instead of PQLI, and PIR instead of the PTS), the results contrast to those of Milner et al., who found a negative bivariate correlation between their security rights and subsistence rights measures.⁶⁰ This article's findings lend support to the argument that security and subsistence rights are treated interdependently and indivisibly. The fact that the relationship is modest makes it even more important to find the underlying factors that support I/I.

B. Measuring Basic Rights

The second question concerns the determinants of both kinds of basic rights—security and subsistence—being fulfilled *simultaneously*. To answer that question a composite indicator that measures the notions of I/I is now constructed.

The central property required for such a measure is that it gives a higher value to a country that enjoys both kinds of rights fulfillment simultaneously than to one that has an additively equivalent, but uneven, rights enjoyment. To illustrate, suppose country I has a subsistence rights fulfillment score of four and a security rights fulfillment score of four, where higher numbers are better. Denote those rankings (4,4). Country II's scores are (3,5). Note that if one simply adds the scores both countries receive an eight. But clearly

59. Actually the correlation coefficient is -.15; because lower HPI scores are better that means a positive correlation between HPI and PIR. We take the absolute value for expositional purposes.

60. Milner et al., *supra* note 12.

being faithful to the notions of I/I requires that country I get a higher value because it fulfills both rights simultaneously.⁶¹ That rules out any kind of additive composite index.

Of course simultaneity can't be the only thing that matters. A country described by (8,4) should get a higher value than a country described by equal, but lower scores, like (3,3). A more conceptually difficult issue concerns a comparison between (2,2) and (2,9). Should the composite index give a higher value to the second country? Based solely on I/I, the answer may be no because the first country is doing as well as the second on subsistence rights, and the second country's superior performance on security rights does not represent increasing adherence to I/I. Even still, a fundamental respect for basic rights fulfillment suggests a higher ranking to the second country, even if only marginally so. A simple multiplicative composite index is now employed, based on these criteria.⁶²

To create the composite Basic subtracting it from one hundred (i.e., 100-HPI); call this X_{hpi} . The CIRI physical integrity measure ranges from zero to eight, with eight being the best. We transformed this scale to make ten the highest attainable number by simply adding two to each raw score, which also has the effect of making two the lowest score. Then, this value was multiplied by ten, making the range of the transformed variable twenty to one hundred; call this X_{pir} . Next, to create the composite index, Y, the following transformation is performed:

$$Y = (1/100) * (X_{hpi} * X_{pir})$$

Note that the index is faithful to the desirable properties described above. A country with modified HPI and CIRI scores of (50,50) dominates another country described by (30,70). Moreover, using the example above, while (2,9) dominates (2,2), it does so only marginally because a (4,5) country receives an even higher score. For the sample of developing countries used here, Y has a range from 8.94 to 96.7. Using this procedure, the mean value of this composite Basic Rights index is 50.53.⁶³

61. This simultaneously occurs even though country I is not as good at fulfilling security rights (but better at subsistence rights). Perhaps country III, with scores of (7,1) illustrates this more clearly.

62. Technically, Leontief technology described by $y = \min(x_1, x_2)$ would rank both cases equivalently (equal to 2). That kind of composite index would treat the rights as pure complements, that is, in order to enjoy more of one the other must also increase (to enjoy another right shoe one needs another left shoe). In contrast, the multiplicative composite indicator we are about to describe is monotonically increasing in both kinds of rights. That means that to some extent the rights are treated as substitutes. For instance (2,9) gets a higher score than (2,2) (but importantly, not (5,5)). We think that is defensible for the reason just given, that is, to fundamentally respect basic rights fulfillment.

63. For comparison purposes, the mean, minimum, and maximum for the OECD country sample is 81.09, 50.53, and 93.5, respectively.

C. Basic Rights Index Country Rankings

Tables 1 and 1a list country scores of the level of Basic Rights for the years 2000 and 2005.⁶⁴ In 2000, Basic Rights scores rank from a low of 12.9 for Sudan, indicating a very low level of effort by governments to respect these rights, to a high of 94.9 for Trinidad and Tobago, indicating a serious commitment and effort by policymakers. In 2005, scores range from a low of 8.94 for Ethiopia to a high of 86.67 for Chile. It is clear from these tables that a country does not have to be wealthy to extend basic rights to its citizens, as can be seen from the year 2000 examples of Fiji, Guyana, Honduras, and year 2005 examples of Barbados, Qatar, Paraguay, and Mongolia—all of which are low to middle-income economies. Fiji, for example, ranks third in 2000 on the basic rights indicator, twelfth on the HDI (within this sample), and sixth on the HPI (within this sample), but its level of GDP per capita is ranked twenty-second. Barbados in the 2005 ranking is even more dramatic: it's Basic Rights ranking of third betrays its GDP per capita ranking of ninety-sixth.⁶⁵ More formally, in 2005 the correlation coefficient between the Basic Rights index and GDP per capita is .469, which is significant, but still allows for a host of other factors to influence basic rights besides income.⁶⁶

While viewing rankings as snapshots in time can be interesting, perhaps more important is performance over time. In comparing country scores over time to determine whether a particular country is progressively improving its basic rights levels, the insecure or tenuous nature of basic rights substantiation can become readily apparent. For example, Jamaica's ranking of fourth in 2000 and twenty-first in 2005 indicates that it was performing better than countries at similar levels of development. However, its significant drop in ranking in just a five-year period is a cause for concern. As another example, Trinidad and Tobago fell from first in 2000 to a ranking of twelfth in 2005. China dropped forty-five spots, while India dropped twenty-nine. In

64. The countries included in the tables differ from each other (and are a subset of Appendix A) because of missing data.

65. For rankings of government effort towards just economic rights fulfillment, see Cingranelli & Richards, *Measuring Government Effort to Respect Economic and Social Human Rights*, *supra* note 20; Mwangi Kimenyi, *Economic Rights, Human Development Effort, and Institutions*, in *Economic Rights*, *supra* note 7, at 195; Sakiko Fukuda-Parr, Terra Lawson-Remer & Susan Randolph, *Measuring the Progressive Realization of Human Rights Obligations: An Index of Economic and Social Rights Fulfillment*, Economic Rights Working Paper Series 8, Univ. of Conn. (Aug. 2008). Because all of these studies attempt to measure different outcomes and use different data and techniques, there are differences in ultimate rankings. For instance, Kimenyi, using his economic rights effort criterion ranks Trinidad and Tobago 77th in 2002, while that country is first in 2000 in our ranking, and twelfth in 2005.

66. The correlation coefficient between the Basic Rights Index and HDI is .625.

Table 1.
Basic Rights Country
Rankings for 2000

COUNTRY	BASIC RIGHTS RANKING	HDI RANKING	GDP/ CAPITA RANKING	HPI RANKING	CIRI RANKING	BASIC RIGHTS SCORE
Trinidad and Tobago	1	6	5	5	1	94.9
Uruguay	2	2	6	1	2	86.49
Fiji	3	12	22	6	2	82.44
Jamaica	4	21	16	16	2	77.94
Costa Rica	5	5	10	2	3	76.8
United Arab Emirates	6	4	1	28	2	73.89
Panama	7	9	11	8	3	72.88
Guyana	8	28	39	10	3	72
Mauritius	9	14	13	14	3	70.72
Cuba	10	8		3	5	66.78
Ecuador	11	26	34	26	3	66.56
Botswana	12	45	14		2	64.53
El Salvador	13	33	20	34	3	63.84
Oman	14	24	3	38	3	61.84
Honduras	15	39	42	39	3	61.36
Lesotho	16	49	51	40	3	61.36
Chile	17	1	8	4	5	57.18
Thailand	18	17	24	29	4	56.91
Jordan	19	27	28	7	5	54.72
Nicaragua	20	42	44	41	4	53.06
Venezuela (Bolivarian Republic of)*	21	11	9	15	5	52.56
Malawi	22	74	77	61	2	52.29
Namibia	23	41	26	44	4	51.38
Swaziland	24	38	32	45	4	50.82
Libyan Arab Jamahiriya	24	15	4	19	5	50.82
Dominican Republic	25	25	19	20	5	50.76
Paraguay	26	20	33	23	5	50.16
Peru	27	19	21	25	5	50.1
Bolivia	28	40	37	27	5	49.56
South Africa	29	32	17	33	5	47.88
Benin	30	70	64	74	2	46.08
Ghana	31	51	68	59	4	45.22
Bahrain	32	3	2	9	6	45.2
Algeria	33	34	27	42	5	45.12
Togo	34	60	69	63	4	43.54
Zambia	35	66	65	64	4	43.47
Viet Nam	36	35	57	47	5	43.08
Zimbabwe	37	52	48	52	5	42
Gambia	38	72	63	75	3	40.8
Egypt	39	43	31	55	5	40.62
Mauritania	40	62	56	77	3	40.24
Tunisia	41	31	23	36	6	39.05
Mali	42	76	75	81	3	38.88
Haiti	43	64	52	71	4	38.36
Morocco	44	46	35	65	5	36.96
Mexico	45	7	7	12	7	35.84
Tanzania (United Republic of)	46	69	66	50	6	35.4
Malaysia	47	10	12	18	7	34.4
Congo	48	56	41	54	6	34.05
China	49	30	40	30	6	33.96
Brazil	50	16	15	21	7	33.76
Turkey	51	23	18	24	7	33.44
Syrian Arab Republic	52	37	36	32	7	32.28
Senegal	53	68	54	73	5	31.26
Guatemala	54	44	29	49	7	28.32
Niger	55	81	76	85	3	28.24
Kenya	56	55	55	51	7	28.2
Rwanda	57	75	72	61	7	25
Burkina Faso	58	80	71	84	5	24.96
Iran (Islamic Republic of)	59	29	30	31	8	24.24
Uganda	60	71	70	67	7	24.12

Table 1. Continued

COUNTRY	BASIC RIGHTS RANKING	HDI RANKING	GDP/ CAPITA RANKING	HPI RANKING	CIRI RANKING	BASIC RIGHTS SCORE
Central African Republic	61	77	67	82	6	23.5
Bangladesh	62	61	62	70	7	22.56
Indonesia	63	36	45	46	8	21.69
Yemen	64	63	50	76	7	20.24
Guinea	65	73	61	78	7	19.92
Mozambique	66	78	74	79	7	19.72
India	67	50	53	58	8	19.62
Nigeria	68	65	58	62	8	18.72
Cameroon	69	53	46	66	8	18.45
Pakistan	70	54	49	68	8	17.97
Colombia	71	59	25	11	9	17.92
Ethiopia	72	79	78	83	7	17.88
Philippines	73	18	38	22	9	16.78
Côte d'Ivoire	74	67	47	72	8	16.26
Sri Lanka	75	22	43	35	9	15.94
Nepal	76	59	73	80	8	14.61
Myanmar	77	47		53	9	13.72
Sudan	78	57	59	60	9	12.9

Table 1a.
Basic Rights Country
Rankings for 2005

COUNTRY	BASIC RIGHTS RANKING	HDI RANKING	GDP/ CAPITA RANKING	HPI RANKING	CIRI RANKING	BASIC RIGHTS SCORE
Chile	1	3	7	2	2	86.67
Costa Rica	2	6	11	3	2	86.4
Barbados	3	2	96	4	2	85.95
Qatar	4	4	97	10	2	82.98
Mauritius	5	14	15	24	2	79.74
Uruguay	6	5	5	1	2	77.12
Vanuatu	7	48	44	52	1	75.3
Singapore	8	1	1	6	3	74.96
Panama	9	9	14	9	3	73.84
Saint Lucia	10	17	12	12	3	73.36
Cape Verde	11	39	42	45	2	73.17
Trinidad and Tobago	12	10	3	15	3	72.96
Paraguay	13	24	40	17	3	72.48
Suriname	14	25	23	23	3	71.28
Fiji	15	30	28	49	2	70.83
Bolivia	16	44	46	30	3	68.88
Comoros	17	58	73	57	1	68.8
Mongolia	18	45	62	44	3	65.2
Jordan	19	27	32	11	4	64.33
Malaysia	20	12	13	16	4	63.77
Jamaica	21	35	21	21	4	62.65
Guatemala	22	47	35	51	3	61.68
Peru	23	20	27	26	4	61.6
Saudi Arabia	24	18	2	32	4	59.57
El Salvador	25	37	30	34	4	58.87
Maldives	26	34	26	37	4	58.38
Belize	27	28	17	38	4	58.31

Table 1a. Continued

COUNTRY	BASIC RIGHTS RANKING	HDI RANKING	GDP/ CAPITA RANKING	HPI RANKING	CIRI RANKING	BASIC RIGHTS SCORE
Honduras	28	46	49	39	4	58.17
Nicaragua	29	43	52	40	4	57.61
Cuba	30	7	98	5	5	57.12
Viet Nam	31	41	60	47	4	55.16
Algeria	32	38	31	48	4	55.09
Lebanon	33	21	8	18	5	54.24
Brazil	34	13	18	20	5	53.82
Ecuador	35	22	37	22	5	53.64
Namibia	36	53	33	60	3	53.6
Dominican Republic	37	33	22	25	5	52.92
Ghana	38	63	78	62	3	51.92
Djibouti	39	74	53	53	4	49.35
Sri Lanka	40	31	47	42	5	49.2
Benin	41	85	77	95	2	46.44
Botswana	41	57	10	94	2	46.44
Mexico	42	8	6	13	6	45.8
Gambia	43	79	75	88	3	44.24
Syrian Arab Republic	44	40	43	29	6	43.1
Libyan Arab Jamahiriya	45	11	4	33	6	42.35
Congo	46	65	48	54	5	41.94
Lesotho	47	72	59	91	3	41.92
Papua New Guinea	48	62	55	78	4	41.65
South Africa	49	50	20	56	5	41.46
Guinea-Bissau	50	95	94	93	3	41.44
Tunisia	51	29	25	43	6	40.85
Malawi	52	88	92	85	4	39.62
Senegal	53	80	63	87	4	39.06
Myanmar	54	55	99	50	6	39.05
Madagascar	55	70	87	63	5	38.82

Cameroon	56	73	54	67	5	38.38
Rwanda	57	82	82	69	5	37.38
Venezuela	58	19	9	14	7	36.48
Turkey	59	32	19	19	7	36.12
Yemen	60	75	61	77	5	35.82
Mali	61	97	84	101	2	35.73
Mozambique	62	91	79	96	4	35.63
Cambodia	63	56	71	81	5	35.22
Egypt	64	49	36	55	6	34.55
Swaziland	65	71	39	97	4	32.97
Morocco	66	52	41	61	6	32.75
Kenya	67	78	66	67	6	32.3
Zambia	68	89	74	90	5	32.16
Tanzania						
(United Republic of)	69	87	76	64	6	32.1
Sierra Leone	70	99	89	98	4	31.57
Lao People's						
Democratic Republic	71	59	72	72	6	30.9
Mauritania	72	76	69	79	6	29.75
Burundi	73	92	95	80	6	29.55
Angola	73	83	51	83	6	29.25
Niger	74	100	91	103	3	28.48
Thailand	75	16	24	28	8	26.13
Central African Republic	76	94	88	92	6	26.1
Uganda	77	68	81	66	7	25.6
Philippines	78	23	45	35	8	25.11
Iran (Islamic Republic of)	79	36	34	36	8	25.08
Burkina Faso	80	98	83	102	4	25.06
Haiti	81	77	67	70	7	24.8
Equatorial Guinea	82	51	16	71	7	24.76
Indonesia	83	42	50	41	8	24.66
Eritrea	84	84	90	73	7	24.52
Nigeria	85	81	65	75	7	24.48
Togo	86	66	85	76	7	24.2
Congo (Democratic						
Republic of the)	87	90	100	82	7	23.44

Table 1a. Continued

COUNTRY	BASIC RIGHTS RANKING	HDI RANKING	GDP/CAPITA RANKING	HPI RANKING	CIRI RANKING	BASIC RIGHTS SCORE
Côte d'Ivoire	88	86	58	84	7	23.24
Zimbabwe	89	69	70	89	7	21.64
Sudan	90	67	64	59	8	20.28
Pakistan	91	60	56	68	8	18.87
Colombia	92	15	29	8	9	18.52
Nepal	93	61	86	74	8	18.39
China	94	26	38	27	9	17.54
Chad	95	96	80	100	7	16.48
India	96	54	57	58	9	13.74
Bangladesh	97	64	68	86	9	11.18
Ethiopia	98	93	93	99	9	8.94

contrast, some countries were able to improve their rankings. Chile moved from seventeenth in the year 2000 to first in 2005. Brazil made a big move, from fifty to thirty-four; Guatemala showed the biggest improvement, moving thirty-two spots from fifty-fourth to twenty-second. Overall, the correlation coefficient between the Basic Rights indices of 2000 and 2005 is .717.

Some interesting trends emerge when the country scores on the Basic Rights indicator were compared with the individual components of this indicator—subsistence and security rights. Comparing the individual scores on the HPI and the PIR against the aggregate basic rights indicator scores is important because it shows how countries are doing in each component versus how they are doing in both simultaneously. As the tables show, several countries that perform highly on one type of right also perform highly on the other, indicating simultaneous fulfillment of basic rights. An obvious example is Trinidad and Tobago in 2000, which ranks fifth on the HPI and has the highest level of first on the PIR index.⁶⁷ As another example, Fiji ranks sixth on the HPI and has a score of two on the PIR index. In 2005, Costa Rica ranks third on the HPI and has a score of two on the PIR index.

However, some countries that perform well on one component of the Basic Rights index perform poorly on the other, illustrating that some regimes do not work towards the simultaneous fulfillment of security and subsistence rights, but instead make tradeoffs between these rights. China is a good example of a country that has a poor record of performance on physical integrity rights, but a decent record of advancing economic and social rights. This is evidenced by its rank of thirtieth on the HPI for the year 2000, which increased to twenty-seventh in 2005. Nevertheless, that did not prevent a precipitous backslide due to its deteriorating PIR ranking. As the tables also show, in 2000 the non-Communist countries of Bahrain, Mexico, Malaysia, and Brazil have poor performance records on physical integrity rights, but decent records on advancing subsistence rights.

D. Key Determinants of Basic Rights

We now turn to the task of finding the important determinants of government ability and willingness to advance basic rights. As discussed earlier, wealth is a key determinant of government *ability*. Other determinants include legal origins and globalization. Indicators of government *willingness* are: a)

67. To make comparisons between countries easier, we inverted the PIR index so that countries with the highest score of "8" on this index receive a score of "1"; countries with the second highest score of "7" on this index receive a score of "2;" countries with the third highest score of "6" receive a score of "3," and so on.

the level of democracy in a particular country, and b) whether it has signed and/or ratified the 1966 International Convention on Economic, Social and Cultural Rights (ICESCR) and/or the 1966 ICCPR—the two most significant norm-guiding conventions in the area of security rights and subsistence rights. Control variables include internal and interstate conflict, and population size.

1. Government Ability to Promote Basic Rights

National wealth might play an important role in determining government ability to promote basic rights because the greater the potential resources to the government, the more it is able to fund basic subsistence, literacy, and health programs. National wealth is measured using the logged values of per capita GDP, which are drawn from the World Bank's World Development Indicators (WDI). This variable is logged to eliminate problems of skewness and nonlinearity, which can bias parameter estimates of statistical relationships.

The next indicator for ability is a country's legal origins. The data comes from La Porta et al., and, like the literature, this article focuses on English legal origins.⁶⁸ A binary variable takes the value of one for countries with English legal origins, zero otherwise.

Two separate measures of economic globalization are used: a) net flows of FDI; and b) trade openness, which corresponds to financial and trade globalization, respectively. FDI data are in current US dollars and were drawn from the World Bank's 2006 WDI.⁶⁹ FDI is measured as the sum of equity capital, reinvestment of earnings, and other long-term capital. The WDI series reports net inflows for a particular country as a proportion of GDP. Trade openness is measured as the sum of the value of imports and exports of goods and services of a country expressed as a percentage of that country's GDP. This variable is logged to minimize problems with skewing, which can bias parameter estimates. Trade data were also drawn from the WDI series. Both indicators are standard measures of economic globalization in the literature.

2. Government Willingness to Promote Basic Rights

As discussed earlier, recent studies have found that democracy is an important determinant of government willingness to secure basic rights because democracy gives citizens a channel to press their demands. This article uses several variables to proxy for democracy in order to check robustness. The primary democracy variable is the Democ variable from the Polity IV project,

68. La Porta et al., *supra* note 31.

69. WORLD BANK, 2006 WORLD DEVELOPMENT INDICATORS, DATA USER'S MANUAL 2.1 (2006).

developed by Monty Marshall and Keith Jagers.⁷⁰ This indicator measures the level of democracy in a country along an additive eleven point scale that ranges from 0 to 10.⁷¹ A score of zero represents no (or nascent) democracy in the country and ten represents a democratic regime. Marshall and Jagers measure democracy based on three criteria: (1) the competitiveness and openness of executive recruitment; (2) the competitiveness of political participation; and (3) constraints on the chief executive. Importantly, this indicator measures the extent of democracy actually enjoyed by a nation and its people, not merely formal rights guaranteed on paper.

The other democracy (or governance) variables come from the World Bank's Worldwide Governance Indicators (WGI) project, and from the CIRI dataset. These variables don't measure the degree to which the political process is democratic as much as they measure freedoms associated with democratic governance. Two WGI variables, (1) voice and accountability, and (2) political stability and absence of violence/terrorism are employed. The first "measures the extent to which country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media."⁷² The second, political stability and absence of violence/terrorism, "measures the perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including domestic violence and terrorism."⁷³ According to the authors who developed the indicators, "[t]he units of our aggregate governance indicators will also be those of a standard normal random variable, i.e. with zero mean, unit standard deviation, and ranging approximately from -2.5 to 2.5. Higher scores correspond to better outcomes."⁷⁴ One potential criticism of this data is that the way it is collected and formulated is not entirely transparent.

The two variables from the CIRI dataset used to measure democratic freedoms are (1) freedom of assembly and association, and (2) freedom of speech. Both of these discrete variables range from zero to two, with zero meaning the right is not respected at all, and two meaning that the right was widely respected.⁷⁵

70. Monty G. Marshall & Keith Jagers, *Polity IV: Regime Type and Political Authority 1800–2004*, Ann Arbor: Inter-University Consortium for Social and Political Research (2004), available at <http://www.systemicpeace.org/polity/polity4.htm>.

71. *Id.*

72. Further description and access to the data and coding information can be found at The World Bank Group, *The Worldwide Governance Indicators Project*, (2010) available at <http://info.worldbank.org/governance/wgi/index.asp>.

73. *Id.*

74. Daniel Kaufmann, Aart Kraay & Massimo Mastruzzi, *The Worldwide Governance Indicators: Methodology and Analytic Issues* (World Bank, Policy Research Working Paper 5430, 2010) at 9.

75. Further description and access to the data can be found at David L. Cingranelli & David L. Richards, *CIRI Human Rights Data Project: Short Variable Descriptions for Indicators*

The next measure of government willingness is an ordinal variable that indicates whether a country has ratified the 1966 ICESCR, and/or the 1966 ICCPR. Government ratification of these conventions signifies a formal regime commitment to their core principles, at least in principle, if not in practice.⁷⁶ The indicator this article used is coded as such:

- 0 = Country is not a party to either the ICESCR or ICCPR
- 1 = Country is a party to the ICESCR or ICCPR
- 2 = Country is a party to both the ICESCR and ICCPR

3. Control Variables

The following control variables are also included in the analysis: the level of internal and interstate conflict, and population size. Population size is a standard control variable in most large-scale quantitative studies, though any theoretical justifications can be weak.⁷⁷ The measure of population size is of the logged midyear country population of each nation-state (US Government Census International Data Base).⁷⁸ The variable for internal/interstate conflict is a three-point ordinal scale that captures the severity of conflict measured in terms of the number of battle deaths in a given country for a particular year. The data for this measure were drawn from the Armed Conflict Dataset.⁷⁹ It is coded as:

0 = No war

1 = Minor conflict, where there have been at least twenty-five battle deaths per year

2 = Major conflict, where there have been more than 1000 battle related deaths per year

Conflicts were coded as "internal" if they met the following conditions: a) the conflict occurred between the government of a particular state and one or more internal opposition group(s) without intervention from other states; and b) the conflict took on an internationalized character but it was still coded as "internal" if the conflict occurred between the government of a state and one or more internal opposition group(s) with intervention from other states on one or both sides (e.g., Iraqi conflict and Coalition Forces). Conflicts were coded as "interstate" if the conflict occurred between two or more states.

Some research has found that countries are more likely to resort to government violations of human rights when faced with internal and external threats to their authority.⁸⁰ Countries embroiled in conflict are also less able to provide for citizens' basic needs since the chaotic effects of conflict often disrupt or impede state provision of welfare services, such as health care and education.

E. THE MODEL

This article employs yearly cross-sectional and pooled Ordinary Least Squares (OLS) regression models for the time period 1997 to 2005. The dependent variable is the composite Basic Rights measure.⁸¹ The independent variables for government ability to promote Basic Rights are Log of GDP/capita, Legal Origins, and globalization variables—Log of Trade Openness and FDI. The independent variables for government willingness include the democracy variables (Polity IV, Voice and Association, Political Stability, Freedom of Speech, and Freedom of Assembly and Association as proxies) and Endorsement of International Covenants. The control variables are Log of Population Size, International Conflict, and Internal Conflict.

Tables 2–6 report the regression results for the sample of developing countries. Because the WGIs only cover the years 1998, 2000, 2002, 2003,

the Department of Peace and Conflict Studies, Uppsala University and the Centre for the Study of Civil War at the International Peace Research Institute, Oslo (PRIO).

80. Poe et al., *supra* note 28; Poe & Tate, *supra* note 23. Poe, Tate & Keith, *supra* note 40.

81. Recall that the measure includes the HPI as formulated and constructed in the UNDP's Human Development Reports. Because there were changes in 2001 and 2003 to the way the HPI was calculated, we include binary indicator variables for the years 2001 and 2003 in the pooled models.

in The Cingranello-Richards (CIRI) Human Rights Dataset (22 Nov. 2010), available at http://128.226.6.231/documentation/ciri_variables_short_descriptions.pdf.

76. There are more nuanced approaches. For example, Landmann develops an eight-point ordinal level measure that captures the level of formal commitment expressed by nation-states to the core principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in terms of the types of substantive reservations. We will consider this issue in more detail when discussing results. Landmann, *supra* note 52.

77. Poe & Tate, *supra* note 23; Henderson, *Population Pressures and Political Repression*, *supra* note 23.

78. Some scholars find that ethnically divided societies have worse human rights practices since diversity tends to lead to inter-group and intra-group conflict over scarce resources and political and economic domination of one group over the other, increasing the potential for state repression. Scott Walker & Steven C. Poe, *Does Cultural Diversity Affect Countries' Respect for Human Rights?*, 24 HUM. RTS. Q. 237 (2002). Ethnic fractionalization also negatively affects economic growth rates, particularly in less democratic countries. Yet, others have cast doubt on the significance of the relationship between human rights and ethnic diversity. Chris Lee, Ronny Lindstrom, Will H. Moore & Kursad Turan, *Ethnicity and Repression: The Ethnic Composition of Countries and Human Rights Violations*, in UNDERSTANDING HUMAN RIGHTS VIOLATIONS: NEW SYSTEMATIC STUDIES 186 (Sabine C. Carey & Steven C. Poe eds., 2004). We do not examine the influence of ethnic fractionalization on basic rights since standard measures are rather dated (1990s and earlier), making it difficult to ascertain the effects of fractionalization and changes in fractionalization across countries over time. Moreover, earlier regressions revealed it to be insignificant in our estimations.

79. The dataset is HÅVARD STRAND, LARS WILHELMSEN & NILS PETTER GLEDITSCH, INTERNATIONAL PEACE RESEARCH INSTITUTE, ARMED CONFLICT DATASET CODEBOOK (2004), available at http://www.prio.no/cwp/armedconflict/current/codebook_v2_1.pdf. This dataset is a joint project between

Table 2.
Regression Results: Developing Country Sample with
Polity IV Democracy Measure
Dependent Variable: Basic Rights

Variable	1998	2000	2002	2003	2005	Pooled
Polity IV Democracy Measure	.941* (.533)	.821* (.469)	1.19*** (.405)	1.18*** (.353)	1.39*** (.404)	1.29*** (.132)
Legal Origins UK	6.92* (3.91)	3.73 (3.26)	.727 (2.77)	-2.14 (2.19)	-5.30* (2.75)	1.12 (.939)
Endorsement of International Covenants	.431 (2.43)	.899 (2.34)	3.60* (1.90)	1.66 (1.63)	-1.02 (2.06)	.693 (.618)
Log of GDP Per Capita	6.11*** (1.70)	6.86*** (1.57)	7.15*** (1.27)	7.21*** (1.09)	6.57*** (1.40)	6.34*** (.434)
Log of Trade Openness	9.58** (3.99)	1.99 (3.63)	6.73** (3.09)	9.92*** (2.72)	2.96 (3.10)	5.46*** (1.02)
Foreign Direct Investment (FDI)	.808 (.594)	.899 (.611)	.131 (.218)	.092 (.279)	.082 (.397)	.240** (.112)
Log of Population Size	-1.85 (1.31)	-4.06*** (1.13)	-5.12*** (.898)	-3.46*** (.833)	-5.01*** (.885)	-3.99*** (.301)
International Conflict	-12.14 (14.63)	13.32 (13.68)	3.77 (11.76)	10.13 (11.04)	1.14 (5.53)	1.72 (2.63)
Internal Conflict	-6.94** (2.89)	-8.40*** (2.99)	-6.57*** (2.45)	-5.45** (2.59)	-3.56 (2.29)	-7.54*** (.789)
Year 2001	NA	NA	NA	NA	NA	3.51 (1.36)
Year 2003	NA	NA	NA	NA	NA	-.315 (1.31)
Number of Cases	65	71	70	77	79	662
R-squared	.59	.62	.75	.75	.67	0.70

NA = Not Applicable

Table 3.
Regression Results: Developing Country Sample with WGI Political Stability Indicator
Dependent Variable: Basic Rights

Variable	1998	2000	2002	2003	2005	Pooled
Political Stability Indicator	11.18*** (3.09)	6.46** (2.58)	9.62*** (1.97)	9.19*** (1.63)	7.72*** (1.77)	8.83*** (.794)
Legal Origins UK	7.71** (3.42)	6.20* (3.19)	3.54 (2.51)	-.818 (2.12)	-4.38* (2.52)	1.39* (1.05)
Endorsement of International Covenants	1.37 (2.20)	1.89 (2.23)	4.55** (1.72)	2.77** (1.36)	1.48 (1.88)	2.55*** (.719)
Log of GDP Per Capita	5.75** (1.53)	7.22*** (1.44)	7.59*** (1.06)	7.63*** (.865)	7.32*** (1.12)	6.94*** (.453)
Log of Trade Openness	6.13* (3.70)	1.44 (3.54)	2.64 (2.82)	6.02** (2.43)	.116 (2.88)	3.00** (1.17)
Foreign Direct Investment (FDI)	.893 (.537)	.309 (.595)	.073 (.200)	-.073 (.226)	-.332 (.347)	-.046 (.127)
Log of Population Size	-1.94* (1.15)	-4.15*** (1.09)	-4.07*** (.833)	-2.69*** (.707)	-4.31*** (.813)	-3.44*** (.340)
International Conflict	-12.26 (13.04)	8.27 (13.97)	-4.16 (11.22)	4.97 (9.85)	1.15 (5.35)	.852 (3.01)
Internal Conflict	.362 (3.48)	-4.72 (3.37)	-1.80 (2.64)	-.355 (2.50)	.118 (2.19)	-1.46 (.986)
Year 2001	NA	NA	NA	NA	NA	4.20*** (1.31)
Year 2003	NA	NA	NA	NA	NA	.847 (1.27)
Number of Cases	66	73	75	84	88	471
R-squared	.65	.65	.78	.81	.69	.72

NA = Not Applicable

Table 4.
Regression Results: Developing Country Sample with WGI Voice & Accountability Indicator
Dependent Variable: Basic Rights

Variable	1998	2000	2002	2003	2005	Pooled
Voice & Accountability Indicator	8.22*** (2.98)	6.51*** (2.43)	9.37*** (2.09)	8.65*** 1.65	9.79*** (1.88)	8.96*** (.819)
Legal Origins UK	5.42 (3.68)	3.84 (3.18)	-.823 (2.60)	-3.70* (2.23)	-6.91*** (2.47)	-1.31 (1.08)
Endorsement of International Covenants	-.081 (2.29)	-.275 (2.25)	2.93 (1.79)	.910 (1.43)	-.092 (1.81)	.516 (.733)
Log of GDP Per Capita	5.26*** (1.68)	6.44*** (1.54)	5.43*** (1.26)	6.20*** (.986)	5.11*** (1.23)	5.47*** (.505)
Log of Trade Openness	7.85** (3.80)	1.86 (3.52)	4.71* (2.81)	10.31*** (2.38)	5.59** (2.79)	6.18*** (1.16)
Foreign Direct Investment (FDI)	.876 (.561)	.645 (.576)	-.001 .284	-.036 (.231)	-.286 (.334)	.014 (.127)
Log of Population Size	-1.49 (1.25)	-4.34*** (1.07)	-4.20*** (.848)	-2.79*** (.718)	-4.51*** (.761)	-3.58*** (.33)
International Conflict	-17.32 (14.21)	10.33 (13.59)	-2.56 (11.42)	7.26 (9.97)	1.12 (5.13)	.594 (3.03)
Internal Conflict	-5.32* (2.85)	-7.06** (3.00)	-7.37*** (2.26)	-5.69*** (2.25)	-2.31 (2.05)	-5.24*** (.899)
Year 2001	NA	NA	NA	NA	NA	4.019*** (1.32)
Year 2003	NA	NA	NA	NA	NA	.668 (1.27)
Number of Cases	66 .62	73 .65	75 .77	84 .80	88 .71	471 .72

NA = Not Applicable

Table 5.
Regression Results: Developing Country Sample with CIRI Freedom of Speech Indicator
Dependent Variable: Basic Rights

Variable	1998	2000	2002	2003	2005	Pooled
CIRI Freedom of Speech Indicator	3.98 (2.29)	1.93 (2.45)	4.67** (2.09)	4.89*** (1.55)	4.31** (2.05)	4.22*** (.647)
Legal Origins UK	7.42** (3.72)	4.96 (3.32)	1.13 (2.81)	-1.59 (2.39)	-5.22* (2.77)	1.95** (.944)
Endorsement of International Covenants	.005 (2.39)	.590 (2.38)	3.85** (1.96)	1.97 (1.54)	.659 (2.03)	1.25** (.623)
Log of GDP Per Capita	6.53*** (1.63)	8.11*** (1.46)	7.37*** (1.26)	8.57*** (.945)	7.94*** (1.21)	7.44*** (.404)
Log of Trade Openness	8.54** (3.93)	2.19 (3.73)	5.09* (3.11)	9.25*** (2.62)	3.41 (3.11)	5.73*** (1.03)
Foreign Direct Investment (FDI)	.993* (.579)	.612 (.607)	.008 (.226)	-.107 (.253)	-.319 (.377)	.123 (.112)
Log of Population Size	-1.95 (1.28)	-4.51*** (1.14)	-5.01*** (.910)	-3.45*** (.768)	-4.83*** (.885)	-3.85*** (.303)
International Conflict	-6.92 (13.98)	17.99 (13.93)	11.52 (12.04)	14.92 (10.76)	-.449 (5.92)	3.42 (2.72)
Internal Conflict	-7.57*** (2.78)	-8.28*** (3.15)	-8.84*** (2.46)	-5.81** (2.49)	-2.22 (2.32)	-7.51*** (.806)
Year 2001	NA	NA	NA	NA	NA	2.61* (1.367)
Year 2003	NA	NA	NA	NA	NA	-.111 (1.306)
Number of Cases	66 .59	73 .61	75 .72	84 .76	88 .63	699 .68

NA = Not Applicable

Table 6.

Regression Results: Developing Country Sample with CIRI Freedom of Association Indicator
Dependent Variable: Basic Rights

Variable	1998	2000	2002	2003	2005	Pooled
CIRI Freedom of Association Indicator	1.55 (2.15)	2.31 (2.05)	4.59** (1.96)	4.61*** (1.52)	6.68*** (2.20)	4.65*** (.609)
Legal Origins UK	7.88** (3.78)	5.19 (3.29)	1.25 (2.79)	-.990 (2.39)	-4.28 (2.67)	2.38*** (.930)
Endorsement of International Covenants	.487 (2.42)	.494 (2.34)	3.14 (2.02)	1.90 (1.55)	.198 (1.98)	1.057* (.618)
Log of GDP Per Capita	6.90*** (1.67)	7.91*** (1.48)	7.48*** (1.24)	8.09*** (.972)	7.20*** (1.23)	7.23*** (.403)
Log of Trade Openness	8.80** (4.02)	2.62 (3.76)	5.78* (3.07)	9.97*** (2.63)	5.14* (3.13)	6.04*** (1.027)
Foreign Direct Investment (FDI)	.975 (.596)	.557 (.607)	-.008 (.226)	-.131 (.255)	-.472 (.368)	.064 (.112)
Log of Population Size	-2.29* (1.31)	-4.37*** (1.15)	-4.61*** (.928)	-3.11*** (.801)	-4.22*** (.908)	-3.58*** (.306)
International Conflict	-5.55 (14.33)	17.62 (13.85)	10.78 (12.01)	10.75 (11.08)	3.09 (5.65)	3.86 (2.68)
Internal Conflict	-7.74*** (2.88)	-8.39*** (3.08)	-9.04*** (2.46)	-6.72*** (2.48)	-2.24 (2.26)	-7.74*** (.793)
Year 2001	NA	NA	NA	NA	NA	3.20** (1.35)
Year 2003	NA	NA	NA	NA	NA	.043 (1.292)
Number of Cases	66	73	75	84	88	700
R-squared	.58	.62	.72	.76	.65	0.69

NA = Not Applicable

and 2005, this article reports those years for all estimations. However, for the other democracy variables the pooled results include all the years reported for (that is, from 1997 to 2005). Because of severe multicollinearity, separate equations for each democracy variable are run.

First consider the variables that measure a government's ability to promote Basic Rights. The results indicate that GDP per capita is a consistently strong predictor of Basic Rights, which suggests that a country's wealth positively affects a government's ability to provide basic rights. The sign is statistically significant at the .01 level in virtually all models.

The other "ability" variables—legal origins and globalization—show mixed effects. The legal origins variable is positively significant at the .05 or .01 level in two out of the five of the pooled models, and is positively significant at the .10 level in another. It is also significant at the .10 level or better in four out of twenty five of the yearly models. At best, it seems prudent to conclude that having English legal origins tends to have a modest affect on a government's ability to provide basic rights.

Recall that the globalization variables used in this article are measures of trade openness and FDI. Trade openness is positively significant at the .01 level in four of the five pooled models, significant at the .05 level in the other, and statistically significant in sixteen of the twenty-five yearly models. In contrast, there is little support for the affects of FDI on a government's ability to provide Basic Rights. The variable is (positively) significant in only one pooled model, and insignificant in all but one of the yearly models (several of which also have a negative sign). These findings are in line with current research, as the majority of studies on globalization and human rights have found inconsistent, erratic, or negligible results for these indicators. But one finding here is that, at the very least, economic globalization *per se* does not appear to lead to significant declines in basic rights.⁸²

Now consider the variables that measure a government's willingness to provide Basic Rights. The first thing to note is that democracy is a strong, positive indicator of Basic Rights. For instance, Table 2 reports the results for the Polity IV measure of democracy, the most widely used and probably the best measure available. The coefficient is positive and significant at the .01 level in the pooled model, and statistically significant in all of the yearly models with the exception of 1998. This result is robust—the other democracy measures yield similarly strong results. Each of the other four democracy variables is positively significant at the .01 level in the pooled models, and positively significant in sixteen of twenty yearly models.

82. Richards & Gelleny, *supra* note 37; Apodaca, *supra* note 37.

The effect of national endorsement of the ICCPR and/or ICESCR on the provision of Basic Rights seems to be modest. While the coefficient is significant at the .01, .05, .10 levels each in three of the five pooled regressions, it is significant in only four yearly models. These results may be due partly to the lack of enforcement mechanism included in international human rights treaties and the limited alternatives available to international monitoring bodies. International human rights law is often seen as a form of quasi-law with weak and ineffective enforcement mechanisms, and the costs of non-compliance are low to non-existent.⁸³ Moreover, many countries lack the political will to effectively enforce their treaty obligations primarily because international human rights norms lack resonance with domestic constituents and because human rights agreements challenge national sovereignty. Instead, Basic Rights policies might be better served with the use of domestic legal constraints, such as constitutionalization.⁸⁴ The finding may also be an artifact of the measure used here to capture state willingness (i.e., official endorsement of the ICCPR/ICESCR). By grouping countries into categories based upon whether they are parties to none, one, or both the ICCPR and ICESCR, the variable fails to recognize the nuanced and complex nature of treaty ratification. Just about every country in the world (with a few exceptions) has signed and/or ratified one or both of these conventions. Signing is different than ratification, and even those countries that ratify treaties often issue widespread and sweeping reservations to the core principles of human rights treaties. Hence, a measure that distinguishes between signing and ratification *and* that accounts for state reservations would probably provide a better test of the treaty status-rights outcome relationship.⁸⁵

Finally, consider the control variables. Population size is important; the results indicate that population size exerts a statistically significant negative effect on basic rights attainment at the .01 level in each year of the five pooled models. The coefficient was also negatively significant in twenty-two of the twenty-five yearly models.

Internal conflict has a negative influence on the provision of Basic Rights. Its coefficient is negatively significant at the .01 level in four out of the five pooled models, and negatively significant in sixteen of the twenty-five yearly models. In contrast, international conflict appears to be an unimportant determinant of Basic Rights attainment; the coefficients in all models are insignificant. Theoretically, both internal and international conflict should exert a strong negative influence on basic rights, and the empirical literature

83. Hathaway, *supra* note 52, at 1937.

84. Minkler, *supra* note 49.

85. While we did not include state reservations, we did try more nuanced variables that included the signing/ratification distinction in our regression with the qualitative results unchanged.

on physical integrity rights, in particular, has shown this to be the case. The weak findings on international conflict may signify that for this sample international conflict is not intense and protracted enough to hinder the state's ability to provide for the basic needs of its citizens, and not enough of a threat to the regime to elicit state repression.

The year 2001 and 2003 variables are binary indicator variables that reflect changes made to the way HPI was measured in those years. This article includes them to correct potential measurement bias in the pooled regressions. The change in 2001, but not 2003, was statistically significant in the Basis Rights measure. It is significant at the .01 level in two of the pooled regressions, at .05 in another, and at the .10 level in a fourth. Failing to account for this change would have biased the pooled estimates.

To get a feel for the relative size effects consider the pooled regression with the Polity IV measure for democracy (Table 2). As stated previously, this is the most widely used measure for democratic institutions. First consider the Polity IV independent variable. *Ceteris paribus*, a one point increase in the Polity IV score (recall its range is zero to ten with a mean of 4.34) increases the Basic Rights score by roughly 1.3 points (its sample range is 8.94 to 96.7 with a mean of 43.93). Put into elasticity terms, at the variable means, a 1 percent increase in the Polity IV measure is associated with a .1274 percent increase in the Basic Rights score. At the mean, that translates into a .056 point increase in the Basic Rights score (a 10 percent increase in the Polity IV measure increases the Basic Rights score by .56 points). In contrast, *ceteris paribus*, a 1 percent increase in GDP/capita increases the Basic Rights score by .06 points. On average, having English legal origins adds 1.12 points to the Basic Rights measure. A 1 percent increase in the measure for trade openness increases the Basic Rights measure by .055 points, while an increase of one unit in the FDI measure increases the Basic Rights score by .24 points. (The elasticity for FDI is a bit difficult to interpret because the variable measures net inflows as a proportion of GDP). As for the control variables, a 1 percent increase in population decreases the Basic Rights score by .04 points. Finally, *ceteris paribus* on average, a country with no internal conflict enjoys a 7.54 point advantage in the Basic Rights score over a country with an internal conflict.

The elasticities for the democracy (Polity IV), GDP/capita, trade openness, and population variables are similar. While fairly modest in size, note that the R²s are very good for virtually all regressions. One should always be cautious in trying to infer any kind of general policy implications from cross-country studies, but the results here suggest that if a country wants to increase its Basic Rights attainment it should bundle policies to promote democracy, income growth, and trade, and to the extent it can, limit population growth and internal conflict. Of course policies that do these things simultaneously might be especially valuable. However, as the rankings in the

tables suggest, a country does not have to be wealthy to extend basic rights to its citizens. Though previous research has shown that greater aggregate national wealth is associated with greater levels of provision for basic rights, the effort exerted by a government in respecting basic rights is a function of both its economic ability to provide these rights and its willingness to allocate available resources towards the provision of these rights.

To see how the determinants behind Basic Rights for developing countries compares with those for developed countries, separate pooled regressions for an OECD, Central and Eastern Europe, and CIS country sample ("developed countries" for short) were run. The samples were not combined because developed countries have higher income and more mature political institutions. Moreover, until 2002 the UNDP did not calculate a HPI measure for developed countries, and the one formulated differs from the one used for developing countries by setting higher benchmarks. In particular, it combines the probability at birth of not surviving to age sixty (versus forty for developing countries), plus adults lacking functional literacy skills (versus adult literacy rate), plus population living below 50 percent of median household income (versus average population not using improved water and underweight children under five), plus the rate of long-term unemployment.⁸⁶ Because there are only seventeen countries in the sample, there are not enough observation to run yearly regressions.

Table 7 reports the results by each democracy indicator. When looking at just the pooled regression with the Polity IV democracy variable, the results suggest that the coefficients on democracy, GDP/capita, and population size are significant, just as in the developing country sample. Interestingly, endorsement of international covenants does matter, suggesting that developed countries take their international commitments more seriously, and/or compliance methods hold more sway. The legal origins and globalization variables now lose their statistical significance. The other four regressions indicate similar results. The democracy, GDP/capita, and population variables are significant in three out of four models. From this perhaps the best inference is that democracy, income, and population restraint helps all countries promote Basic Rights, not just developing ones.

IV. CONCLUSION

Based on the new measure, the evidence here suggests that developing countries experience only a modest degree of I/I of Basic Rights, which underscores why it is important to identify the underlying factors that might

86. UNDP, HUMAN DEVELOPMENT REPORT 2002, *supra* note 19, at 254.

Table 7.
Regression Results: Developed Country Sample (Pooled Results)
Dependent Variable: Basic Rights

Variable	POLITY IV MEASURE	POLITICAL STABILITY MEASURE	VOICE & ACCOUNT. MEASURE	CIRI SPEECH MEASURE	CIRI ASSOCIATION MEASURE
Democracy	5.50** (2.56)	12.70*** (2.52)	12.46*** (4.19)	4.61** (2.20)	-1.02 (2.09)
Legal Origins UK	-.969 (1.50)	-1.42 (1.58)	.041 (1.69)	.062 (1.43)	.240 (1.54)
Endorsement of International Covenants	7.51** (3.14)	3.43 (3.48)	9.58** (3.90)	6.59** (3.11)	6.13* (3.26)
Log of GDP Per Capita	6.99*** (2.43)	1.34 (2.87)	6.14** (2.89)	7.10*** (2.44)	6.84*** (2.49)
Log of Trade Openness	1.56 (1.84)	3.32* (1.98)	.909 (2.19)	2.88 (1.89)	1.76 (1.89)
Foreign Direct Investment (FDI)	-.046 (.061)	-.041 (.066)	.026 (.073)	-.054 (.061)	-.042 (.062)
Log of Population Size	-3.10*** (.708)	-.791 (.899)	-1.98** (.923)	-3.23*** (.699)	-3.63*** (.801)
Number of Cases	127 .46	94 .54	94 .46	127 .46	127 .44
R-squared					

promote advances. If policymakers want to make headway on I/I, they will need to know where to start. While the rankings can reveal the success stories, perhaps they are more useful in identifying precipitous ascensions and declines over time. Using regression analysis to find the factors underlying these changes suggests that freeing up budget constraints helps (but are neither necessary nor sufficient), as do factors influencing a government's willingness, most notably democratic political institutions.

The correct policy mix for any individual country will need to be tailored to that particular country's situation. Analyses such as this one, therefore, need to be complemented by those that can accurately diagnose the impediments to Basic Rights provision on a case-by-case basis. Scholars would be

well served to formulate diagnostic methods for that purpose, much like Dani Rodrik has done to identify the impediments to economic growth in developing countries.⁸⁷ Rodrik notes that low levels of private investment could be due to either low rates of return or high finance costs, which in turn stem from a host of other factors each requiring particular solutions. For instance low returns could be due to low human capital, weak property rights, or lack of market coordination, while high finance costs could be due to poor local finance and low savings rates. Analogous scholarship on Basic Rights fulfillment might similarly identify particular constraining factors, which would include policies, practices, and circumstances that keep national income low, formal, and informal discrimination that harms different groups of people, and political and legal institutions that are too weak to adequately protect, respect, and fulfill government obligations.

Future scholarship should seek to improve the measure for simultaneous Basic Rights fulfillment. Much needed is a measure of government effort towards fulfilling Basic Rights that is not too sensitive to mediating factors, that is, those things outside of a government's control. It is clear that some governments in poor countries try harder than those in richer ones, but there is not a reliable way to determine just how hard each government is trying. The most pressing task for researchers is still to gather and generate better data. This article used the best available data in this study (HPI and PIR), but what is really needed is more finely disaggregated data capable of accurately capturing the subsistence and security plights of all human beings—especially those at the lower tail of the income/resource distribution, where the most vulnerable reside.

APPENDIX A: DEVELOPING COUNTRY SAMPLE

Albania	Algeria	Angola	Antigua & Barbuda
Argentina	Armenia	Azerbaijan	Bahamas
Bahrain	Bangladesh	Barbados	Belarus
Belize	Benin	Bhutan	Bolivia
Brazil	Bulgaria	Burkina Faso	Burundi
Bosnia & Herzegovina	Brunei Darussalam	Botswana	Brazil

87. Dani Rodrik, *Goodbye Washington Consensus, Hello Washington Confusion? A Review of the World Bank's Economic Growth in the 1990s: Learning from a Decade of Reform*, 44 J. ECON. LIT. 973 (2006).

APPENDIX A: Continued

Bulgaria	Burkina Faso	Burundi	Cambodia
Cameroon	Cape Verde African Republic	Central	Chad
Chile	China	Colombia	Comoros
Congo, Republic of	Congo, Democratic Republic of the	Costa Rica	Croatia
Cuba	Cyprus	Djibouti	Dominica
Dominican Republic	Ecuador	Egypt	El Salvador
Equatorial Guinea	Eritrea	Estonia	Ethiopia
Fiji	Gabon	Gambia	Georgia
Ghana	Guatemala	Guinea	Guinea-Bissau
Hong Kong	Guyana	Haiti	Honduras
India	Indonesia	Iran	Ivory Coast
Jamaica	Jordan	Kazakhstan	Kenya
Korea, Republic of	Kuwait	Kyrgyzstan	Laos
Latvia	Lebanon	Lesotho	Libya
Madagascar	Malawi	Malaysia	Maldives
Mali	Malta	Mauritania	Mauritius
Mexico	Moldova	Mongolia	Morocco
Mozambique	Myanmar	Namibia	Nepal
Nicaragua Territories	Niger	Nigeria	Occp. Palestinian
Oman	Pakistan	Panama	Papua New Guinea
Paraguay	Peru	Philippines	Qatar
Romania	Russia	Rwanda	Saint Lucia
Saint Vincent & the Grenadines	Samoa	Sao Tome & Principe	Saudi Arabia

APPENDIX A: Continued

Senegal	Seychelles	Sierra Leone	Singapore
Slovakia	Slovenia	Solomon Islands	South Africa
Sri Lanka	St. Kitts and Nevis	Sudan	Suriname
Swaziland	Syria	Tajikistan	Tanzania
Thailand	Timor-Leste	Togo	Tonga
Trinidad & Tobago	Tunisia	Turkey	Turkmenistan
Uganda	Ukraine	UAE	Uruguay
Uzbekistan	Vanuatu	Venezuela	Viet Nam
Yemen	Zambia	Zimbabwe	

DEVELOPED COUNTRY SAMPLE

Australia	Belgium	Canada	Denmark
Finland	France	Germany	Ireland
Italy	Japan	The Netherlands	New Zealand
Norway	Spain	Sweden	United Kingdom
United States			

APPENDIX B: DESCRIPTIVE STATISTICS

Developing Country Sample

<i>Variable</i>	<i>N</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>Min</i>	<i>Max</i>
Basic Rights Indicator	859	43.93	19.51	8.94	96.7
Modified Human Poverty Index (HPI)	888	71.61	15.55	34	97.5

APPENDIX B: Continued

<i>Variable</i>	<i>N</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>Min</i>	<i>Max</i>
Modified Physical Integrity Index (PIR)	1318	56.83	26.47	20	100
Log of GDP	1308	7.14	1.32	4.41	10.31
Polity IV Measure	1196	4.34	3.67	0	10
Voice & Accountability Measure (WGI)	1028	-.3411	.828	-2.2	1.46
Political Stability Measure (WGI)	1022	-.26	.898	-3.06	1.52
CIRI Freedom of Association	1335	1.08	.784	0	2
CIRI Freedom of Speech	1316	.943	.072	0	2
Endorsement of ICCPR/ICESCR	1470	1.46	.854	0	2
Log of Trade Openness	1358	4.32	.545	.425	6.12
Foreign Direct Investment (FDI)	1312	4.21	6.20	-5.73	63.95
Internal Conflict	1470	.216	.529	0	2
Interstate Conflict	1470	.033	.245	0	2
Population Size	1316	15.46	2.00	10.60	20.98
Legal Origins UK	1600	.338	.473	0	1

DEVELOPED COUNTRY SAMPLE

Variable	N	Mean	Std. Dev.	Min	Max
Basic Rights Indicator	146	81.09	9.23	50.53	93.5
Log of GDP	170	10.09	.281	9.43	10.63
Polity IV Measure	170	9.94	.236	9	10
Voice & Accountability Measure (WGI)	120	1.41	.222	.87	1.83
Political Stability Measure (WGI)	120	.975	.363	.04	1.65
CIRI Freedom of Association	170	1.89	.309	1	2
CIRI Freedom of Speech	170	1.89	.316	1	2
Endorsement of ICCPR/ICESCR	170	1.94	.236	1	2
Log of Trade Openness	148	4.17	.528	2.95	5.22
Foreign Direct Investment (FDI)	170	4.91	9.58	-15.13	92.67
Population Size	153	16.88	1.31	15.12	19.51
Legal Origins UK	170	.353	.479	0	1

HUMAN RIGHTS QUARTERLY

A Note from Bosnia and Herzegovina:
Leading a Displaced Life*Inela Selimović**

"We are in the business of giving hope to those who have lost all hope." – Connecticut Friends of Bosnia

ABSTRACT

Upon revisiting 11 July 1995 in Srebrenica, Bosnia and Herzegovina (BiH), this piece reflects on a group of the Srebrenica genocide survivors as they continue through, as well as, struggle with their healing processes as internally displaced persons in a small village near Sarajevo. Largely left on their own since 1995, these families' existence has significantly depended on the humane and humanitarian assistance from a small, nonreligious, and US-based charity for food, shelter, and educational pursuits. The charity's commitment to BiH has led to a series of remarkable outcomes, but has also exposed numerous issues that merit additional attention from both the Bosnian government as well as the international community regarding the group in question.

I. INTRODUCTION

Life as a refugee, an asylum seeker, or an internally displaced person, predictably entails a shattered existence.¹ The vulnerable ones in this context, whose

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1. As defined by United Nations Office for the Coordination of Humanitarian Affairs, *Guiding Principles on International Displacement*, Intro., ¶ 2, available at http://www.reliefweb.int/ocha_ol/pub/idp_idp.html, internally displaced persons are