

## **Evening Keynote – Human Rights within a Governance Empirical Framework: Some Unorthodox Observations from a Non-Expert**

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### **Human Rights Within a Governance Empirical Framework: Unorthodox Observations from a Non-Expert**

On Human Rights and Metrics from a Governance Empirical Perspective

- Background: challenge to conceptual definitions in Governance and in Rule of Law: *Rejecting the Extremes*
- Extending definitional challenge to Human Rights
- Unbundling Human Rights: *Conceptually & Empirically*
- Focus on CiPoLi (1<sup>st</sup> Gen) Rights vs. SocEconDev (2<sup>nd</sup>/3<sup>rd</sup> Gen) Rights
  - Emotions about definitions in the field
- What does the data suggest if such Distinction is made...?

Definitional Matters

- Rule of Law: Anorexic to Obese
- Governance: Anorexic to Obese
  - Pre-World Bank era could only be defined in the public sector/government
  - Supply-side only... very anorexic
  - Other extreme, very obese, found in some exercises of governments today... main exercises of core governments
    - Political dimensions... democratic accountability, etc....
    - Beyond corruption, etc. is a definition that may encompass all types of developmental outcomes; becomes very obese in the sense that it conspires against the Popper falsifiability test (next)
- Obesity conspires against Popper falsifiability
  - Becomes very difficult from an analytical perspective
  - Cannot tell whether some human rights matter if embedded in the human rights notion...
- Human Rights afflicted by similar problem: how it traversed from CiPoLi (1<sup>st</sup> Gen) Rights to SocEcon (2<sup>nd</sup> Gen Rights) to Dev (3<sup>rd</sup> Gen) Rights
- Chronological Officialization of an Obese nation?
- Add “indivisibility” concept to it, and (while moral philosophical official reasons), conceptual and empirical problem arises

Human Rights; 1<sup>st</sup>G: Life Protection, 1998-2009

- Try to unbundled the notion and focus on the first...
- One particular dimension, life protection: scale from 0 (bad) to 8 (good)
  - Different picture around the world in terms of levels and trends... no clear major sector... differs greatly by country

Human rights; 1<sup>st</sup> G: Electoral Self-Determination, 1998-2009

- Again, differs... big changes in the former Soviet Union
- Basically been a problem throughout

Human Rights; 1<sup>st</sup>GHR: Women's Rights (Composite of Economic, Social and Political Rights)

Voice & Accountability by Regions

- What he does with worldwide governance indicators... one indicator in particular... is to measure voice & accountability: basically, civil and political liberties, such as freedom of the press, etc.
- Sobering picture in terms of levels that are sub-par for quite a few regions around the world.

Press Freedom in the World, 1995 vs. 2010: Stagnant?

- In terms of the percentage of leaders around the world that basically lift power compared with 25 years ago it's a sea change in terms of progress and there are many more elections than there used to be; this is not to comment on the quality or legitimacy of the elections... but getting to broader issues of political liberties like freedom of the press it is very sobering; it has basically been the same for 15 years since some have improved while others have improved

Press Freedom (FRH) in Middle East & North Africa

- Situation has gotten much worse between 1995 and 2010 (67% → 76%)

Recent Cases of Tunisia, Egypt, Libya and beyond:

- Incipient lessons about folly of economic short-terminism and of "premature exuberance"?
  - Not only in these countries in turmoil the level was very sub-par but over the whole decade from 2000-2010 it went in the wrong direction practically without exception.

Infant Mortality vs. Voice & Accountability, 2009

- Some of the work he has done with governance indicators... very large development dividend and all the causality tests show that it's not that the action goes from having more income
- Getting back to the fundamental question of what is the sense of funding

#### Micro-Evidence and Research

- Looking at World Bank development projects at the country level... do certain civil rights matter on the rate of return? He finds that the answer is yes.
- Main Determinants of effectiveness of World Bank-funded projects?
  - Civil Liberties do matter
- In-depth country case studies:
  - Bolivia...

#### 8 implications – for debate and discussion

- 1. In HRs, Empirics Matter for: advise, review popular notions (myths), monitoring, checks/balances
  - Very important types of initiatives...
  - Empirics matter these days... reviewing research...
- 2. For Empirical analysis (and conceptually): Unbundling is key
  - We need to get back to the basics
  - Of course at the normative and philosophical level, it's important, but it's no help for researchers
- 3. Aggregate Indices: levels of aggregation that makes sense, and those that do not?
  - Debate over the construction of indices
  - Aggregating gets attention media nowadays
  - Multidimensional poverty gets a lot of attention but he is interested in EACH dimension
  - Ask ourselves: at what level of dimension do we just stop?
  - So far refused enormous pressure for PR purposes of having one governance indicator, putting all human rights into one
- 4. Progress in PolCivRights (1stG) not dramatic – to the contrary, and setbacks have been masked
- 5. PolCivRights key for sustainable EcDevRights (2ndGen etc.)
  - The Middle East today is a wake-up call in this context
- 6. Rule of Law/Anti-Corruption potentially a mediator between 1<sup>st</sup>G & 2<sup>nd</sup> G issues (A-C strategy; judicial reform)
  - Mediator role between the two generations
  - Mechanism for having more political rights leads to more sustained economic development
    - Entrepreneurship of citizens
  - Control corruption – a symptom of the fundamental type of issues
- 7. Avoiding “fig leafing” (‘HR lite’: “we are doing much already on econ-related...”) + premature exuberance
  - Looking at poverty reduction, which has been very significant given the quality of the data we have in *some* countries, but not in others...

China has made enormous progress but in Africa there is serious lack of progress

- Tendency to look at very narrow and technocratic economic factors... premature exuberance
  - Enormous problem of premature exuberance in Latin America because they weathered the financial crisis better than other countries but that is usual in short-term development, but they are still far behind some of Asia...
- Suggesting a sobered approach if you carefully at it overall
- 8. Challenge of Data Quality: Missingness and Margins of Error
  - At the end of the day, even for the MDGs, we are making inferences with the quality of data
    - Basically poverty indicators and other related indicators rely on surveys that take place, at best, once every six years

## Q&A

- Q: What do you think are the causal mechanisms? How does it work – the relationship between the first and second generation?
  - Kaufmann: Foreign direct investment – basically how major corporations make decisions nowadays and also for the past 20 years... some have an appetite... involved with certain kinds of regimes... everyone operates according to incentives... he has found that in terms of corruption or various issues such as human rights it is implicitly a tax on whatever investment you have; corruption you pay under the paper anyways...
  - In the case of major human rights violations, it's an increase of the risk. Many political risk analysis are being called lately because of what's happening in the Middle East and his indicators... how to look afresh from their perspectives... countries with an enormous democratic deficit may look stable in the short term but as the Middle East is proving now, there is a risk of eruption in the future...
  - Looking ahead... I think the additional factor that is going to weigh more than in the past is the reputational factor... easier to expose misdeeds than in the past (everyone has a mobile phone, etc.)
- David Cingranelli: Agrees with the data quality and data-missingness problem. Those are the places that human rights scholars want to say something about but they have to drop them out of their models. Is there any possibility of improving the data capabilities of the developing countries?
  - Kaufmann: Transparency International gets enormous amounts of money... very far ahead in terms of data than human rights... so something is happening... thinks that it's not just resources; independent think tanks, researchers, NGOs, etc. need to be more critical about these gaps: with so many countries, we don't know, especially regarding how the crisis has affected them.
- Susan Aaronson: Trust in governments matters... deeply uncomfortable with measures of trust in governments; what about the trust factor? That seems to

be key in terms of civil and political liberties... it's hard to measure if the feedback is effective.

- Kaufmann: Not a fundamental issue that people are born with trust... used to be critical that within the Bank they would just say put a lot of money into solving a housing problem without looking at the policy... trust is a problem; do you just inject trust? No. So we need to get back to the question of asking, what are the fundamental drivers of trust?... Corruption is not the fundamental cause of all evils, it is an intermediate symptom...
- Jean-Pierre of the World Bank: You said that you need to unbundled, but looking at the conceptual nature of those rights, don't you see an inconsistency between the first and second generations of rights? ...Don't you think that these are more goals than rights?
  - Kaufmann: Yeah. If one does unbundle... by so doing masks rights... very inconvenient to governments... we need to go back to the basics... at the same time, I think there's something useful in the notion of pushing for rights. At the end of the day, they are goals because they are outcomes and those require many preconditions; you cannot just decree them.
- Gustavson, from World Bank – Not correct to divide rights up this way; a bit more complex than that. Parts of what could be economic social and cultural rights can also be political and civil rights and vice versa. Costs a lot to implement these things, like health care, but also not cheap to implement a new judicial system. ...Certain rights have come quite far and others have a long way to go...
  - Kaufmann: By not taking seriously each component of human rights... may be neglecting some things... Turned a bit of a blind eye to the issue because of what has been happening... not so in some official circles... I still think that we need a bit of a wake-up.
- Q: Point that you raised about data systems... but here's my question: it's interesting that when you look at the MENA countries, what you find in the past 10 years is that it's the region most difficult for WB to get data... a government which is probably less transparent is also less likely to share data in the first place esp. socio-economic data... should the WB focus on policy of data collection and data sharing, or a combo of focusing on the government and other institutions which collect data? Connected to so many other things, most institutions not free enough to go and collect data in a country with an autocratic government... capacity is part of the problem but countries where you want data the most are where you don't have capacity
  - Kaufmann: Data is just so fundamental. It's not a coincidence that some countries and governments have total... helps Mo Ibrahim Foundation with index on Africa... revenue transparency in natural resource-rich countries... these indices are giving a lot of weight

Some aspects of governance obviously are resource-demanding but less so than people think... even at the basic level, the way that some countries are dealing with some resources in rural areas with internal dispute resolution... If that mandate on

leadership to have good governance comes, that's not going to be the biggest constraint on countries that do have the political will to do that... freedom of association/freedom of expression... very interesting to observe with the data how already for a long time how progress was made... Yes some resources are needed but it's not the major constraint... what better example than oil rich countries... WB should not necessarily be driver of it all but in conjunction with many others... many countries in Africa that want to do more and need help with expertise...