

Individual and Collective Rights in Africa
and their Interrelationships with Economics and Politics

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ABSTRACT

This thesis examines the relationships between various groups of human rights, and the effect of globalization and the state on human rights protection. Two hypotheses are examined in path analysis of fifty-two African counties. The first hypothesis considers the proposition that economic, social, and cultural rights implemented prior to civil and political rights in Africa meet the needs of the population better than primary implementation of civil and political rights. The second hypothesis is that globalization has a negative effect on protection of all human rights and that its impact on rights is generally larger than the impact of the state. Within the context of a multivariate model, my analysis does not support the hypotheses. These findings are discussed with regard to the existing literature and several suggestions are proposed for future research.

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TABLE OF CONTENTS

PERMISSION TO USE	i
ABSTRACT	ii
ACHNOWLEDGEMENTS	iii
TABLE OF CONTENTS	iv
LIST OF TABLES	vii
LIST OF FIGURES	viii
1. INTRODUCTION	1
2. HUMAN RIGHTS. THEORETICAL DISCOURSE	
2.1 Introduction	5
2.2 Classification of Human Rights	5
2.3 Globalization	7
2.3.1 The Emergence of Globalization	9
2.3.2 Dimensions of Globalization	10
2.3.3 Relationships between Globalization and the State. The Effects of Globalization on Human Rights	11
2.3.4 Africa, Globalization and Neo-colonialism	16
2.4 Relations between Individual and Collective Rights	18
3. METHODOLOGY	
3.1 Introduction	21
3.2 Data Used in the Research	22
3.3 Description of Variables	
3.3.1 Individual Rights	26
3.3.2 Collective Rights	28
3.3.3. Internal Factors	32
3.3.4 External Factors	38
3.4 Descriptive Chapter	42

4. DESCRIPTIVE CHAPTER. NAMIBIA AND BOTSWANA	
4.1 Introduction	45
4.2 Political Rights	45
4.3 Social Rights	47
4.3.1 The Right to Health	48
4.3.2 Housing	50
4.3.3 The right to Decent Standards of Living	50
4.3.4 The Right to Equal Life Chances	51
4.3.5 HIV/AIDS	53
4.3.6 The Right to Work	54
4.3.7 The Right to Education	55
4.4 External and Internal Factors	
4.4.1 Openness of Economics	56
4.4.2 Constitutional Provisions	56
4.4.3 Military Spending	57
4.4.4 Corruption	57
4.4.5 Rule of Law	58
4.4.6 Political Stability	58
4.4.7 Form of Governance	59
4.4.8 Government Effectiveness	59
4.4.9 GDP/GNI	59
4.5 Conclusion	60
5. RESULTS. CAUSAL ANALYSIS OF COUNTRY BASED DATA	
5.1. Introduction	62
5.2 Factor Measurement. Design Analysis	62
5.3 Structural Equation – Causal Analysis	69
6. CONCLUSION	78
7. AFTERWORD. ISSUES FOR FURTHER STUDY	83

8. LIST OF REFERENCES	85
9. APPENDICES	98

LIST OF TABLES

Table 5.1 Factor Analysis on the Items Used to Generate the Factor “External Factors – Second Factor”	64
Table 5.2 Factor Analysis on the Items Used to Generate the Factor “External Factors – First Factor”	65
Table 5.3 Factor Analysis on the Items Used to Generate the Factor “Internal Factors”	66
Table 5.4 Factor Analysis on the Items Used to Generate the Factor “Collective Rights – Second Factor”	67
Table 5.5 Factor Analysis on the Items Used to Generate the Factor “Collective Rights – First Factor”	68
Table 5.6 Factor Analysis on the Items Used to Generate the Factor “Individual Rights”	69
Table 5.7 Path Analysis. Regression Model 1 of Individual and Collective Rights	71
Table 5.8 Path Analysis. Regression Model 2 of Individual and Collective Rights	74

LIST OF FIGURES

Figure 5.1 Path Analysis. First Model	70
Figure 5.2 Path Analysis. Second Model	73

Chapter One

Introduction

Human rights - generally understood as freedoms and rights that everyone has simply because they are human - are widely recognized in the modern world, signified by the signing of various conventions and covenants aiming at the protection of different groups of rights by the majority of states. However, as it often happens, what is signed on paper does not necessarily result in corresponding actions. In this respect, human rights are not an exception as they are often violated by states. The reasons given as explanation for violations can be different, from banal excuses, such as a lack of money in the budget to promote education, to statements implying that rights violators are offering “protection of identity from Western invasion,” which generally involves sophisticated ways of violating the right to life like terrorist attacks. However, as no state is isolated from the rest of the world, globalization processes appear to interfere with the sphere of competence of the states.

These processes bear a neo-liberal character calling, on the one hand, for a reduction of the provision of social, cultural, and economic rights or, in other words, collective rights such as the right to a decent standards of living, the right to medical help and education, and, on the other hand, for the implementation of political and civil rights or individual rights (for instance, the right to vote, freedom of speech, and the right for legal defense). Due to the lack of economic and political strength caused by colonialism and dependency on loans provided by the World Bank and the IMF, developing countries become hostages of these processes that find roots in the Western tradition of human rights that claims social, economic, and cultural rights would be better protected if people were able to exercise political and civil rights.

On this account, my research questions are as follows: 1) does the protection of civil and political rights trigger the protection of economic, social, and cultural rights or, on the contrary, does the protection of economic, social, and cultural rights trigger the protection of political and civil rights in Africa?; 2) what factors influence both the protection and violation of human rights in Africa and does globalization have an effect on human rights? To answer these questions I will use a quantitative method, namely path analysis. This type of analysis will help perhaps to understand the patterns of relationships between human rights and the state, and between human rights and globalization in the regional context better than any other kind of analysis because I have had an opportunity to assess the data on all African states and to generate results that can be applicable when we talk about the continent in general.

I will not examine all the countries in the world. Instead, I choose to focus on Africa for three reasons: first, due to prolonged colonialism and the post-colonial legacy that resulted in further deterioration of the economic, social, and political situation, human rights have been severely violated. Research can be a solid basis for effective policies with respect to protection of human rights, and my work is a small step in this direction. Second, I have detected two contradictions concerning the interrelationships between human rights and factors that influence them that should be addressed to contribute to a better understanding of human rights in the regional context. These contradictions will be described below in more detail. The third reason is my personal interest in African issues that makes me enthusiastic about conducting this research.

While conducting my research, I was aware of the following contradictions: 1) that which can emerge between the need for implementation of social and economic policies (such as, education, food, workers' rights, health services) by government and the need for political and civil rights, such as the right to vote or to assembly; 2) contradictions between governmental practices within a country that effect human rights (either directly or indirectly) and external factors that deal with political and economic connections between a country and the world community that can also influence the protection of human rights in

that country. In other words, it is the contradiction between globalization and state sovereignty that is related to the implementation of human rights.

I do not follow any single theoretical orientation. Instead, I concentrate for the most part on three lines of thought: globalization, neo-colonialism and dependency in Africa, and interrelationships between groups of rights. Africa finds itself in twofold dependency. On one hand, globalization that is promoted by international financial institutions changes the distribution of expenditures on the continent, thus prioritizing the free market over people. On the other hand, due to the devastation of colonialism African states are economically dependent on former colonial powers.

Interrelationships between human rights are viewed in my work through the prism of their practical implementation. The questions I will try to address are as follows: 1) do all groups of rights have to be implemented at the same time? 2) if not, in what sequence they should be implemented? and finally, 3) what are the grounds for justification of a specific way of realizing human rights?

Chapter one serves as an introduction to my research, including an outline of the research and research problem. In the following chapter I provide an overview of the different groups of rights, debates on these groups' importance, and the consequences of colonialism with respect to human rights in Africa. I also cover the issue of globalization with its different aspects, relations to human rights and the state, and the debate on the emergence of this phenomenon. Chapter three provides information concerning the methodology of my research, which includes a description of data sets and variables that I used as well as the grounds for choosing variables. Chapter four presents specific information on national human rights practices and external (debt, foreign direct investments, imports) and internal (form of governance, constitutional provisions, corruption) factors that interrelate with rights in Botswana and Namibia, which serves as the contextual basis for the statistical analysis. Chapter five is devoted to a description of the analysis, followed by conclusions established through an exploration of the relationships

between groups of rights, and between various factors and human rights in general. Finally, I discuss the issues for further study in the afterword.

Chapter Two

Human Rights. Theoretical Discourse

2.1 Introduction

The aim of my research is to examine characteristics of interrelationships between various groups of human rights and what kinds of factors have an impact on human rights. In order to accomplish this goal, I consider perspectives on these issues as presented in the available literature that discusses alternative points of view. First, I look at the different classifications of human rights and describe that which is most suitable for my research at greater length. Then, I provide definitions of various groups of rights so that it will be possible to discuss the influence of external factors, generally understood as globalization, on these rights. Finally, I discuss globalization, colonialism and dependency in Africa, and several patterns of interrelationships between human rights such as trade-offs in favour of one or another group of rights, the view promoted by the UN, and the theory of liberal democracy.

2.2 Classifications of Human Rights

Before looking at the general theoretical discourse on globalization I will provide a definition of human rights as well as categories of rights and their attributes. Human rights are the rights and freedoms everyone has simply because he or she is a human being, including the right to life, liberty, the right to vote, and other rights presented in the Universal Declaration of Human Rights, International Covenant on Civil and Political

Rights, and the International Covenant on Economic, Social and Cultural Rights. In other words, human rights are “internationally agreed values, standards or rules regulating the conduct of states towards their own citizens and towards non-citizens” (Baehr, 2001, pp. 1).

A number of various classifications of human rights exist. For instance, T. Marshall proposes one of the earliest classifications, indicating three groups of rights: civil, political, and economic and social rights. The first group constitutes the right to justice and security and freedom of speech. Political rights imply primarily the right to vote or to run for office, but also other forms of participation in political processes. Finally, economic and social rights encompass the right to medical care, shelter, clothing, and food (Marshall, 1964). On the other hand, R. E. Howard and J. Donnelly (1988) distinguish five categories of rights: 1) protection rights (independent judiciary and habeas corpus); 2) membership rights (legal equality, nondiscrimination); 3) empowerment rights (free elections, free press, freedom of association and the right to education); 4) survival rights (the right to health, food and life); 5) other rights (namely rights that are set up under international law). Yet there is another classification presented in the Norwegian yearbook on human rights that consists of civil liberties (integrity of the person, liberty, life), political rights (the right to participate in political life), equal opportunity rights (non-discrimination, equality and peoples’ rights), the rights of minorities, socioeconomic rights, freedom of movement and administration of justice (Nowak & Swinehart, 1989).

Although all these classifications are plausible, the classification proposed by French jurist K. Vasak is better suited to my research. According to Vasak’s classification, three groups of rights are identified: civil and political rights (first generation rights); economic, social, and cultural rights (second generation rights), and peoples’ rights (third generation rights) (Lukasheva, 2000). First generation rights can be considered individual or personal rights whereas the two other generations of rights are considered collective or group’s rights. As I do not explore people’s rights in my research, I will discuss only first and second generation rights, which I will sometimes refer to as individual and collective rights.

Individual rights are based on an absence of any restrictions of human activity, which is fixed in principles of law and does not demand special costs from the state (Lukasheva, 2000). In other words, these rights are provided in constitutions and other legal documents and require the government of a specific country not to interfere in the life of the citizens (Hernandez-Truyol, 1999). There is no need to redistribute these rights, that is, to give more political and civil rights to one group of people by limiting these rights to another group (Gloppen & Rakner, 1993). Rights of the first generation include the right to vote, freedom of speech and consciousness, the right to a fair trial and other rights covered by the first twenty articles of the Universal Declaration of Human Rights (Waldron, 1993). Political and civil rights are called first generation rights because they were first provided in national constitutions (Weiss et al, 1997).

Collective rights are an opportunity to do something that is grounded on principles of law (Lukasheva, 2000). Its realization is conditioned by the government's disposition to create "an environment in which people can develop their full potential and lead productive, creative lives in accord with their needs and interests" (<http://hdr.undp.org/hd/>). These rights appeal to social equality (Weston, 2006) and include the right to education, to decent standards of living (food, shelter and clothing), the right to equal life chances, the right to work and other economic, social, and cultural rights. These collective rights are called the rights of the second generation as they emerged as a result of different social revolutions (Socialist revolution in Russia and Chinese revolution) in the XX century, which stressed the need for material advantages (Weiss et al, 1997).

2.3 Globalization

In my work I try to address the question, "what factors influence human rights protection and violation?" I indicate two types of factors: internal and external. External factors, such as foreign direct investments, debt, exports, and imports, are related to the whole range of mostly economic, but also political, connections between the states and the

world community. Overall, external factors can be considered one of the dimensions of the globalization phenomenon. In order to find the influence of this phenomenon on human rights empirically, we first need to explore it theoretically. As for internal factors, I have divided them into two groups: politics and economics. The first – politics – is comprised of government effectiveness, the rule of law, absence of violence and other factors. The second group consists of GDP, GNI, expenditures on health, education, and military. All of these factors are the conditions of state sovereignty that will be discussed in relation to globalization below. The influence of internal factors on human rights will be considered in methodology section.

No consensus exists on what globalization is, exactly. We have to deal with definitions, each of which answers differently on the following questions: 1) are the changes that are caused by globalization helpful for people or not? 2) does globalization refer to a condition, a process or an ideology? 3) if it is a process, can it be diverted or not? 4) should we regard globalization as a recently emerging phenomenon or has it emerged as an outcome of earlier historical processes? 5) where do the main changes take place: in politics, culture or economics (Appelbaum & Robinson, 2005)? The first, fourth and fifth issues are of principal importance to my research. Discourse on the emergence of globalization helps to explore better the potential harm it can cause, in what spheres of life it can take place, and to see what measures should be taken to overcome its possible negative effects. The question regarding the changes that have resulted from globalization should also be addressed in order to see its impact -- if any -- on human rights and state sovereignty. In this respect, I will consider characteristics of globalization. I assume that globalization is complex and takes place in various realms of life. However, as it is hard to measure its cultural aspects, I focus mostly on its economic dimension and relationships between globalization and national sovereignty.

2.3.1 The Emergence of Globalization

D. Nabudere (2000) argues that globalization is not a new phenomenon. He sees globalization's emergence in the Christian invasions during the Crusades and in the trading voyages in the middle Ages. Subsequent stages of this phenomenon are as follows: 1) scientific stage in the early modern period; 2) capitalist and industrial revolutions; 3) capitalist imperialism and internationalization. What I mean by internationalization is the flows of exchanges of finished or semi-finished services and products, raw materials, various ideas, people, and money between two or more states (Petrella, 1996). The main characteristics of the last stage are, first of all, multinationalization and then globalization (Nabudere, 2000). The transfer of different resources, primarily capital, from one national economy to another one is typical for multinationalization (Petrella, 1996). R. E. Burkhard (2002) says that some scholars such as K. N. Waltz and R. Gilpin verify the hypothesis about the origin of globalization and find concrete evidence that the world was more globalized at the end of the 19th and the beginning of the 20th centuries than today. However, these arguments are usually based on the consideration of exclusively one dimension of globalization – economic and namely trade flows.

The claims that globalization emerged several centuries ago tend to underestimate its significance nowadays. Only in the last few decades has an international order emerged that stresses the need for a transnational economy without borders. This order was created in the mid 1970s with the Bretton Woods system that determined fixed exchange rates (Sachs, 1999). According to W. Sachs (1999), due to the first eight GATT rounds tariff barriers to the exchange of goods were removed. At the same time, the last Uruguay Round, as well as the newly established World Trade Organization, has laid the foundation for unregulated movement of money, goods and services across the countries' borders that are out of reach of governmental control. It must be evident that globalization is accelerating and plays an increasingly larger role in the international scene.

2.3.2 Dimensions of Globalization

A. Giddens (2000) provides the following classification of thinkers with respect to globalization discourse: the sceptics and the radicals. The first group believes that globalization does not really exist. With regards to economics, they do not see any changes between contemporary economics and the system that existed before. In general, they believe the world is still the same. The second group of thinkers, on the contrary, states that globalization does exist and has spread to all parts of the globe. They believe that politicians and states do not have the power to influence economics any more. The first group, on the other hand, claims that the state still has control over economic life. Giddens accuses both of them of looking at the world in exclusively economic terms. In his opinion, globalization has cultural, technological, and political dimensions apart from the economical one. P.

Zeleza (2003) specifies that although economics is still a major factor of globalization, for many thinkers contemporary theories take into account many cultural and political aspects of this phenomenon.

Indeed, globalization can also be political, economic, and cultural. The political dimension is characterized by the emergence of non-governmental organizations, the increasing role of international organizations and supranational institutions such as European Union or NATO, global awareness, and, finally, by the influence on state sovereignty. As for the cultural aspect of globalization, its features consist of consumer culture, development of information technology and communication (Chan & Scarritt, 2002), and the decline of local cultures under the pressure of Westernized culture. Finally, the economic dimension implies an increase in foreign investment and trade and the organization of the consumption of services and goods at the global level (Randall & Theobald, 1998). Apart from the three aforementioned dimensions, M. M. Mulinge and M. M. Munyae (2001) indicate the fourth one: the growth in information and communication technologies (ICTs) that make people socially close even if they are at distance from each other. This classification of three or four dimensions of globalization is probably the most widespread, but does not necessarily

represent all of the dimensions discussed in contemporary literature. For instance, T. Friedman (1999) mentions six various dimensions: ecology, national security, culture, finance and trade, technology and politics.

In my research I conduct path analysis using the data on economic globalization only, which is why my approach can be characterized as radical in terms of Giddens' classification. According to D. L. Richards and R. D. Gelleny (2002), economic globalization is characterized by the growing interdependence of national economics, and by the constant growth of international economic activity among the actors that had economic relationships before, but these processes take place over time. In other words, economic globalization emerges in different places in the world at different periods of time. According to G. J. Wells (2004), one of the main characteristics of economic globalization is a growing number of economic choices that consumers can make. Likewise, producers also have a greater number of potential consumers. Another feature of economic globalization is the increasing investment capital flows that can be attracted by countries and that often result in economic growth. At the same time, these flows can be quickly pulled out if a state's economy is in crisis. This can, in turn, cause further deterioration of a county's economic situation (Wells, 2004). A.S. Bhalla (1998) names the following characteristics of economic globalization: 1) rapid growth of trade; 2) significant increase in foreign direct investment and capital flows; and 3) growing competition among the producers of goods and services on the global level.

2.3.3 Relationships between Globalization and the State. The Effects of Globalization on Human Rights

In order to discuss the relationships between globalization and the state I will use a classification proposed by R. Petrella and cited in R. J. Holton (2005) to show that at least two views on these relationships exist, where one is that the states are losing their

sovereignty, and the second is that this process does not take place. I slightly modified the categories as sovereignty in Petrella's interpretation is understood in three different ways: 1) the sovereignty as the sovereignty of national institutions; 2) democratic sovereignty that can be seen in the activity of various social movements, standing, for instance, for safe environment or women's rights; 3) sovereignty as the call for national identity that is undertaken mostly by nationalist movements. In my research, I operate within the framework of the nation-state. In other words, I do not consider interrelationships between human rights and NGOs or various movements. Instead, I look at the interplay between human rights and the state. That is why I take into account only the first type of sovereignty.

Petrella's classification includes the following mechanisms: 1) globalization takes over national sovereignty; 2) resistance of the state to globalization; 3) globalization supports the state; 4) globalization comes up with ideas of local change; 5) states stand for another globalization; 6) globalization and nation-states create the synthesis. As the first mechanism is usually considered the most common (Sklair, 2005) I will spend some time describing it in more detail. M. Hardt and A. Negri (2000) state that globalization has taken over national sovereignty as a result of four factors: 1) new ways of communication; 2) a shift in the character of practicing economics; 3) the idea of "the end of history"; 4) growing mobility of people including but not limited to terrorists, which results in the problem of protection of national security.

Today, governments can hardly control the flow of information, virtual documents and conceptions that go in and outside the country due to communication technologies such as cell phones and the Internet, resulting in a less sovereign nation-state. As for the second argument, states are losing control over economics because of the policies of such organizations as the IMF, the WTO, and the World Bank that urge countries to encourage market-oriented economics by means of diminishing protectionism. Another reason for the tendency of the loss of control over economics by government is due to the growing power and subsequent independence of transnational corporations from the state in which they operate. Currency speculations and an increasing number of trading supranational

organizations (NAFTA or the WTO) can also contribute to a lack of sovereignty (Schirato & Webb, 2003). The idea of the end of history is proposed in well-known book by F. Fukuyama “The End of History and the Last Man” (1992) where he argues that it is in the nature of states to evolve gradually into global organizations. These new institutions gain higher roles and responsibilities for the functioning of economics, culture, diplomacy, technology, society, and military. The fourth reason that explains less relevance of the state is considered by T. Schirato and J. Webb as “a pragmatic version” of the previous one. This implies that it becomes difficult for the states to secure its sovereignty because of the growing problems of international terrorism and crime as well as illegal immigration. That is why states hand over its functions to various supranational organizations, such as NATO or the UN (Schirato & Webb, 2003).

Today the states are more prone to the external pressures to protect human rights due to their diminishing sovereignty. This can be considered as a positive effect of globalization (Rosenau, 2002). However, from the point of view of cultural relativism that looks at all cultures as of equal value, this effect is dubious as global structures often promote Western views on human rights with an emphasis on individual rights without taking into account views of non-Western states. Nonetheless, we can at least admit that it has become harder for the states to hide the incidents of violations of civil and political rights of their citizens behind sovereignty because of the external monitoring that globalization encourages (Rosenau, 2002). International NGOs play an important role in this monitoring by making gross violations of rights open to the public. However, we should not forget that democracy is still very unstable in African states; if there is a threat to the regime, individual rights can be easily jeopardized (Chabal & Daloz, 1999).

The second mechanism of the resistance of countries to the powers of globalization may appear obvious because there is almost no state that will be grateful if its sovereignty is taken away. Most states try to protect their autonomy in choosing social and economic policies, and politics in general (Held & McGrew, 2002). One of the mediums of national protest against globalization can be the unwillingness of the government to sign covenants or

conventions (Holton, 2005). According to P. Q. Hirst (1998), even if we assume that states are losing sovereignty, they still possess three main capacities: 1) the guarantee of the rule of law and political stability to eliminate or at least to reduce a number of conflicts between communities within the state; 2) rendering legitimacy to economic regulations in the international arena and maintaining stability of international financial markets; 3) providing social coherence and economic coordination between the main interests of society at the international level. P. Streeten (1993) states that the result of globalization is, in fact, larger governments. The more a country globalizes the more its government protects citizens and the country in general from external threats such as market risks. However, in my view, this argument can only be applicable to developed states that have sufficient economic and political strength to implement protectionist policies. The implication of this second mechanism with respect to human rights in developing countries is that globalization results in strengthening those who violate rights (primarily, individual rights) in a way that it gives grounds to their actions as a response to external and internal challenges with which authority structures encounter (Rosenau, 2002).

Moving to the third mechanism when globalization supports the state we have to differentiate “the help” to the state depending on the type of “global.” If we mean legal and political aspects of globalization, the example will be the UN interventions in East Timor to protect the life of the people and to build democratic institutions (Holton, 2005). Another example is the establishment of an International tribunal on the crimes in former Yugoslavia. If we mean by “global” economic globalization, then the examples will be development aid from different organizations (Holton, 2005) or foreign direct investments that may result in the creation of new work places. I will not discuss moral aspects of this kind of support or the motives of it as it is out of the focus of my research. What is of interest is that in this mechanism the sovereignty of the state is also dissolving as in the case of the first mechanism. However, it brings certain benefits to people and the state.

The fourth mechanism raises a question of benefits in another dimension. On this account, global actors try to find ways of reshaping the state for their own needs. The effects

of this mechanism on human rights can be either positive or negative depending on the activity of supranational organizations. For instance, the EU requires from its members that they implement the protection of human rights (Holton, 2005). On the other hand, structural adjustments programs promoted by the IMF and the World Bank to make state economies open to markets have dissolved spending on social welfare in many developing countries.

The fifth mechanism is relatively recent and can be considered one of the counter-movements to negative forms of globalization including destabilization of social life in the nation-states, and positioning the value of profit higher than the value of human welfare. This mechanism stresses greater need for social justice and gives hope to the possible re-emergence of second generation rights (Holton, 2005). R. J. Holton (2005) provides the example of collective support in inter-governmental circles in Europe for the formulation of a new global order that prioritizes different social goals including economic, social and cultural rights.

The last mechanism is proposed by R. Robertson (1992) who claims that globalization and the state have become extremely interdependent. This has caused new types of relationships between them called “glocal” by Robertson. An example of a “glocal” relationship can be niche marketing that implies that either local business is looking for niches of products or services that are not occupied by transnational corporations or, on the contrary, global companies try to find the needs that customers have and that are not addressed by national companies. This last mechanism becomes apparent with respect to human rights when we look at how international and national standards of human rights are mixed in constitutions.

It seems that all the mechanisms described above take place in all countries in one or another form. However, in Africa, the first and fourth mechanisms have principal importance.

2.3.4 Africa, Globalization and Neo-colonialism

I argue that globalization and neo-colonialism have adversely affected the African continent and the reason for that lies primarily in the legacy of colonialism. In fact, colonialism led to many consequences that newly emerged states had to deal with after gaining independence. All countries in Africa were colonised with the exception of Ethiopia and the extent of colonial pressure was different in various states. However, generally, natural resources were extracted from the colonies that left the economies of African states disfigured after the independence. Colonialism had a number of other effects such as enslavement, warfare and genocide (Loomba, 2005). Colonial administrators prioritized particular social classes and groups marginalizing other ones that resulted in increasing inequality between people (Gordon, 2007), which persisted after the independence.

Colonial rule was deeply authoritarian, which was optimal for the supervision over colonized people and for unquestioned access to natural resources. This led to the fact that after gaining independence many African leaders resorted to authoritarianism because they became accustomed to a style of rule that was based on force (Nelson, 1983). Consequently, many of the governments of newly emerged states appeared to be highly corrupt due to this type of the regime. If the political leaders were not venal they were inexperienced (<http://news.bbc.co.uk/1/hi/world/africa/4653125.stm>) because of unequal access to education during colonial times (Gordon, 2007). Apart from that, as the African continent was arbitrarily divided between colonial powers, families, clans and members of other social groups found themselves on different sides of a border. After the end of colonialism the boundaries were not changed that furthered instability in African states.

All aforementioned legacies caused economical and political weakness in African states and made them dependent on former colonial powers. This phenomenon is called neo-colonialism and includes hegemonic relations of power such as interventionist politics, the use of economical resources of the Third World states, dissolution of cultural standards, and a flux of cheap production (Shohat & Stam, 1997). After the fall of prices for coffee, cocoa,

and other commodities in the 1970s – primary goods for export of most of states on the continent, the countries also became dependent on other actors such as international financial institutions (IFIs) that provided loans in turn for the implementation of specific policies. I consider IFIs as promoters of economic globalization, which has a neo-liberal character. The principles of neo-liberalism are based on the ideas of classical liberalism that was founded by A. Smith who was opposed to the state as it became more prosperous due to the trade restrictions (Clarke, 2006).

The essence of neo-liberalism lays in the limitation of state policies and in the privatization of social service provisions as well as public infrastructure (Bieling, 2006). The state is regarded as the obstacle to free markets and depreciated as the protector of interests of people. From H. A. Giroux's (2004) perspective, this leads to diminishing equity and justice. Moreover, neo-liberalism favours the rational individual who is seeking to extend his or her profit without thinking about society. As free markets are at the heart of this approach, principles that do not have connection to economics such as social fairness, redistribution and solidarity become unnecessary for the operation of society (Bieling, 2006).

Structural adjustment programs implemented in African countries by the IMF and the World Bank in exchange for loans have forced the governments of these states to reduce expenditures on education, health, and social welfare and to become democratized. Although, neo-liberal views took roots in the USA and some other developed countries, today other Western states do not spend less on the protection of social, cultural and economic rights. In these circumstances, protection of collective rights becomes more important for developing states than for developed ones, and, perhaps, more necessary than the protection of individual rights, which are at least formally implemented in most of African countries.

2.4 Relations between Individual and Collective Rights

R. E. Howard (1983) proposes a thesis, the essence of which lays in a trade-off in favour of medication, shelter and food. The prioritization of these human needs is necessary first and foremost. According to her opinion, this prioritization can cause non-implementation of first generation rights in the short run. However, Howard states that the inability to protect individual rights should not bear a long-term character. B. Ibhawoh extends this thesis by saying that “[a] man’s belly need not be full for him to be concerned about his political and civil liberties, but it is important that it is not empty, either” (Ibhawoh, 2004. p.37). Civil and political rights will be better protected in the situation where people have a basic well-being and have relative social and economic stability. Ibhawoh gives examples of some African states where democratic elections cannot be held because of severe poverty and extremely low standards of living. People have no choice but to sell their voices to get some food to survive.

J. Gordon supports the thesis by Howard and Ibhawoh, stating that human rights are “resources which constitute the minimal conditions of human existence” (Gordon, 1998. p. 697), which when taken for granted, political and civil rights will not be included in the list of rights, which are fundamental for human survival in contrast to the right for decent standards of living and the right to health. Gordon states that individual rights are abstract and formal and have no use for the people who have no resources to obtain them. Apart from that, some political and civil rights require high costs (for example, operating a judicial system, and functioning of electoral institutions) whereas some economic and social rights do not (for instance, parental leave requirements and the provision of minimum wage) (Gordon, 1998).

According to A. Polis and P. Schwab (1999), the higher importance of collective rights can be regarded as relevant to the non-Western cultures that I discussed in the example of Africa in the previous section. The thesis opposite to this one is based on the idea that political and civil rights are indispensable and are ample prerequisites for the implementation

of social, economic, and cultural rights. If individual rights are protected, citizens can pressure the government into providing collective rights (Meyer, 1998). A. Sen supports this view, stating that “whether and how a government responds to intense needs and sufferings may well depend on how much pressure is put on it, and whether or not pressure is put on it will depend on the exercise of political rights” (Steiner & Alson, 1996. p.130).

The higher importance of individual rights is generally attributed to the Western tradition of human rights. Supporters of this tradition state that collective rights are only imperfectly and partially justifiable. These rights can be rarely enforced in a court of law whereas individual rights can always be enforced (Hill, 1992). Second, the protection of political and civil rights does not demand substantial governmental expenditures while the provision for social, cultural and economic rights requires, for example, building hospitals, and schools, which is why political and civil rights can come into force immediately whereas social, economic and cultural rights can be implemented only gradually (Gordon, 1998). Political and civil rights also defend, in principle, against arbitrary and coercive use of authority by governments (Tomuschat, 2003). Non-governmental organizations, free mass media, and citizens who can express their views by means of assembly and freedom of speech secure openness in the society, and provide public critique of corruption, lack of the rule of law, and inefficient public administration. This finally results not only in better governance, but also in the amelioration of the economic situation (Ibhawoh, 2004).

Another perspective that is often proposed claims that political, civil, economic, social, and cultural rights are inseparable (Pritchard, 1989). C. Muzaffar (1993) states that this proposal helps to develop a more comprehensive conception of human rights where freedom, life, liberty and food always should go together. In this way, collective rights cannot be prioritized as an ungrounded justification of restriction of individual rights (Umozurike, 1983). At the same time, the negligence of economic, cultural and social rights by Western states and scholars as well as international organizations cannot take place in the context of this view (Brems, 2001). The enlarged array of human rights, which include economic, social, and cultural rights, is morally as well as legally justified and politically

important (Falk, 2002). The idea of the inseparability of generations of rights is widely promoted by the United Nations. However, M. Haas (1994) points out the contradiction between the statements of the Vienna Conference and international agreements on human rights. According to the Conference, all rights are inseparable and interrelated. At the same time, international agreements on human rights show that there are indeed different groups of rights. The most vivid example is two UN covenants that are virtually separate from each other: one is on the protection of individual rights, and another one is on the protection of collective rights.

Apart from aforementioned views other perspectives on interrelationships between human rights exist. For instance, economists grounding their views on the works of A. Smith believe in the priority of the level of economic well-being and other economic conditions that aim at protection of economic rights. Only after economic rights have been secured can other groups of rights be advanced. The theory of liberal democracy highlights the importance of a competitive economy, the necessity of fair elections, free flow of information, and legal-rational government that will bring human rights to everyone. Finally, the frustration-aggression theory states that frustration caused by socioeconomic despairs can result in mass violent protests. It will, in turn, cause the state's repression and escalation of violence (Haas, 1994).

Chapter Three

Methodology

3.1 Introduction

In the previous chapter I provided some perspectives on the interrelationships between human rights as well as on globalization and African dependency on former colonial powers and IFIs. I cannot, however, embrace all the aspects of these issues in my research in the interest of space economy. Apart from that, it is difficult to measure the long-term affects of colonialism and the structural adjustment forces operating in Africa. For this reason, I will concentrate on two phenomena: economic globalization with its neo-liberal doctrine and trade-offs in favour of individual or collective rights. Also of interest to me, and what will be discussed in this chapter, is the effect of the state on human rights. Thus, I will seek to answer the following research questions: 1) does the protection of civil and political rights trigger the protection of economic, social and cultural rights or, on the contrary, does the protection of economic, social and cultural rights trigger the protection of political and civil rights in Africa?; 2) what factors influence the both protection and violation of human rights in Africa and does globalization have an effect on human rights?

I will first formulate the contextual basis for my research using an example of two African states (Namibia and Botswana), and then inquire into secondary statistical data for 2004. A descriptive chapter on Botswana and Namibia is necessary because it helps to understand the processes of interrelationships between various factors and human rights and between various groups of rights on the national level. The choice of quantitative analysis as the main method of research is determined by the fact that it provides a pattern of the

phenomenon, that is, the protection of human rights in African and international contexts. In addition, quantitative analysis helps to develop a policy that can be used in the promotion of human rights in African states. The analysis of secondary data also enables me to address my research questions in the best possible way as an alternative to the analysis of documents because I do not have access to the documents on human rights practices and the issues of globalization and state sovereignty in all African states.

I hypothesize that: 1) economic, social and cultural rights implemented prior to civil and political rights in African countries meet the needs of the population and the state better than the prior implementation of civil and political rights; 2) external factors, such as the amount of debt, foreign direct investments, imports, exports, export concentration, and regulatory quality negatively affect protection of all human rights and generally have more impact on human rights than internal factors, such as expenditures on health, military and education by governments, corruption, absence of violence, GDP, GNI, constitutional provisions, a form of governance, government effectiveness and rule of law.

I am aware of the following contradictions: 1) the contradiction that can emerge between the need for the implementation of social and economic policies (education, food, workers' rights, health services) by governments and the need for political and civil rights, such as the right to vote or to assembly (so-called trade-offs discussed in the previous chapter); 2) the contradiction that can emerge between the governmental practices within a country that effect human rights (either directly or indirectly) and external factors that deal with political and economic connections between a country and the world community, which can also influence the protection of human rights in that country. In other words, it is the contradiction between globalization and the state.

3.2 Data Used in the Research

For the purpose of conducting quantitative research, I gathered data from such sources as the Human Development Report 2005 and 2006, the Factbook 2004, The

Cingranelli-Richards (CIRI) Human Rights Dataset, United Nations Statistics Division, the World Bank, and World Health Organization on all African countries (namely 52) with the exception of Egypt, Western Sahara and the Island of St. Elena. The unit of analysis is the national state.

The Cingranelli-Richards (CIRI) Human Rights Dataset provides quantitative information on thirteen human rights (worker rights, women's rights, freedom of movement, freedom of speech, and other rights) for 195 countries. It is a report produced annually starting from 1981. Most of the information obtained for this dataset is gathered from annual United States Department of State's Country Reports on Human Rights Practices. It is coded independently by at least two coders to guarantee reliability; the Krippendorff's R-bar measure of interrater reliability for this data set is 0.944. This measure ranges from 0 to 1, where 1 is the highest concord in ratings under scrutiny of two various judges at the same point in time (<http://ciri.binghamton.edu/documentation.asp>).

The data by CIRI shows government practices of human rights including the action of all of its performers, for example, paramilitary forces and police. Government practices of human rights imply the methods and initiatives that a government of a specific country will implement to guarantee the protection of human rights within that country. The data do not assess general human rights conditions that are understood as the events related to human rights in a country in general. It also does not involve human rights policies, which can be influenced by non-state actors such as non-governmental organizations and social movements.

(<http://ciri.binghamton.edu/documentation.asp>). Although the data are gathered from US reports, they are unlikely to be biased because the U.S. itself does not have the highest score in the protection of human rights. The highest ones are observed, for instance, in New Zealand, Canada and Sweden.

I collected the data on governance variables, which I consider to be the characteristics of the prerogative of the state to govern and to act (Summers, 1992), from the World Bank web-site. These variables are the rule of law, government effectiveness, control

of corruption, and absence of violence. For the purposes of the research, M. Mastruzzi, A. Kraay, and D. Kaufmann combine individual variables to form six aggregate governance indicators that include those named above plus a regulatory quality that I consider as one of external factors, and voice and accountability that is not analyzed in the research. In order to create indicators they use one of the types of factor analysis: the unobserved components model. They conduct correlations, and those variables that are highly correlated comprise the scales (http://siteresources/worldbank.org/DEC/Resources/GovMattersIV_Appendices.pdf). These aggregate indicators cover more than 200 countries and territories. In turn, individual variables are taken from thirty-two separate data sources, which are constructed by thirty organizations including Afrobarometer, Reporters Without Borders, Gallup International, Economist Intelligence Unit, and European Bank for Reconstruction & Development. Data sources comprise a large number of citizen, expert and enterprise survey respondents in both developing and developed countries.

According to the World Bank, the surveys of individuals and organizations do not reflect any specific ideology as they show the opinions of a large number of respondents in all states. Polls of experts may have ideological biases; however, these data show a high degree of inter-reliability among practically all of its sources. This means that a systematic ideological bias does not take place

(<http://siteresources.worldbank.org/INTWBIGOVANTCOR/...>). The median number of sources per country is from eight to twelve, and the proportion of countries with only one data source comprises six to eight percent. According to the World Bank's statement, the aggregate indicators in no circumstances reflect the official position of the World Bank, its authorities, or the countries they represent

(http://info.worldbank.org/etools/docs/library/206973/GovMatters_IV_main.pdf).

The World Health Organization (WHO) is a specialized agency, which provides a considerable amount of data sets on health issues. For getting the data on adult mortality rates specifically, this organization contacts Member States regularly (<http://www.who.int/healthinfo/statistics/mortdata/en/index.html>).

The data, which are presented on the World Bank web-site (data by country or data by topic), are collected and compiled by the Development Data Group in the Development Economics Vice Presidency primarily from statistical systems of countries (<http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0...>).

The United Nations Statistics Division provides an array of statistical services and outputs on energy, international trade, industry, environment, social and demographic statistics, national accounts and transport collected from various international and national data sources (<http://unstats.un.org/unsd/aboutus.htm>). The main source for social and demographic statistics, including unemployment rate, is household sample surveys, population records, and civil registration (<http://unstats.un.org/unsd/demographic/sources/default.htm>). As for economic indexes of states such as Gross National Income (GNI), they are collected by the National Accounts Section of the United Nations Statistics Division. This kind of data is official and is provided in national accounts of various states (<http://unstats.un.org/unsd/nationalaccount/nadefault.htm>).

The Human Development Report is an independent report, which is commissioned by the United Nations Development Programme (UNDP) and was initiated in 1990. It was and remains the product of a team of members of the Human Development Report Office (HDRO) of UNDP, development professionals and prominent scholars. To assure reliability and a high quality of data several steps are taken. They include reviews of all HDRO's statistical work by a Senior Statistical Advisor with additional consultations with Statistical Advisory Panel and a peer review process. Another step is co-operation with miscellaneous international and national statistical agencies. Organizations from which the data are gathered include Joint United Programme on HIV/AIDS (USAIDS), United Nations Statistics Division (UNSD), International Labour Organization (ILO), WHO and United Nations Educational, Scientific and Cultural Organization (UNESCO) (<http://hdr.undp.org/aboutus/>).

The World Factbook provides annual reports on various economic, political, social and geographical indicators for the use of US Government officials and public. Data are collected from miscellaneous organizations such as Bureau of Labour Statistics (Department of Labour), Office of Insular Affairs (Department of the Interior), Defence Intelligence Agency (Department of Defence), US Transportation Command (Department of Defense), and other organizations (<http://www.umsl.edu/services/govdocs/wofact2004/index.html>).

Most of the data collected for the research are for 2004. However, the data for 2004 exclusively do not exist for such variables as Gini coefficient and the percentage of unemployed. Public expenditure on education is for 2002-2004 whereas public expenditure on health – for 2003-2004, and HIV prevalence – for 2003.

3.3 Description of Variables

3.3.1 Individual Rights

To answer my first research question I chose the following human rights for the analysis: freedom of conscience, political participation, freedom of movement, freedom of press and speech, freedom of assembly and association. I selected these rights for the analysis because they are fundamental political rights or rights of the first generation (see Appendix 1). The Cingranelli-Richards (CIRI) Human Rights Dataset served as a source of information on these rights, which are defined below:

Freedom of conscience: the ability to exercise and practice beliefs without any restrictions by government. This variable measures the extent to which this right is enjoyed and has two categories: 0 and 1, where 0 indicates that there are restrictions on some religious practices by the government, and 1 indicates that there are no restrictions on building permits of places of worship (particularly by minor religions) and on access to places of worship. Plus, no

physical violence and arrests of religious officials or citizens for their religious activities take place.

Political participation: indicates the extent of citizens' ability to change officials that govern them as well as the laws by means of free, fair and periodic elections that take place based on universal suffrage. This variable also implies freedom of political choice. It ranges from 0 to 2, where 0 indicates that political participation is very limited, 1 indicates that political participation is moderately free and open, and 2 indicates that political participation is very open and free. A score of 1 is given to those countries in which citizens exercise the legal right to political participation. Nevertheless, some limitations that prevent citizens from fully exercising this right exist in practice. If a country is given 0, the right to political participation is violated in practice and does not exist in law.

Freedom of movement: freedom to travel within one's state and to leave and return to one's state. This variable has two categories: 0 and 1, where 0 means that foreign and domestic travel is restricted, and 1 indicates that travel is generally unrestricted. A score of 1 is given to those countries that protect freedom of movement for all of its citizens or for most of them. A country that has 0 restricts the movement of either a considerable part of citizens based on their race, religion, gender, political views, ethnicity, or membership in a group or of all citizens.

Freedom of speech and press: shows the extent to which freedom of speech and press is controlled by government. The control is carried out by way of censorship, which includes ownership of media. Freedom of speech and press can be exercised entirely (a score of 2), to some extent (a score of 1) or government censorship can be complete (a score of 0). Total censorship violates citizens' freedom of speech, and prohibits expression of views by broadcasting and printing media that question the policies of the government.

Freedom of assembly and association: shows the extent to which citizens can enjoy freedom of assembly and association with others in cultural organizations, political parties, and other groups, which have special interest without any restrictions by government. This variable ranges from 0 to 2, where 0 means that freedom of assembly and association is denied

completely or severely restricted to all citizens, 1 means that such freedom is severely restricted or denied for select groups or limited for all citizens, and 2 demonstrates that this freedom is freely enjoyed and virtually unrestricted for practically all citizens (http://ciri.binghamton.edu/documentation/ciri_coding_guide.pdf).

3.3.2 Collective Rights

In order to analyze collective rights and their interrelations with individual rights I took the following variables: literacy rate, primary and secondary students' enrollment (the right to education), percentage of unemployed and worker's rights (the right to work), percentage of population with an access to improved water and sanitation facilities, and percentage of undernourished people (the right to decent standards of living), infant and adult mortality rates, life expectancy, and percentage of people living with HIV (the right to health), and Gini coefficient (the right to equal life chances). The choice of the variables was stipulated by the intention to embrace collective rights in all their diversity and by the availability of data.

Literacy rate: percentage of people who are 15 years old or older and who can both write and read a brief assertion that has a relation to their daily life (<http://hdr.undp.org/hdr2006>). I took this variable from the Factbook 2004 and the Human Development Report 2006.

Primary and secondary students' enrollment: percentage of people of official school age that are enrolled in either primary or secondary level of education (<http://hdr.undp.org/hdr2006>). I collected this variable from the Human Development Report 2006.

Worker rights: worker rights are comprised of a combination of the right of association in the workplace, the right to organize and bargain collectively, acceptable conditions of work including hours of work, minimum wages, health and safety in the workplace, and a prohibition of any use of forced labour. I collected this composite variable from the Cingranelli-Richards (CIRI) Human Rights Dataset. According to this dataset, the first two

worker rights -- the right of association and the right to bargain and organize collectively -- have the greatest weight. The variable ranges from 0 to 2. A score of 2 is given to governments who protect these two rights and do not considerably violate other worker rights. A score of 1 is given to the governments that protect the right to associate, and bargain and organize, but violate other worker rights. A score of 0 is given to those governments that do not protect these two rights (or protect only one of them) and violate all other worker rights (http://ciri.binghamton.edu/documentation/ciri_coding_guide.pdf). It is important to notice that the majority of African people do not work in the formal economy. That is why this variable is only applicable to the measurement of the protection of rights at the workplaces of a small social “elite.”

Percentage of unemployed: able-bodied citizens who are neither self-employed nor in paid employment, but who are available for working and have tried to seek self-employment or paid employment (<http://hdr.undp.org/hdr2006>). I gathered the data from the web-site of United Nations Statistics Division and the Factbook 2005. Assuming that most of the people working in the informal economy are self-employed and that it is hard to measure the operation of this economy, we should recognize that the percentage of unemployed is a rough measurement.

Percentage of population with an access to improved water: the portion of those people, who have acceptable access to any of types of water supplies for drinking such as boreholes, protected rainwater collection and springs, household connections, protected dug wells and public standpipes. Unimproved sources include tanker trucks, unprotected wells and springs, and vendors. Reasonable access to water is defined as the presence of at least twenty liters per capita per day from a water source not far than one kilometer from a person’s residence (<http://hdr.undp.org/hdr2006>). I gathered the data from the World Bank web-site (data by country) for urban population and from the Human Development Report 2006 for the whole population of a country.

Percentage of population with an access to improved sanitation facilities: the share of those people, who have access to reasonable excreta disposal facilities, for example, a pour-flush

latrine, a ventilated improved pit latrine, a sewer, a simple pit latrine, and septic tank system. Excreta disposal facilities are regarded as adequate if it is shared (not public) or private, and if it efficiently precludes human, insect and animal contact with excreta (<http://hdr.undp.org/hdr2006>). I collected this variable from the World Bank web-site (data by country) for urban population and from the Human Development Report 2006 for the whole population of a country.

Percentage of undernourished people: the share of people whose intake of food is constantly deficient to comply with their minimal energy demands (<http://hdr.undp.org/hdr2006>). I took the data on undernourished people from the Human Development Report 2006.

Infant Mortality Rate: the probability of dying between birth and 1 year of age, per 1000 live births (<http://hdr.undp.org/hdr2006>). I collected this variable from the Human Development Report 2006 and the Factbook 2004.

Adult Mortality Rate: the probability that a 15 year old person will die before reaching his or her 60th birthday, per 1000 lives (<http://hdr.undp.org/hdr2006>). I found the data on this variable on the web-site of World Health Organization (WHO).

Life expectancy at birth: the number of years that a new-born child would live if predominant patterns of mortality rates at the time of birth of that child were stable throughout his or her life (<http://hdr.undp.org/hdr2006>). I gathered the data from the Human Development Report 2006 and the Factbook 2004.

Percentage of people living with HIV: percentage of people who are 15-49 years old and who have HIV (<http://hdr.undp.org/reports/global/2005/>). I collected this variable from the Human Development Report 2005.

Gini coefficient: measures the degree to which inequality of a distribution of income or consumption among households or individuals within a specific country deviates from a perfectly equal distribution. This variable ranges from 0 to 100, where 0 indicates perfect equality and 100 indicates perfect inequality (<http://hdr.undp.org/hdr2006>). I collected the Gini coefficient from the Human Development Report 2006 to measure indirectly whether the social right to equal life chances is protected or not.

S. C. Carey and S. C. Poe (2004) argue that little systematic research has been undertaken to explore trade-offs in favour of one or another group of rights despite the fact that many governments have stated that civil and political rights have to be restricted to ameliorate protection of economic, social, and cultural rights for citizenry as a whole. D. Kaufmann, A. Kraay, and M. Mastruzzi conducted one of few research works on this issue. They tried to find out what human rights should be implemented first so that their provision could later create a basis for the protection of other groups of rights. They used data on 199 states. One of the results was that the improved governance increases per capita income (Kaufmann, 2005). By improved governance they meant transparency of governmental structures assured by freedom of speech. B. E. Moon (1991) also found that the democratic regime is associated with high levels of satisfaction of basic human needs because democracy serves as an incentive for the government to adopt certain policy choices. What M. Haas (1994) finds in his research is that there is no correlation between first and second generation of rights. In other words, the protection of economic, social, and cultural rights neither foregoes nor follows the protection of civil and political rights. The findings of K. Pritchard (1989) reveal positive and medium correlation between socio-economic rights and civil and political ones (ranges from 0.49 to 0.55). H. S. Park (1987) got the same results with the correlation between individual and collective rights equal to 0.61. This implies that the trade-off thesis is not always verified, and that all rights should probably be implemented at the same time.

With regards to my second research question two types of factors that influence the protection and violation of human rights, were identified: internal and external factors (see Appendix 1). As it was noticed in the previous chapter, I focused my research on a state-based framework, which is grounded on the presumption that states are not the only actors that can violate human rights. However, in most cases only they can take supreme measures to protect the rights of citizens on a large scale. NGOs, ombudsman, human rights commissions, and other organizations and institutions (for example, judiciary) can provide

for human rights, but without any support from the government or at least government's neutrality they will fail.

Internal factors can be identified by using economics and politics as reference points. In terms of economics, factors include: military expenditures (per capita and % of GDP), expenditures on health and education, GDP (PPP) per capita, and GNI per capita. With regards to politics, notable factors include the rule of law, corruption, political stability and absence of violence, government effectiveness, a form of governance, and constitutional provisions of rights.

3.3.3 Internal Factors

Military expenditures: all capital and current expenditures on the armed forces, including paramilitary forces for military operations, defence ministries, and peacekeeping forces. These expenditures include military personnel, military aid, research and development, maintenance, and operation. Excluded are current expenditures for preceding military activities, such as demobilization, veteran's benefits, and destruction of weapons (<http://hdr.undp.org/hdr2006>). I computed the variable "military expenditures per capita" using the data on population and military expenditures (dollar figure) from the World Factbook 2004 and the World Factbook 2005. In turn, I collected military expenditure (% of GDP) from the World Bank web-site.

R. M. Rosh pursued research on the influence of military expenditures on the provision of second generation of rights. He states that many African countries spend a significant part of their GNP on military instead of providing some basic needs for their citizens. Rosh hypothesizes that heavy military burden hinders protection of economic, social and cultural rights (Rosh, 1988). According to H. S. Park (1987), a high military expenditure has detrimental effects both on civil and political rights (correlation coefficient equals to -0.375) and on social rights (-0.620). M. Haas (1994) also finds that if the government

is very concerned with the military potential of the country, both generations of rights can be restricted.

Public expenditures on health: capital and current spending from local and central government budgets, compulsory or social health insurance funds, grants, and external loans (including donations from nongovernmental organization as well as international agencies).

Public expenditure on health implies the provision of family planning activities, health services (curative and preventive), emergency aid for health purposes, and nutrition activities. However, it does not take into account sanitation and water supply (<http://hdr.undp.org/hdr2006/>). I found the data in the Human Development Report 2006.

Public expenditures on education: includes both current and capital expenditures. The current budget is meant for services and goods that are consumed within a year and that should be renewed next year, including such expenditures as purchased or contracted services, welfare services, fuel, staff salaries, teaching materials and books, travel, minor repairs, insurance, furniture, rent and equipment. Capital expenditures are defined as spending on major repairs, construction, purchases of heavy equipment and renovation (<http://hdr.undp.org/hdr2006/>). I found the data on the variable mostly in the Human Development Report 2006. Public expenditures for a few countries are gathered from the web-site of UNESCO Institute for Statistics.

M. Haas (1994) finds that economic and social rights flourish in welfare states. So in order to improve the policies with respect to these rights, there should be larger governmental expenditures on subsisting the less fortunate. On the contrary, H. S. Park (1987) points out that there is a negative correlation between economic basic needs rights -- as measured by Physical Quality of Life Index that is comprised of life expectancy, infant mortality, and literacy rate -- and educational expenditure (-.375).

GNI per capita (former GNP per capita): the gross national income in U.S. dollars divided by the midyear population. It is the sum of value collected by resident producers plus net receipts of primary income from abroad plus any product taxes (<http://hdr.undp.org/hdr2006/>). I gathered the data on GNI from the World Bank web-site

(the section of data and research – data by country) and the web-site of UN Statistics Division.

GDP at PPP per capita: gross domestic product at purchasing power parity per capita. This variable shows the value of all final services and goods produced within a state in a given year divided by the average population for the same year (<http://hdr.undp.org/hdr2006/>). I collected this information from the Factbook 2005 and the Human Development Report 2006.

Rule of law: describes the extent to which agents have confidence in and abide by the rules of their society. Individual variables that form these aggregate indicators include, but are not limited to, quality of police, confiscation/expropriation, black market, money laundering, a 1-point increase on a scale from ‘0’ to ‘10’ in crime during any 12-month period, organized and violent crime (<http://siteresources.worldbank.org/INTWBIGOVANTCOR/...>). I took this indicator from the World Bank web-site. In my research it ranges from 0 to 2, where 0 is low to very low level of the rule of law, 1 indicates a medium level of the rule of law, and 2 indicates a high to very high level of the rule of law.

Constitutional provisions: of the two variables that I will use, the first measures the presence of some rights in the constitution of a particular country. These rights are the right to education and health, worker rights, freedom of religion, political participation, freedom of movement, freedom of press and speech, and freedom of assembly and association. This variable has two categories of 0 and 1, where 0 represents the right as not endorsed in the constitution and 1 indicates that the right is endorsed. The other variable shows whether the right is elaborated or not. It also has two categories of 0 and 1, where 1 shows that the right is described in detail in the constitution, and 0 shows that the right is only briefly described. These two variables are computed using present constitutions of African states. First, each constitution is examined for the purpose of finding whether a specific right is presented in it or not. Second, I identify whether sufficient extensions of a certain right are provided.

In order to conduct my research, I used K. Pritchard’s general model of human rights conditions (1988), which includes the following variables: constitutional acknowledgement,

economic resources, and judicial independence. She justifies her model by using the following arguments: 1) Acknowledgement of rights by a duty bearer is an indispensable condition in terms of a behaviourist's conception of human rights. The duty bearer in this case is the government, which has obligations towards the right-holders or citizens. 2) Rights can be declared in constitutions, but not accomplished in practice, which is why it is necessary to measure the efficiency of a mechanism of their implementation. In order to measure this efficiency Pritchard uses the variable 'judicial independence'. L. C. Keith (2004) also states that an independent judiciary is indispensable in order to accomplish the constitutional provisions. In my research this variable is dismissed because it is difficult to collect comparative secondary data. However as a substitute, the variable "rule of law" overlaps with "judiciary independence" as it measures efficacy and predictability of the judiciary. Pritchard's third argument declares that respect for human rights depends not only on judiciary independence, but also on a state's capacity to provide human rights. In Pritchard's research it was found that the greater economic resources, the greater protection of human rights (Pritchard, 1988). That is why GDP and GNI were taken for the analysis to test this result.

L. C. Keith (2002) and C. A. Davenport (1996) both point out two opposite views on the influence of constitutions on the protection of human rights: the first refers to sceptics who think that the role of the constitutions is nominal and irrelevant to how governments act in practice. They give examples of gross violations of constitutions in various parts of the world and sometimes further state that constitutions are used by states to look better in the opinion of citizenry and the world community (Davenport, 1996). Second, Keith and Davenport identify those who claim that constitutions matter because they restrict the government's ability to violate rights. Moreover, constitutions show symptoms whether the government will abuse rights or not. For example, we can find how the governments will behave in state of emergency or martial law.

According to another research work conducted by K. Pritchard (1989), a higher GDP is related to the higher protection of both collective and individual rights, especially

collective rights. Nevertheless, she adds that there are many deviant cases, which leads to the conclusion that the level of economic development is not an adequate explanation. She suggests that gross national income fits better the aim to find the state's capacity to promote human rights than GDP because it shows to what extent economic resources are available to the government. It appears in her research that the correlations between GNI and political rights is .5221, civil rights and GNI is .4754, and social and economic rights, and GNI is .5887, that is higher than between GDP and various groups of rights.

M. Haas (1994) finds that collective rights are more protected in the countries with a greater GDP. W. Meyer (1996) also states that a higher level of economic development is related to a better human rights record.

Government effectiveness: this aggregate indicator is composed of individual variables such as quality of general infrastructure in a country, quality of bureaucracy, institutional strength and quality of the civil service, transparency of decision-making by authorities, and the state's ability to respond effectively to natural disasters

(http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/GovMatters_IV_Appendices.pdf). The variable has three categories, where 0 is low to very low government effectiveness, 1 indicates medium effectiveness, and 2 shows high to very high government effectiveness.

Control of corruption: measures the extent of corruption, which is defined as the use of public power for private benefit. This aggregate indicator includes individual variables on anti-corruption policies, the extent to which the country's civil service is involved in practices of patronage, cronyism and nepotism, public trust in financial honesty of politicians and civil service accountability

(http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/GovMatters_IV_Appendices.pdf). The variable ranges from 0 to 2, where 0 is low control of corruption, 1 shows medium control, and 2 demonstrates high to superior control.

I took the variables "governmental effectiveness" and "control of corruption" from the World Bank web-site (<http://www.worldbank.org/wbi/governance>) in accordance with

the World Bank's research. I also gathered the variable "control of corruption" from Transparency International, which presents itself as "the global civil society organization leading the fight against corruption" (http://www.transparency.org/about_us). According to this organization, corruption perception index can range from 1 to 10, where a higher score means less corruption. In Africa it ranges from 1.6. to 6.0. This index is computed based on expert surveys. Transparency International argues that the opinion of experts' abroad concerning corruption correlates well with those of residents. In turn, the variable "control of corruption" (the World Bank) is computed using surveys of citizens and enterprises and polls of experts.

J. Hellman, G. Jones and D. Kaufmann propose the concept of state capture, which is measured by the variables "governmental effectiveness" and "control of corruption" and which has an influence on provision of human rights. State capture implies illegal and excessive impact of the social elite on shaping policies, regulations, and the power of any state (Hellman, et all, 2003). They find that in states that have 'managed' democracy (authoritarian states) the extent of state capture by a few individuals in elite social groups is higher than where the protection of civil and political rights is efficient. They also reveal that socio-economic development is decreased where state capture is high (Kaufmann, 2005). C. Muzaffar (1993) also argues that if power of the state belongs to the elites and it is not rightfully distributed there is a high chance that human rights will be violated even if they are stated in the national constitutions.

Political stability and absence of violence: measures perceptions of the likelihood that the government will be destabilized or overthrown by coercive means (for example, terrorism or domestic violence). The following individual variables constitute this indicator: violent demonstration, an increase in scope or intensity of one or more civil wars that reduces the GDP growth rate by 4% during any 12-month period, frequency of political killings, the degree of tension within a country attributable to nationality, language or racial divisions (http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/GovMatters_IV_Appendices.pdf). This indicator has three categories: 1) 0 is high level of violence and instability;

2) 1 is medium violence and instability; 3) 2 is low level of violence and instability. I collected this variable from the World Bank web-site.

F. Cheru (2002) claims that the presence of ethnic conflicts results in the diversion of scarce resources from building and maintaining schools and hospitals. M. Haas (1994) also finds that political instability has a negative correlation with collective rights. The search for political stability can also have a detrimental effect on individual rights. Political and civil rights can be suppressed due to fear of the government that it would be overthrown (Haile, 1984).

Form of governance: shows how African courtiers characterize themselves in terms of a political regime. This variable has four categories: a republic; democratic republic; socio-democratic republic; other forms of governance. I collected the data from the constitutions of all states except Swaziland, which did not have a constitution in 2004, and Somalia, which had no recognized government in the same year. Because all states, with exception to four, claim to be republics, I cannot make a comparison between these two groups. However, as there is a differentiation in types of republics (democratic, democratic and social, and simply republic), I will look at whether some rights are protected in the countries with social democratic regime or democratic regime. The concept 'democratic republic' implies that a country should guarantee civil and political rights. At the same time, the concept 'democratic and social republic' means that a country should equally protect individual and collective rights.

3.3.4 External Factors

In order to fully examine the influence of economic globalization on human rights, I included the following external factors that characterize globalization: in my research foreign direct investments, present value of debt, long-term debt, export concentration, regulatory quality, exports and imports of goods and services.

Foreign direct investments: the inflows of investment in an enterprise, which operates not in the economy of the investor. These investments include the amount of reinvestment of earnings, equity capital and other short-term and long-term capital (<http://hdr.undp.org/hdr2006>). I took the data from the World Bank web-site (the section of data and research – data by country) and the Human Development Report 2006.

According to works by W. Meyer (1996) and D. L Spar (1999), foreign investments help to improve human rights protection in Third World countries because of firms' activities and other conditions. However, J. Smith, M. Bolyard, and A. Ippolito (1999) find that there is no relation between foreign investment and human rights. Then again, M. Haas (1994) states that foreign investment has a negative relationship with most economic, social, and cultural rights.

Debt: I used three variables to measure debt: present value of debt (% of GNI), long-term debt in US dollars, and total debt service (% of GDP). The first two variables were gathered from the World Bank web-site (the section of data and research – data by country) and the third one - from the Human Development Report 2006.

Present value of debt (% of GNI): represents the amount of short-term external debt and also the discounted sum of total debt service payments.

Long-term debt in US dollars: the debt that extends to more than one year, which consists of the following: publicly guaranteed, public, and private non-guaranteed debt (<http://www.econ.worldbank.org>. Data by topic. Debt).

Total debt service (% of GDP): the amount of interest and repayments paid in foreign currency, goods or services on long-term debt, repayments to the International Monetary Fund and interest paid on short-term debt (<http://hdr.undp.org/hdr2006>).

A. Pettifor (2001) claims that money rights have become predominant over human rights. Through structural adjustment programs poor states are forced to give priority to paying off the debts to the rich creditors instead of spending money on sanitation, health, education and clean water. Thus, the debts postpone the realization of collective rights.

F. Cheru (2002) agrees with this idea and states that the deep indebtedness of African

countries endangers any chances for economic development and causes diversion of resources necessary for building schools. Even the Committee on Economic, Social and Cultural Rights acknowledges the negative effects of the debt on the exercise of collective rights in many countries (Steiner & Alston, 1996).

Debt also negatively influences individual rights. C. Muzaffar (1993) argues that nations of the South in most cases cannot exercise the right to express freely their opinions to other states within the world community, particularly when they have high debts to the Northern agencies and international banks. As for empirical research, J. G. Smith, M. Bolyard and A. Ippolito (1999) find weak negative effects of debt on first generation rights. In contrast, W. Meyer (1996) discovers firm positive effect of public debt on political and civil rights. This can be explained by the conditions of the World Bank and IMF that provide loans for the countries in the event that they democratize.

Export concentration: the number of exported goods by a country. I took this information from the Fact Book 2004. A. Giddens (2000) claims that free trade has an adverse effect on the economy of developing states. A country that is dependent on the export of a few products becomes extremely exposed to various risks including those connected to human rights.

Exports of goods and services: “The value of all goods and other market services provided to the rest of the world” (<http://hdr.undp.org/hdr2006>), which includes transport, travel, insurance, freight, merchandise, communication, construction, government and business services, but excludes property income, labour and transfer payments. I gathered the data on this variable from the World Bank web-site (the section of data and research – data by country) and the Human Development Report 2006.

Imports of goods and services (% of GDP): shows the value of all market services and goods obtained from abroad, which includes the value of travel, insurance, license fees, communication, information, business, freight, merchandise and other services. They exclude, however, property income, transfer payments and labour income

(<http://hdr.undp.org/hdr2006>). I collected this variable from the World Bank web-site (the section of data and research – data by country) and the Human Development Report 2006. Regulatory quality: measures ‘market-unfriendly policies’ and perceptions of the problems resulting from excessive regulation in business development, foreign trade and other spheres. Individual variables that form this aggregate indicator include but are not limited to price controls, government intervention and regulation of economics, environmental regulations that hurt competitiveness, discriminatory tariffs, and a 2% reduction in import volume because of restrictions, for example, quotas or an aggravation in import regulation (http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/GovMatters_IV_Appendices.pdf). “Regulatory quality” measures the progress of a state in market terms and units that are valuable for transnational corporations and international financial institutions. I took this indicator from the World Bank web-site. In my research the variable ranges from 0 to 2, where 0 is a low to very low level of market friendly policies, 1 indicates a medium level, and 2 shows a high to very high level.

There are generally two views on interrelationships of human rights and international economy: liberal and radical. The liberals believe that international economic factors have a positive impact on national conditions, including those in social, political and economic realms. On the contrary, the radicals argue that economic factors often result in negative influences on human rights (Callaway & Harrelson-Stephens, 2004).

According to the liberal view, human rights are promoted through free markets and market oriented policies, which lead to effectiveness in employment that causes higher salaries that lead, in turn, to higher political participation. In other words, as people become wealthier, the middle class grows, as do labour claims, which results in citizens’ disposition to ask for greater protection of individual rights as well as collective rights. The liberals also add that trade can have direct influence on the proliferation of political rights by distributing ideas and norms as a result of the increase in trade levels (Keohane & Nye, 1989).

Radicals, on the contrary, believe that free markets are a potential danger to social and economic development in Third World states as they become exploited by developed

countries. Benefits from trade are usually accumulated by the elites in the latter states, which contributes to their power. As a result, the economic, social and political gap between the rich and the poor becomes larger in the world. This in turn causes the conditions that may result in violence on the domestic level. In general, radicals think that the more the country is occupied with external capitalist interests, the more it violates human rights (Mitchell & McCormick, 1988).

I gathered the data on some variables from two sources (FactBook and the Human Development Report or the World Bank and the Human Development Report) so that it could be compared and the analysis would be more precise and reliable since not every country has data on the same number of variables. For some variables, especially GINI, fewer cases are examined. Moreover, data on many variables are lacking for Somalia and Liberia because of instability in the countries in 2004.

By using all aforesaid variables in factor and path analyses I am attempting to find out what rights should be implemented first of all to trigger the implementation of other rights, and what factors influence both the protection and violation of human rights in general. I analyzed data on fifty-two African states and employed SPSS software package for the processing of these data.

3.4 Descriptive Chapter

In the descriptive chapter I focus on the violation and protection of human rights in Namibia and Botswana. I choose to focus on these two countries because of my personal interests, but more importantly because these two states (especially Botswana) present exceptional examples of African countries that have taken considerable steps towards the provision of both individual and collective rights. The main sources of information used in this research are the following: 1) Reports by member states submitted to several United Nations committees such as Committee of the Rights of the Child and summary records of

meetings of United Nations committees; 2) the African Governance Report. The data for this research were gathered in 27 African states by national institutions and administered by the United Nations Economic Commission for Africa using expert surveys and household polls (<http://www.uneca.org/agr2005/>); 3) the report called Governance profile of Namibia that was administered by United Nations Commission for Africa and undertaken by Multidisciplinary Research and Consultancy Center (University of Namibia) through expert polls and nation-wide sample surveys of household. Apart from that, desk-based research was conducted to get the factual data on various realms of life in Namibia (<http://www.uneca.org/dpmd/publications/countryprofiles/Namibia.pdf>); 4) map of Freedom by Freedom House Organization, which provides annual reports on civil and political rights in countries around the world. Data were gathered from academic analysis, visits to the regions, nongovernmental organizations, and news reports (http://freedomhouse.org/template.cfm?page=351&ana_page=292&year=2005); 5) map of Press Freedom, also produced by Freedom House. Sources of information include news media, reports by human rights organizations, staff travel, and government reports (http://freedomhouse.org/template.cfm?page=350&ana_page=6&year=2004); 6) millennium Development Goals Reports on Namibia and Botswana. Many organizations and institutions participated in preparing these reports in both countries. In Namibia these were civil society organizations, government departments, and UN agencies (http://www.undg.org/archive_docs/5307-Namibia_MDG_Report_2004.pdf). In Botswana they included the Ministry of Finance and Development Planning, Steering Committee, government ministries, and United Nations Task Force on the MDG Report (http://www.undg.org/archive_docs/5308-Botswana_MDG_Report_-_Botswana_MDG_Report_2004.pdf); 7) report on Botswana by African Security Analysis Programme. This program is one of the departments of Institute for Security Studies (South Africa, Kenya, and Ethiopia). It analyzes issues of security in Africa using qualitative and open-source methods (<http://www.iss.co.za/Res/Asap/Aewp/aewp1.html>); 8) Country reports on Namibia and Botswana by Bertelsmann Stiftung. This foundation provides evaluations of

government practices such as the rule of law and stability of democratic institutions. It also assesses openness of economics to markets that embraces economic performance, organizations of competition, and other factors (<http://www.bertelsmann-transformation-index.de/61.0.html?L=1>). As for methods utilized, one external expert prepares a report on each country, and then another expert, commonly a citizen of the country under consideration, reviews it (<http://www.bertelsmann-transformation-index.de/28.0.html?&L=1>).

Chapter Four

Descriptive Chapter. Namibia and Botswana

4.1 Introduction

In order to contextualize the framework of my research I considered Namibia and Botswana highlighting both their protection and violation of individual and collective rights, political stability, economic vitality, military expenditures, and other internal and external factors. I do not observe exports, imports, foreign direct investment and regulatory quality in detail, choosing instead to consider the overall openness of economics.

I found that it was more appropriate to analyze national reports on second generation rights than on first generation rights. The latter can be observed better in the reports of international organizations that are not subject to the same bias as the national reports. In reports on collective rights most countries try to present themselves in the best possible way, informing the reader about various social programs that they undertake. However, it is still possible to judge objectively whether the country is making sufficient efforts to protect second generation rights or not by comparing various statistics and facts.

I differentiate several categories, such as political rights, education, housing, the rule of law and compare progress or setback of both countries in all these aspects.

4.2 Political Rights

According to the research by United Nations Economic Commission for Africa, 79% of experts in Botswana and 76% of experts in Namibia state that individual rights proclaimed

that their constitutional rights are usually respected. Botswana has the highest rating among 27 states in this respect, and Namibia is in third place after South Africa. Only 4% of experts in Botswana and 7% of experts in Namibia agree with the statement that “Electoral authority is rarely or never impartial and transparent” (<http://www.uneca.org/agr2005/chap6.pdf>). Since independence nine elections have been held in Botswana and all of them were considered fair and free (<http://www.iss.co.za/AF/current/botswanasep03.pdf>). Namibia’s situation is similar, with exception to a few cases of threats directed at the opposition (<http://freedomhouse.org/template.cfm?page=363&year=2005>). However, what should be taken into consideration is that both countries are not Western-style democracies; therefore, political opposition is weak and opponents generally have a small chance to win an election, although the elections are technically free.

Both countries largely respect such political rights as the right to assembly and association, freedom of conscience, and the right to movement. I have not come across any noticeable incidents in violation of these rights. The only political right that is not sufficiently protected is freedom of speech and press both in Botswana and Namibia.

Broadcast media is generally under control of the state in Botswana. That is why the political opposition does not have enough access to the TV channels and radio stations. As for private broadcasting media, it has a limited reach, and most of rural population gets news from government-controlled radio (<http://freedomhouse.org/template.cfm?page=363&year=2005>). Several journalists who criticized the authorities were threatened and even assaulted. The government of Botswana temporarily banned part of a popular radio show that broadcasted the Opposition’s criticisms of the official government (<http://freedomhouse.org/template.cfm?page=251&year=2004>). Although the government sometimes violates freedom of speech and press, this is not always the case. There exists a forum called Botswana Media Consultative Council that strives for promotion of freedom of speech. The members of this forum are representatives of the private media (<http://www.botswanamedia.bw/body>).

Namibia is regarded as one of the most press-friendly African states. However, it sometimes violates freedom of press. For example, journalists who criticize the government can be verbally offended or threatened by the authority. Apart from that, journalists of the government-run channels, newspapers, and radio stations are pressured not to discuss questionable issues. State's official ban on *the Namibian* newspaper is in effect because of its criticisms of the President and his government. In 2002 the President assigned himself to the position of the minister of information and broadcasting, which could threaten freedom of speech and press in future (<http://freedomhouse.org/template.cfm?page=251&year=2004>). During a session of the Human Rights Committee, one of its members noticed that the President himself reportedly intimidated H. Smith, the editor of *the Windhoek Observer*. Another journalist, P. Sackarma, was arrested and received death threats because of an article that he had written in one of the daily newspapers. However, he was later released unharmed ([http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/78997cc...](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/78997cc...)). According to the Governance Profile of Namibia, relations between the media and the government are considered strained. Several outlets play a watchdog role over what is done by the government. In turn, the authorities criticize them for their unkindly attitude (<http://www.uneca.org/dpmd/publications/countryprofiles/Namibia.pdf>).

4.3 Social Rights

In the following section I consider government protection of several social rights: the right to health, the right for housing, the right to decent standards of living (food, water, sanitation), and the right to equal life chances. HIV/AIDS is separated as a factor that appeared to have important influence on state policies in both countries.

Particularly interesting is the fact that Botswana, along with a few other countries such as Saudi Arabia and Myanmar, has not only not ratified the Covenant on Economic, Social, and Cultural rights, but it has not yet signed it either (<http://www.ohchr.org/english/countries/ratification/3.htm>). Despite the refusal to join the

Covenant, the government of Botswana takes numerous measures to protect people's economic, social and cultural rights and for that reason Botswana is considered a social state. Botswana's House of Chiefs plays a considerable role in the successful implementation of these rights by making the voices of various ethnic communities heard. Namibia has ratified the Covenant on Economic, Social, and Cultural rights. However, it is doing generally worse in protection of collective rights than Botswana. One of the reasons for this is that there is no body of chiefs representing different tribes that has authority with government. Other reasons are discussed below.

4.3.1 The Right to Health

Both countries have various programs on immunization, control of infections and other diseases that contribute to better health of the population (http://www.undg.org/archive_docs/5308-Botswana...; http://www.undg.org/archive_docs/5307-Namibia...). According to a report by the Institute for Security Studies, most of the people in Botswana have access to free health services (<http://www.iss.co.za/AF/current/botswanasep03.pdf>). Botswana adopted a primary health care strategy as early as in the middle of 1970s that resulted in essential improvement of people's health and the health system (http://www.undg.org/archive_docs/5308-Botswana...). The percentage of the budget that Botswana spent on healthcare in 2003-2004 was around 9.8 % ([http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/78477663cba...](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/78477663cba...)), whereas 13.5% of Namibia's budget was directed at healthcare. The government allocates more resources only to education (<http://www.un.org/ecosocdev/geninfo/afrec/vol12no4/apr99.htm>). According to the Governance Profile of Namibia, the distribution of households responses concerning medical costs in the country is almost even. Twenty-eight and a half percent think that it is free or not costly, 36.8 % think that it is fairly costly, and 34.7% believe that it is costly or very costly. However, when asked about health quality almost half of respondents answered

that it is very good or good (48.9%). In other words, the government has succeeded in higher quality of health service provisions. However, it ought to make it less costly for people as some 71.5% believe that it is either fairly costly or costly and very costly (<http://www.uneca.org/dpmd/publications/countryprofiles/Namibia.pdf>). The problem that exists in Namibia is inequality in the provision of health services among urban and rural areas. The state has realized this and has tried to spend more money on health services in rural and poor areas (http://www.undg.org/archive_docs/5307-Namibia...).

Namibia is doing better in reducing child mortality than Botswana. In spite of HIV epidemics, under-five and infant mortality was decreasing by 2% per annum from 1991 to 2001. This progress is due to a program called Integrated Management of Childhood Illness (IMCI) (http://www.undg.org/archive_docs/5307-Namibia...). In Botswana the situation deteriorated from 1995 when 56 infants per 1000 live births died in their first five years to 2001 when 80 infants per 1000 live births died (<http://www.iss.co.za/AF/current/botswanasep03.pdf>). It does not, however, mean that the government does not try to solve the problem. Some programs that aim at the reduction of child mortality are in effect: 1) HAART (helps to reduce child mortality because of HIV); 2) Vulnerable Group Feeding Programme (the aim is to provide disadvantaged children with nutrition food); 3) Baby and Mother Friendly Hospital Initiative (supervises nutrition of infants and youth) (http://www.undg.org/archive_docs/5308-Botswana...). The reason for setbacks can be explained by a larger HIV epidemic in Botswana as there are around 24% of total population who are HIV positive, whereas in Namibia this number is approximately 19.6%. (<http://hdr.undp.org/reports/global/2005/>). Another possible reason is that Namibian policy IMCI is more effective in reduction of child mortality.

4.3.2 Housing

Both countries do not dismiss the right to housing in their policies. Botswana has a Housing Scheme for citizens that support low-income people by providing loans for housing. The Destitute Policy that supplies shelter for the poor and the poverty-stricken is another program that is aimed at alleviating housing problems (http://www.undg.org/archive_docs/5308-Botswana...). As for Namibia, there are the Agro-Aquaculture Program, Build Together Programme and the Green Scheme that increase access to land with low interest for the poor. National Housing Enterprise was also set up to provide lodging for people with low and middle incomes (http://www.undg.org/archive_docs/5307-Namibia...).

4.3.3 The right to Decent Standards of Living

According to the report by the Security Studies Institute, most of the people (around 97%) have access to safe water in Botswana (<http://www.iss.co.za/AF/current/botswanasep03.pdf>), which is a notable achievement if we take into account the very dry climate in most territories in the country. However, there is unequal access to a safe water supply between rural and urban houses. Only 9% of rural population had piped water in their homes whereas 52.1% of urban population had it in 2000. The same disparity is found with regards to sanitation. Only 51% of the rural population has access to adequate sanitation whereas 95 % of the urban population has it (http://www.undg.org/archive_docs/5308-Botswana...). As for Namibia, the same problem of unequal access to water and sanitation supply between urban and rural areas exists. However, it should be noted that the access to safe water has been considerably increased in rural areas (45% in 1991 and 80% in 2001). In urban areas it stayed almost the same (99% in 1991 and 98% in 2001). The progress is slow for the provision of sanitation in rural areas. Only 21% of the rural population had access to sanitation in 2001 compared to 15% in 1991.

As for access to sanitation in urban areas, on the contrary, it decreased from 89% in 1991 to 82% in 2001 as “a result of growing informal settlement in the country’s cities” (http://www.undg.org/archive_docs/5307-Namibia...). Both countries care for water safety, however. There is the Namibia Water Resource Management Review, for example, that aims at the supervision of the water sector and its improvements (http://www.undg.org/archive_docs/5307-Namibia...). The program for monitoring quality of water exists in both urban and rural areas in Botswana (http://www.undg.org/archive_docs/5308-Botswana...).

In spite of the fact that Botswana comprises both a very hot climate and a high poor population, which has the potential to create food insecurity, it has achievements in fighting against malnutrition and hunger. Under-five malnutrition decreased from 14% in 1991 to 6.5% in 2002. The reason is a good feeding program. Many other measures have also been taken to decrease hunger such as the Orphan Care Program, the Old Age Pension, Destitution Policy, and Home Based Care. There is also a National Food Security Policy and a Strategy to protect the physical availability of food (http://www.undg.org/archive_docs/5308-Botswana...). As for Namibia, it has almost no progress in the reduction of malnutrition. For instance, 24% of children who are less than five years old were underweight in 2000 compared to 26% in 1992. The problem is exacerbated by the fact that there are no emergency programs on nutrition and food security in spite of reoccurring floods and droughts, with exception to one temporary project that was put in effect in 2003. It helped about one third of population of the country gain access to food (http://www.undg.org/archive_docs/5307-Namibia...).

4.3.4 The Right to Equal Life Chances

Both Namibia and Botswana have very high Gini coefficient. That means that people are highly unequal in income distribution. Poverty elimination is one of key policies of the

government of Botswana (<http://www.vision2016.co.bw/>). There are several income transfer programs, social safety nets for the poor, and The National Poverty Reduction Strategy is in effect (http://www.undg.org/archive_docs/5308-Botswana...). Botswana is one of the few states in Sub-Saharan Africa that uses mineral rents to support development financially. It has resulted in the satisfaction of the needs of some people, but not all of them. High inequality between those who live in rural villages, urban villages and urban areas still exists. Fifty-five percent of rural population is below the poverty line, 46% is very poor in urban villages, and 29% of the people who live in towns are poor. Income inequality stayed on the same level in urban areas in the last several years, and was slightly reduced in rural areas in spite of constantly high economic growth. The reasons for inequality in Botswana are the following: 1) programs for rural areas have not been quite successful; 2) liberal economic policies that benefited only a few; 3) rich natural resources and fast economic growth; 4) underdevelopment of the agriculture sector in which the majority of the rural population works (<http://www.iss.co.za/AF/current/botswanasep03.pdf>).

Inequality in Namibia is the result of long practice of apartheid. In spite of consistent economic growth many Namibians do not have sufficient basic services (<http://www.un.org/ecosocdev/geninfo/afrec/vol12no4/apr99.htm>). Eradication of poverty and inequality has been one of the key issues for the state since gaining independence (http://www.undg.org/archive_docs/5307-Namibia...). The number of people living below poverty line was reduced from 47% in 1993/94 (<http://ssrn.com/abstract=962314>) to 30.3% in 2003 (<http://www.umsl.edu/services/govdocs/wofact2007/index.html>). The government creates safety nets for disadvantaged (orphans, veterans, and disabled) and also undertakes land reform. It buys land from the rich whites and gives to the poor landless blacks. However, the reform is going slowly as the government has to buy land at market price (http://www.undg.org/archive_docs/5307-Namibia...).

4.3.5 HIV/AIDS

Many successful government measures with respect to collective rights were undermined by the HIV epidemics in both countries. For example, life expectancy in Botswana in 1995 was 68, but in 2001 it became 39-45 (<http://www.iss.co.za/AF/current/botswanasep03.pdf>). HIV also results in higher poverty as it changes income distribution. Because of the HIV epidemics, the number of the poor will increase by 6-8% in Botswana in next two decades (<http://www.iss.co.za/AF/current/botswanasep03.pdf>). However, the program “Prevention of Mother to Child Transmission” was set up in this country in 1999. As a result, the number of HIV-positive children has decreased from 59 to 31 thousand ([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/22958342c...](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/22958342c...)). What is also important is that the access to anti-retroviral therapy is free in Botswana ([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/7451ac...](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7451ac...)). As for Namibia, it has one of the highest HIV rates in the world. In spite of this, the government has not come up with the national strategy of how to treat this problem. Apart from that, the provision of “Mother to Child Transmission” program and anti-retroviral drugs have not been instituted in the country (http://www.undg.org/archive_docs/5307-Namibia...). The fact that GDP and GNI are smaller in Namibia than in Botswana cannot be an excuse for the lack of measures taken to solve the problem, and exposes the sluggishness of the government. However, to the state’s credibility, a Code on HIV/AIDS employment in the Southern African Development Community and the Charter that protect rights of HIV people is in effect in the country (<http://www.lac.org.na/alu/Pdf/hivchart.pdf>, <http://www.cosatu.org.za/docs/1998/sadc-hiv.htm>).

It is obvious that HIV hinders the progress in health, education, and employment in both countries. However, what is striking is when, for instance, the issue of students’ enrolment is raised in the national report of Botswana, and the government is doing well in solving it, there are much fewer references to HIV than when there is no progress in a policy

that deals, for instance, with child mortality. The same tendency is evident in the Namibian national report. Thus, the governments sometimes conceal their incapability and inefficiency of policies with the spread of HIV.

4.3.6 The Right to Work

There is a huge problem of unemployment in both countries. The official level of unemployment is 16% in Botswana, but experts say that it is up to 35% depending on whether to include underemployed or not. Such a high level is explained by the diamond orientation of economics. Only 3.5% of able-bodied population works in diamond mining sector. At the same time, most of foreign investments go exclusively to this sector (90%). Thus, it impedes the creation of new work places in other industries. Indeed, there is an insufficient number of formal sector jobs where people can get a decent income. Around 60% of population lives in rural areas, and many of them are involved in agriculture. The problem is that this sector is extremely underdeveloped and contracts around 1.2 % annually because of desert climate and insufficient funding. What is worse, almost 100% of people who work in agricultural work informally. Thus, their income is not guaranteed (<http://www.iss.co.za/AF/current/botswanasep03.pdf>).

The percentage of unemployed is even higher in Namibia than in Botswana (around 34-36%). As the economics of the country is also dependent on exports of raw materials, the government tries to diversify it to create more work places. It believes that foreign direct investment in various fields will help to reduce unemployment. However, a large portion of investment in the region is attracted by South Africa. And by now the private sector has not created many positions (<http://www.un.org/ecosocdev/geninfo/afrec/vol12no4/apr99.htm>). There are several other causes of a high unemployment rate such as non-sufficient allocation of financial resources by the state to fight unemployment that has been growing since independence (<http://www.irinnews.org/report.aspx?reportid=59331>). J. W. F. van Rooyen, director of H&E Labour Consultants, states that the reasons are mostly structural: 1) a lack

of skilled labour; 2) bureaucratic obstacles; 3) regional underdevelopment; 4) high growth of population; 5) a segmented market of labour
(<http://www.africa.upenn.edu/Newsletters/nano3.html>).

4.3.7 The Right to Education

Botswana allocates almost a fourth of its budget on education and it is spent quite effectively. The problem of long distance to schools has been significantly reduced by building lots of new schools. Classrooms shortage was decreased from 2021 classrooms in 1994 to 187 classes in 2002, and basic education is free
(http://www.undg.org/archive_docs/5308-Botswana...). According to the report by the Institute for Security Studies, the country has made noticeable progress in increasing the number of students who are enrolled in secondary school. In 1995 57% students of official school age for that level were in schools. In 2001 it became 78%
(<http://www.iss.co.za/AF/current/botswanasep03.pdf>). A nationwide distance education center has been recently set up to provide elementary education for those children who do not have an access to school. Botswana also has a national policy on education and the National Literacy Programme (http://www.undg.org/archive_docs/5308-Botswana...). In spite of all these achievements, some problems in the education system still exist. There is a lack of teaching quality and significant regional inequalities in the provision of education services ([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/aa2fd2212ad...](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/aa2fd2212ad...)).

The Namibian government spends about 25% of budget on education. However, it is often not efficaciously used or equitably distributed. There are huge disparities among the regions in adult literacy and overall enrolment. For example, adult literacy in some regions is about 57% whereas it is 76% on average in the country. The percent of literate youth (15-24 years old) remained the same in 2001 as it was in 1991. Standards of education measured in literacy, life skills and numeracy are also not high, and drop-out rates are considerable. The reason for that is poverty and hunger. It is stated in the Millennium Development Goals

Report that since Independence the Namibian government has made an effort to make education free. However, it is said later in the report that the poorest may not have an access to school because of costs of attending and necessary payments to the School Development Funds (http://www.undg.org/archive_docs/5307-Namibia...). In this respect, state policies are largely not efficacious. However, it is not always the case. For example, the government succeeded in primary enrolment, and now 95% of all children of official school age for that level are in schools (<http://www.uneca.org/dpmd/publications/countryprofiles/Namibia.pdf>).

4.4 External and Internal Factors

4.4.1 Openness of Economics

Botswana was not affected by structural adjustment programs because it is a creditor of the World Bank and the IMF. On the other hand, starting from independence the government has put into practice economic liberalization. Thus, it did not participate in economic growth, only facilitated it, and there were a few regulations of business activity in the country (<http://www.iss.co.za/AF/current/botswanasep03.pdf>). As for Namibia, its economics is investor- and market-friendly with a few regulations as in Botswana (http://www.undg.org/archive_docs/5307-Namibia...). Both countries have also high export and import ratios (<http://www.bertelsmann-transformation-index.de/61.0.html?&L=0&0=&type=98&L=1>).

4.4.2 Constitutional Provisions

In the constitution of Botswana there is no word about collective rights. Only individual rights are proclaimed. As for the Namibian constitution, all political rights are also mentioned as well as one of social, cultural, and economical rights – the right to education

that is described in detail. Worker rights and the right to health are omitted. Thus, it seems that the actual protection of rights is not dependent on constitutional provisions.

4.4.3 Military Spending

Both countries spend considerably higher than the average percent of GDP on military (3.9% of GDP in Botswana, and 3.1 % in Namibia; the mean for African states is – 2.28%). I suggest that high expenditures on armed forces do not negatively affect provision of human rights in these states at least in any visible way.

4.4.4 Corruption

Botswana is regarded as the least corrupted state in Africa (http://www.icgg.org/corruption.cpi_2004.html). The Directorate on Corruption and Economic Crime was set up in Botswana to fight against corruption and has both institutional and independent status. (<http://www.bertelsmann-transformation-index.de/61.0.html?&L=0&0=&type=98&L=1>). Namibia is one of the least corrupted states in Africa according to the Transparency International (http://www.icgg.org/corruption.cpi_2004.html). Corruption is not a serious problem in daily life. However, it does exist in high offices of the government. The President and authority acknowledge the problem and try to take measures to fight it (<http://www.bertelsmann-transformation-index.de/66.0.html?&L=0&L=1>). On this account, I assume that the lack of corruption correlates with human rights in the positive way. However, I will leave this question to the further analysis.

4.4.5 Rule of Law

According to the research by the UN Economic Commission for Africa, there is a significant submission to the rule of law in both states by the government agencies. Eighty-eight percent of the experts in Botswana and 85% in Namibia agree that these two states are one of the first two places among 27 African countries (<http://www.uneca.org/agr2005/chap6.pdf>) to have a high submission rate. According to the report by Bertelsmann Stiftung, the legislative and executive branches are under efficacious control of judiciary in Botswana (<http://www.bertelsmann-transformation-index.de/61.0.html?&L=0&0=&type=98&L=1>). However, the system of checks and balances does not always function properly in Namibia. And today the key role in effective control of the politics of government authority is attributed to independent media (<http://www.bertelsmann-transformation-index.de/66.0.html?&L=0&L=1>).

4.4.6 Political Stability

Both countries are stable democracies that do not have any violent conflicts and a very small potential for any foreseeable threats to their stability according to the Millennium Development Reports (http://www.undg.org/archive_docs/5307-Namibia...; http://www.undg.org/archive_docs/5308-Botswana...). However, in another report by the Bertelsmann Stiftung Foundation, Namibia's stability is said to be far more fragile due to radical ethno-political units and growing claims of expropriation of land than Botswana's current state, which, by contrast, is quite peaceful. (<http://www.bertelsmann-transformation-index.de/61.0.html?&L=0&0=&type=98&L=1>; <http://www.bertelsmann-transformation-index.de/66.0.html?&L=0&L=1>).

4.4.7 Form of Governance

Botswana's constitution claims that it is a republic whereas Namibia's constitution claims that it is a democratic republic. Based on the example of these two countries I assume that a form of governance has some relation to human rights, which will be analyzed in more detail later in the research.

4.4.8 Government Effectiveness

Governance overall is effective in Botswana. There are no political actors who can claim veto power in the country. The military neither plays an excessively important role in the government, nor does it have any veto power and public policies are operated effectively on the whole (<http://www.bertelsmann-transformation-index.de/61.0.html?&L=0&0=&type=98&L=1>). Similarly, in Namibia there are no political actors with veto power. However, despite the existence of various democratic organizations and institutions, the governance is authoritarian and centralized due to the military origins of the ruling party. There is a problem with qualified personnel in state organs that sometimes hinders the effective realization of policies (<http://www.bertelsmann-transformation-index.de/66.0.html?&L=0&L=1>).

4.4.9 GDP/GNI

Both Namibia and Botswana have high GDP and GNI compared to most African states. However, if we confront the GDP and GNI of both countries, the GDP in Botswana is \$2700 larger than Namibia and the GNI is \$2000 larger (<http://www.umsl.edu/services/govdocs/wofact2004/index.html>, http://unstats.un.org/unsd/cdb/cdb_dict_xrxx.asp?def_code=326).

4.5 Conclusion

Both states protect individual and collective rights in general. In contrast to most African countries, Namibia and Botswana both have social safety nets, pensions, and other social services, and if we compare Namibia to Botswana, the latter is doing better overall in the provision of second generation rights. The reason for this could be a higher economic vitality than Namibia. Thus, the conventional definition of second generation rights, which claims that they require more financial resources than first generation rights, can be indirectly verified. Another reason could be that Botswana has a better record in government effectiveness, the rule of law, political stability, and corruption perception index. Thus, probably internal factors have had a positive effect on social, economic, and cultural rights.

As for political and civil rights, the situation is almost the same in Botswana and Namibia. All rights are fully protected with exception to freedom of speech and press. However, there are more violations of this right in Namibia. Plus, the right to political participation is not implemented in some cases in this state. Thus, the more the rule of law, government effectiveness, and political stability are protected, and the less corruption that exists means that political rights are less likely to be violated.

As for external factors, some of them have negative influence. For instance, export concentration has an adverse effect on employment and consequently on the reduction of poverty. On the contrary, some other factors have positive effects on rights such as foreign direct investments in sectors other than mining, which helps to diversify economics and to create new work places. Analyzing the documents, I did not find any direct connection between human rights and export and imports ratios, debt, and regulatory quality. I will leave this question to the analysis of statistical data.

HIV negatively influences government policies with respect to the provision of collective rights because of the increased expenses, which require a relocation of resources. HIV also increases poverty. Thus, with respect to Namibia and Botswana, HIV is not a dependent variable. However, these two countries along with South Africa, Lesotho, and

Swaziland are hit by HIV at a higher rate than the rest of the African continent. That is why they should be considered as a separate group. Further research is needed to verify the effect of HIV on the provision of rights and its interrelation with other factors that can also have an impact on rights.

As for military spending, Botswana and Namibia are both examples of countries that spend a high percentage of their budget on military, and, at the same time, do not considerably violate human rights. Both states do not have any notice of second generation rights in constitutions except the right to education in Namibia. However, in practice they take measures to protect these rights. With regards to the influence of GDP and GNI on individual rights, it is not quite clear and will be left for further research.

My analysis of the documents on human rights in Namibia and Botswana helped to understand the processes of interrelationships between various factors and human rights on the national level, and will be used as the contextual basis of the statistical analysis.

Chapter Five

Results. Causal Analysis of Country Based Data

5.1 Introduction

In the chapter three (Methodology) I constructed a theoretical causative model of interrelationships between individual and collective rights, which included several internal and external factors (see also Appendix 1). In this section I describe the empirical results of the verification of this model. As there are plenty of variables measuring human rights protection and factors that can influence human rights I simplified the research by conducting factor analysis. It helped to find what variables are related to each other so that they could be considered as one factor in further research. Then, I ran a reliability analysis to see how reliable these factors were. After that, I constructed two causative models that differ in relationships between two groups of rights and between various factors and rights. Finally, I ran a path analysis to see what relations between the state, globalization and human rights exist in the models.

5.2 Factor Measurement. Design Analysis

I ran a factor analysis using all the variables that I described in the previous section. As a result, I got 13 factors:

“Internal factors” (public expenditure on health, public expenditure on education, political stability, government effectiveness, rule of law, and control of corruption);

“External factors-first factor” (long-term debt and number of goods for export);

“External factors-second factor” (present value of debt, exports of goods and services, imports of goods and services, total debt, and foreign direct investment);

“Military spending” (% of GDP);

“Economic vitality” (GDP and GNI);

“Collective rights-first factor” (HIV, Gini coefficient, life expectancy and adult mortality rate);

“Collective rights-second factor” (primary enrolment, secondary enrolment, infant mortality, undernourished people, adult literacy, water and sanitation supply);

“Individual rights” (political participation, freedom of speech and press, freedom of conscience, freedom of assembly and association, and freedom of movement);

“Form of governance”;

“Constitutional provisions”;

“Regulatory quality”;

“Unemployment” and “worker rights.”

The variables “form of governance”, “regulatory quality”, and “constitutional provisions” are left as single factors because they do not factor in with any other variables. I found that worker rights and unemployment correlated negatively, which can possibly be explained by the fact that when the variable “worker rights” was measured, unemployment was not taken into account. Because of this negative correlation the variables are considered separate factors. As the variables “military spending (% of GDP)” and “military spending (per capita)” do not factor, I only use the first one because it does not depend on the population of the countries. As we can see, GDP and GNI factor with each other. Thus, there is no need to substitute one with the other.

In order to find the reliability of factors I conducted a reliability analysis (see Appendix 2). As a result, I excluded public expenditures on education from the factor “internal factors,” present value of debt from the “external factor-second factor,” and adult mortality from “collective rights-first factor.” I was not sure in what factor to put life

expectancy (either in “collective rights-first factor” or in “collective rights-second factor”) as it factored with both sets of variables. However, in the course of the reliability analysis I found that it factored well with the HIV and Gini coefficient.

I ran both factor analysis and reliability analysis for the different sets of data depending on the sources. In other words, if, for instance, I ran a factor analysis on external factors that may have influenced human rights I first used data from the Human Development Report on exports and imports along with foreign direct investments. After that I analysed the World Bank data on the same set of variables. The choice of definitive data was conditioned by Cronbach’s Alpha. In the example with external factors, Alpha was higher for the data presented in Human Development Report, which is why it was used in further analysis.

Table 5.1. Factor Analysis on the Items Used to Generate the Factor “External Factors – Second Factor”

Variables	Principle Components	Principle Components
	Unrotated Matrix	Rotated Matrix
Exports of goods (HDR) ¹	.576	.727
Imports of goods (HDR)	.713	.888
Total debt service	.701	.330
Foreign direct investments (HDR)	.623	.426
Eigenvalue	2.55	
% of variation	31.86	
Cronbach’s alpha= .626		

For the analysis I took the values from an unrotated matrix. As it can be observed, in Table 1 exports, imports, investments, and total debt service correlate in a positive way. This

¹Human Development Report in abbreviated form

can be surprising if we look at the correlation between foreign direct investment and debt specifically, which is hard, however, to explain without detailed exploration.

Table 5.2 Factor Analysis on the Items Used to Generate the Factor “External Factors – First Factor”

Variables	Principle Components	
	Unrotated Matrix	Rotated Matrix
Number of goods for export	.586	.744
Long-term debt	.762	.767
Eigenvalue	2.55	
% of variation	31.86	
Cronbach’s alpha= .511		

For my analysis I took the values from an unrotated matrix. At it can be observed in Table 2 there is a positive connection between long-term debt and the number of goods for export, that is, the more considerable the country’s debt, the larger number of goods it produces for export.

Table 5.3 Factor Analysis on the Items Used to Generate the Factor “Internal Factors”

Variables	Principle Components	Principle Components
	Unrotated Matrix	Rotated Matrix
Public expenditure on health	.565	.678
Political instability	.735	.628
Government effectiveness	.823	.746
Rule of law	.907	.836
Control of corruption	.828	.839
Eigenvalue	4.71	
% of variation	39.31	
Cronbach’s alpha= .858		

For the analysis I took values from an rotated matrix

Table 5.4 Factor Analysis on the Items Used to Generate the Factor “Collective Rights – Second Factor”

Variables	Principle Components	
	Unrotated Matrix	Rotated Matrix
Primary enrolment	.687	.783
Secondary enrolment	.799	.872
Undernourished	-.534	-.464
Water supply (HDR)	.694	.765
Sanitation (HDR)	.703	.688
Literacy rate (FactBook)	.531	.708
Infant mortality (Factbook)	-.895	-.833
Eigenvalue	4.47	
% of variation	40.67	
Cronbach’s alpha= .707		

For the analysis I gathered values from an unrotated matrix.

Table 5.5 Factor Analysis on the Items Used to Generate the Factor “Collective Rights – First Factor”

Variables	Principle Components	
	Unrotated Matrix	Rotated Matrix
Gini coefficient	.629	.773
HIV	.892	.932
Life expectancy (Factbook)	-.440	-.744
Eigenvalue	4.47	
% of variation	40.67	
Cronbach’s alpha= .706		

I collected values from an unrotated matrix for further analysis. As it can be seen in Table 5, although the value of the variable “life expectancy” is a bit higher than - 0.5, it is still theoretically plausible to include it in the model. What is interesting is that the Gini coefficient that measures income inequality factors with HIV and life expectancy, which means that in those countries where discrimination in income distribution is higher, the percentage of people who have HIV is more considerable. Thus, I assume that poverty and HIV are interconnected. The same result was found in the previous chapter when I discussed Botswana and Namibia.

Table 5.6 Factor Analysis on the Items Used to Generate the Factor “Individual Rights”

Variables	Unrotated
Freedom of movement	.785
Freedom of conscience	.573
Freedom of speech and press	.821
Freedom of assembly and association	.824
Political participation	.778
Eigenvalue	2.86
% of variation	57.3
Cronbach’s alpha=.814	

The solution for this table cannot be rotated

5.3 Structural Equation – Causal Analysis

After conducting the factor analysis I ran a path analysis where I had come up with two different models. In the first case, it shows the effect of various factors that characterize globalization and the state on individual and collective rights as well as the effect of collective rights on individual rights. In the second case, it analyses the impact of different factors on individual and collective rights, and the influence of individual on collective rights. Table 7, Figure 3, Table 8, and Figure 4 illustrate the results for the models.

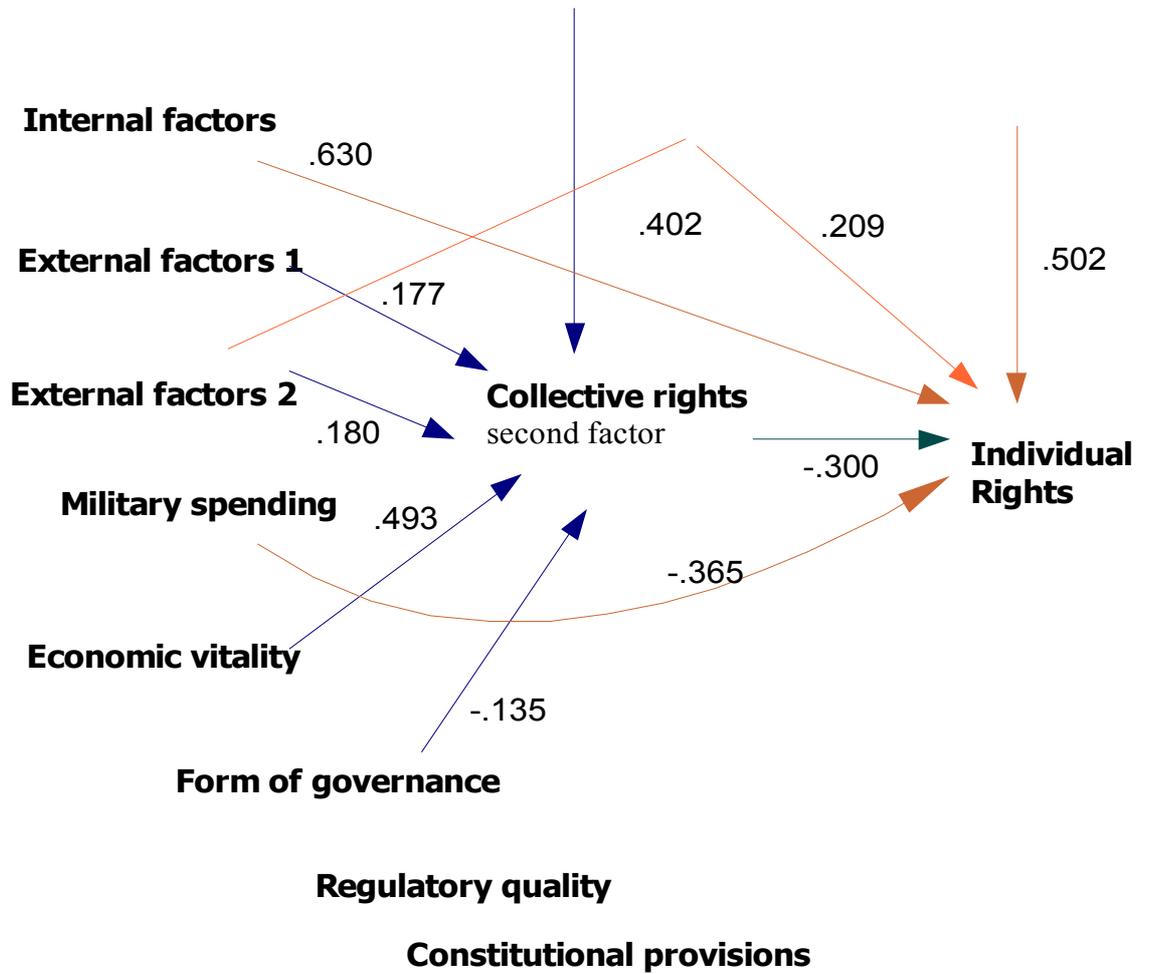


Figure 5.1 Path Analysis. First Model

Table 5.7 Path Analysis. Regression Model 1 of Individual and Collective Rights

Predetermined variables	Individual rights		Collective rights	
	b	β	b	β
Internal factors	.438	.630	5.137	.167
External factors-first factor	-.032	-.104	2.409	.177
External factors-second factor	0.11	.209	.436	.180
Military spending	-.397	-.365	-1.794	-.037
Economic vitality	-.005	-.054	.009	.493
Form of governance	-.328	-.126	-15.613	-.135
Constitutional provisions	-.013	-.018	-.699	-.023
Regulatory quality	-.037	-.012	16.440	.117
Collective rights	-.007	-.300		
Adj. R ²	.385	.498	.520	.598
N = 52				

Statistically significant at $\alpha = 0.05$

For the first model I ran a regression analysis for “collective rights – second factor.” As the number of cases is only 52, I admitted that the effect of “form of governance” and “external factors – second factor” is statistically significant. Sig. for the first factor is -.135 for collective rights and for the second one it is .180 for the same group of rights. Regressions for “collective rights-first factor”, “unemployment” and “worker rights” are not statistically significant. That is why these factors are excluded. A form of governance has weak negative effect on collective rights. As it was noticed earlier, this factor had four categories: 1) republic; 2) democratic republic; 3) socio-democratic republic; and 4) other forms (either a monarchy as in case of Morocco or socialist regime as in case of Libya). However, as the number of countries with “other forms” of regime is only 4, the negative values in protection of second generation rights are pulled by socio-democratic republics.

Thus, the claim of some states that they are social democracies is only nominal. “Economic vitality” has a strong positive effect on collective rights whereas “internal factors,” “military spending,” “constitutional provisions,” and “regulatory quality” do not have any effect on them. As for the influence of external factors, it is weak and positive. The variance of .402 in second generation rights is not explained by the model.

As for individual rights, “military spending” has a negative medium to strong effect on it. In other words, the more the country spends money on military, the more it violates first generation rights. External factors such as long-term debt and a number of goods for export have no influence on political rights whereas other external factors (total debt service, foreign direct investments, exports and imports) have a positive weak effect on them. At the same time, internal factors have positive strong effect on these rights. “Economic vitality,” “constitutional provisions,” “form of governance,” and “regulatory quality”, on the contrary, do not have any impact on political rights. The variance of .502 in individual rights is not explained by the model. What is interesting is that there is medium negative effect of collective rights on individual rights.

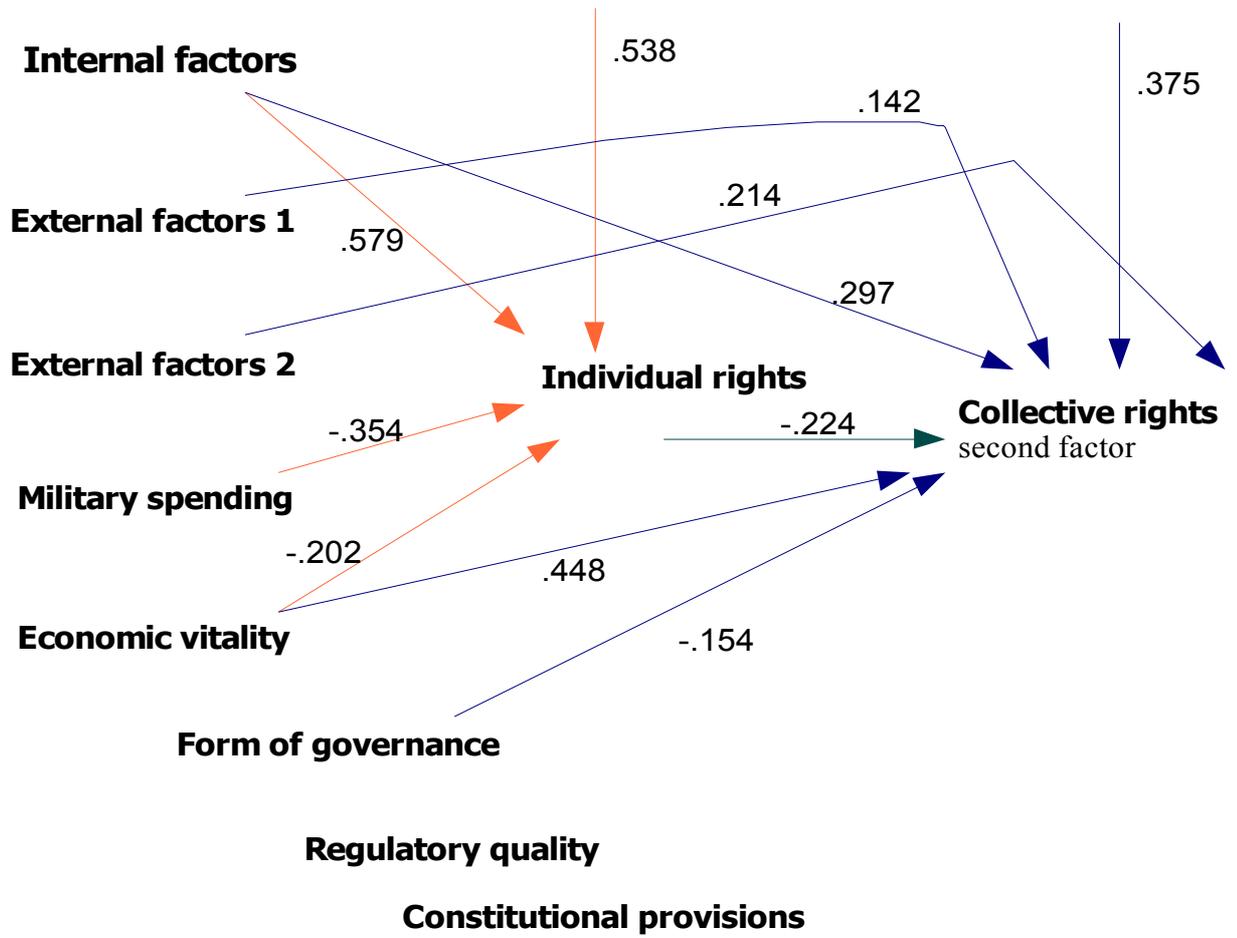


Figure 5.2 Path Analysis. Second Model

Table 5.8 Path Analysis. Regression Model 2 of Individual and Collective Rights

Predetermined variables	Individual rights		Collective rights	
	b	β	b	β
Internal factors	.403	.579	9.127	.297
External factors-first factor	-.048	-.157	1.931	.142
External factors-second factor	.009	.155	.520	.214
Military spending	-.385	-.354	-5.609	-.116
Economic vitality	-.005	-.202	.009	.448
Form of governance	-.222	-.085	-17.818	-.154
Constitutional provisions	-.008	-.011	-.778	-.025
Regulatory quality	-.149	-.047	14.964	.106
Individual rights			-9.916	-.224
Adj. R ²	.357	.462	.541	.625
N = 52				

Statistically significant at $\alpha = 0.05$

In the second model there are different results. Again, I assume that the influence of several factors such as “economic vitality,” “internal factors,” “external factors – first factor,” and “form of governance” on the rights is statistically significant. Sig. for the first factor is -.202 for individual rights, for the second factor it is .297 for collective rights, for the third factor it is .142 for the same group of rights, and for the fourth factor it is -.154 – also for collective rights. The factor “Internal factors” still has a strong positive effect on individual rights, though weaker than in the first model. On the other hand, “economic vitality” appears to influence political rights in a weak negative way. As in the first model, military spending influenced these rights negatively and moderately to strong. .528 of variance in individual rights is not explained by the model.

As for social and cultural rights, a form of governance has weak negative effect on it, but stronger than in the first model. “Economic vitality” has a strong positive influence and external factors, such as foreign direct investments, long-term debt and imports of goods and services have a weak positive influence on these rights. However, here “internal factors” have a medium positive influence on social and cultural rights as well. The models explain almost the same percentage of variance in individual and collective rights. Thus, they can both be considered plausible.

The results do not prove trade-off theories. As two models are statistically significant, I assume that potentially both collective and individual rights should be implemented at the same time. However, what we can observe today is that if second generation rights are protected in Africa, there is a higher chance that first generation rights are not protected and vice versa. North-African states can serve as a vivid example of this phenomenon with a very high protection of collective rights and gross violations of individual rights. This type of human rights interrelation is called an inverse relationship by M. Haas (1994). It is hard, however, to say whether it is the original African pattern or not. Further analysis is needed to see how individual and collective rights are interrelated in Asia, Latin America and other regions of the world.

What I found is that the factor “internal factors” has strong positive influence on individual rights and “external factors-first factor” has no influence on them in both models. Exports and imports of goods and services, total debt service and foreign direct investments have a weak positive influence on political rights in one of the models and have no influence in another one. If we look at the model where this influence is observed, we can say that internal factors have three times bigger influence than the aforementioned external factors. Depending on the model that we take for granted, it can be claimed that either “external factors – second factor” has a weak positive influence on individual rights or there is no influence at all. In any case, the thesis that political rights are under the threat of globalization is not verified. On the contrary, the effect may be positive, though weak.

At the same time, the factor “internal factors” has a medium positive influence on collective rights, and “external factors-first factor” and “external factors-second factor” have a weak positive influence on it in one model. We can say that the influence of internal factors here is twice as big as the influence of “external factors-first factor” and is 0.7 times higher than the influence of “external factors-second factor.” In another model the factor “internal factors” has no influence, and two other factors have again a weak positive influence. Thus, depending on what model we consider more reliable we can claim that both external and internal factors positively influence social and cultural rights, but that the role of internal factors is larger or that the state has no effect on the protection of these rights whereas globalization influences it in a positive way. In my view, the second option seems less plausible in accordance with the definition of second generation of rights as they must be promoted by the state. The state is an abstract category when we talk about it with respect to statistical analysis. The internal factors that I have employed in fact show the efficiency of the work of the state. So, if the state does not function effectively then collective rights will be violated.

According to both models, the conception that globalization endangers collective rights is not confirmed. The reason for that may be that I had to exclude worker’ rights and unemployment rate from the research because much data were missing. That is why I could not test how globalization influences economic rights. Apart from that, I did not explore structural adjustment forces that may have had a negative impact on provision of collective rights.

In spite of the fact that the factor “constitutional provisions” is considered as one of separate internal factors, it has no statistically significant influence on both individual and collective rights. Thus, what is declared in the constitution cannot be a good indicator of real protection of rights in the country. Along with “external factors – first factor” and “external factors – second factor,” “regulatory quality” measures openness of economics. However, it has no relationship to human rights in Africa. Lack of relationships can be explained by the variable itself. Perhaps its categories are not sensible to African states. “Form of governance”

has a weak negative effect on social and cultural rights and has no effect on political rights in both models, which means that if a country is socio-democratic republic, collective rights are less protected in it compared to republics or democratic republics, and if a country is democratic republic according to a constitution, it does not imply that political rights are implemented in it.

“Economic vitality” has a positive strong influence on collective rights whereas it has weak negative influence on individual rights in one of the models, which can be explained by the conventional definition of second generation rights according to which protection of social, cultural and economic rights requires more expenditure compared to political and civil rights. The result I got does not, however, mean that the country should not care for economic growth in order to facilitate political rights.

In both models military spending has a medium negative influence on first generation rights, but not on second generation rights. Thus, the argument of B. Boutros-Ghali (1995), the former Secretary-General of the UN, concerning adverse effect of great or predominant role of military in developing countries on collective rights may not be perhaps applied to the African continent. The reasons why military expenditures have moderate to strong negative effect on protection of political rights can be the following: 1) political repression is peculiar to the military ideology; 2) as armed forces get stronger with considerable allocations of resources for military, it becomes easier to use it to limit political rights as the function of servicemen is the ability to employ force any time (Davenport, 1995). Further investigation of interrelationships of military and human rights in the African context is required.

Chapter Six

Conclusion

My thesis explores the influence of various factors on human rights, and the interrelationships between two groups of rights. In the theory section I first looked at the classifications of rights and gave the definitions of individual and collective rights. Then I considered globalization, its aspects and relations to the state, human rights, and Africa. After that, I provided information on the debate about prioritization of various groups of rights. The review of the literature gave an opportunity to see the aspects of human rights and globalization, their interrelationships and complexity that in the end helped me to choose particular issues of these phenomena for further analysis.

The methodological section provided necessary information on data sources I used for statistical analysis, the influence of internal factors on human rights that was not addressed in the literature review, variables and explanations of their relevance for the research, and other attributes of the methodological program. As the issues I explored were complex, I provided an overview of the mechanisms of protection and violations of human rights, and of how globalization, national politics, and economic influence human rights in Namibia and Botswana. This chapter also aided with the contextualization of statistical research and with grasping the nuances of the problems that were at least partially addressed in subsequent statistical analysis.

What was found is that Botswana is doing better overall in provision of collective rights. I assumed that the reasons for that were: 1) higher economic vitality (GDP and GNI) than in Namibia; 2) better record in internal factors such as rule of law, political stability, government effectiveness, and corruption perception index. As for external factors, some of

them had negative influences on human rights such as export concentration that leads to higher unemployment. On the contrary, foreign investments, if directed to diverse economic fields, result in the creation of new work places. As for constitutional provisions, both states did not have any notice of social, cultural and economic rights in constitutions except the right to education in Namibia. Nevertheless, the countries have taken perceptible measures to protect these rights in practice.

Botswana and Namibia are also examples of the states that spend a relatively high percentage of the budget on military, and, at the same time, do not seriously violate human rights. What I also found is that HIV increases poverty and influences state policies in respect to provision of social and cultural rights as the fight against it requires a relocation of resources. Thus, HIV is not a dependent variable with respect to Namibia and Botswana. However, as these two states are affected severely by HIV, they should be considered separately along with Lesotho, Swaziland, and South Africa when the effects of HIV on people's life are explored.

In the following chapter, I gave the description of the statistical analysis I conducted. The first step was the factor analysis that I pursued in order to simplify the research. This helped to create several factors such as "constitutional provisions," "economic vitality" or "internal factors" that were used later on. In order to find the reliability of these factors I pursued the reliability analysis that enabled me to exclude the variables that did not correlate much with other variables in the factors. In order to address the research questions I came up with two models of interrelationships between human rights and globalization and the state. One showed the effect of the state and globalization on individual and collective rights as well as the effect of collective rights on individual rights. In the second model, I analysed the impact of globalization and the state on individual and collective rights, and the effect of individual rights on collective rights. After that I conducted a path analysis for each of the models to see what factors influence human rights, and how human rights are interconnected.

Both hypotheses that I proposed were not confirmed. I assume that potentially collective and individual rights should be implemented at the same time in Africa. As for

globalization and the state, depending on the model and the group of rights, their effect varied. External factors “long-term debt” and “the number of goods for export” had no impact on protection or violation of individual rights and other external factors (exports, imports, foreign direct investments, and total debt service) had only weak positive effects in one of the models and no effect in another model. As for the influence of globalization on social and cultural rights, it was weak and positive in both of the models. Thus, the thesis that globalization endangers human rights was not confirmed. However, in my view, globalization processes have an adverse influence on some particular rights such as the right to work because when the economy of a country becomes more open fluctuations at the work place, especially in national companies, take place. Unfortunately, I had to exclude the variables “worker rights” and “unemployment rate” from my analysis because much of the data were missing. Another important issue is that I measured globalization through foreign direct investments, debt, exports and imports of goods and services, export concentration, and through market unfriendly policies. If I had operationalized globalization as a number of structural adjustment forces, then the results could be different.

The role of the state was found to be very important for efficacious realization of political rights. Substantively, this suggests that efforts to ameliorate the quality of police, bureaucracy, and civil service, transparency of government activity, political stability, and financial provision for health system may provide an appropriate mechanism for improving the enjoyment of individual rights. As for the influence of the state on social and cultural rights, the results were less consistent. In one model all internal factors did not have statistically significant influence on collective rights, and in another model they had medium positive influence. In my opinion, the first model seems less plausible if we take into account that according to the definition, collective rights should be promoted by a state. However, even if we assume that the second model is correct, the influence of the state, measured by rule of law, government effectiveness, level of corruption, political stability, and by public expenditures on health, on implementation of collective rights is only moderate. Thus, some other relevant factors that have a relation to the government intervene. It is also noticeable

that “form of governance” influences social and cultural rights in a negative way and has no effect on political rights. It appears that if a country is a socio-democratic republic, social and cultural rights are less protected than, for instance, in republics, and if a country is democratic republic, political rights will not be necessary implemented. Thus, the claim of some states that they are social democracies and democratic republics is only nominal.

Two variables “constitutional provisions” and “regulatory quality” did not have a statistically significant influence on any rights in both models. In the first case it means that what is declared in constitutions disagrees with the real protection of human rights within African states. Lack of statistically significant influence of regulatory quality on human rights can be accounted for because there is not much variation in this variable for African countries.

Economic vitality measured by GDP and GNI had a strong positive influence on collective rights. This can be explained by the conventional definition of second generation rights according to which protection of economic, social, and cultural rights requires more expenditures than the protection of political and civil rights. In both models military spending had no impact on collective rights, and a medium to strong negative influence on individual rights. On this account, I agree with C. Davenport (1995) who states that either political repression is the attribute of the military ideology or as armed forces get stronger with considerable allocations of resources for military, it becomes easier to use it to limit political rights as the function of servicemen is the capacity to employ force at any time.

My thesis has contributed to a better understanding of human rights and its interplay with various factors. To be sure, a range of research works has been conducted on the same subject. However, the number of variables used in the analysis is generally few. Instead, my concern was to embrace a considerable set of variables to provide a comprehensive statistical analysis of the issue. Another contribution of my research is the exploration of human rights and the factors that influence their implementation by using Botswana and Namibia as two examples. This helps to see the ins and outs of state practices and to understand better the mechanisms of human rights protection. Finally, the literature review provides a general

discussion of globalization, colonialism, and dependency that can be of interest to the people questioning pro-Western views on these phenomena.

Afterword

Issues for Further Study

I would like to discuss several limitations of my analysis. First, I considered statistical data for one year (2004) because of a deficiency of statistics for previous years. Nevertheless, the best way to conduct the type of the analysis that I did was to look at how variables change over time. This would enable a scholar to come up with more plausible and general conclusions about causal relationships between groups of human rights and between rights and factors that can have an influence on it. Another limitation is that I examined how globalization influenced political sovereignty in the literature review, but I did not explore it further in statistical analysis as the aims of my research did not presuppose the need for it. Undoubtedly, it is an important problem that requires further exploration. I suggest using more variables that measure different aspects of globalization, that is, not only economics, but also technology and culture.

The third difficulty is with the type of analysis that I used. If the number of countries was at least 100, I could use structural equation modelling that could lead to less dubious results because in that case I would have only one model. Instead, I pursued the path analysis and came up with two models. The problem lies in the fact that the reader may choose the one he or she favours more in terms of the results it provides. However, in this respect I have two important remarks. First, the results in two models do not differ considerably, and some general tendencies remain in both of them. For instance, internal factors have strong positive influence on political rights consistently in both models. Second, I hope that the models will induce researchers to conduct their own analysis to verify the models.

Another challenge that I encountered was a lack of numerous social and worker rights statistics. For instance, I found some data on the number of people living in one room as an indicator of the right to decent standards of living. However, much data were missing for African states, and the available information was outdated. The problem with worker

rights statistics such as the number of injuries at work places or the number of strikes was practically the same. The data were missing for many states not only for 2004 but for the nearest years as well. As for the variable ‘worker rights’ that I gathered from CIRI dataset, it was not sensible to African states because it has only two categories with respect to them – either all worker rights are violated or the right to associate, bargain and organize are protected, but other worker rights are not implemented. Moreover, worker rights statistics measure how the rights of workers in the formal economy are protected without taking into consideration the reality that many citizens work in the informal sectors of economy. Finally, I assumed that neo-colonialism and structural adjustment forces have had an adverse impact on African continent. However, as it is hard to measure these phenomena statistically, I did not explore their effect in my analysis.

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Appendix A

External factors

Debt
 Number of goods for export
 Imports
 Exports
 Regulatory quality
 Foreign direct investments

Internal factors

Politics

- Rule of law
- Government effectiveness
- Corruption
- Absence of violence
- Constitutional provisions
- Form of governance

Economics

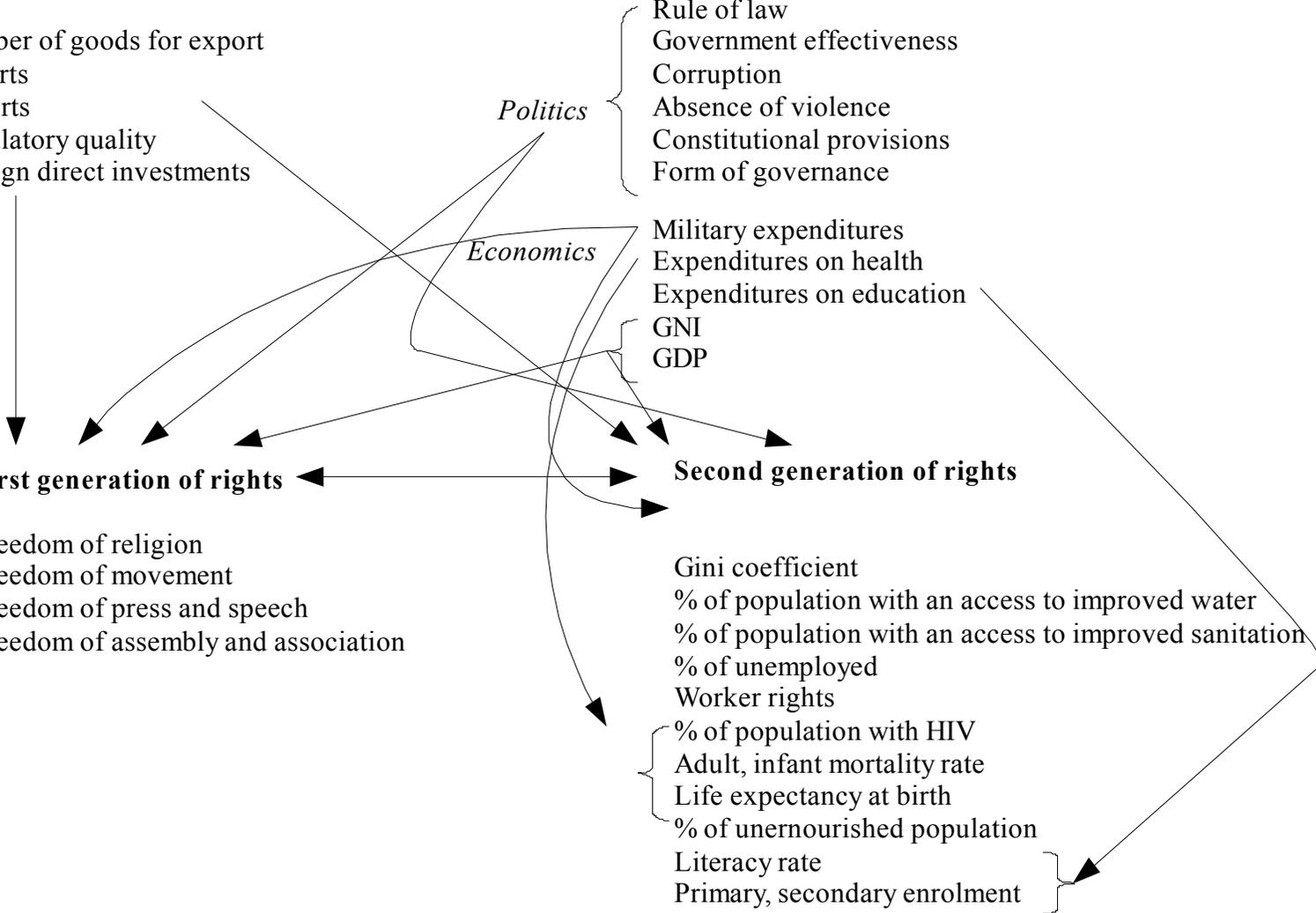
- Military expenditures
- Expenditures on health
- Expenditures on education
- GNI
- GDP

First generation of rights

Freedom of religion
 Freedom of movement
 Freedom of press and speech
 Freedom of assembly and association

Second generation of rights

Gini coefficient
 % of population with an access to improved water
 % of population with an access to improved sanitation
 % of unemployed
 Worker rights
 % of population with HIV
 Adult, infant mortality rate
 Life expectancy at birth
 % of unernourished population
 Literacy rate
 Primary, secondary enrolment



Appendix B

Table B1. External Factors – First Factor. HDR¹. Reliability Statistics

Cronbach's Alpha	N of Items
.479	5

Table B2. External Factors – First Factor. HDR. Item-Total Statistics

	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
Exports of goods and services (% of GDP)	117.6356	7307.662	.449	.362
Present value of debt (% of GNI)	89.2933	2139.326	.409	.620
Imports of goods and services (% of GDP)	105.9778	7116.508	.422	.358
Total debt service (% of GDP)	147.8689	8841.670	.627	.470
Net foreign direct investment inflows (% of GDP)	146.8333	8250.490	.371	.433

¹ Human Development Report in abbreviated form

Table B3. External Factor – First Factor. HDR. Present Value of Debt Excluded. Reliability Statistics

Cronbach's Alpha	N of Items
.620	4

Table B4. External Factor – First Factor . HDR. Present Value of Debt Excluded. Item-Total Statistics

	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
Exports of goods and services (% of GDP)	55.0267	1131.722	.425	.542
Imports of goods and services (% of GDP)	43.3689	743.494	.680	.276
Total debt service (% of GDP)	85.2600	1978.882	.431	.644
Net foreign direct investment inflows (% of GDP)	84.2244	1568.419	.386	.570

Table B5. Individual Rights. Reliability Statistics

Cronbach's Alpha	N of Items
.814	5

Table B6. Individual Rights. Item-Total Statistics

	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
Freedom of assembly and association	2.7500	3.054	.700	.747
Political participation	2.7500	3.564	.622	.772
Freedom of speech and press	3.0577	3.075	.683	.753
Freedom of movement	3.4231	3.857	.636	.775
Freedom of religion	3.1731	4.224	.417	.825

I decided not to exclude freedom of religion as if excluded reliability stays almost the same.

Table B7. Internal Factors. WB¹. Reliability Statistics

Cronbach's Alpha	N of Items
.802	6

¹ World Bank in abbreviated form

Table B8. Internal Factors. WB. Item-Total Statistics

	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
Political instability and violence	8.8229	16.649	.563	.778
Rule of law	8.9688	15.446	.805	.739
Control of corruption	8.9271	15.250	.730	.744
Government effectiveness	9.0104	15.758	.728	.751
Public expenditure on health (% of GDP)	7.3458	15.402	.614	.762
Public expenditure on education (% of GDP)	5.6229	11.418	.453	.887

Table B9. Internal Factors. WB. Public Expenditures on Education Excluded. Reliability Statistics

Cronbach's Alpha	N of Items
.858	5

Table B10. Internal Factors. WB. Public Expenditures on Education Excluded. Item-Total Statistics

	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
Political instability and violence	4.6765	8.399	.662	.832
Rule of law	4.8333	7.869	.859	.789
Control of corruption	4.7941	7.643	.798	.797
Government effectiveness	4.8922	8.378	.692	.826
Public expenditure on health (% of GDP)	3.1176	7.506	.501	.901

Table B11. Collective Rights - Second Factor. Reliability Statistics

Cronbach's Alpha	N of Items
.763	7

Table B12. Collective Rights - Second Factor. Item-Total Statistics

	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
Primary enrolment	-32.3574	10721.766	.582	.726
Infant mortality	120.4812	7770.168	.707	.674
% of undernourished	69.2860	11568.318	.334	.760
Water supply	-28.1397	10712.144	.604	.724
Sanitation	119.9264	7390.720	.492	.780
Literacy rate	-22.6586	10651.506	.512	.732
Secondary enrolment	8.4606	10933.133	.544	.733

As all alphas are quite the same, no variables were excluded.