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Do Human Rights Violations Cause Internal Conflict?

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ABSTRACT

This article outlines a human rights framework for analyzing violent internal conflict, “translating” social-scientific findings on conflict risk factors into human rights language. It is argued that discrimination and violations of social and economic rights function as underlying causes of conflict, creating the deep grievances and group identities that may, under some circumstances, motivate collective violence. Violations of civil and political rights, by contrast, are more clearly identifiable as direct conflict triggers. Abuse of personal integrity rights is associated with escalation, and intermediately repressive regimes appear to be most at risk. Denial of political participation rights is associated with internal conflict because full democracies experience less conflict. Yet democratization itself is dangerous, since regime transition is also a major conflict risk factor.

I. INTRODUCTION

The number and intensity of internal armed conflicts increased dramatically during the Cold War and thereafter declined, in part, due to the sharply re-

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duced flow of military aid to both governments and opposition movements. The remaining conflicts are still enormously destructive, however, and new wars may soon erupt. Importantly, the painful after-effects of war linger long after the guns fall silent due to distorted economies, devastated health care systems, and corrupt or ill-equipped governing structures. While conflict numbers are now lower than in previous decades, political violence is still a pressing issue in many parts of the world.

This article examines the links between violations of internationally recognized human rights and the emergence or escalation of internal conflict. This effort is relatively unique, since human rights and political violence have infrequently been studied in tandem. Conflict is typically investigated by social scientists, but human rights violations are more frequently analyzed by lawyers and activists. These two groups use different concepts and theories and rarely address each other's work. This article provides a human rights framework for analyzing the emergence of violent conflict within states.

In this study, prominent social scientific studies of internal conflict and civil wars are surveyed and translated into human rights language, asking, "Do human rights violations contribute to conflict?" Social scientists have amassed a wealth of conflict-related knowledge, but are the risk factors they identify also recognized human rights abuses? Until now, many human rights professionals have preferred to assert rather than empirically explore this claim, while social scientists have largely ignored the topic. Empirical scholarship, including many statistical studies, suggests that civil war often entails increased levels of human rights abuse.¹ Here it is asked, if the reverse is also true.

1. Many statistical studies of human rights violations control for internal conflict or civil war, and, finding an association, some consider this evidence that the internal conflict leads to human rights violations. Few studies, however, model their analyses in such a way that this causation can be inferred. For statistical studies that control for *prior* civil war, and find this effect on repression of personal integrity rights, see Shannon Lindsey Blanton, *Instruments of Security or Tools of Repression?: Arms Imports and Human Rights Conditions in Developing Countries*, 36 J. PEACE RES. 233 (1999); Bruce Bueno de Mesquita, George W. Downs, Alastair Smith & Feryal Marie Cherif, *Thinking Inside the Box: A Closer Look at Democracy and Human Rights*, 49 INT'L STUD. Q. 439 (2005); Erik Melander, *Political Gender Equality and State Human Rights Abuse*, 42 J. PEACE RES. 149 (2005).

For studies that find an association between internal conflict and repression of personal integrity without determining whether war occurred before abuses, see Steven C. Poe & C. Neal Tate, *Repression of Human Rights to Personal Integrity in the 1980s: A Global Analysis*, 88 AM. POL. SCI. REV. 853 (1994); Linda Camp Keith, *The United Nations International Covenant on Civil and Political Rights: Does It Make a Difference in Human Rights Behavior?*, 36 J. PEACE RES. 95 (1999) [hereinafter Keith, *ICCPR*] (also finding this effect for civil liberties more generally); Steven C. Poe, C. Neal Tate & Linda Camp Keith, *Repression of the Human Right to Personal Integrity Revisited: A Global Cross-National Study Covering the Years 1976–1993*, 43 INT'L STUD. Q. 291 (1999); Sabine C. Zanger, *A Global Analysis of the Effect of Political Regime Changes on Life Integrity Violations, 1977–93*, 37 J. PEACE RES. 213 (2000); Linda Camp Keith, *Constitutional Provi-*

The answer of this article is that while some recognized human rights violations are associated with conflict emergence or escalation, precise causal links are difficult to pin down. Violations of civil and political rights appear more obviously associated with conflict than abuses of economic and social rights, but the latter seem to play a facilitating role. Discrimination and violations of social and economic rights function as underlying causes, creating the grievances and group identities that may, under some circumstances, motivate civil violence. Violations of civil and political rights are more clearly identifiable as direct conflict triggers.

II. INTERNAL CONFLICT: A PRIMER

A. Definition and Recent Trends

There are many definitions of internal conflict and civil war. One that is widely accepted comes from the Peace Research Institute, Oslo (PRIO) and its research partner, the Uppsala Conflict Data Program. They define internal conflict as a “contested incompatibility” between a state and internal opposition regarding government or territory, “where the use of armed force between [the] parties results in at least 25 battle-related deaths” per year, civilian and military.² Internal or civil wars, by contrast, are larger intrastate

sions for Individual Human Rights (1977–1996): Are They More Than Mere “Window Dressing?”, 55 POL. RES. Q. 111 (2002) [hereinafter Keith, *Constitutional Provisions*]; Christian Davenport, *The Promise of Democratic Pacification: An Empirical Assessment*, 48 INT'L STUD. Q. 539 (2004) [hereinafter Davenport, *Democratic Pacification*] (finding this effect for different combinations of repression of personal integrity and restrictions on other civil liberties); Linda Camp Keith & Steven C. Poe, *Are Constitutional State of Emergency Clauses Effective?: An Empirical Exploration*, 26 HUM. RTS. Q. 1071 (2004); Christian Davenport & David A. Armstrong II, *Democracy and the Violation of Human Rights: A Statistical Analysis from 1976 to 1996*, 48 AM. J. POL. SCI. 538 (2004); Emilie M. Hafner-Burton & Kiyoteru Tsutsui, *Human Rights in a Globalizing World: The Paradox of Empty Promises*, 110 AM. J. SOC. 1373 (2005); Eric Neumayer, *Do International Human Rights Treaties Improve Respect for Human Rights?*, 49 J. CONFLICT RESOL. 925 (2005) (also finding this effect for civil liberties). It is important to note, however, that all these studies include the lagged dependent variable in their statistical models; this means that part of the effect of prior internal conflict may be captured by the effect of lagged repression.

The authors know of no statistical analyses examining the effect of internal conflict on economic and social rights; the reason for this is likely to be the lack of adequate quantitative indicators of respect for such rights, which is discussed below.

2. Nils Petter Gleditsch, Peter Wallensteen, Mikael Eriksson, Margareta Sollenberg & Håvard Strand, *Armed Conflict 1946–2001: A New Dataset*, 39 J. PEACE RES. 615, 618–19 (2002) [hereinafter Gleditsch, *Armed Conflict*]. The present article generally refers to internal conflict, but includes both internal conflicts and internal wars in the graphs. In the survey, studies of civil war are included, and also considered is some research on

conflicts with at least 1,000 battle-related deaths per year.³ War-related deaths from disease, hunger, and displacement are not included in this calculus, although these indirect conflict deaths are often greater than those directly caused by the violence.

As Graph 1 demonstrates, the global incidence of internal conflicts and wars climbed during and after the global wave of decolonization.⁴ Although such conflicts were initiated at relatively constant rates throughout the second half of the twentieth century, the total number of internal conflicts mounted steadily because fewer conflicts ended than began. According to one study, 2.31 civil wars broke out each year, on average, from 1945 to 1999, but they ended at an annual rate of only 1.85.⁵ During each decade, new conflicts joined ongoing wars to create a rising global tide of violent conflict.

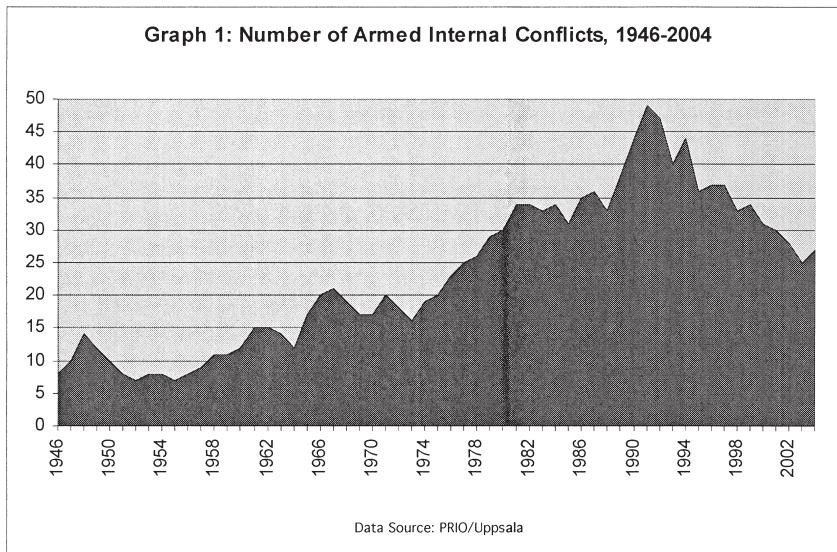
Some of the deadliest conflicts occurred in densely populated Asia (e.g. Vietnam, Korea, or Indonesia) and in ideologically-riven Latin America (e.g. El Salvador and Guatemala). Global internal conflict numbers peaked at forty-nine in 1991, when the Soviet Union and Yugoslavia broke up, and declined thereafter. By 2004, the total number of internal conflicts had dropped to twenty-seven, a level last witnessed in the late 1970s. While the scourge of conflict rages on, the tide may have begun to turn, at least for now. Still, many conflicts endure, and others may soon re-ignite; examples

large-scale political violence, which is measured by deaths (in the context of political action), but with no requirement of an organized opposition group. Different definitions matter enormously in statistical studies, often yielding very different findings. See, e.g., Nicholas Sambanis, *What is Civil War?: Conceptual and Empirical Complexities of an Operational Definition*, 48 J. CONFLICT RESOL. 814 (2004) [hereinafter Sambanis, *What is Civil War?*].

3. Gleditsch, *Armed Conflict*, *supra* note 2 at 619.
4. This article uses the PRIO/Uppsala data introduced in Gleditsch et al., *supra* note 2; the dataset and documentation are available at <http://www.prio.no/cwp/ArmedConflict/>. All intensity levels of internal conflict are combined ("minor armed conflict," "intermediate armed conflict," and "war") into a single binary conflict indicator, and "internationalized" internal conflicts are not included. The dataset is provided in a "conflict-year" format; one conflict-year denotes one distinct conflict per year per location, where location is coded at the country level. Thus, if a country experiences more than one conflict at a time, conflict-years exceed country-years.

For the same or similar trends as in Graph 1, see James D. Fearon & David Laitin, *Ethnicity, Insurgency, and Civil War*, 97 AM. POL. SCI. REV. 75, 77 (2003); James Fearon, *Why Do Some Civil Wars Last So Much Longer than Others?*, 41 J. PEACE RES. 275, 276 (2004); Lotta Harbom & Peter Wallensteen, *Armed Conflict and Its International Dimensions, 1946–2004*, 42 J. PEACE RES. 623, 625 (2005); ANN HIRONAKA, *NEVERENDING WARS: THE INTERNATIONAL COMMUNITY, WEAK STATES, AND THE PERPETUATION OF CIVIL WAR* 4 (2005); HUMAN SECURITY CENTRE, *HUMAN SECURITY REPORT 2005: WAR AND PEACE IN THE 21ST CENTURY* 23 (2005), available at <http://www.humansecurityreport.info/>.

5. Fearon & Laitin, *supra* note 4. While highly variable from year to year, the overall trend did not change significantly over the decades. The authors report that, in absolute terms, the largest number of civil wars, thirty-one, began in the 1990s, followed by twenty-five in the 1970s. *Id.* Note that their definition of civil war is slightly different than the one outlined above: 1,000 persons killed over the course of the conflict, averaging at least 100 per year, and killing at least 100 on both sides. *Id.* at 76.



include Colombia, Nepal, India, Sri Lanka, the Democratic Republic of Congo, and Uganda.⁶

Why was conflict-termination so difficult during the Cold War? According to one study, seventy-one percent of conflicts from 1945 to 1997 were prolonged in part by foreign military aid, including financial assistance, weapons, advisors, and troops.⁷ When at least two opposing parties thus benefitted, civil wars lasted 248 percent longer, on average, than conflicts deprived of external support.⁸ Another study found that civil conflicts are prolonged by international trade in contraband commodities such as diamonds, opium, and coca.⁹ Civil wars occur within individual countries, but they are often sustained by global flows of commerce and aid, as well as international consumer tastes.

During the 1980s and 1990s, battle deaths from internal conflicts declined as combatants relied more on lighter arms and smaller forces. When population growth figures are taken into account, civil and military battle-

6. UPPSALA CONFLICT DATABASE (Uppsala Conflict Data Program online database, 2005), *available at* <http://www.pcr.uu.se/database/index.php>.
7. See HIRONAKA, *supra* note 4, at 19–28 (exploring the nature and effect of interstate intervention); *id.* at 130–31 (“[A]s many as 71 percent of the civil wars that have occurred since 1945 have involved support by an external power.”).
8. *Id.* at 51. There is some evidence that recipients of arms transfers are also more likely to abuse personal integrity rights. See Blanton, *supra* note 1.
9. See Fearon, *supra* note 4.

related death tolls during the 1990s appear to have been one-third as deadly as in the 1970s. The toll in indirect fatalities remains high, however, due to the degradation of health care systems, economies, and social services.¹⁰ From 1982 to 2002, for example, Sudan's civil war caused an estimated 55,000 direct civil and military battle deaths, but its indirect death toll reportedly topped two million. Between 1998 and 2001, similarly, civil war in the Democratic Republic of Congo slew some 145,000 in battle while indirectly causing the deaths of several million.¹¹ Civil wars' deadliest effects are its "downstream" fatalities.¹² They also destroy governing institutions and the rule of law, complicating efforts to build workable political and legal systems.

B. Explaining Internal Conflicts

The causes of internal conflicts and wars are complex. No single factor causes war in all, or even most, cases. The last decade has witnessed a marked increase in studies seeking to understand the sources of conflict and violent escalation, including cross-national statistical research and in-depth case studies. Here cross-national studies are more heavily relied on, but case study evidence is cited when appropriate.

At best, cross-national statistical studies can help identify factors that increase the risk of conflict. These factors are not the "causes of war," but they do increase the likelihood that a country may experience conflict when combined with additional factors. In-depth case studies, by contrast, provide a wealth of information about one or a handful of cases, highlighting the relationship between two or more risk factors. It is unwise to draw general conclusions from one or even several individual cases. For the most part, prudent social scientists avoid sweeping claims until their theories have been tested and re-tested across multiple cases and periods. Yet even then, substantiated, individual risk factors do not exhibit law-like regularities; instead, they contribute to conflict emergence when combined in certain ways. Social scientists have made progress in identifying these patterns, but there is still much to be learned.

10. HUMAN SECURITY CENTRE, *supra* note 4, at 29–31, 34.
11. *Id.* at 128. International Rescue Committee surveys found 3.8 million excess deaths from August 1998 to April 2004, less than 2 percent of which were directly caused by physical violence. See Benjamin Goghan, Richard J. Brennan, Pascal Nogu, Deavid Dofara, Brad Otto, Mark Clements, Tony Stewart, *Mortality in the Democratic Republic of Congo: A Nationwide Survey*, 367 THE LANCET 44, 44 (2006).
12. See Hazem Ghobarah, Paul Huth & Bruce Russett, *Civil Wars Kill and Maim People—Long After the Shooting Stops*, 97 AM. POL. SCI. REV. 189 (2003); Hazem Ghobarah, Paul Huth & Bruce Russett, *The Post-War Public Health Effects of Civil Conflict*, 59 SOC. SCI. MED. 869 (2004).

What is known about conflict risk factors? First, it seems clear that a recent history of violent conflict matters.¹³ Once force has been used to advance political, economic or social demands, it takes on a life of its own, emerging and re-emerging over time. Some scholars speak of “collective action repertoires” embedded in a society’s collective memory that create taken-for-granted ways of pursuing interests.¹⁴ Conflict prevention becomes vital, since a war averted today reduces the potential for later conflict. Some evidence suggests that the longer a society is at peace, the less likely it is to experience internal conflict.¹⁵ Still, the literature does not suggest that a certain number of peaceful years can inoculate countries against conflict risk.

Global trends also matter. The end of World War II, the demise of European colonialism, the spread of the nation-state template, super-power tensions, and post-colonial struggles all contributed to internal conflict. Today, the Western-dominated “international community’s” concern with democratization, good governance, and economic liberalization is creating some new risks.¹⁶ This study is concerned chiefly with internal processes. Global factors aside, what individual country characteristics matter?

13. For statistical studies finding that civil war in the previous decade makes renewed war more likely, see Nicholas Sambanis, *Do Ethnic and Nonethnic Civil Wars Have the Same Causes?: A Theoretical and Empirical Inquiry* (Part 1), 45 *J. CONFLICT RESOL.* 259, 270–71 (2001) [hereinafter Sambanis, *Ethnic and Nonethnic Civil Wars*]; Ibrahim Elbadawi & Nicholas Sambanis, *How Much War Will We See?: Explaining the Prevalence of Civil War*, 46 *J. CONFLICT RESOL.* 307, 320–21 (2002); Mary Caprioli, *Primed for Violence: The Role of Gender Inequality in Predicting Internal Conflict*, 49 *INT'L STUD. Q.* 161, 171–73 (2005). For statistical studies that find civil war in the previous year makes renewed or continued conflict more likely, see Tanja Ellingsen, *Colorful Community or Ethnic Witches' Brew?: Multiethnicity and Domestic Conflict During and After The Cold War*, 44 *J. CONFLICT RESOL.* 228, 240–42 (2000); Erik Melander, *Gender Equality and Intrastate Armed Conflict*, 49 *INT'L STUD. Q.* 695, 710 (2005).
14. For the notion of such repertoires, see CHARLES TILLY, *FROM MOBILIZATION TO REVOLUTION* 143–222 (1978); CHARLES TILLY, *THE POLITICS OF COLLECTIVE VIOLENCE* 45–50 (2003).
15. See Håvard Hegre, Tanja Ellingsen, Scott Gates & Nils Petter Gleditsch, *Toward a Democratic Peace?: Democracy, Political Change, and Civil War, 1816–1992*, 95 *AM. POL. SCI. REV.* 33, 35 (2001); Sambanis, *Ethnic and Nonethnic Civil Wars*, *supra* note 13 at 275; Paul Collier & Anke Hoeffler, *Greed and Grievance in Civil War*, 56 *OXFORD ECON. PAPERS* 563, 568–69 (2004); Barbara Walter, *Does Conflict Beget Conflict?: Explaining Recurring Civil War*, 41 *J. PEACE RES.* 371, 379 (2004); Caprioli, *supra* note 13; Patrick M. Regan & Daniel Norton, *Greed, Grievance, and Mobilization in Civil Wars*, 49 *J. CONFLICT RESOL.* 319, 330 (2005). For this effect on political violence instead of civil war, see Demet Yalcin Mousseau, *Democratizing with Ethnic Divisions: A Source of Conflict?*, 38 *J. PEACE RES.* 547, 558–60 (2001).
16. See Roland Paris, *Peacebuilding and the Limits of Liberal Internationalism*, 22 *INT'L SEC.* 54, 56 (1997); JACK SNYDER, *FROM VOTING TO VIOLENCE: DEMOCRATIZATION AND NATIONALIST CONFLICT* (2000); AMY CHUA, *WORLD ON FIRE: HOW EXPORTING FREE MARKET DEMOCRACY BREEDS ETHNIC HATRED AND GLOBAL INSTABILITY* (2003); FAREED ZAKARIA, *THE FUTURE OF FREEDOM: ILLIBERAL DEMOCRACY AT HOME AND ABROAD* (2003). The notion of dangerous democratization is returned to below.

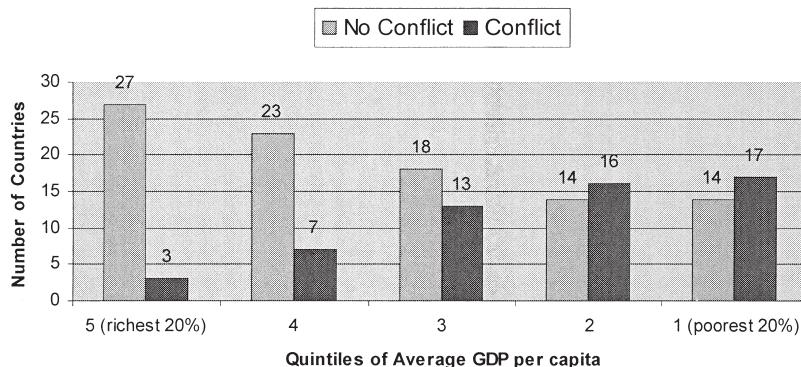
One risk factor consistently found in the statistical literature is national poverty.¹⁷ Statistical models find that low Gross Domestic Product(GDP) per capita is robustly associated with conflict emergence, all else being equal. Correlation does not prove causation, however, and there is little scholarly agreement as to why national poverty matters. For starters, it is not always clear which came first; did poverty cause conflict, or did conflict (or pre-war political tensions and escalation) cause poverty? Some of the statistical association may be circular or endogenous, as statisticians say.

More importantly, there is little evidence to suggest that acute poverty pushes individuals or groups to collective violence; instead, poverty's conflict-inducing effects seem to occur indirectly. In some cases, the characteristics of poor countries may provoke groups to rebel; for example, poorer countries may have less efficient and rule-bound security forces, and these state actors may be more likely to use indiscriminate force against the opposition. Poor states also tend to have weaker social services and higher levels of corruption, and, possibly, inequality and discrimination.¹⁸ In other cases, states with a smaller tax base may have a weaker administrative or security presence in peripheral regions, allowing rural insurgencies to emerge unchecked.¹⁹ Thus, while poverty is a risk factor, its causal role is still unclear.

To illustrate the poverty-conflict relationship, Graph 2 divides most of the world's countries by quintiles of average GDP per capita from 1990 to 2003 and indicates the number of countries in each quintile that experienced at least one year of internal conflict or civil war during that period.²⁰ As the graph suggests, a clear association exists between national wealth and peace; only three of the thirty richest countries experienced conflict, compared to seventeen of the thirty-one poorest. Yet half of the 92 poorest

17. See, e.g., Elbadawi & Sambanis, *supra* note 13; Fearon & Laitin, *supra* note 4; Collier & Hoeffer, *supra* note 15; Nicholas Sambanis, *Using Case Studies to Expand Economic Models of Civil War*, 2 PERSPECTIVES POL. 259 (2004) [hereinafter Sambanis, *Using Case Studies*]; Sambanis, *What is Civil War?*, *supra* note 2; Marie L. Besançon, *Relative Resources: Inequality in Ethnic Wars, Revolutions, and Genocides*, 42 J. PEACE RES. 393 (2005); Caprioli, *supra* note 13; Melander, *Gender Equality and Intrastate Armed Conflict*, *supra* note 13.
18. Scholars have identified a statistical association between national poverty and corruption, and between inequality and corruption, but the causal relationships remain unclear. See, e.g., Jong-sung You & Sanjeev Khagram, *A Comparative Study of Inequality and Corruption*, 70 AM. SOC. REV. 136 (2005); Xiaohui Xin & Thomas K. Rudel, *The Context for Political Corruption: A Cross-National Analysis*, 85 SOC. SCI. Q. 294 (2004). The relationship between poverty and inequality is even less clear. Some researchers argue that corruption boosts poverty by impeding growth, exacerbating inequality, and degrading government services. See Eric Chetwynd, Frances Chetwynd & Bertram Spector, *Corruption and Poverty: A Review of Recent Literature* (Jan. 2003) (on file with author).
19. See Fearon & Laitin, *supra* note 4.
20. See PRIO/Uppsala conflict data, *supra* note 4. GDP data is from WORLD BANK, WORLD DEVELOPMENT INDICATORS 2005, available at <http://siteresources.worldbank.org/DATSTATISTICS/Resources/GDP.pdf>.

Graph 2: Incidence of Internal Armed Conflict by Quintiles of Average Gross Domestic Product (GDP) per capita (152 Countries from 1990 to 2003)



Data Sources: PRIO/Uppsala; World Bank's World Development Indicators

countries were also conflict-free, suggesting that poverty is by no means destiny. Economic development and poverty reduction are important, but conflict analysis requires attention to other risk factors. Economic growth may even be counterproductive when divorced from considerations of equity, legitimacy, and political stability.

Broadly speaking, the literature divides conflict risk factors into underlying and proximate causes.²¹ Underlying factors are long-term or structural forces that create the general preconditions for violence, including geography, history, socioeconomic conditions, or weak state structures. Some of these are immune to human intervention, such as colonial legacies or mountainous terrain, while others are more malleable, including the quality of public services, or the severity of state repression. While many countries share similar underlying factors, only a smaller number experience internal conflict, and that is because proximate causes mobilize groups to use violence.

21. See Michael E. Brown, *The Causes and Regional Dimensions of Internal Conflict*, in *THE INTERNATIONAL DIMENSIONS OF INTERNAL CONFLICT* 571 (Michael E. Brown ed., 1996); Kurt Schock, *A Conjectural Model of Political Conflict: The Impact of Political Opportunities on the Relationship between Economic Inequality and Violent Political Conflict*, 40 *J. CONFLICT RESOL.* 98 (1996); Kalevi J. Holsti, *Political Causes of Humanitarian Emergencies*, in *WAR, HUNGER, AND DISPLACEMENT: THE ORIGINS OF HUMANITARIAN EMERGENCIES* 239 (Wayne Nafziger, Frances Stewart & Raimo Väyrynen eds., 2000) [hereinafter Holsti, *Political Causes*]; JEFF GOODWIN, *NO OTHER WAY OUT: STATES AND REVOLUTIONARY MOVEMENTS, 1945–1991* (2001); Anne-Marie Gardner, *Diagnosing Conflict: What Do We Know?*, in *FROM REACTION TO CONFLICT PREVENTION: OPPORTUNITIES FOR THE UN SYSTEM* 15 (Fen Osler Hampson & David M. Malone eds., 2002).

More often than not, proximate causes are political, including rapid regime change, instability and uncertainty; external intervention; elections; democratic transitions or military coups; protests or insurgent violence, which provoke brutal government crackdowns; and discriminatory policies. For the purposes of this article, it is important to note that while underlying causes are often associated with violations of economic and social rights, proximate causes are more frequently linked to abuses of civil and political rights.

Two further points are important. Many researchers stress the importance of distinguishing civil war from other forms of political violence for analytical purposes,²² but internal wars emerge from longer processes of escalation.²³ Thus, the effect of human rights violations should be investigated at all stages of the escalatory process. Secondly, internal conflicts and wars come in different shapes and sizes—ethnic, revolutionary, anti-colonial, post-colonial and possibly others—and each may have different causes and sequences. If some statistical models fail to accurately predict civil war, this may stem from the lumping together of dissimilar conflict types.²⁴

III. HUMAN RIGHTS

According to the conventional definition, “human rights are internationally agreed values, standards or rules regulating the conduct of states towards their own citizens and towards non-citizens.”²⁵ These instruct states in what they may not do (abstentions or “negative” rights), but also tell states what they *should* do (obligations or “positive” rights). In theory, human rights are inherent, universal and inalienable, meaning they are held by everyone by virtue of being human and cannot be given up or taken away. Advocates recognize that in poor countries, some economic and social rights may only be realized progressively, over time. Despite this realization, advocates still maintain that basic minimum levels of social and economic rights should always be respected.²⁶

22. See Sambanis, *What is Civil War?*, *supra* note 2; Sambanis, *Using Case Studies*, *supra* note 17; Regan & Norton, *supra* note 15.
23. See Sambanis, *Using Case Studies*, *supra* note 17 at 271; Christian Davenport, David A. Armstrong II & Mark I. Lichbach, *From Mountains to Movements: Dissent, Repression and Escalation to Civil War* (22 Mar. 2006) (unpublished manuscript, on file with author). See also Andreas Wimmer, *Who Owns the State?: Understanding Ethnic Conflict in Post-Colonial Societies*, 3 *NAT'LISM* 631 (1997) (making this point with respect to ethnic conflict). Civil wars may also be the result of a variety of escalatory processes, so that different causal mechanisms can lead to the same violent outcome. See Davenport et al., *supra*.
24. See Sambanis, *Using Case Studies*, *supra* note 17 at 260; Besançon, *supra* note 17 at 394–400.
25. PETER R. BAEHR, *HUMAN RIGHTS: UNIVERSALITY IN PRACTICE* 1 (1999).
26. Mac Darrow & Amparo Tomas, *Power, Capture, and Conflict: A Call for Human Rights Accountability in Development Cooperation*, 27 *HUM. RTS.* Q. 471 (2005).

The contemporary international human rights legal system was established in 1948 by the Universal Declaration of Human Rights (UDHR).²⁷ The lasting distinction between civil and political rights on the one hand, and economic, social and cultural rights on the other, emerged in 1966 from two United Nations treaties fleshing out the UDHR in greater detail: the International Covenant on Civil and Political Rights (ICCPR),²⁸ and the International Covenant on Economic, Social and Cultural Rights (ICESCR).²⁹ Importantly, the principle of non-discrimination is essential to all three documents.³⁰ As the UDHR states, “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”³¹ The ICCPR and the ICESCR make similar assertions.³²

A. Civil and Political Rights

Civil and political rights were historically associated with the capitalist West, although this link weakened at the Cold War’s end. Policy makers and social scientists often refer to these “first generation” rights when they use the generic term “human rights.” They consist of the right to life, liberty, and security of the person; the prohibition of torture; the prohibition of arbitrary arrest, detention or exile; the right to a fair trial; freedom of movement; freedom of thought, conscience and religion; freedom of opinion and expression; freedom of assembly and association; and the right to participate in the government of one’s country.³³ The latter is often interpreted as the right to participation in the political process, including the right to equal access to public service. Personal integrity rights³⁴—life and the inviolability

27. Universal Declaration of Human Rights, *adopted* 10 Dec. 1948, G.A. Res. 217A (III), U.N. GAOR, 3d Sess. (Resolutions, pt. 1), at 71, U.N. Doc. A/810 (1948) [hereinafter UDHR].
28. International Covenant on Civil and Political Rights, *adopted* 16 Dec. 1966, G.A. Res. 2200A (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (*entered into force* 23 Mar. 1976) [hereinafter ICCPR].
29. International Covenant on Economic, Social and Cultural Rights, *adopted* 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (*entered into force* 3 Jan. 1976) [hereinafter ICESCR].
30. With the exception of the right to self-determination present in all three documents, this international bill of rights guarantees only individual rights. See UDHR, *supra* note 27; ICCPR, *supra* note 28; ICESCR, *supra* note 29.
31. UDHR, *supra* note 27, art. 7.
32. See ICCPR, *supra* note 28, art. 2, ¶ 1; ICESCR, *supra* note 29, art. 2, ¶ 2.
33. See UDHR, *supra* note 27, arts. 3, 5, 9–10, 13, 18–21.
34. These rights are also often referred to as physical integrity or (personal) security rights. See, e.g., David Cingranelli & David Richards, *Measuring the Level, Pattern, and Sequence of Government Respect for Physical Integrity Rights*, 43 INT’L STUD. Q. 407 (1999); Welsley T. Milner, Steven C. Poe & David Leblang, *Security Rights, Subsistence*

of the human person—are “core rights” indispensable to human dignity.³⁵ Legally, these rights require absolute protection, even when other liberties are temporarily suspended.³⁶

B. Economic, Social, and Cultural Rights

Advocacy for economic, social, and cultural rights was initially associated with socialist and developing countries, but these rights have since been introduced into the mandates of some Western organizations and donor agencies.³⁷ They include the right to social security; the right to work and equitable labor conditions; the right to a standard of living adequate for health and well-being, including food, clothing, shelter, and medical care; and the right to education.³⁸ Subsistence rights are thus recognized in international law, as is the right to “the continuous improvement of living conditions”³⁹ and the right to “the enjoyment of the highest attainable standard of physical and mental health.”⁴⁰

Recognizing that economic, social, and cultural rights require more government intervention than civil and political rights, the ICESCR calls on each state to take steps “to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant.”⁴¹ The right to the highest attainable standard of health, for example, is not a right to be healthy, but rather a right to accessible, non-discriminatory healthcare services whose quality is the best attainable given a country’s available resources and technology. The right to housing, similarly, is not a right to a home on demand, but rather a right to state policies that provide disadvantaged individuals with non-discriminatory access to basic shelter.⁴²

C. Interdependent and Indivisible?

Historically, responses to violations of economic, social, and cultural rights “have paled in comparison to the seriousness accorded infringements of

Rights, and Liberties: A Theoretical Surevy of the Empirical Landscape, 21 HUM. RTS. Q. 403 (1999).

35. See BAEHR, *supra* note 25, at 4.

36. See ICCPR, *supra* note 28, art. 4, ¶ 2.

37. See Fiona Robinson, *NGOs and the Advancement of Economic and Social Rights: Philosophical and Practical Controversies*, 17 INT'L REL. 79 (2003).

38. See UDHR, *supra* note 27, arts. 22–23, 25–26.

39. ICESCR, *supra* note 29, art. 11.

40. *Id.* art. 12.

41. *Id.* art. 2.

42. See Darrow & Tomas, *supra* note 26, at 523–27.

civil and political rights,”⁴³ but there are signs that the former are now being taken more seriously. Activists recently launched successful legal bids to secure subsistence rights, including petitions to the Supreme Court of India and to the African Commission on Human and People’s Rights.⁴⁴ Advocates argue that violations of economic and social rights should be as rigorously monitored as abuses of civil and political rights,⁴⁵ suggesting that respect for one is inextricably tied to the others. “It needs little imagination,” one scholar argues, “to see that the right to life . . . is closely linked to the (economic) rights to food, housing, and healthcare. They are inseparable.”⁴⁶ Hunger or poor healthcare, in this view, leads to violations of core personal integrity rights. Others argue that hunger is itself a violation, regardless of its link to civil and political rights.⁴⁷ This study separates the different rights for analytical purposes, tracing possible links from each violated right to conflict, but no position is taken on broader arguments over interdependence and indivisibility.

IV. DO VIOLATIONS OF ECONOMIC AND SOCIAL RIGHTS CAUSE CONFLICT?

Are violations of subsistence rights also conflict risk factors? In social scientific terms, what kind of poverty prompts disadvantaged groups to revolt or commit political violence? Analytically, absolute and relative poverty are distinguished. Absolute poverty often entails acute violations of subsistence rights, since individuals are too poor to enjoy minimum levels of food, shelter, and basic healthcare. Relative poverty, by contrast, is a form of inequality, which suggests that individuals or groups are worse off than their relevant reference groups. Global or regional inequalities may be of interest, but the most compelling comparisons are often far closer to home. Logically, there will always be more relative than absolute poverty.

Much research on poverty and conflict confounds these two types.⁴⁸ Methodologically, they are not easily untangled, but the distinction is crucial for human rights analysis. Absolute poverty entails violations of basic

43. Scott Leckie, *Another Step Towards Indivisibility: Identifying the Key Features of Violations of Economic, Social and Cultural Rights*, 20 HUM. RTS. Q. 81, 82 (1998).
44. Both cases were decided on in 2001. See Darrow & Tomas, *supra* note 26, at 531–34.
45. See Audrey R. Chapman, A “Violations Approach” for Monitoring the International Covenant on Economic, Social and Cultural Rights, 18 HUM. RTS. Q. 23 (1996); Leckie, *supra* note 43.
46. BAEHR, *supra* note 25, at 33.
47. See Leckie, *supra* note 43, at 122–23.
48. See Jonathan Goodhand, *Enduring Disorder and Persistent Poverty: A Review of the Linkage between War and Chronic Poverty*, 31 WORLD DEV. 629 (2003). (“Theoretical and empirical work has tended to treat the poor as an undifferentiated category.”)

subsistence rights, including the right to adequate nutrition, water, shelter, sanitation, education, and healthcare. Although inequality may also involve human rights violations, that determination rests, in part, on the presence of state-sanctioned or tolerated discrimination. Equality and non-discrimination are basic tenets in international law and provide a basis for the enforcement of social and economic rights.⁴⁹ Once subsistence levels sufficient for well-being are obtained, there is no agreed-upon right to equality of socioeconomic outcomes. There is, however, a clear right to equal access to key opportunities and social services.⁵⁰

Theoretically, both absolute and relative deprivation should prompt violence by generating grievances. Individuals deprived of food, water, and shelter may be so miserable that they rise up against governments or other power-holders, using violence to redistribute wealth and reclaim their dignity. Groups suffering from relative deprivation should react similarly. Some researchers use the term "structural violence" to denote aspects of both poverty types, arguing that it creates conditions "in which the poor are denied decent and dignified lives because their basic physical and mental capacities are constrained by hunger, poverty, inequality, and exclusion."⁵¹ These conditions, in turn, supposedly undermine social norms against violence.

What is the empirical evidence for these theories? Surprisingly, social scientists find little support for the notion that absolute poverty motivates the most needy to violence. One review, for example, argues that absolute deprivation theories do not "stand up to even a cursory reality check," noting that "[m]uch of humanity has lived in acute poverty for most of history, but has not been in a state of chronic rebellion."⁵² Another survey claims that the widely held perception of rebellion as a spontaneous uprising of the poor is a misguided "populist model" derived from romanticized historical accounts.⁵³

49. See Leckie, *supra* note 43, at 104–05; YASH GHAI, HUMAN RIGHTS AND SOCIAL DEVELOPMENT: TOWARD DEMOCRATIZATION AND SOCIAL JUSTICE 37 (2001) (on file with author), available at <http://www.unrisd.org> (follow "Publications"); Arjun Sengupta, *On the Theory and Practice of the Right to Development*, 24 HUM. RTS. Q. 837 (2002); OFFICE OF UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, HUMAN RIGHTS AND POVERTY: A CONCEPTUAL FRAMEWORK (2004) [hereinafter OHCHR] (on file with author), available at <http://www.ohchr.org/english/issues/poverty/guidelines.htm>; Celina Romany & Joon-Beom Chu, *Affirmative Action in International Human Rights Law: A Critical Perspective of Its Normative Assumptions*, 36 CONN. L. REV. 831 (2004).
50. See Hans-Otto Sano, *Development and Human Rights: The Necessary, but Partial Integration of Human Rights and Development*, 22 HUM. RTS. Q. 734, 747 (2000); Sengupta, *supra* note 49; Darrow & Tomas, *supra* note 26.
51. PETER UVIN, AIDING VIOLENCE: THE DEVELOPMENT ENTERPRISE IN RWANDA 103 (1998). For the link between structural violence and internal armed conflict, see also Caprioli, *supra* note 13.
52. JOAN M. NELSON, POVERTY, INEQUALITY, AND CONFLICT IN DEVELOPING COUNTRIES 22 (1998) (on file with author), available at <http://www.rbf.org/pdf/poverty.pdf>.
53. Michael S. Lund, Preventing Violent Conflicts: Conflict Sensitive Development in the 21st Century 19 (Sep. 2004) (on file with author).

To explore the link between subsistence rights and violence, Graph 3 ranks most of the world's countries by quintiles of average Human Development Index (HDI) scores for the period of 1990 to 2003. It also indicates the number of countries in each quintile that experienced at least one year of internal conflict or war during that period.⁵⁴ The HDI is a composite of indexed national achievements in three dimensions of human well-being: a) the ability to lead a long and healthy life (measured by life expectancy at birth); b) educational attainment (measured by adult literacy rate and the gross enrollment ratio for primary, secondary and tertiary schools); c) a decent standard of living (measured by GDP per capita in Purchasing Power Parity dollars [PPP]). HDI scores do not distinguish between absolute and relative poverty, but are reasonable approximations of a state's respect for social and economic rights, given that there are currently few other broadly accepted indicators.⁵⁵

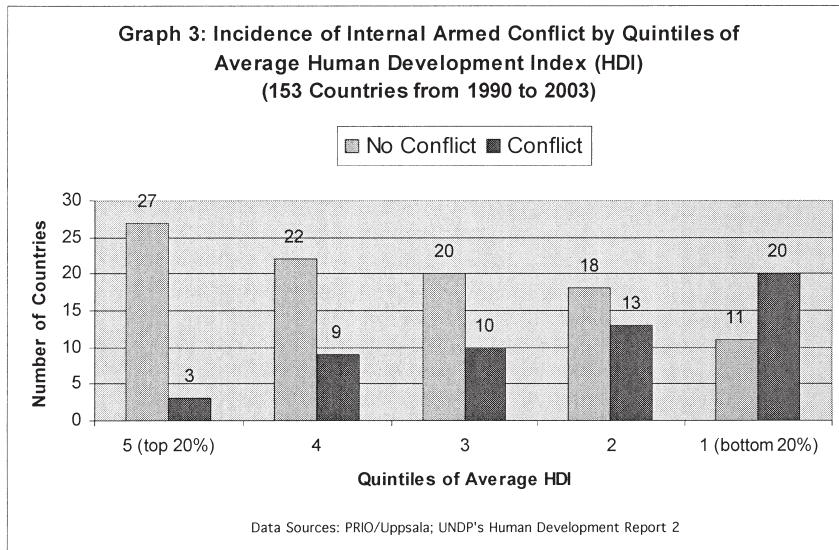
54. See PRIO/Uppsala conflict data, *supra* note 4. HDI trend data from UNITED NATIONS DEVELOPMENT PROGRAMME, HUMAN DEVELOPMENT REPORT 2005: INTERNATIONAL COOPERATION AT A CROSSROADS: AID, TRADE AND SECURITY IN AN UNEQUAL WORLD (2005) [hereinafter UNDP], available at <http://hdr.undp.org/reports/global/2005>. While the basic components have remained the same since the HDI's introduction in 1990, the quality of the composite data and the scaling of the component indexes has changed over time. Therefore, the UNDP warns that the HDI scores reported in the annual Human Development Reports are not comparable; recent reports, however, present newly calculated and comparable HDI trend data, in five year intervals, for comparison over time.

55. Another widely used indicator is the Physical Quality of Life Index (PQLI), which combines literacy, infant mortality, and life expectancy rates, introduced in MORRIS DAVID MORRIS, MEASURING THE CONDITION OF THE WORLD'S POOR: THE PHYSICAL QUALITY OF LIFE INDEX (1979). This and other composite indices, including the HDI, have been criticized for poor theoretical foundations, arbitrary component weighting, scaling problems, and for mixing measures of means and ends. See MARK MCGILLIVRAY & FARHAD NOORBakhsh, COMPOSITE INDICES OF HUMAN WELL-BEING: PAST, PRESENT, AND FUTURE (2004) (on file with author), available at www.wider.unu.edu/publications/rps/rps2004/rp2004-063.pdf. Since its inception in 1990, the HDI has been continuously revised to respond to these criticisms, and it now uses the notion of "human capability" as its theoretical foundation.

More generally, it has been argued that possible indicators of respect for socioeconomic rights include life expectancy, infant and child mortality, caloric supply, malnutrition, access to water and sanitation, literacy, and education enrolment. See Milner et al., *supra* note 34; Clair Apodaca, Measuring the Progressive Realization of Economic, Social and Cultural Rights (Oct. 2005) (on file with author), available at http://www.humanrights.uconn.edu/conf_2005.htm.

All of these indicators, however, measure development *outcomes* rather than government *policies* and *efforts*, and it is the latter two which are the focus of most human rights treaties. See Maria Green, *What We Talk About When We Talk About Indicators: Current Approaches to Human Rights Measurement*, 23 HUM. RTS. Q. 1062 (2001); Apodaca, *supra*; Audrey Chapman, The Status of Efforts to Monitor Economic, Social and Cultural Rights (Oct. 2005) (on file with author), available at http://www.humanrights.uconn.edu/conf_2005.htm.

To remedy this lack of appropriate indicators of respect for economic and social rights, some researchers suggest using expenditure data to assess compliance. See, e.g., Apodaca, *supra*. Still others are developing a measure of government efforts for respect of social and economic rights, based on willingness and ability. See, e.g., David L. Cingranelli & David L. Richards, Measuring Economic and Social Human Rights: Government Effort and Achievement (10 Oct. 2005) (on file with author), available at http://www.humanrights.uconn.edu/conf_2005.htm.



The graph shows that there is a relationship between low HDI scores and internal conflict. Twenty countries in the bottom quintile experienced conflict, while only eleven did not. In the top quintiles, by contrast, twenty-seven countries were peaceful, while only three were violent. Interestingly, however, the intermediate quintiles had a mixed record. Almost a third of countries in the second-highest and middle quintiles experienced conflict, while more than half in the second-lowest did not. Greater HDI scores may be associated with lower conflict rates, but better physical quality of life is no panacea. Greater disrespect for subsistence rights, moreover, does not automatically prompt violence. As is true for GDP per capita, a low HDI score is merely one of several risk factors.

Given the similarities between Graphs 2 and 3, the association between low HDI scores and conflict may conceivably be driven by the GDP per capita (in PPP) component of HDI. Yet the HDI is highly correlated with all its individual components.⁵⁶ Since all three are weighted equally, more

56. In the data for 2003 (for which UNDP, *supra* note 54, provides all component data), the HDI is highly correlated with all three indexed components, with correlation coefficients of more than 0.90. Further explored was the correlation with GDP per capita in particular. The correlation between non-indexed GDP per capita (in PPP) and HDI is somewhat less strong, at 0.75. Considering HDI trend data for all years available between 1975 and 2003, the correlation between HDI and GDP per capita (not expressed in PPP) is 0.69. Although there is variation, all of these correlation statistics are high.

causal power should not be attributed to GDP per capita. Also noted is that the three components are likely to influence each other in ways that are difficult to disentangle.

Researchers have long studied rebellion in agrarian societies, and their findings provide little support for the notion that absolute poverty provokes conflict. In fact, studies show that the groups most threatened with subsistence crises are often the least likely to be politically active, since isolation, poverty, and lower educational levels are formidable barriers to political mobilization.⁵⁷ As Eric Wolf stated in his classic study of modern peasant wars on this count:

A rebellion cannot start from a situation of complete impotence; the powerless are easy victims. . . . The poor peasant or the landless laborer . . . has no tactical power: he is completely within the power domain of his employer, without sufficient resources of his own to serve him as resources in the power struggle. Poor peasants and landless laborers, therefore, are unlikely to pursue the course of rebellion, *unless* they are able to rely on some external power to challenge the power which constrains them.⁵⁸

Other scholars agree but stress instead that the poorest peasants may be too risk-averse to fight.⁵⁹

What about the fact that in some conflicts, fighters are disproportionately drawn from society's poorest ranks? Does this suggest that subsistence crises cause war? No, not really. Internal conflicts may be initiated by better-off groups who recruit the poor for fighting, but as the conflict endures, livelihoods are increasingly destroyed, forcing the poor to join in greater numbers.⁶⁰ Thus, greater civil war participation by the poor may mistakenly prompt observers to conclude that acute poverty was the conflict's original cause.

There is some evidence to support the notion that inequality, or relative poverty, is a conflict risk factor, challenging the conventional but simplistic notion that absolute poverty leads to war.⁶¹ Yet even here, the statistical

57. See ERIC R. WOLF, PEASANT WARS OF THE TWENTIETH CENTURY (1969); SAMUEL POPKIN, THE RATIONAL PEASANT: THE POLITICAL ECONOMY OF RURAL SOCIETY IN VIETNAM (1979); Goodhand, *supra* note 48.

58. WOLF, *supra* note 57, at 290.

59. See Popkin, *supra* note 57, at 258. Popkin disagrees with Wolf in many respects, but they agree that the poorest peasants are not likely to initiate rebellion.

60. See Goodhand, *supra* note 48.

61. Gardner, *supra* note 21, at 19. For the link between inequality and incidence of internal conflict, see TED ROBERT GURR, WHY MEN REBEL (1970); Edward N. Muller, *Income Inequality, Regime Repressiveness, and Political Violence*, 50 AM. SOC. REV. 47 (1985); Edward N. Muller & Mitchell A. Seligson, *Inequality and Insurgency*, 81 AM. POL. SCI. REV. 425 (1987); Manus I. Midlarsky, *Rulers and the Ruled: Patterned Inequality and the Onset of Mass Political Violence*, 82 AM. POL. SCI. REV. 491 (1988); Terry Boswell & William J. Dixon, *Dependency and Rebellion: A Cross-National Analysis*, 55 AM. SOC.

evidence is neither conclusive nor consistent.⁶² In fact, one study argues that inequality affects different types of civil war in different ways, provoking class-based revolutionary conflicts but dampening ethnic strife. Why? When intra-group differences are smaller, worse-off communities may have a better understanding of the reasons for their relative disadvantage, coupled with greater access to resources for mobilization.⁶³

Given this scholarly disarray, one review argues that there is a lack of robust statistical evidence for the notion that inequality is a necessary, sufficient, or even probable cause of civil war.⁶⁴ Another review wryly notes that existing studies “appear[] capable of supporting completely contrasting causal mechanisms . . . through modest changes in . . . [statistical] models.”⁶⁵ In part, these difficulties stem from the challenges involved in gathering comparable cross-national data over time, since no single and authoritative source on country-level inequalities exists. It may also be that the indicators scholars use are misleading, since these indicators capture national inequalities rather than the localized or group differences that matter most.⁶⁶ One prominent researcher suggests that most scholars have mistakenly focused on inequalities between individuals, rather than on the inter-group differences that matter most.⁶⁷

While there is no universally accepted link between inequality and conflict, the research suggests that economic differences do matter, especially in combination with other factors.⁶⁸ Indeed, many researchers agree that politics—activities around, through, and with the state—can transform economic

REV. 540 (1990); Schock, *supra* note 21; E. Wayne Nafziger & Juha Auvinen, *Economic Development, Inequality, War, and State Violence*, 30 *WORLD DEV.* 153 (2002). For the link between inequality and civil war duration, see Paul Collier, Anke Hoeffler & Måns Söderbom, *On the Duration of Civil War*, 41 *J. PEACE RES.* 253 (2004).

62. See Mark Irving Lichbach, *An Evaluation of “Does Economic Inequality Breed Political Conflict?”* *Studies*, 41 *WORLD POL.* 431 (1989); Christopher Cramer, *Does Inequality Cause Conflict*, 15 *J. INT'L DEV.* 397 (2003); Bethany Lacina, *From Side Show to Centre Stage: Civil Conflict after the Cold War*, 35 *SEC. DIALOGUE* 191, 197 (2004).

63. See Besançon, *supra* note 17, at 409. Other researchers also find that relative parity in resources leads to higher levels of political violence. See Michelle Benson & Jacek Kugler, *Power Parity, Democracy and the Severity of Internal Violence*, 42 *J. CONFL. STUD.* 196 (1998).

64. See Lichbach, *supra* note 62.

65. Cramer, *supra* note 62, at 400.

66. See Lacina, *supra* note 62, at 197–98.

67. These are also called “horizontal inequalities.” See Francis Stewart, *Tackling Horizontal Inequalities*, in *EVALUATION AND POVERTY REDUCTION* 271 (Osvaldo N. Feinstein & Robert Picciotto eds., 2001); Francis Stewart, *Case Studies of Complex Humanitarian Emergencies: An Introduction*, in *WAR, HUNGER, AND DISPLACEMENT: THE ORIGINS OF HUMANITARIAN EMERGENCIES* 1 (E. Wayne Nafziger, Frances Stewart & Raimo Väyrynen eds., 2000) [hereinafter Stewart, *Root Causes*]; Frances Stewart, *Horizontal Inequalities as a Source of Conflict*, in *FROM REACTION TO CONFLICT PREVENTION: OPPORTUNITIES FOR THE UN SYSTEM* 105 (Fen Osler Hampson & David M. Malone eds., 2002).

68. See Cramer, *supra* note 62, at 409.

conditions into conflict-producing grievances and strategies.⁶⁹ This political link is explored below, beginning with the effects of discrimination.

V. DOES DISCRIMINATION CAUSE CONFLICT?

State-sanctioned discrimination, which all human rights instruments regard as a violation, does appear to be a conflict risk factor. This claim must remain tentative, however, since currently there is a lack of adequate and comparable cross-national measures of discrimination. The literature suggests that when state discrimination is either absent or widely ignored, inequalities are less likely to trigger acute grievances or violence. In the United States, for example, social inequalities are high, yet this rarely translates into sustained popular anger at the political system or the privileges of others. Empirical realities aside, many disadvantaged groups in America regard the US as a reasonably accessible polity, dampening grievances and reducing the potential for political violence. When this does not hold true—for example, during the civil rights era in the American South—discrimination helps spark political mobilization and, potentially, civil violence.

Discrimination is often relevant to conflict because it transforms inequalities into antagonistic group identities. When individuals face similar circumstances and suffer from similar patterns of discrimination, powerful collective grievances can emerge, facilitating the formation of antagonistic groups. This, in turn, may create the potential for collective action and even violence.⁷⁰

When discrimination is organized along ethnic lines, groups are more receptive to ethnic or nationalist appeals, including those made by unscrupulous political leaders.⁷¹ Discrimination is particularly relevant to ethnic conflicts, creating or hardening ethnic identities where few existed before, or transforming fluid cleavages into durable, antagonistic identities. Some scholars view ethnic conflict as a creation of modern state discrimination, since ethnic groups struggle to capture key state resources such as control over legislation, territory, national symbols, physical security, social security, political representation, and taxation.⁷² State discrimination on any one of these may create grievances and greater potential for violence.

69. See, e.g., Schock, *supra* note 21; Nelson, *supra* note 52, at 26–27; Gardner, *supra* note 21; Lacina, *supra* note 62.

70. See, e.g., TED ROBERT GURR & BARBARA HARFF, ETHNIC CONFLICT IN WORLD POLITICS 77–96 (1994); Brown, *supra* note 21; Wimmer, *supra* note 23; Holsti, *Political Causes*, *supra* note 21; Stewart, *Root Causes*, *supra* note 67.

71. See Ellingsen, *supra* note 13.

72. See, e.g., Wimmer, *supra* note 23; Nafziger & Auvinen, *supra* note 61, at 159.

Discrimination works in a number of ways. More often than not, the state allocates benefits unequally, including access to jobs, education, contracts, licenses, or subsidies. Preferential access can be given either to groups or individuals through patron-client relations.⁷³ Hybrid arrangements are also possible, in which individual clients are given special access and in return, mobilize entire groups for their patron.

Discrimination may also work through the unequal distribution of costs, including disproportionately high taxes compared to government expenditures in a given region or community. In some cases, the truth matters less than popular perception. If one group has disproportionate control over the state, others may feel discriminated against because they lack a sense of participation and trust.⁷⁴ Regardless of the precise mechanism, the key point is that discrimination can create popular grievances. These grievances may allow group elites to claim that political mobilization and even violence are necessary remedies.

It is important to note, however, that discrimination is not always an injustice, since it may serve as a counterweight to inequalities created in years past. In many parts of the post-colonial world, for example, control over the state and its agencies is a way of boosting the life chances of groups previously excluded from economic opportunities.

Allocation of public resources along group lines is also not always a risk factor, and in some cases, may even promote stability. During Communist rule in the former Yugoslavia, for example, many positions in federal, provincial, and local bureaucracies were allocated by ethnic or national "keys" in an effort to guarantee group representation and parity. Some Canadian government agencies and political parties run along similar lines, as in the unofficial leadership rotation agreement within the federal Liberal party to preserve Anglophone-Francophone parity.⁷⁵ Yet there is a risk here too; if the resources underwriting group-based agreements run dry, disappointed elites may "enter the political arena and orchestrate the dissatisfaction of their . . . following,"⁷⁶ as occurred in the former Yugoslavia, Lebanon, and parts of the former Soviet Union. In these and other cases, long-standing and peaceful agreements broke down, and ethnic and confessional identities became the building blocks of war.

From a human rights perspective, discrimination is problematic since it violates fundamental tenets of fairness and equal access to public goods. Yet

73. See Pranab Bardhan, *Method in the Madness?: A Political-Economy Analysis of the Ethnic Conflicts in Less Developed Countries*, 25 *WORLD DEV.* 1381, 1383 (1997); Wimmer, *supra* note 23, at 636.

74. See Wimmer, *supra* note 23, at 644.

75. See SUSAN DELACOURT, *JUGGERNAUT: PAUL MARTIN'S CAMPAIGN FOR CHRETIEN'S CROWN* (2003).

76. Wimmer, *supra* note 23, at 650.

preferential treatment may also serve a positive purpose,⁷⁷ creating a thorny ethical and legal dilemma.⁷⁸ Should human rights advocates seek to abolish all group benefits, even when they redress historical injustices or provide peaceful alternatives to conflict? Surely not; there must be situations in which group benefits of a sort are worthwhile, if only for a time. Conservatives in the US now claim that affirmative action for visible minorities violates individual rights,⁷⁹ but many social justice and human rights advocates would object. In Quebec, some have cited individual rights to protest laws promoting French in public life and business, while others respond that collective Francophone rights should have priority in some circumstances.⁸⁰

Discrimination is a conflict risk factor, but blanket condemnations of all collective arrangements should be avoided. Instead, a nuanced, contextual approach encourages us to focus on addressing the most toxic forms of discrimination in conflict-prone regions and countries.

VI. DO VIOLATIONS OF CIVIL AND POLITICAL RIGHTS CAUSE INTERNAL CONFLICT?

Socioeconomic factors may be important, but studies of rebellions and civil conflict show that warring parties rarely have a homogenous social base. More often than not, it is difficult to identify one or more socioeconomic variables solely capable of motivating internal conflict. Politics are thus important, including regime behavior, type, and stability.

A. Violations of Personal Integrity Rights

While socioeconomic conditions rarely trigger violent conflict on their own, violations of personal integrity or security rights—including indiscriminate

77. In some cases, affirmative action is pursued to pre-empt social unrest and violence. See *Prevention of Discrimination and Protection of Indigenous Peoples and Minorities: The Concept and Practice of Affirmative Action*, U.N. ESCOR, Comm'n on Hum. Rts., 53rd Sess., Agenda Item 5, ¶ 35–38, UN Doc. E/CN.4/Sub.2/2001/15 (2001) [hereinafter ESCOR].

78. The anti-discrimination principle in international law prohibits the use of renewed discrimination in remedial measures. See *id.* ¶ 4. For an overview of the debate, see Donald P. Judges, *Light Beams and Particle Dreams: Rethinking the Individual vs. Group Rights Paradigm in Affirmative Action*, 44 ARK. L. REV. 1007 (1991); ESCOR, *supra* note 77.

79. Affirmative action in university admissions has recently sparked intense debate in the US. See Charles Lane, *Affirmative Action for Diversity Is Upheld*, WASH. POST, 24 June 2003 at A01; Gregory Rodriguez, *Demographic Changes Upset Affirmative Action*, L.A. TIMES, 26 Jan. 2003 at M03.

80. See DeNeen L. Brown, *Quebec's 'Tongue Troopers' Defend French*, WASH. POST, 5 Apr. 2001 at A18.

killings, systematic torture, disappearances, or wide-scale imprisonment—do provide a clear link to escalation.⁸¹ An authoritative statement on this count comes from sociologist Jeff Goodwin, whose study of 20th century revolutions argues that politics matter more than economics:

[R]evolutionary movements were more consistently a response to severely constricted or even contracting political opportunities, including chronic and even increasing state repression. Ordinary people joined or supported revolutionary movements when no other means of political expression were available to them, or when they or their families and friends were the targets of violent repression that was perpetrated or tolerated by relatively weak states.⁸²

State repression is a major risk factor because it can transform latent grievances into active antagonisms, providing the persecuted with strong motivations for violence. Although individuals and groups may grudgingly tolerate economic inequality and discrimination for years, they are more likely to respond with violence when physically threatened or attacked. This response is especially likely when repression is indiscriminate, since quiescence offers little protection. Importantly, there is strong evidence that government repression is habit-forming and that past levels of repression have a powerful effect on current behavior. Like civil war, government repression seems to have a life of its own, re-emerging time and again.⁸³

Governments are not the only ones capable of violating personal integrity rights. Non-state groups may also make extreme demands or use

81. See Robert W. White, *From Peaceful Protest to Guerrilla War: Micromobilization of the Provisional Irish Republican Army*, 94 AM. J. SOC. 1277 (1989); Boswell & Dixon, *supra* note 61; KALEVI J. HOLSTI, *THE STATE, WAR, AND THE STATE OF WAR* 99–119 (1996); Will H. Moore, *Repression and Dissent: Substitution, Context, and Timing*, 42 AM. J. POL. SCI. 851 (1998); Holsti, *Political Causes*, *supra* note 21; GOODWIN, *supra* note 21; Nafziger & Auvinen, *supra* note 61. Recent research finds that repression has an effect on civil war escalation which is conditional on its interaction with dissent. See Davenport et al., *supra* note 23.
82. GOODWIN, *supra* note 21, at 292.
83. Most statistical studies consistently find that repression of personal integrity rights in the previous year makes renewed repression more likely. See Poe & Tate, *supra* note 1; Christian Davenport, *Multi-Dimensional Threat Perception and State Repression: An Inquiry into Why States Apply Negative Sanctions*, 39 AM. J. POL. SCI. 683 (1995); Christian Davenport, *Human Rights and the Democratic Proposition*, 43 J. CONFLICT RESOL. 92 (1999) [hereinafter, Davenport, *Democratic Proposition*]; Blanton, *supra* note 1; Keith, *ICCPR*, *supra* note 1; Poe et al., *supra* note 1; Zanger, *supra* note 1; Clair Apodaca, *Global Economic Patterns and Personal Integrity Rights after the Cold War*, 45 INT'L STUD. Q. 587 (2001) [hereinafter Apodaca, *Global Economic Patterns*]; David L. Richards, Ronald D. Gelleny & David H. Sacko, *Money With a Mean Streak? Foreign Economic Penetration and Government Respect for Human Rights in Developing Countries*, 45 INT'L STUD. Q. 219 (2001); Oona A. Hathaway, *Do Human Rights Treaties Make a Difference?*, 111 YALE L.J. 1935 (2002); Keith, *Constitutional Provisions*, *supra* note 1; Keith & Poe, *supra* note 1; Davenport & Armstrong, *supra* note 1; Davenport, *Democratic Pacification*, *supra* note 1; Bueno de Mesquita, *supra* note 1; Hafner-Burton & Tsutsui, *supra* note 1; Melander, *supra* note 1; Neumayer, *supra* note 1.

violence, thereby inviting government repression and conflict escalation.⁸⁴ As governments go after real and imagined opponents, fear and anger spread, facilitating further mobilization.⁸⁵ Importantly, one study presents statistical evidence in support of the argument that states will switch from accommodation to repression, or vice versa, when either tactic meets with further rebellion or dissent. Thus, the choices dissidents make can profoundly shape government behavior.⁸⁶ When both sides resort to violence, the proverbial vicious cycle often ensues.

To illustrate the repression-conflict nexus, this article makes use of the Political Terror Scale (PTS), a five-point index that ranks governments' resort to state terror.⁸⁷ Widely used by social scientists,⁸⁸ PTS scores measure

84. See Davenport, *Democratic Pacification*, *supra* note 1; Sambanis, *Using Case Studies*, *supra* note 17.
85. See Holsti, *Political Causes*, *supra* note 21, at 278. See also Sambanis, *Using Case Studies*, *supra* note 17, at 271. ("[G]overnment repression typically leads to more opposition and violence.").
86. See Will H. Moore, *The Repression of Dissent: A Substitution Model of Government Coercion*, 44 *J. CONFLICT RESOL.* 107 (2000).
87. See Mark Gibney & Matthew Dalton, *The Political Terror Scale*, in *HUMAN RIGHTS AND DEVELOPING COUNTRIES* 73 (David L. Cingranelli vol. ed., 1996) (4 POLICY STUDIES AND DEVELOPING NATIONS (Stuart S. Nagel ed., 1996)).
88. See Michael Stohl, David Carleton & Steven E. Johnson, *Human Rights and U.S. Foreign Assistance: From Nixon to Carter*, 21 *J. PEACE RES.* 215 (1984); David Carleton & Michael Stohl, *The Foreign Policy of Human Rights: Rhetoric and Reality from Jimmy Carter to Ronald Reagan*, 7 *HUM. RTS. Q.* 205 (1985); David Carleton & Michael Stohl, *The Role of Human Rights in U.S. Foreign Assistance Policy: A Critique and Reappraisal*, 31 *AM. J. POL. SCI.* 1002 (1987); Mark Gibney & Michael Stohl, *Human Rights and U.S. Refugee Policy*, in *OPEN BORDERS? CLOSED SOCIETIES?: THE ETHICAL AND POLITICAL ISSUES* 151 (Mark Gibney ed., 1988); Conway W. Henderson, *Conditions Affecting the Use of Political Repression*, 35 *J. CONFLICT RESOL.* 120 (1991); Steven C. Poe, *Human Rights and the Allocation of US Military Assistance*, 28 *J. PEACE RES.* 205 (1991); Mark Gibney, Vanessa Dalton & Marc Vockell, *USA Refugee Policy: A Human Rights Analysis Update*, 5 *J. REFUGEE STUD.* 33 (1992); Steven C. Poe, *Human Rights and Economic Aid Allocation under Ronald Reagan and Jimmy Carter*, 36 *AM. J. POL. SCI.* 147 (1992); Conway W. Henderson, *Population Pressures and Political Repression*, 74 *SOC. SCI. Q.* 322 (1993); Steven C. Poe & Rangsima Sirirangsi, *Human Rights and U.S. Economic Aid to Africa*, 18 *INT'L INTERACTIONS* 309 (1993); Steven C. Poe & Rangsima Sirirangsi, *Human Rights and U.S. Economic Aid During the Reagan Years*, 75 *SOC. SCI. Q.* 494 (1994); Poe & Tate, *supra* note 1; Blanton, *supra* note 1; Keith, *ICCPR*, *supra* note 1; Poe et al., *supra* note 1; Milner et al., *supra* note 34; Steven C. Poe et al., *The Continuity of Suffering: Domestic Threat and Human Rights Abuse Across Time*, in *PATHS TO STATE REPRESSION: HUMAN RIGHTS AND CONTENTIOUS POLITICS IN COMPARATIVE PERSPECTIVE* (Christian Davenport ed., 2000); Zanger, *supra* note 1; Apodaca, *Global Economic Patterns*, *supra* note 83; Keith, *Constitutional Provisions*, *supra* note 1; Davenport & Armstrong, *supra* note 1; Davenport, *Democratic Pacification*, *supra* note 1; Keith & Poe, *supra* note 1; Wade M. Cole, *Sovereignty Relinquished?: Explaining Commitment to the International Human Rights Covenants, 1966-1999*, 70 *AM. SOC. REV.* 472 (2005); Emilie M. Hafner-Burton, *Trading Human Rights: How Preferential Trade Agreements Influence Government Repression*, 59 *INT. ORG.* 593 (2005); Emilie M. Hafner-Burton, *Right or Robust?: The Sensitive Nature of Repression to Globalization*, 42 *J. PEACE RES.* 679 (2005); Hafner-Burton & Tsutsui, *supra* note 1; Bueno de Mesquita et al., *supra* note 1; Melander, *Political Gender Equality and State Human Rights Abuse*, *supra* note 1; Neumayer, *supra* note 1.

a state's propensity to violate its citizens' personal integrity rights, drawing on narrative reports by either Amnesty International or the US State Department.⁸⁹ These scores range from one, where state terror is "rare," to five, where state terror is "systematic." Graph 4 divides most of the world's countries into five groups according to their average PTS scores (based on Amnesty International reports) for the period of 1990 to 2003 and indicates the number of countries in each group that experienced at least one year of internal conflict or war during that period.⁹⁰

The graph suggests that the association between state repression and internal conflict is strong. Of the thirty-six regimes engaged in "systematic" or "extensive" state terror, thirty-one were also embroiled in internal conflict. The "widespread" state terror category was almost evenly split, but sixty-nine of the seventy-eight *least* repressive countries were conflict free. Importantly, none of the countries that rarely resort to repression experienced conflict.

This apparent association does not imply causation, however, because in many cases, escalating conflict may promote state reliance on repression, rather than the reverse. More research on this relationship is needed, but the link is there. Thus, it seems reasonable to suggest that concerned groups seek to curb governments' appetite for repression.

Oddly enough, however, there is also a problem with this recommendation, since some studies suggest that intermediate levels of state repression increase the risk of internal conflict. Statistically, semi-repressive regimes have a higher risk of political violence and internal conflict, perhaps because their tactics are too harsh to permit debate, but too weak to definitively quash insurgency.⁹¹ Recent research also suggests that, depending on cir-

89. The data is available annually from 1976 onward. An analysis of the differences between PTS scores based on the two sources has found that while US State Department reports were "somewhat less harsh" than Amnesty reports for earlier years due to possible bias (i.e., the State Department reports favoring friends and trading partners of the US while discriminating against leftist countries), this difference is small, and more importantly, "the two reports have clearly converged in their assessments of human rights violations over time." Steven C. Poe, Sabine Carey & Tanya Vazquez, *How are These Pictures Different? A Quantitative Comparison of the US State Department and Amnesty International Human Rights Reports, 1976-1995*, 23 *HUM. RTS. Q.* 650 (2001). For a conceptual critique of the PTS data, see James M. McCormick & Neil J. Mitchell, *Human Rights Violations, Umbrella Concepts, and Empirical Analysis*, 49 *WORLD POL.* 510 (1997). For other indicators of respect for personal integrity rights, based on the same descriptive sources but differently operationalized, see, for example, Cingranelli & Richards, *supra* note 34; Hathaway, *supra* note 83.

90. See conflict data from PRIO/Uppsala, *supra* note 4. PTS data from Mark Gibney, available at <http://www.unca.edu/politicalscience/DOCS/Gibney/Political%20Terror%20Scale%201980-2005.pdf>. PTS averages are rounded.

91. See Muller, *supra* note 61 at 48; Muller & Seligson, *supra* note 61; Boswell & Dixon, *supra* note 61; Edward N. Muller & Erich Weede, *Cross-national Variations in Political Violence: A Rational Action Approach*, 34 *J. CONFLICT RESOL.* 624 (1990); Schock, *supra* note 21; Sambanis, *Using Case Studies*, *supra* note 17, at 267, 271.

**Graph 4: Incidence of Internal Armed Conflict by Average Repression of Personal Integrity Rights
(160 Countries from 1990 to 2003)**



Data Sources: PRIO/Uppsala; Mark Gibney's Political Terror Scale

cumstances, repression may trigger escalation by enraging the opposition, but that a lack of repression may also lead to escalation by demonstrating government weakness.⁹² Therefore, it is sobering to think that international human rights advocates may in some cases promote the worst of all possible outcomes, providing just enough protection for dissidents to challenge the state, but not enough to prevent repression and escalation.

B. Violations of Political Participation Rights

While some essential attributes of democracy are not covered by international human rights law,⁹³ democracy is generally believed to fulfill the human right to political participation.⁹⁴ The ICCPR states,

Every citizen shall have the right and the opportunity, without [discrimination] and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal

92. See Davenport et al., *supra* note 23.

93. See GHAI, *supra* note 49, at 18.

94. See, e.g., UNITED NATIONS DEVELOPMENT PROGRAMME [UNDP], HUMAN DEVELOPMENT REPORT 2000: HUMAN RIGHTS AND HUMAN DEVELOPMENT 59 (2000). Democracy is also argued to fulfill the right to self-determination through its close link to political participation. See GHAI, *supra* note 49, at 18.

suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.⁹⁵

Democracy is important to human rights analysis for two reasons. First, it is one of the best known ways of fulfilling the right to political participation, and democratic values further include respect for other political and civil rights, such as freedom of expression, assembly, and association.⁹⁶ Second, studies suggest that fully consolidated democracies may be better at protecting all categories of human rights, including personal integrity and socioeconomic rights.⁹⁷ Both of these latter categories are associated with

95. ICCPR, *supra* note 28, art. 25.

96. There is a lively debate over the relationship between human rights and democracy. It is commonly argued that these human rights are defining features of democracy, because their protection is a necessary condition for popular control over government. See DAVID BEETHAM, *DEMOCRACY AND HUMAN RIGHTS* 89–114(1999); UNDP, *supra* note 94, at 56–59; Anthony J. Langlois, *Human Rights without Democracy? A Critique of the Separationist Thesis*, 25 HUM. RTS. Q. 990 (2003). Others, recognizing that democracy and human rights can be in tension, argue that their asserted interdependence is overstated, but concede that the former may serve the latter if other social and institutional conditions are favorable. See, e.g., Jack Donnelly, *Human Rights, Democracy and Development*, 21 HUM. RTS. Q. 608 (1999); Lin Chun, *Human Rights and Democracy: The Case for Decoupling*, 5 INT'L J. HUM. RTS. 19 (2001).

97. Many cross-national studies find a statistical association between democracy and respect for personal integrity rights. See Henderson, *supra* note 88; Poe & Tate, *supra* note 1; Keith, *ICCPR*, *supra* note 1; Milner et al., *supra* note 34; Poe et al., *supra* note 1; Zanger, *supra* note 1; Keith, *Constitutional Provisions*, *supra* note 1; Keith & Poe, *supra* note 1; Hafner-Burton, *Trading Human Rights*, *supra* note 88; Hafner-Burton & Tsutsui, *supra* note 1. Some find this association for a wider range of civil rights. See Davenport, *Multi-Dimensional Threat Perception and State Repression*, *supra* note 83; Davenport, *Democratic Proposition*, *supra* note 83.

There is limited cross-national evidence that democratization has an immediate positive effect of respect for personal integrity rights. See Davenport, *Democratic Proposition*, *supra* note 83; Zanger, *supra* note 1. Recent studies, however, find evidence that consistent improvement in respect for personal integrity rights is only associated with *full* democracy. See Davenport & Armstrong, *supra* note 1; Bueno de Mesquita et al., *supra* note 1. Moreover, other studies suggest that democratic *transitions* may be accompanied by more repression. See Helen Fein, *More Murder in the Middle: Life-Integrity Violations and Democracy in the World, 1987*, 17 HUM. RTS. Q. 170 (1995); Milner et al., *supra* note 34. More research is needed on this count, as few studies have properly investigated the effect of the *process* of democratization on respect for civil rights.

Regarding respect for socioeconomic rights, cross-national studies also suggest that democracies may be better guarantors of physical quality of life. See Bruce E. Moon & William J. Dixon, *Politics, the State and Basic Human Needs: A Cross-National Study*, 29 AM. J. POL. SCI. 661 (1985); Bruce London & Bruce A. Williams, *National Politics, International Dependency, and Basic Needs Provision: A Cross-National Analysis*, 69 SOC. FORCES 565 (1990); Frank W. Young, *Do some Authoritarian Governments Foster Physical Quality of Life?*, 22 SOC. INDICATORS RES. 351 (1990); K.A.S. Wickrama & Charles L. Mulford, *Political Democracy, Economic Development, Disarticulation, and Social Well-Being in Developing Countries*, 37 SOC. Q. 375 (1996); R. Scott Frey & Ali Al-Roumi, *Political Democracy and the Physical Quality of Life: The Cross-National Evidence*, 47 SOC. INDICATORS RES. 73 (1999); Milner et al., *supra* note 34. Note that some of these studies use measures of democracy that do not maintain a conceptual distinction from

internal conflict, although as noted above, the case for personal integrity rights is far stronger. Importantly, some studies also associate denial of democracy with violence-producing grievances.⁹⁸

Explored is the relationship between regime type and conflict with Polity IV data, a widely used measure of regime type.⁹⁹ Polity scores measure a political system's institutional characteristics, ranging from -10 (most autocratic) to +10 (most democratic).¹⁰⁰ Graph 5 ranks most of the world's countries by quintiles of average polity scores for the period of 1990 to

political and civil rights; it is thus not possible to disentangle the effect of respect for civil and political rights from other aspects of democracy. More importantly, given the indicators used, inferences from these studies regarding the impact on respect for social and economic rights are problematic for the reasons outlined above, *supra* note 55. Research on this relationship using adequate indicators is urgently needed.

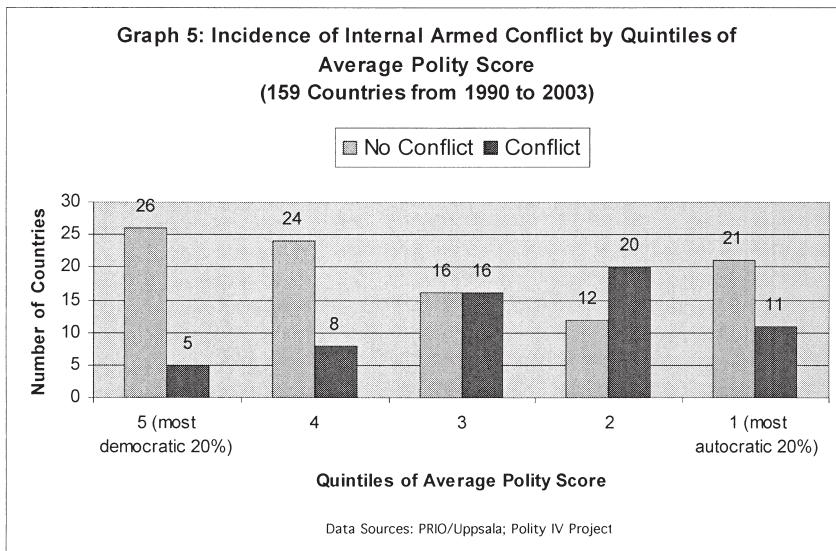
98. See Ellingsen, *supra* note 13; Hegre et al., *supra* note 15; Mousseau, *supra* note 15.

99. For studies of human rights violations using Polity data, see Blanton, *supra* note 34; Milner et al., *supra* note 55; Poe et al., *supra* note 1; Davenport, *Democratic Proposition*, *supra* note 83; Keith, *ICCPR*, *supra* note 1; Zanger, *supra* note 1; Apodaca, *Global Economic Patterns*, *supra* note 83; Hathaway, *supra* note 83; Keith, *Constitutional Provisions*, *supra* note 1; Keith & Poe, *supra* note 1; Davenport, *Democratic Pacification*, *supra* note 1; Davenport & Armstrong, *supra* note 1; Bueno de Mesquita et al., *supra* note 1; Hafner-Burton, *Trading Human Rights*, *supra* note 88; Hafner-Burton, *Right or Robust?*, *supra* note 88; Hafner-Burton & Tsutsui, *supra* note 1; Melander, *Political Gender Equality and State Human Rights Abuse*, *supra* note 1; Neumayer, *supra* note 1.

For studies of political violence and internal conflict using this data, see Benson & Kugler, *supra* note 63; Ellingsen, *supra* note 13; Hegre et al., *supra* note 15; Sambanis, *Ethnic and Nonethnic Civil Wars*, *supra* note 13; Mousseau, *supra* note 15; Elbadawi & Sambanis, *supra* note 13; Marta Reynal-Querol, *Ethnicity, Political Systems, and Civil Wars*, 46 J. CONFLICT RESOL. 29 (2002); Fearon & Laitin, *supra* note 4; Collier & Hoeffer, *supra* note 15; Collier et al., *supra* note 61; Fearon, *supra* note 4; Sambanis, *What is Civil War?*, *supra* note 2; Walter, *supra* note 15; Caprioli, *supra* note 13; Melander, *Gender Equality and Intrastate Armed Conflict*, *supra* note 13; Regan & Norton, *supra* note 15.

100. Polity scores measure the availability of institutions permitting citizens to participate in the political system, but not actual political behavior. Points are assigned along five authority dimensions: competitiveness of political participation; regulation of political participation; competitiveness of executive recruitment; openness of executive recruitment; and constraints on chief executive. See Monty G. Marshall et al., *Polity IV, 1800–1999: Comments on Munck and Verkuilen*, 35 COMP. POL. STUD. 40 (2002).

Many researchers consider the Polity IV measure to be superior to most other quantitative indicators of democracy. However, along with other available measures, it has been criticized for a number of conceptual and empirical inadequacies, including its failure to account for the conceptual multi-dimensionality of democracy. The latter means that empirical studies using such measures may often treat political systems with vastly different combinations of democratic institutions and behavior as the same level of democracy. Inferences based on such measures also need to be treated with caution because they cannot be made to all dimensions of democracy. See Joe Foweraker & Roman Krznaric, *Measuring Liberal Democratic Performance: an Empirical and Conceptual Critique*, 48 POL. STUD. 759 (2000); Gerardo L. Munck & Jay Verkuilen, *Conceptualizing and Measuring Democracy: Evaluating Alternative Indices*, 35 COMP. POL. STUD. 5 (2002).



2003, and indicates the number of countries in each that experienced at least one year of internal conflict or war during that period.¹⁰¹

The graph suggests that regime type and internal conflict have an inverse U-shaped relationship, although autocracies are still more likely to have conflict than democracies. Only thirteen of the sixty-three most democratic countries experienced conflict, compared to nearly half of the ninety-six countries in the intermediate and autocratic quintiles. Interestingly, however, two-thirds of the most autocratic countries experienced no conflict. Thus, violence is least likely in democratic countries, more likely in intermediate countries, and then less likely again in the most autocratic countries. Countries in all quintiles did experience some conflict-years, however, suggesting that regime type and conflict are not linearly related.

Cross-national statistical studies also find that political regime does not have a simple, linear effect on political violence and internal conflict.¹⁰² There is some evidence for an inverse U-shaped relationship, with intermediate

101. Conflict data from PRIO/Uppsala, *supra* note 4. Polity data from Monty G. Marshall and Keith Jagers, Polity IV Project: Political Regime Characteristics and Transitions, 1800–2003, available at <http://www.cidcm.umd.edu/inscr/polity/>.

102. See Benson & Kugler, *supra* note 63; Ellingsen, *supra* note 13; Hegre et al., *supra* note 15; Mousseau, *supra* note 15; Sambanis, *Ethnic and Nonethnic Civil Wars*, *supra* note 13; Reynal-Querol, *supra* note 99; Fearon & Laitin, *supra* note 4; Caprioli, *supra* note 13; Melander, *Gender Equality and Intrastate Armed Conflict*, *supra* note 13; Regan & Norton, *supra* note 15. Substantially, this effect is often small compared to other risk factors in these studies.

regimes at greater risk than full democracies or full autocracies,¹⁰³ but it is still unclear why this is so.¹⁰⁴ Scholars offer a few possible reasons, including the notion that intermediate regimes have weak state structures (police, military, judiciary, tax collectors), and are thus more prone to violence.¹⁰⁵ Or, perhaps, intermediate regimes may cause more conflict simply because they are more likely to experience political instability.¹⁰⁶ Some studies have also found that regime longevity decreases the risk of political violence and conflict, regardless of democracy or autocracy.¹⁰⁷

Importantly, attempts to promote democracy may often backfire, stimulating civil violence by creating acute uncertainty.¹⁰⁸ Statistical support for this argument exists, but further research is necessary.¹⁰⁹ To explore this notion, a measure of regime change was created, summing shifts in countries' annual Polity IV scores during the period of 1990 to 2003.¹¹⁰ Graph 6 below divides most of the world's countries into five groups by type/extent of regime change (autocratic change, no regime change, and three levels of democratic change), and indicates the number of countries in each that experienced at least one year of internal conflict or war during the period.

The graph suggests that regime change does boost conflict risk, and that regime stability has a dampening effect, regardless of the level of democracy. Strikingly, countries experiencing intermediate levels of democratic change were as likely to experience conflict as countries experiencing autocratic change, suggesting that change is risky, regardless of its direction. Democracy, it seems, is good for peace if you have it, but efforts to achieve democracy, such as elections-promotion, may plunge a country into conflict.¹¹¹

103. See Hegre et al., *supra* note 15; Mousseau, *supra* note 15; Melander, *Gender Equality and Intrastate Armed Conflict*, *supra* note 13; Regan & Norton, *supra* note 15.

104. See Lacina, *supra* note 62, at 193–95.

105. See Fearon & Laitin, *supra* note 4.

106. Studies have provided some evidence for this notion, by equating regime endurance in prior years with political stability and any regime change (over a certain threshold) with instability. See Ellingsen, *supra* note 13; Hegre et al., *supra* note 15; Fearon & Laitin, *supra* note 4; Sambanis, *What is Civil War?*, *supra* note 2. However, institutional regime change is, arguably, a rather crude measure of political instability.

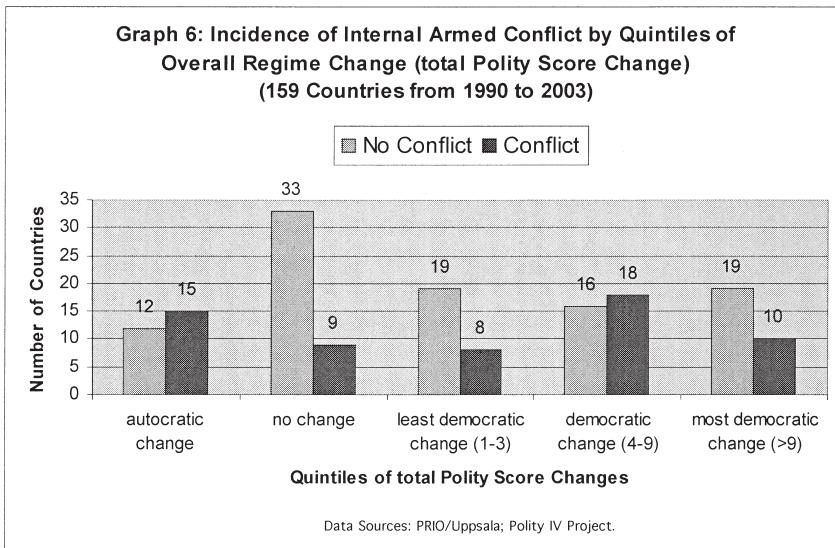
107. See Hegre et al., *supra* note 15; Mousseau, *supra* note 15; Melander, *Gender Equality and Intrastate Armed Conflict*, *supra* note 13.

108. See SNYDER, *supra* note 16; CHUA, *supra* note 16.

109. See Hegre et al., *supra* note 15. One study finds that democratization does not have an independent effect on political violence over and beyond the effect of democracy itself. See Mousseau, *supra* note 15. Few quantitative studies have investigated this issue to date.

110. This article addresses missing data problems by calculating the net changes in available polity scores, summing all annual changes during the period. Thus, an "autocratic change" indicates an overall change resulting in greater autocracy, regardless of the total number of changes, or possible democratic change in some individual country-years.

111. This may be the case regardless of whether elections are considered legitimate by the majority of the population or outsiders; if elections threaten powerful interests, however small in numbers, they may respond with violence regardless. After all, if the political system was considered legitimate by all, rebellion would be pointless.



Democratization may increase conflict risk due to the conflict escalation potential of incomplete repression noted above. As one prominent researcher argues, “[A] democratic or democratizing regime cannot easily use repression, because the state’s enforcement apparatus becomes weaker as its activities become more transparent. The state is therefore less able to root out opposition in its early stages.”¹¹² Interestingly, the short-term human rights implications of democratization, governance reform and state building are still poorly understood. Conventional wisdom assumes that democratization and governance reform efforts will lead to better respect for human rights and domestic peace, but there is little systematic research to support these claims. Policy makers and civil society groups should exercise caution when promoting democracy, and support efforts to reduce the anxieties, uncertainties and backlashes associated with political change.

VII. CONCLUSION

Violent conflict is a complex phenomenon caused by multiple context-specific political factors. Human rights analysis does not reveal all conflict risk factors, but some human rights violations are contributing factors. This article’s review of the literature suggests that while human rights violations

112. Sambanis, *Using Case Studies*, *supra* note 17, at 271.

are associated with internal conflict, their precise causal links are unclear. Importantly, violations of civil and political rights are more obviously linked to conflict than abuses of economic and social rights. Discrimination and violations of social and economic rights function as underlying causes, creating the grievances and group identities that may, in some circumstances, contribute to violence. Violations of civil and political rights, by contrast, are more clearly identifiable as direct conflict triggers. When populations are unsettled by long-standing inequalities in access to basic needs and political participation, government repression may push some opposition groups over the brink.

In examining the role of economic and social rights violations, this article distinguishes between absolute and relative poverty, otherwise known as inequality. These are different phenomena, and it is the latter that appears to present the greater conflict risk. Low GDP per capita, which confounds the two poverty types, is associated with conflict, but this is not an adequate measure of respect for human rights. The causal mechanism linking national poverty to conflict, moreover, is unclear. Poverty is a human rights violation when it undermines subsistence and well-being, but it does not, in and of itself, demonstrably lead to conflict. It is usually not the poorest of the poor who organize armed opposition. This finding is qualified by noting that research on violations of economic and social rights is underdeveloped, and that the link to internal conflict is still poorly understood.

Inequality is only a human rights violation when caused or reinforced by state discrimination, and it seems to be somehow associated with conflict emergence. The precise causal relationship and relevant inequality types remain unclear, however, in part because the available inequality and discrimination data are insufficient for reliable cross-national analysis.

Abuses of personal integrity rights are closely associated with conflict escalation. The causal link between repression and conflict seems strong, although other political factors are crucial. Denial of political participation rights is a conflict risk factor insofar that established democracies experience less conflict, but it is unclear whether the causal link between intermediate regimes and conflict is repression, or instability, or something else. The association between democracy and domestic peace does not mean, however, that democratization necessarily reduces conflict, since regime transition is also a major risk factor. Indeed, stable autocracies experience less political violence on average than democratizing countries.

Possible remedies for these risk factors are complicated, since some remedial discrimination and group rights can, under certain circumstances, avert conflict. Democratization, moreover, may do more harm than good. Even efforts to restrain the state's appetite for repression can backfire and contribute to conflict, by creating intermediately repressive regimes that are too harsh to accommodate dissent, but insufficiently brutal to stamp out all opposition.

Nonetheless, rights-based approaches to conflict reduction and prevention would be well advised to consider nuanced, context-specific efforts to reduce discrimination, and to be careful not to contribute to existing inequalities; improve access to political participation; and weaken the state's appetite for repression through well-designed security sector reform, effective national human rights commissions, and other violence-monitoring efforts. More broadly, external actors should pursue democracy-building efforts cautiously and in conjunction with efforts to reduce the political uncertainties associated with regime transition.

Finally, it is clear that more research and data development is needed to answer the questions posed in this article. Review of the literature suggests that systematic research is required on the conflict implications of inequality, discrimination, and violations of economic and social rights. Importantly, researchers urgently need better comparative indicators of economic and social rights, and state discrimination. More research is needed on the human rights and conflict implications of regime transition, state-building, and governance reform.