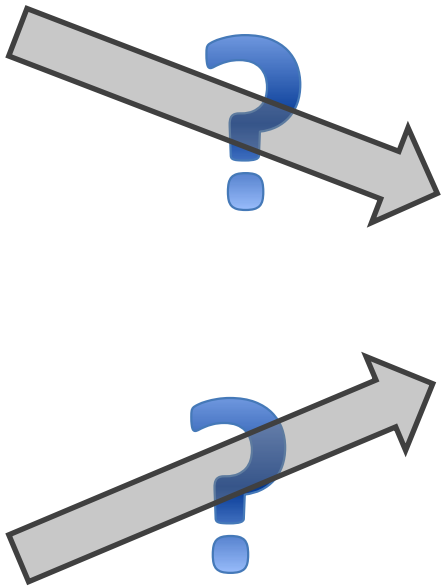
Towards 'good metrics': a tentative exploration of how aspects of Rule of Law might relate to Development (qua HDI)

WJP on Rule of law "goal"			
	Core components/ "targets"	6	Limited gov't powers
		5	Regulatory enforcement
		7	Civil justice
		7	Criminal justice
	Cognate components/ "targets"	4	Absence of corruption
		3	Order and security
		8	Fundamental rights
		5	Open government



Human Development Index	
	Life exectancy
	Mean & expected schooling
	Gross national income

(How) do rule of law and good governance conduce to development? A predictive prioritisation of targets and indicators

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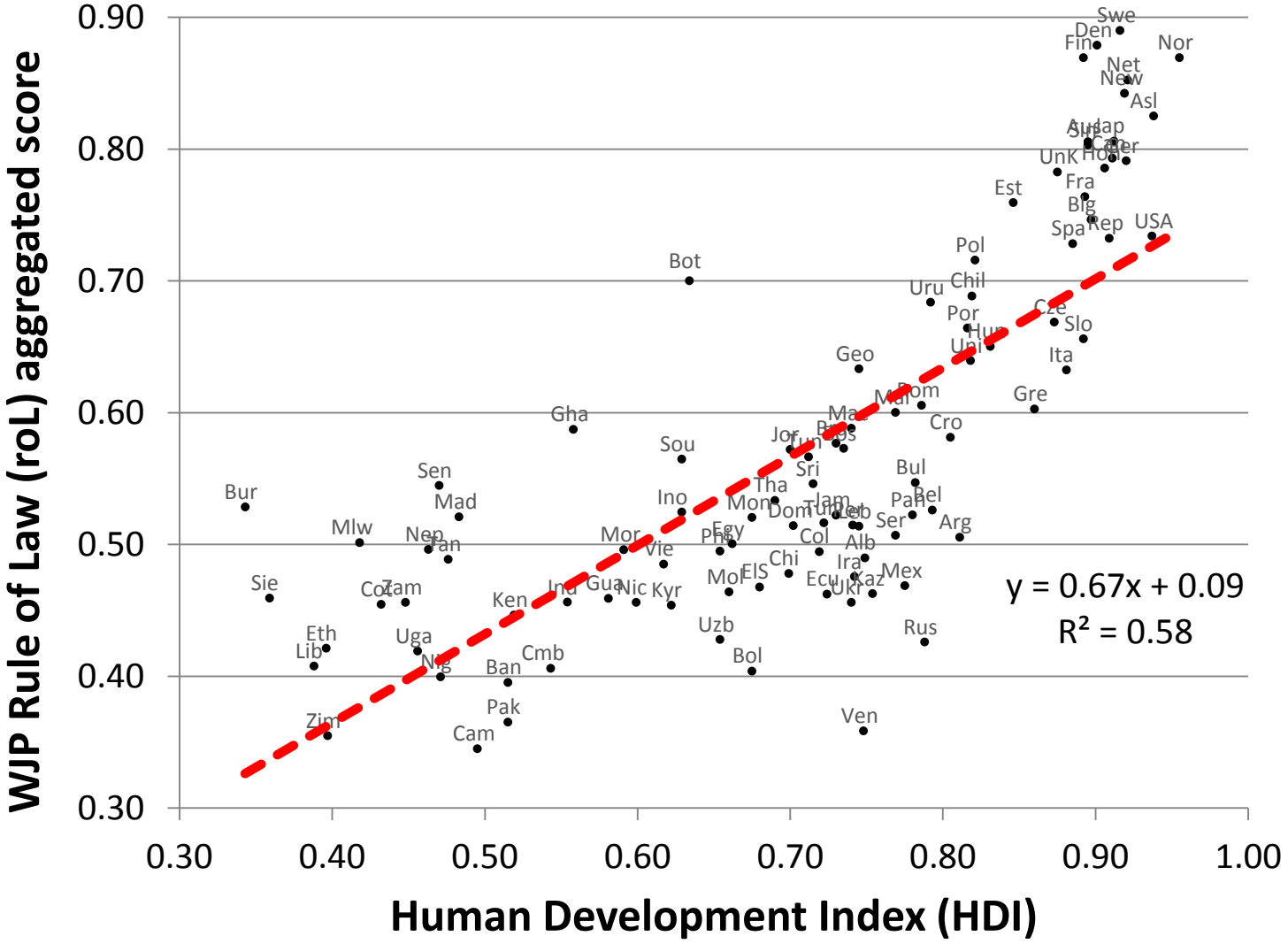
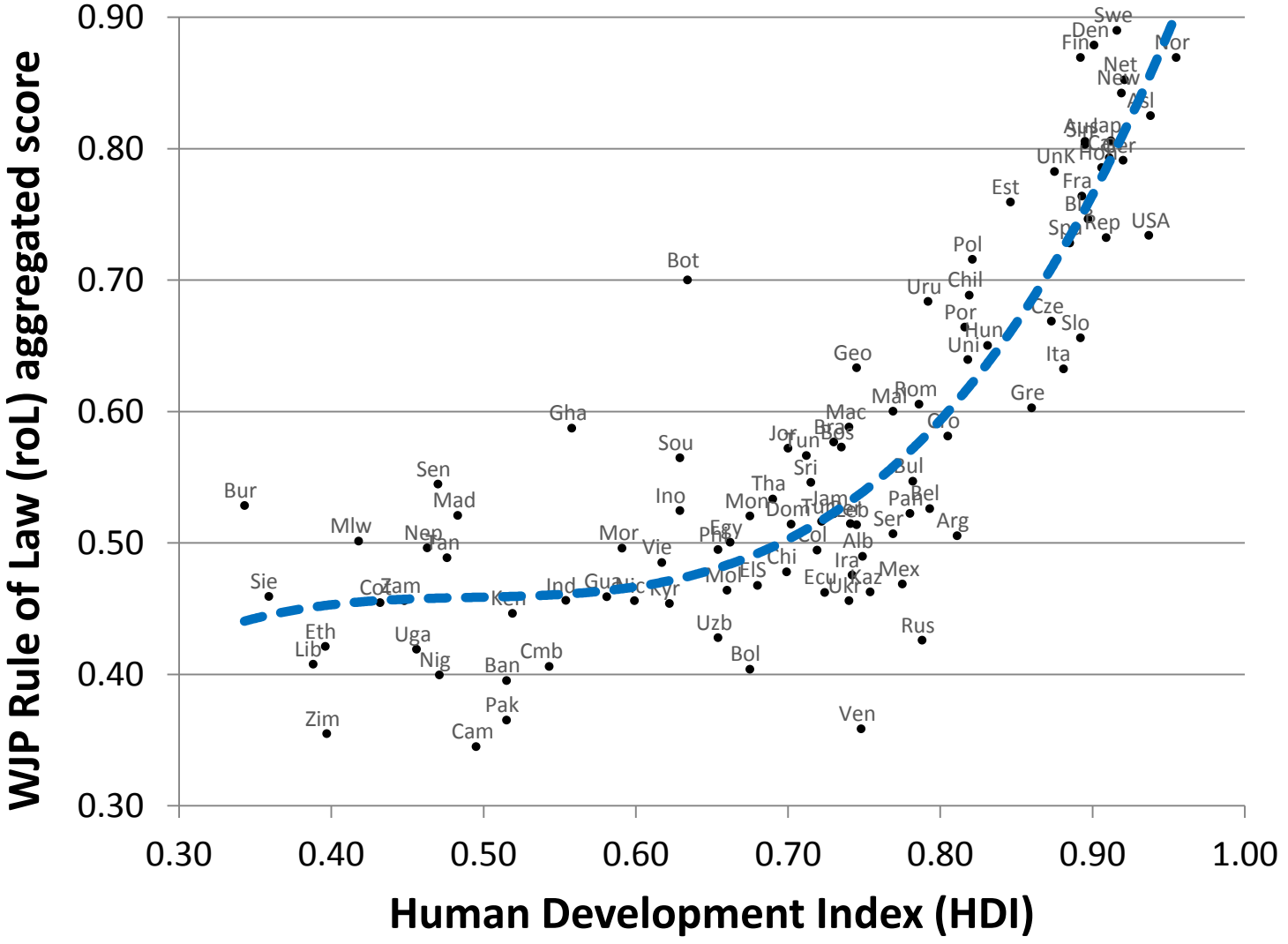
Wits University and Oxford

2nd International Conference on
Governance, Crime and Justice Statistics
Mexico City, 18-21 June 2014

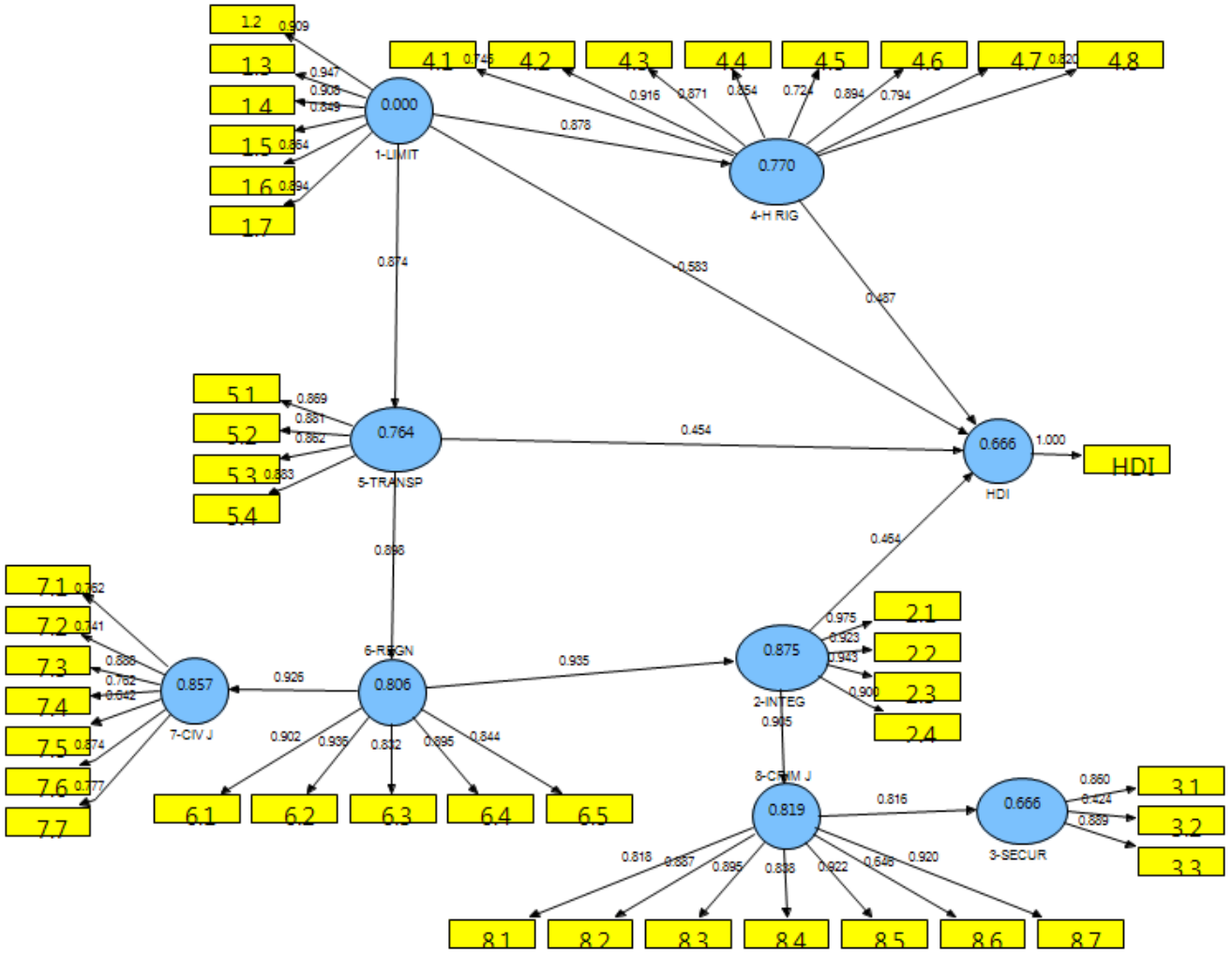
Aggregate RoL and HDI, at country level, are undoubtedly well correlated (in one or other direction, or both!)



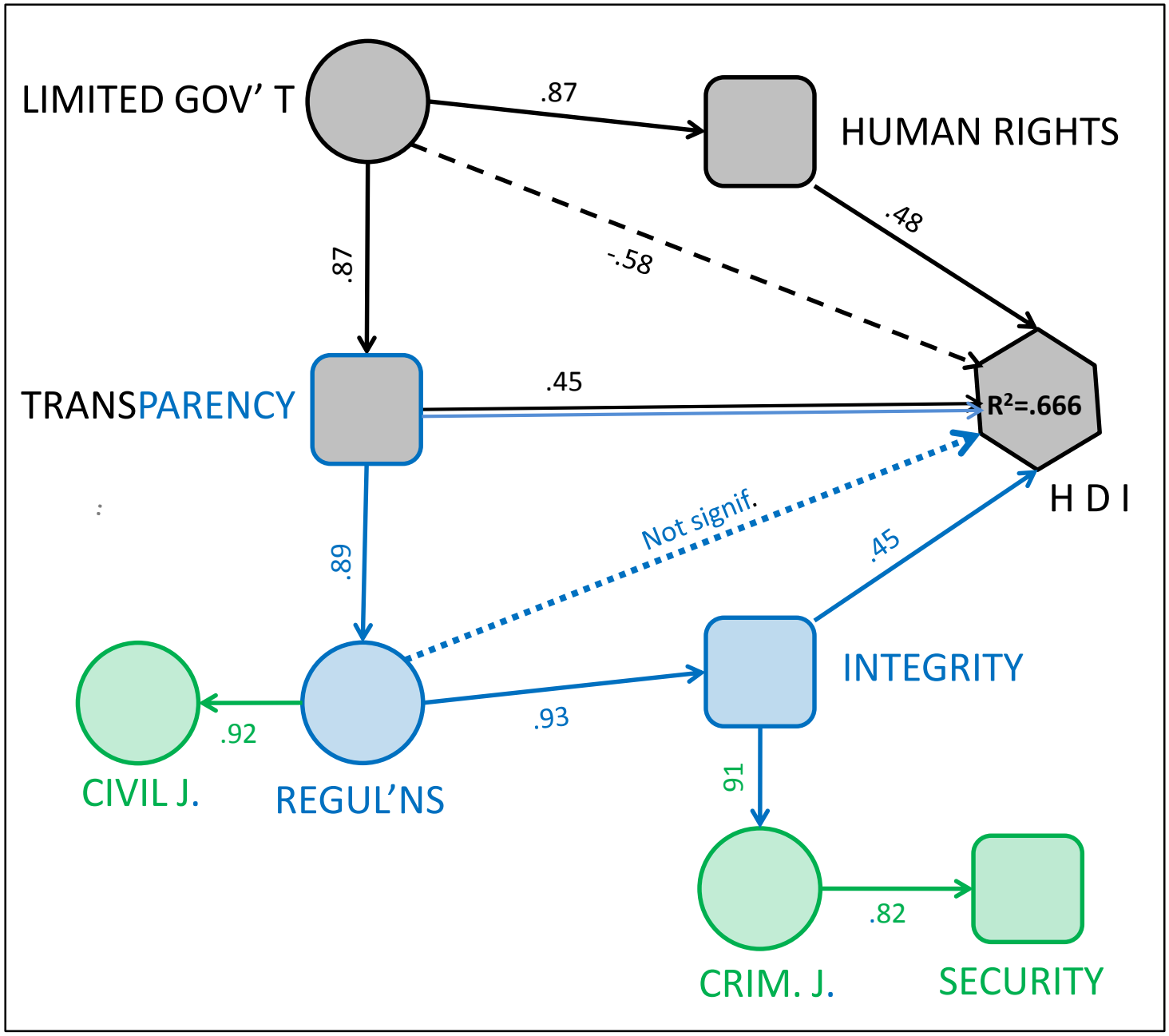
[An aside: this correlation gets much closer and steeper half-way up the HDI – any idea why?]

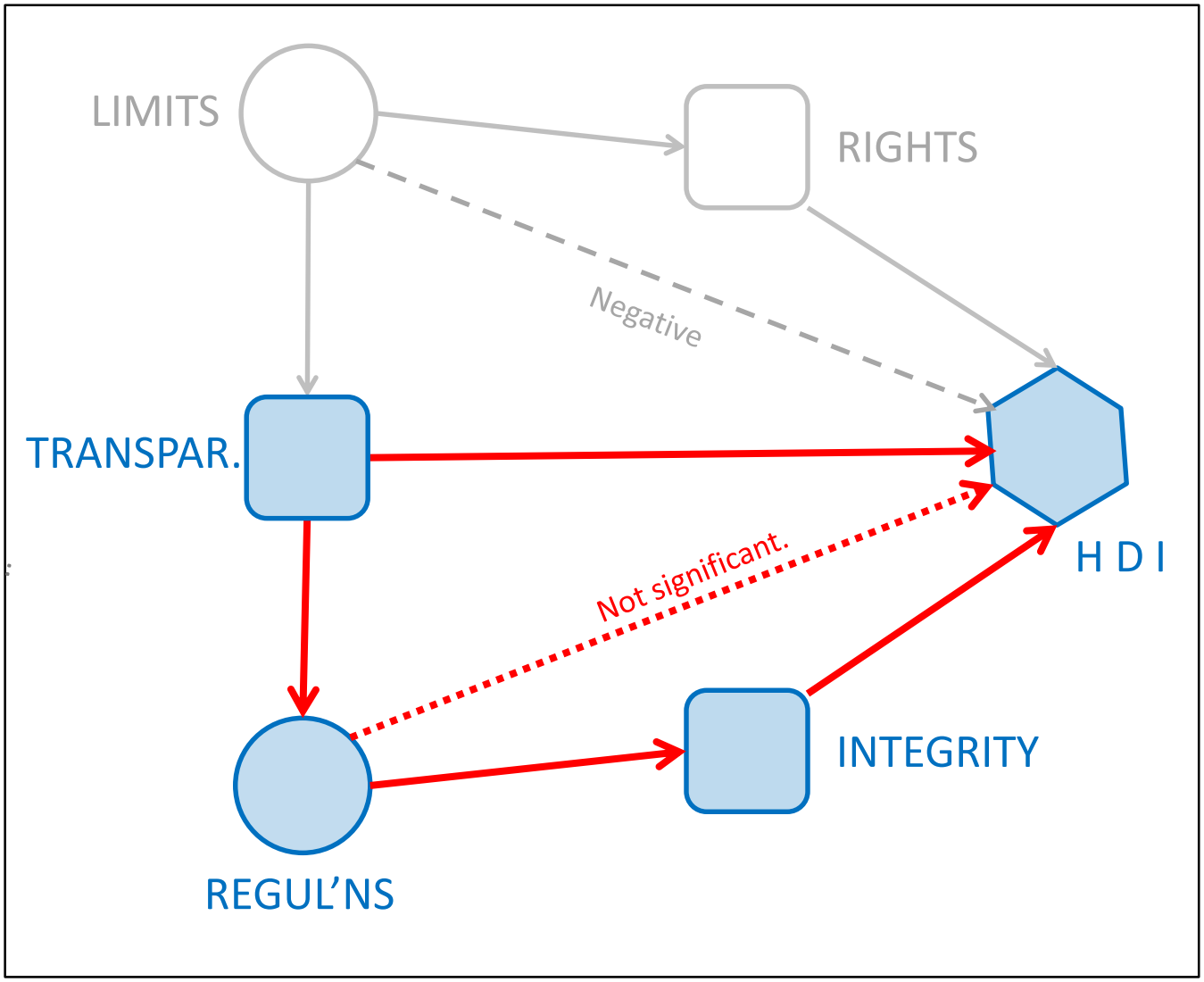


Disaggregating RoL into its WJP components / “targets”, based on measurable indicators, and relating them to development: how?

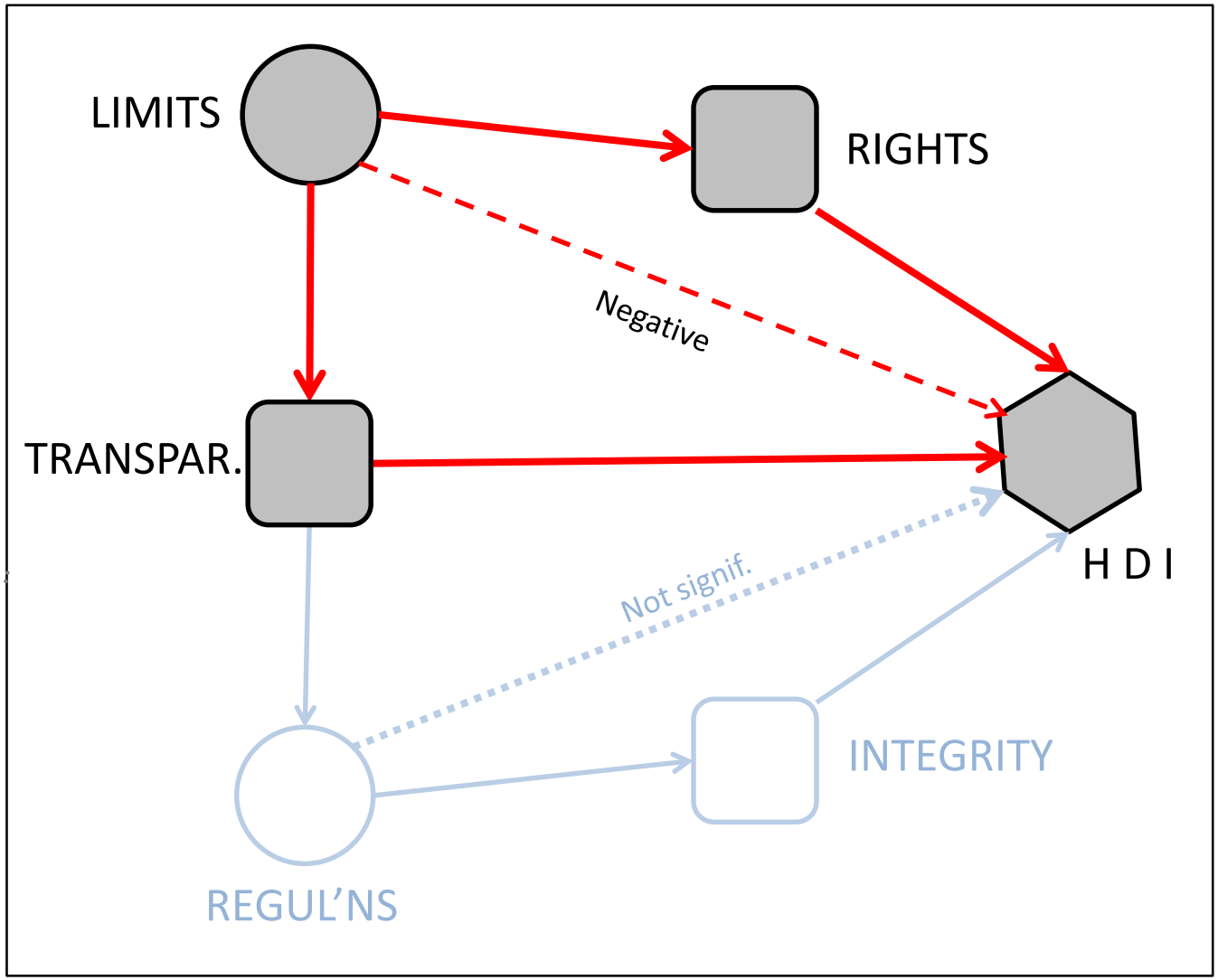


Simplify the preceding diagram as: lower part in blue, upper part in black, adjuncts in green



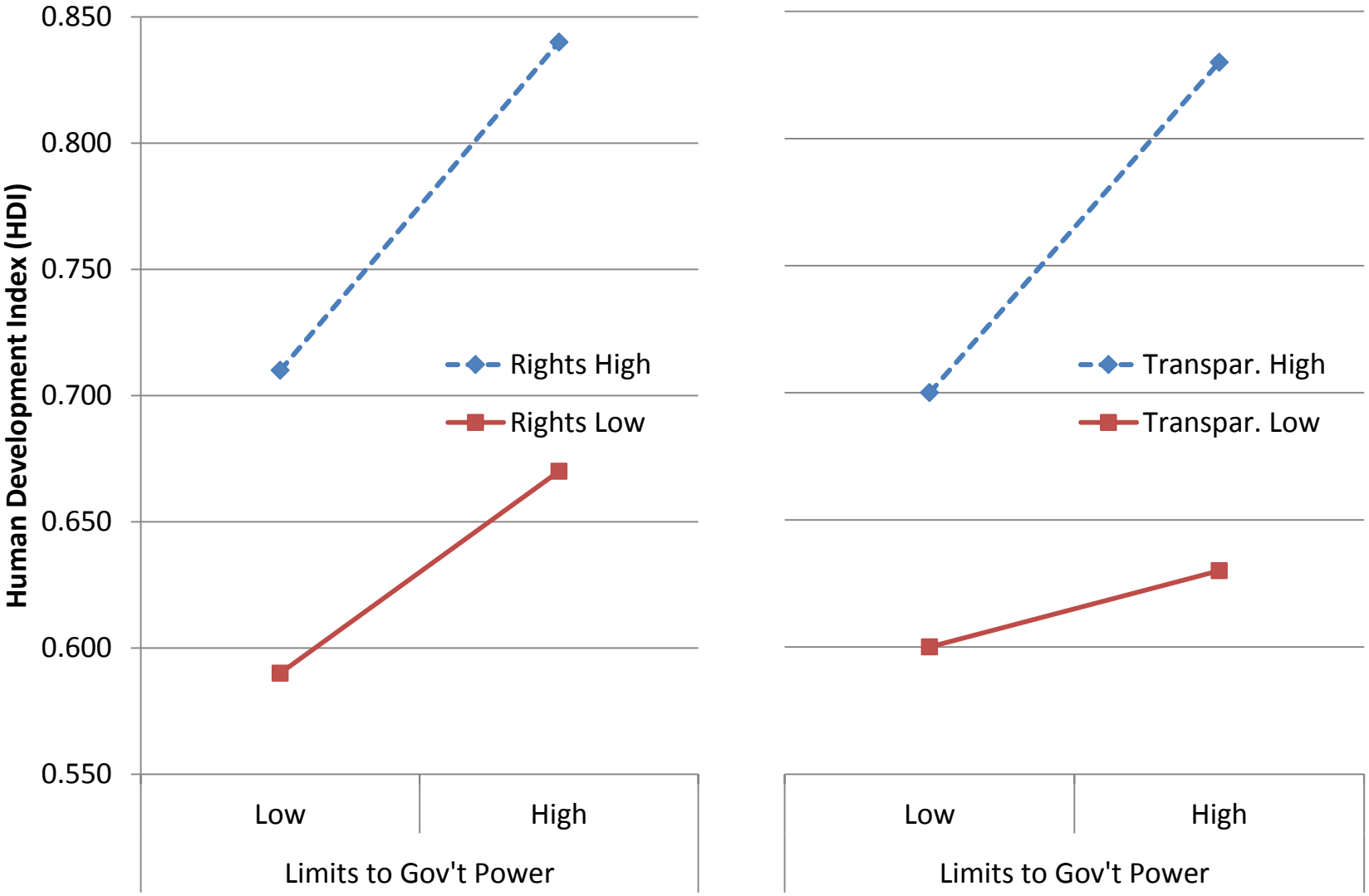


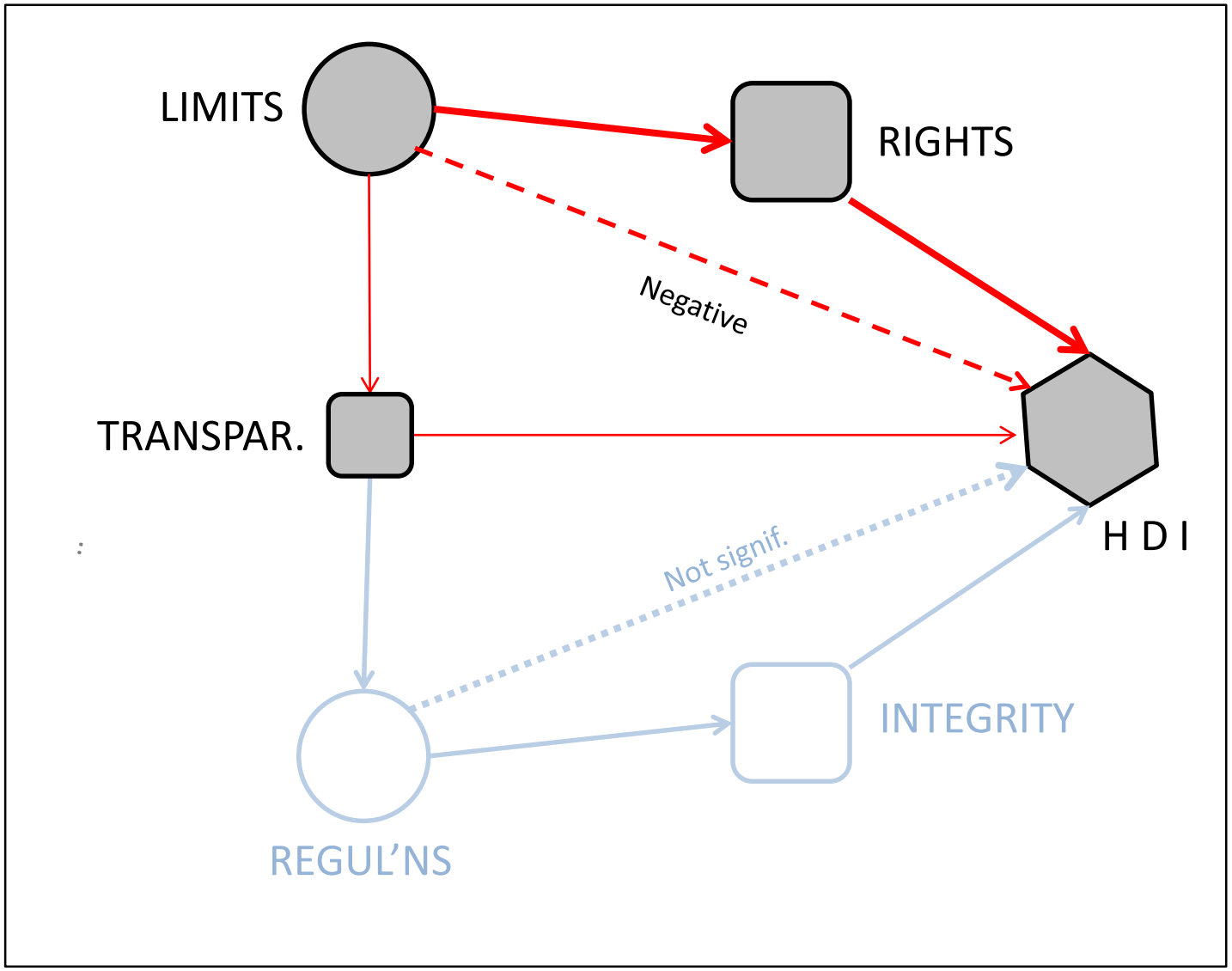
In the lower part in blue: Transparency fosters Development both directly, and indirectly via improved Regulations and Integrity. (The paths are nearly equally strong: .45 and .38)



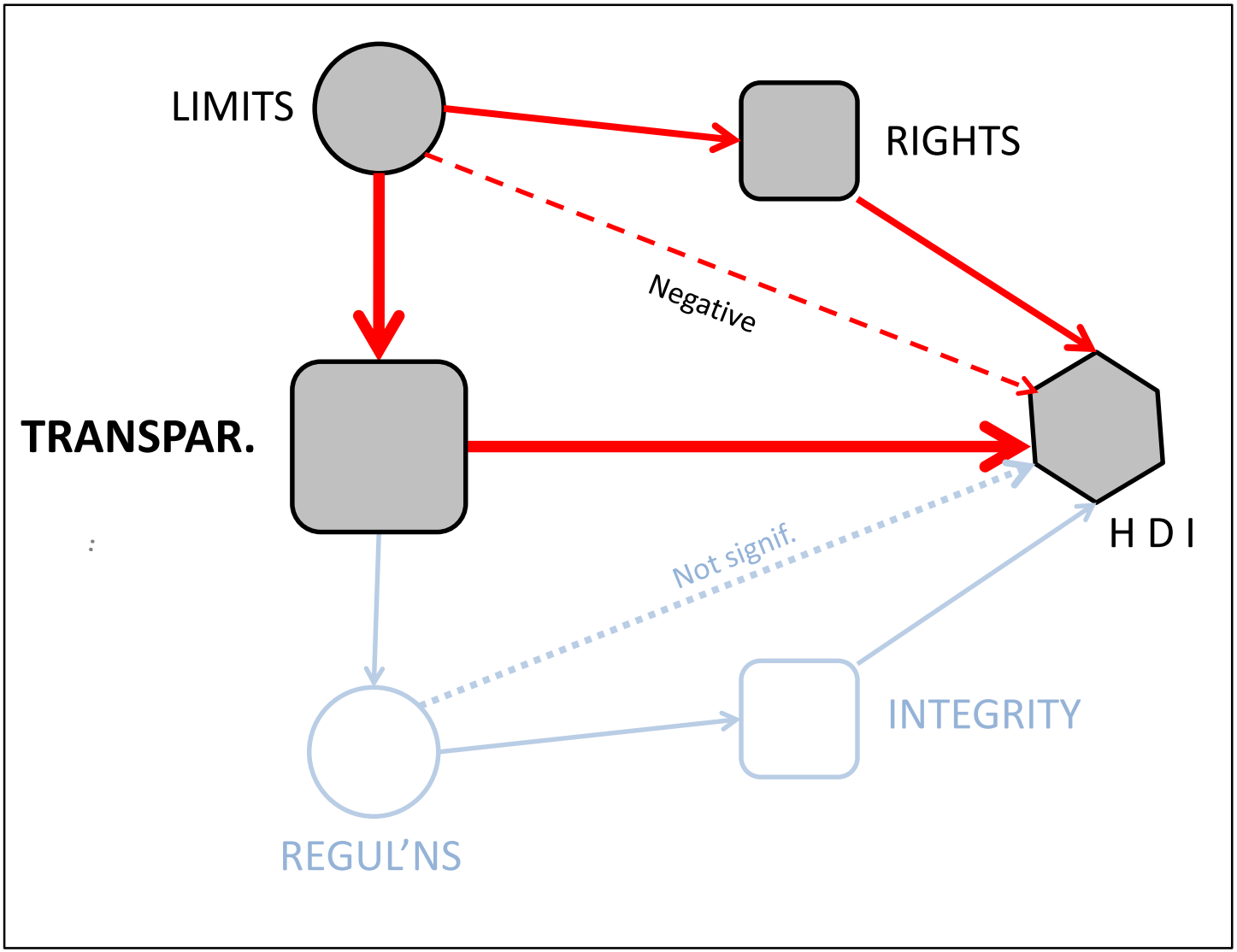
In the upper part, in black: Limits to Power fosters HDI through two indirect paths: via Human Rights, and via Transparency. Together, these two paths outweigh the *negative* direct effect (.82 vs -.58)

For the statistically minded: an “interaction” between Limits and Transparency amplifies the latter ‘s impact on HDI



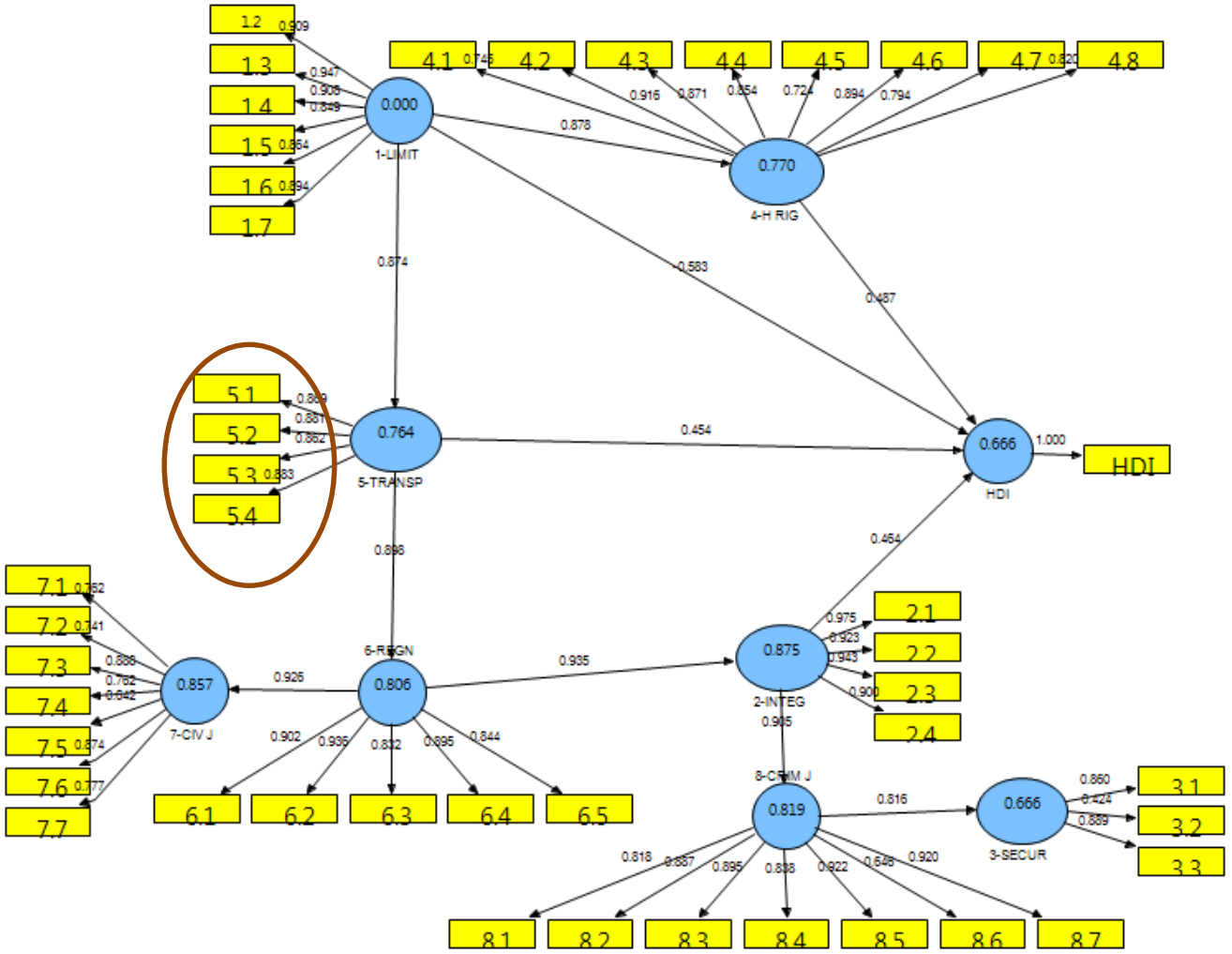


This amplified impact on Development, as Transparency increases...



... can be depicted graphically as above.

The statistical technique also indicates the relative strength of each measurable indicator to its component of RoL



APPENDIX A: WJP Rule of Law Index - Components, with respective Indicators sorted by strength

Std B	COMPONENT 1: Limited Government Powers
n/a	1.1 Government powers are defined in the fundamental law
0.947	1.3 Government powers are effectively limited by the judiciary
0.909	1.2 Government powers are effectively limited by the legislature
0.908	1.4 Government powers limited by independent audit, review
0.894	1.7 Transition of power is subject to the law
0.864	1.6 Government powers are subject to non-governmental checks
0.849	1.5 Government officials are sanctioned for misconduct
	COMPONENT 2: Absence of Corruption
0.975	2.1 Gov't executive branch do not use public office for private gain
0.943	2.3 Gov't police, military do not use public office for private gain
0.923	2.2 Government officials in the judicial branch do not use public
0.900	2.4 Government officials in the legislative branch do not use public
	COMPONENT 3: Order and Security
0.889	3.3 People do not resort to violence to redress personal grievances
0.860	3.1 Crime is effectively controlled
0.424	3.2 Civil conflict is effectively limited
	COMPONENT 4: Fundamental Rights
0.916	4.2 The right to life,security of the person is effectively guaranteed
0.894	4.6 Freedom from arbitrary interference with privacy guaranteed
0.871	4.3 Due process of law and rights of the accused
0.854	4.4 Freedom of opinion and expression is effectively guaranteed
0.820	4.8 Fundamental labor rights are effectively guaranteed
0.795	4.7 Freedom of assembly and association is effectively guaranteed
0.745	4.1 Equal treatment and absence of discrimination
0.724	4.5 Freedom of belief and religion is effectively guaranteed
	COMPONENT 5: Open Government
0.883	5.4 Official information is available on request
0.881	5.2 The laws are stable
0.869	5.1 The laws are publicized and accessible
0.862	5.3 Right to petition the government and public participation
	COMPONENT 6: Regulatory Enforcement
0.936	6.2 Government regulations applied, enforced without improper influence
0.902	6.1 Government regulations are effectively enforced
0.895	6.4 Due process is respected in administrative proceedings
0.844	6.5 The Government does not expropriate without adequate compensatio
0.832	6.3 Administrative proceedings are conducted without unreasonable delay
	COMPONENT 7: Civil Justice
0.888	7.3 Civil justice is free of corruption
0.874	7.6 Civil justice is effectively enforced
0.777	7.7 ADRs are accessible, impartial, and effective
0.762	7.1 People can access and afford civil justice
0.762	7.4 Civil justice is free of improper government influence
0.741	7.2 Civil justice is free of discrimination
0.642	7.5 Civil justice is not subject to unreasonable delays
	COMPONENT 8: Criminal Justice
0.922	8.5 Criminal system is free of corruption
0.920	8.7 Due process of law and rights of the accused
0.896	8.3 Correctional system is effective in reducing criminal behavior
0.887	8.2 Criminal adjudication system is timely and effective
0.838	8.4 Criminal system is impartial
0.818	8.1 Criminal investigation system is effective
0.646	8.6 Criminal system is free of improper government influence
	COMPONENT 9: Traditional Justice (Not presently measured by WJP)

From the analyses: possible empirically-prioritised *core and cognate* components of RoL for indicators (with primary effect on HDI)

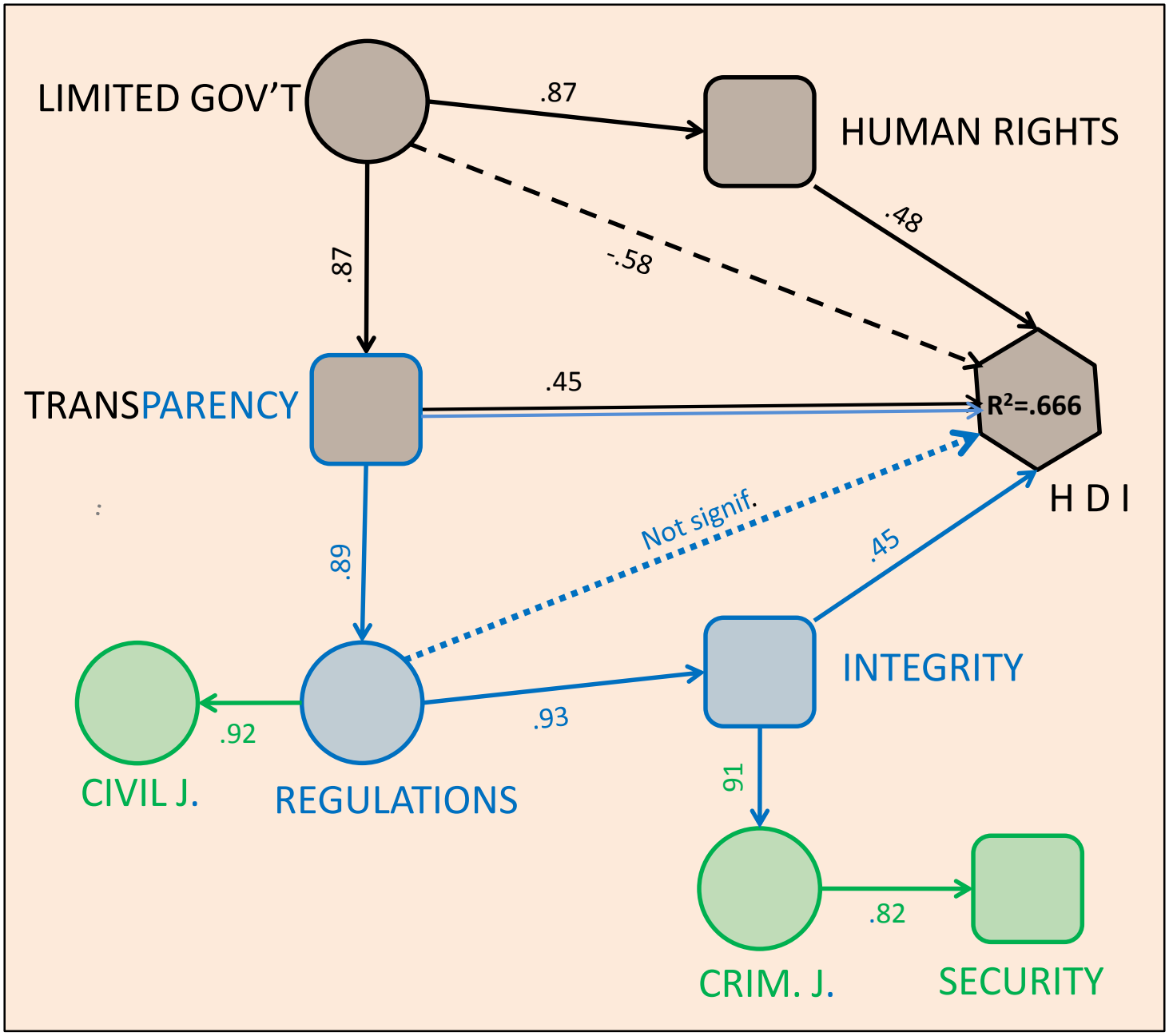
Std B	
	COMPONENT 1: Limited Government Powers
0.95	1.3 Gov't powers limited by the judiciary
0.91	1.4 Gov't powers limited by indep. auditing, review
	COMPONENT 2: Integrity/Absence of Corruption
0.98	2.1 Executive branch do not use public office for private gain
0.94	2.3 Police, military do not use public office for private gain
	COMPONENT 4: Fundamental Rights
0.92	4.2 The right to life,security of the person guaranteed
0.89	4.6 Freedom from interference with privacy guaranteed
	COMPONENT 5: Transparency/Open Government
0.88	5.4 Official information is available on request
0.88	5.2 The laws are stable
	COMPONENT 6: Regulatory Enforcement
0.94	6.2 Regulations enforced without improper influence
0.90	6.1 Government regulations are effectively enforced

From the analyses: possible empirically-prioritised *adjunct* components of RoL for indicators (with secondary effects on HDI)

Std B	COMPONENT 3: Order and Security
0.89	3.3 No resort to violence to redress personal grievances
0.85	3.1 Crime is effectively controlled
	COMPONENT 7: Civil Justice
0.89	7.3 Civil justice is free of corruption
0.87	7.6 Civil justice is effectively enforced
	COMPONENT 9: Criminal Justice
0.92	8.5 Criminal system is free of corruption
0.92	8.7 Due process of law and rights of the accused

Take-out for discussion – an evidence-base for the enabling role of RoL (core, cognates and adjuncts)

- To do these stats at all, we've assumed that RoL furthers development (HDI) – but the other way round also needs research
- Using sound WJP data, we have found not just a gross correlation, but that the components of RoL *in relation* correlate strongly with development
- The primary mosaic is:
  - Open Gov't/Transparency fosters development ***via*** Regulatory Enforcement and Integrity/Absence of Corruption (no direct link)
  - Limited Government Powers foster development ***via*** Open Gov't /Transparency and ***via*** Fundamental Rights (otherwise a neg. link!)
- There are also secondary or adjunct implications:
  - Regulation -> Civil justice;
  - Absence of corruption -> Criminal justice -> Order and Security
- The measurable indicators for each component are relevant and can be empirically prioritised – but they are all quite strong anyway
- In sum, have an indication (based on both popular and expert assessments) for prioritising components of RoL, with sensible indicators, that correlate with, perhaps even foster, development

Gracias!

Thank you!