

**STATE CAPACITY OF SAUDI ARABIA AND ITS WOMEN'S RIGHTS:
SAUDI ARABIA ACTING LIKE A WOLF IN SHEEP'S CLOTHING OR LACKING
THE CAPABILITY TO ADHERE TO WOMEN'S RIGHTS?**

BACHELOR THESIS INTERNATIONAL RELATIONS AND ORGANISATIONS

Political Science

BSc International Relations and Organisations



Supervisor:

Violet Benneker

Human Rights in the Middle East

Didi Janne Gieling

S1819143

17 June 2019

Word Count: 8382

Table of contents

- 1. Introduction 3**
- 2. Theoretical framework on the effects of human rights 4**
 - 2.1 *Why states violate human rights treaties: ‘Naming and Shaming’ 5*
 - 2.2 *Why states violate human rights treaties: State Capacity 6*
 - 2.3 *Cole’s concept of state capacity 7*
 - 2.4 *Saudi Arabia’s state capacity and its women’s rights 8*
- 3. Methodology 10**
 - 3.1 *Case selection 10*
 - 3.2 *Data collection 11*
 - 3.3 *Validity limitations 13*
- 4 The current violation of CEDAW in Saudi Arabia 15**
 - 4.1 *Convention on the Elimination of all forms of Discrimination Against Women 15*
 - 4.2 *The male guardianship system in Saudi Arabia 16*
- 5 The contribution of the Military in Saudi Arabia 17**
 - 5.1 *Measuring Military personnel and expenditure 17*
 - 5.2 *Meaning behind the quota of militaries in Saudi Arabia 18*
- 6 Strength and expertise of Saudi Arabia’s bureaucratic apparatus 19**
 - 6.1 *Indicators of the bureaucratic apparatus 19*
 - 6.2 *The administrative burden of Saudi Arabia 20*
- 7 Control of political corruption in Saudi Arabia 22**
 - 7.1 *Saudi Arabia’s position on the Corruption Index 22*
 - 7.2 *Distinctive approach: Index of Public Integrity 22*
 - 7.3 *Freedoms House corruption indicator 23*
- 8 Conclusion and discussion 24**
 - 8.1 *Conclusion of the indicators 24*
 - 8.2 *General conclusion 25*
 - 8.3 *A catch-cry for Western perspectives 26*
 - 8.4 *Limitations regarding data 27*
 - 8.5 *Lack of answerability of the causal relation of the indicators 27*
 - 8.6 *Other explanations 29*
 - 8.7 *Women’s rights as humans’ rights and state capacity 29*
 - 8.8 *Presenting one last conclusion 30*
- 9 Bibliography 31**

1. Introduction

'The absence of state capacity – that is, of the services and protections that people in rich countries take for granted – is one of the major causes of deprivation around the world' - (Deaton, 2013)

The Middle East is a dynamic and interesting region, to begin with. Saudi Arabia is part of this intriguing region and well-known for its situation surrounding women's rights because of the male guardianship system. Because of the fact that the male guardianship remains in place, it hinders and, in some case, nullifies the efficacy of possible reforms of human rights treaties (Human Rights Watch, 2016). What is Saudi Arabia's motive to act as violator after ratifying a human rights treaty?

The current situation in Saudi Arabia begs the question of their women's rights, as it is often pointed out that the country is the most prominent nation to violate women's rights (Tønnessen, 2016). This current thesis investigates whether the theory of state capacity, also applies to the case of women's rights in Saudi Arabia and its violation of Article 3 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). This study is necessary because previous research on state capacity focused solely on repression. As such, this current thesis examines whether Saudi Arabia's inability, as opposed to unwillingness, could function as an explanation to why there exists a compliance gap regarding human rights treaties. Accordingly, the research question in this thesis concerns: 'To what extent can Saudi Arabia's state capacity explain the violation of Article 3 of CEDAW?'

Because of this central question, I elaborate on the male guardianship system and dedicate a chapter to each indicator of state capacity: military capability, strength and expertise of the bureaucratic apparatus and the level of corruption. I find that Saudi Arabia's military capability is very strong, its bureaucratic apparatus weak, and its level of corruption considerably high. As such, my main findings of the indicators of state capacity suggest that Saudi Arabia lacks capabilities to be able to adhere to Article 3 of CEDAW. Moreover, my conclusion contributes to academic relevance: the managerial view of state capacity also applies to women's rights in Saudi Arabia and can, because of this reason, be expanded.

2. Theoretical framework on the effects of human rights

Over the years, research has expanded on state-centered theories in combination with the violation of human rights, because states can be seen as 'both the primary violators and the foremost defenders of human rights (Cole, 2015, p. 405; Donnelly, 2003; Englehart, 2009). This becomes clear because, on the one hand, ratifying a treaty is easy and 'has been interpreted alternately as cheap talk, window dressing, an exercise in legitimation, and a perfunctory gesture designed to mollify domestic or international critics' (Cole, 2015, 407; Hathaway, 2003; Keith, 2002; Hafner-Burton & Tsutsui, 2007; Risse, Ropp and Sikkink, 1999; Vreeland, 2008). Whereas, on the other hand, noncompliance is made also rather easy because of few options for enforcement mechanisms to adhere to human rights treaties.

Human rights in the Middle East can be seen as a turbulent and fascinating phenomenon. This is because of the fact that the debate surrounding the issue of human rights and its application in the region is often discussed. For example, the debate about human rights in combination with Islam, the main religion of the Middle East, often consists of two opposing groups: traditionalist Muslim leaders and Islamists who contend that 'human rights are a cover for Western domination of Middle Eastern states, and those who argue that Islam is not compatible with human rights norms and conventions' (Devitt, 2011; Akbarzadeh & Baxter, 2008). On the one hand, traditionalist Muslim leaders argue that universal human rights are a Western construct and are 'merely trying to legitimize their oppressive rule' (Devitt, 2011). On the other hand, authors with a Western perspective only add to stereotypical views of the Islam in Western eyes. Human rights in the Middle East is extremely relevant as it is a policy and legal issue many Muslim societies currently face (Devitt, 2011; An-Na'm, 1987).

Nowadays, an important question among human rights academics concerns the fact why states perform as violators when they ratify a certain treaty. This thesis elaborates on two explanations for the failure to implement human rights. Firstly, the enforcement by a third party criticizing a state for non-compliance to human rights and secondly, the (in)capacity of a state to implement and affect human rights. Existing research on state capacity is useful because my study falls within this camp; it focuses on the state capacity in one particular country: Saudi Arabia.

2.1 Why states violate human rights treaties: 'Naming and Shaming'

The prevailing (non)compliance theory 'naming and shaming' explains why states, after ratifying human rights, violate. The approach belongs to the enforcement manner in international relations spheres. According to this theory, widespread noncompliance can be explained by the 'very low level of enforcement mechanisms for most human rights treaties' (Hafner-Burton, Tsutsui & Meyer, 2008, p.21).

To bestow the demarcation of the concept 'naming and shaming', I refer to Hafner-Burton (2008). According to Hafner-Burton, 'naming and shaming' can be seen as a strategy to enforce international human rights norms and laws. Nongovernmental organizations, news media, and international organizations publicize countries' violations and urge for reform. Governments shamed as human rights violators often improve protections for political rights after being publicly criticized (Hafner-Burton, 2008; Hafner-Burton & Tsutsui, 2005). This becomes clear with evidence of the United Nations Commission on Human Rights (UNCHR) resolutions that condemn a country for poor human rights performance, and that it is correlated with large reductions in World Bank and multilateral loan commitments but have no impact on bilateral aid allocations (Lebovic and Voeten, 2009). Public shaming in International Organizations, such as the UNCHR, matter and can be considered as an engaged approach in view of punishing states. International Organizations and global society are key factors in this particular enforcement approach (Hafner-Burton & Kiyoteru, 2005). States might punish human rights violators indirectly by assigning the task to International Organizations. The main logic behind this approach is that International Organizations are not under a burden to preserve a strategic relationship with human rights violators. Besides, it can be seen as a realistic perspective; it can be devoted as an inherently political activity (Lebovic & Voeten, 2009). Studies show that 'naming and shaming' explains in certain circumstances why states still violate human rights treaties after ratifying. The result is an improvement of human rights in states whom previously disregarded human rights treaties (Cardenas 2004; Hafner-Burton, 2008; Hafner-Burton & Tsutsui, 2005; Lebovic & Voeten, 2006;2009).

However, 'naming and shaming' is an approach which not always countermeasures for all human rights abuses in all states who violate. Alternative research shows that external pressure is ineffective. For instance, 'economic sanctions tend to exacerbate

rather than diminish human rights violations even when the stated goal is to improve human rights outcomes' (Cole, 2015, pp. 408-409, Abouharb & Cingranelli, 2007; Escribà-Folch, 2012; Peksen, 2009; Wood, 2008). Peksen states that the result of these sanctions, is to undermine a state's coercive capacity and 'its ability to engage in gross human rights violations' (Cole, 2015, p. 409; Peksen, 2009). This is exactly where state capacity comes into play: some human rights commitments may require enhanced capacity to be carried out (Cole, 2015). As such, the theory of 'naming and shaming' can only explain the failure to comply to human rights norms, to a limited extent. Certain countries' violations of human rights treaties cannot be explained by the 'naming and shaming' enforcement approach. For this reason, I define the theory of state capacity in the following section as a counter theory. My research falls within this theory which declares that a state needs some form of capacity to adhere to human rights treaties.

2.2 Why states violate human rights treaties: State Capacity

Considerable research centers around reasons why states respect human rights while others do not, but they tend to overlook state capacity in this puzzle (Young, 2009; Poe, Tate & Keith, 1999). This trend resulted in explanations for noncompliance with international human rights treaties. Although these theories are not necessarily incorrect, they are nevertheless deficient (Cole, 2015). Scholars bear to ignore the actual ability of one government in relation to human rights. As such, state capacity in the spheres of human rights, is not often discussed and one can observe a gap in the literature.

'Compliance gaps' can be elucidated with the theory about state capacity. This concept means that it is not the phenomenon that states are unwilling or the fact that noncompliance could be considered as premeditated, nevertheless; violations of certain human rights treaties occur because of a lack of capacity applicable in a state. This explanation dedicates to the managerial view; previous studies of Cole have been defined and strengthened with this specific managerial approach. The crucial indicator in this matter is the fact that certain low-capacity democracies may be unable to implement treaties because of defective administrative reach or for instance inability to prevent abuses by private actors (Tilly, 2007). Thus, blaming noncompliance is only one narrative.

Cole's studies (2015;2016) on state capacity contribute to suggestions that investing in weak states with the capacity to comply with their treaty commitments, may

be a more effective strategy than punishing states that violate their commitments. To clarify, punishments, 'naming and shaming', economic sanctions, military intervention or other enforcement tactics tend to strengthen the vicious circle: frequently they exacerbate abuses they seek to remedy in the first place (Cole, 2015). Furthermore, the decline of upholding particular human rights treaties in a state can also be devoted to a dispute of ambiguity; it is not bad behavior that lead states to violate certain treaties, after all, technical and financial assistance may help to ameliorate the capacity deficit. States are not premeditated to violate their previously ratified treaties and even though, when this happens, it reflects a view of noncompliance that is deviant rather than expected behavior (Chayes & Chayes, 1993).

More alternative research concerning state capacity sheds light on the correlation between weak states and state capacity. This means, that from an empirical perspective, it is possible that weak states may be unable to parole and ensure the rights of citizens by abstaining from abuse and preventing private parties from committing abuses (Englehart, 2009). Physical repression occurs more often in states where the central government exerts only dubious control over its security forces, which violate human rights practically (Cole, 2015; Englehart, 2009). Moreover, strong states are less likely to repress, based on the incentives faced by leaders of these states (Young, 2009). All in all, this contributes to the evidence surrounding state capacity and violation of human rights research.

In the literature, it has become clear that capacity of the state has a strong effect on violations of human rights treaties. For this reason, I position my research in the center of Cole's (2015) assumption: state capacity enhances compliance with human rights treaties. Simultaneously, a lack of state's capacity can be seen as an explanation on the violation of certain human rights treaties.

2.3 Cole's concept of state capacity

State capacity can be seen as an essentially contested concept. Cole (2015) therefore divides the concept in three different indicators to understand what its definition entails. To demarcate and test the concept 'state capacity', Cole (2015) uses the indicators: bureaucratic capacity, coercive capacity, and infrastructural capacity. For the purpose of this thesis, I lean chiefly on bureaucratic capacity. However, I do include coercive capacity,

but as an indicator which belongs to the full concept of bureaucratic capacity. In this thesis, I will not elaborate further on infrastructural capacity, because of its extent.

The first indicator, bureaucratic capacity, can be seen as the most relevant indicator for the current thesis. Cole argues that effective bureaucratic institutions empower states to fulfill their human rights obligations (Cole, 2015, p. 414). Bureaucratically strong democracies are both willing and able to protect a broad range of human rights (Cole, 2016; Young, 2009). To explain the definition of 'bureaucratic capacity' for the present thesis, I follow Mann's (1984, p. 189) definition: 'the capacity of the state to actually penetrate civil society, and to implement logistically political decisions throughout the realm'. It follows that effective bureaucratic institutions empower states to fulfil their human rights obligations. A certain state may be able to be 'in compliance' when it has taken the formal legislative and administrative steps. The construction of an effective domestic regulatory apparatus entails choices and requires scientific and technical judgment and fiscal resources, specifically: bureaucratic capability. According to Cole (2015, p. 409), 'when governments are held accountable via periodic elections or independent courts, they are more likely to honour their human rights treaty obligations' (Hathaway, 2009; Helfer & Slaughter, 1997; Landman, 2005; Neumayer, 2005, Powell & Staton, 2009; Simmons, 2009).

Second, Cole (2015) argues that coercive capacity is necessary for the enforcement of agreements. The indicator is important in this current thesis because 'the capacity to act facilitates contumacy rather than compliance; violations presuppose and even require capacity, whereas compliance often does not (Cole, 2015, p. 412).

State capacity is necessary for the execution of policy in general. The policy currently being studied is the area of human rights. In the present thesis, the indicator, bureaucratic capacity is understood as giving states the 'administrative and logistical abilities to implement their human rights treaty commitments' (Cole, 2015, p. 414; Skocpol, 1985).

2.4 Saudi Arabia's state capacity and its women's rights

Much has been written about the link between state capacity and repression. However, the literature on repression has failed to account for women's rights and repression

specifically. As such, there is a gap in the literature concerning the link between state capacity and women's rights.

For this reason, this thesis demonstrates that on the one hand, the prevailing view of noncompliance is incomplete because it overlooks the contribution of state (in)capacity. On the other hand, Cole's theory on state capacity (2015) is incomplete because it does not cover women's rights treaties. This gap is exactly what I want to resolve with my research. Through the combination of state capacity and women's rights within a specific case, I contribute to the literature by filling the gap in the existing literature concerning a country's state capacity to either adhere or violate human rights treaties. Theory about state capacity considerably differs from 'naming and shaming' theory, in the sense that a particular country actually wants to adhere to human rights treaties, but simply is not able to. To conclude, state capacity in the spheres of human rights, specifically women's rights, is not often discussed.

This thesis will elaborate on state capacity, by testing specific evidence on the case of the system of male guardianship in Saudi Arabia. This guardianship system, subordinates women to male guardians, ensuring that women receive limited freedom in their choices and decisions. Even though CEDAW, included Article 3 which stated that States Parties should take all appropriate measures to ensure equality between women and men, Saudi Arabia has failed to adjust its male guardianship system. As such, the research question for this thesis is as follows:

'To what extent can Saudi Arabia's state capacity explain the violation of Article 3 of CEDAW?'

3. Methodology

3.1 Case selection

Saudi Arabia is chosen as a typical case study for this thesis. The country is often seen as one of the most repressive states in the world, due to violations of human rights (Amnesty International, n.d). The country, thus, serves as an exemplary case in this thesis because it is a non-Western state in the Middle East and an extreme case of violations regarding already ratified human rights treaties.

Additionally, women's rights are selected in this thesis. I focus on women's rights because I discovered a gap in the literature concerning women's rights and state capacity; previous literature only explicitly focused on repression. For this reason, I chose Saudi Arabia because of the fact that the country is known for its situation regarding women's rights because of its male guardianship system.

CEDAW can be seen as an interesting treaty because it is one of the most ratified human rights treaties, but it also has the most reservations by member states (Krook & True, 2010). During my research I maintain a focus on Article 3, it states that fundamental human rights are based upon equality between women and men. However, there is a clear disparity with CEDAW when we observe the system of male guardianship in Saudi Arabia.

The time period of research is from 2016 until 2018. The year 2016 can be seen as a turning point in international awareness of the guardianship system as Human Rights Watch published an extensive report about it (Human Rights Watch, 2016). Also, in 2016, Deputy Crown Prince Mohammed bin Salman Al Saud unveiled 'Saudi Vision 2030': a comprehensive and ambitious blueprint which expresses long-term goals and expectations and the country's strengths and capabilities (National Transformation Program, 2016). I test my indicators in the year 2016, but I will elaborate on violations regarding the guardianship system in 2018. This approach will allow me to observe potential changes in the subsequent years after the publication of 'Saudi Vision 2030'.

3.2 Data collection

State capacity is considered an essentially contested concept and is known to vary across policy sectors (Englehart, 2009; Krasner, 1978). As such, there is no generally-accepted approach for measuring state capacity. For the present thesis, I will use the definition of state capacity given by Mann (1984). In order to operationalize the concept of state capacity, I will make use of Cole's indicator of 'bureaucratic efficacy'. I break this term down in three indicators, namely military capability, strength and expertise of the bureaucracy and level of corruption. These three measures will each constitute a sub-question, because of its depth. I will now elaborate on each sub-question with the used data sources. Related issues of validity will be discussed at the end of this chapter.

To understand whether state capacity is the reason as to why Saudi Arabia is still unable to adhere to Article 3 of CEDAW, I first need to determine which violations have taken place. I investigate this by the following question: 'What is the current violation regarding Article 3 of CEDAW that takes place in Saudi Arabia?' In order to conclude where Article 3 is being violated, reports by Human Rights Watch as well as academic research about women's rights in Saudi Arabia and violations regarding CEDAW are included. The male guardianship system is put center stage in this specific chapter and can be seen as a 'system which subordinates women to male guardians and puts legal restrictions on them' (Tønnessen, 2016).

The first indicator which measures state capacity is military capability. The definition of military capability in my thesis consists of the amount of military personnel in a country and a state's military expenditure. The notion of military capability as the output level of national power is premised on the understanding that a country's military organizations receive national resources and transform them into specific warfighting capabilities. I will investigate this by asking the question: 'What resources does the military get? The extent to which the military successfully transforms this into effective military power, is unfortunately beyond the scope of this study. However, we can assume that there is a relation between the increased presence of the military in politics and increased violations of human rights (Blanton, 1999; Cole, 2015;2016; Davenport, 2007; de Soysa, Jackson & Ormhaug, 2010; Englehart, 2009; Gurr, 1986; Paret, 1989; Vadlamannati & Pathamal, 2010). Military effectiveness thus becomes the outcome of the resources provided to the military and its capability to transform these resources into

effective warfighting capability (Paret, 1989). I will consider military capability weak when it scores a PowerIndex of more than 1,000 according to Global Firepower and strong when it scores less than 1,000 by keeping in mind that a perfect Power Index score comes down to 0,000 (Global Firepower, 2016).¹ In order to find Saudi Arabia's military capability, I use reports as well as quantitative data. Considering data triangulation, I engaged the National Material Capabilities dataset of Correlates of War (2016) because it clearly defines military personnel and military expenditures (Singer, Bremer & Stuckey, 1972). The Global Firepower data (2019) in order to position Saudi Arabia at world-level. And Political Terror Scale (2016), as it focuses on violations of physical integrity rights carried out at state-level (Wood & Gibney, 2010).

The second indicator of state capacity which focuses on bureaucratic efficacy is strength and expertise. It demonstrates whether a country's bureaucracy has the capability to govern without drastic changes in policy or interruptions in government services (Cole, 2015; Howell, 2011). I will investigate this by asking the question: 'To what extent bureaucratic efficacy present in Saudi Arabia?' In order to find mechanisms which, contribute to bureaucratic efficacy, I rely on evidence of the Freedom House (2017) reports concerning political rights. Freedom House (2017) reports in detail how the bureaucracy is constructed in the country and interim assigning a scale method. Indicators of Freedom House (2017) that are related to my research around state capacity are: electoral process, political pluralism, the functioning of the government, and the rule of law. I will consider the strength and expertise of the bureaucratic apparatus weak when it scores a Political Rights rating of a 6 or 7, and high when it scores a 1, 2, or 3 on the scale of Freedom House (2017).² Supplementary, indicator 'administrative burden' from the Political Terror Scale is useful regarding data triangulation.

¹ Global Firepower (2019) uses a PowerIndex score to determine a nation's military power. This score is constructed out of over 55 individual factors. Global Firepower's unique formula means that a score closer to 0,000 states that the military of the country is stronger. Because of the fact that there were 137 countries included in the data of Global Firepower, I took the average at the country which ranked 70th. The score of the 71st and 69th came down to 1,000. See Global Firepower (2019) <https://www.globalfirepower.com/countries.asp>

² A country is assigned a rating of 7 to 1 by Freedom House (2017). This translates into thresholds of a country's score of 1.0 to 2.5 is FREE, 3.0 to 5.0 PARTLY FREE and 5.5 to 7.0 NOT FREE. The total points a country can receive for Political Rights is 40 points. 0-5 points is PR Rating 7, whereas 36-40 points means a PR Rating of 1. See Freedom House <https://freedomhouse.org/report/methodology-freedom-world-2017>

The third indicator of state capacity uses a variable measuring control of political corruption. I will investigate this by the question: 'To what extent is corruption present in Saudi Arabia?' Corruption is an important symptom of state weakness, and it is possible to link it empirically to human rights abuses (Englehart, 2009). To analyze whether there is a climate of corruption, I use three different indicators. First, the Corruption Perception Index of Transparency International (2016), higher scores indicating less corruption. Countries scoring highly have autonomous, durable and effective administrative institutions capable of translating policies – including treaty commitments – into practices. Whereas, impotent, corrupt, or servile bureaucracies should hamper or obstruct the implementation of human rights treaties (Cole, 2015; 2016). I also use Index of Public Integrity (IPI), which measures if a country has the capacity to control corruption. And third, the corruption indicator of Freedom House (2017). I assume that the more corruption present in the country, the lower the bureaucratic efficacy (Englehart, 2009; Hanson & Sigman, 2013; Muhsen, 2017). I will consider a lot of corruption present in a country when it rates less than 40 on the Corruption Perception Index out of 100 points and that there is less corruption when the Corruption Perception Index is 50 or more (Transparency International, 2016).³

To combine sources; I can measure the presence of corruption, the functioning of the bureaucratic system and the amount of military in Saudi Arabia. It is then possible to explain Saudi Arabia's state capacity.

3.3 Validity limitations

This thesis is subjected to measurement validity. I rely on Cole's (2015;2016) research, but I was not able to use the same measurement mechanisms for state capacity as this author did. This becomes clear in the first indicator, military capability; data was not available to measure the number of militaries in politics of Saudi Arabia. To try to deal with this problem, I added the military expenditures next to the measurement of military personnel of the country. Military expenditures are an indication of how important the

³ This threshold is created, by taking into account the Corruption Perception Index of Transparency International (2016). More than two-thirds of the 180 countries included in the index, score below 50 points. The average is an amount of just 43. Because 'less corruption' and a 'lot of corruption' are major contradictions I set up this threshold of below 40 and above 50. See Transparency International https://www.transparency.org/news/feature/corruption_perceptions_index_2016

military is deemed in a certain country. This also applies to my second indicator, for this reason I sought to a combination of data about how the bureaucratic apparatus of Saudi Arabia is constructed and connecting a scale to this. Also, Cole's (2015) indicator of corruption from Political Risk Services Groups was not available. This is a limitation and it affects my results, but I have tried to establish a diverse mechanism for measuring corruption by using three data sources; a world-level index of almost all countries arranged on corruption level, a source showing if a certain country has the capability to control corruption and other data which transforms a country's level of corruption to a scale. Because I established these measurement mechanisms myself, I used more data sources by each indicator for state capacity for the sake of data triangulation. My own decision-making is concerned with the integrity of the conclusions generated from this piece of research and Cole's research: it is for this reason possible that results vary.

Establishing thresholds of indicators of state capacity turned out challenging because contemporary research does not elaborate on this. And so, I established my own thresholds based on my research. With military capability I investigated the average of the index provided by the Global Firepower (2019) and I was obliged to draw a line. For the indicator bureaucratic efficacy, data from Freedom House (2017) provided a scale constructed out of thresholds: 'Free, Partly Free and Not Free' bureaucratic apparatuses. With these thresholds I am able to conclude which type of strength and expertise Saudi Arabia has in its bureaucratic mechanism. I need to be careful with drawing conclusions from this, because it is based on one source.

Finally, the issue of causality and whether my three indicators declare any conclusions about state capacity in Saudi Arabia and its violation of Article 3 of CEDAW needs to be addressed. To be able to answer the question, if this typical case with a focus on women's rights in context of the managerial view of state capacity, maintains a causal relationship; more research is necessary. The issues of validity explained above in this section, form limitations on my results, therefore I cannot determine causality with certainty. Unfortunately, this is beyond the scope of this thesis.

4 The current violation of CEDAW in Saudi Arabia

The first chapter examines the question of the current violation of CEDAW in Saudi Arabia, focused on the guardianship system. Because my research question states that the country fails to enforce Article 3 of CEDAW, I demonstrate here what this violation entails. First, I consider Article 3 of CEDAW and then, I will clarify what the guardianship system entails. Overall, this chapter intends to suggest that Saudi Arabia violates Article 3 by upholding its guardianship system.

4.1 Convention on the Elimination of all forms of Discrimination Against Women

Women in Saudi Arabia are denied a number of their human rights as result of state's laws and customary practices, which have survived through the ages because Sharia is free for interpretation and legitimation. According my research, it becomes clear that women have a lesser status to men, based upon assumptions which are not consistent with the needs of contemporary Saudi women. There is a violation of women's rights to the extent of applicable treaties; restrictions are imposed, and women are denied rights solely on the basis of gender (Mtango, 2004).

CEDAW reinforces sexual non-discrimination. Besides its purpose of achieving gender neutrality, it also frames legal norms as the elimination of all forms of discrimination against women, as distinct from opposing sex discrimination alone and different human rights treaties (Cook, 1994; Mtango, 2004). This thesis elaborates on Article 3 of CEDAW in which states that:

'States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women , for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men' (CEDAW, Art.3).

Saudi Arabia as a State Party having ratified CEDAW, is bound under international law to promote women's rights in its territory by eliminating discrimination and ensuring equality to men (Mtango, 2004). The country accepts an accountability to act by all appropriate means to take convenient measures to these gender-neutral objectives.

However, no significant change has been seen in the status of women despite Saudi Arabia's ratification of CEDAW. Until today, the country fails to uphold its promise by still implementing male guardianship in its society while, at the same time, having CEDAW ratified.

4.2 The male guardianship system in Saudi Arabia

The male guardianship encompasses that a woman cannot gain an education, work, participate in politics or travel without the permission of her male guardian, who could be any family member from father to son (Tønnessen, 2016). The system entails and refers to the 'panoply of formal and informal barriers Saudi women face when attempting to make decisions or take action without the presence or consent of a male relative' (Human Rights Watch, 2016, p. 15). The guardianship system can be seen as common law; it stems from informal practice. The tradition of male guardianship nullifies women's rights which are stated in CEDAW. (Human Rights Watch, 2016).

In both 2009 and 2013, Saudi Arabia agreed to abolish the guardianship system and all discrimination against women following its universal periodic review at the UN Human Rights Council. Nevertheless, it has failed to abolish the system or adequately combat deeply entrenched discrimination, failing in its duty 'to pursue by all appropriate means and without delay a policy of eliminating discrimination against women' (Human Rights Watch, 2016, p. 18).

Throughout my research, I came to the conclusion that male guardianship expresses itself in varieties of constraints: restrictions in freedom of movement, violence against women, restricting the right to equality in marriage, divorce and child custody, restricting the right to equality before the law, restricting the right to employment and restricting the right to health (El-Masri, 2012; Human Rights Watch, 2016; Mtango, 2004; Tønnessen, 2016).

Nevertheless, the country has also witnessed development regarding women's rights (El-Masri, 2012; Doumato, 2010; Mtango, 2004). In 2006, the country ranked among the highest climbers for closing its gender gap in comparison to its performance, but still, these changes are limited: in 2018 Saudi Arabia still holds a position of 141th out of 149 countries concerning the Global Gender Gap (Hausmann, Tyson & Zahidi, 2010). In order to pursue Article 3 of CEDAW, Saudi Arabia needs to abrogate its practice with the controversial system of male guardianship.

5 The contribution of the Military in Saudi Arabia

The following section sets out my findings regarding the military presence in Saudi Arabia. I assume that the level of military effectiveness becomes the outcome of resources provided to the military and its capability to transform these assets into effective warfighting capability (Paret, 1989). The indicator of military personnel and expenditure is necessary to answer my research question because, even though a state's capacity to repress does not necessarily imply its willingness to do so, militarily strong states are prone to violate physical integrity rights (Blanton & Blanton, 1999; Cole, 2015; Davenport, 2007; de Soysa, Jackson and Ormhaug, 2010; Gurr, 1986; Vadlamannati & Pathamal, 2010).

5.1 Measuring Military personnel and expenditure

In 2012, Saudi Arabia had a total number of 234000 military personnel, which includes troops under the command of the national government. As follows; the country had a relative total population of 28.288.000 (Singer, Bremer & Stuckey, 1972). With this amount of military personnel, Saudi Arabia positions itself above the average of 158000 of 199 countries.

Additionally, the total military budget in dollars (in other words the country's military expenditure) reached an amount of 57 billion dollars per million in population. Again, Saudi Arabia positions itself far above the average of 25 billion (Singer et al., 1972).

A convenient comparison is the position of Saudi Arabia at world-level; it is ranked 25th out of 137 of currently considered countries for the annual Global Fire Power (2019) review and holds a Powerindex rating of 0.4386 (being 0.00 as perfectly powerful). When it comes down to defense budget worldwide, Saudi Arabia is ranked third behind the USA and China (Global Firepower, 2019).

On the Political Terror Scale, Saudi Arabia scores a 4 out of 5 (indicating the higher the worse). This indicates that violation on the basis of civil and political rights expand to large numbers of the population (Gibney & Wood, 2010).

5.2 Meaning behind the quota of militaries in Saudi Arabia

The previous section considered the strength of Saudi Arabia's military apparatus. This is relevant in light of my thesis because there is a link between a strong military presence in government and increased state repression. Within political systems where the military directly wield power, there is a higher likelihood that repressive behavior would be applied out of habit, familiarity and impulse to meet specific organizational norms, and a desire to expand prestige in control over the political system (Englehart, 2007; Gurr, 1986). A country remains in a vicious circle, in which they cannot break through the presence and abundance of such exclusive institutions (Acemoglu & Robinson, 2013).

To conclude, Saudi Arabia's military is considerably strong because of its Powerindex of less than 1,000 from Global Firepower (2019). The country possesses a considerable account of military expenditure and personnel. This gives insight to a higher risk of violations of women's rights belonging to human rights (Blanton & Blanton, 1999; Cole, 2015;2016; Davenport, 2007; de Soysa, Jackson & Ormhaug, 2010; Englehart, 2009; Gurr, 1986; Paret, 1989; Vadlamannati & Pathamal, 2010).

6 Strength and expertise of Saudi Arabia's bureaucratic apparatus

Saudi Arabia restricts almost all political rights through a combination of oppressive laws and the use of force (Freedom House, 2017). At national level, no officials are elected, and ruling elites rely on extensive surveillance. This chapter is necessary for my investigation because it measures to what extent Saudi Arabia is able, on grounds of an efficient and effective bureaucratic apparatus, to adhere to Article 3 of CEDAW.

6.1 Indicators of the bureaucratic apparatus

The first indicator which measures bureaucratic efficacy, the electoral process, sheds light on how the elective is appointed. When governments are held accountable via periodic elections or independent courts, they are 'more likely to honor their human rights treaty obligations' (Cole, 2015, p. 409). In Saudi Arabia, the head of government, chiefs of national authority and the national legislative representatives are not elected through free and fair elections. Because the electoral laws and framework is arbitrary, Saudi Arabia receives no points on this scale.

The Basic Law declares that the Quran and the Sunna are the constitutions of the country and that the state shall protect human rights according to Sharia. The Sharia is ambiguous in its formulation of human rights protection. Human rights are uncodified in written statuses and above all, it is subject to the interpretation of the Council of Senior *Ulama*. The council of *Ulama* consists of 18 members serving at King's pleasure and are appointed by him (Doumato, 1995; Mtango, 2004; Tønnessen, 2016). Saudi Arabia is an absolute monarchy; the King appoints the cabinet as well as 150 members of the Consultative Council (Tønnessen, 2016; Doumato, 2010).

Political pluralism and participation is my second indicator of bureaucratic efficacy. It gauges if Saudi's have the right and authority to organize themselves in different political parties of their choice, if there is an opposition vote, and a realistic opportunity for the opposition to increase its support power through elections. In Saudi Arabia political parties are forbidden and organized political opposition exists only outside the country (Tønnessen, 2017). In 2016, the Kingdom manhandled country's most prominent

political rights organization: the Saudi Civil and Political Rights Association (Freedom House, 2017). Again, Saudi Arabia receives no points on this measurement mechanism.

The third indicator, function of the government, focusses on who determines government policies. This becomes clear in the few elected officials, who have no influence over the countries' laws and policies. Corruption remains a significant problem inside the government (Freedom House, 2017). Saudi Arabia scores 1 out of 12 points.

The fourth indicator measures the rule of law in Saudi Arabia. It analyses whether there is an independent judiciary, whether the rule of law prevails in civil and criminal matters, whether there is protection from political power, unjustified imprisonment, exile, torture, and whether laws, policies, and practices do guarantee equal treatment of various segments of the population. The judiciary in Saudi Arabia is not independent; a commission writes law which is grounded on interpretation of Sharia. Women equality is not offered by Sharia, particularly regarding family law (Doumato, 2010). Rights of defendants are poorly protected by law and not respected in practice; in 2016 substantial prejudice against ethnic, religious, and national minorities prevailed (Freedom House, 2017). Because there is a detrimental lack of uniformity in legal and judicial processes (Tønnessen, 2016), Saudi Arabia receives only 2 points out of 16.

To conclude, the bureaucratic apparatus of Saudi Arabia is weak due to a score of 3 out of 40 points on Political Rights. With this score, it positions itself within the lowest scale of the PR Rating; Saudi Arabia has few or no political rights as a result of government oppression, and it also lacks an authoritative functioning of the central government (Freedom House, 2017). The bureaucratic apparatus of Saudi Arabia is therefore weak.

6.2 The administrative burden of Saudi Arabia

Besides Freedom House (2017), I investigated Saudi Arabia's ranking on the Index of Public integrity with the indicator 'administrative burden'. It refers to the extent of bureaucratic regulations of domestic entrepreneurial activities and is significantly and strongly associated with corruption. The country ranks 67th out of 109. Excessive administrative and regulatory burdens, open doors for discretionary implementation and noncompliance (Mungiu-Pippidi et al., 2017).

In this chapter, I explained various indicators regarding Saudi Arabia's bureaucratic efficacy. There is little evidence to assume that the country has a well-working administrative system which translates into the capacity to adhere to human rights treaties (Cole, 2015; Hathaway, 2009; Helfer and Slaughter, 1997; Landman, 2005; Neumayer, 2005; Powell & Staton, 2009; Simmons, 2009). Gender inequality is built into Saudi Arabia's governmental structure and is part of the country's state-supported interpretation of Islam, which is derived from interpretation of the Quran and Sunna (Doumato, 2010).

7 Control of political corruption in Saudi Arabia

This chapter investigates the level of corruption in Saudi Arabia. This section is important for my research question because state capacity is subjected to the amount of corruption present in a certain country.

7.1 Saudi Arabia's position on the Corruption Index

Nearly all countries are failing, despite some progress, to make serious incursion against corruption (Transparency international, 2016). In 2016, the global average grade of corruption was 43. Saudi Arabia scores 46 points on the scale from 0-100, indicating that 0 is highly corrupt and 100 very clean from corruption, and they rank 62nd out of 176 countries. With this score, the country falls in the middle of my threshold; there is a considerable amount of corruption present in Saudi Arabia.

7.2 Distinctive approach: Index of Public Integrity

An interesting approach useful for measuring a society's capacity to control corruption is the Index of Public Integrity (2017). Saudi Arabia scores a 5,05 on the IPI and positions itself at a 94th place out of 109 countries. The country is barely adequate to control corruption in its country. 'High-income countries exhibit on average highest IPI scores while countries in the lowest income group perform worst on the public integrity scale' (Index of Public Integrity, 2017). However, this claim does not apply to Saudi Arabia; it is a high-income country but scores under average, and this remarks an exceptional status. In general, richer countries likely have better institutions than poorer countries, and also tend to be among the countries with higher bureaucratic efficiency (BE) (Acemoglu & Robinson, 2013; Mauro, 1995). According to Mauro's (1995) BE index, Saudi Arabia's institutions are scoring low, indicating that they are not desirable for transparency and fighting corruption. From this, I conclude that the problem of Saudi Arabia and controlling corruption does not lie upon financial grounds, but rather, the solution lies within other fields such as state capacity.

7.3 Freedoms House corruption indicator

The last source I want to discuss is the corruption indicator of Freedom House (2017). Corruption remains a significant problem and the functioning of the government is largely opaque as well as the state's financial practices (Freedom House, 2017). The country receives only 1 point out of 12.

The level of corruption, which I investigated, could fall within research about ethical leadership of the ruling elite. Influence of the ethical leadership role model creates a highly responsive culture and an attempt to defeat corruption (Muhsen, 2017). One could argue that because of a certain type of ethical leadership, Saudi Arabia maintains the incapacity to adhere to human rights treaties.

In this chapter, I explained Saudi Arabia's level of corruption. It becomes clear that Saudi Arabia's bureaucratic apparatus is subject to a considerable amount of corruption. Corruption affects and influences state capacity of a country (Cole, 2015 & 2016; Englehart, 2009; Hanson & Sigman, 2013; Lebovic & Voeten, 2009; Mauro, 1995): autonomous and professional bureaucracies that legitimize the authority of state and, are able to manage complex affairs, ensure efficiency and can control corruption (Weber, 1978).

8 Conclusion and discussion

This thesis sought to answer the question: ‘To what extent can Saudi Arabia’s state capacity explain the violation of Article 3 of CEDAW?’ In this chapter, I elaborate on Saudi Arabia’s military presence, strength and expertise of its bureaucratic apparatus and the extent of corruption. I analyze what these three factors mean for the failure to comply to Article 3 of CEDAW. Moreover, I present an overall conclusion of my study and reflect on my research in the discussion section.

8.1 Conclusion of the indicators

The empirical results of the three indicators which I used to measure state capacity, give various considerations. First, Saudi Arabia’s military expenditure compared to world-level is considerably high, its defense budget positions the country at third place.

Moreover, as a result of a Powerindex of 0,4386, indicating that Saudi Arabia is more susceptible to violate human rights treaties, because of their strong military quota and on account of coercive capacity enabling states to violate basic civil and political rights (Blanton & Blanton, 1999; Cole, 2015;2016; Davenport, 2007; de Soysa, Jackson and Ormhaug, 2010; Englehart, 2009; Gurr, 1986; Paret, 1989; Vadlamannati & Pathamal, 2010).

The results of the second indicator of state capacity, strength and expertise of bureaucratic efficacy is straightforward: Saudi Arabia lacks substantial elements of capacity for an effective and strong bureaucratic apparatus.

This also applies to the indicator of corruption. It becomes clear that for a legitimate and functioning bureaucratic apparatus with inclusive institutions which engage with the Saudi population and not only the ruling elite, corruption needs to be diminished (Acemoglu & Robinson, 2013; Muhsen, 2017; Otusanya, 2011). In 2016, Saudi Arabia was subject to a considerable level of corruption, however, it was neither very high nor very low. But it is safe to say that corruption is present in Saudi politics, that it influences the country’s state capacity, and that Saudi Arabia does not possess the capacity to control corruption.

8.2 General conclusion

Accordingly, the general assumption we can draw from my research is that the state capacity of Saudi Arabia, remains the obstacle for the violation of Article 3 of CEDAW.

Cole's (2015;2016) research concerning the correlation between state capacity and public integrity rights is likewise applicable to women's rights in Saudi Arabia and on Article 3 of CEDAW. My research considers a unique case: Saudi Arabia implements limitations, restrictions or prohibitions according to Islamic Law, remaining uncodified, however it did ratify CEDAW, agreeing to take appropriate measures to ensure basic equality. Therefore, the extent and content of Saudi law is uncertain (Tønnessen, 2016). For women it is difficult to demand legal reform given the lack of codified law and transparency in how Sharia is interpreted. The manner in which Islam is incorporated into the Saudi judicial system and governance has a profound impact on gender relations and access to justice, with particularly discriminatory effects on women (Doumato, 2010).

Blaming religion or tradition will not be a solution to adhere to CEDAW. Instead, Saudi Arabia should be encouraged to 'look into sources from their own religion and culture and use them as the basis for the attainment of gender equality' (El-Masri, 2012, p. 942; Fournier, Nicol & Dekker, 2011). In the case of Saudi Arabia, it becomes clear that no adjustments can be enforced by outsiders: for Saudi women: 'laws outlawing such practices can be no more supported than laws imposing them' (El-Masri, 2020, p. 941; Ku, 1994). Saudi Arabia's interplay between religious nationalism and social and cultural forms of a society led by men, results in the ongoing capacity of the country's violation of CEDAW and restriction of women's rights (Al-Rasheed, 2013).

Contemporary literature concerning state capacity only linked the theory to repression. However, with my research, I contributed to expand the contemporary theory about state capacity. As such, from my research, I conclude that the theory of state capacity and its violations on human rights treaties also applies to women's rights.

Developing state capacity in which a country is able to position itself in, with the possibility of adhering to human rights treaties, takes time (Cole, 2015; Chayes & Chayes, 1993). If Saudi Arabia wants to develop the capacity it should change from within because the government should review laws and amend the Basic Law to ensure gender equality and explicitly prohibit discrimination. As such, women would then be able to receive

equal citizenship rights. However, developing such practices and to cultivate this kind of capacity, takes time.

Now that I have presented my main conclusions of my research, I will consider potential limitations regarding the measurement of the used indicators. This is important in light of potential problems regarding reliability of the study. Nonetheless, the conclusions from this study are still useful in the debate surrounding women's rights and state capacity.

8.3 A catch-cry for Western perspectives

Human rights treaties are subject to a Western perspective (Gaubatz & MacArthur, 2001). Human Rights Watch (HRW) is an institution which is based on Western perspectives and practices, and this reflects *idem* in its report which was core to my understanding of the male guardianship system. I found it remarkable that all interviewees were women. This is significant because it could indicate a possible gender bias in the experience of the male guardianship system. Furthermore, the interviews being carried out and summarized in a report by HRW further points to a potential cultural bias; neither men were included in this report, nor academic articles.

It is important to bear in mind, the intrinsic Western bias of Human Rights Watch. HRW is based on the assumption that gender equality is a necessity to be considered civilized. However, Saudi Arabia constitutes a completely different culture and we cannot label Saudi Arabia's customs as 'backward' or 'bad'. There have been improvements of women's rights over the last years and this also needs to be acknowledged (El-Masri, 2012; Mtango, 2004; Tønnessen, 2016). As such, one could say that using the HRW (2016) study, a certain Western ideal is being applied. However, the purpose of this thesis, is to explore the link between state capacity and the ability to adhere to women's rights. The study does not intend to apply a certain ideal upon the laws of Saudi Arabia. For this reason, I used other academic articles about the guardianship system, as well as the situation of women's rights in Saudi Arabia written by non-Western authors. One needs to keep this in mind regarding orientalism.

8.4 Limitations regarding data

Because state capacity is an essentially contested concept, I had to develop my own measurement mechanism of indicators (Englehart, 2009; Hanson & Sigman, 2013; Krasner, 1978). For this reason, there were some limitations regarding the accessibility of data. I did not have access to sources Cole (2015) and other authors used, for instance the dataset 'Bureaucratic Quality' of Political Risk Services or Global Integrity's indicator of 'Administration and Civil Service' (Cole, 2015; Hanson & Sigman, 2013).

Data of the military's quota in politics was not available, and therefore it is too straightforward to state that the more military in the country, the higher the risk of violations of human rights treaties (Cole, 2015;2016, Davenport, 2007; Englehart, 2009; Hanson & Sigman, 2013, Young, 2009). Moreover, a lot of authors did not elaborate on thresholds. For this reason, I was forced to set up my own threshold for each indicator, but these lack sufficient theoretical background because of its extent.

Not only military capability, but also bureaucratic efficacy as well as the level of corruption were subject to limitations of available data sources. Indicator bureaucratic efficacy entails an extensive measurement mechanism that I was obliged to choose Freedom House (2017) as vast source, otherwise it was not acuminate enough. In this regard, we observe another limitation, Freedom House (2017) assesses both state and non-state actors on a country's political rights, although my study essentially focuses on state actors concerning state capacity.

Further limitations concerning data can be found in its timeframe. Most recent data of the National Material Capabilities dataset used among military capability was of 2012, whereas data from Global Firepower was only available for the year 2019.

8.5 Lack of answerability of the causal relation of the indicators

A legitimate question in this section is the issue of causality. To what extent has this configuration of the three concepts contributed to the failure to comply Article 3? This turned out to be difficult. It is hard to conclude whether Saudi Arabia's military capability, its bureaucratic efficacy and level of corruption actually leads to the violation of human rights treaties, and if so, in what way? To analyze the level of corruption, I apprehend that interviews with members of the Council of *Ulama* could be useful to discover causality here. It is possible that power stays within the ruling elite because of corruption, and that

only leaders could determine whether or not to abolish the guardianship system or adhere to Article 3 of CEDAW. To discover causality amongst these indicators is unfortunately beyond the scope of the present study.

The indicator of bureaucratic efficacy could be questionable in this research, especially because the non-codification and lack of legal clarity in Saudi Arabia, which goes hand in hand with discretionary powers of judges. On what grounds can we assert that the unwritten legal and judicial system based on Sharia, which leaves interpretation to the courts and to the Council of *Ulama*, is the reason for deterioration of Saudi Arabia's state capacity? In order to discover this link, fieldwork in Saudi Arabia is necessary such as interviewing members of the Council of *Ulama*, Judges, as well as other representatives in the bureaucratic apparatus. Nonetheless, it is evident that the lack of legal clarity and discretionary powers of judges according to Islamic Law are problematic and affect the rights of Saudi women (Ertürk, 2009). In this regard, the lack of written laws governing private life and discretionary court rulings constitute a major obstacle to women's access to justice. To conclude, it remains unclear whether this is due to the deficient state capacity of Saudi Arabia. It becomes, however, clear that up to this moment, Saudi Arabia does not have the strength and expertise within the bureaucratic domain according to essentially Western guidelines. The electoral process is not fair and accessible, political pluralism and participation is barely extant, there is no checks and balances system implemented in the functioning of government, and its rule of law is not independent.

If these three indicators of state capacity provide a causal relation of state capacity and its link to violation of human rights treaties, we could identify a vicious circle which sustains itself (Acemoglu & Robinson, 2013; Schmelzle & Stollenwerk, 2018). However, the complex interplay between different governance actors of Saudi Arabia makes it difficult to attribute governance success and failure to particular actors. Besides, given the limited capacities of the state, as explained above, it is questionable whether external and non-state governance help to make or break the social contract between women and the state. Moreover, my indicator of bureaucratic efficacy is just one among multiple potential sources of legitimacy that exist in a case of limited statehood (Schmelzle & Stollenwerk, 2018).

8.6 Other explanations

Furthermore, theory often consistent with state capacity and its violation of certain human rights treaties, is regime-type theory. This concerns the question of discrepancies between democracies and, autocratic systems that are more repressive than others (Davenport, 2007). It is possible that the core of violating human rights treaties is about regime-type, and not chiefly about state capacity. I recommend more research concerning the combination of state capacity, regime-type theory, and women's rights to conclude from this. Unfortunately, this is beyond the scope of the present study.

Besides, another discussion which is beyond the scope of this thesis concerns the question of Saudi Arabia preferring to develop and ameliorate its state capacity. In my research, it does not become entirely clear if Saudi Arabia wants to abolish its guardianship system, or simply is not able to. Dr. Musfir al-Qahtani, former deputy chairman of the Saudi National Society for Human Rights, concluded that laws related to marriage, inheritance, and women's testimony are fixed by religious law, and are, by implication non-negotiable (al-Anssari, 2008; Doumato, 2010). I insist that more research needs to be done regarding the correlation between state capacity and the willingness of a state to develop and improve their state capacity in order to adhere to human rights treaties. However, this does not affect the conclusion of my thesis: even if Saudi Arabia wanted to adhere to Article 3 of CEDAW, according to their state capacity, they are not able to.

The internal validity of this study on the one hand, and its matter whether results can be generalized on the other hand, must be very careful interpreted because of already explained data limitations.

8.7 Women's rights as humans' rights and state capacity

I investigated if state capacity has the same consequences on women's rights in a particular case, as existing research only focused on repression. Thus, it implies that state capacity regarding women's rights has the same features and consequences concerning physical integrity rights. As a result of, I adopted the same definitions and basic indicators, partly because of the scope of this research but also because of inexperience in the field of human rights.

Lastly, about my research regarding women's rights and the male guardianship system in Saudi Arabia, I need to make one observation: it was not my intention to depict Saudi women as powerless and without agency because of the guardianship system.

8.8 Presenting one last conclusion

In this current thesis I investigated if the theory of state capacity can also be applied on the case of women's rights in Saudi Arabia. As such, I established three indicators. Firstly, I found that military capability of Saudi Arabia is very strong. Secondly, the strength and expertise of Saudi Arabia's bureaucratic apparatus is weak. And third, Saudi Arabia is subject to a considerable level of corruption. Altogether, this assumes that Saudi Arabia has insufficient state capacity to adhere to human rights treaties. As such, this limited state capacity can explain the inability to why the country fails to adhere to Article 3 of CEDAW. However, the question still remains if Saudi Arabia is unable or unwilling to adhere to the treaty. In this thesis I presented evidence that suggests that Saudi Arabia is not able to adhere to CEDAW. However, we cannot ascertain if its willing to comply to the treaty. This limits my explanation for the inadherence to human rights treaties to a certain extent.

9 Bibliography

- Abouharb, M. R. & Cingranelli, L.D. (2007). *Human Rights and Structural Adjustment*. Cambridge, UK: Cambridge University Press.
- Acemoglu, D. & Robinson, J.A. (2013). *Why Nations Fail: The Origins of Power, Prosperity and Poverty*. London: Profile Books.
- Ahmed An-Na'm, A. (1987). Islamic Law, International Relations and Human Rights: Challenges and Responses. *Cornell International Law Journal*, pp. 325-226.
- Al-Anssari, M. (2008). Riyadh Jurists Consider UN Report on Saudi Women as Contrary to Reality, *Al-Hayat* (Beirut).
- Albertus, M., and Menaldo, V. (2012). Coercive Capacity and the Prospects for Democratization. *Comparative Politics*, 44 (2), 151–169.
- Al-Rasheed, M. (2013). *A Most Masculine State: Gender, Politics and Religion in Saudi Arabia*. Cambridge: Cambridge University Press.
- Akbarzadeh, S and Baxter, K. (2008). *US Foreign Policy in the Middle East: The roots of anti-Americanism*. New York.
- Amnesty International (n.d). *Amnesty International Report: The state of the world's human rights*. London, UK: Amnesty International Publications.
- Blanton, R. G., and Blanton, S. L, (2009). Virtuous or Vicious Cycle? Human Rights, Trade, and Development. In *North and South in the World Political Economy*, edited by Rafael Reuven, and William R. Thompson, 91–103. New York: Blackwell.
- Cardenas, S. (2004). Norm Collision: Explaining the Effects of International Human Rights Pressure on State Behavior. *International Studies Review*, 6(2), 213-231.
- Chayes, A. and Chayes, A.H. (1993). On Compliance. *International Organization*, 47(2).
- Cole, M.W. (2016). Managing to mitigate abuse: Bureaucracy, democracy, and human rights, 1984-2010. *International Journal of Comparative Sociology*, 57(1-2), 69-97.
- Cole, M.W. (2015). Mind the Gap: State Capacity and the Implementation of Human Rights Treaties. *International Organization*, 69(2), 405-441.
- Cook, R.J. (1994). State Accountability Under the Convention on the Elimination of All Forms of Discrimination Against Women' in Cook, Rebecca J (ed.), *Human Rights of Women National and International Perspectives*. Philadelphia: University of Pennsylvania Press).

- Davenport, C. (2007). State Repression and the Tyrannical Peace. *Journal of Peace Research*, 44(4), 485–504.
- Devitt, R. (2011). Human Rights in The Middle East: Questions of Compatibility and Conflict. Retrieved from: <https://www.e-ir.info/2011/03/30/human-rights-in-the-middle-east-questions-of-compatibility-and-conflict/>
- Deaton, A. (2013). *The great escape: Health, wealth, and the origins of inequality*. Princeton; Oxford: Princeton University Press.
- De Soysa, I., Jackson, T. and Ormhaug, C. M. (2010). Tools of the Torturer? Small Arms Imports and Repression of Human Rights, 1992–2004. *International Journal of Human Rights*, 14(3), 378–393.
- Donnelly, J. (2003). *Universal Human Rights in Theory and Practice*. 2nd ed. Ithaca, NY: Cornell University Press.
- Doumato, E. A. (1995). The Ambiguity of Sharia and the Politics of ‘Rights’ in Saudi Arabia, in Afkhami, Mahnaz (ed.), *Faith & Freedom: Women’s Human Rights in the Muslim World* (Syracuse: Syracuse University Press, 1995).
- Doumato, E.A. (2010). ‘Saudi Arabia’. In *Women’s Rights in the Middle East and North Africa: Progress Amid Resistance*, edited by Sanja Kelly and Julia Breslin, 257–274. New York: Freedom House. Retrieved from: https://freedomhouse.org/sites/default/files/inline_images/Saudi%20Arabia.pdf
- El-Masri, S. (2012). Challenges facing CEDAW in the Middle East and North Africa. *The International Journal of Human Rights*, 16(7), 931-946.
- Ertürk, Y. (2009). *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development*. Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, addendum: Mission to Saudi Arabia. UN Human Rights Council A/HRC/11/6/Add.3, April 14. Retrieved from: <https://www.ohchr.org/en/issues/women/srwomen/pages/srwomenindex.aspx>
- Englehart, Neil A. (2009). State Capacity, State Failure, and Human Rights. *Journal of Peace Research*, 46(2), 163-180.
- Escribà-Folch, A. (2012). Authoritarian Responses to Foreign Pressure: Spending, Repression, and Sanctions. *Comparative Political Studies* 45(6), 683–713.
- Fortin-Rittberger, J. (2014). The Role of Infrastructural and Coercive State Capacity in Explaining Different Types of Electoral Fraud. *Democratization*, 21 (1), 95–117.
- Fournier, P. and Nicol, J. and Dekker, A. (2011). ‘En-Gender-ing Legal Reforms: Islamic Law in Africa and East Asia’, Amsterdam Law Forum. Retrieved from: <http://www.amsterdamlawforum.org/>

- Freedom House (2017). Freedom in the World 2017: Saudi Arabia. Retrieved from: <https://freedomhouse.org/report/freedom-world/2017/saudi-arabia>
- Gaubatz, K. and MacArthur, M. (2001). How International is 'International' Law? *Michigan Journal of International Law*, 22(2), 240-282.
- Global Fire Power (2019). Saudi Arabia Military Strength. Retrieved from: https://www.globalfirepower.com/country-military-strength-detail.asp?country_id=saudi-arabia
- Gibney, M., Cornett, L., and Wood, R. 2011. "Political Terror Scale, 1976-2008." Retrieved from: <http://www.politicalterrorscale.org/>
- Gurr, T. R. (1986). The Political Origins of State Violence and Terror: A Theoretical Analysis, in Michael Stohl & George A. Lopez, eds, *Government Violence and Repression: An Agenda for Research*. New York: Greenwood, 45-71.
- Hafner-Burton, E. (2008). Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem. *International Organization*, 62(4), 689-716.
- Hafner-Burton, E. and Tsutsui, K. (2005). Human Rights in a Globalizing World: The Paradox of Empty Promises. *American Journal of Sociology*, 110(5), 1373-1411.
- Hafner-Burton, E. and Tsutsui, K. (2007). Justice Lost! The Failure of International Human Rights Law to Matter Where Needed Most. *Journal of Peace Research* 44(4), 407-425.
- Hafner-Burton, E. and Tsutsui, K. and Meyer, J.W. (2008). International Human Rights law and the Politics of Legitimation: Repressive States and Human Rights Treaties. *International Sociology*, 23(1), 115-141.
- Hanson, J.K. and Sigman, R. (2013). *Leviathan's Latent Dimensions: Measuring State Capacity for Comparative Political Research*.
- Hausmann, R., Tyson, L.D., and Zahidi, S. (2010) 'The Global Gender Gap Report', World Economic Forum, Retrieved from: http://www3.weforum.org/docs/WEF_GenderGap_Report_2018.pdf
- Hathaway, O. (2003). The Cost of Commitment. *Stanford Law Review* 55(5), 1821-1862.
- Hathaway, O. (2009). Do Human Rights Treaties Make a Difference? *Yale Law Journal*, 111(8), 1935-2042.
- Helfer, L.R., and Slaughter, A. (1997). Toward a Theory of Effective Supranational Adjudication. *Yale Law Journal*, 107, 273-391.
- Human Rights Watch. (2016). Boxed In: Women and Saudi Arabia's Male Guardianship System. Retrieved from: <https://www.hrw.org/nl>

- Index of Public Integrity. (2017). Saudi Arabia. Retrieved from: <https://integrity-index.org/country-profile/?id=SAU&yr=2017>
- Keith, L. (2002). Constitutional Provisions for Individual Human Rights (1976–1996): Are They More Than Mere “Window Dressing?” *Political Research Quarterly* 55(1), 111–1143.
- Krasner, S.D. (1978). *Defending the National Interest: Raw Materials Investments and US Foreign Policy Paper*. Princeton: Princeton University Press.
- Krook, M.L & True, J. (2010). Rethinking the life cycles of international norms: The United Nations and the global promotion of gender equality. *European Journal of International Relations*, 18(1), 103-127.
- Ku, C. (1994). Source of International Law: Entrenching the Gender Bias, *Contemporary International Law Issues: Opportunities at a time of momentous change*, 414-418.
- Landman, T. (2005). *Protecting Human Rights: A Comparative Study*. Washington, DC: Georgetown University Press.
- Lebovic, J. and Voeten, E. (2006). The Politics of Shame: The Condemnation of Country Human Rights Practices in the UNCHR. *International Studies Quarterly*, 50, 861-888.
- Lebovic, J. and Voeten, E. (2009). The Cost of Shame: International Organizations and Foreign Aid in the Punishing of Human Rights Violators. *Journal of Peace Research*, 46(1), 79-97.
- Mann, M. (1984). The autonomous power of the state: its origins, mechanisms and results. *European Journal of Sociology*, 25(2), 185-213.
- Mauro, P. (1995). Corruption and Growth. *The Quarterly Journal of Economics*, 110(3), 681-712.
- Mtango, S. (2004). A State of Oppression? Women’s Rights in Saudi Arabia. *Asia-Pacific Journal on Human Rights and the Law*, 1, 49-67.
- Muhsen, M. (2017). *The Perception of Organizational Leaders Regarding Possible Reasons and Causes of the Corruption Phenomenon in Saudi Arabia: A Phenomenological Study*. (Unpublished doctoral dissertation). Northcentral University, Arizona, United States.
- Mungiu-Pippidi, A., Ramin, D., Martínez, R.B., Kukutschka, R.M. B., Alvarado, N., Dykes, V., Kossow, N., and Khaghaghordyan, A. (2017). *Index of Public Integrity*, European Research Centre for Anti-Corruption and State-Building (ERCAS). Retrieved from: <https://integrity-index.org/>
- National Transformation Program. (2016). *Delivery Plan 2018-2020*. Retrieved from: <https://vision2030.gov.sa/en/programs/NTP%202.0>

- Neumayer, E. (2005). Do International Human Rights Treaties Improve Respect for Human Rights? *Journal of Conflict Resolution*, 49(6), 925-935.
- Otusanya, O. J. (2011). Corruption as an obstacle to development in developing countries: A review of the literature. *Journal of Money Laundering Control*, 14(4), 387-422.
- Paret, P. (1989). Military Power. *The Journal of Military History*, 53(3).
- Peksen, D. (2009). Better or Worse? The Effect of Economic Sanctions on Human Rights. *Journal of Peace Research* 46(1), 59–77.
- Poe, S.C., Tate C.N., and Keith, L. C. (1999). Repression of Human Rights and Personal Integrity Revisited: A Global Crossnational Study Covering the Years 1976–1993. *International Studies Quarterly*, 43, 291–315.
- Powell, E., and Staton, J.K., (2009). Domestic Judicial Institutions and Human Rights Treaty Violation. *International Studies Quarterly*, 53(1), 149-174.
- Risse, T. and Ropp, C.S and Sikking, K. (1999). *The Power of Human Rights: International Norms and Domestic Change*. Cambridge, UK: Cambridge University Press.
- Schmelzle, C. and Stollenwerk, E. (2018). Virtuous or Vicious Circle? Governance Effectiveness and Legitimacy in Areas of Limited Statehood. *Journal of Intervention and Statebuilding*, 12(4), 449-467.
- Sikking, K. (1991). *Ideas and Institutions: Developmentalism in Brazil and Argentina*. Ithaca: Cornell University Press.
- Simmons, B. (2009). *Mobilizing for Human Rights: International Law and Domestic Enforcement*. New York: Cambridge University Press.
- Singer, J. and Bremer, D.S. and Stuckey, J. (1972). "Capability Distribution, Uncertainty, and Major Power War, 1820-1965." in Bruce Russett (ed) *Peace, War, and Numbers*, Beverly Hills: Sage, 19-48.
- Skocpol, T. (1985). Bringing the State Back in: Strategies of Analysis in Current Research. In *Bringing the State Back In*, edited by Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol, 3-37. Cambridge, UK: Cambridge University Press.
- Transparency International. (2016). 'Corruption Perceptions Index.' Retrieved from: https://www.transparency.org/news/feature/corruption_perceptions_index_2016
- Tilly, C. (2007). *Democracy*. New York: Cambridge University Press.
- Tønnessen, L. (2016). *Women's Activism in Saudi Arabia: Male Guardianship and Sexual Violence*. Bergen: Chr. Michelsen Institute (CMI Report R 2016:1).

United Nations (1979). CEDAW Sessions: Convention on the Elimination of all forms of Discrimination Against Women. Retrieved from: <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

Vadlamannati, K. C., and Shakya Lahiru Pathmalal, K.K. (2010). Exploring the Relationship Between Military Spending and Human Rights Performance in South Asia. *International Journal of Human Rights*, 14(2), 147–165.

Vision 2030. (2016). National Transform Program Delivery Plan 2018-2020. Retrieved from: <https://vision2030.gov.sa/en/ntp>

Vreeland, J. (2008). Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention Against Torture. *International Organization* 62(1), 65-101.

Weber, M. (1978). *Economy and Society: An Outline of Interpretive Sociology*. Berkeley: University of California Press.

Wood, M.R. (2008). A Hand Upon the Throat of the Nation: Economic Sanctions and State Repression, 1976–2001. *International Studies Quarterly* 52(3), 489–513.

Young, J.K. (2009). State Capacity, Democracy, and the Violation of Personal Integrity Rights. *Journal of Human Rights*, 8(4), 283-300.