

Does it Matter? Constitutionalisation, Democratic Governance, and the Right to Water

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Appendix: Robustness Tests

Beginning with the naïve models, Tables S1 and S2 reexamine Table 2 from the main analysis with sub-samples. Table S1 is a sample of autocracies only and Table S2 a sample of democracies. Largely, the results mirror those in Table 1 with a general lack of significance associated with the rights variables. The one exception is the right to food and water variable in model 23 (Table S2). Here, we can see that the coefficient is negative and significant, suggesting that states with a constitutionalized right to food and water are correlated with worse water outcomes in democracies.

Table 1. ESCRs & Basic Water Access, Autocracies only, 2000-2015.

Variable	(17) Total Justiciable	(18) All ESCRs	(19) Food and Water	(20) Health
Rights	0.20424 (0.35920)	-0.13604 (0.49383)	-0.80052 (4.30684)	-3.18215 (5.01086)
GDP per capita (ln)	2.49377** (0.25617)	2.48464** (0.25635)	2.48665** (0.25621)	2.49036** (0.25609)
Fractionalisation	-20.97290** (7.24662)	-21.09743** (7.26432)	-20.93552** (7.22978)	-21.91603** (7.37955)
Population (ln)	4.91119** (1.03679)	4.96258** (1.05069)	4.94732** (1.05447)	4.93765** (1.03647)
% Above 65	-0.20443 (0.26243)	-0.16929 (0.26206)	-0.17647 (0.25898)	-0.16870 (0.25915)
% Urban	0.33040** (0.05764)	0.32741** (0.05800)	0.32807** (0.05807)	0.32642** (0.05776)
Area (ln)	-48.97609* (19.66309)	-46.71853* (19.76904)	-47.26876* (19.51894)	-44.95553* (19.86759)
EPI	-0.06523	-0.06417	-0.06367	-0.06467

	(0.07789)	(0.07788)	(0.07791)	(0.07787)
Observations	536	536	536	536

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Table 2. ESCRs & Basic Water Access, Democracies only, 2000-2015.

Variable	(21) Total Justiciable	(22) All ESCRs	(23) Food and Water	(24) Health
Rights	0.03566 (0.16158)	-0.09135 (0.18768)	-4.62772* (1.95035)	-0.42544 (2.05863)
GDP per capita (ln)	1.82495** (0.17850)	1.82423** (0.17863)	1.84322** (0.17808)	1.82396** (0.17863)
Fractionalisation	-10.78655** (3.63735)	-10.76180** (3.61307)	-10.52805** (3.61475)	-10.69797** (3.66708)
Population (ln)	5.74687** (0.71874)	5.70958** (0.71220)	5.89080** (0.71356)	5.74440** (0.71736)
% Above 65	-0.38691** (0.09806)	-0.38845** (0.09785)	-0.42334** (0.09857)	-0.38806** (0.09781)
% Urban	0.34812** (0.02980)	0.34630** (0.02995)	0.34015** (0.02986)	0.34754** (0.02990)
Area (ln)	-46.33901** (9.06240)	-45.87193** (8.95001)	-44.81887** (8.95981)	-46.20668** (9.01376)
epi	-0.01188 (0.03426)	-0.01078 (0.03428)	-0.00962 (0.03414)	-0.01166 (0.03424)
Observations	787	787	787	787

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Next, table S3 re-examines results from model 3 (table 2), model 7 (table 3), model 11 (table 4), and model 15 (table 5) utilizing self-coded data on the right to water in national constitutions. As discussed in the main text, the numbers differ slightly when compared with the right to food and water in the TIESR data. By our count there are 39 countries containing either a justiciable or aspirational right to water in their constitutions, compared with 43 in the TIESR data. Beginning with model 25, results in model 3 are replicated with a negative, though not significant, effect of the right to water on water access. Next, model 26 again is robust to model 7 in the main analysis with the interaction maintaining a positive and significant effect. In model 27, the interaction is again positive and significant. While the interaction in model 11 is positive, only in robustness tests here does it reach statistical significance. Finally, model 28 is robust to model 15, illustrating a positive, though not significant, effect of the interaction on water access.

Table 3. Democratic Governance, Right to Water, & Basic Water Access, 2000-2015, Alternate Right to Water Variable.

Variable	(25) Right to Water	(26) Rule of Law X Right to Water	(27) Civil Society X Right to Water	(28) High Court Independence X Right to Water
Right to Water	-2.82198 (2.86311)	-4.71596 (3.03631)	-10.59745** (3.43686)	-2.81371 (2.84783)
Democratic Governance	-	2.46288* (1.15464)	0.65225 (1.13568)	-0.01505 (0.17686)
Interaction	-	5.80067* (2.39662)	12.05560** (2.91687)	0.07646 (0.29291)
Regime Type	0.58357* (0.28984)	0.00777 (0.32135)	0.36536 (0.29685)	0.57027+ (0.29950)
GDP per capita (ln)	2.10605** (0.14603)	2.07485** (0.14621)	2.11103** (0.14483)	2.10762** (0.14665)
Fractionalization	-20.36994** (4.20635)	-20.30376** (4.19866)	-21.84527** (4.22732)	-20.35151** (4.18630)
Population (ln)	5.99503** (0.64693)	6.06841** (0.64493)	5.95779** (0.64485)	5.98145** (0.64638)
% Above 65	-0.47989** (0.10167)	-0.49229** (0.10128)	-0.49932** (0.10137)	-0.47655** (0.10189)
% Urban	0.35770** (0.03002)	0.35661** (0.02987)	0.35075** (0.02987)	0.35788** (0.03005)
Area (ln)	-50.49330** (10.48370)	-50.40385** (10.44068)	-48.67597** (10.50073)	-50.52720** (10.43947)
EPI	-0.05006	-0.05225	-0.04822	-0.04992

	(0.03448)	(0.03431)	(0.03420)	(0.03452)
Observations	1323	1323	1323	1323

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Table S4 examines the naïve models (3 and 4) from Table 2 with the use of a categorical variable for specific ESCRs. Both rights to food and water and health are coded as: no right exists (0), the right is aspirational (1), and the right is judicially enforceable (2). The variable is coded in the same manner in tables 10 through 12. In line with model 2, the rights variables fail to illustrate any significant effect on water access.

Table 4. Naive models with categorical independent variable, 2000-2015.

Variable	(29) Food and Water	(30) Health
Right	-0.12087 (1.34987)	0.62420 (1.30258)
Regime Type	0.58704* (0.29050)	0.58322* (0.29002)
GDP per capita (ln)	2.10150** (0.14619)	2.10226** (0.14605)
Fractionalization	-20.16827** (4.15880)	-20.24981** (4.19646)
Population (ln)	5.99441** (0.64428)	6.01895** (0.64560)
% Above 65	-0.46758** (0.10137)	-0.47127** (0.10130)
% Urban	0.35797** (0.03000)	0.35806** (0.03005)
Area (ln)	-51.68306** (10.31966)	-52.06468** (10.40300)
EPI	-0.05056 (0.03453)	-0.05040 (0.03449)
Observations	1323	1323

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Table S5 reexamines the results of table 3 with the inclusion of a categorical variable (in place of the dichotomous variable utilized in the main analysis) for the rights to water and food and health. The results of the two models are robust to results in the main analysis with interaction terms in both models illustrating positive and significant effects.

Table 5. Rule of Law and ESCRs, 2000-2015, Categorical Variables.

Variable	(31) Food and Water X ROL	(32) Health X ROL
Rule of Law	1.09808 (1.19836)	-1.26797 (2.92761)

Right	-2.65759 ⁺ (1.47649)	-0.90875 (1.70771)
Interaction	5.55525 ^{**} (1.24108)	2.89174 ⁺ (1.60131)
Regime Type	0.18065 (0.31291)	0.10918 (0.31543)
GDP per capita (ln)	2.07036 ^{**} (0.14529)	2.03698 ^{**} (0.14622)
Fractionalization	-19.73296 ^{**} (4.14954)	-20.21141 ^{**} (4.22625)
Population (ln)	6.06556 ^{**} (0.64016)	6.22908 ^{**} (0.64680)
% Urban	0.36133 ^{**} (0.02972)	0.36368 ^{**} (0.03005)
% Above 65	-0.46699 ^{**} (0.10059)	-0.48852 ^{**} (0.10111)
Area (ln)	-52.12508 ^{**} (10.27583)	-52.39727 ^{**} (10.43186)
EPI	-0.04840 (0.03413)	-0.05473 (0.03444)
Observations	1323	1323

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Table S6 reexamines the results of table 4 with the inclusion of a categorical variable (in place of the dichotomous variable utilized in the main analysis) for the rights to water and food and health. The results of the two models are robust to results in the main analysis with interaction terms in both models illustrating positive and significant effects.

Table 6. Civil Society Participation and ESCRs, 2000-2015, Categorical Variables.

Variable	(33) Food and Water X Civil Society	(34) Health X Civil Society
Civil Society Participation	-0.07137 (1.29889)	-0.96429 (1.86256)
Right	-3.09742 ⁺ (1.63046)	-1.16468 (1.59140)

Interaction	4.28653** (1.32715)	2.64275* (1.21361)
Regime Type	0.53572+ (0.29991)	0.41211 (0.29819)
GDP per capita (ln)	2.07835** (0.14552)	2.08515** (0.14573)
Fractionalization	-20.25693** (4.18074)	-20.72821** (4.22556)
Population (ln)	6.01287** (0.64356)	6.15001** (0.64825)
% Urban	0.36001** (0.02994)	0.35909** (0.03005)
% Above 65	-0.48383** (0.10137)	-0.50303** (0.10157)
Area (ln)	-51.84395** (10.35394)	-52.14856** (10.45608)
EPI	-0.04159 (0.03445)	-0.05768+ (0.03454)
Observations	1323	1323

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Table S7 reexamines the results of table 5 with the inclusion of a categorical variable (in place of the dichotomous variable utilized in the main analysis) for the rights to water and food and health. The results of the two models are largely robust to results in the main analysis with the interaction term in model 35 maintaining a negative and significant effect. However, in model 36, the interaction sign flips and unlike results in the main analysis, is positive and significant.

Table 7. High Court Independence and ESCRs, 2000-2015, Categorical Variables.

Variable	(35) Food and Water X HCI	(36) Health X HCI
High Court Independence	0.30937 (0.21259)	-0.95632* (0.42150)
Right	-0.06423 (1.34949)	0.08122 (1.32964)
Interaction	-0.28827+ (0.15479)	0.59485* (0.24213)

Regime Type	0.62599*	0.62527*
	(0.29861)	(0.29733)
GDP per capita (ln)	2.09407**	2.10311**
	(0.14630)	(0.14591)
Fractionalization	-20.17662**	-20.45702**
	(4.15715)	(4.21576)
Population (ln)	5.97496**	6.11693**
	(0.64423)	(0.64710)
% Urban	0.35543**	0.36175**
	(0.03003)	(0.03008)
% Above 65	-0.47471**	-0.47629**
	(0.10140)	(0.10122)
Area (ln)	-51.10096**	-51.78672**
	(10.31846)	(10.43914)
EPI	-0.05388	-0.05379
	(0.03455)	(0.03446)
Observations	1323	1323

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Table S8 re-examines results in the main analysis (table 2) with the inclusion of a variable measuring population density. The results of the main variables of interest, rights categories, are robust to the main analysis with no rights variables illustrating statistical significance. Additionally, the population density measure fails to reach statistical significance.

Table 8. Economic and Social Rights & Basic Water Access, 2000-2015, w/ Population Density.

Variable	(37) Total Judicially Enforceable	(38) All ESCRs	(39) Food and Water	(40) Health
Rights	0.17553 (0.19776)	-0.11317 (0.24111)	-1.52372 (2.42259)	-2.30119 (2.53004)
Regime Type	0.60032* (0.29032)	0.61434* (0.29033)	0.61521* (0.29036)	0.60802* (0.28991)
GDP per capita (ln)	2.04766** (0.14737)	2.04112** (0.14745)	2.04330** (0.14737)	2.04424** (0.14724)
Fractionalization	-19.63910**	-19.82811**	-19.58041**	-19.76949**

	(4.19408)	(4.19487)	(4.18527)	(4.21480)
Population (ln)	6.26949** (0.79906)	6.35230** (0.80649)	6.32325** (0.79943)	6.35860** (0.80088)
% Above 65	-0.45638** (0.10128)	-0.45332** (0.10130)	-0.45690** (0.10139)	-0.45603** (0.10130)
% Urban	0.36459** (0.03004)	0.36269** (0.03019)	0.36264** (0.03014)	0.36202** (0.03011)
Population Density	-0.00436 (0.00577)	-0.00512 (0.00575)	-0.00480 (0.00573)	-0.00492 (0.00574)
Area (ln)	-54.53806** (11.79545)	-54.76347** (11.80113)	-54.08404** (11.79542)	-54.22692** (11.84410)
EPI	-0.05093 (0.03457)	-0.04991 (0.03456)	-0.04956 (0.03458)	-0.05123 (0.03456)
Observations	1312	1312	1312	1312

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Table S9 re-examines results in the main analysis (table 3) with the inclusion of a variable measuring population density. The results are robust to the main analysis with all of the interaction terms maintaining a positive and significant effect. Additionally, the population density measure fails to reach statistical significance.

Table 9. Democratic Governance & Basic Water Access, 2000-2015, w/ Population Density.

Variable	(41) Rule of Law	(42) Rule of Law X Total ESRCs	(43) Rule of Law X FOWA	(44) Rule of Law X Health
Rule of Law	3.22468** (1.07456)	-4.64524 (3.62982)	0.73014 (1.22583)	-9.31197** (3.35394)
Rights	- -	-0.56129+ (0.32854)	-5.85031+ (2.64126)	-11.55701** (3.56323)
Interaction	- -	0.74474* (0.32926)	9.22780** (2.23301)	13.67153** (3.48501)
Regime Type	0.23075 (0.31570)	0.22152 (0.31555)	0.28254 (0.31437)	0.20463 (0.31381)
GDP per capita (ln)	2.00468** (0.14743)	1.99776** (0.14725)	2.01944** (0.14665)	1.99097** (0.14659)

Fractionalization	-19.23428** (4.17643)	-19.74405** (4.21702)	-19.28896** (4.14533)	-20.70110** (4.21820)
Population (ln)	6.37114** (0.79584)	6.42536** (0.80491)	6.20221** (0.79346)	6.40680** (0.79569)
% Urban	0.36449** (0.02993)	0.36411** (0.03009)	0.36316** (0.02986)	0.36833** (0.02992)
Population Density	-0.00450 (0.00571)	-0.00334 (0.00576)	-0.00284 (0.00569)	-0.00302 (0.00571)
% Above 65	-0.47327** (0.10113)	-0.45616** (0.10146)	-0.45431** (0.10077)	-0.45865** (0.10078)
Area (ln)	-54.41762** (11.74712)	-53.30806** (11.82238)	-52.66854** (11.68278)	-51.06731** (11.80959)
EPI	-0.04941 (0.03445)	-0.05080 (0.03440)	-0.04467 (0.03428)	-0.06230+ (0.03440)
Observations	1312	1312	1312	1312

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Table S10 re-examines results in the main analysis (table 4) with the inclusion of a variable measuring population density. The results are robust to the main analysis with the interaction term in model 48 maintaining a positive and significant effect as in table 4, model 12. Additionally, the population density measure fails to reach statistical significance.

Table 10. Civil Society Participation & Basic Water Access, 2000-2015, w/ Population Density.

Variable	(45) Civil Society	(46) Civil Society X Total ESCRs	(47) Civil Society X FOWA	(48) Civil Society X Health
Civil Society Participation	2.21172* (1.08242)	4.07718 (2.50587)	1.01576 (1.37073)	-4.29232* (2.01320)
Rights	- -	0.04644 (0.30548)	-3.86054 (2.87151)	-8.92351** (3.10300)
Interaction	- -	-0.20841 (0.25172)	3.20251 (2.21991)	8.92252** (2.35007)
Regime Type	0.45710 (0.29914)	0.44071 (0.30043)	0.51683+ (0.30170)	0.48746 (0.29774)
GDP per capita (ln)	2.04631**	2.04924**	2.03986**	2.02533**

	(0.14710)	(0.14741)	(0.14715)	(0.14647)
Fractionalization	-20.09023** (4.19696)	-20.19040** (4.20568)	-19.78076** (4.19462)	-20.59208** (4.18097)
Population (ln)	6.32163** (0.79772)	6.37717** (0.80635)	6.28434** (0.80023)	6.29824** (0.79529)
% Urban	0.36177** (0.03002)	0.36079** (0.03019)	0.36074** (0.03012)	0.36334** (0.02994)
Population Density	-0.00513 (0.00573)	-0.00606 (0.00582)	-0.00424 (0.00575)	-0.00305 (0.00572)
% Above 65	-0.47387** (0.10155)	-0.47372** (0.10163)	-0.47320** (0.10170)	-0.48550** (0.10110)
Area (ln)	-54.51231** (11.79316)	-55.11004** (11.82178)	-53.40735** (11.80568)	-51.66108** (11.76507)
EPI	-0.05023 (0.03451)	-0.04936 (0.03453)	-0.04445 (0.03470)	-0.06316+ (0.03450)
Observations	1312	1312	1312	1312

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Next, table S11 re-examines results in the main analysis (table 5) with the inclusion of a variable measuring population density. The results are robust to the main analysis with the interaction terms in models 51 and 52 maintaining a negative and significant effect as in table 5, models 15 and 16. Again, the population density measure fails to reach statistical significance.

Table 11. High Court Independence & Basic Water Access, 2000-2015, w/ Population Density.

Variable	(49) High Court Independence	(50) HCI X Total ESCRs	(51) HCI X FOWA	(52) HCI X Health
High Court Independence	-0.04986 (0.14412)	0.46387 (0.51389)	0.35110 (0.22801)	-1.58848* (0.63433)
Rights	- -	-0.07444 (0.24355)	-1.38064 (2.40920)	-4.23672 (2.63790)
Interaction	- -	-0.04489 (0.04288)	-0.66843* (0.29457)	1.61185* (0.65058)
Regime Type	0.63442* (0.29797)	0.65582* (0.29860)	0.73847* (0.30092)	0.62145* (0.29707)

GDP per capita (ln)	2.04511** (0.14747)	2.03242** (0.14791)	2.04032** (0.14731)	2.04929** (0.14708)
Fractionalization	-19.73606** (4.16885)	-19.77578** (4.18148)	-19.65061** (4.16220)	-20.32961** (4.20853)
Population (ln)	6.27706** (0.79707)	6.32089** (0.80600)	6.37458** (0.79796)	6.46604** (0.80061)
% Urban	0.36431** (0.03002)	0.36214** (0.03019)	0.35706** (0.03019)	0.36797** (0.03016)
Population Density	-0.00497 (0.00573)	-0.00526 (0.00575)	-0.00554 (0.00573)	-0.00511 (0.00573)
% Above 65	-0.45170** (0.10126)	-0.45575** (0.10143)	-0.46490** (0.10136)	-0.44783** (0.10119)
Area (ln)	-54.57726** (11.75166)	-54.88040** (11.77600)	-54.14719** (11.74610)	-53.55706** (11.81747)
EPI	-0.04991 (0.03458)	-0.04930 (0.03459)	-0.05227 (0.03457)	-0.05596 (0.03457)
Observations	1312	1312	1312	1312

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Tables S12, S13, and S14 reexamine the findings in the main analysis regarding specific ESCRs with the use of OLS regression with separate covariates for the level of constitutionalization of specific rights, where no right is the reference category. In large part, the results are in line with those presented in the main analysis. Beginning with table S12, the aspirational rights categories maintain a negative and significant effect on water access however, the justiciable categories fail to achieve significance. The interaction in models 53 and 54 maintains a positive and significant effect.

Table S12: Democratic Governance & Basic Water Access, 2000-2015, Level of Constitutionalization

Variable	(53) FOWA	(54) Health
Rule of Law	1.12150 (1.19751)	-2.16589 (2.93349)
Aspirational Right	-8.48700* (3.93622)	-9.81006** (3.39889)
Justiciable	-4.50280 (3.00508)	-4.20356 (3.49707)
Interaction	5.55434**	3.43345*

	(1.24004)	(1.60628)
Regime Type	0.17789 (0.31258)	0.08001 (0.31454)
GDP per capita (ln)	2.07140** (0.14517)	2.03958** (0.14576)
Fractionalization	-19.13143** (4.18064)	-20.27610** (4.21861)
Population (ln)	6.25170** (0.65001)	6.48205** (0.65034)
% Urban	0.35438** (0.03001)	0.35973** (0.02999)
% Above 65	-0.46709** (0.10056)	-0.49752** (0.10085)
Area (ln)	-52.30231** (10.30230)	-52.94534** (10.41249)
EPI	-0.04877 (0.03410)	-0.05980+ (0.03437)
Observations	1323	1323

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Next, table S13 utilizes the same estimation strategy as table S12, with no right as the reference category. In model 56, the aspirational right to health maintains a negative and significant effect and the interaction maintains its positive and significant effects, mirroring results in the main analysis.

Table 13. Civil Society & Basic Water Access, 2000-2015, Level of Constitutionalization.

Variable	(55) FOWA	(56) Health
Civil Society	-0.01991 (1.29813)	-1.31375 (1.86141)
Aspirational	-8.96704* (4.02255)	-9.50054** (3.28354)
Justiciable	-5.37711 (3.30860)	-4.27134 (3.24233)
Interaction	4.28283** (1.32589)	2.88303* (1.21314)

Regime Type	0.53215 ⁺ (0.29959)	0.39790 (0.29742)
GDP per capita (ln)	2.07973** (0.14539)	2.08901** (0.14533)
Fractionalization	-19.66268** (4.21162)	-20.69374** (4.21058)
Population (ln)	6.19959** (0.65337)	6.38251** (0.65130)
% Urban	0.35294** (0.03025)	0.35495** (0.03000)
% Above 65	-0.48428** (0.10133)	-0.51244** (0.10133)
Area (ln)	-52.01270** (10.38091)	-52.71224** (10.42197)
EPI	-0.04198 (0.03442)	-0.06222 ⁺ (0.03448)
Observations	1323	1323

Standard errors in parentheses.

+ p<.1 *<.05 **<.01

Finally, table S14 again utilizes OLS regression with separate covariates for the level of constitutionalization of specific rights and reexamines findings in the text with no right as the reference category. Model 57 replicates results in the text with the interaction term maintaining a negative and significant effect. Next, the aspirational right to health in model 58 maintains a negative and significant effect. However, unlike in the main results, the interaction term flips its sign to become positive.

Table 14. High Court Independence & Basic Water Access, 2000-2015, Level of Constitutionalization.

Variable	(57) HCI X FOWA	(58) HCI X HENV
High Court Independence	0.31501 (0.21246)	-1.05682* (0.42153)
Aspirational	-5.74000 (3.89966)	-8.37692** (3.12765)
Justiciable	0.65971 (2.75583)	-1.57923 (2.71734)
Interaction	-0.28953 ⁺ (0.15466)	0.65431** (0.24219)

Regime Type	0.62414*	0.61395*
	(0.29831)	(0.29641)
GDP per capita (ln)	2.09520**	2.10905**
	(0.14619)	(0.14547)
Fractionalization	-19.59505**	-20.45230**
	(4.18771)	(4.20756)
Population (ln)	6.15806**	6.35965**
	(0.65420)	(0.65038)
% Urban	0.34856**	0.35736**
	(0.03033)	(0.03003)
% Above 65	-0.47480**	-0.48648**
	(0.10137)	(0.10097)
Area (ln)	-51.28666**	-52.30590**
	(10.34439)	(10.41857)
EPI	-0.05428	-0.05813+
	(0.03453)	(0.03438)
Observations	1323	1323

Standard errors in parentheses.

+ p<.1 *<.05 **<.01