Trading Sovereignty for Self-Determination

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Abstract. Weak states, especially those with a recent history of colonial or imperial domination, have traditionally been among the strongest advocates for strict norms of sovereignty and non-interference. These states are vulnerable to international pressure and interference, and they have sought to limit these pressures by "jealously" guarding their sovereignty. Yet, after decades of advocating for strict non-interference, many of these states became willing to delegate extensive interventionist authority to their own regional organizations. I examine this change in the case of human rights. I argue that states delegated authority to enforce human rights to a regional organization as a way of resisting the imposition of unwanted authority, including enforcement by powerful, Western states in the form of economic conditions. By establishing their organizations as a legitimate authority over human rights—creating regional enforcement mechanisms and then asserting the authority of regional enforcement—states were able to effectively trade sovereignty for self-determination. In making this argument, I expand the concept of self-determination to incorporate self-determination over international rules. I argue that, by employing this strategy, states were able to actually *increase* their discretion over the design and implementation of international policy, even while compromising on their absolute sovereign authority. Using a mix of quantitative and qualitative evidence, I show that the decision by Latin American states to accept and expand the authority of the Organization of American States to enforce human rights cannot be fully explained without accounting for the importance to these states of self-determination.

1. Introduction

Vulnerability to international pressure and interference is a persistent and consequential part of international relations for weak states, or those with low institutional capacity and high levels of external dependence. Accordingly, countering international pressure has formed an important part of their foreign policies. This has been especially true for states with recent histories of colonial and imperial domination, whose sovereign independence was only recently attained and has since been undermined by meddling, interference, and military intervention by more powerful states. For decades, one of the most common ways these states compensated for their weakness and fended off international pressure was by "jealously" guarding their sovereignty, typically prioritizing non-interference in their internal affairs over competing values like human rights or democratic governance.

This was the case in Latin America, where the importance historically placed on individual rights (Glendon 2003; Sikkink 2014; Simon 2017) long clashed with efforts to institutionalize strict sovereignty norms in international law and to constrain European powers, and later the U.S., from interfering in their internal affairs (Cabranes 1967; Corrales and Feinberg 1999; Finnemore 2003). Yet, beginning in the 1970s, this advocacy for strict norms of sovereignty and non-interference was replaced by a new willingness to consent to interference by the Organization of American States (O.A.S.), a regional organization comprised of all independent states in the Western hemisphere. At this time, Latin American leaders began to expand the authority of the O.A.S. to carry out human rights enforcement, accept its authority, and open themselves up for scrutiny and criticism. What explains this change?

I argue that this change represented a change in strategy to achieve the same overarching goal of limiting the external imposition of authority. Beginning in the 1970s, outside actors,

especially powerful Western states, began to enforce human rights in Latin America in ways that leaders in the region viewed as one-sided, hypocritical, and inappropriate. At the same time, calls for complete non-interference began to register to the international public as cynical and callous. As a result, the decision-making calculus of Latin American leaders shifted from *whether* human rights ought to be enforced to *who* would enforce human rights and *how*.

In this paper, I argue that motivating this change were concerns about self-determination, or, to paraphrase Robert Dahl (1989: 91), the ability to govern themselves under international laws of their own choosing. By establishing their regional organizations as a legitimate authority over human rights enforcement—delegating enforcement authority to the O.A.S. and then asserting regional authority over human rights—Latin American states were able trade sovereignty for self-determination, reducing the imposition of unwanted authority and ensuring their influence over the design and implementation of human rights policy in the region.

This explanation contrasts with existing theories of delegation and cooperation, which see these actions as inherently constraining and purely voluntary. According to these theories, aligning policies with another state, signing a treaty, joining an international organization, or entering into a hierarchy or sovereignty sharing relationship incurs "sovereignty costs," or the loss of national discretion over policymaking (Abbott and Snidal 2000; Hafner-Burton 2015; Moravcsik 2000; Matanock 2014; Lake 2009; Krasner 2004), and "agency costs," or the cost of ensuring that international agents do what state principals have tasked them with (Hawkins *et al* 2006). Rational choice research finds that states will accept these costs when they are outweighed by the benefits, which include reducing transaction costs, solving commitment problems, and enabling mutually beneficial outcomes (Abbott and Snidal 1998; Axelrod 1984; Hawkins *et al* 2006; Keohane 1984). When it comes to delegating authority to enforce norms,

these benefits include the ability to lock in reforms and send costly signals about regime type in order to attract material benefits (Hafner-Burton 2005, 2008; Hafner-Burton *et al* 2015; Hyde 2011; Lebovic and Voeten 2009; Moravcsik 2000; Pevehouse 2002, 2005). Sociological approaches emphasize delegation as the result of isometric convergence (Meyer and Rowan 1977; Börzel and van Hüllen 2015), pre-existing fit between domestic or regional norms and the norm being enforced (Acharya 2004; Aggarwal 1985; Coe 2020), responses to pressure or persuasion (Finnemore and Sikkink 1998; Keck and Sikkink 1998; Kelley 2004, 2008), tactical concessions (Risse-Kappen *et al* 1999), a way of signaling commitment to community values and acting in ways that are considered appropriate for actors of their identity category (Lutz and Sikkink 2001; Meyer *et al* 1997).

These theories, which emphasize voluntariness and mutual gains, on the one hand, and persuasion and logics of appropriateness, on the other, do not distinguish between voluntarily delegating authority and having international authority imposed. As a result, they do not fully capture the fact that sovereign authority is often usurped rather than delegated (Markell 2008). In fact, leaders of weak states may cede authority—e.g. by accepting international oversight, austerity measures, aid conditionality, or free market policies—because they have no other viable choice. They may rationally anticipate that openly rejecting or contesting a particular authority relationship or set of rules will be costly, lead to retaliation, or simply fail (Gruber 2000; Moe 2005; Pierson 2015), and delegate in anticipate of this. As a result, when substantial power inequalities exist, it can be difficult to distinguish between voluntary delegation (Lake 2009) and relations of involuntary domination, where the overwhelming power differentials effectively preclude overt resistance to or rejection of external authority by the weaker state (Pierson 2015). In the latter case, political institutions, rather than mutually beneficial solutions to collective

action problems, may involve powerful actors imposing their own beneficial solutions onto weaker actors (Gruber 2000; Moe 2005).

While existing theories recognize that power disparities are important, with powerful states creating international authority structures primarily to benefit themselves, maintaining greater influence over them, and facing weaker sanctions for violating rules (Abbott and Snidal 2000; Donno 2010; Hawkins *et al* 2006; Keohane 1984; Krasner 1976; Stone 2008; Thompson 2006), these theories regard the decision for weak states to accept and not openly contest authority as *prima facie* evidence that they view cooperation as both beneficial and legitimate (Koremenos *et al* 2001; Lake 2009; Nye 2004; Stone 2008). Accordingly, as this way of thinking goes, if an international authority or institution is sufficiently undesirable or far from a state's preferences, the state will choose not to delegate, rescind the delegated authority, or engage in open contestation (Carothers 2006; Lake 2009; Hirschman 1970; Morse and Keohane 2014; Tallberg and Zurn 2019; Terman 2019).

However, open resistance and contestation is costly (Pierson 2015). Materially weak states may instead engage in less visible forms of resistance, such as reluctant compliance (Scott 1985: 26), mimicking compliant behavior (Hyde 2011), or telling more powerful actors what they want to hear (Bayert 2000; Scott 1990; Tieku 2013). Additionally, as I argue in this paper, states may delegate to one authority in order to resist the imposition of other, unwanted authority or to manage external interference that they cannot avoid outright.

In this paper, I highlight this distinction between delegating sovereign authority and having authority imposed. To do so, I expand the concept of self-determination to include self-determination over international rules, which I argue is an important goal for political actors, including states, independent of the outcomes of cooperation (Getachew 2019; Jagmohan 2020;

Wilder 2015). Weak states may subtly resist the imposition of authority and attempt to maintain their self-determination by delegating genuinely challenging or sensitive authority to a regional organization, in which rules and norms favor state equality, compromise, and consensus. In doing so, they may actually *increase* their discretion over policymaking relative to alternative forms of international authority.

I argue that the decision of Latin American states to compromise on non-interference, and the form that the subsequent delegation and cooperation took, cannot be fully explained without accounting for the importance of self-determination as a political goal. To assess my argument, I derive a series of observable implications that distinguish between behavior motivated by self-determination and behavior motivated by other considerations. In contrast to expectations of existing explanations, I find that states that were among the biggest advocates for international protection of human rights at this time were also among the most vocal critics of enforcement that challenged state self-determination. For democracies, the imposition of external authority represented a direct challenge to domestic democratic processes. For states that were directly challenged by human rights enforcement, they became willing to open themselves up to scrutiny and criticism within the O.A.S. in order to reduce the imposition of what they viewed as unfair, politicized, and hypocritical treatment outside of it.

Both the legitimacy of international organizations and discontent with a U.S.-led world order have become increasingly salient to international politics (Adler-Nisson and Zarakol 2021; Hooghe *et al* 2019; Tallberg and Zurn 2019). Uncovering the subtle ways that weak states have expressed discontent and resisted external authority can help explain the appearance of more overt forms of resistance, drawing into question how much of cooperation is actually subtle

coercion, and highlighting the limits and unintended consequences of using carrots and sticks to induce compliance.

2. Self-determination and establishing regional authority

In this section, I develop a conceptualization of self-determination over international rules and distinguish this concept from sovereignty. I argue that weak states, those with low institutional capacity and high levels of external dependence, are particularly vulnerable to having international rules imposed on them. However, they can compensate for this vulnerability with collective action, establishing regional authority over the design and enforcement of rules within their region.

2.1. Self-determination, international rules, and weak states

Self-determination is defined as self-rule, or "governing oneself under laws of one's own choosing" (Dahl 1989). It has both a domestic and international face, and the international side of self-determination, being governed by *international* laws of one's own choosing, overlaps in important ways with the concept of sovereign independence, especially where sovereignty is achieved through decolonization, separatist movements, or the exclusion of outsiders from a state's internal affairs (Krasner 1999: 20). However, self-determination is distinct from sovereignty (Getachew 2019; Jagmohan 2020; Stilz 2015; Umozurike 1972; Wilder 2015), and an important way these concepts differ is that a state can maintain self-determination over international rules *even if those rules diminish their sovereign authority or result in interference in their domestic affairs*. In other words, states can cede sovereign authority while preserving or

even enhancing their self-determination, and they may actively choose to trade sovereign authority for greater self-determination.

What does it mean for a sovereign state to exercise self-determination over international rules? By definition, rules that are created through cooperation with other states or by an international authority, like an international organization, are going to differ from the rules that a state would design independently through its own domestic processes of contestation and aggregation (Keohane 1984; Moravcsik 2000). However, this does not mean that the rules are not self-determined. Instead, there are two conditions that determine the level of self-determination a state has over a particular international rule.

The first condition is the degree to which the state is able to effectively participate in the design and implementation of international rules to which it is subject, relative to other states.[1] This does not mean that the state is able to exert direct, immediate control or get exactly what it wants, but rather that they expect to able to exert a similar amount of influence relative to other states. This should be the case even if the level of influence over implementation is fairly low for all states, as with an international court. The second condition is the degree to which the decision to be bound by the rule comes from domestic decision-making processes. How much does the ongoing decision to accept an international rule reflect some aggregation of domestic interests and beliefs (Moravcsik 1997), versus responding primarily or even exclusively to external pressures or influences?[2]

The more these two conditions are present, the more people in a state that are bound by international rules can still be said to be governed by laws of their own choosing, because their interests and beliefs are accounted for in the rules, and they are able to meaningfully and

[1] See Markell (2008) on participation.
[2] For an analog, see Moss *et al* (2005) on aid dependency.

collectively choose for themselves whether to accept them. Absent these conditions, the state in question may be powerless to shape or alter the rules or the implementation of rules to which they are subject.[3] This is especially likely for weak states, which have less bargaining power and are unable to accomplish many tasks on their own. They may accept international rules almost exclusively in response to external pressures or influences, such as threat or even possibility of external punishment or reward, or out of rational anticipation that positive relations with vital donor states, allies, or trading partners may be negatively affected by failing to accept or by openly contesting a rule. Finally, they may simply expect that attempts to contest or reject a rule will be unsuccessful or will result in retaliation, and accept the rule based on that expectation (Pierson 2015). At times, this leaves them with little choice but to accept the imposition of international rules when vital resources or relationships are, implicitly or explicitly, tied to accepting them.

2.2. Increasing self-determination by establishing regional authority

In spite of the disadvantages weaker states face in exerting influence in the international system, they do not simply accept that rules will be imposed on them. Instead, they engage in collective action to increase their self-determination over international rules. In this section, I argue that one of the ways weak states can increase their self-determination is by establishing their regional organization as a legitimate authority over rules and policies that affect their region.

Establishing regional authority can increase states' self-determination in three ways. First, by persuading other interested actors, including interested states, bureaucrats of international organizations, private interests, and civil society, to accept and defer to the

[3] See Getachew (2018) on the link between the ruled and international authority.

authority of the regional organization, they can reduce the imposition of rules by those actors. In particular, states can convince outside actors to limit their engagement to supporting, cooperating with, or following the lead of the regional organization rather than pushing their own initiatives. Second, by establishing the regional organization as a legitimate authority over rules that affect the region, states can create normative expectations that the regional organization ought to be consulted, listened to, and respected by other actors when designing or carrying out policy that affects the region. States thus increase their influence via their collective voice within the regional organization. Finally, states may be able to take over a rule's design and implementation, deterring outside involvement altogether and shifting policymaking out of the global level and into the regional organization, where the pre-existing composition of membership, power disparities, and decision-making rules and norms that favor state equality, consensus, and compromise increase the likelihood that states will be able to influence how policy is designed and implemented.

There are two steps involved in establishing regional authority over an issue area. First, member states must first create a regional authority by creating, accepting, or expanding mechanisms within the regional organization to engage with the issue area. Because they are trying to convince other interested actors to accept the regional organization's authority, regional enforcement must meet minimal expectations held by outside actors regarding what constitutes appropriate action in an issue area. A regional organization may already be authorized through its mandate to engage with the issue area, but states may need to expand the regional organization's authority and increase their cooperation within it in order to meet outside expectations of legitimate authority. In other cases, the issue area may be outside of the regional organization's existing competence, and members of the regional organization must delegate

new authority to the organization in order to then assert its authority. Though expectations of what constitutes legitimate enforcement may be shared by actors inside the regional organization, the expectations of outside actors are central to this decision because these actors will be much less likely to accept regional authority if they do not believe that the regional mechanism will not be able to effectively and appropriately address the issue.

Second, states must assert regional authority, convincing other actors, including those with competing claims to authority, to accept the regional organization as a legitimate authority. This means that these other actors accept that the regional organization has a right to have its opinions and judgments listened to and taken seriously, and that its judgments should be treated as credible and, in some cases, even deferred to (Barnett and Finnemore 2004: 20; Lake 2007; Tallberg and Zurn 2019).

States attempting to establish regional authority over an issue may argue that regional organizations are uniquely effective and legitimate with respect to the region, and that these features make the regional organization well-suited to dealing with the issue area, even if the organization has no past experience with the issue itself. They may also assert that actors from outside of the region need the consent, approval, or participation of regional organizations for their own actions to be legitimate (Bellamy and Williams 2011). Accepting and expanding regional enforcement while withholding support for or actively criticizing enforcement coming from outside of the region can encourage other actors to utilize regional channels for enforcement or even shift their efforts towards improving regional enforcement.

This is not to understate the importance of the norm of regional solutions for regional problems, but rather to argue that this norm is, in part, actively constructed by states that are motivated by external pressures and their own beliefs regarding which strategies will be

successful at responding to these pressures (Mahoney 2010: 17; Duursma 2020). There are as many forces pushing states in a region apart as pulling them together, and shared external pressures can be a powerful source of solidarity. Advocacy for problem-solving at the regional level may, in part, be a response to powerful states, whose foreign policies and bureaucracies tend to be organized by region.

3. Trading sovereignty for self-determination over human rights

In this section, I examine the decision by Latin American states to compromise on non-interference and empower the Organization of American States (O.A.S.) to enforce human rights. While there is nothing about the strategy of establishing regional authority that necessarily requires states to compromise on non-interference, in the case of human rights, external expectations about what constituted legitimate enforcement required they do so in order for the O.A.S. to be accepted as a legitimate authority.

This change in orientation towards the norm of non-interference, which happened in the 1970s, was a significant concession by states whose collective foreign policies since becoming independent in nineteenth century had been heavily influenced by their vulnerability to pressure; their history with colonization and intervention by European powers; and the threat of "Yankee imperialism" from U.S. While in recent years, a number of Latin American states have become much more materially powerful, for most of their history, including the period I focus on, they were relatively quite weak, especially when compared with the great powers. Throughout this time, their foreign policies had been oriented towards using international law, cooperation, and organizations to attempt to constrain other, more powerful actors from intervention, meddling, and pressure (Cabranes 1986; Corrales and Feinberg 1999; Medina Quiroga 1988: 21-23; Simon

2017; Tussie 2009). However, since the 1970s, the Inter-American human rights system has become one of the most challenging and effective systems in the world, especially when considering the extent of human rights violations with which it has had to contend (Dulitzky 2011; Farer 1997: 512; Goldman 2009: 857).

The O.A.S. provides a challenging case for my theory to explain. Latin American states have traditionally been predisposed towards the concept of individual rights (Sandifer 1965; Simon 2017), and many Latin American states have been global protagonists for human rights (Sikkink 2014). Additionally, empowering the O.A.S. risked enabling its misuse by the U.S., the organization's most powerful member state. I provide evidence that, in spite of these factors, the drive to maintain self-determination was a key piece in explaining the decision to compromise on non-interference.

There are a lot of challenges to assessing the importance of self-determination in these changes. It is not possible to directly observe leaders' motivation, and there are incentives for leaders to misrepresent their motivations, as saying that they are expanding regional authority in order to contest outside enforcement could undermine the perceived legitimacy and effectiveness of regional authority. There is also the difficulty of separating out the importance of self-determination from the many other changes going on at the same time, with the 1970s having been an especially eventful time for international human rights (Eckel and Moyn 2013; Moyn 2010; Sikkink 1993; Keck and Sikkink 1998). Finally, there is the danger of an ecological fallacy, attributing behaviors and motivations to the region as whole when in fact, different states within the region are behaving differently.

To address these challenges, I derive and assess five observable implications that allow me to tease apart the effects of the different changes taking place. By identifying observable

behaviors that would be expected if states were motivated by maintaining self-determination, I can analyze the unobservable motivations behind state actions. I broadly distinguish between states that support the norm of human rights and respect it domestically, which I refer to as human rights "proponents" and those that do not, or human rights "opponents." The former consists of new or consolidated democratic governments, states for whom human rights promotion is a foreign policy goal, and states with an overall high level of domestic respect for human rights. These are states that existing research strongly expects will support human rights enforcement. The most important states in this category throughout this period were Costa Rica, Venezuela, and Colombia (Peeler 1985). Opponents, conversely, are expected to be motivated by attempts to avoid or decrease their exposure to costly enforcement. I conclude by addressing competing explanations, including the possibility that states pursed regional enforcement because of its regional character, rather than because it enhances their self-determination.

3.1. Observable implications

The first observable implication is that, in the period before the onset of challenges to self-determination, there will be relatively consistent prioritization of non-interference over human rights by states in the region. For human rights proponents, although they value human rights, I expect them to prioritize non-interference and to offer only limited and inconsistent support for human rights enforcement in this period (*withholding support*).

The next observable implication relates to state reactions to enforcement that is seen as challenging their self-determination. I expect Latin American states, including human rights proponents, to criticize, push back against, or withhold support for enforcement that undermines

their self-determination, even when they are not being targeted or even potentially stand to derive immediate benefits from these enforcement measures (*pushing back against enforcement*).

The third observable implication assesses the timing of the decision to expand and accept regional authority (*expanding and accepting regional authority*). Establishing regional authority requires that regional mechanisms meet external expectations for legitimate enforcement. For human rights, this means that they must compromise on non-interference. I expect Latin American states to collectively move to meet these external expectations by expanding and accepting regional human rights enforcement mechanisms only *after* other actors impose human rights policy on the region. For human rights opponents, including states that are being directly targeted for enforcement, I expect them to be willing to cooperate with and delegate genuinely challenging authority to regional mechanisms after their self-determination is challenged.

The fourth observable implication pertains to divergences in state behavior between regional enforcement and other forms of enforcement. I expect Latin American states to be more willing to accept regional mechanisms compared to similar authority in extra-regional or global forums and more willing cooperate with regional enforcement efforts (*global-regional divergence*). An important part of establishing regional authority over human rights is actually accepting the regional organization's authority. However, states that are challenged by enforcement are likely to want to delegate only what authority is necessary to establish regional authority. Accepting regional authority while failing to accept other forms of authority can encourage outside actors to support and defer to regional channels for enforcement. I expect states to systematically delegate more enforcement authority at the regional level than the global level, even for similar types of enforcement, and to delegate regional authority earlier than comparable extra-regional authority.

The final observable implication involves actively asserting the legitimate authority of regional organizations over human rights (*asserting regional authority*). I expect to see states—both human rights opponents and proponents—engage in direct, explicit forms of asserting regional authority, such as actively asserting that regions are more effective or more legitimate actors to enforce human rights, and that that regions should be allowed to solve their own problems. Table 1 provides an overview of the five observable implications.

Table 1. Observable implications of trading sovereignty for self-determination

Withholding support	States, including human rights proponents, will offer only inconsistent support for regional human rights enforcement prior to the onset of challenges to self-determination.
Pushing back against enforcement	States, including human rights proponents, will push back against, criticize, and withhold support for enforcement that undermines their self-determination.
Accepting and expanding regional authority	States, including human rights opponents, will accept and expand the authority of regional human rights mechanisms after the onset of challenges to their self-determination.
Global-regional divergence	States will delegate more authority to regional mechanisms than to global mechanisms, holding constant the level of enforcement.
Asserting regional authority	States will engage in active attempts to legitimize regional human rights enforcement.

3.2. Assessing the theory

To test my observable implications. I use a mix of qualitative and quantitative data. Qualitative data consists of newspaper articles, speeches, debate records, drafts and final versions of resolutions and declarations from international organizations, human rights treaties, declassified foreign policy documents, contemporaneous reporting, and secondary sources. For quantitative data, I use U.N. General Assembly voting records, data on treaty ratification, and data on delegation of enforcement authority.

3.2.1. Withholding support

In this section, I provide evidence that, in spite of good fit between global human rights norms and conceptions of human rights within the region, through the early 1970s, states consistently prioritized strict non-interference over human rights enforcement, rejecting binding international law and enforcement mechanisms that genuinely challenged their sovereignty. Although some of this can be attributed to the presence of a large number of authoritarian governments, human rights proponents and democracies also showed ambivalence towards creating and accepting interventionist mechanisms for enforcement of human rights. This was, to a large degree, a product of their vulnerability to international pressure and interference, and their history with colonization, imperialism, and intervention.

The O.A.S. was formed in 1948 as a successor to the Pan-American Union, and its charter included extensive obligations regarding non-interference (Cabranes 1967: 1153-1154, footnote 12; Organization of American States 1948: Article 15-17), but only broad statements and principled declarations on human rights (Cabranes 1967; Thomas and Thomas 1972: 323; Organization of American States 1948: Article 5(j), Article 29). Regional institutionalization of human rights throughout this time was largely limited to non-binding declarations (Goldman 2009: 858; Medina Quiroga 1988: 29). A declaration on the International Protection of the Essential Rights of Man, adopted in 1945, was itself aimed at *limiting* intervention by eliminating the use of intervention to protect citizens residing in another state (Medina Quiroga 1988: 29). In 1948, states adopted the American Declaration on the Rights and Duties of Man, with a majority of states voting for its adoption as a non-binding declaration rather than a binding treaty. This included the democratic governments of Argentina, Brazil, Chile, Costa Rica, and Peru (Medina Quiroga 1988: 38). Between 1945 and 1954, there was a number of proposals for

enforcement mechanisms were rejected, including collective non-recognition of non-democratic governments (Thomas and Thomas 1972), a mechanism for "informative investigations" of human rights violations, a human rights court (Schreiber 1970; Goldman 2009), a mechanism to study the effective protection of human rights, and an early proposal for a human rights commission (Schreiber 1970).

Regime type can certainly explain some of this reluctance to create challenging mechanisms for human rights enforcement, but the conflict between priorities also divided states with democratic governments. One well-known example was the Larreta Doctrine, a 1945 Uruguayan proposal for a mechanism for "multilateral intervention" in defense of human rights. Though it was supported by the U.S., the proposal was rejected by most other member states, including Costa Rica and Colombia, both democracies with good human rights records (Cabranes 1967: p1160 footnote 25). The government of Colombia provided a lengthy explanation for their position on the proposal, emphasizing their concern at compromising on the norm of non-interference, which had "cost the American peoples a great deal to consecrate" and noting the importance of considering how policies would affect "smaller and defenseless nations" (*FRUS* 1969, IX, 156).

This tension also arose during the creation of the Inter-American Commission on Human Rights (IACHR), an independent commission established in 1960. In its original mandate, the Commission was not given any interventionist power. It could not investigate or comment on states' human rights practices (Norris 1980: 48-49), and it was tasked only with "develop[ing] an awareness" of human rights and making "general" recommendations (Goldman 2009: 862). In fact, states voted on whether to allow the IACHR to receive complaints from individuals alleging human rights violations, often considered the linchpin of an effective enforcement regime, and

the proposal was defeated, with a number of democracies, including Brazil, Costa Rica, and Uruguay, withholding support (Schreiber 1970: 36). Instead, it was the original commissioners of the IACHR who interpreted their mandate as allowing the commission to receive, although not to make decisions on, individual complaints, as well as to conduct in-country visits to investigate human rights and to issue reports on individual countries (Goldman 2009: 868; Sandifer 1965: 517).

Finally, the ambivalence of democratic states towards compromising on non-interference within the O.A.S. manifested in the ratification of the American Convention on Human Rights (ACHR). The ACHR was adopted in 1969, but by 1976, Costa Rica and Colombia were the only states that had ratified it. Venezuela, Jamaica, Barbados, Trinidad and Tobago, Uruguay, Ecuador, and Chile all decided not to ratify the ACHR despite having democratic governments at some point between 1969 and 1976.

3.2.2. Pushing back against enforcement

In this section, I assess evidence for the second observable implication, that states, including human rights proponents, will criticize, push back against, and withhold support for enforcement that undermines their self-determination. In the early and mid-1970s, Latin American self-determination was challenged by the enforcement of human rights by Western states, particularly through economic conditions, and by the singling out of Latin America within the U.N. Both of these forms of enforcement greatly limited the ability of Latin American leaders to influence human rights policy being carried out in their region.

The mid-1970s are generally viewed as marking a turning point in the practice of enforcing human rights, triggered by a dramatic surge in transnational advocacy and

international attention to human rights in the aftermath of the 1973 overthrow of the Salvador Allende government in Chile (Eckel and Moyn 2013; Keck and Sikkink 1998; Moyn 2010). One effect of this surge in attention was the increasing incorporation of human rights into the foreign policies of Western governments, most notably through the use of conditions on economic and security assistance. Although there were isolated examples of human rights being incorporated into foreign aid decisions prior to this, the magnitude of the public attention to human rights beginning in the 1970s put Western governments under unprecedented domestic pressure to not be seen as assisting governments that violated human rights.

U.S. pressure on Latin America ratcheted up in 1973, when the U.S. Congress began to pass new legislation restricting security and economic assistance on account of human rights (Cignarelli and Pasquarello 1985). In 1975, Chile became the first country to have its security assistance cut off under the new legislation (Binder 1975). This pressure expanded greatly when Jimmy Carter became president in 1977 and made human rights a centerpiece of his foreign policy ("Carter and Human Rights, 1977-1981" n.d.). In June 1977, at the first O.A.S. General Assembly after Carter took office, U.S. Secretary of State Cyrus Vance announced the U.S.'s intention to link human rights with aid and trade (U.S. House of Representatives 1977: 4), with the U.S. broaching the issue of human rights at an Inter-American Development Bank meeting that same month ("Kidnapping mars IDB meeting" 1977). By 1978, U.S. assistance had been restricted to Argentina, Brazil, Uruguay, Nicaragua, and El Salvador (*FRUS* 2013, II, 62).

Similarly, Western European governments, in spite of having fewer connections with Latin American states, reduced economic assistance, voted against loans in IFIs (Rowen 1977; *FRUS* 2013, II, 4), refused to reschedule existing debts ("Economic measures set" 1975), reduced or severed diplomatic ties ("The British Cabinet's 'New Approach' to Chile" 1979;

"U.S. Cuts Back Ties" 1979; Young-Anawaty 1980: 72), provided support and legitimation to domestic opposition movements of repressive leaders (Kelly 2013: 178; Tomayo 1981), and added human rights considerations to trade (Arts 2000; Young-Anawaty 1980).

Because Latin American states remained reliant upon economic support and preferential access to markets, economic conditions were both impactful and inherently one-sided: they could only be applied to Latin American states by Western states, and they were both created and applied without input from recipient states. In this way, they represented an imposition of authority, and they were regarded as such even by states that supported human rights enforcement in principle.

In fact, Latin American leaders—supporters of human rights or not—collectively objected to these enforcement policies. In 1977, the president of Venezuela, then an important proponent for human rights, asserted that cutting off aid was counter to regional norms of "self-determination, nonintervention [sic], and mutual respect." He argued that "no individual country has the right to say at what point a certain norm is being violated, or … what corrections should be made." Instead, these determinations were more appropriately made by "supranational organizations at regional and world levels" (Andres Perez 1977). In another instance, a representative of Colombia, another proponent of human rights, expressed reservations to a U.N. General Assembly resolution condemning the Chilean government, noting their "misgivings regarding the economic sanctions which could be inferred" from the language of the resolution (U.N. General Assembly 1977f: 11). Commonwealth Caribbean states, among the most consistently democratic, were also adamantly opposed to the addition of human rights considerations to trade and economic assistance, with one Jamaican representative asserting that

human rights "has no place in an agreement dealing with trade and cooperation" (Young-Anawaty 1980: 87, footnote 106).

As the West expanded its use of economic conditions on human rights, resolutions opposing these conditions began to appear in the U.N., and Latin American states offered nearly unanimous support. These included a 1979 resolution in the U.N. Commission on Human Rights expressing "concern" that "human rights conditions are being imposed in bilateral and multilateral trade policies" (U.N. Commission on Human Rights 1979: 108)[4] and a 1981 General Assembly declaration asserting that states have a "duty to refrain from the exploitation and the distortion of human rights issues as a means of interference in the internal affairs of states" (U.N. General Assembly 1981b).[5]

The second avenue through which Latin America's self-determination was challenged was through disproportionate targeting within the U.N., including the use of expanded, *ad hoc* procedures. In 1975, the *ad hoc* working group on Chile was formed by the U.N. Commission on Human Rights (UNCHR), an intergovernmental human rights body, to study human rights in the aftermath of the 1973 coup. As indicated by its name, working groups as a mechanism for investigating and enforcing human rights were not formally established within the U.N., stretching the limits of the organization's formal authority (Bossuyt 1978). Additionally, while the group was established to investigate the use of torture and other cruel, inhuman, or degrading treatment, its scope quickly grew, with the working group also investigating the right to assembly and free expression, labor rights, the right to health, rights of indigenous populations, and the right to education (U.N. Secretariat 1975).

[4] Developed states voted against the resolution and developing states voted in favor (Alston 1982: 167 fn 58).
[5] Venezuela voted no, El Salvador and Guatemala abstained, and Dominica and Antigua and Barbuda were absent. Information on voting on U.N. General Assembly resolutions taken from the U.N. repository of voting records (accessed at: https://www.un.org/en/ga/documents/voting.asp).

Latin American countries also faced disproportionate scrutiny in the U.N. General Assembly. Through 1984, Latin American countries were the only countries apart from Israel and South Africa to be singled out by General Assembly resolutions,[6] while, for the most part, discussion of states in other regions were either silenced or done in confidential sessions of the UNCHR, with the non-aligned states cooperating to limit condemnation of themselves (van Boven 1977; Weinstein 1976).

Latin American leaders, regardless of whether they were themselves being targeted, opposed the singling out of Latin America in the U.N. One U.S. State Department memorandum described a tense scene at the 1979 meeting of the UNCHR, during which Latin American representatives reacted strongly to the unfair targeting of the region. According to the memo, the ambassador of Colombia "openly expressed his disgust" with other countries "for protecting their own regions…all while pretending to take an objective stand" against Latin American countries (*FRUS* 2013, II, 184).

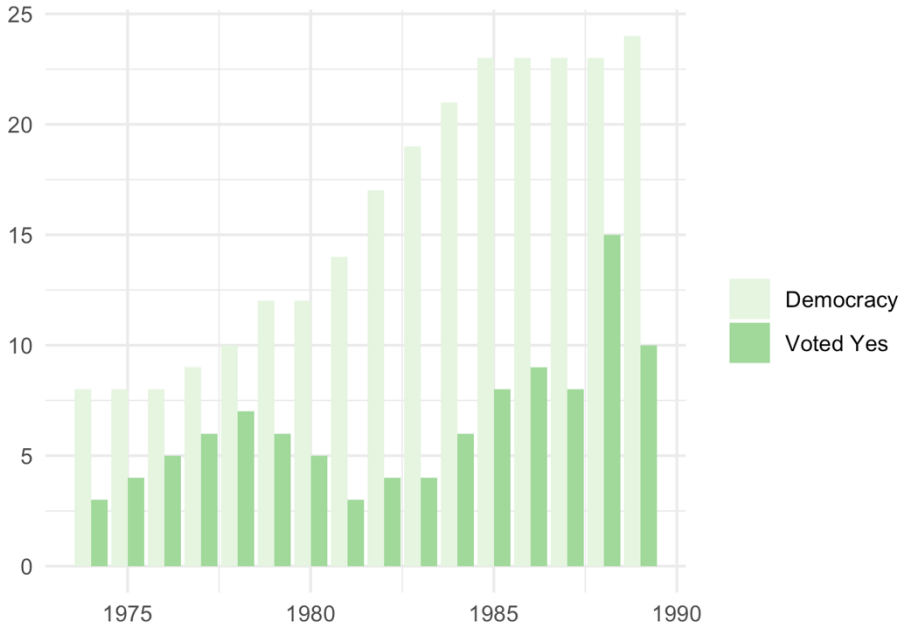
They also harshly condemned, to no effect, the work and the unusual, expanded procedures of the *ad hoc* working group. Costa Rica, one of the most important and consistent supporters of human rights at both the regional and global level (Brysk 2005) and a state which has robust safeguards for civil and political rights (Booth 2008), was particularly critical. During U.N. General Assembly open debates, a Costa Rican representative criticized the *ad hoc* working group by pointedly noting the "tendency" within the U.N. "to create ad hoc committees to investigate selectively cases of alleged violations of human rights with a predominantly political criterion" (U.N. General Assembly 1977c: 179). During debates over the resolution against Chile, the Costa Rican delegate referred to the extension of the working group's mandate as an

[6] El Salvador, Guatemala, and Bolivia were also targeted by resolutions.

"unending nightmare," emphasizing that the other member states had not been subjected to the same kind of scrutiny (U.N. General Assembly 1977f: 6).

Costa Rica's attitude reflected a broader pattern on the part of Latin American democracies which, throughout this time, remained surprisingly unwilling to support U.N. resolutions condemning Chile. This pattern is shown in Figure 1. A Costa Rican representative noted one year by way of explanation for their vote that they "did not wish to deprive the [U.N.] of any instrument which some delegations might, however wrongly, consider effective," but they were voting against the resolution, "even though [Chile] might be guilty of the charges leveled against it," because they viewed both the working group on Chile and the resolution as "politically biased and selective," (U.N. General Assembly 1977f: 5-7).

Figure 1. Support by O.A.S. democracies for U.N. General Assembly Resolutions condemning Chile, 1974-1989



U.N. General Assembly Resolutions condemning human rights violations in Chile were passed annually. A large proportion of democratic member states of the O.A.S. withheld support for these resolutions.

Even states that supported the resolutions against Chile noted did so in spite of their criticisms. In 1977, Venezuela voted for the resolution (although it voted no many years), but a

representative stated that they "hoped that…it would be possible…to remove [Chile] from [the] agenda and devote [their] attention to other matters" (U.N. General Assembly 1977f: 50). The representative of Colombia voted for the resolution in spite of its disapproval of the U.N. working group's selectivity and their report's "unnecessarily exaggerated language" (U.N. General Assembly 1977f: 10-12).

3.2.3. Accepting and expanding regional mechanisms

In this section, I evaluate evidence for the third observable implication, that it was only after their self-determination was challenged that states in the region were willing to compromise on the norm of non-interference. I provide evidence that it was at that time that states began to both accept, as well as to expand, the authority of the O.A.S. to enforce human rights. States that were vulnerable to criticism were suddenly willing to cooperate with and delegate challenging authority to the O.A.S., and states that were democratizing accepted regional authority to enforce human rights earlier and under more challenging circumstances.

Research on transnational advocacy networks have shown that the IACHR, an independent organ of the O.A.S., became an important part of the human rights transnational advocacy network during the 1970s (Keck and Sikkink 1998; Kelly 2018; Sikkink 1993). However, one important reason (although by no means the only reason) the commission was able to do this, and to do it so effectively, was because state leaders made decisions to cooperate with the commission and expand its authority. These changes were abrupt and dramatic, and they started before widespread democratization swept the region and before Jimmy Carter was elected president.

The onset of challenges to self-determination described in the previous section did not only affect states that were actively being singled out for these enforcement measures. States that were not immediately being targeted could now rationally anticipate enforcement in the future. They recognized that their relations with important economic and security partners might rely on demonstrating their constructive engagement with human rights. For human rights proponents, they did not necessarily expect to be affected by these enforcement policies, but the loss of self-determination over human rights policy was a worrying development that portended the imposition of authority in other issue areas. As shown above, they also objected on principle to enforcement that they saw as hypocritical, one-sided, and inappropriate.

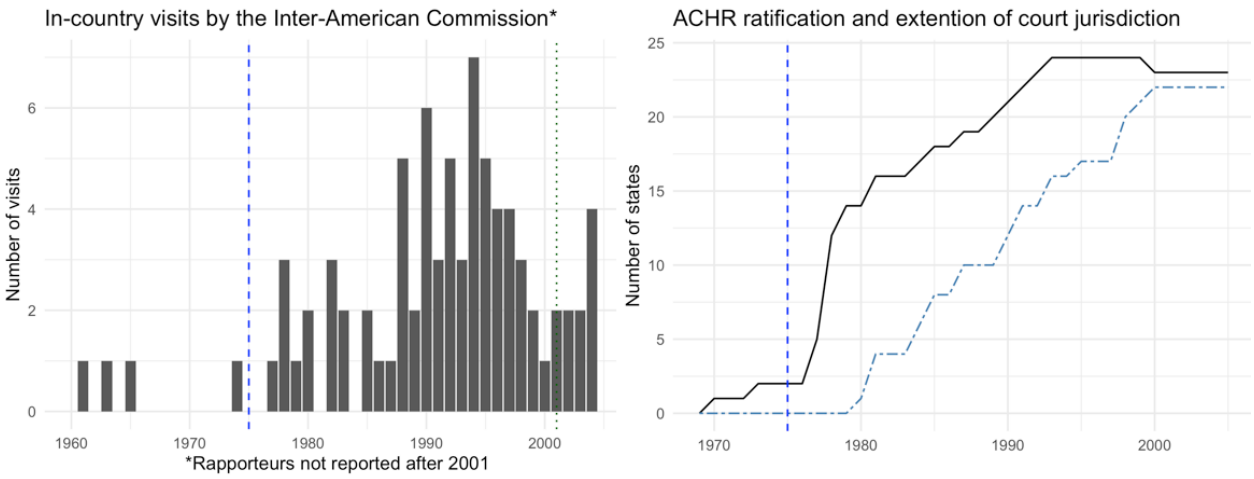
Within a short time after the onset of these challenges to their self-determination, states drastically changed their approach towards human rights and non-interference. As late as 1974, the IACHR had completed a highly critical report on human rights violations in Brazil—without cooperation from the Brazilian government—and presented it to the member states, who silenced the report by tabling it without discussion and refraining from making it public (Diuguid 1974; Kelly 2018). In 1975, the O.A.S. General Assembly similarly silenced a report on the abuses of the Pinochet regime in Chile (Kelly 2018: 147).

By contrast, the 1976 O.A.S. General Assembly meeting was overwhelmingly dedicated to discussing and condemning Chile's human rights violations (de Onis 1976a; de Onis 1976b). For the first time ever, states voted to adopt a resolution targeting a member state's human rights record, with the resolution receiving affirmative votes from every state except for Chile and Brazil (de Onis 1976a; de Onis 1976b). At the 1977 O.A.S. General Assembly, human rights remained a central topic of discussion. States passed resolutions in which they called out human rights violations in a number of member states and calling on Uruguay and Paraguay to allow on-

site investigations by the IACHR (Norris 1980: 80, fn 115. They also adopted a resolution increasing the IACHR's budget and encouraging states to consent to on-site visits by the IACHR ("Rights issue dominates OAS parley" 1977). In 1980, they amended the rules of the O.A.S. General Assembly to allow IACHR commissioners to address the assembly (Organization of American States 1980).

States also began to individually cooperate with the IACHR. By 1973, only one state, the Dominican Republic, had consented to an on-site investigation of their own domestic human rights record (Organization of American States n.d.). The Commission's requests to carry out in-country visits were turned down by Haiti, ignored outright by Cuba, and received insufficient cooperation from Bolivia, Guatemala, Paraguay, Nicaragua, and Brazil (Thomas and Thomas 1972: 342; Norris 1980). However, as shown in Figure 2, states began to consent to in-country visits by the IACHR in much larger numbers.

Figure 2. Regional human rights engagement before and after 1975



Finally, states began to ratify regional human rights treaties. Figure 2 shows the jump after 1975 in ratifications of the ACHR and recognition of the court's jurisdiction to receive complaints from the IACHR. Through 1976, only two states had ratified the American

Convention on Human Rights. In 1977 and 1978 alone, eleven new states ratified the ACHR, delegating substantial new enforcement power. This included accepting the authority of the Inter-American Court on Human Rights and delegating additional authority to the IACHR, including allowing it to publish reports of human rights violations without state approval, something that had greatly limited its power up to that point (Organization of American States 1969: 51(3)). States also began to accept the extended jurisdiction of the Inter-American Court to have human rights complaints brought before them by the IACHR, providing a pathway for individuals to access the court.

There is substantial evidence that states viewed the regional system to be very challenging. The reports on Brazil and Chile had shown the IACHR to be a critical and highly independent human rights body. For example, the report on Chile included allegations that the right to physical security was "directly and seriously violated by the practice of psychological and physical abuse in the form of cruel and inhuman treatment" and that many of the 5,500 people imprisoned by the new Chilean government had not been charged or brought before a court (Inter-American Commission on Human Rights 1974). Many states used delay tactics to put off visits from the IACHR and questioned the integrity, credentials, and independence of the commission (*FRUS* 2018, XXIV, 83; *FRUS* 2013, II, 52). They remained reluctant to ratify the ACHR (Norris 1980: 47, 69-70). The leader of Nicaragua privately noted their government's hesitation to open themselves up for "attack" in the Inter-American Court by ratifying the ACHR (*FRUS* 2016, XV, 78). In spite of these fears, Latin American states still moved to cooperate with the Inter-American system.

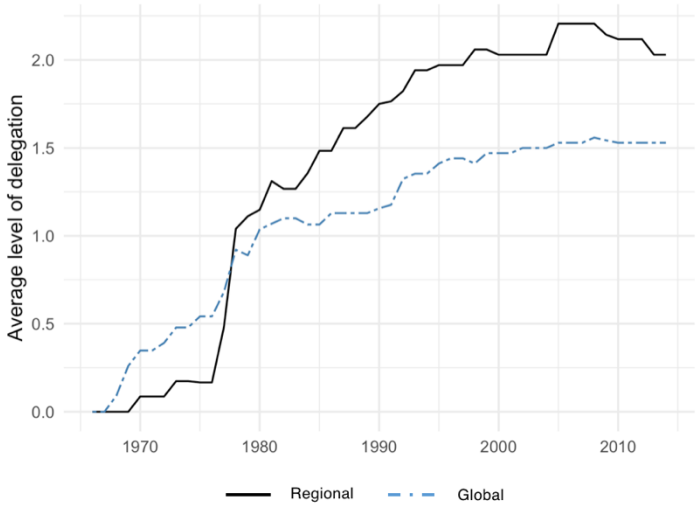
3.2.4. Global-regional divergence

In this section, I assess support for the fourth observable implication, that states will delegate more authority to regional mechanisms than to extra-regional or global mechanisms. In fact, there is substantial evidence that the new willingness on the part of Latin American states to ratify regional treaties in which they accepted enforcement contrasted with their reluctance to delegate authority to the U.N.

To compare levels of delegation, I rate all treaty-based global and regional mechanisms on a scale of zero to three, where zero indicates that the state has not ratified a human rights treaty and three indicates they have accepted authority for an enforcement body to make binding decisions on individual human rights allegations. This coding accounts for the fact that a state that has ratified the International Covenant on Civil and Political Rights (ICCPR) consents only to periodic self-reporting to the U.N. Human Rights Committee, whereas by ratifying an optional protocol to the ICCPR, they empower the committee to receive and make non-binding recommendations on individual human rights complaints. The American Convention on Human Rights (ACHR) on its own includes authority to issue non-binding findings on individual petitions. Only at the regional level is there the possibility of binding decisions on human rights violations.[7] As shown in Figure 3, by 1978, the average level of regional delegation had surpassed delegation to the U.N.[8]

[7] Table A2 in the Appendix breaks down the authority of the regional and global bodies.
[8] The ACHR was available for adoption in 1969 and the ICCPR and First Optional Protocol in 1966.

Figure 3. Regional vs. global delegation by O.A.S. member states



1 = comment on self-reporting; 2 = non-binding decisions on individual complaints; 3 = legally-binding decisions on individual complaints. Average regional delegation exceeded average global delegation in 1978.

Individual ratification behavior is particularly notable when focusing on non-democracies—those most likely to be challenged by human rights enforcement—and new democracies or countries undergoing political liberalization—which existing research expects to ratify human rights treaties as a way of attracting material benefits, binding future regimes to reforms, and signaling commitment to community values (Hafner-Burton *et al* 2015; Lutz and Sikkink 2001; Moravcsik 1997; Pevehouse 2002, 2005; Risse-Kappen *et al* 1999). Figure 4 compares ratification of the ACHR (excluding the extended court jurisdiction) with ratification of the First Optional Protocol to the ICCPR, two treaties which are the most directly comparable in terms of enforcement authority. This figure shows when states that emerged from a period of authoritarianism after 1970 ratified each of these two treaties in relation to when they underwent democratization.

Figure 4. Democratic transitions and ratification of human rights treaties

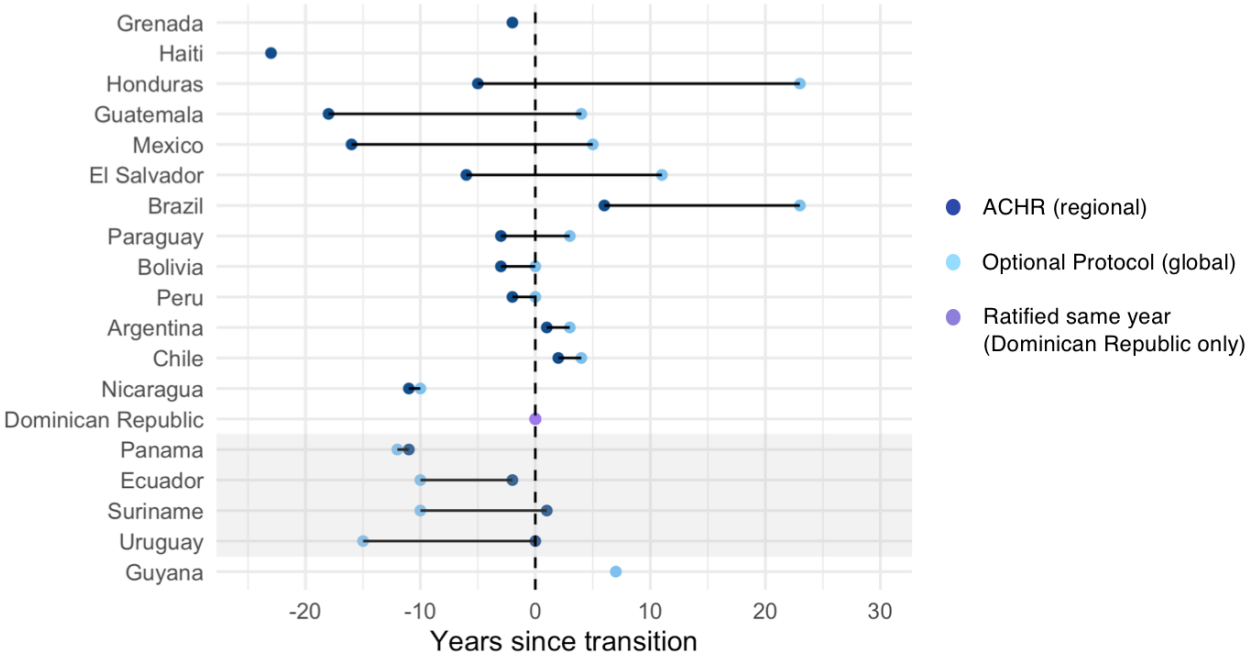


Figure shows ratification of American Convention on Human Rights and the First Optional Protocol to the ICCPR relative to the timing of democratic transition. States by and large ratified the regional treaty earlier in the process of democratization and before the global treaty. Vertical line indicates year of transition, with year set to 0. Gray shading separates countries that ratified the global treaty first.

On average, states ratified the ACHR 5.6 years earlier than they ratified the Optional Protocol, and 0.9 years before the ICCPR. As shown in the figure, eleven of nineteen states ratified the ACHR first, and two ratified only the ACHR. Bolivia, Honduras, Mexico, Paraguay, and Peru ratified the ACHR after announcing plans for political liberalization and then waited to ratify the Optional Protocol until after they completed democratization.[9] These patterns suggest that leaders did use human rights treaties for the purposes expected by existing research, but that they systematically preferred to do so using regional treaties. Again, as addressed in the previous section, this was not empty authority, and states viewed the regional system as both challenging and critical.

[9] For details on each state shown in Figure 4, see Table A1 in the Appendix.

3.2.5. Asserting regional authority

The fifth observable implication predicts that, as part of the strategy of establishing regional authority, states will engage in active attempts at legitimizing their regional organization's role as an authority over human rights. I assess evidence that, rather than rejecting human rights enforcement outright, states began to assert the authority of the O.A.S.'s enforcement mechanisms. This included human rights proponents like Venezuela, whose representative stressed during the 1980 U.N. General Assembly debates that "we want the problems of Latin America to be solved only by Latin Americans" (U.N. General Assembly 1980: 235).

Governments in the region that were themselves under pressure for human rights abuses began to argue for deference to regional enforcement. The government of Chile, in spite of having been criticized extensively by the Inter-American Commission and targeted by O.A.S. resolutions, became one of the major proponents of deference to regional enforcement. In 1975, the Chilean delegation submitted a U.N. draft proposal for a new system for investigating allegations of human rights violations which should "allow for appropriate participation of regional organizations" (U.N. General Assembly 1975: 7). By 1977, they had sharpened this language to specify that the system should "recognize the principal and determining participation of regional organizations" and "avoid duplication of competence" (U.N. General Assembly 1977b). In 1977, Chile argued that actions being taken within the U.N. violated their "due process," unlike enforcement within the O.A.S. (U.N. General Assembly 1977d: 133-137).

In a similar example, a Guatemalan delegate condemned criticisms of their human rights practices at the U.N. General Assembly. The delegate noted that the Guatemalan people "rejects *any kind of interference in its domestic affairs*," before proceeding immediately to say that,

"Precisely for that reason, ...we have extended an invitation...to the Inter-American Commission on Human Rights of the Organization of American States to visit Guatemala to observe our full enjoyment of human rights" (U.N. General Assembly 1980: 302-303, emphasis mine).

States also emphasized the legitimacy and effectiveness of regional organizations in solving human rights issues within the region, and criticized U.N. enforcement for not giving proper recognition to the efforts being made within the O.A.S. In 1981, the president of El Salvador, another country being targeted for criticism, asserted that regional organizations, "by their very nature, their proximity and the cultural roots of their members can understand more clearly the interpretation of what happens in their respective regions" (U.N. General Assembly 1981: 24-25). Other delegations offered similar arguments (U.N. General Assembly 1977e: 29-36, 45). In 1977, the Dominican Republic, Peru, and Paraguay each criticized a U.N. resolution on Chile for "ignor[ing]" or "disregard[ing]" the O.A.S.'s role in resolving the situation in Chile (U.N. General Assembly 1977f: 2, 13-14).

4. Competing explanations

Overall, the evidence provided in the previous section suggests that states in Latin America, both proponents and opponents of human rights, were motivated by challenges to their self-determination to empower the O.A.S. to enforce human rights. Although I have addressed some of the major competing explanations to these changes in the process of presenting this evidence, I will briefly deal more directly with the most challenging competing explanations.

One important competing explanation is that states may simply prefer regional enforcement because they view regional organizations as more legitimate, a preference which may have to do with having a shared history, culture, or norms. Regional mechanisms, by design,

may more closely reflect regional norms (Acharya 2004), or states may view extra-regional involvement as a form of domination (Acharya 2011). This explanation offers little guidance as to when or why states would support or even welcome enforcement from outside of the region. In fact, Latin American states have often been quite open to and supportive of global enforcement of human rights. Throughout the U.N.'s history, Latin American states were important protagonists for human rights at the global level, helping to ensure that human rights were incorporated into the U.N. Charter, and playing a central and constructive role in the drafting of the Universal Declaration on Human Rights (Glendon 2003; Sikkink 2014).

When their self-determination began to be challenged in the 1970s, rather than rejecting global enforcement, many Latin American states attempted to reform the global system in order to correct for these challenges to their self-determination. One important example of both Latin America's role as a global protagonist for human rights and its attempts to use global reform to enhance state self-determination was Costa Rica's 1965 proposal for a U.N. High Commissioner for Human Rights. Beginning in the 1970s, Costa Rican representatives began to directly link the "need" for a High Commissioner to the selectivity and politicization of the existing U.N. machinery, especially the *ad hoc* working group, the political nature of which undermined human rights enforcement by "cast[ing] doubt on the equity of [its] conclusions and recommendations" (U.N. General Assembly 1977c: 177-179). The proposal received significant support from other Latin American states, with a General Assembly resolution to establish the post co-sponsored by Bolivia, Colombia, El Salvador, Honduras, Panama, Suriname, and Venezuela (U.N. General Assembly 1977a).

Additionally, Latin American human rights proponents frequently supported U.N. enforcement. Some continued to vote in support of U.N. resolutions that targeted Latin America

even while expressing criticism over how the process was being conducted. Human rights proponents were ambivalent or divided on global enforcement, but, as they clearly articulated, it was due to their frustration with the process, not because they did not want outside enforcement *per se*.

Finally, the regional system did not actually reflect regional norms to a greater degree than global mechanisms. The main difference between human rights in Latin America and human rights as practiced in many global contexts is a relatively greater emphasis on economic, social, and cultural rights by the former (Glendon 2003). However, the ACHR includes only one article calling on states to progressively realize economic, social, and cultura rights (Organization of American States 1969: Article 26), while regional enforcement during this time was not at all centered on this category of rights.

Another competing explanation that I have already touched on briefly is that states were attempting to hide behind weaker mechanisms, with dictators within the region cooperating with one another out of shared attempts at self-preservation. This explanation conflicts with the assessment on the part of many scholars that the Inter-American Commission was an important part of the human rights transnational advocacy network in the 1970s (Keck and Sikkink 1998; Sikkink 1993). The evidence provided in section 3.2.3 also strongly suggests that states in the region did not view it as a less costly alternative.

A slightly different version of this competing explanation is that, even if enforcement within the O.A.S. was similarly challenging to enforcement within the U.N., it could be that what states were actually attempting to avoid were the more challenging economic conditions on aid and trade. According to this explanation, it is the avoidance of economic conditions that motivated states, rather than a desire for self-governance. However, this does not explain why

human rights proponents would push back against economic conditions, nor does it alone account for why states would prefer regional enforcement to enforcement by the U.N.

Another possibility is that these changes were simply what the U.S., the dominant actor in the O.A.S., wanted. In particular, after Jimmy Carter became president, he exerted substantial pressure on states to ratify the ACHR and to cooperate with the Inter-American Commission. Carter was undoubtedly an important factor during this time; however, evidence suggests that the U.S. government was not independently invested in regional enforcement *per se*, but rather, they were acting on the belief that regional enforcement would be preferred to U.N. enforcement by Latin American states (*FRUS* 2018, XXIV, 16; *FRUS* 2013, II, 205). It is also the case that delegating interventionist authority to the O.A.S. risked empowering the U.S. to interfere in their domestic affairs, and Latin American states remined skeptical of the U.S.'s motives for pursuing human rights throughout this time (*FRUS* 2013, II, 25). Instead, accepting strong and independent regional mechanisms was a way of pushing the U.S. government to defer to regional enforcement, a method of constraining U.S. power that Latin American states had a history of using (Long and Friedman 2020).

The willingness to compromise on non-interference and expand regional mechanisms may have also resulted from changing norms which diffused to the region through socialization, pressure, persuasion, and shaming or, relatedly, they might have been result of widespread shifts within the region towards democracy, political liberalization, and greater respect for human rights, with states moving to lock in and institutionalize these changes at the regional level or increase the prestige or reputation of the region by highlighting their engagement with and respect for human rights. However, these explanations do not account for the existence of a global-regional divergence or for the prevalence of human rights proponents criticizing and

withholding support for human rights enforcement. Finally, the timing of this change does not line up with an explanation centered on regional democratization or liberalization, as these moves towards cooperating with O.A.S. enforcement began prior to the regional democratization of the 1980s.

5. Conclusion

It is easy to look at the changes that occurred within Latin America as evidence of the broad acceptance of human rights or, conversely, to see rejection only in instances of overt backlash or defiance. Instead, the findings in this paper demonstrate that states integrated human rights into their regional organizations as a form of resistance to the imposition of international authority. States were willing to compromise on non-interference within their region because doing so allowed them to enhance their self-determination, and this was true for both regional proponents and opponents of human rights enforcement.

My findings demonstrate that maintaining self-determination is an important goal for states, and some outcomes and behaviors—such as resistance to global enforcement by human rights proponents—cannot be explained without accounting for this. In fact, weak states delegate authority and engage in international cooperation for different reasons and with different goals than more powerful or self-sufficient states. Finally, these findings highlight the extent to which weak states can respond to pressure in surprising and creative ways that can alter the behavior of powerful states or even what powerful states conceive of as appropriate or optimal.

These findings have implications for how scholars and policymakers think about voluntarism and coercion, and they suggest a careful reconsidering of the limits of using carrots and sticks to promote foreign policy goals. The presence of subtle or invisible forms of coercion

can undermine cooperation and norm internalization, as recipients of this pressure grow resentful of the methods used to elicit compliance with certain policies. Reluctant compliance with international policies can be expected to result in worse policy outcomes compared to genuine buy-in and commitment. Cooperative relationships built on subtle or indirect coercion are unlikely to engender loyalty. Overall, this should encourage scholars to re-examine the liberal world order, which has been based on power disparities so large that it looks like consensus. As the world becomes more multipolar, it is unsurprising to see discontent becoming both visible and widespread.

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Appendix

Table A1. Case studies of O.A.S. member states that experienced authoritarianism after 1970

Country	Preference	Details
Argentina	Regional	The military started transitioning to democracy in 1983, which included holding elections in December that year. They signed the ACHR February 2, 1984 and ratified it and the expanded court jurisdiction September 5, 1984. They ratified the ICCPR and Optional Protocol two years later, in 1986. *Sources*: CHISOLS narratives; Polity2 dataset
Bolivia	Regional	In 1978, there was a coup by democratically-minded military leaders, who then called for democratic elections in 1979. They ratified the ACHR in June 1979, one month before the elections. The election did not go well, and new elections were held in 1980, followed by a series of short presidential terms. The ICCPR and First Optional Protocol were ratified in August 1982, two months before democratic elections returned Bolivia to democracy. *Sources*: CHISOLS narratives; Polity2 dataset
Brazil	Regional	Protests against military rule in 1985 resulted in a return to democracy that year, with a president selected by the electoral college. Direct elections were held in 1989 (CHISOLS). Brazil finally ratified the ACHR and the ICCPR in 1992. They extended the court's jurisdiction in 1998 and did not ratify the First Optional Protocol until 2009. *Sources*: CHISOLS narratives; Polity2 dataset
Chile	Regional	Following international pressure, military dictator Augusto Pinochet allowed democratic elections in 1990. The winning candidate took office in March 1990, returning Chile to democracy. The government ratified the ACHR and recognized the expanded jurisdiction of the court in August 1990. The ICCPR had already been ratified, in 1972, during Salvador Allende's presidency. They ratified the First Optional Protocol in 1992. *Sources*: CHISOLS narratives; Polity2 dataset
Dominican Republic	Mixed	Dictator Balaguer ratified the ACHR, the ICCPR, and the First Optional Protocol in January 1978, under pressure from the U.S. government. Under pressure from the U.S., Balaguer held elections several months later, in May 1978. *Sources*: CHISOLS narratives; Polity2 dataset
Ecuador	Mixed	The Ecuadoran Supreme Military Council took power through a coup in 1976 and announced plans to return Ecuador to democracy. They ratified the ACHR in 1977. Elections were held in 1979 under a new, democratic constitution. The ICCPR and the First Optional Protocol had already been ratified in 1969, under a democratic government that had been in power since 1966. *Sources*: CHISOLS narratives; Polity2 dataset
El Salvador	Regional	The ACHR was ratified by the military dictatorship of Carlos Humberto Romero Mena, prior to which, no reforms had been announced or initiated. In 1979, the military government was overthrown in a military coup, and the new government promised social and democratic reforms, and ratified the ICCPR one month after taking power. Reform occurred gradually between 1979 and 1984. In 1994, there were inclusive elections that allowed for leftist opposition to run. The First Optional Protocol was ratified in 1995. *Sources*: CHISOLS narratives; Polity2 dataset

Country	Preference	Details
Grenada	Regional	Long-time repressive dictator Eric Gairy held elections in 1976 that were considered to be heavily rigged and increased repression of opposition in the following years. There were no democratic reforms announced when Grenada ratified the ACHR in 1978 under pressure from the US. Gairy was overthrown in 1979 by the New Jewel Movement. In 1980, Cheibub *et al* (2010) begins to code Grenada as a democracy. The New Jewel Movement government was overthrown by the U.S. in 1983. There were democratic elections in 1984. Grenada ratified the ICCPR in 1991. *Sources*: Cheibub *et al* dataset; Burtenshaw, Ronan. "Grenada's Revolution at 40." *Jacobin.* 2 September 2019.; Caribbean Elections. "Brief Political History and Dynamics of Grenada." http://www.caribbeanelections.com/gd/education/history.asp. Accessed: 1 September 2020.
Guatemala	Regional	Guatemala's military dictatorship ratified the ACHR in 1978, prior to the announcing of any political or democratic reforms. There were democratic reforms in 1985, and two years later, in 1987, the Guatemalan government recognized the extended jurisdiction of the Inter-American court, and, in 1993, ratified the ICCPR. Guatemala had indirect military rule until 1995. They transitioned back to democracy in 1995, and five years later, ratified the First Optional Protocol. *Sources*: CHISOLS narratives; Polity2 dataset
Guyana	Global	Guyana transitioned to democracy in 1992 when it held its first ever democratic elections. They had ratified the ICCPR in 1977 and ratified the Optional Protocol in 1999. They have not ratified the ACHR. *Sources*: Polity2 dataset; Premdas, Ralph. 2019. "Recovering democracy: Problems and solutions to the Guyana Quagmire. *Pouviors dans le Caraibe,* 11: 135-173.
Haiti	Regional	Haiti's dictator, Baby Doc, was under pressure from the United States to improve its human rights record. The Haitian government ratified the ACHR in 1977 alongside the release of political prisoners, although no political reforms were announced. Most believed that the human rights situation remained bad in the country. They ratified the ICCPR following the transition to democracy, which included the democratic election of Jean-Bertrand Aristide. The Optional Protocol was not ratified until 1998. *Sources*: Office of the Historian; Polity2 dataset
Honduras	Regional	The military government of Honduras made several moves towards reform between 1975 and 1978, including the establishment of an advisory council that created a new electoral law, which was approved in 1977, beginning the transition back to democracy. The Honduran government ratified the ACHR that same year (1977). Honduras became a democracy between 1980 and 1982. They recognized the expanded jurisdiction of the Inter-American Court in 1981. They did not ratify the ICCPR until 1997 or the Optional Protocol until 2005. *Sources*: CHISOLS narratives; Polity2 dataset; Morris, James A. Honduran Electoral Politics and Military Rule: The Geopolitics of Central America, Department of State, Washington, DC, Office of External Research. Accession Number: ADA107766. 1 January 1981.

Country	Preference	Details
Mexico	Regional	Under President Jose Lopez Portillo, Mexico announced political reforms in 1977. The Mexican government ratified both the ACHR and ICCPR in 1981, while Portillo was still in power. Mexico completed the transition to democracy in 1997 and recognized the extended jurisdiction of the Inter-American court in 1998. In 2000, Mexico had its most free and fair election ever, after which, the government ratified the Optional Protocol. *Sources*: CHISOLS narratives; Polity2 dataset; Middlebrook, Kevin J. not dated. "Political Change and Political Reform in an Authoritarian Regime: The Case of Mexico." Working Paper. Latin America Program, Wilson Center. Paper #103.
Nicaragua	Regional	Between July 17 and 19, 1979, the long-time dictatorship of Anastasio Somoza ended after Somoza resigned and the Sandinista National Liberation Front assumed power, with a plan to introduce political reforms. They ratified the ACHR in September 1979. In March 1980, they ratified the ICCPR and Optional Protocol. The Sandanistas established a single-party state. Nicaragua transitioned to democracy in 1990, at which time they recognized the expanded jurisdiction of the Inter-American Court. *Sources*: CHISOLS narratives; Polity2 dataset
Panama	Global	The military government of Panama announced the start of political liberalization in 1977 (CHISOLS). Months before this, in March 1977, they ratified the Optional Protocol. They ratified the ACHR after the announcement of reforms, in May 1978. *Sources*: CHISOLS narratives; Polity2 dataset
Paraguay	Regional	In February 1989, long-time military dictator Alfredo Stroessner was ousted and replaced by General Andres Rodriguez Pedotti, who ended many of Stroessner's most repressive practices and began the transition towards democracy. The Paraguayan government ratified the ACHR in August 1989 and the ICCPR in 1992. In 1993, democratic elections were held, after which, the government recognized the extended jurisdiction of the Inter-American Court, also in 1993. In 1995, they ratified the Optional Protocol. *Sources*: CHISOLS narratives; Polity2 dataset
Peru	Regional	In 1975, General Francisco Morales Bermudez became president through a military coup. In 1977, he called for legislative elections, which were held in June 1978. The government ratified the ACHR a month later, in July 1978. They also ratified the ICCPR that year. The new legislature called for presidential elections, which occurred in May 1980. Peru completed the transition to democracy that year. They ratified the Optional Protocol in 1980 and recognized the extended jurisdiction of the Inter-American Court in 1981. *Sources*: CHISOLS narratives; Polity2 dataset
Suriname	Mixed	Suriname became a military dictatorship in 1980 following a military overthrow of the government. There were superficial moves towards political liberalization in 1982, although the military continued to exert control behind the scenes. In 1987, the government of Suriname ratified the ACHR and recognized the expanded jurisdiction of the Inter-American court thirteen days before they held their first democratic elections in ten years, after which Suriname transitioned back to democracy. ICCPR and the Optional Protocol were ratified in 1970 under an earlier period of democracy. *Sources*: CHISOLS narratives; Polity2 dataset; Rachel Bierly. "Once a Military Dictator, Suriname's President Bouterse has been Convicted in the 1982 "December Killings." Panoramas, University of Pittsburg. 14 February 2020.

Country	Preference	Details
Uruguay	Mixed	Uruguay transitioned to democracy in 1985, when elections brought an end to the military regime. Julio Maria Sanguinetti came took office on March 1, 1985, ratified the ACHR on March 26, 1985, and recognized the extended jurisdiction of the Inter-American Court in April 1985. They had already ratified the ICCPR and Optional Protocol during an earlier period of democracy, in 1970. *Sources*: CHISOLS narratives; Polity2 dataset

Table A2. Authority of Regional and Global Human Rights Enforcement Bodies

	Regional enforcement		**Global enforcement**	
	IACHR (with ACHR)	**Inter-Amer. Court**	**ICCPR (U.N. treaty)**	**1st Optional Protocol**
Enforcement powers				
Make legally-binding decisions on violations		X		
Order interim measures and/or monitor compliance with decisions		X		
Make non-binding decisions on violations	X	X		X
Comment on treaty implementation			X	X
Publicly discuss violations		X		
Make recommendations to governments	X			
Independence from state power				
Draw broadly from international law (rather than specific treaty)	X	X	X	X
Initiate actions on its own	X			
Publicly release findings without state approval	X	X		
Members serve in personal capacity as human rights experts	X	X	X	X
Access to non-state actors				
Individual and/or NGO complaints mechanism	X	X*		X
Institutionalized interaction between treaty body and non-state actors	X	X		
Public sessions	X	X		

*Requires additional declaration