# Trading Sovereignty for Self-Determination

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**Abstract.** Weak states, especially those with a history of colonial or imperial domination, have traditionally been among the strongest advocates for strict non-interference. These states are vulnerable to international pressure, and they have sought to limit this pressure by "jealously" guarding their sovereignty. Yet, after decades of advocating for strict non-interference, many began to delegate interventionist authority to their regional organizations. Examining the case of human rights, I argue that the decision to delegate authority to regional organizations did not indicate acceptance of human rights norms. Instead, it was a way of resisting the imposition of unwanted authority and increasing self-determination, or, to paraphrase Robert Dahl, the ability to govern oneself under rules of one's own choosing. I demonstrate that the decision by Latin American states to accept the authority of the Organization of American States to enforce human rights cannot be fully explained without accounting for the importance of self-determination.

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## 1. Introduction

Vulnerability to international pressure 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 forms an important part of these states' 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 protecting human rights or promoting democratic governance.

This was the case in Latin America, where the importance historically placed on individual rights long clashed with efforts to institutionalize strict sovereignty norms in international law in order to constrain European powers, and later the U.S., from exerting pressure and interfering in their internal affairs. Yet, beginning in the 1970s, this upholding of 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 of all independent states in the Western hemisphere.[2] 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, extra-regional

[2] Including Canada, as of 1990.

actors-began to impose enforcement of human rights onto Latin American states in ways that even regional supporters of human rights objected to. 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 oneself under international rules of one's 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 to trade sovereignty for self-determination, reducing the imposition of unwanted authority and ensuring their ability to influence the design and implementation of human rights policy in the region.

This explanation contrasts with existing theories that see international cooperation and delegation as inherently constraining. 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 *et al* 2015; Moravcsik 2000; 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).

According to this framework, states will choose to 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,

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 non-material logics for accepting these costs, which include 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), 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), and isometric convergence (Meyer and Rowan 1977; Börzel and van Hüllen 2015).

This emphasis on mutual gains, on the one hand, and persuasion and logics of appropriateness, on the other, overlooks the degree to which international authority is often imposed rather than voluntarily delegated. In fact, leaders of weak states may cede authority—e.g. by accepting international oversight, austerity measures, or aid conditionality—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.

Because open resistance and contestation can incur costs (Pierson 2015), 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). From the colonial period through their modern relations with the U.S., leaders in Latin America have pursued a strategy of "obedezco pero no cumplo," or, "I obey but I do not comply," in which they humor more powerful actors by

formally accepting their dictates and then simply not implementing them (Schoultz 1998: 384-385).

As a result, when substantial power inequalities exist, the overwhelming power differentials may effectively preclude overt resistance to or rejection of external authority by the weaker state (Pierson 2015). 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; 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 minimally beneficial and legitimate (Koremenos *et al* 2001; Lake 2009; Nye 2004; Stone 2008). If an international authority or institution is undesirable, 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, this runs the risk of mistaking resigned acquiescence for acceptance of legitimacy and subtle resistance for evidence that the state views cooperation as beneficial.

I argue in this paper that an unrecognized form of subtle resistance involves delegating authority to a regional organization in order to counter the imposition of other, unwanted authority. To make this argument, I expand the concept of self-determination to incorporate self-determination over international rules, which distinguishes between delegating sovereign authority and having authority imposed. I argue self-determination is an important goal for political actors, including states (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. By doing so, they may actually *increase* their discretion over policymaking relative to alternative forms of international authority.

I argue that the decision by Latin American leaders 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. I find that states that were among the biggest advocates for international protection of human rights were also among the most vocal critics of enforcement that challenged state self-determination. 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 long 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 the concept of self-determination over international rules. I argue that weak states, those with low institutional capacity and high levels of external dependence, are particularly vulnerable to having their self-determination undermined through the imposition of international rules. However, they can compensate for this by 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, both of which are necessary pieces of democratic governance. The international side of self-determination, being governed by *international* laws of one's own choosing, can be enhanced or increased by sovereign independence, especially in the case of decolonization or separatist movements. However, self-determination is distinct from sovereignty (Getachew 2019; Jagmohan 2020; Stilz 2015; 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*. Conversely, sovereignty alone is insufficient for fully realizing self-determination. Bridging these two points is the idea that states can cede sovereign authority in ways that preserve or even enhance their self-determination.

What does it mean for a sovereign state to exercise self-determination over rules? I identify two conditions that decide whether international rules, especially those created through cooperation or delegation, are self-determined. The first is the degree to which the decision to be bound by a rule is made or affirmed through domestic decision-making processes (Stilz 2015).

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?[3] The second condition is the degree to which the state is able to effectively participate in both the initial and ongoing design and implementation of international rules to which it is subject, relative to other states.[4] This does not mean that the state can exert direct, immediate control, but rather that they expect 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 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 international rules, and they are able to meaningfully and collectively choose for themselves whether to accept them. At low levels of their realization, the state in question may be powerless to shape or alter the rules or the implementation of rules to which they are subject, or to meaningfully consent to them.[5] Weak states are especially likely to face challenges to their self-determination, as they may accept international rules almost exclusively in response to external pressures, 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. They may simply expect that attempts to contest or reject a rule will be unsuccessful, and accept the rule based on that expectation (Pierson 2015).

[3] For an analog, see Moss *et al* (2005) on aid dependency.
[4] See Markell (2008) on participation and Milewicz and Goodin (2018) on deliberation.
[5] See Getachew (2018) on the link between the ruled and international authority.

The nature of international cooperation means that self-determination over international rules is, in practice, exercised through decisions made by a state's leaders rather than directly by the people of a state. Because of this, self-determination over international rules is impacted by whether leaders are themselves accountable to citizens. However, self-determination is not completely eliminated in authoritarian contexts. Leaders of authoritarian states still respond to and are at least minimally accountable to their citizens due to the possibility of protest or rebellion (Acemoglu and Robinson 2001; Arriola 2012; Dai and Spires 2018), and there may be more direct avenues for citizens to hold an authoritarian leader accountable compared to an international authority.

Self-determination over international rules also matters to citizens in authoritarian settings, as evidenced by the fact that authoritarian leaders have been able to successfully shore up domestic support and consolidate their own power by leveraging complaints about unfair treatment, imperialism, and external impositions or meddling (Bush and Prather 2020; Simon 2020; Terman 2019). Leaders may themselves react negatively to the undermining of their ability to determine their domestic policies and to unfairness in the application of rules. Normatively, this may not matter, but, it is likely to have observable effects on their behavior at the international level.

### *2.2. Increasing self-determination by establishing regional authority*

Though they are vulnerable to external pressures, weaker states do not simply accept that rules will be imposed on them. Instead, they often engage in collective action to increase their self-determination over international rules. 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 themselves and 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 the authority of a regional organization, weak states can reduce the imposition of rules. In particular, they 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 and listened to by other actors when they design or carry 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 can increase their influence over how policy is designed and implemented.

There are two steps to establishing regional authority over an issue area. First, member states must create a regional authority by creating, accepting, or expanding mechanisms within the regional organization to engage with the issue area. A crucial piece of establishing regional authority is that, because they are trying to convince actors outside of the region to accept the regional organization's authority, regional enforcement must meet minimal expectations held by these 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 organization's authority and increase their cooperation within it in order to meet these external expectations. In other cases, the issue area may be outside of the regional organization's existing competence, and states must delegate new authority to the organization before then asserting its authority. There, the need to convince outside actors creates limits on the design of the new mechanisms that can push reluctant states within the region to delegate more challenging authority than they otherwise would.

Second, states must assert regional authority, convincing other actors, including those with competing claims to authority, that the regional organization is 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 experience with the issue itself. They may also assert that actors from outside of the region need the consent or approval 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 to shift their efforts towards supporting and improving regional enforcement.

In this way, the norm of regional solutions for regional problems is, in part, constructed by states that are united by shared external pressures (Duursma 2020), shared beliefs regarding which strategies will be successful at responding to these pressures (Mahoney 2010: 17), and a history of regional cooperation and solidarity which, through path dependence, encourages the utilization of regional groupings. Rather than regional identity emerging purely from internal characteristics and processes, it also arises from shared beliefs and expectations that what happens to one state in the region may also happen to others.

## 3. Trading sovereignty for self-determination over human rights

In this section, I examine evidence that decision by Latin American states to compromise on non-interference and empower the Organization of American States (O.A.S.) to enforce human rights was motivated by efforts to maintain self-determination. 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.

### *3.1. Empirical approach*

The O.A.S. presents a challenging case for this theory. Both before and after the O.A.S. was formed in 1948, as a successor to the Pan-American Union, Latin American leaders embraced the concept of individual rights (Sandifer 1965; Simon 2017). In fact, many Latin American states were important global "protagonists" for human rights (Sikkink 2014). This created a tension between individual rights and of non-interference, but it also means that I must show that, in spite of this predisposition, the drive to maintain self-determination and limit the external

imposition of enforcement was an integral part of the decision to compromise on non-interference. At the same time, because the U.S., the most powerful member state, began to advocate for human rights in the 1970s, it is also important to show that this change did not simply reflect what the U.S. wanted.

The O.A.S. is also an important case to explain. This change in orientation towards non-interference, which occurred in the 1970s, was a significant concession from states who were quite weak, especially compared with the U.S. and Western Europe. Since achieving independence, this relative weakness led them to expand, codify, and advocate for the strict observance of the norm of non-interference as a way of responding to the threat of re-colonization, intervention, and meddling. This included the growing threat of "Yankee imperialism" from U.S., by (Cabranes 1968; Corrales and Feinberg 1999; Medina Quiroga 1988: 21-23; Simon 2017; Tussie 2009). However, since the 1970s, the Inter-American human rights system has transformed into one of the most challenging and effective systems in the world, especially when considering the nature and extent of human rights violations with which it has contended (Farer 1997: 512; Forsythe 1991; Goldman 2009: 857; Sikkink 1993).

There are a number of methodological challenges to assessing the importance of self-determination in this change. It is not possible to directly observe leaders' motivation, and there are incentives for leaders to misrepresent their motivations, as announcing that they are expanding regional authority in order to contest outside enforcement could undermine the perceived legitimacy of regional authority. There are also challenges in separating out the importance of self-determination from the many other changes going on at the same time, especially the rise of transnational human rights advocacy in the 1970s (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 were behaving differently.

To address these challenges, I derive and assess four observable implications which identify behaviors that would be expected if states were motivated by maintaining self-determination. To do so, 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." Proponents consist 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. The most important state proponents throughout this period were Costa Rica, Venezuela, and Colombia. Opponents consist of authoritarian and human rights-abusing states. I conclude by addressing competing explanations, including the possibility that states simply prefer regional enforcement because they view it as more legitimate or better reflecting regional norms.

To assess 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. Text of all primary sources is provided in Table A2 in the Appendix. For quantitative data, I use data on U.N. General Assembly voting records, treaty ratification, and delegation of enforcement authority.

*3.2. Observable implications*

Existing theories expect human rights proponents to value and prioritize effective improvement of respect for human rights and, therefore, to offer broad and relatively support for enforcement efforts. Conversely, they expect opponents to attempt to minimize exposure to costly enforcement. By contrast, I expect both proponents and opponents to respond negatively to human rights enforcement that challenges their self-determination. I expect both to be motivated to compromise on non-interference by a desire to increase self-determination.

The first observable implication relates to state reactions to enforcement that challenges their self-determination. I expect Latin American states, including human rights proponents, to criticize, push back against, or withhold support for enforcement that they view as an imposition, even when they are not being targeted, stand to derive immediate benefits from these enforcement measures, and support other forms of enforcement (*pushing back against enforcement*).

The second observable implication assesses the timing of the decision to compromise on non-interference by expanding and accepting authority (*timing of establishing regional authority*). For human rights, establishing regional authority came to mean meeting external expectations to compromise on non-interference. If states created regional mechanisms as a way to offset challenges to their self-determination, then I expect Latin American states to collectively move to meet these external expectations by compromising on non-interference only *after* other actors attempt to impose human rights policy on the region. I focus here on behaviors that most clearly distinguish my explanation from existing theories. Before the onset of these challenges, I expect human rights proponents to offer only limited and inconsistent support for interventionist enforcement even though they value human rights. After the onset of these

challenges, I expect human rights opponents, those most challenged by enforcement, to be willing to cooperate with and delegate genuinely challenging authority to regional mechanisms.

The third observable implication pertains to divergences in state behavior between regional enforcement and other forms of enforcement (*global-regional divergence*). I expect Latin American states delegate more enforcement authority at the regional level compared to similar authority in global settings and to delegate regional authority earlier than comparable global authority. Establishing regional authority over human rights requires actually accepting the regional organization's authority. However, states that are challenged by enforcement are likely to want to delegate the minimum authority necessary to accomplish this goal. Accepting regional authority not accepting other forms of authority can also encourage outside actors to support and defer to regional channels for enforcement.

The final observable implication involves asserting the legitimate authority of regional organizations over human rights (*asserting regional authority*). I expect to see both proponents and opponents engage expressly assert regional authority, including by actively asserting that regions are more effective or legitimate actors to enforce human rights, and that regions should be allowed to solve their own problems. Table 1 provides an overview of the four observable implications.

**Table 1**. Observable implications of trading sovereignty for 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. |
| *Timing of establishing regional authority* | States will collectively accept and expand the authority of regional human rights mechanisms after the onset of challenges to their self-determination.<br>• Human rights proponents will offer only inconsistent support for regional enforcement prior to the onset of challenges to self-determination<br>• Human rights opponents will become willing to accept genuinely challenging authority 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 assert the legitimacy of regional human rights enforcement. |

*3.3. Assessing the observable implications*

*Observable implication 1: Pushing back against enforcement*

The early and mid-1970s marked a turning point in the practice of enforcing human rights, triggered by a dramatic surge in transnational advocacy and international attention to human rights following the 1973 overthrow of the Salvador Allende government in Chile (Eckel and Moyn 2013; Keck and Sikkink 1998; Moyn 2010). It was at this time that Latin American self-determination began to be challenged by the imposition of human rights enforcement through economic conditions from Western states and ganging up against Latin America within the U.N. Both of these forms of enforcement removed avenues for Latin American leaders to effectively influence policy being carried out in the region, and both opponents and proponents of human rights forcefully pushed back against what they regarded as inappropriate and unwanted impositions.

*Economic conditions*

There were isolated examples of human rights being incorporated into foreign aid decisions prior to the 1970s, but the magnitude of the Western public's attention to human rights beginning at this time put their governments under unprecedented domestic pressure to avoid being seen as assisting governments that violated human rights, while creating domestic political rewards for opposing aid to violators (Arts 2000: 223-224; Moyn 2010). In 1974, largely in response to Chile, the U.S. Congress began to pass new legislation restricting security and economic assistance to states that violated human rights (Weissbrodt 1977: 238-259). In 1975, Chile became the first country to have its security assistance cut off under the new legislation (Binder 1975), and in 1976, the U.S. voted against a development loan for human rights reasons for the first time (Weissbrodt 1977: 259).

This pressure expanded when Jimmy Carter became president in 1977 and placed human rights at the center of his foreign policy. 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 regional aid (U.S. House of Representatives 1977: 4), and the U.S. broached 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), and the U.S. enacted new trade barriers with a number of these countries. They also interfered with transactions between Latin American states and other countries, including trying to disrupt a Brazilian purchase of a nuclear reprocessing plant from West Germany and stopping a purchase of planes by Ecuador (Benham 1977).

Western European governments similarly 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 (Tomayo 1981), and added human rights considerations to trade (Arts 2000; Young-Anawaty 1980).

These policies were, in fact, designed to impose human rights enforcement on targeted states. However, these new pressures also affected states who were not immediately targeted, who now had to anticipate possible future enforcement. They also affected human rights proponents, who were not themselves worried about being targeted, but who objected in principle to policies which they saw as de-valuing and undermining economic, social, and cultural rights, the right to development, and their campaign for a New International Economic Order (Beall 2021).

Additionally, because Latin American states remained reliant upon economic support and preferential access to markets, economic conditions were inherently one-sided: they could only be applied to recipient states by donor states. Economic conditions were subject only to decisions by donor states regarding their design and implementation, while recipient states lacked avenues to influence, constrain, or impose accountability over them. Because of this, they elicited responses from human rights proponents who had long objected to the use of economic conditions to interfere in domestic political matters. In fact, in the 1930s and 1940s, Latin American states developed expansive legal prohibitions against the use of "coercive measures of an economic or political character in order to force the sovereign will of another State" within the O.A.S. (Cabranes 1967: 1153-1154, footnote 12; Organization of American States 1948: 16).

Shortly after the U.S. government announced its intentions to broadly apply economic conditions at the 1977 O.A.S. General Assembly, Carlos Andrés Pérez, the democratically elected president of Venezuela and then an important human rights proponent, asserted that these policies were counter to regional norms of "self-determination, nonintervention [sic], and mutual respect." He further 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" (Andrés Pérez 1977).

In fact, according to a declassified CIA memorandum, Latin American leaders were "nearly unanimous" in objecting to these enforcement policies (*FRUS* 2013, II, 25), and the policies elicited popular backlash within countries that were subject to them (Benham 1977). Particularly notable were the consistent objections by states that otherwise supported human rights and human rights enforcement and who would be less directly affected by these enforcement measures. For example, during debates over a U.N. General Assembly resolution condemning Chile, a Colombian diplomat expressed 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 and rights-respecting, 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).

During this time, nearly all Latin American states supported U.N. resolutions opposing economic conditions. These included a 1979 resolution in the U.N. Commission on Human Rights (UNCHR) expressing "concern" that "human rights conditions are being imposed in

bilateral and multilateral trade policies" (U.N. Commission on Human Rights 1979: 108-109)[6] 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…or exerting pressure on other States" (U.N. General Assembly 1981b: II(l)).[7]

*United Nations*

Latin America's self-determination was also challenged by 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. The working group was established to investigate the use of torture, but it immediately expanded its scope to include investigating the right to assembly and free expression, labor rights, the right to health, rights of indigenous populations, and the right to education (Bossuyt 1978: 464; U.N. Secretariat 1975: 71-77). This led a representative of Colombia, a proponent of human rights, to accuse the working group of "interfering in Chile's political and economic life" even while simultaneously supporting the group's work on investigating missing persons (U.N. General Assembly 1977f: 11-12).

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,[8] while, for the most part,

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

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 (Weinstein 1976).

Latin American leaders, including human rights proponents, 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 were reportedly "traumatized" by 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).

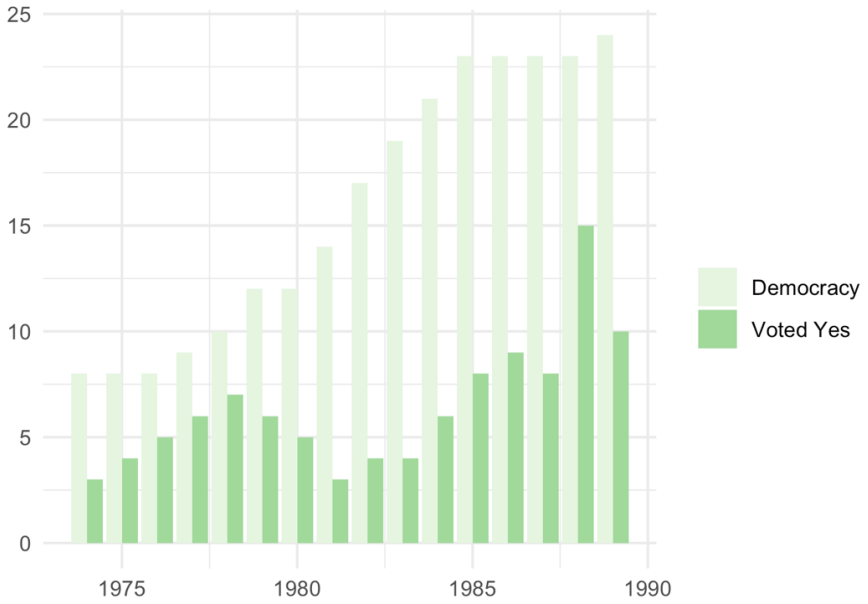
They also harshly condemned, to no effect, the work and the expanded procedures of the *ad hoc* working group. Costa Rica, one of the most important and consistent supporters of human rights at both the regional and global level (Brysk 2005) and a state which itself has robust safeguards for civil and 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 "unending nightmare," emphasizing that "it was doubtful that any Government would submit to the kind of ordeal experienced by Chile" (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, though they "did not wish to deprive the [U.N.] of any instrument which some delegations might, however wrongly, consider effective," they were voting against the resolution because they viewed both the working group on Chile and the resolution as "politically biased and selective" (U.N. General Assembly 1977f: 5-7).

Democracies that did support the resolutions against Chile noted that they did so in spite of similar misgivings. 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 their disapproval of the U.N. working group's selectivity and their report's "unnecessarily exaggerated language" (U.N. General Assembly 1977f: 10-12).

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




**Note**: 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.

*Observable implication 2: Timing of establishing regional authority*

In spite of good fit between global human rights norms and conceptions of human rights within Latin America, it was only after their self-determination was challenged in the mid-1970s that states in the region were willing to collectively compromise on the norm of non-interference. Prior to this, Latin American states had consistently prioritized strict non-interference over human rights enforcement, rejecting enforcement mechanisms that genuinely challenged their sovereignty.

The prioritization of non-interference over human rights was exemplified by the 1948 O.A.S. Charter, which included extensive obligations regarding non-interference (Organization of American States 1948: Article 15-17), but only broad statements and principled declarations on human rights (Thomas and Thomas 1972: 323; Organization of American States 1948: Article 5(j), Article 29). Otherwise, regional institutionalization of human rights 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 actually aimed at *limiting* intervention by eliminating the use of intervention to protect citizens residing in another state (Medina Quiroga 1988: 29).

The ongoing tension between human rights and non-interference and its resolution in favor of non-interference led to many regional mechanisms being proposed and defeated. Proposals that were rejected between 1945 and 1954 included 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). Although some of the reluctance to create enforcement mechanisms can be attributed to the prevalence of authoritarian governments, at key

moments, leaders of democratic governments also withheld support for stronger mechanisms. 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).

Another 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 privately emphasized their concern at compromising on the norm of non-interference, which had "cost the American peoples a great deal to consecrate" and noted the importance of considering how policies would affect "smaller and defenseless nations" (*FRUS* 1969, IX, 156).

Another important example occurred during the creation of the Inter-American Commission on Human Rights (IACHR) in 1960. The Commission's original mandate did not give it 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, a proposal to allow the IACHR to receive complaints from individuals alleging human rights violations, often considered the linchpin of an effective enforcement regime, was put to a vote and defeated, with a number of democracies, including Brazil, Costa Rica, and Uruguay, withholding support (Schreiber 1970: 36). Instead, it was the original IACHR commissioners who interpreted their vague 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 produce reports on individual countries (Goldman 2009: 868; Sandifer 1965: 517).

Through the early 1970s, the IACHR was weak in the exercise of its powers and highly constrained by states in carrying out its functions (Bernardi 2018; Farer 1997: 510; Forsythe 1991; Sandifer 1965). Through 1973, only one state, the Dominican Republic, 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). As late as 1974, the IACHR 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).

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.

However, following the onset of the imposition of enforcement in the mid-1970s, described in the previous section, states became suddenly willing to cooperate with and delegate challenging authority to the O.A.S. These changes were abrupt and dramatic, and they started

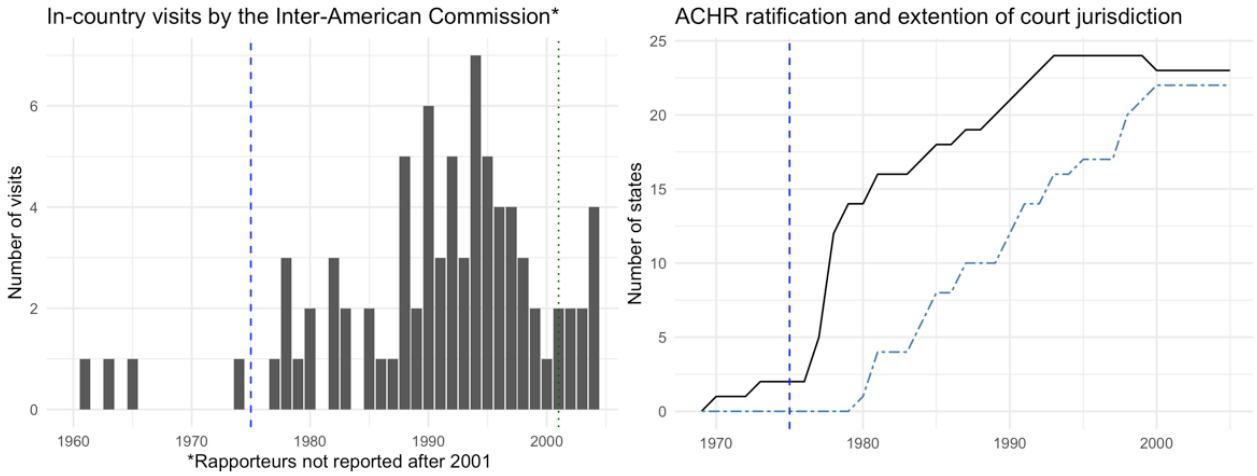
before democratization swept the region in the 1980s and before Jimmy Carter became president in 1977. In stark contrast to the outcome of the O.A.S. General Assembly meeting in 1975 where the IACHR report was tabled without discussion, the 1976 O.A.S. General Assembly was overwhelmingly dedicated to 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).

This trend continued in subsequent meetings. 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 called 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).

States also began to individually cooperate with the IACHR. As shown in Figure 2, after 1975, states began to consent to in-country visits by the IACHR and to ratify regional human rights treaties. Through 1976, only two states had ratified the American Convention on Human Rights. In 1977 and 1978 alone, eleven new states ratified the ACHR, including a mix of human rights opponents and proponents,[9] accepting the authority of the Inter-American Court on Human Rights. Finally, states began to accept the extended jurisdiction of the Inter-American Court to receive complaints from the IACHR, providing a pathway for individuals to access the court.

[9] Proponents were Venezuela, Jamaica, and the Dominican Republic. Opponents, here meaning authoritarian states, were Ecuador, Haiti, Honduras, El Salvador, Grenada, Guatemala, Panama, and Peru.

**Figure 2.** Regional human rights engagement before and after 1975




*Observable implication 3: Global-regional divergence*

The new willingness of Latin American states to accept and engage with regional enforcement contrasted with their reluctance to delegate authority to the U.N., with a global-regional divergence opening up after the onset of challenges to their self-determination. Before providing evidence of this divergence, I will first address the possibility that this divergence reflected the belief by states that regional enforcement was less challenging. In fact, there is substantial evidence that this was not the case. By the mid-1970s, reports on Brazil and Chile had shown the IACHR to be a critical and highly independent human rights body. The 179-page 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: Chapter XVI). Argentina considered leaving the organization due to the human rights criticism, which it denounced as biased (*FRUS* 2018, XXIV, 109), and Southern Cone dictatorships mounted

unsuccessful attempts to "reform" the IACHR by subjecting it to greater state control (*FRUS* 2018, XXIV, 54; Lederer 1977; Medina Quiroga 1988: 280).

Rather than viewing the IACHR as a rubber stamp for their own claims that human rights violations were not happening, states used delay tactics to put off visits from the IACHR and questioned its independence and findings (*FRUS* 2018, XXIV, 83; Lederer 1977; "Rights issue dominates OAS parley" 1977). They also remained reluctant to ratify the ACHR (Norris 1980: 47, 69-70). Anastasio Somoza, the dictator of Nicaragua, privately to the U.S. noted his government's hesitation to open themselves up for "attack" in the Inter-American Court by ratifying the ACHR (*FRUS* 2016, XV, 78).

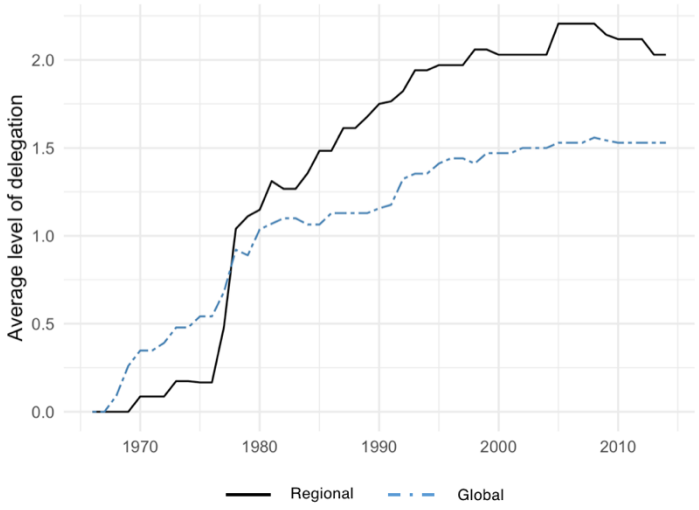
In spite of this, states were more willing to delegate authority to the O.A.S. than to the U.N. To illustrate this divergence, I rate all treaty-based global and regional mechanisms on a scale of zero to three, applying the coding scheme in Table 2. As shown in Figure 3, in 1978, following the onset of challenges to their self-determination, the average level of regional delegation surpassed delegation to the U.N.[10]

**Table 2**. Rating for level of regional vs. global delegation through treaty ratification

| Score | Enforcement authority of treaty body | Regional | Global |
|---|---|---|---|
| 0 | No relevant treaty ratified at this level | | |
| 1 | Comment on self-reporting | *NA* | International Covenant on Civil and Political Rights (ICCPR) |
| 2 | Non-binding decision on individual complaints | American Convention on Human Rights (ACHR) | First Optional Protocol to the ICCPR |
| 3 | Legally binding decision on individual complaints | •Separate declaration to the ACHR<br>•Appellate jurisdiction of the Caribbean Court of Justice (as of 2005) | *NA* |

[10] A similar pattern appears when comparing ratification of ACHR and First Optional Protocol, shown in Appendix Figure 1A. 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




**Note**: 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.

On average, states ratified the ACHR 5.6 years earlier than the Optional Protocol to the ICCPR, two treaties which are the most directly comparable in terms of enforcement authority, and 0.9 years before the ICCPR. Turning to individual ratification trends, Table 3 shows that in the mid-1970s non-democracies, those most likely to be challenged by human rights enforcement, began to ratify the ACHR in large numbers, while overwhelmingly refraining from ratifying the Optional Protocol. In other words, states that were challenged by enforcement nevertheless became willing to accept challenging authority, but only at the regional level.

**Table 3.** Number of new ratifications by regime type

**ACHR (regional enforcement)**

| | Democracy | Non-democracy |
|---|---|---|
| Pre-1975 | 2 | 0 |
| 1975 and on | 10 | 13 |

**1st Optional Protocol (global enforcement)**

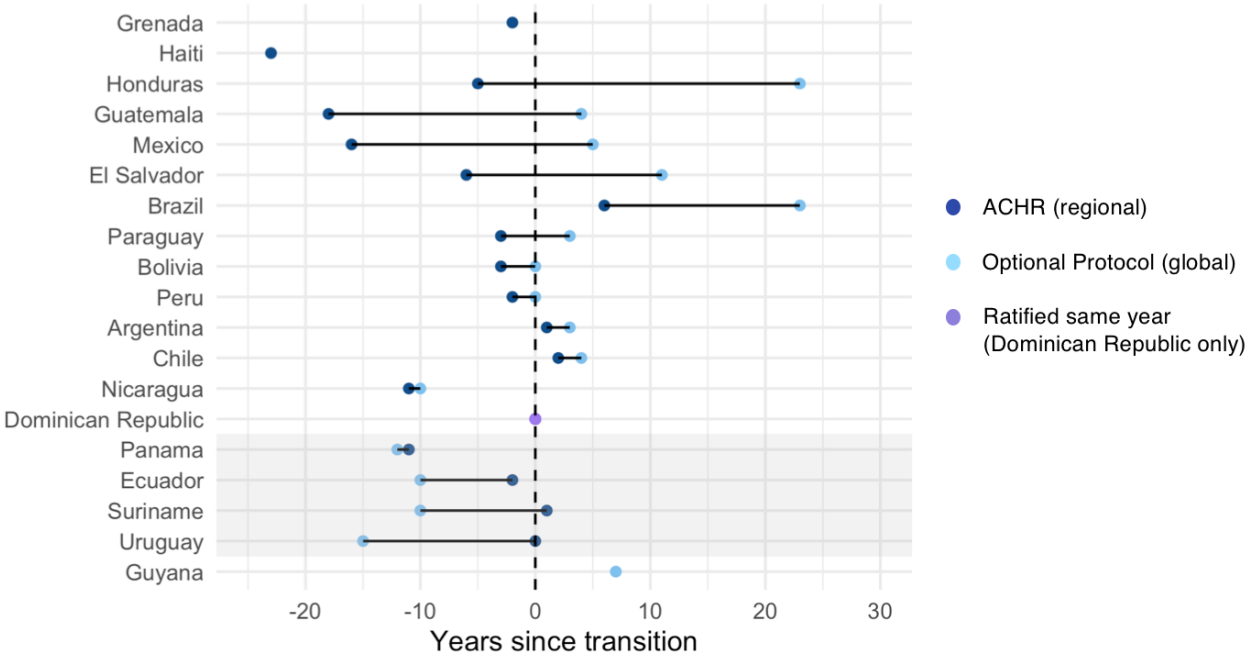
| | Democracy | Non-democracy |
|---|---|---|
| Pre-1975 | 5 | 0 |
| 1975 and on | 17 | 2 |

This pattern is further explained by examining when states ratified these treaties in relation to democratization. Existing theories expect new democracies or countries undergoing political liberalization 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). Yet, as shown in Figure 4, states that emerged from a period of authoritarianism after 1970 ratified the ACHR (excluding the extended court jurisdiction) earlier and under more challenging circumstances than the Optional Protocol. All ACHR ratifications in Figure 4 occurred in 1977 or later, after the onset of external challenges to their self-determination.

Eleven of nineteen states ratified the ACHR first, and an additional 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.[11] 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.

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

**Figure 4**. Democratic transitions and ratification of human rights treaties




**Note**: Figure shows ratification of American Convention on Human Rights and the First Optional Protocol to the ICCPR relative to the timing of democratic transition for states with period of authoritarian rule after 1970. Most ratified the regional treaty earlier in the process of democratization and before comparable global treaty. Vertical line indicates year of transition, with year set to 0. Gray shading separates countries that ratified global treaty first.

*Observable implication 4: Asserting regional authority*

At this time, states also 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). A similar assertion was made by the president of El Salvador in 1981, a country that was being criticized in the U.N. for its human rights practices, and who stated at the U.N. General Assembly that "It has been the constant practice in this world Organization not to deal with situations that have been dealt with in regional organizations" (U.N. General Assembly 1981: 25).

Governments in the region that were under pressure for human rights abuses began to argue for deference to regional enforcement. The government of Chile, which was criticized extensively by the Inter-American Commission and targeted by O.A.S. resolutions, nevertheless 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, the language of the resolution had been sharpened to specify that the new U.N. system should "recognize the principal and determining participation of regional organizations" and "avoid duplication of competence" (U.N. General Assembly 1977b), effectively institutionalizing deference to regional enforcement. Chile also argued that actions being taken within the U.N. violated their "due process," whereas due process existed 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, noting at the U.N. General Assembly in 1980 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, while criticizing U.N. enforcement for not giving proper recognition to the O.A.S.'s efforts. In 1981, the president of El Salvador 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). Other delegations offered similar arguments (U.N. General Assembly 1977e: 35, 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, 14).

*Discussion*

The evidence provided above suggests that states in Latin America, both proponents and opponents of human rights enforcement, were motivated to empower the O.A.S. to enforce human rights by challenges to their self-determination. Their behavior sharply conflicts with existing expectations that states will broadly support enforcement if they support human rights and reject enforcement otherwise. Their negative reaction to the imposition of enforcement by both Western states and the U.N. also suggests that objections to challenges to self-determination are separate from objections to that enforcement reproduces historical patterns of domination. Opposition to enforcement by former imperial or colonial powers may instead be distinct from and layered on top of principled opposition to undermining of self-determination.[12]

## 4. Competing explanations

An important competing explanation for the decision to compromise on non-interference by empowering the O.A.S. is that states may simply prefer regional enforcement. They may 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

[12] I am grateful to Desmond Jagmohan for pointing out this distinction.

regional norms (Acharya 2004; Duursma 2020), or states may view any extra-regional involvement as a form of domination (Acharya 2011).

However, 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 supported global enforcement of human rights. Latin American states were important protagonists for human rights in the U.N., 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 outright, Latin American human rights proponents attempted to reform the global system. One important example of this was Costa Rica's proposal for a U.N. High Commissioner for Human Rights. Though Costa Rica had introduced the proposal in 1965, in the 1970s, Costa Rican representatives began to directly link the "need" for a High Commissioner to their criticisms regarding the selectivity and politicization of the *ad hoc* working group, 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). Similarly, when Venezuelan president Carlos Andrés Pérez criticized the U.S.'s use of aid to enforce human rights, he noted that these matters were more appropriately handled by "supranational organizations at regional *and world* levels" (Andrés Pérez 1977, emphasis mine).

Finally, there is no indication that regional system reflected regional norms to a greater degree than global mechanisms. The main regional particularity of human rights in Latin America is a relatively greater emphasis on economic, social, and cultural rights (Glendon 2003). However, regional enforcement during this time was not at all centered on this category of rights. In fact, it was the U.N. working group on Chile that expanded its work to cover economic and social rights, a move which, as noted above, Latin American states criticized.

Another competing explanation that I have addressed in detail is that states were attempting to hide behind weaker regional mechanisms. The evidence provided in the discussion of the third observable implication (*global-regional divergence*) strongly suggests that states in the region did not believe it was a less costly alternative. This explanation also conflicts with the assessment on the part of many scholars that the Inter-American Commission was, in fact, an important part of the human rights transnational advocacy network in the 1970s (Coe 2020; Keck and Sikkink 1998; Kelly 2018; Sikkink 1993).

A slightly different version of this competing explanation is that, even if enforcement within the O.A.S. was as challenging as enforcement within the U.N., states may have instead been attempting to avoid more challenging economic conditions. 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., given how challenging enforcement within the O.A.S. was.

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 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, were acting on the belief that regional enforcement would be preferred by Latin American states (*FRUS* 2018, XXIV, 16; *FRUS* 2013, II, 205). 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 regional mechanisms pushed the U.S. government to defer to independent regional enforcement, a method of constraining U.S. power that Latin American states had a history of using (Long and Friedman 2020).

Finally, the willingness to compromise on non-interference and expand regional mechanisms may have also followed the diffusion of norms through the region or, relatedly, they might have been result of widespread shifts within the region towards political liberalization, with states moving to lock in and institutionalize these changes at the regional level or increase the prestige or reputation of the region by demonstrating 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 in 1976, prior to widespread regional democratization in the 1980s, as shown in Figure 5.

**Figure 5.** Percent of O.A.S. member states with democratic governments

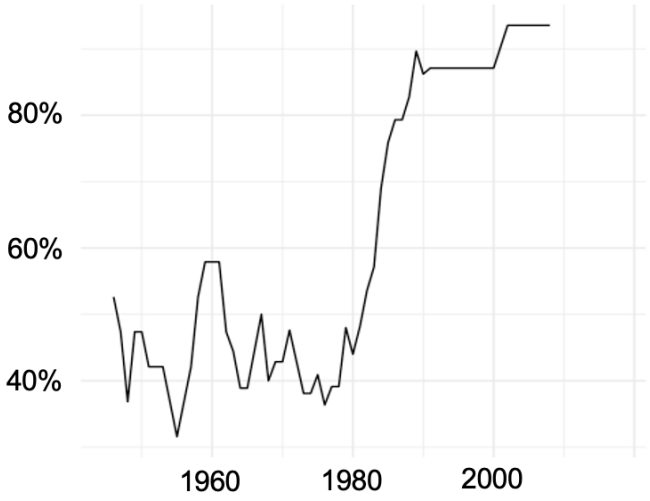



Figure uses Cheibub *et al*'s (2010) binary indicator of democracy. Fewer than 40% of countries were democratic from 1976 to 1978 when O.A.S. enforcement took off.

## 5. Conclusion

It is easy to look at the changes that occurred within Latin America as evidence of the 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 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.

These findings demonstrate that maintaining self-determination is an important goal for states, and that some outcomes and behaviors—such as resistance to global enforcement by human rights proponents—cannot be explained without accounting for this. This has implications for how scholars and policymakers think about voluntarism and coercion and suggests a reconsideration of the limits of carrots and sticks as a foreign policy tool. The

presence of subtle or invisible forms of coercion can undermine cooperation and norm internalization, as states 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 trust of loyalty. Overall, this should encourage scholars to re-examine the liberal world order, which has been based on power disparities so large that it can look like consensus. As the world becomes more multipolar, it is unsurprising to see discontent becoming more visible.

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