Trading Sovereignty for Self-Determination

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Abstract. Weak, dependent, and subordinate states 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 extensive interventionist authority to their regional organizations. What explains this change? I argue that states did this in an attempt to maintain self-determination. To make this argument, I extend the definition of self-determination to incorporate self-determination over international rules, which distinguishes voluntarily delegating authority from having external authority imposed. I then examine the decision by Latin American states to compromise on non-interference by delegating authority to enforce human rights to the Organization of American States. I provide evidence that this change cannot be fully explained without accounting for the importance of self-determination as a political goal of states.

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1. Introduction

Vulnerability to international pressure is a persistent and consequential part of international relations for weak, subordinate, and dependent states. 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, for whom sovereign independence was recently achieved and has frequently been undermined by meddling, interference, and military intervention by more powerful states. For decades, one of the most common ways states compensated for their weakness and fended off international pressure was by "jealously" guarding their sovereignty, including by 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 sat in tension with efforts to constrain European powers, and later the U.S., from interfering in their internal affairs by codifying strict sovereignty norms. For decades, regional human rights institutions in Latin America developed haltingly, with both democracies and autocracies reluctant to create institutions that compromised on non-interference.[2] Yet, in the early 1970s, this dynamic shifted, and states became newly willing to empower their regional organization, the Organization of American States (O.A.S.), to enforce human rights. After decades of reluctance, over the course of just a few years, the balance between human rights and non-interference decisively shifted to favor human rights. What explains this change?

I argue that this change represented a shift in strategy to achieve the same overarching goal of limiting external impositions. Beginning in the 1970s, actors from outside of the region began to impose enforcement of human rights in Latin America in ways that states within the

[2] Cabranes 1967; Goldman 2009; Long and Friedman 2020

region regarded as inappropriate, hypocritical, and one-sided. However, because of large power asymmetries, institutional disadvantages, and dependence on external support, Latin American states lacked tools to respond to these pressures.

This development changed the decision-making calculus for Latin American states from *whether* human rights ought to be enforced to *who* would enforce them and *how*. Under this new status quo, their best strategy for limiting the external imposition of enforcement was actually to compromise on non-interference and delegate enforcement authority to the O.A.S. In doing so, they attempted to move enforcement out of contexts where it would be dominated by other states and into their own regional organization, where the existing rules and norms would create fairer and more equal conditions for enforcement. To accomplish this, and to persuade outside actors to accept and even defer to regional enforcement, states were willing to compromise on non-interference within the region, accepting genuinely challenging regional enforcement and opening themselves up for scrutiny and criticism.

A central objective for making this tradeoff, and one which united military dictatorships and long-time democracies, was self-determination over international rules. In this paper, I extend the concept of self-determination, or "governing oneself under laws of one's own choosing,"[3] to self-determination over *international* laws. While it is well-known that actors in Latin America, and the Global South more generally, have placed great value on their self-determination,[4] what has been less appreciated is that self-determination does not require national autonomy or preclude international interference.[5] Instead, what matters for self-determination at the international level is the ability to meaningfully participate in the design and

[3] Dahl 1989: 91
[4] Getachew 2019; Jagmohan 2020; Wilder 2015
[5] This is in contrast to Schmitter and Karl (1991: 81-82) and Cameron *et al* (2006).

implementation of international rules and to meaningfully affirm them through domestic political processes. I argue that this concept, which distinguishes voluntary delegation from having external authority imposed, is important because maintaining self-determination is an important goal of state actors.

To assess this argument, I derive a series of observable implications that distinguish between behavior motivated by self-determination and behavior motivated by other goals. I find that important features of how Latin American states came to accept human rights enforcement cannot be fully explained without accounting for the importance of self-determination over international rules. States that were the strongest advocates for international protection of human rights were among the most consistent and vocal critics of enforcement that challenged their self-determination, while violent dictatorships became willing to open themselves up to challenging enforcement within the O.A.S.

The explanation I present in this paper contrasts with existing theories of international cooperation and delegation which emphasize the voluntary nature of these actions. According to these theories, delegation and cooperation incur "sovereignty costs," or the loss of national discretion over policymaking,[6] and "agency costs," or the cost of monitoring and sanctioning international agents.[7] One reason states accept these costs is if they are outweighed by the benefits.[8] 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.[9] The decision to accept these costs may be driven by whether they perceive a particular

[6] Abbott and Snidal 2000; Hafner-Burton *et al* 2015; Moravcsik 2000; Lake 2009
[7] Hawkins *et al* 2006
[8] Abbott and Snidal 1998; Hawkins *et al* 2006; Keohane 1984
[9] Hafner-Burton 2005, 2008; Hafner-Burton *et al* 2015; Hyde 2011; Moravcsik 2000; Pevehouse 2002, 2005

institution or authority to be legitimate.[10] Finally, sociological explanations include pre-existing fit between local norms and the norm being enforced,[11] reactions to pressure or persuasion,[12] a reflection or a signal of commitment to shared values,[13] shared conceptions of appropriate behavior for actors of their identity category,[14] and isometric convergence.[15]

These theories place less emphasis on the ways that the decision-making of many states is structured and constrained by relations of inequality, subordination, and dependence. In fact, the decisions of governments of weak or subordinate states to cooperate, delegate, or accept international interference may be deeply affected by their understanding of their strategic environment and how it is structured by underlying inequality or dependence. By contrast, recent theorizing on international hierarchies challenges the idea of consent-based participation in unequal or hierarchical relations,[16] instead emphasizing coercion, socialization, and naturalization of subordination as mechanisms that explain cooperation and participation.[17] Rather than cooperating because they see doing so as beneficial or legitimate, states 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, and they may choose to delegate to avoid these outcomes.[18] In this way, weak states in unequal systems may recognize and object to their own subordination even while they operate within its constraints.

However, states are not indifferent to having authority imposed or their decision-making circumscribed in this way. Weaker states find ways to exercise agency and engage in resistance

[10] Lake 2009; Ikenberry 1998; Stone 2008; Tallberg and Zurn 2019
[11] Acharya 2004; Aggarwal 1985; Coe 2020
[12] Finnemore and Sikkink 1998; Keck and Sikkink 1998; Kelley 2008; Risse-Kappen *et al* 1999
[13] Lutz and Sikkink 2001
[14] Meyer *et al* 1997
[15] Meyer and Rowan 1977; Börzel and van Hüllen 2015
[16] Getachew 2019; Pouliot 2017; Zarakol 2017. See also Moe 2005.
[17] Pouliot 2017; Zarakol 2017
[18] Gruber 2000; Moe 2005; Pierson 2015

within these constraints, including through reluctant compliance,[19] mimicking compliant behavior,[20] or telling more powerful actors what they want to hear.[21] I argue that an unrecognized form of subtle resistance involves delegating authority to a regional organization, in which existing rules, norms, and membership composition favor equal decision-making, in order to counter the imposition of other, unwanted authority. By doing so, they may actually *increase* their discretion over policymaking relative to alternative forms of international authority.

Uncovering the subtle ways that weak or subordinate states have subtly contested the imposition of authority can help the appearance of more overt forms of resistance and contestation. As I discuss in the conclusion, this includes the prevalence of cooperation with illiberal states by states that accept core liberal values. This is important, as challenges to international organizations and the U.S.-led world order have become increasingly salient to international politics.[22]

2. Confronting challenges to self-determination

In this section, I extend the concept of self-determination to incorporate self-determination over international rules and discuss how this concept differs from sovereignty. I address objections to applying the term self-determination to states. I then explain how a state's self-determination can be challenged. I argue that when states confront pressures that challenge their self-determination, they can trade sovereignty for self-determination, delegating authority to a regional organization in order to take over rules and their implementation.

[19] Scott 1985: 26
[20] Hyde 2011
[21] Bayert 2000; Scott 1990; Tieku 2013
[22] Adler-Nissen and Zarakol 2021; Colgan and Keohane 2017; Tallberg and Zurn 2019

2.1. Self-determination, sovereignty, and international rules

Self-determination is defined as self-rule, or the ability to participate in and exercise accountability over rules to which one is subject. The international side of self-determination extends this logic to states, and by extension the people within them, participating in and exercising accountability over *international* rules. In this way, though these concepts are often conflated, self-determination is distinct from sovereignty. Sovereignty entails that the state is both autonomous—it acts independently and effectively holds ultimate decision-making authority both over and within its borders—and exclusive of other authority—outside actors are excluded from involvement in the domestic affairs of the state.[23] Cooperating with other states, delegating authority to an international institution or even another state, or committing to international regimes that entail accepting external interference all necessarily diminish the state's sovereign authority.[24]

By contrast, self-determination involves the ability to make meaningful decisions about how sovereignty authority will be exercised, including whether to diminish it by accepting international authority or consenting to international interference. It requires that if a state is subject to international rules, both the rules and the decision to be bound by them result from some aggregation of domestic preferences or interests, rather than responding primarily to external pressures. Accordingly, an important distinction between these concepts is that a state can maintain self-determination over international rules *even if those rules result in interference in their domestic affairs.* By the same logic, states can delegate authority, cooperate, or accept international interference in ways that are not self-determined.

[23] Krasner 1999: 20
[24] Abbott and Snidal 2000; Krasner 1999; Lake 2009; Moravcsik 2000

There are two conditions that establish the degree to which a state exercises self-determination over international rules. The first, *domestic affirmation*, is the degree to which the decision to be bound by a rule is made and affirmed through domestic decision-making processes.[25] How much does the ongoing decision to accept an international rule reflect some aggregation of domestic interests and beliefs, as determined though domestic political institutions and processes,[26] versus responding primarily or even exclusively to external pressures or influences?[27] The second condition, *meaningful participation*, 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.[28] 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 whether to accept them. At low levels of their realization, the state in question may be powerless to shape or alter rules or the implementation of rules to which they are subject, or to meaningfully consent to them.[29]

One might argue that the term self-determination only refers to "the people" of a state, and not leaders or governments. However, where international rules impact domestic laws and

[25] Stilz 2015
[26] Moravcsik 1997
[27] For an analog, see Moss *et al* (2005) on aid dependency.
[28] See Markell (2008) on participation and Milewicz and Goodin (2018) on deliberation.
[29] See Getachew (2018) and Schmitter and Karl (1991: 81-82) on the link between the ruled and international authority and limits on democratic participation.

institutions, through things like the design of domestic economic or political institutions or decisions regarding economic development strategies, the ability to participate in and affirm these international rules is an important aspect of self-determination of peoples. At the same time, the nature of foreign policy 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. Where the government of a state is unable to meaningfully participate in the implementation of rules or meaningfully consent to them, it removes avenues for domestic participation in and accountability over the affected domestic laws and institutions.[30] Because of this, the international dimension of self-determination applies most straightforwardly to democratic states, where there are established mechanisms for popular participation.

At the same time, self-determination over international rules is also theoretically and empirically relevant to authoritarian states. Authoritarian leaders still respond to and are at least minimally accountable to their citizens due to the possibility of protest or rebellion.[31] Many establish institutions and practices that provide (imperfect) opportunities for participation in government through elections with varying degrees of competitiveness or institutionalization of participation in local politics.[32] Relative to an international authority, there may be more direct avenues for citizens to hold an authoritarian leader accountable or influence decision-making.

Participation and domestic affirmation of international rules also matter to citizens in authoritarian settings, and people within a state may, under some circumstances, prefer an authoritarian leader to foreign or alien rule.[33] This is evidenced by the fact that authoritarian leaders have been able to successfully shore up domestic support and consolidate their own

[30] Schmitter and Karl 1991: 81-82
[31] Acemoglu and Robinson 2001; Arriola 2012; Dai and Spires 2018
[32] Levitsky and Way 2002; Nathan 2003
[33] Agne 2010: 404

power by leveraging complaints about unfair treatment, imperialism or neo-colonialism, and external impositions or meddling.[34] Authoritarian leaders themselves may 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. External imposition as a challenge to self-determination

In some cases, rather than cooperation or delegation being self-determined, it may be more accurate to say that rules are imposed and sovereign authority usurped. This form of imposition is different from imposition in the form of "cultural imperialism," where, for example, Western values are imposed on non-Western contexts. Instead, this is about the process through which rules come to be accepted and implemented. A state may accept international rules or consent to their implementation in ways that sharply limit their ability to meaningfully participate in the design and implementation of rules, to domestically affirm them, or both.

The ability to domestically affirm international rules is undermined if the decision to accept them is made primarily in response to external factors. A state may accept international rules primarily in response to direct threats from other states. However, the ability to domestically affirm international rules is also undermined if they accept an international rule in anticipation that open contestation or resistance will be prohibitively costly. For weak or dependent states, they may accept an international rule because they expect that open contestation could result in reduced access to resources, like aid or preferential trade, on which their economy depends, or the weakening of vital diplomatic support or security commitments.

[34] Bush and Prather 2020; Simon 2020; Terman 2019

Alternately, they may believe that accepting rules is necessary to gain access to vital resources or maintain positive relations with important allies or donors.

Having accepted international rules, states may also lack the ability to meaningfully participate in their implementation. International rules can be implemented in contexts in which states face structural or institutional disadvantages that limit their ability to effectively influence decision-making. Structural disadvantages can include power or economic inequalities or asymmetric dependence, which limit weaker states' bargaining power, give more powerful states greater control over decision-making, and provide powerful states with tools for disciplining what they regard as undesirable behavior by weaker states. Institutional disadvantages refer to rules, norms, or established patterns of behavior that give some states far more influence than others. These can be formalized, like unequal representation or voting power within an international organization. They can also be informal, like the inability to afford permanent representation at the headquarters of international organizations, a deficit of technical expertise, or procedures that give powerful or wealthy states greater tacit influence over decision-making.[35]

Under either of these conditions, international rules or their implementation are effectively imposed. States encountering this kind of imposition face a decision of what costs they are willing to bear for resisting or contesting rules, and even then, their efforts at resistance may be ineffective where other states control the means through which rules are implemented or where they lack viable options to exit an arrangement.[36] This effectively presents states with a new status quo under which the decision they face is no longer *whether* they will be subject to a given rule, but *who* will implement it and *how.*

[35] Fridell 2010; Hawkins *et al* 2006; Ravenhill 1985
[36] Moe 2005

2.3. Trading sovereignty for self-determination

Ultimately, this discussion of self-determination over international rules matters because state actors value self-determination and pursue it as a political goal. States do not simply accept that rules will be imposed on them by other actors. Instead, they can engage in collective action to increase or maintain their self-determination. One strategy that states can use is to take over the rule and its implementation is moving it into a regional organization where the rules, norms, or membership composition create fairer and more equal conditions for decision-making. In this way, states can trade sovereignty, in the sense of national autonomy and exclusive authority, for self-determination, in the sense of the ability to participate in decision-making that affects them.

This strategy can be effective if outside actors that care about a given rule, including states, international NGOs, and bureaucrats of global international organizations, do not necessarily care who implements it. Delegating authority to a regional organization can persuade these actors to accept regional implementation as a replacement for their own efforts. It may even convince them to channel their efforts into supporting regional approaches. Outside actors may be willing to defer to regional enforcement because implementing rules can be costly, time consuming, and can detract from pursuing other important priorities, and they may even accept regional ownership as normatively desirable. For both state and non-state actors, the creation or expansion of regional institutions can demonstrate progress and give them the sense that their pressure and advocacy has paid off. Delegating to a regional organization can also be effective at responding to domestic and regional civil society groups, which can be sensitive to criticisms that they are inviting in interference by Western actors engaged in "civilizing" missions[37] and

[37] Keck and Sikkink 1999: 94

have incentives to favor effective regional institutions, which are less likely to face these kinds of accusations.

At the same time, states attempting to take over an international rule do not have complete discretion over what implementation should look like. In order to convince these other actors to accept regional implementation, regional institutions must meet minimal expectations regarding what constitutes appropriate and effective action with respect to a given rule. The regional organization may already be authorized through its mandate to engage with the issue area in which the rule is nested, but states may need to expand the organization's authority and increase their cooperation within it in order to meet these expectations. In other cases, they may need to expand the organization's mandate to incorporate the rule.

The presence of outside actors attempting to impose rules can push states within the region to delegate more challenging authority than they otherwise would and to increase their cooperation with regional institutions. States that stand to be challenged by the implementation of a rule may believe that they will be no worse off and possibly better off with a regional institution, where they may expect to be treated more fairly and where they can limit less desirable forms of enforcement. They may also expect that they will be able to exert greater control over regional institutions, though this expectation will be balanced out by the need to delegate enough authority to meet external expectations.

States within the region that actively support the international rule may object in principle to outside forms of implementation that they view as inappropriate. They may also want to create more opportunities for determining their own priorities and implementation strategies. Importantly, both states and bureaucrats of regional organizations may consider regional mechanisms to be as good or effective as implementation in other contexts.

2.4. Why regional organizations?

Why would states respond to these pressures by delegating to regional organizations, in particular? Delegating authority to a regional organization is not the only way that states can use international institutions or collective action to maintain self-determination over international rules, and states may use multiple strategies simultaneously. Other strategies include developing global norms or establishing rules within global international organizations that emphasize state equality and equal participation and prohibit pressure or interference.[38] I argue that the decision to use regional organizations does not necessarily result from a belief that regional organizations are more legitimate or from the desire to emphasize regional norms.[39] Similarly, this strategy is not necessarily about establishing regional *autonomy*, or exclusion of extra-regional actors from engaging in the region.[40] States may accept and even welcome involvement from outside actors, under certain circumstances.

Instead, I argue that delegating to regional organizations results in large part from path dependence and the perceived utility of regional organizations. Specifically, it draws from established patterns of cooperation and solidarity which encourage the utilization of regional groupings, and it strategically employs the existing norm of regional solutions to regional problems. States had also invested resources in developing their regional organizations and using them to limit external interference, and switching to this new strategy was a natural extension of these previous efforts. In this way, the norm of regional solutions for regional problems is, in part, strategically constructed and reproduced by states that are united by shared external pressures,[41] shared beliefs regarding which strategies will be successful at responding to these

[38] Finnemore 2003; Finnemore and Jurkovick 2014; Getachew 2019
[39] Acharya 2004; Duursma 2020
[40] Acharya 2011
[41] Duursma 2020

pressures,[42] shared expectations that what happens to one state in the region may also happen to others, and a history of regional cooperation and solidarity.

3. Human rights enforcement and the Organization of American States

In this section, I examine the decision by Latin American states to compromise on non-interference by empowering the Organization of American States (O.A.S.) to enforce human rights. I argue and provide evidence that this decision was motivated by efforts to take over human rights enforcement in response to the imposition of enforcement by outside actors. The strategy described above required that regional implementation meet external expectations of legitimacy and effectiveness. Because of this, taking over human rights enforcement required compromising on the norm of non-interference.[43]

3.1. Empirical approach

The O.A.S. presents a challenging case for this argument. Latin American governments have long embraced the concept of individual rights,[44] and many Latin American states were important global "protagonists" for human rights.[45] Human rights were *not* an imposition in the sense of Western cultural imperialism. I show that, in spite of this regional predisposition towards human rights, 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. Conversely, because the U.S., the most powerful member state, began to advocate for human

[42] Mahoney 2010: 17
[43] Hawkins 1997
[44] Sandifer 1965; Simon 2017
[45] Sikkink 2014

rights around the same time, it is also important to show that this change did not simply reflect states doing what the U.S. wanted.

The O.A.S. is also an important case. This change in orientation towards non-interference was a significant concession from states who, since achieving independence, had worked to expand, codify, and advocate for the strict non-interference as a way of compensating for their weakness and responding to the threat of re-colonization, intervention, and meddling by the U.S. and Western Europe.[46] However, since the 1970s, the Inter-American human rights system has transformed into one of the most challenging and effective human rights systems in the world, especially when considering the nature and extent of human rights violations with which it has contended.[47]

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

[46] Cabranes 1968; Medina Quiroga 1988: 21-23; Simon 2017
[47] Forsythe 1991; Goldman 2009: 857

rights and respect it domestically, which I refer to throughout as human rights "proponents" and those that do not, or human rights "opponents." Proponents consist of 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, and key proponents during this period were Costa Rica, Venezuela, Colombia, and Jamaica. Opponents consist of authoritarian and human rights-abusing states.

To assess my observable implications, I use a mix of qualitative and quantitative data. Qualitative data consists of newspaper articles, speeches, debate records, resolutions and declarations from international organizations, texts of treaties, declassified foreign policy documents, contemporaneous reporting, and secondary sources. Text of primary sources is provided in Table A1 in the Appendix. Quantitative data consists of data on U.N. General Assembly voting records and treaty ratification

3.2. Observable implications

Existing theories expect human rights proponents to value and prioritize effective improvement in respect for human rights and, therefore, to offer broad and relatively uniform support for enforcement. They expect opponents to try 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 and to compromise on non-interference in order to increase self-determination.

The first observable implication relates to state reactions to enforcement that challenges their self-determination. Importantly, the imposition of enforcement does not only affect the direct targets of these policies. They also affect human rights proponents, who may not

themselves be worried about being targeted, but may object in principle and may be concerned that these enforcement efforts will spread to other issue areas. Because of this, and because states value self-determination independent of the content of rules or the expected outcomes of cooperation, 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 or stand to benefit from these enforcement measures.

The second observable implication assesses the timing of the decision to compromise on non-interference. Establishing regional enforcement as a plausible substitute for other forms of enforcement required meeting external expectations of appropriate and effective enforcement. For human rights, this required delegating authority that would compromise on non-interference. If states delegated this authority in response to 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* outside actors attempt to impose human rights policy.

While this expectation regarding timing is central to my argument, it overlaps with other possible explanations, including that this change was caused by norm diffusion, regional democratization, or the rise of transnational advocacy. However, it produces three additional observable implications which more clearly distinguish my explanation from existing theories. First, before the onset of these challenges, I expect human rights proponents to offer limited and inconsistent support for interventionist enforcement even though they value human rights. Second, after the onset of these challenges, I expect human rights opponents to become willing to cooperate with and delegate genuinely challenging authority for regional enforcement. This includes states that were abusing human rights but were not immediately targeted by human

rights enforcement, who now had to anticipate being subject to this enforcement. Third, I expect both human rights opponents and newly democratizing states to delegate authority for regional enforcement earlier and under more challenging circumstances than extra-regional enforcement. Because they view regional enforcement as more conducive to maintaining self-determination and are trying to take over enforcement within the O.A.S., when states ratify treaties to make tactical commitments, lock in reforms, or send costly signals, they will do so disproportionately through regional enforcement.

The final observable implication pertains to engagement with human rights enforcement from outside of the region. Rather than simply rejecting extra-regional enforcement, I expect Latin American states, especially proponents of human rights, to engage with and support outside forms of enforcement where they view them as fair and allowing equal participation. Where they view extra-regional enforcement as undermining self-determination, they may advocate for reforms rather than rejecting it outright. This implication distinguishes efforts to increase self-determination from an overall preference for regional enforcement or a desire for regional autonomy. Table 1 provides an overview of these 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 compromising on non-interference	States will collectively move to compromise on the norm of non-interference after the onset of challenges to their self-determination. • Before the onset of challenges to self-determination, human rights proponents will offer only inconsistent support for regional enforcement. • After the onset of challenges to self-determination, human rights opponents will become willing to accept genuinely challenging authority. • After the onset of challenges to self-determination, human rights opponents and newly democratizing states will delegate authority for regional enforcement earlier and under more challenging circumstances than extra-regional enforcement.
Engaging with extra-regional enforcement	• States will engage with and accept extra-regional enforcement that does not challenge their self-determination. • States will attempt to reform extra-regional enforcement to reduce or eliminate forms of enforcement that diminish their self-determination.

3.3. Assessing the observable implications

Observable implication 1: Pushing back against enforcement

The early 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.[48] It was at this time, following the 1973 overthrow of the Salvador Allende government in Chile, that Latin American self-determination began to be challenged by the imposition of human rights enforcement.

The imposition of enforcement took two forms. The first was the use of direct pressure by Western states, especially economic pressure, and the second was U.N. enforcement that

[48] Eckel and Moyn 2013; Keck and Sikkink 1998: 79

disproportionately targeted Latin American states. Both forms of enforcement removed avenues for them to effectively influence or participation in decision-making regarding policy that was being carried out in Latin America. States, including proponents of human rights, forcefully pushed back against what they regarded as inappropriate and unwanted impositions. These dynamics within the U.N. also help to account for the decision to use a regional organization, in particular, for pursuing this strategy.

Direct enforcement by Western states

There were isolated examples of human rights being incorporated into foreign policy decisions prior to the 1970s, but the magnitude of the Western public's attention to human rights beginning at this time put Western governments under unprecedented domestic pressure to avoid being seen as assisting governments that violated human rights, while creating domestic political rewards for opposing support to violators.[49] In 1974, the U.S. Congress began to pass new legislation restricting security and economic assistance to states that violated human rights.[50] In 1975, Chile became the first country to have its security assistance cut off under the new legislation,[51] and in 1976, the U.S. voted against a development loan to Chile for human rights reasons for the first time.[52] It was apparent early on that this attention would not stay contained to Chile, and the U.S. government admonished the Argentine military in 1976 to "resolve its problems quickly and quietly, don't create another Chile."[53]

[49] Arts 2000: 223-224
[50] Weissbrodt 1977: 238-259
[51] Binder 1975
[52] Weissbrodt 1977: 259
[53] Brysk 1993: 267

This pressure expanded when Jimmy Carter became president in 1977 and placed human rights at the center of his foreign policy. At the O.A.S. General in June 1977, U.S. Secretary of State Cyrus Vance announced the U.S.'s intention to link human rights with regional aid,[54] and the U.S. broached the issue of human rights at an Inter-American Development Bank meeting that same month.[55] By 1978, U.S. assistance had been restricted to Argentina, Brazil, Uruguay, Nicaragua, and El Salvador,[56] and the U.S. enacted new trade barriers with a number of these countries.[57] 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.[58]

Western European governments similarly reduced economic assistance, voted against loans in IFIs,[59] refused to reschedule existing debts,[60] reduced or severed diplomatic ties,[61] and provided support and legitimation to domestic opposition movements of repressive leaders.[62] In 1977, Western European states, through the European Economic Community, first attempted to introduce human rights conditions into the Lomé Convention, which coordinated a large proportion of their preferential trade and development assistance for Caribbean states.[63]

These new enforcement policies were imposed in the sense that donor states retained ultimate control over economic support and preferential access to markets, while Latin American states were heavily reliant upon these resources. The structural features of their relationship

[54] U.S. House of Representatives 1977: 4
[55] "Kidnapping mars IDB meeting" 1977
[56] *FRUS* 2013, 62
[57] Benham 1977
[58] *Ibid*
[59] *FRUS* 2013, 4; Vogelgesang 1978: 824
[60] "Economic measures set" 1975
[61] "The British Cabinet's 'New Approach' to Chile" 1979; "U.S. Cuts Back Ties" 1979; Young-Anawaty 1980: 72
[62] Tomayo 1981
[63] Arts 2000; Young-Anawaty 1980

made enforcement inherently one-sided—it could only be applied to recipient states by donor states. It also removed avenues for Latin American states to influence, constrain, or impose accountability. This inability to influence the design and implementation of policy was further reflected by the fact that states, including proponents of human rights, viewed these policies as de-valuing and undermining economic, social, and cultural rights and contravening the obligations of developed states to provide development assistance as part of the human right to development and the New International Economic Order.[64] Costa Rica, one of the most important and consistent supporters of human rights at both the regional and global level,[65] asserted at the 1977 U.N. General Assembly that "only when rich States really comply with their obligation to co-operate with the poor in their efforts to overcome under-development can they rightfully call for the full observance of human rights."[66]

In fact, shortly after the U.S. government announced its intentions to broadly apply economic conditions during 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."[67]

According to a declassified CIA memorandum, Latin American leaders were "nearly unanimous" in objecting to these enforcement policies,[68] and the policies elicited popular

[64] Beall 2021
[65] Brysk 2005
[66] U.N. General Assembly 1977b: Para. 174
[67] Andrés Pérez 1977
[68] *FRUS* 2013, 25

backlash within countries that were subject to them.[69] Particularly notable were the consistent objections by states that otherwise supported 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.[70] Commonwealth Caribbean states, among the most consistently democratic and rights-respecting, were also adamantly opposed to adding human rights considerations to trade and economic assistance, with one Jamaican representative to the re-negotiations of Lomé asserting that human rights "has no place in an agreement dealing with trade and cooperation."[71] In consensus with other states that received benefits through the Lomé Convention, they consistently opposed the introduction of human rights as a condition for receiving benefits through Lomé.[72]

During this time, nearly all Latin American states supported U.N. resolutions condemning the use of economic conditions to enforce human rights. 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"[73] 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."[74]

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[69] Benham 1977
[70] U.N. General Assembly 1977c: Para. 11
[71] Young-Anawaty 1980: 87, footnote 106
[72] Arts 2000: 168, 244; Young-Anawaty 1980
[73] U.N. Commission on Human Rights 1979: 108-109; Alston 1982: 167 fn 58.
[74] U.N. General Assembly 1981: II(l). 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).

Targeting in the United Nations

Latin America's self-determination was also challenged within the U.N., where institutional disadvantages resulted in both disproportionate targeting of Latin America and an inability to effectively participate in or influence human rights enforcement targeted at the region. These institutional disadvantages were a result of the peripheral position of Spanish-speaking Latin America within the Non-Aligned Movement (NAM).[75] While Latin American states often cooperated with and had many shared interests with non-aligned states, their position firmly within the U.S.'s declared sphere of influence limited their ability to pursue non-aligned policies and made right-wing, U.S.-aligned regimes especially vulnerable to non-aligned approbation. Additionally, because of the use of coalitional politics by non-aligned and Soviet states, when human rights became a major international issue in the 1970s, Latin American states were among the only states for which it was possible to enforce human rights.[76] At the same time, non-aligned, Soviet, and Western states joined together in focusing on abuses in Latin America while effectively shutting out Latin American participation.

Chile became the first and most intense subject of this targeting. 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 violations in Chile. In the ensuing years, these "special procedures" were used disproportionately against Latin American states. Two additional mechanisms were created in 1979 to focused on Chile; mechanisms for Bolivia and El Salvador were created in 1981; and a working group on disappearances which was intended, in large part, to target Argentina was created in 1980. By contrast, through 1981, the only other country-specific mechanisms created were for perennial targets Israel and South

[75] Conversely, Caribbean states were centrally involved in the Non-Aligned Movement.
[76] Weinstein 1976

Africa, along with one for Equatorial Guinea, which was established only after the regime in question was removed from power.[77] Additionally, through 1984, Latin American countries were the only countries apart from Israel and South Africa to be singled out by General Assembly resolutions, with Chile, El Salvador, Guatemala, and Bolivia targeted.

Latin American leaders, including human rights proponents, opposed the singling out of Latin America in the U.N. Costa Rica, which, as noted above, was an important human rights proponent, was particularly critical throughout this time. During a 1977 speech at the U.N. General Assembly, a Costa Rican delegate singled out 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."[78] 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."[79]

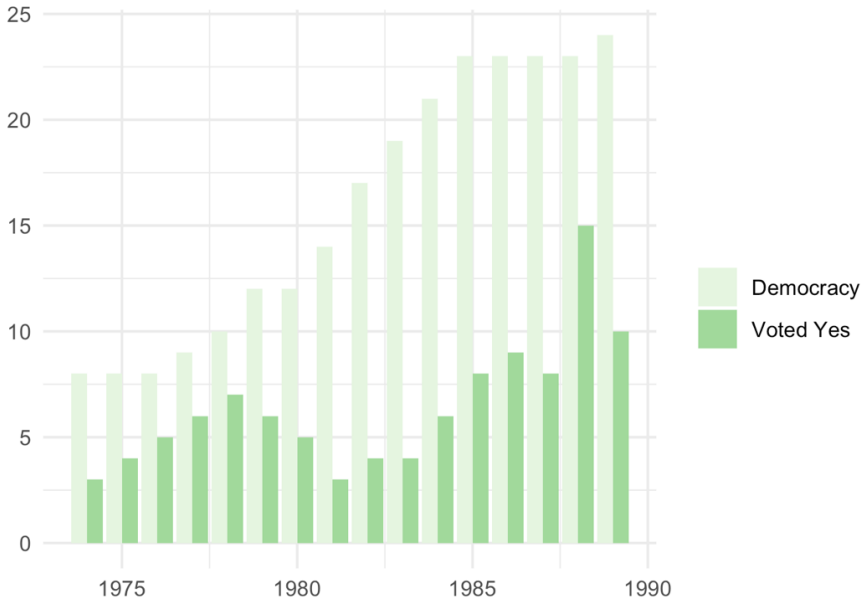
In another example, one U.S. State Department memorandum described a tense scene at the 1979 meeting of the UNCHR, during which Latin American representatives were reportedly "traumatized" by the targeting of the region, including efforts to add Uruguay, Paraguay, Nicaragua, and Guatemala to the agenda. 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.[80]

These attitudes were reflected in a broader pattern on the part of Latin American democracies which, throughout this time, remained surprisingly unwilling to support U.N.

[77] Brysk 1993: 270-1; Limon and Power 2014: 8-9
[78] U.N. General Assembly 1977b: Para. 179
[79] U.N. General Assembly 1977c: Para. 6
[80] *FRUS* 2013, 184

resolutions condemning Chile. This pattern is shown in Figure 1. A Costa Rican representative noted one year by way of explanation for their negative 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."[81] Similarly, in 1980, when a resolution against El Salvador first emerged, only three of ten democratic members of the O.A.S. voted in support of it.[82]

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.

Even democracies that did support the resolutions against Chile noted that they did so in spite of similar misgivings. In 1977, Venezuela support the resolution, but a representative stated that they "hoped that…it would be possible…to remove [Chile] from [the] agenda and devote

[81] *Ibid*: Para. 5-7
[82] U.N. General Assembly 1980

[their] attention to other matters."[83] Colombia voted for the resolution in 1977 in spite of their disapproval of the U.N. working group's selectivity and their report's "unnecessarily exaggerated language."[84] In 1979, the Colombian delegate voiced objections to "discrimination" in the focus on Chile, which "clearly endangers the lofty aims of the international community in its undertaking to safeguard human rights."[85] In 1980, Colombia withheld support for the annual resolution against Chile for the first time.

Observable implication 2: Timing of compromising on non-interference

In spite of good fit between global human rights norms and Latin American conceptions of human rights, 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 prioritized strict non-interference over human rights enforcement, with states broadly reluctant to develop or engage with enforcement mechanisms that genuinely challenged their sovereignty. After decades of slow institutional development and ambivalence towards compromising on non-interference, in the 1970s, following the onset of the imposition of enforcement, there was sudden shift towards compromising on non-interference with respect to human rights. However, this shift happened unevenly, with states favoring regional enforcement over outside enforcement.

[83] U.N. General Assembly 1977c: 50
[84] *Ibid*: 10-12
[85] U.N. General Assembly 1979, Para 101

Before challenges to self-determination: Human rights proponents remain reluctant

The prioritization of non-interference over human rights, including by human rights proponents, was exemplified by the 1948 O.A.S. Charter, which included extensive obligations regarding non-interference aimed at constraining the United States,[86] but only broad statements and principled declarations on human rights.[87] Otherwise, early regional institutionalization of human rights was largely limited to non-binding declarations.[88] In 1948, states adopted the American Declaration on the Rights and Duties of Man, with a majority of states voting against adopting it as a binding treaty. This included the democratic governments of Argentina, Brazil, Chile, Costa Rica, and Peru.[89]

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. Between 1945 and 1954, these included a mechanism for "informative investigations" of human rights violations, a human rights court,[90] a mechanism to study the effective protection of human rights, and an early proposal for a human rights commission.[91] Although some of the reluctance to create enforcement mechanisms can be attributed to the prevalence of authoritarian governments, democratic governments were also reluctant to support stronger institutions.

One example was the Larreta Doctrine, a 1945 Uruguayan proposal for a mechanism for "multilateral intervention" in defense of human rights, often cited as evidence of the region's early interest in human rights enforcement.[92] Though it was supported by the U.S., the proposal was rejected by most other member states, including Costa Rica and Colombia, both

[86] Cabranes 1967; Organization of American States 1948: Article 15-17
[87] Thomas and Thomas 1972: 323; Organization of American States 1948: Article 5(j), Article 29
[88] Goldman 2009: 858; Medina Quiroga 1988: 29
[89] Medina Quiroga 1988: 38
[90] Schreiber 1970; Goldman 2009
[91] Schreiber 1970
[92] Long and Friedman 2020; Sikkink 2014

democracies with good human rights records.[93] The government of Colombia privately articulated 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."[94]

Another important example occurred during the creation of the Inter-American Commission on Human Rights (IACHR) in 1960. The Commission's original mandate actually did not give it any interventionist power. It could not investigate or comment on states' human rights practices,[95] and it was tasked only with "develop[ing] an awareness" of human rights and making "general" recommendations.[96] 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.[97]

Instead, it was the original IACHR commissioners 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 produce reports on individual countries.[98] States were initially unwilling to affirm this expanded authority,[99] and when they finally did so, it under exceptional circumstances. In the immediate aftermath of the unsanctioned U.S. intervention in the Dominican Republic in 1965, the IACHR was brought in on an emergency basis to monitor the situation and oversee the return to order, and the new

[93] Cabranes 1967: p1160 footnote 25
[94] *FRUS* 1969, 156
[95] Norris 1980: 48-49
[96] Goldman 2009: 862
[97] Schreiber 1970: 36
[98] Goldman 2009: 868; Sandifer 1965: 517
[99] Schreiber 1970: 51

authority was affirmed in 1965 while the IACHR was still carrying out its work.[100] Nevertheless, through the early 1970s, the IACHR was highly constrained by states in carrying out its functions.[101] Through 1973, the Dominican Republic was the only state to consent to an on-site investigation of their own domestic human rights record.[102]

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 for at least some period of time between 1969 and 1976.

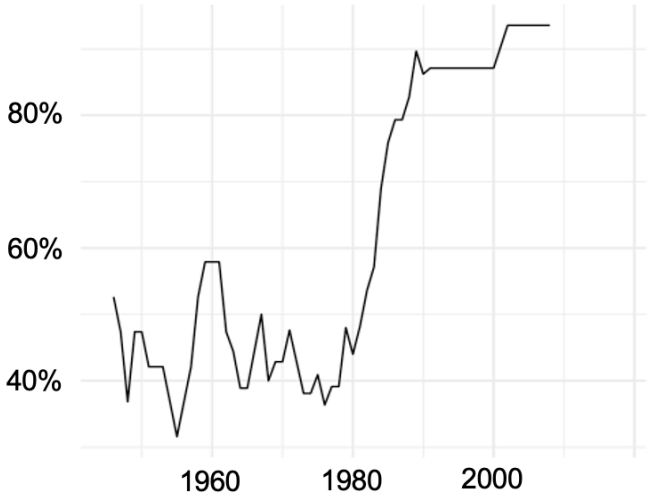
After challenges to self-determination: Human rights opponents cooperate

Following the onset of the imposition of enforcement in the mid-1970s, states became suddenly willing to cooperate with and delegate challenging authority to the O.A.S., including human rights opponents. 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.[103] In 1975, the O.A.S. General Assembly similarly silenced a report on the abuses of the Pinochet regime in Chile.[104]

[100] Akehurst 1967: 203-209; Schreiber 1970: 51
[101] Forsythe 1991; Sandifer 1965
[102] Organization of American States n.d.
[103] Diuguid 1974; Kelly 2018
[104] Kelly 2018: 147

In stark contrast to the outcomes of O.A.S. meetings in 1974 and 1975, the 1976 O.A.S. General Assembly was overwhelmingly dedicated to discussing and condemning Chile's human rights violations.[105] 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.[106] These changes were abrupt and dramatic, and they started before Jimmy Carter became president in 1977 and, as shown in Figure 2, while a majority of states had authoritarian governments.

Figure 2. Percent of O.A.S. member states with democratic governments



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

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.[107] They also adopted a resolution

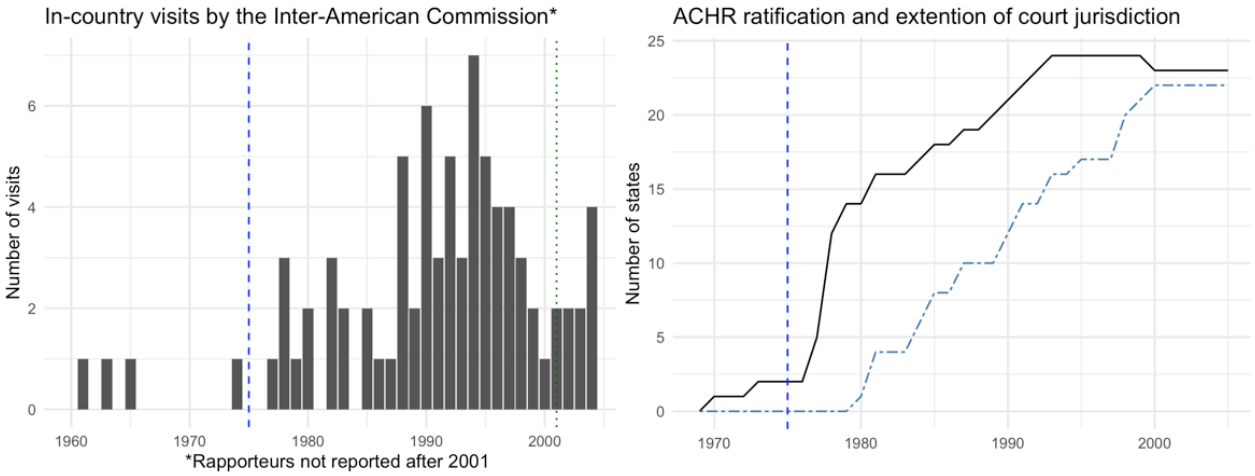
[105] de Onis 1976a; de Onis 1976b
[106] de Onis 1976a
[107] Norris 1980: 80, fn115

increasing the IACHR's budget and encouraging states to consent to on-site visits by the IACHR,[108] and they voted to move the following year's meeting from Uruguay to the U.S. in light of human rights abuses in Uruguay.[109]

States also began to individually engage with regional enforcement. Prior to the imposition of enforcement, the Commission's requests to carry out in-country visits had been turned down, ignored outright, or received insufficient cooperation from states.[110] However, as shown in Figure 3, after 1975, states began to widely consent to in-country visits by the IACHR. They also began to ratify regional human rights treaties. Through 1976, only two states ratified the American Convention on Human Rights. In 1977 and 1978 alone, eleven new states ratified the ACHR, eight of which were non-democracies.[111] In doing so, they accepted the authority of the Inter-American Court on Human Rights, gave the IACHR the power to request the court to "take provisional measures… to prevent irreparable injury to persons," strengthened requirements for states to provide information to the IACHR,[112] and consented to the IACHR publicizing its reports without state approval.[113] States also 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.

[108] "Rights issue dominates OAS parley" 1977
[109] Vogelgesang 1978: 824
[110] Thomas and Thomas 1972: 342; Norris 1980
[111] Opponents, here meaning authoritarian states, were Ecuador, Haiti, Honduras, El Salvador, Grenada, Guatemala, Panama, and Peru.
[112] Inter-American Commission on Human Rights 1980: Chapter 1
[113] Organization of American States 1969: Article 51(3)

Figure 3. Regional human rights engagement before and after 1975



Importantly, this new willingness to engage with the O.A.S. did not simply reflect 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.[114] Argentina considered leaving the O.A.S. due to the human rights criticism,[115] and Southern Cone dictatorships mounted unsuccessful attempts to "reform" the IACHR by subjecting it to greater state control.[116]

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

[114] Inter-American Commission on Human Rights 1974: Chapter XVI
[115] *FRUS* 2018, 109
[116] *FRUS* 2018, 54; Lederer 1977; Medina Quiroga 1988: 280

questioned its independence and findings.[117] They also remained reluctant to ratify the ACHR.[118] Anastasio Somoza, the dictator of Nicaragua, privately noted to the U.S. his government's hesitation to open themselves up for "attack" in the Inter-American Court by ratifying the ACHR.[119]

Uneven delegation and a global-regional divergence

This new willingness of human rights opponents to accept and engage with regional enforcement contrasted with their continued reluctance to delegate authority to the U.N. Table 2 compares ratification of the ACHR with ratification of the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), two treaties which are the most directly comparable in terms of content and enforcement authority.[120] After 1975, non-democratic governments began to ratify the ACHR, while overwhelmingly refraining from ratifying the Optional Protocol. In other words, states that were the most likely to be challenged by enforcement became willing to delegate enforcement authority, but only at the regional level. This is consistent with a strategy aimed at delegating authority in order to move enforcement into the O.A.S., where enforcement would be less dominated by other states.

Table 2. Number of new ratifications by regime type

ACHR (regional enforcement)

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

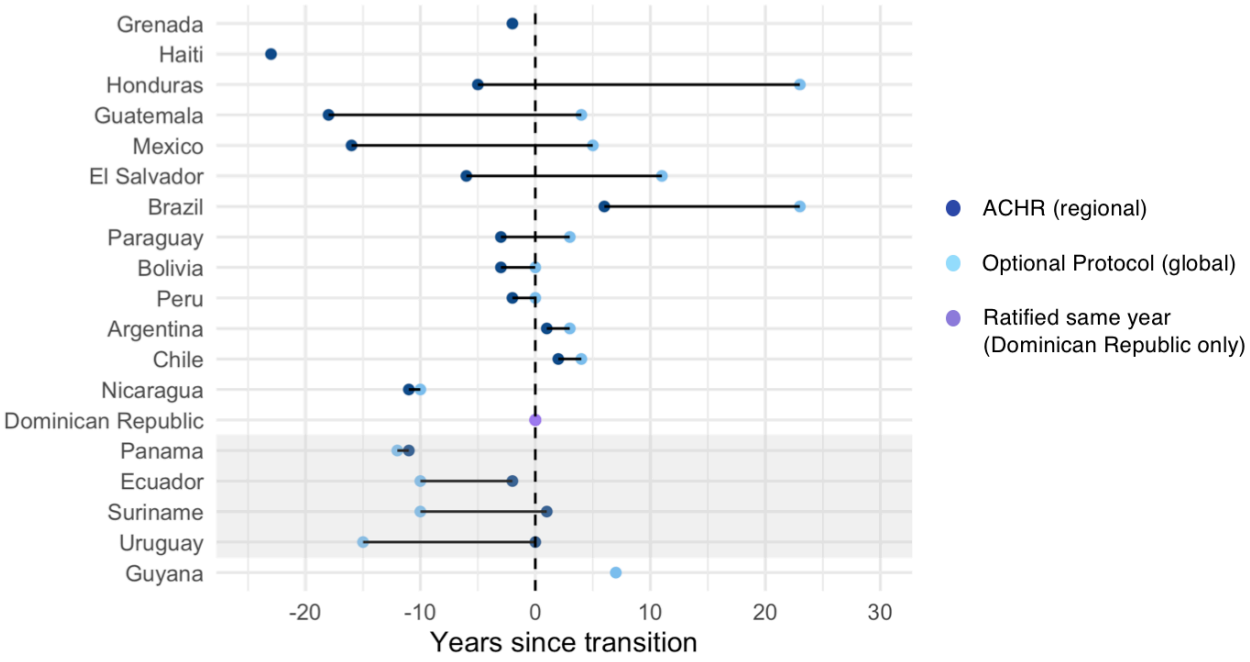
1st Optional Protocol (global enforcement)

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

[117] *FRUS* 2018, 83; Lederer 1977; "Rights issue dominates OAS parley" 1977
[118] Norris 1980: 47, 69-70
[119] *FRUS* 2016, 78
[120] Both allow for non-binding decision by an independent body on individual complaints. The ICCPR alone contains far weaker enforcement mechanisms.

Figure 4 looks more closely at these ratification patterns, focusing on states that emerged from a period of authoritarianism after 1970 ratified the ACHR (excluding the extended court jurisdiction). These states ratified the ACHR earlier and under more challenging circumstances than the Optional Protocol. Overall, states disproportionately preferred to make tactical commitments, send costly signals, and lock in reforms using regional enforcement.

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 3: Engagement with extra-regional enforcement

Throughout this time, Latin American proponents of human rights objected to specific forms of enforcement that challenged their self-determination, not extra-regional enforcement, *per se*. In fact, though a preference for regional enforcement appeared, these states remained open to and

even encouraged enforcement from outside the region. In fact, during the earliest days of the U.N., Latin American states were important protagonists for human rights, helping to ensure that they were incorporated into the U.N. Charter against the opposition of Western states and playing a central and constructive role in the drafting of the Universal Declaration on Human Rights.[121]

Though they objected to the use of economic pressure for enforcing human rights, these states consistently supported other forms of enforcement. When Venezuelan president Carlos Andrés Pérez criticized the U.S.'s use of aid to enforce human rights, he did so by emphasizing that these matters were more appropriately handled by "supranational organizations at regional *and world* levels."[122] In the context of the Lomé Convention, Caribbean states, together with the other recipients of aid and preferential trade, objected to conditioning Lomé privileges on human rights, but at various points, they supported the creation of procedures for addressing human rights that would be applicable to them and European states equally.[123]

The proposal for a U.N. High Commissioner for Human Rights is a clear example of their openness to extra-regional enforcement during this time, as well as the ways that states responded to the undermining of their self-determination by attempting to reform global enforcement, rather than rejecting it outright. Starting in 1965, Costa Rica championed the proposal for a High Commissioner, an independent and impartial office which would carry out a wide range of enforcement functions. When their self-determination began to be challenged in the 1970s, Costa Rican representatives began to push this proposal as a reform that would mitigate the selectivity and politicization of existing mechanisms, namely the *ad hoc* working

[121] Glendon 2003; Sikkink 2014
[122] Andrés Pérez 1977, emphasis mine
[123] Arts 2000: 244-250

group, which they asserted undermined human rights enforcement by "cast[ing] doubt on the equity of [its] conclusions and recommendations."[124] The proposal received a great deal of support from Latin American states, with a 1977 General Assembly resolution to establish the post co-sponsored by Bolivia, Colombia, El Salvador, Honduras, Panama, Suriname, and Venezuela.[125]

Additionally, in spite of their criticisms of the *ad hoc* working group on Chile, many states still supported its work, as noted in the discussion of the first observable implication. Latin American states also supported an unsuccessful proposal by Italy in 1978 to expand the use of *ad hoc* groups for investigating human rights in any state in which human rights abuses were taking place. Similar to their stated reasoning regarding the importance of the post of High Commissioner, Costa Rica noted that "what most destroys the prestige of the United Nations…is…that view of human rights as a one-way street." The proposed resolution, they suggested, takes steps towards solving this problem by "tr[ying] to re-establish the importance of human rights everywhere."[126] Though Costa Rica was the most outspoken of Latin American states, the proposal also received positive votes from Chile, Colombia, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, and Venezuela.[127]

4. Competing explanations

An important competing explanation is that the decision to compromise on non-interference followed the diffusion of norms through the region or, relatedly, was the result of widespread regional shifts towards political liberalization, with states moving to lock in and institutionalize

[124] U.N. General Assembly 1977b: 177-179
[125] U.N. General Assembly 1977a
[126] U.N. General Assembly 1978, Para 215-216
[127] *Ibid*: 1601-1602

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. Though these dynamics played a role, they cannot account for the prevalence of human rights proponents withholding support for human rights enforcement or the intensity of their criticisms. Additionally, the timing of this change does not line up with an explanation centered on regional democratization, as moves towards cooperating with O.A.S. enforcement began prior to widespread regional democratization in the 1980s, as discussed above. Finally, these explanations do not explain why states would systematically prefer regional enforcement to U.N. enforcement.

Of course, this raises another possible competing explanation: that delegation to the O.A.S. was driven by a preference for regional enforcement or a desire to increase regional autonomy by keeping other actors out. 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, as discussed, Latin American states have often supported global enforcement of human rights. Additionally, there is no indication that regional system reflected regional norms to a greater degree than global enforcement. The main regional particularity of human rights in Latin America is a relatively greater emphasis on economic, social, and cultural rights.[128] However, regional enforcement during this time was not at all centered on this category of rights. In fact, when the U.N. working group on Chile expanded its work to cover economic and social rights, Latin American states criticized this development,[129] with a representative of Colombia criticizing the expansion as "interfer[ence] in Chile's political and economic life" even while they simultaneously supported the group's work on investigating missing persons.[130]

[128] Glendon 2003
[129] Bossuyt 1978: 464
[130] U.N. General Assembly 1977c: Para. 11-12

States may have also been attempting to hide behind weaker regional mechanisms. The evidence provided in the discussion of the second observable implication strongly suggests that states in the region did not believe this was an easier alternative. This explanation also conflicts with the assessment on the part of many scholars that the Inter-American Commission, in particular, was an important part of the human rights transnational advocacy network in the 1970s.[131] A slightly different version of this explanation is that, even if regional enforcement was as challenging as U.N. enforcement, states may have instead been attempting to avoid more challenging economic conditions. However, this does alone not explain why human rights proponents would push back against economic conditions, nor does it account for they systematic preference for regional enforcement, given how challenging enforcement within the O.A.S. was.

A final possibility is that these changes were simply what the U.S., the dominant power 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, these changes began prior to Carter's presidency and persisted after he left office. Additionally, the U.S. government was not independently invested in regional enforcement *per se*, but was acting on the belief that regional enforcement was preferred by Latin American states.[132] Accepting regional mechanisms became a mutually satisfactory outcome for all states. From the perspective of the U.S., they wanted to be seen acting multilaterally[133] and were willing to relent in their use of direct pressure if states accepted regional enforcement. One U.S. official outlined the decision they were

[131] Coe 2020; Keck and Sikkink 1998; Kelly 2018
[132] *FRUS* 2018, 16; *FRUS* 2013, 205
[133] *FRUS* 2018, 16

presenting to states as, "if you won't cooperate with the [O.A.S.] Human Rights Commission we have no choice but to go the government-to-government route."[134] From the perspective of Latin American states, empowering the O.A.S. pushed the U.S. to defer to independent regional enforcement, a method of constraining U.S. power that Latin American states had a history of using.[135]

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. In fact, the findings in this paper demonstrate that 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 it suggests limits to the usefulness of carrots and sticks as a foreign policy tool, particularly in a time of shifting global power dynamics. Criticisms that international interference represents a violation of sovereignty or Western imperialism are sometimes regarded as cynical defenses by states hiding their own bad behavior. However, as I demonstrate in this paper, in some cases these may represent principled stances by states that accept the content of norms like human rights but believe that there are more and less appropriate ways to

[134] Hovey 1977
[135] Long and Friedman 2020

enforce them. Understanding the nature of these criticisms is important for understanding the dynamics that underlie and, sometimes, undermine international cooperation.

The presence of subtle or indirect coercion can undermine norm internalization, trust, and loyalty, as states grow resentful of the methods used to elicit compliance. Reluctant compliance with international policies may result in worse policy outcomes compared to genuine buy-in and commitment. Seen in this light, the rejection of liberal international institutions, cooperation with illiberal powers, and the attractiveness of no-strings-attached aid from countries like China and Russia—including by democracies—may not be about a desire to subvert democratic institutions or abuse human rights. It may instead follow from a genuine belief that relations between states should be based on state equality and norms of international self-determination.

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