

Trading Sovereignty for Self-Determination

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Abstract. Weak or dependent states, especially those with histories of colonial and imperial domination, have traditionally been among the strongest advocates for strict institutionalization and observance of the norm of 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 weak states have begun to delegate extensive interventionist authority to their regional organizations. What explains this change? I argue that an important motivation was an attempt to maintain self-determination. 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 argue that this change in orientation towards the norm of non-interference was part of a larger strategy to maintain self-determination by establishing the O.A.S. as an alternate authority over human rights. 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 has been a persistent and consequential part of international relations for states in the Global South. Most of these states have recent histories of colonial and imperial domination, and their sovereign independence has frequently been undermined by meddling, interference, and military intervention by more powerful states. Accordingly, countering these pressures forms an important part of their foreign policies. At the same time, things like material weakness and dependence on outside support and resources leave them with few tools to effectively constrain pressure and interference. Under the circumstances, one important way these states did so was by “jealously” guarding their sovereignty (Acharya 2004, 2011; Acharya and Johnston 2007; Barnett 1993), including by prioritizing sovereignty and non-interference over protecting human rights or promoting democratic governance.

This was the case in Latin America, where the importance historically placed on individual rights sat in tension with efforts to constrain interference by European powers and the United States. For decades, regional human rights institutions in Latin America developed haltingly, with states reluctant to delegate authority or engage with these institutions in ways that would compromise on the norm of non-interference (Cabranes 1967; Goldman 2009; Long and Friedman 2020). However, in the 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 (Kelly 2018; Sikkink 1993).

What explains this shift in orientation towards sovereignty and human rights? Existing research has pointed toward democratization and norm diffusion, with states altering their

attitudes towards sovereignty as they became persuaded of the importance of human rights or pressured to accept and comply with them (Hafner-Burton 2005; Keck and Sikkink 1998; Lutz and Sikkink 2001; Risse-Kappen *et al* 1999; Sikkink 1993). As states democratized, they encountered new ideational and material incentives to adopt and engage with regional human rights institutions (Coe 2020; Hafner-Burton *et al* 2015; Lutz and Sikkink 2000; Moravcsik 2000). This would be especially expected for states that rely on attracting foreign aid, investment, and trade, for whom positive engagement with human rights can send important signals of political stability and that institutions will protect property rights (Blanton and Blanton 2007; Farber 2002; Garriga 2016; Hafner-Burton 2005; Jensen 2003; Landman 2005; Lebovic and Voeten 2009).

Though these explanations offer many important insights into the dynamics behind this change, they fail to fully grapple with how significant the decision to compromise on traditional conceptions of sovereignty was to states for whom sovereignty had such historical, symbolic, and strategic importance. Nor do they account for many behaviors and dynamics that accompanied this shift towards compromising on non-interference, which sit uneasily with these existing explanations. For example, leaders of democratic states that respected and expressed support for human rights, such as Colombia, Venezuela, and Costa Rica, criticized many forms of human rights enforcement targeted at Latin American dictatorships. They remained critical of efforts by powerful states to exert economic pressure on human rights abusers and of attempts to apply pressure within the United Nations, even while they exerted pressure on states within the O.A.S.

I argue instead that the change in orientation towards the norm of non-interference was part of a larger strategy to establish the O.A.S. as an alternative authority over human rights.

Beginning in the 1970s, actors from outside of the region began to pursue enforcement of human rights in Latin America in ways that states within the region—including supporters of human rights enforcement—regarded as inappropriate and counter to the principle of self-determination. However, their material weakness and relations of dependence left them with few tools to effectively limit or constrain this enforcement.

This development presented this enforcement as the new status quo, changing the decision-making calculus for Latin American states from *whether* human rights ought to be enforced to *who* would enforce them and *how*. They responded by delegating enforcement authority to the O.A.S., attempting to establish the O.A.S. as an alternative authority over human rights. To accomplish this, and to persuade outside actors to accept and even defer to regional enforcement, states were willing to compromise on the norm of non-interference, accepting 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 maintaining self-determination over international rules. In this paper, I extend the concept of self-determination, defined as self-rule, to self-determination over *international* rules. While it is well-known that actors in Latin America, and the Global South more generally, have placed great value on self-determination (Getachew 2019; Grovogui 1996; Jagmohan 2020), what has been less appreciated is that self-determination does not require national autonomy or preclude international interference. Instead, what matters is the ability to meaningfully participate in the design and implementation of international rules and to meaningfully affirm them through domestic political processes.

I argue that maintaining self-determination is an important goal of political actors, independent of the content of policies and the expected outcomes of cooperation. Because of

this, states that were the strongest advocates for international protection of human rights consistently and vocally criticized enforcement that challenged their self-determination, while violent dictatorships became willing to open themselves up for scrutiny and criticism within the O.A.S. To assess my argument, I derive a series of observable implications that distinguish behavior motivated by self-determination from behavior motivated by other goals. I show that these otherwise puzzling behaviors make sense once the importance of self-determination over international rules is accounted for.

A central contention of this paper is that regionalism can be a strategy of subtle resistance. As I discuss in the conclusion, uncovering these subtle ways that weak or dependent states have contested the imposition of authority can help explain the appearance of more overt forms of resistance and contestation. This includes contestation of the liberal international order 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.

2. Delegation under hierarchy

The argument presented in this paper contributes to scholarship on hierarchies in international relations by integrating some of its insights with scholarship on international delegation and cooperation. Specifically, I explore how underlying hierarchies affect the decisions of states that occupy subordinate positions to delegate to and engage with international organizations, as well as how subordinate states can use different forms of international cooperation to navigate and transform hierarchies.

A recent and growing literature on hierarchy in international relations conceives of hierarchies as persistent, non-voluntary structures, formed by things like inter-subjective beliefs about status, material inequality, asymmetric interdependence, and unequal integration into the international system (Getachew 2019; MacKay 2019; Mattern and Zarakol 2016; Pitts 2018; Spanu 2020; Zarakol 2017). Their subordinate position in different international hierarchies forms the basic condition of many states' existence. This way of thinking about hierarchy stands in contrast to earlier scholarship that conceptualized it as a voluntary, mutually beneficial contract entered into by states, and which are accepted by subordinate states as legitimate (Ikenberry 1998; Kang 2019; Lake 2009, 2010). Rather than legitimate, contractual relations entered into for mutual gains, this recent scholarship argues that, from the perspective of subordinate states, "most hierarchies are neither rational nor legitimate; they are just there, seemingly unmovable" (Pouliot 2017: 119).

These insights highlight the ways that the decisions of states to cooperate, delegate sovereign authority, and participate in international organizations are structured by relations of inequality, subordination, and dependence. This decision-making environment creates constraints on state action that are often overlooked by existing research on international cooperation. This research tends to treat decisions to ratify treaties, align policies with other states, and join or participate in international organizations as contractual, voluntary decisions made rationally in pursuit of benefits (Abbott and Snidal 2000; Hafner-Burton *et al* 2015; Hawkins *et al* 2006; Keohane 1984; Moravcsik 2000; Stone 2008), or out of beliefs regarding the legitimacy and appropriateness of certain institutional forms or cooperative goals (Börzel and van Hüllen 2015; Ikenberry 1998; Meyer and Rowan 1977; Stone 2008; Tallberg *et al* 2020).

Instead, rather than cooperating because they see doing so as beneficial or legitimate, weaker states may rationally anticipate that *not* doing so will be costly and lead to retaliation, and they may choose to delegate to avoid these outcomes (Gruber 2000; Pierson 2015). This could be the case where states rely on more powerful states for vital resources or support, in which case, the costs of the loss or reduction of this support could be devastating to the weaker state and trivial for the powerful state. They may simply lack the means to resist certain forms of authority or outside options that would allow for exit (Moe 2005). In this way, states may recognize and object to their own subordination, even while they operate within its constraints.

At the same time, in presenting hierarchies as persistent and non-voluntary structures, this recent scholarship on international hierarchies has done less to explore what agency within hierarchical structures may look like and, in particular, the tools that subordinate states have for navigating and transforming these structures. In fact, weaker or subordinate states can also cooperate, delegate authority, or wield international institutions in ways that allow them to improve their circumstances and even reshape structures that disadvantage them.

I argue that one such approach involves delegating authority to a regional organization, in which states are able to exercise greater voice and influence, in order to counter the imposition of other, unwanted authority. Where they can expect to have authority imposed, establishing their regional organizations as authorities can allow weaker states to increase their influence over implementation and mitigate the effects of hierarchy. It can even establish regional organizations as actors that are entitled to a voice in decision-making that affects its region.

3. Confronting challenges to self-determination

In this section, I extend the concept of self-determination to incorporate self-determination over international rules, discuss how it differs from sovereignty, and address potential objections to applying the concept of self-determination to states. I argue that, when governments confront challenges to their self-determination, they can respond by trading sovereignty for self-determination, delegating authority to a regional organization in order to take over rules and their implementation.

3.1. Self-determination, sovereignty, and international rules

I define self-determination as the ability to participate in and exercise accountability over rules to which one is bound. The international side of self-determination extends this logic to states and *international* rules. In this way, though the concepts are often conflated, self-determination is distinct from sovereignty. Sovereignty entails that the state is both autonomous—it acts independently and 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 (Krasner 1999: 20).

Cooperating with other states, delegating authority to an international institution, or committing to international regimes that entail accepting external interference all necessarily involve transferring, diminishing, disaggregating, or sharing sovereign authority (Abbott and Snidal 2000; Cooley and Spruyt 2000; Krasner 1999; Lake 2009; Moravcsik 2000). By contrast, self-determination involves states, and by extension the people within them, making meaningful decisions about how sovereignty authority is exercised, including whether to transfer, share,

diminish, or otherwise alter it, and to have a voice in the the exercise of this authority on an ongoing basis.

There are two conditions that establish the extent 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.² How much does the ongoing decision to accept an international rule reflect some aggregation of domestic interests and beliefs, as determined through domestic political institutions and processes (Moravcsik 1997), versus responding primarily or even exclusively to external pressures or influences (Jamal 2012)?

The second condition, *meaningful participation*, is the degree to which the state is able to effectively take part in the implementation of international rules to which it is subject, relative to other states.³ This does not mean that the state can exert direct, immediate control, but rather that its attempts at exerting influence have an impact on implementation. This should be the case even if the level of influence over implementation is fairly low for all states, as with an international court (Alter *et al* 2019).

The more these two conditions are present, the more people in a state that are bound by international rules can still be said to be governed by laws of their own choosing, because their interests and beliefs are accounted for in the rules, and they are able to meaningfully and 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 (Getachew 2018; Schmitter and Karl 1991: 81-82).

² See Stilz (2015) on affirmation.

³ See Markell (2008) on participation.

One might object that the term self-determination refers to “the people” of a state, not to leaders or governments. However, where international rules impact domestic laws and institutions, the ability to participate in and affirm these international rules is an important aspect of self-determination of a state’s citizens. 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 its population. Where the government of a state is unable to meaningfully participate in the implementation of rules or meaningfully consent to them, this disrupts state–society relations, removing avenues for domestic participation in and accountability over the affected domestic laws and institutions (Jamal 2012; Schmitter and Karl 1991: 81-82).

The international dimension of self-determination applies most straightforwardly to democratic states, where accountable governments link domestic decision-making processes with international rules. However, 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 (Acemoglu and Robinson 2001; Dai and Spires 2018). Many establish institutions and practices that provide imperfect opportunities for participation in government through elections with varying degrees of competitiveness or institutionalized participation in local politics (Levitsky and Way 2002; Nathan 2003). 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 may prefer an authoritarian leader to foreign rule (Agne 2010: 404). This is evidenced by the fact that authoritarian leaders have been able to successfully shore

up domestic support and consolidate power by leveraging complaints about unfair treatment, imperialism or neo-colonialism, and external impositions or meddling (Bush and Prather 2020; Terman 2019). 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.

3.2. Encountering challenges 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 or sovereign authority usurped. The ability to domestically affirm international rules is undermined if a rule is accepted primarily in response to external factors, such as threats or coercion, rather than domestic interests or preferences. This would also be the case if a state accepts international rules because they anticipate that contestation or resistance will be met with retaliation or discipline (Pierson 2015). Finally, more powerful actors or coalitions of states may impose the rule by implementing it without the state in question accepting it or by using forms of implementation the state did not agree to.⁴

Meaningful participation is undermined when rules are implemented in contexts in which states face structural or institutional disadvantages that limit their ability to effectively influence decision-making. Structural disadvantages include implementation of a rule in contexts where power or economic inequality or asymmetric interdependence sharply limit weaker states' effective voice and bargaining power. Institutional disadvantages consist of rules or norms that give some states disproportionate influence, including formal design features like unequal

⁴ Michael Barnett (2016) has considered question of the normative value of these kinds of paternalistic actions at length.

representation or voting power within an international organization. They can also be informal, like unequal representation at the headquarters of international organizations, a lack of technical expertise, or informal procedures giving powerful states greater influence over decision-making (Fridell 2010; Ravenhill 1985; Stone 2008).

In contexts of high inequality or asymmetric interdependence, weak or dependent states may lack the ability to effectively respond to, resist, or limit the imposition of a rule or affect its implementation. Faced with undesirable policies, these states may nevertheless lack viable options to exit cooperative arrangements in which they receive resources or support (Moe 2005). The effect of this is to present the rule and its implementation as the new status quo, changing the decision-making calculus of states on whom the rule is imposed from *whether* they will be subject to the rule to *who* will implement the rule and *how*.

3.3. Trading sovereignty for self-determination

Where self-determination is challenged, one collective strategy through which leaders can respond is establishing their regional organization as an alternative authority over the rule and its implementation. Because of their design, membership composition, and internal norms, regional organizations typically 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 creating a set of rules that they can domestically affirm and forms of implementation that they can meaningfully influence.

This strategy can be effective if outside actors, including states, international NGOs, and bureaucrats of global international organizations, care about a given rule but do not necessarily care who implements it. Delegating authority to a regional organization can persuade these actors

to accept regional implementation in place of 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 and time consuming, and they may 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 pressure from 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 (Keck and Sikkink 1999: 94) and may 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 the rule or its implementation should look like. In order to convince 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 or the larger issue area in which it is nested. The regional organization may already be authorized through its mandate to engage with the rule, 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 imposing or threatening to impose rules can push states within the region to delegate more challenging authority than they otherwise would and to increase their cooperation within 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 hope to exert greater control within regional institutions, though this expectation will be balanced out by the need to delegate sufficient authority to meet external expectations.

States within the region that actively support the international rule may nevertheless 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 and for elaborating on and interpreting rules. Importantly, both states and bureaucrats of regional organizations may consider regional mechanisms to be as good or effective as other forms of implementation.

3.4. Why regional organizations?

Why would states delegate authority to regional organizations, in particular? Delegating to a regional organization is not the only way that states can use collective action to maintain self-determination over international rules. Other strategies include developing global norms or establishing rules within global international organizations that emphasize state equality and equal participation and prohibit interference (Finnemore 2003; Finnemore and Jurkovic 2014; Getachew 2019). 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 (Acharya 2004; Duursma 2020). Similarly, this strategy is not necessarily about establishing regional *autonomy*, or exclusion of extra-regional actors from engaging in the region (Acharya 2011). States may accept and even welcome involvement from outside actors, under certain conditions.

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 use of regional groupings, while strategically utilizing and reproducing the norm of regional solutions to regional problems. Many states in the Global South developed regional organizations, in part, to limit external interference (Acharya and Johnston 2007: 18), and switching to this new strategy represented an extension and transformation of these 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 (Duursma 2020), shared beliefs regarding which strategies will be successful at responding to these pressures (Mahoney 2010: 17), expectations that what happens to one state in the region may happen to others, and a history of regional cooperation and solidarity.

4. 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 provide evidence that this decision was motivated by efforts to maintain self-determination. As noted above, this strategy 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.

4.1. Empirical approach

The O.A.S. presents a challenging case for this argument. Latin American governments have long embraced the concept of individual rights (Sandifer 1965; Simon 2017), and many Latin American states were important global protagonists for human rights (Sikkink 2014).

Accordingly, human rights were *not* an imposition in the sense of Western cultural imperialism. I show that, in spite of these factors, the drive to maintain self-determination was an integral part of their decision to compromise on non-interference. Conversely, although the U.S., the most powerful member state, began to promote human rights in its foreign policy around the same time, I show that this change did not simply reflect U.S. dominance.

The O.A.S. is also an important case. This change in orientation towards non-interference was a significant shift from states who, since independence, had worked to expand, codify, and advocate for strict non-interference as a way of compensating for their weakness and responding to the threat of re-colonization, intervention, and meddling from the U.S. and Europe (Medina Quiroga 1988: 21-23; Simon 2017). However, since the 1970s, the Inter-American human rights system has transformed into one of the most challenging and effective enforcement systems in the world, especially when considering the nature and extent of human rights violations with which it has contended (Forsythe 1991; Goldman 2009: 857).

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. In particular, announcing that they are creating regional institutions to contest outside enforcement could undermine the perceived legitimacy of regional enforcement, while openly challenging or antagonizing the U.S. government could undermine their efforts to persuade the U.S. to cooperate within the O.A.S. There are also

challenges in distinguishing the importance of self-determination from 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 identify distinct behaviors that would be expected if states were motivated by maintaining self-determination. To do so, I distinguish between states that support the norm of human 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. Key proponents during this period were Costa Rica, Venezuela, Colombia, and Jamaica. Opponents consist of authoritarian and human rights-abusing states, who stood to be most challenged by human rights.

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.⁵ Quantitative data consists of data on U.N. General Assembly voting records and treaty ratification.

4.2. Observable implications

Existing theories expect human rights proponents to value and prioritize effective improvement in respect for human rights, to benefit materially from positive engagement with human rights,

⁵ A database with text of all primary sources is available from the author.

and, for these reasons, to offer broad and relatively uniform support for enforcement. They expect opponents to be motivated by minimizing 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 or 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.

The second observable implication assesses the timing of the decision to compromise on non-interference. Establishing regional enforcement as an acceptable substitute for other forms of enforcement required meeting external expectations of appropriateness and effectiveness. 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 impose human rights enforcement.

This expectation regarding timing is central to my argument, but it fails to clearly distinguish my argument from other possible explanations, including that this change was caused by norm diffusion, regional democratization, the rise of transnational advocacy, or U.S. pressure.

However, it produces three additional observable implications which are more distinctive. 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 to observe differences in behavior and expressed attitudes towards regional and extra-regional enforcement. This includes delegate authority for regional enforcement earlier and under more challenging circumstances than extra-regional enforcement. Because they are trying to use regional organizations to deter or constrain the imposition of authority, when these states make tactical commitments, lock in reforms, or send costly signals, I expect they will do so disproportionately through regional treaties and enforcement.

The final observable implication pertains to engagement with human rights enforcement from outside of the region. This implication distinguishes efforts to increase self-determination from an overall preference for regional enforcement or a desire for regional autonomy. 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, I expect them to advocate for reforms rather than rejecting it outright. Table 1 provides an overview of these observable implications.

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

<i>Pushing back against enforcement</i>	States, including human rights proponents, will push back against, criticize, and withhold support for enforcement that undermines their self-determination.
<i>Timing of compromising on non-interference</i>	<p>States will collectively move to compromise on the norm of non-interference after the onset of challenges to their self-determination.</p> <ul style="list-style-type: none"> • 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.
<i>Engaging with extra-regional enforcement</i>	<ul style="list-style-type: none"> • 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.

4.3. 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 (Eckel and Moyn 2013; Keck and Sikkink 1998: 79). It was at this time, following the 1973 overthrow of Salvador Allende in Chile, that Latin American self-determination began to be challenged. These challenges 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 disproportionately targeted Latin American states. Both forms of enforcement removed avenues for domestic affirmation and for effectively participating in

decision-making regarding enforcement that was being implemented in Latin America, leading states, including proponents of human rights, to forcefully push back.

Economic enforcement by Western states

There were isolated examples of human rights being incorporated into Western foreign policy and 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 those that violated human rights (Arts 2000: 223-224). In 1974, the U.S. Congress began to pass increasingly strict 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 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, denying a loan to Chile (Weissbrodt 1977: 259).

Though initially focused on Chile, this pressure quickly became a widespread and institutionalized part of U.S. foreign policy when Jimmy Carter became president in 1977. 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 (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, 62), and the U.S. enacted new trade barriers with a number of these countries (Benham 1977). 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 followed a similar pattern, reducing economic assistance, voting against loans in IFIs (*FRUS* 2013, 4; Vogelgesang 1978: 824), and refusing to reschedule existing debts (“Economic measures set” 1975), and reducing or severing diplomatic ties (“The British Cabinet’s ‘New Approach’ to Chile” 1979; “U.S. Cuts Back Ties” 1979; Young-Anawaty 1980: 72) with Chile. This expanded in 1977, when Western European states, through the European Economic Community, first attempted to introduce human rights conditions into the Lomé Convention, which governed much of their preferential trade and development assistance to Caribbean states (Arts 2000; Young-Anawaty 1980).

These new enforcement policies undermined states’ self-determination. Because of the widespread institutionalization of these policies, this included states that were not directly targeted, and even states that themselves had relatively positive human rights records. Western states retained ultimate control over economic support and trade access, while Latin American states were heavily reliant upon these resources. The structural features of their relationship made enforcement inherently one-sided—it could only be applied to recipient states by donor states. It allowed Western states to impose enforcement policies on recipient states, with the latter unable to meaningfully affirm these policies or to influence or impose accountability. In fact, before these human rights pressures had begun, many Latin American actors had emphasized the exploitation of economic dependence as one of the primary means through which Latin American self-determination was undermined (Lerner 1980; Sunkel 1969).

The lack of Latin American participation was reflected in the way these policies were elaborated to focus on physical integrity rights of the individual (e.g. the right to life and

prohibition against torture) at the expense of and in ways that were seen as undermining the priorities of Latin America. These included economic and social rights and the campaign for a New International Economic Order (NIEO), both of which viewed development assistance as an obligation of developed states and an entitlement of developing states (Beall 2022). According to a declassified CIA memorandum, Latin American leaders were “nearly unanimous” in objecting to these enforcement policies (*FRUS* 2013, 25), and this included human rights proponents.

A direct response to these policies came from Carlos Andrés Pérez, the president of Venezuela and an important partner of Jimmy Carter in promoting human rights in the region and a leader in advocating for the NIEO (Franczak 2018). Shortly after the U.S. government announced its intentions to broadly apply economic conditions during the 1977 O.A.S. General Assembly, Andrés Pérez criticized these policies as 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).

That same year, the president of Colombia, another democracy and supporter of human rights, appealed to a U.S. State Department official that the U.S. should not be the “world’s moral policeman” and should conduct its human rights policy through international organizations (*FRUS* 2018, 14). During the previous year’s U.N. General Assembly debates, they drew attention to “the principle of self-determination of peoples which Colombia supported just as adamantly as it supported respect for human rights” (U.N. General Assembly 1976: Para. 7).

Costa Rica, one of the most important and consistent supporters of human rights at both the regional and global level (Brysk 2005), obliquely criticized these policies at the 1977 U.N. General Assembly, asserting 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” (U.N. General Assembly 1977c: Para. 174). Similarly, during debates over a U.N. General Assembly resolution condemning Chile, a representative of Colombia, another important human rights proponent, expressed their “misgivings regarding the economic sanctions which could be inferred” from the language of the resolution (U.N. General Assembly 1977e: Para. 11).

Caribbean states, among the most democratic and rights-respecting, were also among the biggest advocates for self-determination, as well as for the NIEO and the human right to development (Demas 1978; Getachew 2019). They were adamantly opposed to adding human rights considerations to trade and economic assistance (Arts 2000: 168, 244; Young-Anawaty 1980), with one high-level Jamaican official asserting that human rights “has no place in an agreement dealing with trade and cooperation” (Young-Anawaty 1980: 87 n106).

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” (U.N. Commission on Human Rights 1979: 108-109; Alston 1982: 167 n58) 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 1981: II(1)).⁶

⁶ 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 they were both disproportionately targeted for enforcement and blocked from effectively participating in decision-making regarding enforcement. This was a result of the peripheral position of Spanish-speaking Latin America within the Non-Aligned Movement (NAM).⁷ While Latin American states often cooperated with and had many shared interests with non-aligned states, their position firmly within the U.S.'s sphere of influence limited their ability to pursue non-aligned policies and made right-wing, U.S.-aligned regimes common targets of non-aligned criticisms.

Additionally, because of the coalitional strategies used 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 through the U.N. (Weinstein 1976). Non-aligned, Soviet, and Western states joined together in focusing on abuses in Latin America while effectively shutting out Latin American participation. This dynamic also helps explain why Latin American states were drawn to a regional strategy, rather than one involving the U.N.

Chile became the first and most intense subject of this targeting. This included, beginning in 1974, annual U.N. General Assembly resolutions harshly condemning the human rights violations in Chile. Through 1984, Latin American countries were the only countries apart from Israel and South Africa to be singled out by resolutions, with resolutions also passed targeting El Salvador, Guatemala, and Bolivia. 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, other "special procedures" were

⁷ Conversely, Caribbean states were centrally involved in the Non-Aligned Movement.

used disproportionately against Latin American states. Two additional mechanisms were created in 1979 to focus 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 Africa, along with one for Equatorial Guinea, which was established only after the regime in question was removed from power (Brysk 1993: 270-1; Limon and Power 2014: 8-9; Weinstein 1976: 821-2).

Latin American leaders, including human rights proponents, opposed the singling out of Latin America in the U.N. and the stifling of their voices when they attempted to influence the process. Both authoritarian and democratic states complained that the reports and resolutions on Chile did not reflect actual progress made by the Chilean government (U.N. General Assembly 1976a: Para. 4, 1976b: Para. 27, 30-31, 1976c: Para. 4, 41). In 1976, a group of Latin American states co-sponsored a resolution on Chile which was intended to offer a more balanced alternative to the resolution that had been tabled, with Costa Rica supporting the resolution by co-sponsoring it. With Latin American states greatly outnumbered in the U.N. General Assembly, the resolution was killed without even being put to a vote (U.N. General Assembly 1976b: Para. 5, 1976c: Para. 65-82).

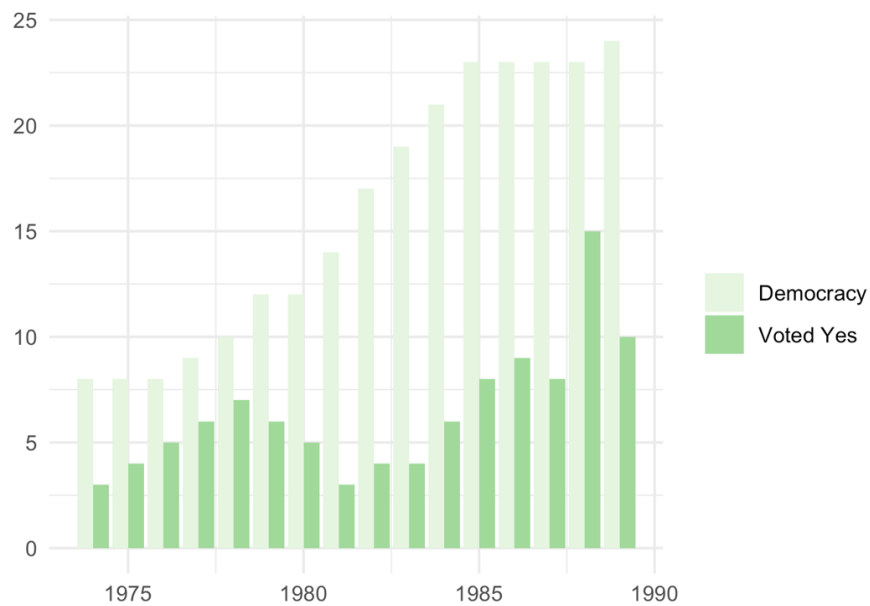
On another occasion, a U.S. State Department memorandum described a tense scene at the 1979 meeting of the UNCHR, during which Latin American representatives were reportedly “traumatized” by the targeting of the region, including efforts to add Uruguay, Paraguay, Nicaragua, and Guatemala to the public 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 (FRUS 2013, 184).

These objections had little effect. Costa Rica, which, as noted above, was an important proponent of human rights, was particularly critical throughout this time. During a 1977 speech at the U.N. General Assembly, a Costa Rican 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: Para. 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 1977e: Para. 6). 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. 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” (U.N. General Assembly 1977e: Para. 5-7). 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 (U.N. General Assembly 1980).

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



Note: Voting on annual U.N. General Assembly Resolutions condemning human rights violations in Chile. A large proportion of democratic O.A.S. member states withheld support for these resolutions.

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 [their] attention to other matters” (U.N. General Assembly 1977e: Para. 50). Colombia’s support for the resolutions was worn down over several years. They 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” (U.N. General Assembly 1977e: Para. 10-12). In 1979, the Colombian delegate voiced objections to “discrimination” in the focus on Chile (U.N. General Assembly 1979: Para 101). 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 compatibility 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 were willing to compromise on non-interference within the region. Prior to this, while there were a number of important developments in human rights institutions, states remained 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 challenges to their self-determination, there was sudden and dramatic shift towards compromising on non-interference with respect to human rights, with states favoring regional enforcement over U.N. enforcement.

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 (Cabranes 1967; 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, early regional institutionalization of human rights was largely limited to non-binding declarations (Goldman 2009: 858; Medina Quiroga 1988: 29). 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 (Medina Quiroga 1988: 38).

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. This was the case with 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 (Long and Friedman 2020; Sikkink 2014). The proposal was supported by the U.S. but rejected by most other member states, including Costa Rica and Colombia, both democracies with good human rights records (Cabranes 1967: 1160 n25). The government of Colombia privately articulated their concern with 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, 156).

Another important example occurred during the creation of the Inter-American Commission on Human Rights (IACHR) in 1960. The Commission’s original mandate gave it no 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). 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 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). States were initially unwilling to affirm this expanded authority (Schreiber 1970: 51), only doing so in the immediate aftermath of the U.S.'s unsanctioned intervention in the Dominican Republic in 1965 and as part of a O.A.S.'s larger effort to re-assert O.A.S. authority over the U.S. intervention. States endorsed the expanded authority while the IACHR was in the Dominican Republic carrying out its work (Akehurst 1967: 203-209; Schreiber 1970: 51). Nevertheless, through the early 1970s, the IACHR was constrained by states in carrying out its functions (Forsythe 1991; Sandifer 1965), and through 1973, the Dominican Republic remained the only state to consent to an on-site investigation of their own domestic human rights record (Organization of American States n.d.).

Finally, the ambivalence of human rights proponents 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 by the slimmest majority of 12 out of 23 states. By 1976, no additional states had signed, and only Costa Rica and Colombia 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.

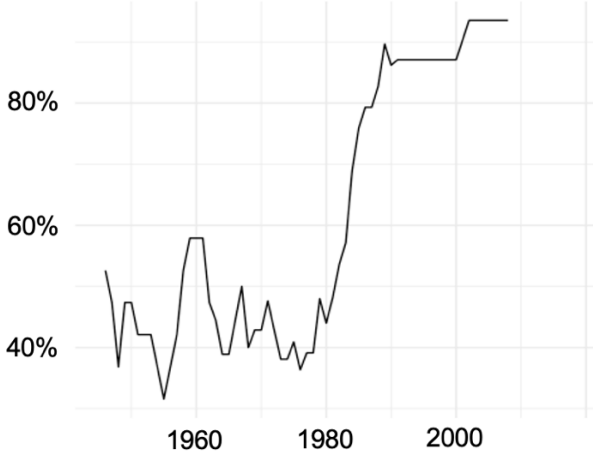
After challenges to self-determination: Opponents cooperate

Following the onset of challenges to their self-determination in the mid-1970s, states became suddenly willing to cooperate with and delegate challenging authority to the O.A.S. 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). Similarly, in 1975, the O.A.S. General Assembly silenced a report on the abuses of the Pinochet regime in Chile (Kelly 2018: 147).

In stark contrast, 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, 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). These changes were abrupt, 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



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

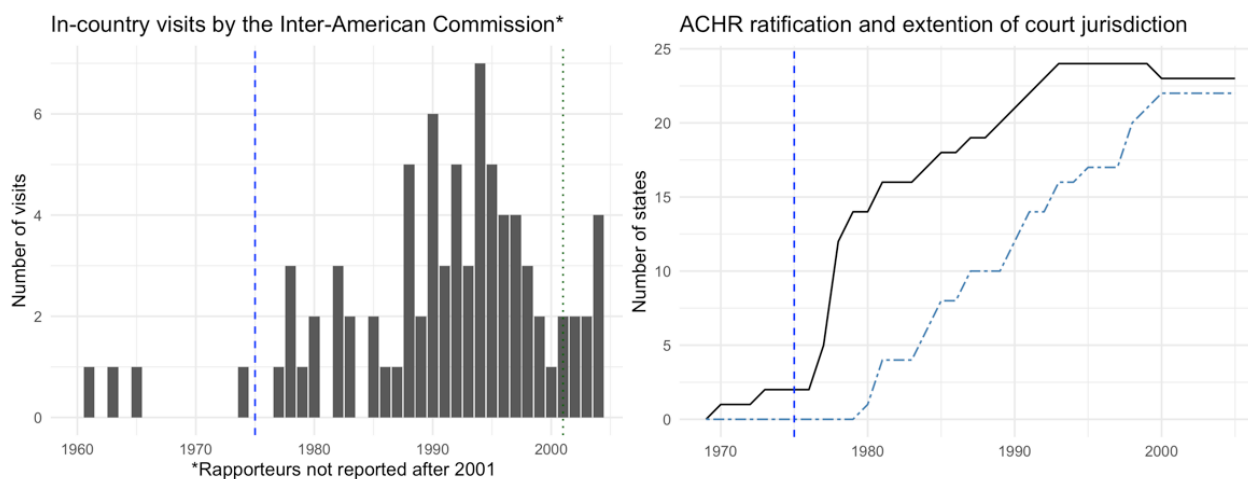
This trend continued in subsequent years. At the 1977 O.A.S. General Assembly, human rights remained a central topic of discussion. States passed resolutions in which they called out human rights violations in a number of member states and called on Uruguay and Paraguay to allow on-site investigations by the IACHR (Norris 1980: 80, fn115). They also adopted a resolution substantially increasing the IACHR’s budget and encouraging states to consent to on-site visits by the IACHR (“Rights issue dominates OAS parley” 1977), and they voted to move the following year’s meeting from Uruguay to the U.S. in light of human rights abuses in

Uruguay (Vogelgesang 1978: 824). This was in stark contrast to the abovementioned objections to the use of economic conditions to enforce human rights and the U.N.'s *ad hoc* working group that were being made by Venezuela, Colombia, Costa Rica, and Jamaica that same year.

States also began to individually engage with regional enforcement, as shown in Figure 3. Previously, the Commission's requests to carry out in-country visits had been turned down, ignored outright, or received insufficient cooperation from states (Thomas and Thomas 1972: 342; Norris 1980). 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 (ACHR). In 1977 and 1978 alone, eleven new states ratified the ACHR, eight of which were non-democracies.⁸ 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 (Inter-American Commission on Human Rights 1980: Chapter 1), and consented to the IACHR publicizing country reports without state approval, giving the commission greater autonomy (Organization of American States 1969: Article 51(3)). 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.

⁸ These states were Ecuador, Haiti, Honduras, El Salvador, Grenada, Guatemala, Panama, and Peru.

Figure 3. Regional human rights engagement before and after 1975



Importantly, this willingness to engage with the O.A.S. did not simply reflect the belief that regional enforcement was not challenging. In fact, there is substantial evidence that this was not the case. By the mid-1970s, reports on Brazil and Chile demonstrated the degree to which the IACHR had become a critical and highly independent human rights body. The 175-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 O.A.S. due to the criticism it faced, and Southern Cone dictatorships mounted unsuccessful attempts to “reform” the IACHR by subjecting it to greater state control (*FRUS* 2018, 109).

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, 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 noted to the U.S. his government’s hesitation to open themselves up for “attack” in the Inter-American Court by ratifying the ACHR (FRUS 2016, 78). It was in spite of these fears that states accepted regional enforcement.

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.⁹ 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.

Table 2. Number of new ratifications by regime type

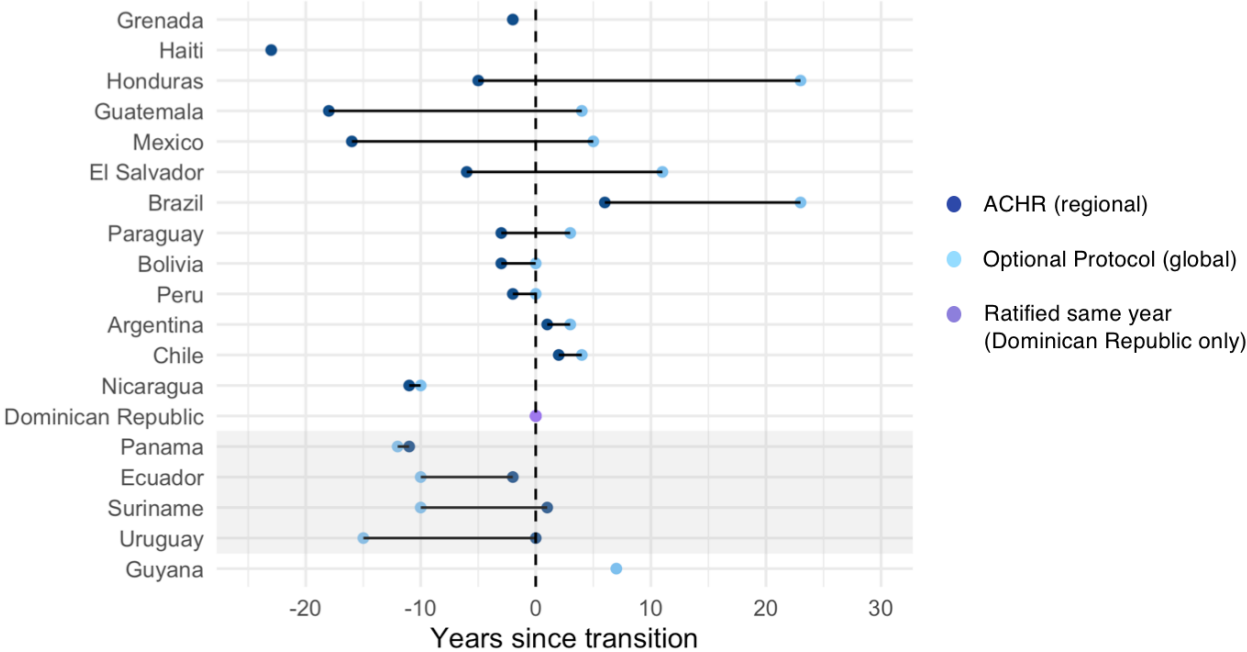
ACHR (regional enforcement)			1st Optional Protocol (global enforcement)		
	Democracy	Non-democracy		Democracy	Non-democracy
Pre-1975	2	0	Pre-1975	5	0
1975 and on	10	13	1975 and on	17	2

Figure 4 focuses on ratification patterns for states that emerged from a period of authoritarianism after 1970, showing when they ratified the ACHR (excluding the extended court jurisdiction)

⁹ Both allow for non-binding decision by an independent body on individual complaints. The ICCPR alone contains far weaker enforcement mechanisms.

relative to the Optional Protocol. Overall, states disproportionately preferred to make tactical commitments, send costly signals, and lock in reforms using regional enforcement, ratifying the ACHR earlier and under more challenging circumstances than the Optional Protocol.¹⁰

Figure 4. Democratic transitions and ratification of human rights treaties



Note: Figure shows ratification of American Convention 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.

This divergence was also reflected in their rhetoric towards human rights enforcement, with states beginning to argue that the U.N. should play a secondary or supportive role to the O.A.S. and criticizing U.N. resolutions for “ignor[ing]” or “disregard[ing]” the O.A.S.’s role in resolving human rights problems in the region (U.N. General Assembly 1977e: Para. 2, 13, 14, 1977d: Para. 35). Even states that were under scrutiny within the Inter-American system began to assert the legitimate authority of the O.A.S. In 1977, Chile introduced a resolution into the U.N.

¹⁰ See Table A1 in appendix for overview of cases.

General Assembly calling for the creation of a new body of independent human rights experts to enforce human rights which would “recognize the principal and determining participation of regional organizations” and “avoid duplication of competence” (U.N. General Assembly 1977a), an attempt to institutionalize deference to regional organizations. Similarly, in 1981, Napoleon Duarte, the president of El Salvador and the subject of its own U.N. General Assembly resolutions, asserted at the General Assembly that “[i]t 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 1981b: Para. 25).

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*. Though a divergence between their behavior surrounding regional and extra-regional enforcement appeared, proponents 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 role in the drafting of the Universal Declaration on Human Rights (Glendon 2003; Sikkink 2014).

Though they objected to the use of economic pressure for enforcing human rights, these states consistently supported other forms of enforcement. When, as noted above, the Venezuelan president 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” (Andrés Pérez 1977, emphasis mine). In the context of the Lomé

Convention, Caribbean states, together with the other recipients of aid and preferential trade, objected to human rights conditions, but at various points, they supported the creation of procedures for addressing human rights that would be applicable to them and European states equally (Arts 2000: 244-250).

The proposal to establish a U.N. High Commissioner for Human Rights represents a clear example of their openness to external enforcement, as well as the way that states responded to the undermining of their self-determination by attempting to reform global enforcement, rather than rejecting it outright. In 1965, Costa Rica began to champion the establishment of a High Commissioner, which would serve as an independent and impartial office with a wide range of enforcement functions. Beginning in the late 1970s, Costa Rican representatives began to expressly argue that there was a “need for such an agency” to alleviate the selectivity and politicization of existing mechanisms, explicitly referencing the *ad hoc* working group (U.N. General Assembly 1977c: Para. 177-179). The proposal received wide 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 (U.N. General Assembly 1977b).

Additionally, in spite of their persistent criticisms of the *ad hoc* working group on Chile, Latin American states 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. Costa Rica again offered vocal support of the proposal as a means to rectify bias in human rights enforcement, noting 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, would help solve this problem of bias by “tr[ying] to re-establish the importance of

human rights everywhere” (U.N. General Assembly 1978: Para 215-216). Though Costa Rica was the most outspoken, the proposal also received positive votes from Chile, Colombia, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, and Venezuela (U.N. General Assembly 1978: 1601-1602).

5. Competing explanations

In this section, I briefly address competing explanations. Many of these explanations are compatible with my argument, and I focus here on noting where my explanation fills in gaps left by other theories. The first competing explanation is that the decision to compromise on non-interference followed the diffusion of norms through the region or was the result of widespread regional shifts towards political liberalization. As discussed at length above, these dynamics played a role, but there are a number of behaviors that this explanation does not account for. These include human rights proponents withholding support for enforcement, the intensity of their criticisms, the timing of this change before widespread democratization, or states systematically delegating to the O.A.S. earlier than the U.N.

Another possible explanation is that delegation to the O.A.S. was driven by a preference for regional enforcement or a desire to increase regional autonomy. 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 and social rights (Glendon 2003). However, regional enforcement during this time was not at all centered on this category of rights. When the U.N. working group on Chile expanded its work to cover economic

and social rights, Latin American states criticized this development (Bossuyt 1978: 464; U.N. General Assembly 1977e: 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 regional enforcement was less challenging. 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 (Coe 2020; Keck and Sikkink 1998; Kelly 2018). A slightly different version of this explanation is that states may have 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 their systematic preference for regional enforcement.

A final possibility is that these changes were simply what the U.S., the dominant regional power, 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 held up after he left office. Instead, accepting regional enforcement was a mutually satisfactory outcome for all states. Evidence suggests that the U.S. was not independently invested in regional enforcement *per se*, but was acting on the belief that regional enforcement was preferred by Latin American states (*FRUS* 2018, 16; *FRUS* 2013, 205) and a desire to be seen acting multilaterally (*FRUS* 2018, 16). They were willing to relent in their use of direct pressure if states accepted regional enforcement. One U.S. official outlined the decision they were presenting to states by stating, "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” (Hovey 1977). 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 (Long and Friedman 2020).

6. 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 expanded human rights enforcement in their regional organizations as a form of resistance to the imposition of authority. The findings in this paper demonstrate that maintaining self-determination and avoiding the external imposition of authority 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. Criticisms that these tools, and international interference more broadly, represent a violation of sovereignty or Western imperialism are sometimes regarded as cynical defenses by states hiding their own bad behavior. However, 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 enforce them and object to their exclusion from meaningful participation over decisions that affect them.

Understanding the nature of these criticisms is important for understanding the dynamics that underlie and, sometimes, undermine international cooperation, particularly in a time of shifting global power dynamics. Subtle or indirect coercion can undermine norm internalization, trust, and loyalty, as states grow resentful of the methods used to elicit compliance. Reluctant compliance 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—including by democratic states—may not be about a desire to subvert democratic institutions or abuse human rights. These behaviors may instead follow from a genuine belief that relations between states should be based on norms of international self-determination.

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