

## 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 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 states in the Global South. Most have recent histories of colonial and imperial domination, with their sovereign independence frequently 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, material weakness and dependence on outside support and resources leave them with few tools to effectively constrain pressure and interference. Given these circumstances, one important way these states have responded to pressure is by “jealously” guarding their sovereignty (Acharya 2009, 2011; Acharya and Johnston 2007; Barnett 1993; Becker Lorca 2010). This included prioritizing non-interference over the international protection of human rights.

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 to 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 compromise on this norm by empowering their regional organization, the Organization of American States (O.A.S.), to enforce human rights. After decades of reluctance, over the course of a few short years, the balance between human rights and non-interference decisively shifted to favor human rights.

What explains this shift in orientation towards non-interference and human rights? Existing research points 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 them (Hafner-Burton 2005; Keck and Sikkink 1998; Lutz and Sikkink 2001; Risse-Kappen *et al* 1999). As states democratized, they encountered new reasons—both ideational and material—to adopt and engage with regional human rights institutions (Coe 2020; Hafner-Burton *et al* 2015; Lutz and Sikkink 2000; Moravcsik 2000). Material incentives are particularly strong for states that rely on foreign aid, investment, and trade, for whom positive engagement with human rights attracts assistance and send signals of political stability and effective property rights (Farber 2002; Garriga 2016; Hafner-Burton 2005; Lebovic and Voeten 2009).

Though these explanations offer important insights into the dynamics behind this change, they fail to fully grapple with how significant the decision to compromise on a traditional conception of sovereignty was to states for whom sovereignty had such historical, symbolic, and strategic importance. They also fail to account for many behaviors and dynamics that accompanied this change, which sit uneasily with these existing explanations. Leaders of democracies that respected and expressed support for human rights long expressed concern about compromising on non-interference, and these same states later criticized many forms of human rights enforcement, including efforts by powerful states to exert economic pressure on human rights abusers and attempts to apply pressure within the United Nations.

I argue instead that this change in orientation towards the norm of non-interference was part of a larger strategy to gain control and influence over human rights enforcement by incorporating it into their own regional organization, which they did in response to human rights enforcement that undermined their state's self-determination. Beginning in the 1970s, Western governments and coalitions of states within the U.N. began to impose enforcement of human

rights in Latin America. In spite of widespread objections to this enforcement, including from democracies and supporters of human rights, their material weakness and relations of dependence left them with few tools to effectively limit or constrain this enforcement.

This development presented 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., where the existing rules and norms would create fairer and more equal conditions for interpretation, elaboration, and enforcement. To persuade other actors, particularly Western governments and a coalition of states within the U.N., 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. In this paper, I extend the concept of self-determination 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), 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 affirm them through domestic political processes.

As I explore in this paper, 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 accounting for the importance of self-determination over international rules.

Global IR scholarship has highlighted the contributions of the Global South to the constitution of international norms and the international order. While recognizing these contributions, is important to place them in the context of the limits imposed by their weakness and dependence, which calls for different strategies for exercising influence and resisting unwanted authority. A central contention of this paper is that regionalism in the Global South has been one such strategy of subtle resistance. As I discuss in the conclusion, uncovering these subtle ways that states have long contested the imposition of authority can help explain the appearance of more overt forms of resistance and contestation.

## **2. Delegation under hierarchy**

The argument presented in this paper contributes to scholarship on hierarchies in international relations, integrating its insights with those of scholarship on international organization, 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 navigate and transform hierarchies through the use of international organizations.

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; Spanu 2020; Zarakol 2017). This way of thinking about hierarchy stands in contrast to earlier scholarship that conceptualized hierarchies as voluntary, mutually beneficial contracts entered into by states and accepted by subordinate states as legitimate (Ikenberry 1998; Kang 2019; Lake 2009). 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 or delegate sovereign authority 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 as the product 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 simply lack the means to resist certain forms of authority or outside options that would allow for exit (Moe 2005; Spanu 2020). In this way, states may recognize and object to their own subordination, even while they operate within its constraints.

In presenting hierarchies as persistent and non-voluntary structures, this recent scholarship on international hierarchies has done less to explore agency within hierarchical structures and, in particular, the tools that subordinate states have for navigating and transforming these structures. By contrast, other scholarship focused on the Global South has highlighted that these states can also delegate authority or utilize international institutions in ways that allow them to improve their circumstances and even reshape structures that disadvantage them (Becker Lorca 2010; Friedman and Long 2015; Kat 2021; Tourinho 2021).

At the same time, they do so under different constraints that leave different strategies available to them (Beall 2022; Jaguaribe 1979; Long 2017; Friedman and Long 2015; Long and Friedman 2020; Tickner 2014). Both a perceived need to not antagonize more powerful actors and the inefficacy of overt resistance may lead subordinate states to pursue more subtle strategies of resistance, ones that, by design, read to dominant states as cooperation (Scott 1985). These include “soft balancing” against hegemons (Friedman and Long 2015; Kat 2021) or telling more powerful states what they want to hear (Tieku 2013). I argue that one such approach involves delegating authority to a regional organization. Where authority is imposed, empowering their own regional organizations to act can allow them to increase their voice over enforcement.

### **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 face challenges to their self-determination, they can respond by trading sovereignty for self-

determination, delegating authority to a regional organization in order to gain influence over rules and their implementation and limit the imposition of authority.

### *3.1. Self-determination, sovereignty, and international rules*

Self-determination is defined as self-rule, and the international side of self-determination extends this logic to states and *international* rules. Though they are often conflated, self-determination is distinct from sovereignty. Where sovereignty is defined by national autonomy and exclusive authority (Krasner 1999:20), self-determination involves states, and the people within them, making meaningful decisions about how sovereignty authority is exercised, including whether to transfer, share, or otherwise alter it, and retaining the ability to participate within these arrangements.

There are different perspectives on the relationship between sovereignty and delegation, with some scholars conceptualizing delegation as inherently diminishing sovereignty (Abbott and Snidal 2000; Lake 2009; Moravcsik 2000) and others seeing delegation as a quintessential expression of sovereign authority (Cooley and Spruyt 2009). What both perspectives share is that they take for granted that the delegating, and accepting international rules, is a voluntary, volitional decision. In other words, both assume that the decision is self-determined. However, weaker and dependent states often face limits on their capacity for self-determined action. Low state capacity and relations of asymmetric dependence leave dependent states vulnerable to external pressures that undermine their sovereign authority (Jaguaribe 1979: 91; Long 2017; Russell and Tokatlian 2003; Spanu 2020; Tickner 2014).

Rather than assume that the decision to accept international rules is self-determined, I identify two conditions that establish the extent to which this is the case. 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.<sup>2</sup> 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.<sup>3</sup> This does not mean that the state can exert direct, immediate control, but rather that its attempts at exercising influence have a similar impact as other states. This should be the case even if state influence over implementation is fairly low, 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, they may be powerless to shape the implementation of rules to which they are subject, or to meaningfully consent to them (Getachew 2018; Schmitter and Karl 1991: 81-82).

One might object that the term self-determination refers to “the people” of a state, not leaders or governments. However, where international rules impact domestic laws and institutions, the ability to participate in and affirm these rules is an important aspect of self-determination of a state’s citizens. Where the government of a state cannot meaningfully participate in the implementation of rules or meaningfully consent to them, this disrupts state–

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<sup>2</sup> See Stilz (2015) on affirmation.

<sup>3</sup> See Markell (2008) on participation.

society relations, removing avenues for domestic participation in and accountability over the affected domestic laws and institutions (Jamal 2012).

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 is also theoretically and empirically relevant to authoritarian states. Authoritarian leaders 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 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). Compared 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. 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). They may see themselves as the legitimate representative of their people and react negatively to the undermining of their ability to determine their domestic policies or influence an international authority. 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 the decision to delegate being self-determined, it may be more accurate to say that international rules are imposed. 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. Similarly, a state may accept 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 implement the rule or punish non-compliance without the state in question accepting it.

Meaningful participation is undermined when rules are implemented in contexts in which states face disadvantages limiting their ability to effectively influence decision-making. This includes implementation in contexts where material inequality or asymmetric interdependence sharply limit weaker states' voice and bargaining power. Within international institutions, formal rules may give some states disproportionate influence, including through unequal representation or voting power, and informal procedures may give powerful states greater influence over decision-making (Stone 2008). A lack of presence at the headquarters of international organizations or technical expertise, resulting from insufficient resources, may also disadvantage weaker states (Fridell 2010; Ravenhill 1985).

In contexts of high inequality or asymmetric interdependence, weak or dependent states may lack the ability to effectively resist or limit the imposition of a rule or its implementation. Faced with this imposition, they may 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 to the weaker state as the new status quo.<sup>4</sup> In response, states may be better

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<sup>4</sup> See Gruber (2000) on powerful states imposing a new status quo.

off shifting their efforts from outright resistance to attempting to create institutionalized versions of rules and modes of implementation that they can affirm, exercise ownership over, and meaningfully influence.

### *3.3. Trading sovereignty for self-determination*

One strategy through which leaders can collectively respond to the imposition of rules is to gain influence over the rule and its implementation by delegating authority to a regional organization, where the design, membership composition, and internal norms create fairer and more equal conditions for voice and 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 can be thought of as a form of alliance politics or soft balancing through which they co-opt issues to defuse mobilization by actors outside of the region.

This strategy can be effective if actors imposing the rule care about the 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 or to channel their efforts into supporting regional approaches. These 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. Empowering a regional organization can also be effective at responding to pressure from civil society and non-state actors, which may want to dispel 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. For both state and non-state actors, the

creation or expansion of regional institutions can demonstrate that their pressure and advocacy has paid off.

States attempting to gain influence 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 issue area in which it is nested. The regional organization may already be mandated to engage with the rule, but states may need to expand this authority and increase their cooperation in order to meet these expectations. In other cases, they may need to expand the organization's mandate. Pressure and information-provision from civil society can ensure that these standards are met and sustain mobilization by these actors, if they are not.

The presence of actors from outside of the region imposing or threatening to impose rules can push states to delegate more 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. They may 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 support the rule may nevertheless object in principle to being made subject to it by others or to implementation that they view as inappropriate. They may want to determine their own regional priorities and implementation strategies. Importantly, 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? This 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 rules within global international organizations that emphasize state equality and equal participation and that prohibit interference (Finnemore 2003; Finnemore and Jurkovic 2014; Getachew 2019). States do not necessarily believe that regional organizations are more legitimate, nor are they necessarily attempting to emphasize regional norms (Acharya 2009; Duursma 2020). Similarly, this strategy is not necessarily about establishing regional *autonomy*, in the sense of excluding extra-regional actors from the region (Acharya 2011). States may accept and even welcome involvement from outside actors, under certain conditions.

Instead, states choose regional organizations because of path dependence and the perceived utility of regional organizations. Specifically, this strategy 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). 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 by states that are united by shared external pressures (Duursma 2020), shared beliefs regarding which strategies will be successful at responding to these pressures (Mahoney 2010: 17), and expectations that what happens to one state in the region may happen to others.

#### **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 O.A.S. to enforce human rights. I provide evidence that this decision was motivated by efforts to maintain self-determination by gaining influence over human rights enforcement. Because of the need to meet external expectations of legitimacy and effectiveness, this strategy 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 importance of individual rights (Sandifer 1965; Simon 2017), and many were important global protagonists for human rights (Sikkink 2014). In other words, human rights were *not* an imposition in the sense of Western cultural imperialism. I show that, in spite of this, defensive attempts to maintain self-determination were an integral part of their decision to compromise on non-interference. Additionally, although the U.S., the O.A.S.'s most powerful member state, began to promote human rights in its foreign policy around the same time, I show that this change was not simply the product of U.S. dominance, but a way for Latin American states to persuade the U.S. to utilize and work through the regional system.

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 to compensate for their weakness and respond to the threat of re-colonization, intervention, and meddling from the U.S. and Europe. However, since the 1970s, the Inter-American human rights system has become one of the most 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. Additionally, openly antagonizing the U.S. could undermine their attempts to persuade them to cooperate within the O.A.S. and had, on many previous occasions, been met with regime change. 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 self-determination. I distinguish between states that support the norm of human rights and respect it domestically, which I refer to as human rights "proponents" and those that do not, or human rights "opponents." Proponents consist of 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.<sup>5</sup> 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 human rights and to benefit materially from positive engagement with them, and, for these reasons, to offer broad and relatively uniform support for enforcement, particularly when directed at other states' human rights abuses. They expect opponents to be motivated by minimizing exposure to 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 response to these challenges.

The first observable implication examines state reactions to enforcement that challenges their self-determination. Importantly, the imposition of enforcement does not only affect the direct targets of these policies. It also affects human rights proponents, who may not themselves be worried about actively being targeted, but who may object in principle to being made subject to authority and 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, I expect human rights proponents to criticize, push back against, and 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 the O.A.S. as an acceptable substitute for other forms of

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<sup>5</sup> A database with text of all primary sources is available from the author.

enforcement required meeting external expectations of appropriateness and effectiveness. For human rights, this required compromising 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 it from other possible explanations, including 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, these pressures, 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 enforcement. Third, I expect states to delegate authority for regional enforcement earlier and under more challenging circumstances than extra-regional enforcement. Because they are trying to use regional organizations to limit 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 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 they view as fair and allowing equitable 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"> <li>• Before the onset of challenges to self-determination, human rights proponents will offer only inconsistent support for regional enforcement.</li> <li>• After the onset of challenges to self-determination, human rights opponents will become willing to accept genuinely challenging authority.</li> <li>• 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.</li> </ul>
<i>Engaging with extra-regional enforcement</i>	<ul style="list-style-type: none"> <li>• States will engage with and accept extra-regional enforcement that does not challenge their self-determination.</li> <li>• States will attempt to reform extra-regional enforcement to reduce or eliminate forms of enforcement that diminish their self-determination.</li> </ul>

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 was challenged. These challenges took two forms: the use of economic pressure by the U.S. and other Western states and U.N. enforcement that disproportionately targeted Latin America. Both forms of enforcement removed avenues for domestic affirmation and for effectively participating in decision-making regarding enforcement, leading states, including human rights proponents, 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 mobilization of the Western public by civil society at this time put their governments under unprecedented domestic pressure to avoid being seen as assisting human rights violators (Arts 2000: 223-224). In 1974, the U.S. Congress began to pass increasingly strict legislation restricting both security and economic assistance to states that violated human rights in an attempt to curb the executive branch's support of these regimes (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).

These initially limited policies became a widespread and institutionalized part of U.S. foreign policy when Jimmy Carter became president in 1977. At the O.A.S. General Assembly in June 1977, U.S. Secretary of State Cyrus Vance announced the U.S.'s intention to link human rights with aid and trade with the region (DeYoung 1977), 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). 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), first with Chile, and more widely beginning in 1977. That year, 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 were a challenge to Latin American states’ self-determination in the sense that there were no avenues for them to meaningfully consent to these policies, influence them, or impose accountability. Western governments ultimately controlled economic support and preferential trade, while Latin American states lacked means to participate in decision-making, which increasingly took place in IFIs and their own domestic bureaucracies. All states that received assistance were effectively made subject to these policies. In their relations with the U.S., in particular, a form of enforcement that was completely in the hands of the U.S. government was undesirable given the unpredictability of U.S. foreign policy, its tendency to undermine Latin American democracies and support authoritarian governments, and traditional Latin American interests in rejecting U.S. influence (Tickner 2014: 74).

Both human rights and self-determination were important regional values, which these new enforcement policies put directly into conflict. In particular, they conflicted the long-held view in Latin America that respect for non-interference was a necessary corollary to self-determination (Fenn 1963; Tourinho 2015: 87). In fact, Latin America had made important contributions to institutionalizing the idea that interference was a violation of the right to self-determination (U.N. General Assembly 1965: Para. 127-128), and they had played an active role in ensuring that the right to self-determination was included in the U.N. human rights covenants.

These policies also clashed with modes of thought that had been developing in the region for decades that exploitation of their economic dependence was one of the primary means through which their self-determination was undermined (Jaguaribe 1979; Lerner 1980; Sunkel 1969; Tickner 2014).

As human rights took on greater global prominence, the importance of self-determination did not diminish. This was expressed in 1976 by a representative of Colombia, a democracy and human rights proponent, who made it clear during U.N. debates that their government supported “the principle of self-determination...just as adamantly as it supported respect for human rights” (U.N. General Assembly 1976c: Para. 7).

In fact, human rights proponents objected to and criticized these policies. One example came from Carlos Andrés Pérez, the president of Venezuela and an important partner of Jimmy Carter in promoting human rights in the region (Franczak 2018). In the lead-up to the 1977 O.A.S. General Assembly, Andrés Pérez had communicated to the U.S. State Department that he was “anxious to cooperate with [the U.S.] in all areas and to take a strong stand on human rights” (*FRUS* 2018, 4). Shortly after the U.S. government announced its intentions to broadly apply human rights conditions at the General Assembly meeting, Andrés Pérez again expressed support for the U.S. stance towards human rights but criticized these particular policies as counter to regional norms of “self-determination, nonintervention [sic], and mutual respect” (Andrés Pérez 1977).

According to a declassified CIA memorandum, Latin American leaders were “nearly unanimous” in objecting to these policies (*FRUS* 2013, 25), and this included human rights proponents. Costa Rica, one of the most important and consistent supporters of human rights at both the regional and global level (Brysk 2005), obliquely criticized use of economic

enforcement 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). The president of Colombia appealed privately to a U.S. State Department official not be the “world’s moral policeman” and to conduct human rights policy through international organizations (*FRUS* 2018, 14). In 1978, a high-level representative of Jamaica, a consistently democratic and rights-respecting country, asserted that human rights “has no place in an agreement dealing with trade and cooperation” (Young-Anawaty 1980: 87 n106).

Opposition to these policies also registered in Latin American support for 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” (U.N. General Assembly 1981: II(1)).<sup>6</sup>

### *Targeting in the United Nations*

Latin America’s self-determination was also challenged within the U.N., where they were effectively blocked from meaningfully participating in decision-making. Because of the coalitional strategies used by non-aligned and Soviet states, when human rights became a major

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<sup>6</sup> Venezuela voted no, El Salvador and Guatemala abstained, and Dominica and Antigua and Barbuda were absent. Voting information taken from U.N. voting records (accessed at: <https://www.un.org/en/ga/documents/voting.asp>).

international issue in the 1970s, Latin America was basically the only regions where 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. The effect of this was the disproportionate targeting of the region, which helps account for why Latin American states were drawn to a regional strategy, rather than one involving the U.N.

Chile was the first and most intense subject of this targeting. Beginning in 1974, annual U.N. General Assembly resolutions harshly condemned the Chilean government's human rights violations. In 1975, an *ad hoc* working group was created to study human rights violations in Chile, one of the UNCHR's so-called "special procedures," with two additional mechanisms for Chile were created in 1979. This pressure soon expanded to the rest of Latin America, with other resolutions targeting El Salvador, Guatemala, and Bolivia. Through 1984, Latin American countries were the only ones to be singled out by resolutions apart from perennial targets Israel and South Africa. Special procedures were created for Bolivia and El Salvador 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 Israel and South Africa, and one for Equatorial Guinea, with the latter established after the regime under investigation was already 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 what they saw as the complete unresponsiveness of U.N. enforcement to their voices. 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). Declassified U.S. government documents from the time described the Chilean government's "burning resentment" that what they believed were real improvements were not reflected in the international response (*FRUS* 2018, 193). During debates, Latin American representatives complained that U.N. enforcement was "ignor[ing]" or "disregard[ing]" their efforts on Chile within the O.A.S. (U.N. General Assembly 1977e: Para. 2, 13, 14, 1977d: Para. 35). In 1976, a group of Latin American states proposed a resolution on Chile to address some of these concerns. The resolution was initiated by authoritarian states, but was co-sponsored by Costa Rica, who spoke in support of the resolution's "genuine concern over...human rights in Chile" and its "necessary objectivity." With Latin American states greatly outnumbered, the resolution was killed without even being put to a vote (U.N. General Assembly 1976b: Para. 5, 1976c: Para. 65-82).

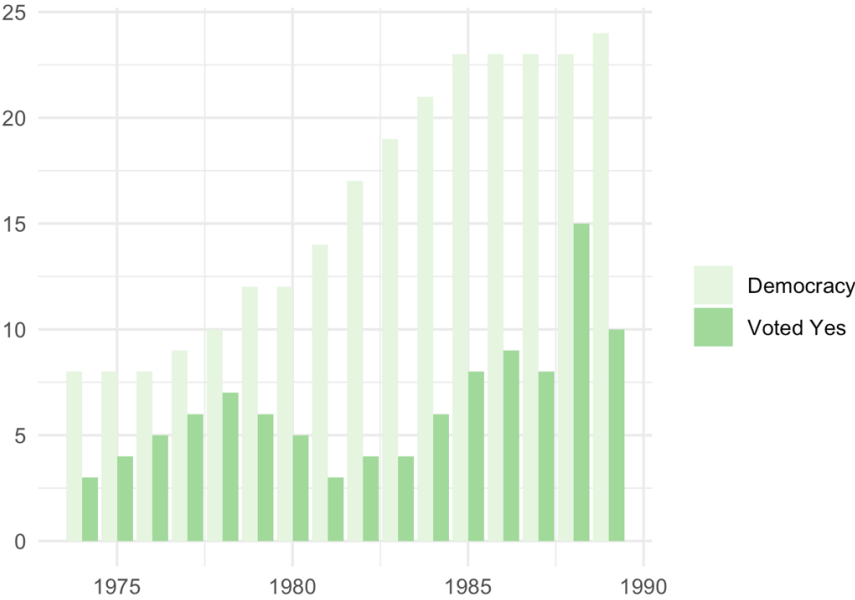
Frustration over the stifling of their voices came to a boil during the 1979 meeting of the UNCHR, with a U.S. State Department memorandum describing Latin American representatives as "traumatized" by the targeting of the region, including efforts to add Uruguay, Paraguay, Nicaragua, and Guatemala to 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 America (*FRUS* 2013, 184).

These objections had little effect, resulting in mounting criticisms from human rights proponents. Costa Rica was particularly vocal in its criticisms. During their 1977 U.N. General Assembly speech, a Costa Rican representative criticized the *ad hoc* working group by pointedly noting the "tendency" within the U.N. "to create ad hoc committees to investigate selectively cases of alleged violations of human rights with a predominantly political criterion" (U.N.

General Assembly 1977c: 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 negative 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. As shown in Figure 1, the lack of support was unaffected by the region’s rapid democratization in the 1980s. Similarly, in 1980, when a resolution against El Salvador first emerged, only three of ten democratic members of the O.A.S. supported it (U.N. General Assembly 1980).

**Figure 1.** Proportion of O.A.S. democracies supporting U.N. General Assembly Resolutions condemning Chile, 1974-1989



Voting on annual U.N. General Assembly Resolutions condemning human rights violations in Chile. As the region democratized, a large proportion of O.A.S. democracies 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 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 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 compromised on non-interference. After decades of slow institutional development and reluctance to engage with enforcement that genuinely challenged their sovereignty, following the onset of these pressures, there was an abrupt shift towards compromising on non-interference, 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 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).

Some of the reluctance to create enforcement mechanisms can be attributed to authoritarianism in the region, but democratic governments were also reluctant to support stronger institutions. The Larreta Doctrine, a 1945 Uruguayan proposal for a mechanism for “multilateral intervention” in defense of human rights, is often cited as evidence of the region’s early interest in human rights enforcement (Long and Friedman 2020; Sikkink 2014). However, the proposal, though supported by the U.S., was 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 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 example occurred surrounding 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 examine individual complaints, conduct in-country visits to investigate human rights, and 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 (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.).

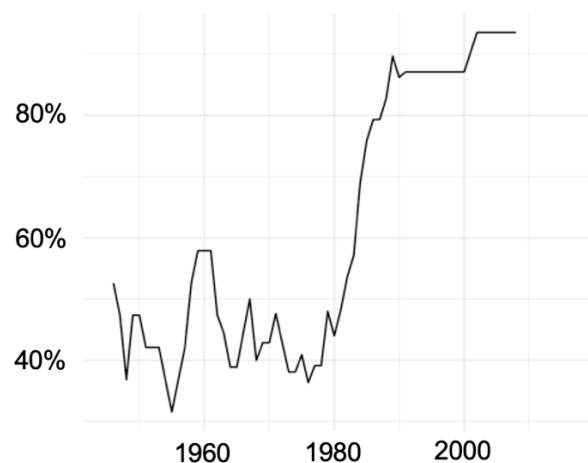
Finally, the ambivalence of human rights proponents towards compromising on non-interference manifested in the ratification of the American Convention on Human Rights (ACHR). The ACHR was adopted in 1969 by the slimmest majority of 12 out of 23 states. By 1976, the charter had received no additional signatures, and only Costa Rica and Colombia had ratified it. Venezuela, Jamaica, Barbados, Trinidad and Tobago, Uruguay, Ecuador, and Chile all opted 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, 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, 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



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 condemning human rights violations several 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 Uruguayan human rights abuses (Vogelgesang 1978: 824). This was in contrast to the criticisms of both economic conditions and the U.N.'s *ad hoc* working group that were 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. In 1977 and 1978 alone, eleven new states ratified the ACHR, eight of which were non-democracies.<sup>7</sup>

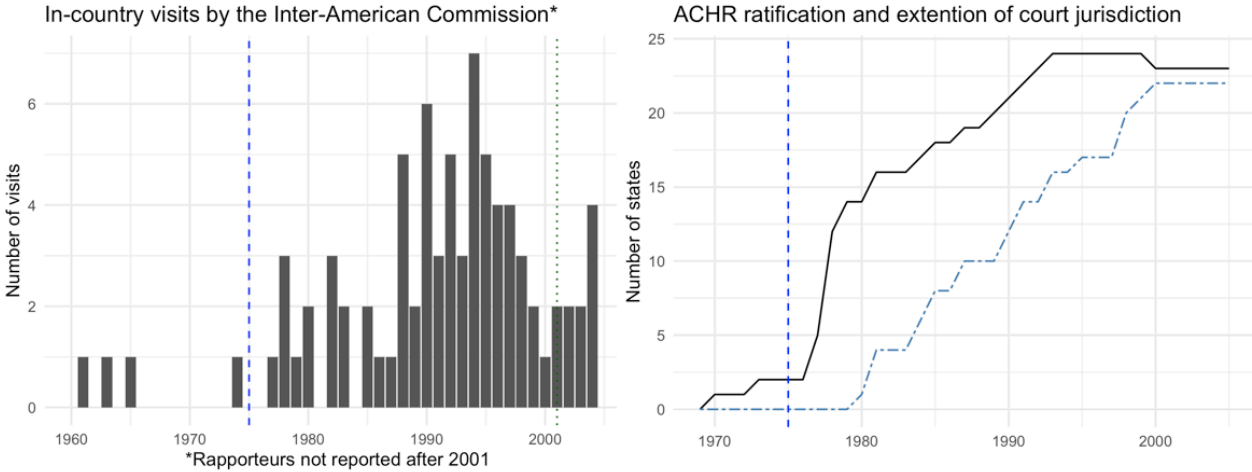
In ratifying this treaty, they accepted the authority of the Inter-American Court on Human Rights, gave the IACHR the power to request the court to "take provisional measures...to prevent irreparable injury to persons," strengthened requirements for states to provide information to the IACHR (Inter-American Commission on Human Rights 1980: Chapter 1), and consented to the IACHR publicizing country reports without state approval, giving the

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<sup>7</sup> These states were Ecuador, Haiti, Honduras, El Salvador, Grenada, Guatemala, Panama, and Peru.

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.

**Figure 3.** Regional human rights engagement before and after 1975



Importantly, these states did not become willing to engage with the O.A.S. simply because they believed 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.<sup>8</sup> 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.

**Table 2.** Growth in ratifications by treaty and regime type

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

<sup>8</sup> Both allow for non-binding decision by an independent body on individual complaints. The ICCPR alone establishes far weaker enforcement.

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) 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.<sup>9</sup>

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

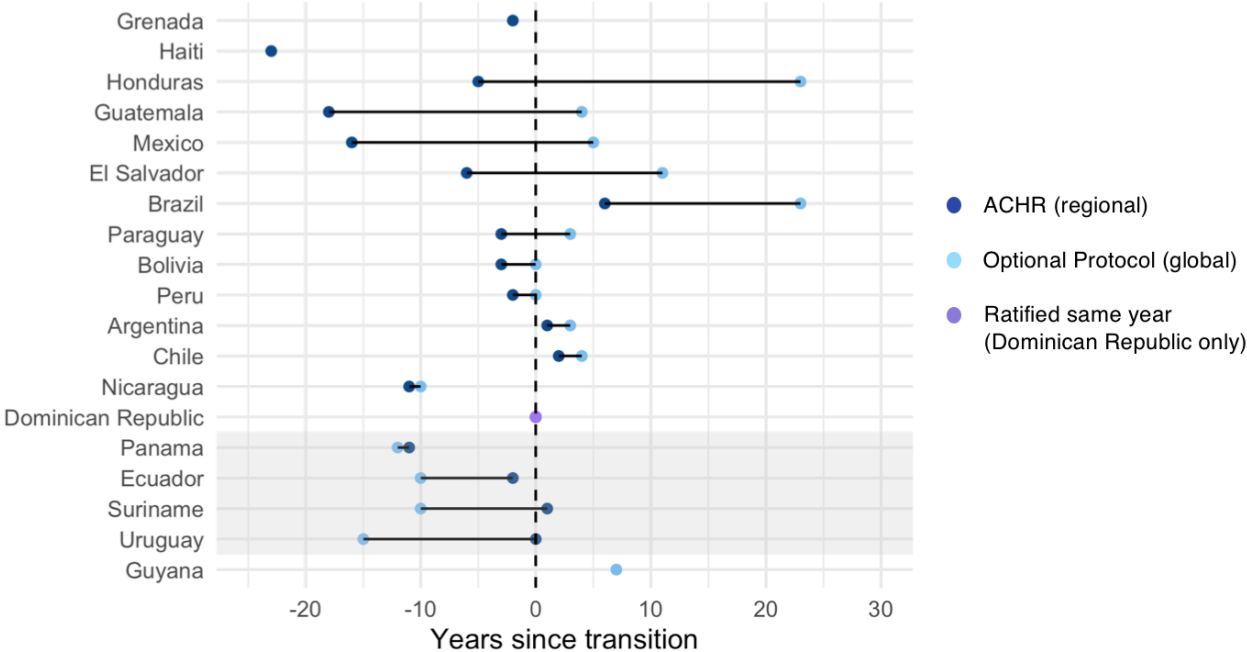


Figure shows ratification of American Convention and First Optional Protocol to the ICCPR relative to timing of democratic transition for states with period of authoritarian rule after 1970. Vertical line indicates year of transition, with year set to 0. Most ratified the regional treaty earlier in the process of democratization than comparable global treaty.

*Observable implication 3: Engagement with extra-regional enforcement*

Throughout this time, Latin American proponents of human rights objected to enforcement that challenged their self-determination, not extra-regional enforcement, *per se*. From the earliest days of the U.N., Latin American states played an important role in ensuring that human rights

<sup>9</sup> Table A1 in appendix contains overview of cases.

were incorporated into the U.N. Charter and 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 and the certain forms of U.N. enforcement, they consistently supported other forms of global enforcement. As shown in Table 2 above, throughout the 1970s, human rights proponents, in particular, ratified global human rights treaties, and as authoritarian states' democratic reforms were implemented and consolidated, they too moved to accept ratify the Optional Protocol, as can be seen in Figure 4.

When 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 the suspension of aid to enforce human rights, but at various points, they supported procedures to address human rights that would apply them and European states equally (Arts 2000: 244-250).

The proposal to establish a U.N. High Commissioner for Human Rights was one example of openness to extra-regional enforcement, and of states responding to the undermining of their self-determination by attempting to reform global enforcement. In 1965, Costa Rica began to champion the establishment of a High Commissioner, which would serve as an independent 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 on Chile (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, despite persistent criticisms of the *ad hoc* working group on Chile, Latin American states supported a proposal by Italy in 1978 to expand the use of *ad hoc* groups for investigating human rights in any U.N. member state. Costa Rica again vocally supported the proposal as a means to rectify bias in human rights enforcement (U.N. General Assembly 1978: Para. 215-216). The proposal 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 are compatible with my argument, and I focus on noting where my explanation fills in gaps they leave behind. The first competing explanation is that the decision to compromise on non-interference followed the diffusion of human rights norms or was the result of political liberalization in the region. As discussed at length, these dynamics played a role, but they alone do not account for human rights proponents withholding support for enforcement, the intensity of their criticisms, the timing of this change before widespread democratization, or the fact that states systematically delegated 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 for regional autonomy in the sense of excluding outside involvement in the region. However, Latin American states have ratified global treaties and welcomed enforcement from outside of the region where it is consistent with self-determination.

Rather than excluding outside actors, they have used regional organizations to manage outside involvement. Additionally, regional enforcement did not reflect regional norms to a greater degree than global enforcement during the 1970s. The main regional particularity of human rights in Latin America is a 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. This explanation conflicts with the assessment on the part of many scholars that the IACHR was an important part of the human rights transnational advocacy network in the 1970s (Coe 2020; Keck and Sikkink 1998; Kelly 2018), and also with the substantial evidence that states in the region found regional enforcement to be challenging. Alternately, states may have been attempting to avoid more challenging economic conditions. However, this does not explain why human rights proponents would push back against economic conditions, nor does it account for the systematic preference for regional enforcement over U.N. enforcement.

A final possibility is that these changes were simply what the U.S. wanted. Jimmy Carter was undoubtedly an important factor during this time, exerting substantial pressure on states to ratify the ACHR and cooperate with the Inter-American Commission. However, these changes began prior to Carter's presidency and persisted after he left office. Furthermore, evidence suggests that Carter's administration was not independently invested in *regional* enforcement, but was motivated by a desire to be seen acting multilaterally (*FRUS* 2018, 16) and the belief that regional enforcement was preferred by Latin American states (*FRUS* 2018, 16; *FRUS* 2013,

205). Instead, regional enforcement was a mutually satisfactory outcome for both the U.S. and Latin America. The U.S. was willing to let up on their direct pressure if states accepted regional enforcement, with one U.S. official framing the decision they were presenting 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” (Hovey 1977). For 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 with a long history in Latin America (Long and Friedman 2020).

## **6. Conclusion**

Regional organizations in the Global South have often been criticized for their ineffectiveness. This paper suggests that, rather than failing to solve functional problems internal to the region, these organizations may be effectively, if quietly, increasing their voice over global decision-making and managing the involvement of powerful actors in their region. Seen in this light, the expansion of regionalism in the Global South may be, in part, a subtle strategy to mitigate undesirable effects of hierarchy and create an international system based on respect for self-determination. As shifts in the international order give weaker states new outside options for cooperation and open up new space for open contestation, it is perhaps unsurprising that we would see resistance emerge more openly, particularly against rules and institutions that many never regarded as legitimate in the first place.

The findings in this paper also suggest that objections to norms and institutions in the Global South should not be dismissed immediately as cynical defenses by states hiding their bad behavior. The recent backlash to the International Criminal Court by African states is a case in point. In 2009, it was the president of Benin, then one of the strongest democracies in Africa,

who articulated African leaders' "feeling that this court is chasing Africa."<sup>10</sup> As Gissel (2018) demonstrated, African leaders had initially supported the ICC because they believed it could create a more equal international order—one which could support rather than diminish self-determination. They rejected it after they came to perceive it as yet another tool of the powerful.

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<sup>10</sup> Tostevin 2009

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