

Trading Sovereignty for Self-Determination

Human rights, institutional power, and regional organizations

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Abstract. For a century or longer, states in the Global South resisted imperial and colonial domination and, for decades after gaining independence, used their regional organizations to protect their sovereignty and promote non-intervention. However, in recent decades, these states have developed extensive interventionist mechanisms within their regional organizations to enforce compliance with international norms. This change has occurred alongside continued resistance to enforcement carried out by global organizations or at the initiative of Western states. What explains the decision by so many of these states to compromise on the principle of non-intervention? Why are they more willing to accept regional enforcement? I argue that states throughout the Global South expanded the power and authority of their regional organizations as part of a strategy to increase their international self-determination. Rejecting what they viewed as inappropriate and one-sided enforcement by former colonial and imperial powers, these states challenged the authority of powerful states by creating, accepting, and expanding regional enforcement mechanisms and simultaneously arguing that these powerful states should defer to regional enforcement. I evaluate this theory with an in-depth look at the development of human rights enforcement mechanisms within the Organization of American States (O.A.S.). I then briefly examine over-time delegation trends in Africa, Southeast Asia, and the Middle East. My findings highlight the importance of distinguishing between delegating sovereignty and having international authority imposed by a more powerful actor, along with the prevalence of subtle forms of resistance to this kind of imposition.

1 Introduction

In 2017, two years into a political crisis in Burundi, the European Parliament introduced a resolution condemning human rights violations by the Burundian government into their Joint Parliamentary Assembly with African, Caribbean, and Pacific countries (ACP-EU). Both the resolution and a subsequent proposal to send human rights observers failed after being rejected by African states. Afterwards, one European Parliamentarian expressed frustration that “African countries reject all criticism from Europe concerning human rights,” noting that this was true “[e]ven if some countries do condemn the attitude of Burundi.”¹

This rejection of criticism by Europeans was in stark contrast with African leaders’ own efforts to respond to the human rights violations. From the start of the crisis through the time that they rejected the European proposals, African states passed resolutions within the African Union (A.U.) calling for respect for human rights and condemning the violations, and they sent their own independent human rights observers from the African Commission on Human and Peoples’ Rights, which published a report detailing and criticizing the government’s actions.² A mere six months before rejecting the joint ACP-EU resolution, African heads of state passed their own resolution calling on the government of Burundi to sign a Memorandum of Understanding that would provide a legal basis for the continued presence of the A.U. human rights observers.³ The Burundian government, for its part, accepted the African human rights observers, while it continues to refuse all cooperation with the United Nations Council on Human Rights and its Commission of Inquiry on Burundi.⁴

Why are states in the global South, including those that support human rights protections, more willing to accept regional enforcement of human rights? I argue that this contemporary dynamic cannot be understood without looking to why these states compromised on the principle

¹Barbiere 2017. Excerpted original text for all primary sources can be found in Appendix Table A3.

²African Union 2015a; African Union 2016; International Crisis Group 2016.

³African Union 2017

⁴African Union 2015b; Human Rights Watch 2020

of non-intervention in the first place. States in the global South spent a century or longer resisting imperial and colonial control, followed by decades of using their regional organizations to protect their sovereignty and uphold rigid standards of non-intervention. Today, however, it is hard to imagine international responses to human rights violations, democratic backsliding, or civil conflict without the central involvement of their regional organizations.

I argue that both the earlier calls for strict non-intervention and the more recent moves towards regional enforcement were different strategies to achieve the same overarching goal of increasing their international self-determination, which I define as the ability to formulate and implement their own policies rather than having them externally determined and imposed. As the global normative environment changed to permit or even demand international protection of human rights, calls for complete non-intervention became increasingly ineffective at maintaining their self-determination, while powerful Western states began to carry out their own enforcement through bilateral relations and in international institutions in which weak states lacked an effective voice.

At this point, the question became not *whether* enforcement would happen, but *who* would enforce human rights and how. These states rejected what they saw as inappropriate and one-sided enforcement by former colonial and imperial powers that undermined their political independence and legal equality. They responded by attempting to take control over enforcement, shifting it out of the global level and into their own regional organizations. To accomplish this, they engaged in a two-part strategy in which they delegated enforcement authority to their regional organizations and simultaneously argued that extra-regional actors should defer to regional enforcement. In this move, complete rejection of international enforcement gave way to more discrete efforts to maintain control over and a voice in enforcement within their region.

My findings in this paper cut against the notion that only states that are trying to hide bad behavior would resist or criticize international enforcement or prefer regional enforcement. States in these regions that genuinely wanted to see improvements in human rights became vocal

critics of global enforcement, condemning bias and arguing that regions should be left to solve their own problems. States that were abusing human rights continued to reject extra-regional enforcement while simultaneously opening themselves up to scrutiny and criticism within their regional organizations.

I also show that, contrary to existing theories of delegation,⁵ states may delegate sovereign authority in order to *increase* their discretion over and voice in policy-making. By delegating authority to regional organizations and arguing for deference to regional enforcement, states in the global South were able to reshape the international order to give them new control over enforcement within their regions. Finally, I illustrate the importance of international self-determination for understanding state behavior. Whereas other theories on hierarchy and sovereignty view all delegation of authority as equally non-coerced,⁶ I distinguish between voluntarily delegating authority versus having international authority imposed through subtle coercion or the rational anticipation of future punishment. I propose a theoretical framework that distinguishes between delegating sovereignty and having it usurped by more powerful actors. As I show in this article, the drive to avoid the imposition of authority can be a powerful motivator of state behavior.

2 Existing explanations

Existing research looks at delegation to international institutions as purely voluntary and inherently constraining. Actors willingly use institutions to constrain themselves in order to reduce transaction costs and enable mutually beneficial policy outcomes (Abbott and Snidal 1998; Axelrod 1984; Keohane 1984). For states, delegating authority to an institution incurs “sovereignty costs,” or the curtailment of sovereign authority or national discretion (Abbott and Snidal 2000; Green and Colgan 2013; Moravcsik 2000). States will accept these costs when they are outweighed by the benefits, which, in the case of normative commitments, can include the ability to bind

⁵Hawkins *et al* 2006; Moravcsik 2000

⁶Krasner 1999, 2004; Lake 2009

future regimes to reforms (Moravcsik 2000), send costly signals about one's type (Hyde 2011; Pevehouse 2002), and gain access to foreign aid, preferential trade, and foreign investment (Gray 2007; Hafner-Burton *et al* 2015; Hyde 2011; Pevehouse 2005). It can also limit exposure to shaming or the perception of being a norm-defying state (Hafner-Burton 2008; Hyde 2011; Lebovic and Voeten 2009). Other work criticizes this model of purely voluntary cooperation, suggesting that states may face subtle or indirect coercion to join or remain in institutions (Gruber 2000; Moe 2005; Pierson 2015). As I explore in this paper, under such conditions, delegating authority to institutions in which states have more of a voice can actually increase their discretion and range of available policy options, limit interference by undesirable actors, and provide an escape from power inequalities.

States may also delegate authority in response to persuasion, socialization, or shame (Keck and Sikkink 1998; Risse, Ropp, and Sikkink 1999; Kelley 2004) or as an expression of community values (Lutz and Sikkink 2001). States may delegate to *regional* institutions as a way of adapting global norms to local contexts (Acharya 2004), as a result of isomorphic convergence (Börzel and van Hüllen 2015; Meyer and Rowen 1977), or because of pre-existing fit with regional norms (Aggarwal 1985; Coe 2020).

I argue that delegating authority to regional organizations may also be a way to contest norms and norm enforcement. States may oppose enforcement only in certain forms or by certain actors (Terman and Voeten 2018), even if they agree in principle with the norm. Because open contestation is costly (Pierson 2015), materially weak states may engage in subtle forms of resistance like reluctant compliance (Scott 1985: 26), rather than overt resistance, like backlash (Carothers 2006), defiance (Terman 2019), or the creation of counter-norms (Cooley 2015) or subsidiary norms (Acharya 2011). Reluctant compliance can take the form of foot-dragging (Scott 1985; Simmons 2009), mimicking compliant behavior (Hyde 2011), or, as I suggest in this paper, attempting to exercise control over norm enforcement.

3 A theory of trading sovereignty for self-determination

States in the global South compromised on non-intervention within their regional organizations as a strategy to maintain international self-determination. In this section, I define international self-determination, highlighting why it matters for states and how it enables distinctions between delegating authority and having international authority imposed. I argue that the drive to maintain or increase international self-determination led states to trade sovereignty for self-determination, accepting challenging regional enforcement in order to deter enforcement that excluded their voice and preferences.

3.1 International self-determination

I define self-determination as the ability for a self-defined political group to formulate and implement policy according to its internal political system.⁷ *International* self-determination is the ability for a political group to determine for itself, through internal political processes, its institutions and domestic and foreign policies, rather than having these things determined and imposed by external actors.⁸ A state characterized by high international self-determination is able to subject its decision-making to domestic interests and preferences, rather than making decisions that respond primarily to external factors and pressures. Conversely, leaders of states with low self-determination tend to “look over their shoulders to gauge [the] reaction” of powerful states before acting, as one prominent Caribbean diplomat phrased it.⁹

Elites and citizens in both democratic and authoritarian states value international self-determination as a good in and of itself. In democratic states, international self-determination is necessary for domestic self-determination, as externally devised and imposed policy lacks av-

⁷This expands Dahl’s (1989) formulation of self-determination as the freedom to “live under laws of one’s own choosing” by viewing it as the extent to which this freedom is realized and by breaking down what it means to live under chosen laws into two parts – formulation and implementation.

⁸Getachew (2019) refers to this as international nondomination.

⁹Sanders 2007.

venues for individuals to express their preferences or impose accountability.¹⁰ Even in authoritarian societies, citizens may prefer a domestic authoritarian leader to foreign occupation.¹¹ This means that leaders and citizens hold preferences over the process of policy-making and implementation that are independent of their preferences over the outcomes of policies. For actions to be self-determined, external pressure or influence does not need to be absent, and states do not have to reject external influences or act independently. Self-determination requires that states have a voice in devising international policies¹² and the ability to subordinate external factors to domestic decision-making processes.

An absence of international self-determination, or an inability to exert domestic discretion over external authority, connects direct colonial control with indirect or decentralized relations of domination and control, the latter in the form of things like material weakness and economic or security dependence.¹³ Both direct, indirect, and decentralized control exclude the controlled or dominated state and its citizens from participation in decision-making and override their interests and preferences,¹⁴ even though they differ in the extent, form, and level of institutionalization of these limits. They differ from other, more voluntary forms of cooperation or association in that state actions emanate from foreign influences and pressures rather than arising from processes of domestic contestation and aggregation. In many cases, states see their range of realistic policy options drastically reduced to those that are acceptable to great powers or donor states, which, despite the absence of formal control, has the effect of perpetuating earlier colonial and imperial dynamics.¹⁵

Self-determination introduces a more nuanced conception of coercion and voluntariness by distinguishing between delegating sovereign authority versus having it usurped by more power-

¹⁰Getachew 2018

¹¹Anderson (1983) shows that nationalism developed in non-democratic societies.

¹²Hirschman 1970

¹³Getachew 2019

¹⁴See Markell (2008) on participation.

¹⁵Nkrumah 1963; Wendt and Friedman 1995

ful actors. This is in contrast to Lake's (2009) concept of hierarchy, which views all delegation of sovereignty as equally non-coerced. Weak states, in particular, often act out of a rational expectation that contestation will be unsuccessful, costly, or potentially result in retaliation by more powerful actors, rather than out of genuine support for an action.¹⁶ Compliance or delegation, in these cases, is voluntary only in a very weak sense.¹⁷ This matters because, as I demonstrate below, states actively attempt to minimize or avoid less-voluntary actions. Low levels of voluntarism are also likely to have long-term effects on international cooperation. For example, empirical evidence suggests that the need for Latin American states to anticipate and preempt "Yankee imperialism" has had a measurable negative effect on cooperation in the region.¹⁸

3.2 Strategies for increasing self-determination

Weak states do not simply accept that their policies will be chosen or constrained by more powerful actors. Instead, they engage in collective action with other weak states to increase their self-determination.¹⁹ In particular, they can compensate for their material weakness by using collective action to gain institutional power, defined by Barnett and Duvall (2005) as an actor's indirect power wielded through its privileged relation to international institutions. This, in turn, enables greater self-determination.

There are two main strategies weak states use to increase their self-determination. I develop these strategies with respect to human rights policy, but I expect them to apply much more broadly. In the first strategy, states cooperate at the global level to increase their collective voice and constrain powerful states. Where this proves ineffective, they can switch to the second strategy, in which they attempt to move the policy out of the global level and into the regional level by delegating enforcement authority to their own regional organizations. I argue that this sec-

¹⁶Pierson 2015

¹⁷Moe 2005

¹⁸For example, see Cabranes 1967; Corrales and Feinberg 1999; Tussie 2009.

¹⁹For enhancing their sovereignty through an institution, see Acharya (2016) and Acharya and Johnston (2007).

ond strategy is what states were engaging in when they first created human rights enforcement mechanisms within their regional organizations.

States prefer the first strategy, collective action at the global level, because it gives weaker states the opportunity to constrain or alter the behaviors of more powerful states,²⁰ and, all else equal, they may prefer to avoid delegating authority to an international institution. In the case of human rights, by maintaining a voice over policy design and enforcement within the U.N., states in the global South were able to argue consistently for non-intervention in their domestic affairs; orient global human rights towards things like decolonization, racial equality, and the right to development; and limit public criticism of their own records.

In this first strategy, states use collective action to jointly maintain a voice in international policy-making. They can pool resources; negotiate and vote in blocs; use their large numbers to set the agenda or control conversations within international forums; or even attempt to fundamentally alter the terms of international interactions by reforming and reconstituting international institutions, norms, and practice. Adom Getachew demonstrates how, immediately after decolonization, English-speaking Caribbean and African leaders used their numerical advantage in the U.N. General Assembly to pursue decolonization and non-intervention as human rights issues.²¹ This strategy allows the state to maintain a voice over the design and implementation of human rights priorities, institutions, and policies, including what counts as a human right and how they are enforced.

The strategy of global collective action relies heavily on the effectiveness of egalitarian international institutions that have equal representation and equal decision-making rules. It ceases to be effective if these institutions are side-lined, which happens when more powerful states choose to develop and enforce policy through bilateral relations or within international institutions that echo or reinforce power inequalities. An example would be the use of human rights

²⁰Thompson 2006

²¹Getachew 2019: 73

conditions on preferential trade agreements, where states whose economies rely on preferential access to markets are structurally disadvantaged.²² As a result, weaker states lose their voice in the design and implementation of policy, and they are then compelled to comply with this policy through the threat or possibility of losing market access.

States whose self-determination is compromised can respond by switching to the second strategy, attempting to take over policy in an issue area by shifting it out of the global level and into the regional level. They accomplish this by creating, accepting, or expanding enforcement mechanisms within their regional organizations and then persuading powerful states to defer to regional enforcement. For human rights, persuasion involved creating enforcement mechanisms that were sufficiently challenging and independent to convince extra-regional actors that enforcement would actually occur. Persuasion also involves convincing other powerful actors, who I detail in the next section, that regions are the more effective and appropriate forums for enforcement and that extra-regional actors should limit their involvement to supporting regional efforts. States within the region begin to actively promote and engage with enforcement at the regional level, delegating compulsory authority for regional human rights enforcement and simultaneously resisting direct enforcement by powerful states and global institutions.

3.3 Regional enforcement as a self-enforcing strategy

The strategy of shifting enforcement into regional organizations is uniquely self-enforcing, as it satisfies the interests and preferences of a diverse array of regional and extra-regional state and non-state actors. However, this is only the case if states within the region are willing accept challenging, independent regional enforcement mechanisms. They will do this if their self-determination is compromised.

States within the region may oppose regional enforcement either out of principle or because they would be directly challenged by enforcement. Principled opposition involves accept-

²²Hafner-Burton 2011; Mansfield and Milner 1999: 611-2

ing a norm but rejecting how or by whom it is being enforced. A state could, for example, place great importance on democratic governance but reject invasive or unilateral efforts to punish anti-democratic behavior, as has been the case for Caribbean democracies that oppose international sanctions against Nicolás Maduro's regime in Venezuela. Once their self-determination is compromised, these states may come to oppose extra-regional enforcement more than they oppose potential regional enforcement.

States that would be directly challenged by enforcement are willing to accept regional mechanisms if their self-determination is compromised because they might feel unfairly targeted by extra-regional enforcement or believe that regional mechanisms will allow them to get a fairer or more sympathetic hearing compared to what they would receive outside the region. Finally, they may resent enforcement that they view as hypocritical or imperialist. Under these circumstances, even challenging regional enforcement may leave them no worse off and possibly better off than extra-regional enforcement. These states would generally prefer for regional mechanisms to be as weak and under state control. However, they are willing to give regional mechanisms greater strength in order to relieve pressure from and deter enforcement by extra-regional actors and to satisfy regional and domestic civil society.²³ They are willing to accept mechanisms with high levels of independence because it reduces the threat of mechanisms being co-opted by intra-regional rivals.

Regional proponents of enforcement, including states, civil society, and bureaucrats of regional organizations, believe that regional mechanisms can be as effective as global mechanisms, while eliminating bias, politicization, or hypocrisy and giving regions the ability to determine their own priorities and enforcement strategies. The existence of extra-regional pressure enables them to persuade other states to accept regional mechanisms. Domestic and regional civil society groups are sensitive to criticisms that they are inviting in interference by Western actors

²³Keck and Sikkink 1998

engaged in “civilizing” missions²⁴ and have incentives to favor the creation of effective regional mechanisms, which are unlikely to face these kinds of accusations. Regional proponents would prefer for mechanisms to be strong and independent, but they are willing to accept less-than-ideal mechanisms.

Extra-regional proponents of human rights include some Western states, international NGOs, and bureaucrats within global international organizations. For them to defer to regional enforcement, they need to be convinced that some real regional enforcement will occur. Regional human rights mechanisms with some independence and enforcement power can demonstrate to global actors that a state is making progress towards addressing human rights violations. These proponents prefer mechanisms to be as strong and independent as possible but, like regional proponents, will accept somewhat less-than-ideal mechanisms if they perceive that the mechanism signifies genuine progress.

Other extra-regional actors find human rights to be a nuisance that prevents them from pursuing other, more important goals. These actors consist of states and businesses who face reputation costs for failing to adequately engage with human rights. Regional mechanisms give them cover to claim that problems have been addressed, allowing them to return to other priorities. These actors are themselves largely indifferent to how effective regional enforcement is. However, regional mechanisms need to satisfy domestic and international groups that are pressuring them to take human rights seriously.

4 Analyzing the decision to compromise on non-intervention

Across the global South, states were only willing to delegate challenging authority to enforce human rights after their self-determination was compromised. In this section, I use comparative historical analysis and process-tracing to evaluate my theory and demonstrate how self-

²⁴An-Na'im 2001; Keck and Sikkink 1999

determination explains aspects of regional delegation, including the timing and cross-regional differences, that other theories cannot account for. I use a wide range of primary sources, including declassified foreign policy documents, meeting records, organizational documents, newspaper articles, and personal interviews; secondary sources; and quantitative data on delegation of human rights enforcement authority, ratification trends, and voting in international organizations. I begin with an in-depth look at the Organization of American States (O.A.S.), where this change occurred first and has taken hold most deeply. I then show that my theory is generalizable to other regions, including Africa, Southeast Asia, and the Middle East.

Comparative historical analysis is especially well-suited to analyzing processes that unfold over time, along with quiet contestation and reluctant compliance, where state leaders strategically misrepresent their motives.²⁵ Throughout my examination of the O.A.S., I highlight the ways that states justify their own actions and talk about the appropriateness of human rights enforcement, along with how states tailored their actions to different forums. Using process-tracing, I identify causal processes, and I exploit within-case variation. Finally, using quantitative data on the average level of delegation, treaty ratification, and voting in international organizations, I show that over-time and cross-regional trends conform with my theoretical expectations. To increase transparency and replicability, excerpted text of all primary materials is provided in the Appendix.

Throughout this section, I show that, without incorporating attempts to increase international self-determination, alternative explanations of regional human rights are not sufficient for explaining important aspects of this change. I end by directly addressing important alternative explanations, including pre-existing normative fit, pressure from a regional hegemon or the international community, democratization, norm diffusion or localization, and forum shopping for less challenging enforcement.

²⁵Pierson 2015

4.1 The Organization of American States

The O.A.S. is an important regional organization for understanding regional human rights enforcement, and it is also a particularly challenging test for this theory. The O.A.S.'s human rights mechanisms are among the most effective and challenging in the world,²⁶ and Latin American states have historically been predisposed towards individual rights.²⁷ Unlike other regional organizations, it includes a major world power, the U.S., among its members. I show that, in spite of their predisposition towards individual rights, it was only after their self-determination was compromised that states were willing to collectively move towards regional enforcement, which they did while continuing to resist extra-regional enforcement. I also demonstrate that accepting and expanding regional mechanisms was, in fact, a way for these states to try to constrain the U.S. from meddling, by persuading the U.S. to defer to the O.A.S.'s independent enforcement mechanisms instead of taking enforcement into its own hands.

4.1.1 Prioritizing non-intervention over human rights

For over a century, Latin American states prioritized strict non-intervention over human rights, rejecting binding international law and enforcement mechanisms that genuinely challenged their sovereignty. Because of their history with European colonization and U.S. imperialism, and their experience of frequent intervention by both, the overriding foreign policy priority of Latin American states was to constrain other, more powerful actors from intervention, meddling, and pressure. Early examples include the use of legal equality of states in the late nineteenth and early twentieth centuries to prohibit European intervention to collect on debts²⁸ and the creation in 1890 of the regional organization the International Union of American Republics, a predecessor to the Organization of American States (O.A.S.), which was intended, in part, to ward off European

²⁶Forsythe 1991

²⁷Sikkink 2014; Simon 2017

²⁸Finnemore 2003

intervention, codify legal equality within the region, and prevent U.S. territorial expansion.²⁹

Starting in the late nineteenth century, the United States, acting as a self-appointed “police power,” frequently intervened in and occupied other states in the region.³⁰ Latin American states responded by attempting to further institutionalize non-intervention. This culminated in the adoption in 1948 O.A.S. Charter. The Charter prohibits states from intervening “directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State,” including armed force and “any other form of interference or attempted threat against its political, economic, and cultural elements.”³¹ This was an expansive definition of intervention which prohibited actions that were otherwise legal under customary international law.³² Conversely, regional institutionalization of human rights was limited to non-binding declarations,³³ most notably the 1948 American Declaration on the Rights and Duties of Man. The 1948 O.A.S. Charter included only broad statements and principled declarations on human rights rather than explicit legal obligations or a system for enforcement.³⁴

This ongoing tension between non-intervention and individual rights was reflected in a string of rejected proposals made for more challenging mechanisms. In 1945, the Uruguayan foreign minister proposed a mechanism for “multilateral intervention” in defense of human rights, which was rejected by nearly every state, including democracies Costa Rica and Colombia.³⁵ The government of Colombia sent a private response to the proposal noting, among other things, that the non-intervention doctrine had “cost the American peoples a great deal to consecrate.”³⁶ Other rejected proposals included collective non-recognition of non-democratic governments (1945),³⁷

²⁹Ridpath 1893; Crapol 2000: 119-120

³⁰Cabranes 1967

³¹Organization of American States 1948: Article 15.

³²Cabranes 1967: 1153-1154, footnote 12

³³American states passed non-binding resolutions on the rights of women (1936) and workers’ rights (1938) (Goldman 2009: 858).

³⁴Cabranes 1967; Thomas and Thomas 1972: 323

³⁵Cabranes 1967: p1160 footnote 25

³⁶The Ambassador in Colombia (Wiley) to the Secretary of State, 27 December 1945, *FRUS*, 1969, IX, 156.

³⁷Thomas and Thomas 1972

a mechanism for “informative investigations” of human rights violations (1948),³⁸ a human rights court (1948, 1953),³⁹ a mechanism to study the effective protection of human rights (1954), and an early proposal for a human rights commission (1954).⁴⁰

In 1959, in response to inter-state tensions in the Caribbean, states created an independent commission, the Inter-American Commission on Human Rights (IACHR). However, nothing about the original design of the commission indicates that states had re-prioritized human rights over non-intervention. The IACHR could not investigate or comment on states’ human rights practices,⁴¹ and it was tasked only with “developing an awareness” of human rights and making “general” recommendations.⁴² A proposal to give the IACHR power to receive individual complaints of human rights violations, often considered the linchpin of an effective enforcement regime, was defeated, with democracies Brazil, Costa Rica, and Uruguay withholding support.⁴³

The original members of the IACHR interpreted their own mandate to allow them to receive, although not to make decisions on, individual complaints, to conduct in-country visits to investigate human rights, and to issue reports on the human rights situation in individual countries.⁴⁴ Nevertheless, from the time it was inaugurated through the mid-1970s, the Commission was weak in the exercise of its powers,⁴⁵ deferential to U.S. Cold War politics,⁴⁶ and highly constrained by states in carrying out its functions.⁴⁷ By 1973, only one state, the Dominican Republic, had consented to an on-site investigation of its own domestic human rights record.⁴⁸ The Commission’s requests for in-country visits were rebuffed by Haiti, ignored outright by Cuba, and received in-

³⁸Schreiber 1970; Goldman 2009.

³⁹*ibid*

⁴⁰Schreiber 1970

⁴¹Sandifer 1965: 517

⁴²Statute of the IACHR quoted in Goldman 2009: 862.

⁴³Schreiber 1970: 36

⁴⁴Goldman 2009: 868

⁴⁵Bernardi 2018; Farer 1997: 510; Forsythe 1991: 84.

⁴⁶Bernardi 2018

⁴⁷Sandifer 1965

⁴⁸Organization of American States, “IACHR on-site Visits”

sufficient cooperation from Bolivia, Guatemala, Paraguay, Nicaragua, and Brazil.⁴⁹ The IACHR could initiate reports without cooperation from a state but required approval from member states to publicly release its reports. As late as 1974, they completed a damning report on human rights violations by the Brazilian government – without cooperation from the Brazilian government – and presented it to the O.A.S. Council of Ministers. States silenced the report by tabling it without discussion and refraining from making it public.⁵⁰ In 1975, the O.A.S. General Assembly similarly silenced a report on the abuses of the Pinochet regime in Chile.⁵¹

The American Convention on Human Rights (ACHR) was adopted in 1969, a full decade after states called for it to be drafted. The ACHR, while an expansive and demanding document,⁵² initially received very limited state support. At the time it was adopted, only 12 out of 23 states signed it, and it did not receive another signature until 1977. By 1976, only Costa Rica and Colombia had ratified it.

Within the U.N., Latin American states were similarly more focused on expanding the concept of non-intervention than compromising it for the sake of human rights. The 1965 Declaration on the Inadmissibility of Intervention in the Domestic Affairs and the Protection of their Independence and Sovereignty, adopted by the U.N. General Assembly, included language that mimicked almost exactly the expansive language on non-intervention from the O.A.S. Charter.⁵³ In the early 1970s, a group of Latin American states led an attempt to define political conditionality on aid as a form of “economic aggression.”⁵⁴ With respect to human rights, they focused on advocating for the rights to development and self-determination and the duty of developed states to assist in realizing these rights through international cooperation.⁵⁵

⁴⁹Thomas and Thomas 1972: 342; Norris 1980

⁵⁰Diuguid 1974; Kelly 2013

⁵¹Kelly 2018: 146

⁵²Buergenthal 1971; Goldman 2009: 865-866

⁵³U.N. General Assembly 1965 (hereafter UNGA, see Appendix Table A3 for text and comparison).

⁵⁴Domb 1978

⁵⁵For example, Argentine Raúl Prebisch’s work on dependency theory and his time as the first Secretary-General of UNCTAD were foundational to this framing.

4.1.2 Self-determination over human rights is compromised

Latin American states began to lose a voice in the design and enforcement of human rights following the overthrow of Salvador Allende in Chile in 1973,⁵⁶ an event which resulted in an unprecedented⁵⁷ reaction from the international community.⁵⁸ Attention soon spread to other Latin American and Caribbean countries, whose human rights records received far more attention than other regions.⁵⁹ Western leaders came under pressure to refrain from actions that were seen as supporting abusive regimes, especially trading with and providing economic and security assistance or development loans to repressive governments.⁶⁰ Some Western leaders became interested in promoting human rights on their own initiative, and they used all of the tools at their disposal to do so.⁶¹ As a result, human rights policy began to be devised and implemented by Western states through bilateral relations, IFIs, and Western regional organizations, moving human rights out of the egalitarian U.N. institutions that facilitated collective action at the global level and into institutional contexts that rendered their collective action ineffective.

In 1975, Chile became the first country to have its security assistance cut off on account of human rights violations.⁶² Once Jimmy Carter became president in 1977, the U.S. began to regularly threaten to vote against loans in the Inter-American Development Bank and the World Bank,⁶³ cut off security assistance,⁶⁴ and reduce trade with human rights violators.⁶⁵ In 1977, at the first O.A.S. General Assembly after Carter took office, U.S. Secretary of State Cyrus Vance announced the U.S.'s intention to link human rights with aid and trade.⁶⁶ By early 1978, assistance

⁵⁶Kelly 2013; Moyn 2010

⁵⁷Kelly (2013: p165) uses this term.

⁵⁸Kelly 2013: p178; Sikkink 2004; Moyn 2010.

⁵⁹Hafner-Burton and Ron 2013

⁶⁰Arts 2000; Young-Anawaty 1980

⁶¹"Carter and Human Rights, 1977-1981"

⁶²Binder 1975

⁶³Kedar 2018: 150

⁶⁴Cohen 1982

⁶⁵Benham 1977

⁶⁶Hearing before the Subcommittee on International Organizations of the Committee on International Relations, House of Representatives, 25 October 1977: 4.

was being regularly restricted to Latin American countries.⁶⁷

The Western hemisphere was the U.S.'s sphere of influence, and European governments had relatively fewer connections with Latin American states. Nevertheless, European states used what leverage they had, cutting off security assistance, reducing economic assistance, voting against loans in IFIs,⁶⁸ severing diplomatic ties,⁶⁹ and providing support and legitimation to domestic opposition movements of repressive leaders.⁷⁰ The European Commission began to discuss incorporating human rights conditionality into its preferential trade agreement with the Caribbean as early as 1978 as part of their broader agreement with African, Caribbean, and Pacific states.⁷¹

Western emphasis on civil and political rights and the use of political conditionality for enforcement exemplified the diminishment of the voice of Latin American states in the formulation and implementation of human rights policy. States in the region had long argued that economic, social, and cultural rights were of equal importance to civil and political rights. However, these rights were de-emphasized in Western human rights policy. The Central Intelligence Agency noted "unanimous" opposition to political conditionality across Latin America,⁷² with states viewing them as emblematic of lack of commitment to economic, social, and cultural rights by the West.⁷³ Additionally, the implementation of human rights using political conditionality was seen by most states in the global South as undermining economic, social, and cultural rights; abrogating the duty of developed states to realize these rights through international cooperation; violating the collective right to self-determination; and contravening international and regional

⁶⁷Action Memorandum From the Director of the Policy Planning Staff (Lake) to Secretary of State Vance, 20 January 1978, *FRUS*, 2013, II, 105

⁶⁸Rowen 1977; Memorandum From Jessica Tuchman of the National Security Council Staff to the President's Assistant for National Security Affairs (Brzezinski), 24 January 1977, *FRUS*, 2013, II, 4.

⁶⁹"The British Cabinet's 'New Approach' to Chile" 1979.

⁷⁰Kelly 2013: 178; Tomayo 1981.

⁷¹Arts 2000; Young-Anawaty 1980

⁷²Memorandum Prepared in the Central Intelligence Agency, 21 March 1977, *FRUS*, 2013, II, 25.

⁷³Paper Prepared in the Department of State, n.d., *FRUS*, 2018, XXIV, 4; Paper Prepared in the Department of State, n.d., *FRUS*, 2013, II, 24.

law on non-intervention. Enforcement using political conditionality was also inherently one-sided and could only be carried out against developing states by developed states, even if both engaged in human rights abuses. However, lacking institutional tools to reject these measures outright, they moved to take over the issue within the O.A.S. and to convince European leaders and the United States to defer to regional enforcement.

4.1.3 The move to regional enforcement

Through the early 1970s, states failed to ratify the American Convention on Human Rights (ACHR), withheld support for or actively undermined the Inter-American Commission on Human Rights (IACHR), and were unwilling to collectively challenge one another on human rights. However, after their self-determination was compromised, states became abruptly willing to engage with regional enforcement. This included accepting legal enforcement by ratifying the ACHR.⁷⁴ By ratifying this treaty, states accepted the Inter-American Court on Human Rights and delegated additional authority to the IACHR, including allowing the IACHR to publish reports of human rights violations without state approval, something that had muzzled their enforcement power up to that point.⁷⁵ States also began to consent to in-country visits from the IACHR to monitor their human rights and to accept the extended jurisdiction of the Inter-American Court to receive human rights complaints from the IACHR, providing a pathway for individuals to access the court. Figure 1 shows the jump after 1975 in annual in-country visits by the IACHR, total ratifications of the ACHR, and recognition of the court's jurisdiction to receive complaints from the IACHR.

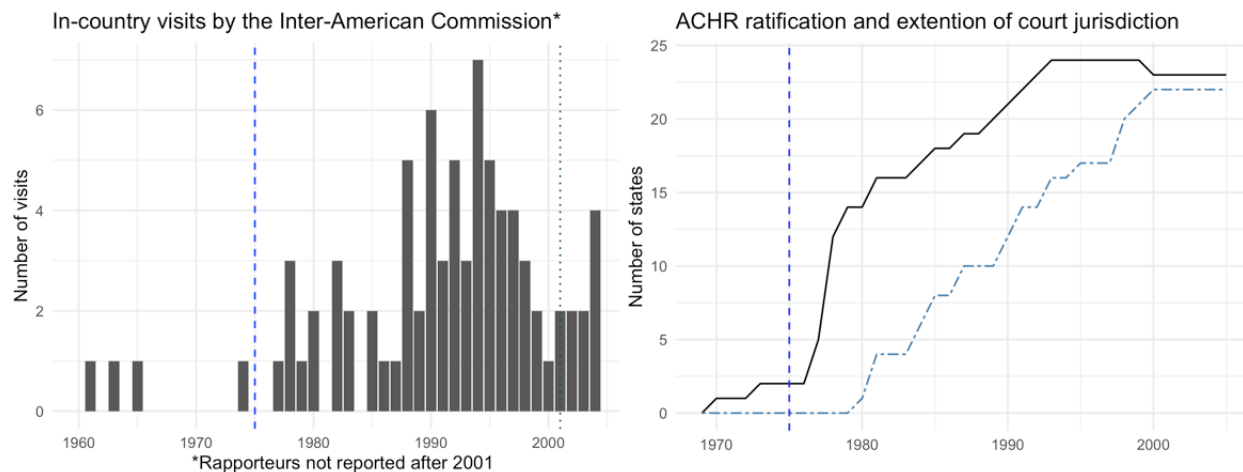
Their collective behavior also changed. In 1976, one year after effectively silencing a report on the brutal Augusto Pinochet regime, the O.A.S. General Assembly meeting was overwhelmingly dedicated to discussing and condemning the human rights violations in Chile. For the first time ever, they voted on a resolution targeting a member state's human rights. The resolution

⁷⁴See Simmons (2009) and Abbott *et al* (2000) for the importance of legalization.

⁷⁵Organization of American States 1969: 51(3).

passed with affirmative votes from every state except for Chile and Brazil.⁷⁶ In subsequent years, the O.A.S. General Assembly passed a number of resolutions calling out human rights violations of member states and strengthening the existing regional human rights machinery.⁷⁷

Figure 1. Regional human rights engagement before and after 1975



Dashed line in 1975 indicates when Western states moved to take control of human rights enforcement. In-country visits are an important mechanisms for observing human rights abuses.

It is important to underscore that, by this time, states viewed the regional system as costly and challenging, not an easy way to relieve pressure. By the mid-1970s, the IACHR had shown it was willing to challenge and criticize state behavior and to act independently. The IACHR's 1974 report on Brazil and 1975 report on Chile extensively detailed the systematic use of torture, illegal detentions, and extra-judicial killings.⁷⁸ When O.A.S. member states attempted to silence the report on the Chilean government, they leaked their report. After the report on Chile was released, the Chilean government responded by condemning the report as containing "false and exaggerated accusations."⁷⁹ Other states learned from these early experiences and used delay tactics to put off visits from the IACHR, providing all manner of reasons why the timing was not quite right

⁷⁶de Onis 1976a; de Onis 1976b.

⁷⁷O.A.S. General Assembly Resolution 371, OEA/Ser.P/AG/doc.1020/78/rev.2 at 99. Quoted in Norris 1980: 48; Organization of American States 1980; "Rights issue dominates OAS parley" 1977

⁷⁸Bernardi 2018; Sikkink 1993

⁷⁹Ropp and Sikkink 1999: 185

for a visit or questioning the integrity, credentials, and independence of the commission.⁸⁰ States noted privately that they were hesitant to open themselves up for “attack” in the Inter-American Court by ratifying the ACHR.⁸¹

Their positive engagement with human rights enforcement within the O.A.S. contrasted with their broad rejection of enforcement efforts outside of it. This global–regional divergence, observed in the behaviors of both proponents and opponents of human rights enforcement and in both democracies and authoritarian governments, fits uncomfortably with explanations for this delegation based purely on norm diffusion, socialization, democratization, or attempts to lock-in policy, attract material benefits, or signal commitment to reforms. However, it accords with the explanation that states were delegating authority at the regional level in order to maintain discretion over human rights in the face of outside actors attempting to impose authority. As noted in the previous section, states in the region uniformly rejected the use of aid, loans, and trade to enforce human rights, and this rejection continued after 1975. In 1977, the president of Venezuela, then an important proponent for human rights, maintained that cutting off aid was counter to regional norms of “self-determination, nonintervention [sic], and mutual respect.”⁸² These actions also were rejected by citizens of the states being targeted, with one U.S. newspaper reporting that reduction of aid had “aroused nationwide criticism [of the U.S.], even among opponents of the ruling military regime.”⁸³ In statements and resolutions in the U.N. General Assembly, Latin American states denounced the placing of human rights conditions on foreign assistance.⁸⁴

Latin American states also began to criticize extra-regional enforcement more broadly, claiming that extra-regional enforcement efforts were biased and politicized. In 1977, during the U.N. General Assembly debates, Costa Rica pointedly noted the “tendency” within the U.N.

⁸⁰Examples include Argentina (Telegram from the Department of State to the Embassy in Argentina, 26 June 1978, *FRUS*, XXIV, 83) and Paraguay (Briefing Memorandum From the Deputy Secretary of State (Christopher) to the Assistant Secretary of State for International Affairs (Maynes), 30 May 1977, *FRUS*, II, 52).

⁸¹Telegram From the Embassy in Nicaragua to the Department of State, 21 July 1978, *FRUS*, XV, 78

⁸²Andres Perez 1977.

⁸³Benham 1977.

⁸⁴UNGA 1977a; UNGA 1980b; UNGA 1987.

“to create ad hoc committees to investigate selectively cases of alleged violations of human rights with a predominantly political criterion.”⁸⁵ Similar complaints were made by Ecuador, both before⁸⁶ and after⁸⁷ its transition to democracy, Paraguay,⁸⁸ Nicaragua,⁸⁹ Chile,⁹⁰ and Uruguay.⁹¹

However, rather than rejecting human rights enforcement outright, states began to argue that extra-regional actors should defer to regional enforcement. This came from human rights proponents like Venezuela, whose representative stressed during the 1980 U.N. General Assembly debates that “we want the problems of Latin America to be solved only by Latin Americans.”⁹² It also came from countries that were under pressure for human rights abuses. In 1981, the president of the military junta of El Salvador, José Napoleón Duarte, asserted that regional organizations, “by their very nature, their proximity and the cultural roots of their members can understand more clearly the interpretation of what happens in their respective regions,” and that “Only states with no faith in the moral and legal strength of their arguments will try to repudiate...an international system which is structured from the regional to the global scale.”⁹³

For many individual states, rejection of enforcement at the global level was in stark contrast to their willingness to engage with enforcement at the regional level.⁹⁴ In one particularly striking example, during the 1980 U.N. General Assembly open debates, the Guatemalan delegate condemned the international “campaign” to “undermine [Guatemala’s] international prestige.” The delegate noted that the Guatemalan people “rejects *any kind of interference in its domestic affairs*,” before proceeding immediately to say that, “Precisely for that reason,...we have extended an invitation...to the Inter-American Commission on Human Rights of the Organization of Amer-

⁸⁵UNGA 1977a

⁸⁶UNGA 1977b

⁸⁷UNGA 1980a

⁸⁸UNGA 1977d

⁸⁹UNGA 1977c

⁹⁰UNGA 1977e

⁹¹UNGA 1977f

⁹²UNGA 1980d

⁹³UNGA 1981a

⁹⁴Krasner (1999a) observes that states are frequently hypocritical with respect to sovereignty and intervention. However, the form that state hypocrisy takes in this instance is instructive.

ican States to visit Guatemala to observe our full enjoyment of human rights.”⁹⁵ Other states refrained from openly contradicting themselves but took similar approaches. For example, in 1975, the Chilean government refused to allow a U.N. Commission on Human Rights working group to conduct an on-site visit, and in 1976, consented to an on-site visit by the O.A.S. Secretary General.⁹⁶

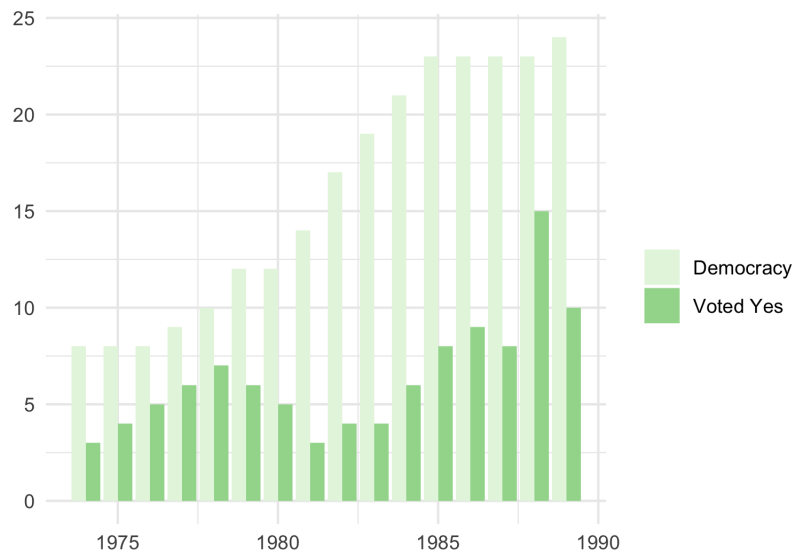
Although in 1976 the majority of O.A.S. member states were autocracies, they collectively moved to enforce human rights within the region while withholding support for enforcement at the global level. As noted above, at the 1976 O.A.S. General Assembly, every state but Brazil and Chile voted in favor of a resolution on Chilean human rights abuses. At the U.N. General Assembly later that year, only five O.A.S. member states voted in favor of a resolution on the human rights situation in Chile. Even as the region moved towards democracy, newly democratic states maintained their resistance to global enforcement. As shown in Figure 2, Latin American democracies remained surprisingly unwilling to support U.N. resolutions condemning Chile.

In this short period of time, states in Latin America abruptly began to cooperate within the region on enforcing human rights, while simultaneously resisting global enforcement and calling for regional solutions to regional problems. This was the case both for actors that wanted to see improvements on human rights and those who did not. It also started *before* and continued through the widespread democratization of the 1980s. All of this is hard to square with explanations of regional delegation based purely on norm diffusion, normative fit, or democratization, but it is consistent with efforts to regain self-determination and re-establish a voice over human rights enforcement.

⁹⁵UNGA 1980c, Emphasis mine.

⁹⁶de Onis 1976b

Figure 2. Support by O.A.S democracies for U.N. General Assembly Resolutions condemning Chile



From 1974-1989, U.N. General Assembly Resolutions condemning human rights violations in Chile were passed annually. A large proportion of democratic member states of the O.A.S. withheld support for the resolutions throughout this time.

4.1.4 Assessing regional versus global commitments

Starting in the mid-1970s, states in Latin America accepted regional enforcement authority earlier and under more challenging circumstances than global authority. In this section, I examine ratification behavior, comparing ratification of the ACHR⁹⁷ with the ICCPR and its First Optional Protocol. Notably, regional enforcement bodies have greater authority than the U.N. Human Rights Committee, the treaty body established by the ICCPR,⁹⁸ most notably through the ability to issue legally binding decisions on human rights violations. I focus on compulsory enforcement authority, or authority accepted through a legally binding commitment, because of the importance of legal commitments for creating expectations for state behavior.⁹⁹

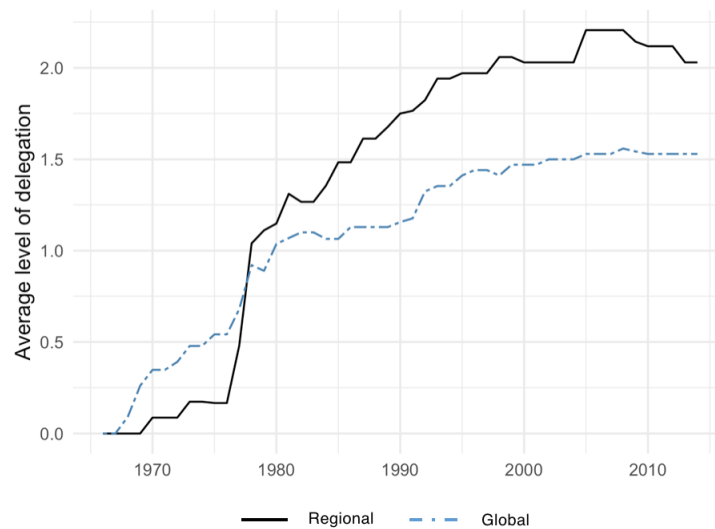
⁹⁷Beginning in 2005, members of the Caribbean Community could also accept the appellate jurisdiction of the Caribbean Court of Justice.

⁹⁸Table A2 in the Appendix breaks down the authority of the regional and global bodies.

⁹⁹Simmons 2009

To compare each state's over-time level of delegation, I rate each global and regional mechanism's enforcement authority on a scale of zero to three, where zero indicates that the state has not ratified a human rights treaty. A value of one indicates the authority to comment on a state's self-reported implementation of a treaty, two indicates that the enforcement body can make non-binding decisions on complaints of human rights violations brought by individuals. The highest level of enforcement authority is the ability make legally-binding decisions on complaints of human rights violations brought by individuals. This follows a broad consensus amongst policy-makers, academics, and civil society that judicialization and legalization are the strongest and most challenging forms of enforcement for human rights.¹⁰⁰ Based on this, Figure 3 shows the average level of delegation of O.A.S. member states to regional versus global bodies.¹⁰¹ The average level of regional delegation surpassed global delegation in 1978 and has remained higher since.

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



1 = comment on self-reporting; 2 = non-binding decisions on individual complaints;
3 = legally-binding decisions on individual complaints

¹⁰⁰For example, see Voeten 2017: 199

¹⁰¹I focus on treaty bodies that deal broadly with civil and political rights, and not specialized treaty bodies, as I expect different logics to apply to specialized treaties.

Average regional delegation for O.A.S. member states exceeded average global delegation in 1978. Regional delegation includes Caribbean Court of Justice appellate jurisdiction beginning in 2005.

As this figure shows, after 1975, state ratification behavior began to reflect the preference for regional enforcement. States ratified the ACHR on average 5.6 years before they ratified the First Optional Protocol of the ICCPR.¹⁰² They also ratified the ACHR 0.9 years before the ICCPR, even though the ICCPR alone entails only self-reporting and does not include an individual complaints mechanism. The behavior of non-democracies, those most likely to be challenged by human rights enforcement, changed substantially after 1975. As illustrated in Table 1, after 1975, non-democracies began to ratify the ACHR in large numbers, while overwhelmingly refraining from ratifying the Optional Protocol.

Table 1. Number of new ratifications by regime type, before and after 1975

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

At the individual state level, this disparity was the result of several behaviors. Some states ratified the ACHR after announcing plans for political liberalization and then waited to ratify the Optional Protocol until after they completed democratization (Bolivia, Honduras, Mexico, Paraguay, and Peru). A couple ratified the ACHR with no plans for political liberalization, and then ratified the Optional Protocol long after the ACHR and after they had democratized (Guatemala and El Salvador). Others ratified the ACHR immediately after democratizing and then waited several years to ratify the Optional Protocol (Brazil, Argentina, and Chile). Figure 4 illustrates these patterns, plotting the timing of ratification for states that experienced some period of authoritarianism after 1970.

¹⁰²The ACHR was adopted in 1969 and the ICCPR was adopted in 1966.

Figure 4. Democratic transitions and ratification of human rights treaties¹⁰³

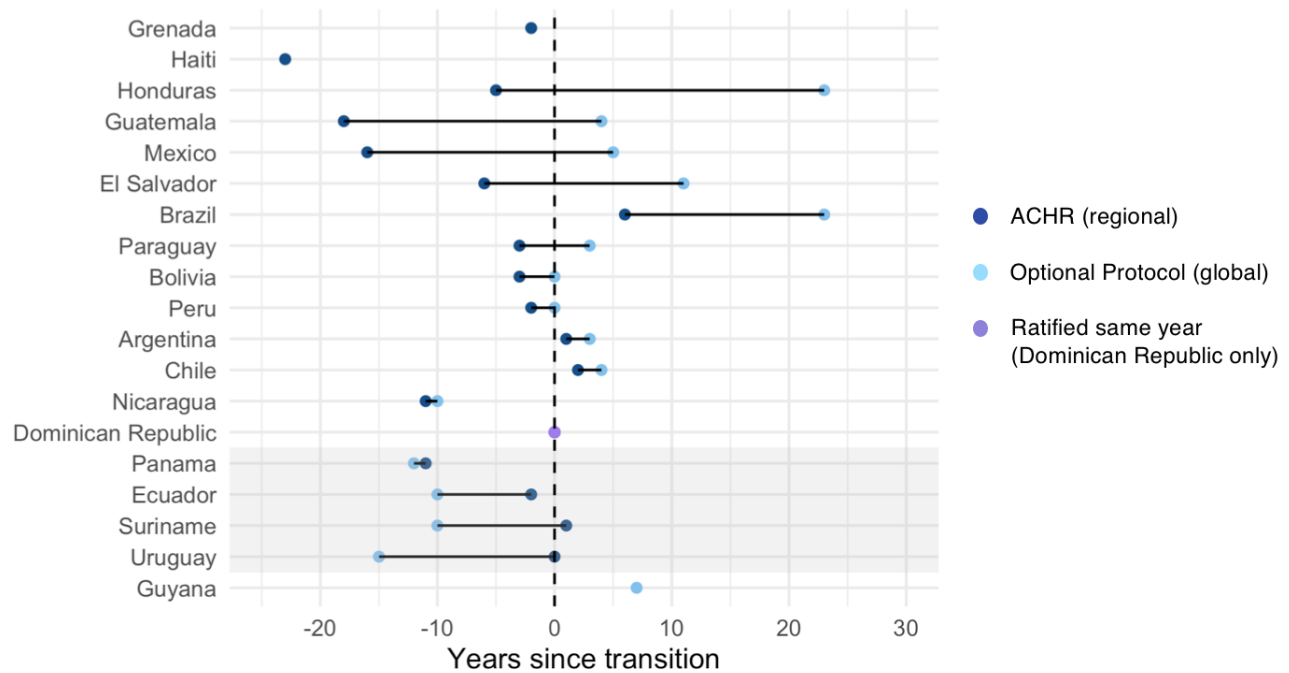


Figure shows ratification of American Convention on Human Rights and the First Optional Protocol to the ICCPR relative to the timing of democratic transition. States ratified the regional treaty earlier in the process of democratization and before the global treaty. Vertical line indicates year of transition,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

These patterns are significant because existing theories predict that governments transitioning to democracy have strong incentives to send costly signals of their democratic bona fides and bind future regimes to reforms by ratifying human rights treaties.¹⁰⁴ The evidence in the case of Latin America suggests that leaders did, in fact, use human rights treaties for these purposes, but they systematically preferred to do so using regional treaties. I provide more details on circumstances surrounding ratification for each state shown in Figure 4 in the Appendix.

Overall, states in Latin America – both democracies and non-democracies – were only willing to collectively move to empower the O.A.S. to enforce human rights after their self-determination over human rights was compromised. After this happened, they attempted to

¹⁰³Figure uses Polity2 score of 6 or higher to indicate democracy. Cheibub *et al* used for countries with no Polity2 scores.

¹⁰⁴Hafner-Burton *et al* 2015; Moravcsik 2000

move human rights policy out of the global level and into the regional level, even though regional mechanisms were highly critical of state practice.

4.2 Regional mechanisms across the global South

Initially, states in Africa, Southeast Asia, and the Middle East were all equally unwilling to compromise on non-intervention principles,¹⁰⁵ but only in Africa and only after their self-determination was compromised did states create and accept regional enforcement authority. Limiting my scope to the Cold War period, I briefly provide illustrative evidence that differences in whether states' self-determination was compromised explains these different outcomes. I show that Western foreign policy extensively targeted human rights abuses in non-apartheid Africa, as it did in Latin America, while actively overlooking or downplaying human rights abuses in the Middle East and Southeast Asia. In Africa, as with Latin America, states used regional human rights mechanisms to regain their voice over human rights and exclude extra-regional actors from enforcement. Conversely, states in the Middle East and Southeast Asia maintained their stance on complete non-intervention.

African states began to delegate regional authority a few years after Latin America. Non-apartheid African states had briefly escaped the kinds of pressures faced by Latin American states from the U.S.,¹⁰⁶ the U.K.,¹⁰⁷ France,¹⁰⁸ and the European Community,¹⁰⁹ but this changed after reports in 1977 of horrific abuses being carried out in Uganda under Idi Amin. That year, European governments, embarrassed by their *de facto* financial support of Amin and facing domestic pressure,¹¹⁰ issued the "Uganda Guidelines," a policy intended to ensure aid to Uganda did not

¹⁰⁵For Africa, see Ojo and Sesay 1986: 91-92, Umozurike 1983: 902-903. For Southeast Asia, see Aggarwal and Chow 2010. For the Middle East, see Barnett 1995.

¹⁰⁶Briefing Memorandum From the Assistant Secretary of State for Congressional Relations (Bennet) to the Deputy Secretary of State (Christopher), June 18, 1977, *FRUS*, 2013, II, 62.

¹⁰⁷Carr 2004: 101-105

¹⁰⁸Hollick 1981: 208

¹⁰⁹Kamminga 1989

¹¹⁰Milner 1997; 2006

support Amin's regime.¹¹¹ In late 1978, they attempted to link human rights with all trade and economic assistance to Africa by adding human rights conditions to the Lomé Convention, an agreement governing trade and economic assistance between the European Economic Community and African, Caribbean, and Pacific states, which had come up for renegotiation.¹¹² The U.S. government similarly become much more focused on African human rights only beginning in 1977 and 1978.¹¹³

In April 1979, there was an international outcry over a massacre of schoolchildren in the Central African Empire (now Republic), in which dictator Jean-Bédél Bokassa was reported to have personally participated. The French government had, up until then, been largely uninterested in incorporating human rights into its foreign policy. However, the incident was deeply embarrassing for French president Valéry Giscard d'Estaing, who was known to be a personal friend of Bokassa,¹¹⁴ and the French government, which covered most of the regime's budget.¹¹⁵ In May 1979, France cut off security assistance to the country, followed by everything but humanitarian assistance in August 1979,¹¹⁶ and helped to overthrow Bokassa in September.¹¹⁷

As with Latin American states, African states rejected human rights conditionality as inappropriate. They additionally argued that human rights should be left to the United Nations.¹¹⁸ At the annual summit of African heads of state in July 1979, in the middle of this international outcry and while renegotiations of the Lomé Convention were still happening, African leaders officially called for the drafting of an African human rights charter. They were motivated, in part, by their recognition of the importance of human rights to donor states, which many saw as neo-

¹¹¹King 1997

¹¹²Oyewumi 1991; Young-Anawaty 1980

¹¹³Note from the Deputy Secretary of State (Christopher) to Secretary of State Vance, 1 June 1977, *FRUS*, 2013, II, 53; Action Memorandum From the Director of the Policy Planning Staff (Lake) to Secretary of State Vance, 20 January 1978, *FRUS*, 2013, II, 105

¹¹⁴"Vive la France?" 1979

¹¹⁵"Papa Bok is a millstone to France" 1979

¹¹⁶"France cuts off aid to African emperor" 1979

¹¹⁷"Central African Emperor Deposed in Bloodless Coup; Republic Restored with French Aid" 1979

¹¹⁸King 1997; Young-Anawaty 1980

colonial and a mask for the West's Cold War ideology.¹¹⁹ At the next negotiation session for the Lomé Convention in October 1979, three months later, European states dropped discussions of adding human rights provisions.¹²⁰ Afterwards, referencing the abandoned provisions, the Commissioner of the European Economic Community stated that the move by African heads of state to create a human rights charter was "exactly what we wanted to say and show to our peoples."¹²¹

European leaders, especially the European Parliament, continued to press for incorporation of human rights into the Lomé Convention. Five years later, in 1985, they succeeded in adding human rights provisions to the treaty. The following year, the number of state ratifications of the African Charter increased from 16 to 30, resulting in both the charter and the African Commission on Human and Peoples' Rights which it established coming into force.

In contrast, human rights did not become an important component of Western foreign policy in Southeast Asia or the Middle East. One Amnesty International report from 1994 criticized Western governments for "acquiescence" to Indonesian human rights violations throughout the Cold War, included high volumes of aid and trade that continued uninterrupted throughout this period.¹²² Similarly, in the Philippines, human rights considerations were outweighed by the U.S. renegotiations over the lease to a military base that provided important access to the region.¹²³ Across the Middle East, Western governments prioritized access to oil in the aftermath of the 1973 and 1979 oil crises and resolving the Israel-Palestine conflict over promotion of human rights.¹²⁴

In fact, U.S. foreign policy documents that have since been declassified are filled with references to the perceived need to limit engagement on human rights with economically or politically important governments in order to maintain the cooperation of these governments on

¹¹⁹Young-Anawaty 1980

¹²⁰Young-Anawaty 1980: 92-93

¹²¹Quoted in Young-Anawaty 1980: footnote 127

¹²²Amnesty International 1994

¹²³Hawes 1986

¹²⁴Jacobs 2016; Action Memorandum From the Director of the Policy Planning Staff (Lake) to Secretary of State Vance, 20 January 1978, *FRUS*, 2013, II, 105

“vital” interests.¹²⁵ A memorandum from Anthony Lake, the director of Policy Planning in the State Department, noted that “political factors” led the U.S. to be “softer” on some countries, and this had resulted in “[r]egional discrimination,” with the Middle East and East Asia, in particular, being spared consistent pressure.¹²⁶

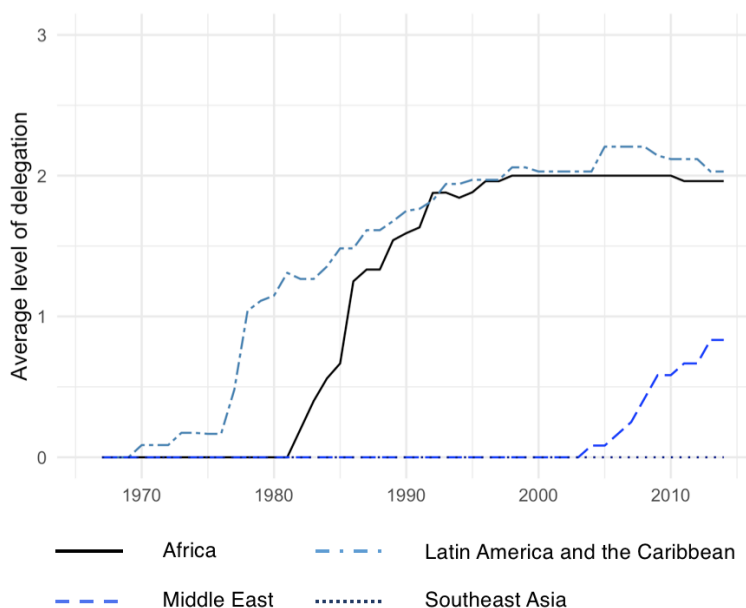
As a result, in contrast to the sudden and dramatic willingness to compromise on non-intervention that occurred in Africa and Latin America, in both Southeast Asia and the Middle East, there was no reason for states to move from global collective action to regional enforcement. Descriptive statistics of over-time trends in average levels of regional delegation in these four regions show that both the timing of the move to regional enforcement and the level of authority delegated correspond very closely to when, or whether, their self-determination was compromised. Figure 5 illustrates these trends, using the same coding scheme for level of delegation as used in Figure 3 in the previous section.

For both Latin America and Africa, regional delegation dramatically increased shortly after Western states moved to take over enforcement of human rights, which began in approximately 1975 and 1978, respectively. Conversely, in ASEAN, there has yet to be any compulsory delegation. In the Arab League, minimal delegation occurred only much later, after the U.S. incorporated human rights into its Middle Eastern foreign policy after 9/11, although for member states of the Arab League, their overall level of regional delegation remains very low compared to Africa and Latin America.

¹²⁵Paper Prepared by the Policy Planning Staff, n.d. *FRUS*, 2013, II, 122.

¹²⁶Action Memorandum From the Director of the Policy Planning Staff (Lake) to Secretary of State Vance, 20 January 1978, *FRUS*, 2013, II, 105

Figure 5. Average delegation of compulsory authority, by region



1 = comment on self-reporting; 2 = non-binding decisions on individual complaints;

3 = legally-binding decisions on individual complaints

Increased regional delegation corresponds to when self-determination was compromised in Latin America (1975), African (1978), and the Middle East (2001). No compulsory enforcement authority in Southeast Asia.

5 Alternative explanations

Are states merely adopting regional mechanisms that are weak and incur few sovereignty costs, effectively forum shopping for safer or less challenging alternatives to global enforcement? This explanation does not account for why states suddenly became willing to accept these mechanisms after resisting them for decades. It also cannot explain why human rights proponents within these regions acted the way they did, pushing for regional enforcement over extra-regional enforcement.

Existing evidence also contradicts this explanation on two counts. First, evidence indicates that regional mechanisms in Latin American and Africa are, in fact, costly for states.¹²⁷ In Latin

¹²⁷See Keck and Sikkink (1998) on the IACHR and Egede (2007); Heyns (2004); and Umozurike (2007) on the African Commission.

America, the IACHR's reports have been highly critical of state practice and have been an important component of mobilizing the international community,¹²⁸ while the Inter-American Court has made "enthusiastic" use of its powers to order remedies.¹²⁹ In Africa, the African Commission has investigated and condemned state behaviors in a number of highly contentious situations, like human rights violations in South Sudan in the early 1990s, executions of political activists by the Nigerian government in 1995, and in the more recent case of Burundi, discussed above. One study found that 70 % of human rights recommendations by the African commission have elicited at least partial compliance from states.¹³⁰ Perhaps more importantly, evidence suggests that, in making the decision to accept regional enforcement, states did not appear to view it as an easier alternative. As discussed in the section on the O.A.S., especially after Chile's invitation to the IACHR in 1974 proved far costlier than the Chilean government had anticipated, states resisted or dragged their feet in response to requests by the commission for visits and only ratified the ACHR under significant pressure. Prior to adopting their regional charter, African state officials expressed concern that the charter gave the African Commission authority to engage in interference, but states adopted it anyway.¹³¹

Another alternative explanation is that these changes can be explained by pre-existing normative fit.¹³² However, this cannot account for the preference for regional enforcement, the simultaneous rejection of extra-regional enforcement, or the timing of the creation of regional mechanisms. Similarly, it is possible to reject the alternative explanation that states preferred regional mechanisms because they were a better fit for local norms.¹³³ In Latin America, the regional preference for equal attention to economic, social, and cultural rights is not reflected in the ACHR, which includes only one article calling on states to progressively realize these

¹²⁸Forsythe 1991; Sikkink 1993

¹²⁹Neuman 2008: 104

¹³⁰Viljoen and Louw 2007

¹³¹Gittleman 1981: 669 fn 10

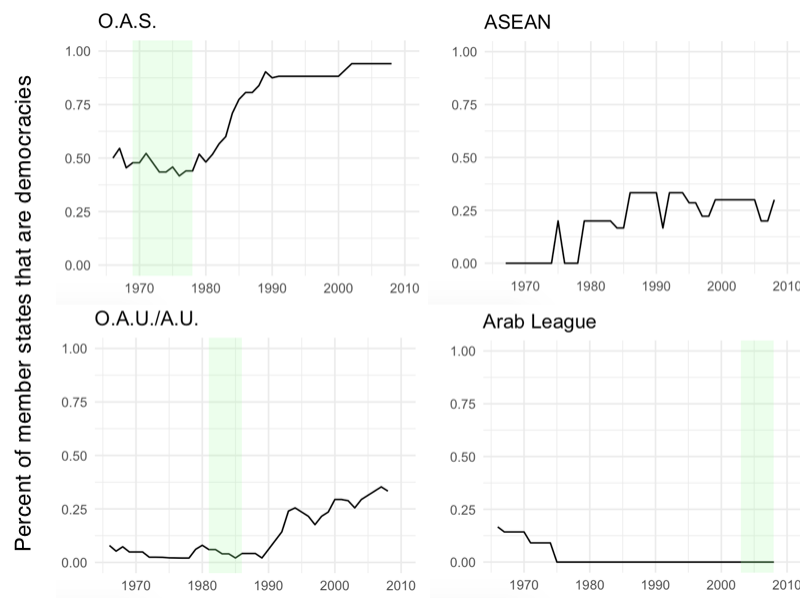
¹³²Aggarwal 1985; Coe 2020; Sikkink 2014

¹³³Acharya 2004

rights.¹³⁴ The African charter includes both collective rights, which are considered to reflect African norms,¹³⁵ and “Western” individual rights. Physical integrity rights are included without qualification. Additionally, in both regions, the commissions and courts can, and in practice do, draw broadly from all international human rights law when making decisions.¹³⁶

Although regime type and regional democratization appear to play some role, it also cannot alone explain these changes. In all four regions, as shown in Figure 6, there has been a lack of overlap between important moves towards expanding human rights mechanisms and overall levels of democracy. In Southeast Asia, political liberalization since the 2000s by some of the most powerful states in the region has not overcome the reluctance of holdouts, suggesting that regional democratization may be important or even necessary, but it is not sufficient.

Figure 6. Regional democracy and changes towards regional enforcement



Shading indicates the period between when a human rights charter was adopted within a regional organization and when it came into force. There is no apparent relationship between regional democratization and regional moves towards regional enforcement of human rights. Figure uses Cheibub *et al*'s (2010) binary indicator of democracy.

¹³⁴Organization of American States 1969: Article 26

¹³⁵Ake 1987

¹³⁶Neuman 2008; Amoah 1992

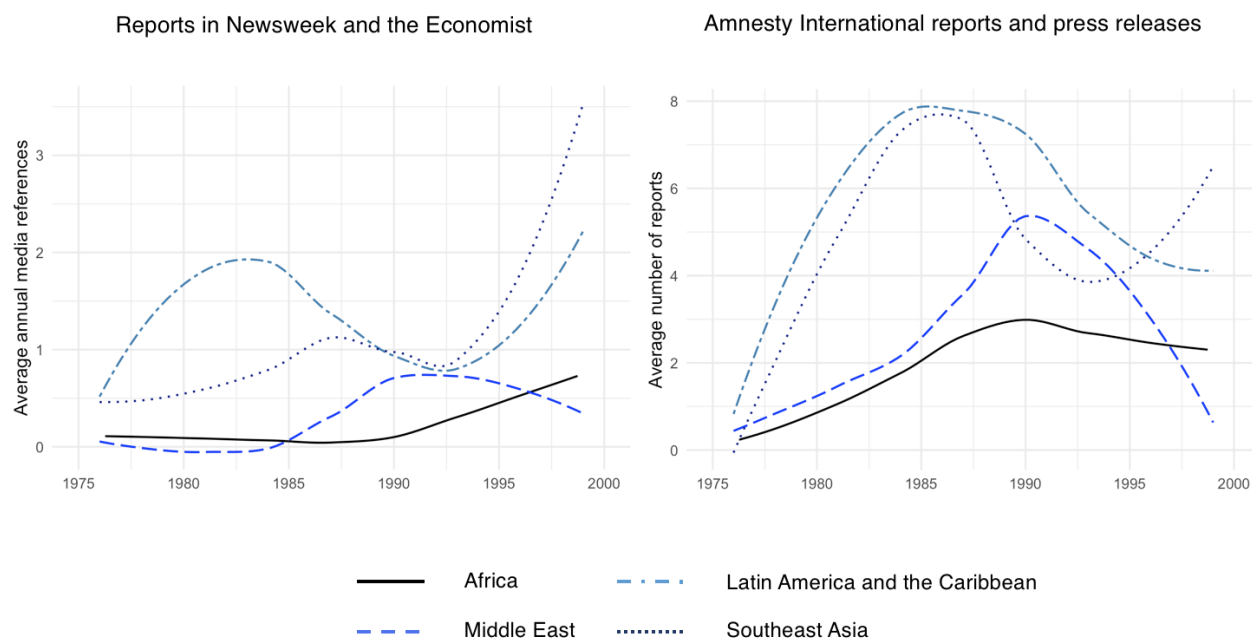
Pressure from a regional hegemon also cannot explain the move to regional enforcement. In Latin America, the most likely region for this explanation, there is no reason for states to have softened their stance on the non-intervention doctrine, which was specifically intended to constrain the U.S., if all that changed was that the U.S. became interested in human rights. This is especially true since state leaders remained suspicious of the U.S.'s intentions throughout Carter's presidency.¹³⁷ Additionally, evidence from declassified government documents indicates that the Carter administration pushed for enforcement through the O.A.S. because they believed that regional enforcement would be more acceptable than U.N. enforcement to Latin American states, not because U.S. officials preferred it.¹³⁸

Finally, it could be the case that it was international pressure and not self-determination that explains the creation of regional mechanisms. However, as Figure 7 shows, cross-regional variation does not correspond to international pressure or attention, either in the form of media focus or the release of Amnesty International background reports and press releases. For both measures, member states of ASEAN received far more attention than members of the O.A.U. and yet did not delegate regional authority. This explanation also does not account for why states responded to international pressure with a clear, sustained preference for regional enforcement. Rather, international pressure had an indirect effect on regional delegation, leaving powerful states with discretion over where to enforce human rights and the recipients of pressure with discretion over how to respond. The decision to respond by delegating greater authority to their own regional organizations indicates that self-determination drove their decision.

¹³⁷Memorandum Prepared in the Central Intelligence Agency, 21 March 1977, *FRUS*, 2013, II, 25.

¹³⁸Paper Prepared in the Central Intelligence Agency, June 1977, *FRUS*, XXIV, 16.; Paper Prepared in the Department of State, n.d., *FRUS*, 2013, II, 205.

Figure 7. International attention on human rights violations, by region



Greater international attention on ASEAN member states did not translate into the creation of regional mechanisms. Data taken from Wong and Hendrix (2013). Figures calculated using average number of news reports and average number of Amnesty International releases for all member states in each year. Figure shows fitted loess curve.

6 Conclusion

It is easy to look at the changes that have occurred within regional organizations in the global South as evidence of the broad acceptance of human rights or, conversely, to see rejection only in instances of overt backlash or defiance. Instead, the findings in this paper demonstrate that states integrated human rights into their regional organizations as a form of subtle resistance to unwanted international pressure. States in the global South were willing to compromise on non-intervention within their regions because doing so allowed them to increase their self-determination and subtly contest the authority of powerful states to enforce human rights. This was true for both regional proponents, like the leaders of Costa Rica, Colombia, and Venezuela, and opponents of international human rights, like the regimes in Chile, El Salvador, and Guatemala.

My findings demonstrate that maintaining self-determination is an important goal for states, and some outcomes and behaviors – such as resistance to global enforcement by human rights proponents – cannot be explained without accounting for this. Second, by assuming that the move from non-intervention to regional enforcement indicates acceptance of human rights, scholars overstate the stability and degree of internalization of human rights norms. Finally, these findings highlight the extent to which weak states can respond to pressure in surprising and creative ways that can alter the behavior of powerful states or even what powerful states conceive of as appropriate or optimal.

These findings have implications for how scholars and policy-makers think about voluntarism and coercion. An absence of self-determination, and the presence of subtle forms of coercion or the anticipation of punishment, can undermine norm internalization, as individuals grow resentful of policies and the methods used to elicit compliance. Reluctant compliance with international policies can be expected to result in worse policy outcomes compared to genuine buy-in and commitment. Cooperative relationships built on subtle or indirect coercion are unlikely to engender loyalty. Overall, this should compel scholars to re-examine the liberal world order, which has been based on power disparities so large that it looks like consensus. As the world becomes more multipolar, it is unsurprising to see discontent becoming both visible and widespread.

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Appendix

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

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

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

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

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

Figure A1. Delegation of global compulsory enforcement authority, by region

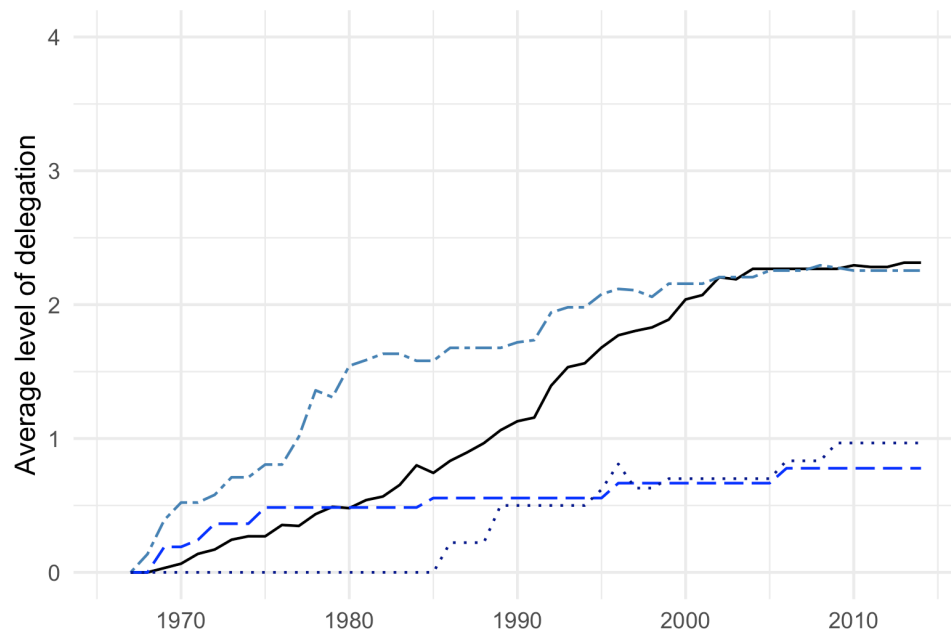


Table A2. Authority of Regional and Global Human Rights Enforcement Bodies

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

*Requires additional declaration

Table A3. Original text for all primary sources cited

Footnote	Source	Text from source
1	Barbiere, Cecile. 2017. "EU fails to convince ACP countries to sanction Burundi." <i>Euractiv</i> , 23 June.	<p>"European representatives submitted a resolution to the EU-ACP assembly condemning the country's authoritarian drift and human rights abuses, but it did not pass.</p> <p>"It's the same situation again and again. African countries reject all criticism from Europe concerning human rights and the political situation. We saw the same sweeping rejection at the last assembly over the situation in Gabon," said German socialist MEP Jo Leinen.</p> <p>After its first resolution was rejected by the majority of ACP countries, the EU submitted a new, edited version. "The European Union proposed to send a new observation delegation to Burundi to witness the situation and delay the vote on a resolution until the next assembly. This proposal was also rejected," Leinen added.</p> <p>"There is a real refusal by African countries to accept lessons on human rights from European countries. Even if some countries do condemn the attitude of Burundi," the MEP said."</p>
2	African Union. 2015a. Assembly of Heads of State and Government. Twenty-Fifth Ordinary Session. Decision on the Report of the Peace and Security Council on Its Activities and the State of Peace and Security in Africa. Assembly/AU/Dec.583(XXV), Paragraph 15.	The Assembly,... EXPRESSES its concern in the face of the grave crisis in Burundi and the risk that the current political impasse poses to the gains made by the Arusha Agreement for Peace and Reconciliation in Burundi and to the Comprehensive Cease-fire Agreement of 2003. Council condemns all acts of violence in Burundi, calls for respect for human rights and fundamental freedoms and urges all the Burundian stakeholders to uphold the spirit of dialogue and consensus and to find a lasting political solution to the current crisis in accordance with the Arusha Agreement and the Constitution of Burundi. The Assembly expresses its full support to the efforts of the East African Community (EAC) and those being deployed by the Chairperson of the Commission. It welcomes the work of the PSC in finding a solution and calls for the implementation of the relevant decisions;
2	African Union. 2016. AU Peace and Security Council Communique. 631st Meeting, PSC/PR/COMM.(DCXXXI), 6 October.	Council,... Strongly condemns all incidents of violations of human rights, arbitrary arrests and targeted killings by whomsoever in the country and urges the Government to take further stern and urgent measures to put these actions to a definite end;

3	African Union. 2017. Assembly of Heads of State and Government. Twenty-Eighth Ordinary Session. Decision on the Report of the Peace and Security Council on Its Activities and the State of Peace and Security in Africa. Assembly/AU/Dec.629(XXVIII), Article 9.	<p>The Assembly,... WELCOMES and FULLY SUPPORTS the sovereign decisions taken by Burundi, South Africa and The Gambia as pioneer implementers of the Withdrawal Strategy, regarding their notification of withdrawal from the ICC;</p> <p>The Assembly,... URGES the East African Community (EAC), with the support of the AU, to take the necessary steps for the resumption of the Inter-Burundian inclusive Dialogue and CALLS UPON the Government of Burundi and all other relevant Burundian stakeholders to fully participate in the process. The Assembly FURTHER URGES the Government of Burundi to sign the Memorandum of Understanding (MoU) regarding the deployment of AU Human Rights Observers and Military Experts in the country. The Assembly CALLS UPON the Burundian Government and all Burundian stakeholders to adhere to the provisions of the Constitution of the country and the Arusha Agreement of 2000, which is the corner stone of peace in the country, in resolving their political differences, for the benefit of their country and the people of Burundi;</p>
4	African Union 2015b. "Beginning of the deployment in Burundi of the African Union human rights observers and experts." AU Peace and Security Council. 23 July.	Addis Ababa, 22 July 2015: The Commission of the African Union (AU) has begun today the deployment in Burundi of an advance team of human rights observers and military experts. This process will continue over the coming days, in parallel with the recruitment of civilian personnel and the generation of military experts' from the AU Member States specifically dedicated to the mission envisaged in Burundi.
31	Organization of American States. 1948. Charter of the Organization of American States, "Pact of Bogota." 30 April: Article 15	<p>ARTICLE 15</p> <p>No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements.</p>
36	The Ambassador in Colombia (Wiley) to the Secretary of State, 27 December 1945, <i>FRUS</i> , 1969, IX, 156.	<p>Colombia has been able to agree, after a serious process of struggles and difficulties, on what are the rights of man and of the citizen within its territory, and I doubt very strongly that her inhabitants would be willing to introduce changes in that criterion, even though the majority of the nations of the continent and the world might find it at fault. And Colombia understands that what could be said of her, could occur and would occur undoubtedly to any other American or world state, no matter what its internal political regime may be, or the degree of protection which it gives to those rights.</p> <p>But undoubtedly there arises around this theme, the essential problem of non-intervention. It has cost the American peoples a great deal to consecrate this principle, and this principle has not only been adopted in international declarations, but also in practice after occurrences which today in our relations are not considered adverse factors, but which no one on our continent has forgotten. The great historical rectification of the last years is obviously and above all a rectification; which implies that there were acts contrary to that policy of non-intervention which for a long time made impossible the American solidarity it stands before the world today.</p>

42	Statute of the IACHR quoted in Goldman. 2009. "History and Action: The Inter-American Human Rights System and the Role of the Inter-American Commission on Human Rights." <i>Human Rights Quarterly</i> , 31(4): 862	<p>The Commission was assigned the following functions and powers in Article 9 of its Statute:</p> <ul style="list-style-type: none"> (a) To develop an awareness of human rights among the peoples of America; (b) To make recommendations to the governments of the member states general, if it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic legislation and, in accordance with their constitutional precepts, appropriate measures to further the faithful observance of those rights; (c) To prepare such studies or reports as it considers advisable in the performance of its duties; (d) To urge the governments of the member states to supply it with information on the measures of human rights; (e) To serve the O.A.S. as an advisory body in respect of human rights.
50	Lewis H. Diuguid. 1974. "OAS Ministers Table Study of Brazil Rights Violations." <i>Washington Post</i> , 2 June.	<p>The report detailed a unionist's death and evidence of torture of about 40 prisoners--giving names of tortured and torturers--and drew the "vehement presumption" of grave violations of human rights standards to which Brazil formally has adhered.</p> <p>But in receiving the report, the foreign ministers voted unanimously "to take note...to thank the commission"--and to avoid any discussion.</p>
53	U.N. General Assembly. 1965. "Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and Protection of Their Independence." 20th Session, Resolution 2131(XX). (compared to related articles from O.A.S. Charter 1948)	<p><i>U.N. General Assembly resolution text:</i></p> <p>1.No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned.</p> <p><i>O.A.S. Charter text:</i></p> <p>ARTICLE 15</p> <p>No State or group of States has the right to intervene, directly or indirectly, or any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements.</p> <p><i>U.N. General Assembly resolution text:</i></p> <p>2.No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.</p> <p><i>O.A.S. Charter text:</i></p> <p>ARTICLE 16</p> <p>No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.</p>

62	Binder, David. 1975. "US relations with Chile have reportedly deteriorated in recent weeks." <i>New York Times Abstracts</i> , 19 November.	US relations with Chile have reportedly deteriorated in recent weeks because of disputes over human-rights issues. Adm officials say Chile has so far failed to cooperate with investigations of alleged human rights violations planned by UN and OAS. Chilean Govt has protested affirmative US vote in UN Soc, Cultural and Humanitarian Com on resolution calling for protection of human rights in Chile. Chile, for first time, has been excluded from Pres Ford's mil-asst proposal in apparent results for its stand on human rights issue (M).
65	Benham, Joseph L. 1977. "Why Latin Americans Are Bitter about Carter." <i>U.S. News and World Report</i> . 4 April.	Congressmen and other U.S. officials have urged Americans to boycott coffee, a major Latin-American export. Even Carter has been photographed in the White House sipping tea.
66	Hearing before the Subcommittee on International Organizations of the Committee on International Relations, House of Representatives, 95th Congress, 1st Session, 25 October 1977: 4	Fifth, we have examined our bilateral economic assistance programs with an eye towards insuring that they go to benefit people and not to strengthen the hold of repressive governments. We are hopeful of increasing the levels of our assistance to the development of the world's poorest countries and its poorest peoples. But as Secretary Vance said at Grenada, at the General Assembly of the Organization of American States in June, "Our cooperation in economic development must not be mocked by consistent patterns of gross violation of human rights."
67	Action Memorandum From the Director of the Policy Planning Staff (Lake) to Secretary of State Vance, 20 January 1978, <i>FRUS</i> , 2013, II, 105.	<p>Regional Discrimination</p> <p>Our actions can also be read as focusing on Latin America as the best theater for human rights activity, at little risk to other American interests. As earlier noted, we have opposed or urged deferral of 22 IFI loans to Latin America; seven to Africa; and four to East Asia. Our military programs in Latin America have been massively affected by human rights considerations; only marginally so in East Asia; and not at all in the Middle East.</p> <p>There are reasons for this, some better than others: we have a good deal of leverage in Latin America; more countries there are traditional recipients of our economic and military assistance than in, for instance, East Asia; our security and economic stake is less than in East Asia or the Middle East; Latin American governments are ideologically disinclined to turn to Moscow; we expect more of it because it is part of the West and therefore more culturally attuned to the claims of individual rights; in much of the area there has been a deterioration in human rights situations; and our past support for military regimes in the area does identify us with their excesses. It may also be true, however, that some human rights activists (in and out of government) are more interested in castigating those rightist dictatorships supported by previous US Administrations than in an evenhanded application of the policy. Whatever our motives, we do risk letting the human rights policy appear to be yet another incarnation of traditional big-stick interventionism, while we shy away from more risky problems in other parts of the world.</p>

68	Rowen, Howard. 1977. "Agenda: Recovery, Aiding the Poor; United States, Allies Facing Tough Agenda for Summit; The London Summit." <i>Washington Post</i> , 24 April.	On the question of linking human rights to development aid. Mrs. Hart (who was responsible a few years back for cutting off British aid to Chile) takes a practical point of view. She feels there are circumstances where aid should continue to be provided to countries denying human rights, "where such aid might be the only condition leading to a change in government."
68	Memorandum From Jessica Tuchman of the National Security Council Staff to the President's Assistant for National Security Affairs (Brzezinski), 24 January 1977, <i>FRUS</i> , 2013, II, 4	5. Multilateral Banks. Currently the multilateral banks show small regard for human rights in deciding on financial support to particular countries. The Inter-American Bank, (which greatly increased its support for the Chilean junta over what had been given to the Allende government) is particularly at fault here. The Harkin amendment to the Inter-American Bank Authorization Act ¹⁰ requires the U.S. delegate to the Bank to vote against loans to repressive regimes. However in practice the Administration has flouted this requirement by making sure that a particular loan has enough votes to pass, even while the U.S. delegate formally votes against. Also, the Latin states are strongly opposed to U.S. actions to influence the Bank's actions in this way. In the World Bank, however, many of the European delegates have been actively pressing for greater consideration of human rights. Therefore one policy option for the Administration would be to take an active supporting role of European efforts in the World Bank, and an initiating role in exploring with Latin American delegations how human rights considerations can become an integral factor in the Banks' decisions.
69	"The British Cabinet's 'New Approach' to Chile." 1979. <i>BBC Summary of World Broadcasts</i> . 18 August.	When, for example, the Labour Government recalled the British Ambassador from Santiago in protest against the torturing of the British physician Dr Sheila Cassidy, not one word about this came from Lord Chalfont, who is so prolific a 'Times' writer on the subject of dissidents in socialist countries.
70	Juan O. Tomayo. 1981. "Mexico and France Friday recognized El Salvador's leftist alliance." <i>United Press International</i> . 29 August.	Mexico and France Friday recognized El Salvador's leftist alliance of guerrilla and political groups as a 'representative political force' that should be included in negotiations to find a solution to the nation's crisis. The move, the first time any country has officially recognized the Salvadoran left, in effect lent legitimacy to the leftists 10-year guerrilla war against the Central American country's U.S.-backed government.
72	Memorandum Prepared in the Central Intelligence Agency, 21 March 1977, <i>FRUS</i> , 2013, II, 25.	Latin America: They are nearly unanimous in denouncing these new pressures. Clearly this is the strongest in the countries that feel most challenged, like Argentina, Uruguay, Brazil, Guatemala, El Salvador and Chile. They think and complain, as usual, that we aren't making allowances for their special problems nor giving them the special attention that we should to a neighbor. It particularly galls some of them that we appear not to be willing to make exceptions for them as we are doing for South Korea, in their view.

73	Paper Prepared in the Department of State, n.d., <i>FRUS</i> , 2018, XXIV, 4	As the United States projects its values on human rights abroad, we can be more effective if we demonstrate in word and deed that we also give great weight to the egalitarian aspirations of the poor nations. We may be entering a period of fiscal restraint on foreign lending (reduced contributions to the IFI's) in order to retain our way of life. We risk being seen as justifying our reductions on moral grounds so that we can continue to absorb a third of the globe's resources. The Harkin Amendment symbolizes to many our overriding stress on political as opposed to economic rights. Moreover, any moves toward trade protectionism will hit Latin America first and most severely. Our concern for fundamental political rights is thus out of phase with the appeals and ideologies of most of the developing world. Most simply, the poor nations see life and survival as more important than liberty.
73	Paper Prepared in the Department of State, n.d., <i>FRUS</i> , 2013, II, 24.	Developing countries regard emphasis on individual human rights as an excuse for not acting on the economic and social rights which are their priority interest.
75	Organization of American States. 1969. American Convention on Human Rights, "Pact of San Jose," Costa Rica, 22 November: 51(3)	<ol style="list-style-type: none"> 1. If, within a period of three months from the date of the transmittal of the report of the Commission to the states concerned, the matter has not either been settled or submitted by the Commission or by the state concerned to the Court and its jurisdiction accepted, the Commission may, by the vote of an absolute majority of its members, set forth its opinion and conclusions concerning the question submitted for its consideration. 2. Where appropriate, the Commission shall make pertinent recommendations and shall prescribe a period within which the state is to take the measures that are incumbent upon it to remedy the situation examined. 3. When the prescribed period has expired, the Commission shall decide by the vote of an absolute majority of its members whether the state has taken adequate measures and whether to publish its report.

76	De Onis, Juan. 1976b. "OAS Makes Gains on Rights Issues." <i>New York Times</i> , 20 June.	<p>SANTIAGO, Chile, June 19—For the first time, a general assembly of the Organization of American States has established effective monitoring of human-rights violations as a, major concern in inter-American relations.</p> <p>[...]</p> <p>The human-rights debate, focusing on charges of persistent violations in Chile, the host Government, was the only topic on which this week's conference made significant progress. Issues such as economic cooperation between the United States and Latin America were deferred to a later meeting.</p> <p>For the first time in the Organization of American States, created in 1948, the reports of the Inter - American Human Rights Commission were the principal subject of discussion.</p> <p>Backed by 20 Members</p> <p>The Human Rights Commission, a seven-member body that is a permanent organ of the O.A.S., received the solid backing of 20 of the organization's 25 members to continue monitoring and reporting on human rights violations in Chile. It also received a mandate to extend this surveillance to other countries where serious violations occur.</p>
76	De Onis, Juan. 1976a. "O.A.S. Appealing to Chile on Rights." <i>New York Times</i> , 17 June.	<p>SANTIAGO, Chile. June 16A large majority of American governments called on Chile today to allow the Inter-American Human Rights Commission to continue monitoring violations and collecting information in this country.</p> <p>A resolution backing the Human Rights Commission was approved by 21 of the 23 nations attending the sixth general assembly of the Organization of American States. Chile and Brazil abstained in the vote.</p>

77	<p>"Rights issue dominates OAS parley." 1977. <i>Facts on File World News Digest</i>, July 2.</p>	<p>Following a long and acrimonious debate, the assembly approved three resolutions related to the observance of human rights. The most important of these was a strongly worded document that said, among other things, "there are no circumstances which justify torture, summary executions or prolonged detention without trial contrary to law."</p> <p>The resolution, sponsored by the U.S., Venezuela, Costa Rica and many Caribbean nations, was passed June 22 by a vote of 14-0, with eight abstentions and three delegations absent. The abstaining countries were Argentina, Brazil, Colombia, Chile, El Salvador, Guatemala, Paraguay and Uruguay; the absent ones were Bolivia, Honduras and Nicaragua.</p> <p>The resolution also:</p> <ul style="list-style-type: none"> * Commended the OAS Inter-American Human Rights Commission "for its efforts to promote human rights" and provided for an increase in the commission's budget. * Urged all OAS member states to cooperate fully with the commission and not take reprisals against individual citizens who aided the panel. * Directed the commission to "organize, in cooperation with the member states, a program of consultation with governments and appropriate institutions and responsible organizations on the observance of rights in their countries." * Committed OAS nations to "the achievement of economic and social justice" without harm to "human dignity and freedom."
77	<p>O.A.S. General Assembly Resolution 371, OEA/Ser.P/AG/doc.1020/78/rev.2 at 99. Quoted in Norris, Robert E. 1980. "Observations In Loco: Practice and Procedure of the Inter-American Commission on Human Rights." <i>Texas International Law Journal</i>, 15: 48</p>	<p>the practice received sufficient support among the delegates at that meeting to produce a recommendation that "the member states give their consent to any requests the Commission may make to conduct observations in loco."</p>
77	<p>Organization of American States. 1980. Amendment of Article 6 of the Rules of Procedure of the General Assembly. AG/RES. 482 (X-0/80).</p>	<p>WHEREAS: Article 6 of the Rules of Procedure of the General Assembly. does not list the Inter-American Court of Human Rights among the organs and agencies of the inter-American system that may attend the General Assembly with the right to speak, THE GENERAL ASSEMBLY RESOLVES: That Article 6 of the Rules of Procedure of the General Assembly be amended to read as follows: The Chairman or representatives of the following organs or agencies of the inter-American system may attend the General Assembly with the right to speak: Inter-American Juridical Committee; Inter-American Commission on Human Rights;</p>

80	Telegram from the Department of State to the Embassy in Argentina, 26 June 1978, <i>FRUS</i> , XXIV, 83	<p>“1. On basis fact that IAHRC does not feel able accept conditional Argentina invitation, Secretary has decided that:</p> <p>(A) We cannot go forward, as hoped, with military training package and defense is being informed;</p> <p>(B) In recognition of modest improvements, we will (after congressional consultations) release safety items (listed Septel)⁵ including compasses for vessels of U.K. manufacture;”</p> <p>“(C) We will inform ExIm Bank that, on foreign policy grounds, we recommend against financing for Argentina at this time (this applies primarily to Allis Chalmers application for Yacireta hydroelectric project);</p> <p>[...]</p> <p>3. Embassy may inform GOA, stressing disappointment that they have not been able extend normal invitation to IAHRC (along lines of other Latin American countries) and have not as yet been able move appreciably on either releases of detainees or establishment of responsive machinery for those seeking information on relatives who have disappeared. Of course, any mutually acceptable agreement between the IAHRC and the GOA enabling the commission to go to Argentina would be viewed as a positive development.⁷ These points stressed to Deputy Foreign Minister Allara as reported RefTel. (FYI: Argentina also has not halted illegal detentions and disappearances. End FYI)”</p>
80	Briefing Memorandum From the Deputy Secretary of State (Christopher) to the Assistant Secretary of State for International Affairs (Maynes), 30 May 1977, <i>FRUS</i> , II, 52	In several other instances, demarches have been made to indicate that we are considering human rights factors as we evaluate IFI loans in keeping with the President’s stated intention of using our voice and vote in the IFI’s to promote human rights. In the case of Paraguay, the demarche produced a promise on the part of that government to respond favorably to the IAHRC request to visit Paraguay. The formal invitation, however, has not yet been offered.
81	Telegram From the Embassy in Nicaragua to the Department of State, 21 July 1978, <i>FRUS</i> , XV, 78	<p>5. Somoza reported that he had signed the American Convention on Human Rights and that ratification was pending by the Nicaraguan Congress. However, he had decided that this ratification should be postponed until after the proposed visit of the IAHRC to Nicaragua. The Cabinet, he said, had advised him against ratification now because the convention also included the formation of a court and due to the current situation, Nicaragua would probably be attacked before the court if it submitted to its jurisdiction. The court could be controlled by a political clique, he added. Somoza said that the Cabinet had also discussed the reimposition of the state of siege [garble] all members of the Cabinet and he had agreed that the problem of violence was limited to three cities—Jinotepe, Esteli and Leon—where there had been infiltration of outsiders and systematic agitation. He did not see the [garble] to siege condition on the entire country when the problems were confined to such a few locations.</p>

82	Andres Perez, Carlos. 1977. Interview. "The 'Third World' Has Given Everything and Received Little." <i>U.S. News</i> . 25 July.	<p>We realize how difficult it is for a great nation - for the most powerful nation in the world, from the economic and military point of view - to implement a policy on human rights. Yet that is where its value and significance lie: in the fact that a moral revolution is being led by the United States. I am certain that the spirits of Washington and Jefferson are happy.</p> <p>[...]</p> <p>Q. Mr. President, in your opinion, should the United States offer - or refuse to give - aid to countries that violate human rights?</p> <p>A. Our hemispheric system is based on self-determination, nonintervention and mutual respect. That means no individual country has the right to say at what point a certain norm is being violated, or specify what corrections should be made.</p> <p>I believe that the supranational organizations at regional and world levels can and should dictate standards and make judgments. They might even impose penalties covering specific violations in a single country. Their reports on governments that violate human rights would have some effect not just on those charged with violation, but on their relations with other nations.</p>
83	Benham, Joseph L. 1977. "Why Latin Americans Are Bitter about Carter." <i>U.S. News and World Report</i> . 4 April.	<p>"Reason for anger. Latin Americans put as much emphasis on form as on substance, and many are upset not only over what Washington is doing to them, but how the U.S. is doing it.</p> <p>For instance, in Argentina -- the eight largest nation in the world -- people think of themselves as literate and urbane. Four of five live in cities filled with parks, art galleries and concert halls. They have received Nobel Prizes for science and peacemaking.</p> <p>Thus, the U.S. decisions to slash aid to Argentina, without telling Buenos Aires in advance, aroused nationwide criticism, even among opponents of the ruling military regime."</p>
84	U.N. General Assembly. 1977a. 32nd Session, 7th plenary. [statement by Costa Rica]	Only when the 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 full observance of human rights.
84	U.N. General Assembly. 1980b. 35th Session, 26th plenary.	The Government of El Salvador highly appreciates the support received from friendly countries for its revolutionary process and wishes to stress that, on the basis of principle, it rejects in advance any conditions that might be attempted to be imposed on the granting of any sort of assistance. Likewise, for the same reason we reject any attempt at interference in our internal affairs, which would be inadmissible.

84	U.N. General Assembly. 1987. "Economic measures as a means of political and economic coercion against developing countries." 42nd Session, Resolution 173.	<p>42/173. Economic measures as a means of political and economic coercion against developing countries.</p> <p>Gravely concerned that the use of coercive measures adversely affects the economies and development efforts of developing countries and that, in some cases, those measures have worsened, creating a negative impact on international economic co-operation.</p> <p>1. Calls upon the international community to adopt urgent and effective measures in order to eliminate the use of coercive measures against developing countries, which have been increasing and have taken new forms;</p> <p>2. Deplores the fact that some developed countries continue to apply and, in some cases, have increased the scope and magnitude of economic measures that have the purpose of exerting, directly or indirectly, coercion on the sovereign decisions of developing countries subject to those measures;</p> <p>3. Reaffirms that developed countries should refrain from threatening or applying trade restrictions, blockades, embargoes and other economic sanctions, incompatible with the provisions of the Charter of the United Nations and in violation of undertakings contracted multilaterally and bilaterally, against developing countries as a form of political and economic coercion that affects their economic, political and social development;</p>
85	U.N. General Assembly. 1977a. 32nd Session, 7th plenary. [statement by Costa Rica]	The need for such an agency, directed by an impartial official having objective authority, has become more obvious because of the tendency to create <i>ad hoc</i> committees to investigate selectively certain cases of alleged violations of human rights with a predominantly political criterion, a criterion which casts doubt on the equity of the conclusions and recommendations that might be arrived at by such <i>ad hoc</i> committees.
86	U.N. General Assembly. 1977b. 32nd Session, 9th plenary. [statement by Ecuador]	It should be possible to arrange, in the United Nations, for the yearly presentation of a report on the situation with regard to human rights; there would thus be a general critique, or a general expression of appreciation or encouragement, as the case may be—violation or observance—for the particular country concerned. However, the present practice of preferential treatment, with obvious bias in some cases and significant silence in others, cannot continue without prejudice to the system.
87	U.N. General Assembly. 1980a. 35th Session, 9th plenary. [statement by Ecuador]	Ecuador to censure in certain places what is met with silence in others
88	U.N. General Assembly. 1977d. 32nd Session, 11th plenary. [statement by Paraguay]	This noble concern for basic human rights, which my country shares and respects, has, however, been invoked in various United Nations bodies with narrow, biased "selectivity".

89	U.N. General Assembly. 1977c. 32nd Session, 7th plenary. [statement by Nicaragua]	<p>We believe that the promotion of human rights must be undertaken at the universal level, without any attempt to gain any political advantage. Otherwise, a noble cause would lose its particular meaning and be robbed of its ethical and moral basis. In particular, we attach great importance to the effective elimination of racial discrimination and of the exaggerated economic imbalances which create what is really <i>de facto</i> segregation. Such discrimination and segregation must be totally eliminated.</p> <p>However, the fact that some States claim that they strictly and fully observe human rights does not entitle them to set themselves up as judges of other countries, arrogating to themselves a function which nobody has conferred on them and which is contrary to the principles of non-intervention and of the legal equality of states.</p>
90	U.N. General Assembly. 1977e. 32nd Session, 21st plenary. [statement by Chile]	<p>In the specific field of human rights, any investigation of alleged violations by a nation entails interference in its affairs and acquires features which make it very similar to a trial, for it becomes a matter of investigating facts that were assumed to have occurred on the sovereign territory of a given nation with a view to obtaining proofs for the purpose of evaluating those facts.</p> <p>It seems, therefore, that in the light of natural equity at the international level, the need for due process becomes clear. Due process means the intervention of a body which in its origin and action would be independent of political interests, would have come into being prior to the trial, would have a pre-established procedure that would ensure the impartiality of the international inquiry, the certainty of the proof and a real possibility for the nation accused to defend itself.</p> <p>In the present state of our international juridicial situation, only two achievements may be mentioned in the field of justice: that which governs the European Community, and that contained in the Costa Rica pact, which is now in the process of ratification.</p>
91	U.N. General Assembly. 1977f. 32nd Session, 13th plenary. [statement by Uruguay]	<p>At the same time Uruguay takes a firm stand of principle against the politicization of the issue of human rights and is opposed to any attempt—no matter from what quarter—to employ it as an excuse for interference in the internal affairs of States and, in particular, in their political process or as a form of aggression against their sovereignty or integrity.</p>
92	U.N. General Assembly. 1980d. 35th Session. 4th plenary. [statement by Venezuela]	<p>On greeting the presence of Zimbabwe once again, we affirm in solidarity that African problems can be solved only by Africans. We say this because we want the problems of Latin America to be solved only by Latin Americans.</p>

93	U.N. General Assembly. 1981a. 36th Session. 17th plenary. [statement by El Salvador]	<p>The regional organizations, which by their very nature, their proximity and the cultural roots of their members can understand more clearly the interpretation of what happens in their respective regions, are called to play a leading role in matters of international peace and security. Political logic requires that they play a primary part, as is recognized by the Charter of the United Nations. Only States with no faith in the moral and legal strength of their arguments will try to repudiate, because of the localization and gravity of a conflict, and an international system which is structured from the regional to the global scale. One result of such mad action could be to disrupt the harmony between regional organizations and the world Organization, with all the dangers that that would involve.</p> <p>To strengthen international law <i>in toto</i>, we must not weaken the parts that make up the whole. Only in this way can an integrated system function. It has been the constant practice in this world Organization not to deal with situations that have been dealt with in regional organizations. The Organization of American States [OAS] and the Organization of African Unity [OAU] have carried out exemplary and praiseworthy work in co-ordination between both spheres.</p>
95	U.N. General Assembly. 1980c. 35th Session. 25th plenary. [statement by Guatemala]	<p>302. Our Government feels it is important to refer to the campaign which certain groups and individuals abroad have been waging against Guatemala in an attempt to undermine its international prestige. They have not succeeded in this aim because they have encountered the rock-like unity of the Guatemalan people, which rejects any kind of interference in its domestic affairs.</p> <p>303. Precisely for that reason, in the face of the campaign directed against the people of Guatemala by foreign sectarian organizations, we have extended an invitation—already accepted—to the Inter-American Commission on Human Rights of the Organization of American States to visit Guatemala in order to observe our full enjoyment of human rights.</p>
96	De Onis, Juan. 1976b. “OAS Makes Gains on Rights Issues.” <i>New York Times</i> , 20 June.	Mr. Orfila said in a news conference that he had visited two of the principal detention camps for political prisoners. accompanied by the Chief Justice of Chile's Supreme Court and the Minister of Justice.
106	Briefing Memorandum From the Assistant Secretary of State for Congressional Relations (Bennet) to the Deputy Secretary of State (Christopher), June 18, 1977, <i>FRUS</i> , 2013, Volume II, Document 62.	Africa—Congress still has a certain myopia as far as African human rights are concerned, and this has protected Africa from the sort of attack faced in Latin America. The questions of Rhodesia, South Africa and Namibia are the main ones as far as Congress is concerned at the moment. We should expect increasing attention to human rights conditions in other parts of Africa.
113	Note from the Deputy Secretary of State (Christopher) to Secretary of State Vance, 1 June 1977, <i>FRUS</i> , 2013, Volume II, Document 53.	(iii) the implementation of our human rights policy in the IFIs has gone forward at the same time as we have responded to upcoming loans in the various IFIs. In two instances (Ethiopia and Benin), we have abstained on World Bank votes on human rights grounds

113	Action Memorandum From the Director of the Policy Planning Staff (Lake) to Secretary of State Vance, 20 January 1978, <i>FRUS</i> , 2013, Volume II, Document 105	<p>—We are suspending new programs to the Central African Empire, partly in response to Congressional pressure;</p> <p>[...]</p> <p>—We have reduced the PL 480 allocation to Guinea,¹¹ and increased it to Peru, on human rights grounds;</p> <p>[...]</p> <p>We sometimes seem to be “punishing” countries which don’t matter very much to our security or economic interests (Paraguay, Uruguay, the Central African Empire, Benin, Guinea) while glossing over the human rights record of some who do (Iran, Zaire, Saudi Arabia, Israel, the PRC, even, of late, the Soviet Union).</p>
114	“Vive la France?” 1979. <i>Washington Post</i> , 25 September 25.	<p>Yet the French should not be let off with an understanding pat on the head for their naughtiness (however seemingly justified in this case) in dispatching the military and intelligence personnel and in hatching the plot to overthrow a duly recognized government. Bokassa regarded French President Valery Giscard d'Estaing, who hunted with him as recently as a year ago, as his "personal friend," and he regularly hailed the "brotherly relations" his "empire" enjoyed with France. He had previously been the beneficiary of French military intervention and budgetary support, and he cooperated with France's broader designs in Africa. Intent on ensuring access to the CAR's uranium and on maintaining "stability" in their erstwhile African colonies, the French turned an understanding eye to his excesses. Paris at first described the murders of children reported by Amnesty International as "pseudo-events." French diplomacy was probably no more dedicated to the pursuit of financial profit in the CAR than anywhere else, but the results there, in terms of sustaining a tyrant's rule for 14 years, were particularly sickening.</p>
115	“Papa Bok is a millstone to France.” 1979. <i>Globe and Mail</i> , 28 September.	<p>Amnesty blames Emperor Bokassa personally for their deaths. Its report, confirmed by the Emperor's former ambassador to France at a press conference in Paris, says that up to 100 children were shot, bludgeoned, bayoneted or left to suffocate by the Emperor's soldiers....</p> <p>The affair is acutely embarrassing for the French, who provide half the empire's budget. In the past France has been able to shrug off Emperor Bokassa's conduct without much difficulty. When he had himself crowned with a golden laurel wreath the French minister was there to pay him homage and France, incidentally, footed most of the coronation bill.</p> <p>Mr. Giscard d'Estaing goes big-game hunting in the empire. But now the Paris press is assailing the Emperor as a French Amin and demanding that all aid to him be stopped.</p> <p>As a stopgap France has suspended its minimal military aid to Emperor Bokassa.</p>

116	<p>"France cuts of aid to African emperor." 1979. <i>Globe and Mail</i>, 18 August.</p>	<p>France cut off all but humanitarian aid to the Central African Empire yesterday after an African legal commission accused Emperor Jean Bedel Bokassa of ordering a massacre of children.</p> <p>The move dealt a heavy economic blow to the beleaguered emperor as half the money his poor country spends each year comes from French assistance, which last year amounted to \$25-million in financial and technical aid. Now France will limit aid to food, medical supplies and educational assistance.</p> <p>[...]</p> <p>France cut off military aid in May after the human rights group Amnesty International first alleged the massacre.</p>
117	<p>"Central African Emperor Deposed in Bloodless Coup; Republic Restored with French Aid." <i>Facts on File World News Digest</i>, 28 September.</p>	<p>Central African Emperor Bokassa I was overthrown Sept. 20 in a bloodless coup d'etat and replaced by David Dacko, former president of the land-locked African nation. Dacko publicly thanked France for its help in deposing Bokassa and announced the restoration of the country's former name, the Central African Republic.</p>
121	<p>Quoted in Young-Anawaty, Amy. 1980. "Human Rights and the ACP-EEC Lome II Convention: Business as Usual at the EEC." <i>NYU Journal of International Law and Politics</i>, 13(63) 1980: footnote 127.</p>	<p>After negotiations were concluded, Mr. Cheysson, a Member of the Commission of European Communities, is reported to have expressed his regret for the omission of any human rights reference and to have remarked "that the African heads of State meeting in Monrovia, without the presence of anyone from the outside, drew up and adopted a resolution which is in our opinion exactly what we wanted to say and show to our peoples." Europe (No. 2766) (new series) 7 (Oct. 11, 1979) (Agence Internationale d'Information pour la Presse).</p>
124	<p>Action Memorandum From the Director of the Policy Planning Staff (Lake) to Secretary of State Vance, 20 January 1978, <i>FRUS</i>, 2013, II, 105.</p>	<p>Similarly, in the Middle East, our desire to move Arabs and Israelis toward a peace settlement and the importance of Mideast oil have kept arms sales high.</p> <p>[...]</p> <p>Our military programs in Latin America have been massively affected by human rights considerations; only marginally so in East Asia; and not at all in the Middle East.</p>
125	<p>Paper Prepared by the Policy Planning Staff, n.d. <i>FRUS</i>, 2013, II, 122.</p>	<p>We must also keep our human rights concerns in balance with other national interests. We often must determine how best to respond to the needs of individuals living under authoritarian regimes, while still retaining the necessary cooperation of their governments on security or economic matters that are vital to us. Even in striking this balance however, our broad goal remains the same: economic and security policies, as well as policy on "human rights", are guided by a concern with the impact of all we do on the welfare of individuals.</p>

126	Action Memorandum From the Director of the Policy Planning Staff (Lake) to Secretary of State Vance, 20 January 1978, <i>FRUS</i> , 2013, II, 105	<p>IV. Are We Being Consistent?</p> <p>No. And we should not try to be completely so. There are times when security considerations, or broader political factors, lead us to be “softer” on some countries’ human rights performance than others. Moreover, it often is a close call just what action is most likely to produce improvement in a human rights situation. We sometimes, for instance, approve a loan in recognition of a positive trend—even though the overall situation in the country remains as bad or worse than that in countries whose loans we oppose. One of the most difficult questions in the human rights business is what actions on our part are most likely to encourage a government to believe that further progress is worthwhile, without leading it to think we believe its human rights problem is solved. This can only be done on a case-by-case basis, and some of our decisions will turn out to have been wrong.</p> <p>That said, we do have potentially serious problems at least with the appearance, and perhaps with the reality, of inconsistency</p>
126	Action Memorandum From the Director of the Policy Planning Staff (Lake) to Secretary of State Vance, 20 January 1978, <i>FRUS</i> , 2013, II, 105	<p>Our military programs in Latin America have been massively affected by human rights considerations; only marginally so in East Asia; and not at all in the Middle East.</p> <p>There are reasons for this, some better than others: we have a good deal of leverage in Latin America; more countries there are traditional recipients of our economic and military assistance than in, for instance, East Asia; our security and economic stake is less than in East Asia or the Middle East;</p> <p>[...]</p> <p>The great bulk of our arms transfers, however, are to East Asia and the Middle East, and they have been only marginally affected by human rights considerations. We have, for instance, opposed economic loans in IFI’s to both South Korea and the Philippines and are including Korea and Indonesia among the problem countries which must report on their use of PL 480 Title I. But base negotiations in the Philippines and troop withdrawal considerations in Korea have thus far led us to continue very large security assistance programs to both. There has been some impact on security relations with Indonesia, where sale of F-5 aircraft was made contingent on the actual freeing of some political prisoners whose release already was scheduled.</p> <p>Similarly, in the Middle East, our desire to move Arabs and Israelis toward a peace settlement and the importance of Mideast oil have kept arms sales high.</p>
134	Organization of American States. 1969. American Convention on Human Rights, “Pact of San Jose,” Costa Rica, 22 November: Article 26	<p>Article 26. Progressive Development</p> <p>The States Parties undertake to adopt measures, both internally and through international cooperation, especially those of an economic and technical nature, with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.</p>

137	Memorandum Prepared in the Central Intelligence Agency, 21 March 1977, <i>FRUS</i> , 2013, II, 25.	<p>Even in these cases, however, there has been a notable reluctance to accept the US stand at face value. Public expressions of understanding about US concerns have been matched by private assessments of Washington's emphasis on human rights as a ploy designed to pressure other countries into comporting themselves in accordance with US policies generally.</p> <p>Attribution of such ulterior motivation, the connection of human rights to other issues, and a marked propensity to interpret US pronouncements and actions in egocentric terms have been characteristic reactions of countries with the most cause for unease over the US stand. Repressive practices have intensified in some cases, and bilateral relations have suffered in a number of instances.</p>
138	Paper Prepared in the Central Intelligence Agency, June 1977, <i>FRUS</i> , XXIV, 16.	In any case, Latin Americans would probably prefer dealing with the OAS than with the UN. Relations between Chile and the UN Human Rights Commission have been strained since July 1975, when President Pinochet reneged on a promise to allow a visit by a UN fact-finding mission. While the Chilean junta is hypersensitive to outside attacks on its human rights record, it believes a more sympathetic hearing can be obtained from the American states than from radical Third World countries in the UN.
138	Paper Prepared in the Department of State, n.d., <i>FRUS</i> , 2013, II, 205.	<p>We should try to build on this appreciation of the link between human rights and stability, and look for ways to strengthen efforts by all regional bodies. This would have the added benefit of further multi-lateralizing human rights efforts, and creating a greater sense of responsibility for them on the part of Third World nations and organizations.</p> <p>Efforts on our part will need to be skillful, and carefully calculated to specific cases, to avoid smothering regional efforts with a Big Brother embrace. The OAS, for example, already has an active human rights policy. While continuing to make clear we support it, we should increasingly let Latin American states take the lead.</p>