

Trading sovereignty for self-determination

Human rights, institutional power, and regional organizations
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Research question: Given their attitudes towards non-intervention, why did states in the Global South decide to delegate extensive human rights enforcement authority to their regional organizations?

Proposed answer: They delegated authority to regional organizations as part of a strategy to maintain their self-determination, or their voice in developing and implementing policies that they would be subject to.

Delegation, self-determination, and weak states

Self-determination: The ability to have a voice in developing and implementing policy to which they are subject.

States have preferences over the process of policy-making and implementation, and these are independent of their preferences over policy outcomes.

Weak states can use international organizations with universal membership to constrain powerful states, but they often suffer from a participation deficit these organizations.

By delegating sovereign authority to regional organizations, where they have a greater voice, they can actually *increase* their discretion over policy-making and implementation relative to global organizations.

For states in the Global South, delegating authority to regional organizations was a form of subtle resistance to unwanted international pressure.

Organization of American States (O.A.S.) case study

Independence-1975: Prioritizing non-intervention

- Latin American states use regional institutions to constrain the U.S. and Europe from intervention
- States resist delegating costly authority, fail to cooperate with Inter-American Human Rights Commission
- Binding human rights charter adopted shortly after international charter adopted, but only two states ratify

1975: Losing self-determination over human rights policy

- Powerful states begin to enforce human rights using economic conditions
- Latin American states lose voice in developing and implementing international human rights policy

After 1975: The move to regional human rights enforcement

- States move to collectively engage with regional enforcement (discuss human rights in O.A.S., ratify regional treaty, expand authority of the Inter-American Commission, and allow Commission to conduct on-site visits)

ACHR (regional enforcement)

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

1st Optional Protocol (global enforcement)

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

- At the same time, they push back against global enforcement and try to persuade the international community to defer to the O.A.S.
- *Human rights proponents were among the strongest voices calling for deference to regional enforcement*

Regional organizations and human rights

Both earlier calls for strict non-intervention *and* the decision to delegate authority to regional organizations were different strategies to increase self-determination.

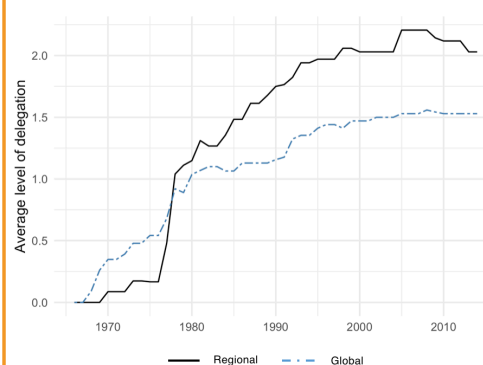
Once powerful states began enforcing human rights in ways that states in the Global South did not have a voice in – especially the widespread use of economic conditions – these states responded by:

- (1) Delegating authority to their regional organizations
- (2) Persuading powerful states to defer to regional enforcement

States were willing to delegate real, challenging authority at the regional level to accomplish this. It was used by both states that genuinely supported human rights and those that were abusing them.

Global versus regional delegation of enforcement power

Level of authority delegated at regional vs. global level by Latin American states



0 = no delegation; 1 = comment on self-reporting; 2 = non-binding decisions on individual complaints; 3 = legally-binding decisions on individual complaints

Democratizing states and delegating enforcement

