

Latin American countries as norm protagonists of the idea of international human rights.

Print

Title Annotation: SPECIAL SECTION
Author: Sikkink, Kathryn
Article Type: Report
Geographic Code: OLATI
Date: Jul 1, 2014
Words: 7260
Publication: Global Governance
ISSN: 1075-2846

Latin American governments, social movements, and regional organizations have made a far greater contribution to the idea and practice of international human rights than has previously been recognized. Most discussions of the global human rights regime stress its origins in the countries of the Global North. This article explores the role of Latin American states as early protagonists of the international protection of human rights, focusing in particular on the American Declaration of the Rights and Duties of Man. Histories of human rights in the world emphasize the Universal Declaration of Human Rights, passed by the UN General Assembly on 10 December 1948, as the founding moment of international human rights. Few know that Latin American states passed a similar American Declaration of the Rights and Duties of Man a full eight months before passage of the UDHR. The American Declaration thus was the first broad enumeration of rights adopted by an intergovernmental organization. This article explores the American Declaration as an example of often overlooked Latin American human rights protagonism that has continued to this day, and that calls into question the idea that human rights originated in only the Global North. Keywords: American Declaration of the Rights and Duties of Man, Universal Declaration of Human Rights, history of human rights.

AS THE DISCIPLINE OF INTERNATIONAL RELATIONS IS MOVING AWAY FROM THE study of "international relations" and toward the study of "global governance," it has generated a greater interest in the social construction of what is to be governed--that is, how a problem becomes defined and gets placed on the agenda. (1)

Scholars looking at who sets the global human rights agenda often argue that attention to human rights issues is the result of the dominance of powerful states. Others argue that Northern-based nongovernmental organizations (NGOs) continue to be powerful gatekeepers who frequently block or reshape issues from NGOs and social movements based in the Global South. (2) Scholars of diffusion suggest that ideas and policies often diffuse vertically from the Global North to the Global South via processes of coercion or emulation. (3)

There is a need for scholars of international norms to pay greater attention to the potential agency of states outside the Global North despite important structural inequality in the international system. But the very binaries of North/South or West/non-West may obscure the process we hope to illuminate. Latin America, for example, complicates these binaries that

associate the Global North with the West. Because Latin American scholars and politicians are from the Global South, and yet as Louise Fawcett argues, are neither fully "Western" nor "non-Western," the West/non-West dichotomy in some international relations scholarship has neglected Latin American contributions. (4)

Southern protagonism arguably increases the legitimacy of global governance projects, including the human rights project. Amitav Acharya, for example, critiques the study of normative change for ignoring the appeal of local and regional norms and for failing to locate agency in local and regional actors. He then develops the concepts of norm "localization," a process through which local actors actively reconstruct global norms to create a fit between those norms and prior local norms, and the related concept of norm "subsidiarity," whereby states and regional actors from the Global South can create new norms or new understandings of existing global norms. (5) Acharya's concept of localization is related to the concept of norm "vernacularization" proposed by anthropologist Sally Engle Merry. Merry points to social movements as human rights "intermediaries" that help "vernacularize international human rights discourses," (6) negotiating between "the language of international human rights preferred by international donors, and cultural terms that will be acceptable to at least some of the local community." (7)

Elsewhere I have made the case for the historical normative agency of Latin America with regard to democracy promotion and human rights, and more recently for Argentina as a "global human rights protagonist" through an exposition of the country's innovations in the field of transitional justice. (8) Another way to talk about these processes of norm diffusion is to think of "norms entrepreneurs" in and from the Global South. (9) In his contribution to this special section, Eric Helleiner discusses Southern agency for the norm that international institutions should support economic development of poor countries. (10) In a related vein, Jorge Dominguez stresses that Latin American regional organizations have been "international rule innovators" rather than simply "price takers." (11) In particular, Dominguez shows how Latin American states pioneered the defense of sovereignty and nonintervention, and later modified such doctrines to permit international intervention on behalf of democracy. (12)

Here, I argue that Latin American countries were protagonists of the idea of "international human rights"; that is, the idea that there should be international involvement in formulating and enforcing international human rights norms and law, and the related idea that there should be international involvement in democracy promotion. I illustrate this argument by looking at the role of Latin American states in promoting these international human rights norms in the post-World War II period, especially in the drafting of the first intergovernmental declaration of rights--the American Declaration of the Rights and Duties of Man, a full eight months before the Universal Declaration of Human Rights (UDHR) was passed in the UN General Assembly on 10 December 1948. The UDHR is usually seen as the starting point of the global human rights regime, and the American Declaration has been largely ignored outside of the hemisphere. While this argument relates to debates about Latin American and the "new regionalism," it goes beyond it in stressing Latin American contributions to the global normative and legal order, and not only to regional orders. (13)

Latin American countries have a strong tradition of support for the doctrines of sovereignty, sovereign equality, and nonintervention as a means by which weaker countries might find refuge from the less law-like interventions of the more powerful, especially the United States. (14) These arguments about the importance of sovereign equality, for example, were important for leading to participation of all countries in international conferences, which is the theme of

the article by Martha Finnemore and Michelle Jurkovich in this special section. Latin American countries saw international law as one of the "weapons of the weak" to balance US power. (15)

At the same time as they defended sovereignty, however, Latin American legal scholars, policymakers, and activists also have long been at the forefront of the struggle for international human rights and democracy. (16) One reason why they promoted the international protection of human rights is that it would "eliminate the misuse of diplomatic protection of citizens abroad," especially by the United States. (17) But these Latin American diplomats and legal scholars were also committed to the ideal of rights: they were part of the Western and enlightenment intellectual tradition even as they operated from what we would now call the periphery or the Global South. Paolo Carozza, for example, has traced the origins of Latin American concern with human rights to the work of Bartolome de las Casas in the colonial period and to Latin America's embrace of enlightenment writers during the wars of independence. (18) Latin American revolutions of independence, like that in the United States, were motivated by enlightenment ideas of rights, present at the very moment of state creation, rather than as a result of a later export or diffusion of ideas. (19) But although informed by enlightenment ideas, Latin America scholars and politicians were neither fully "Western" nor "non-Western." (20) Liliana Obregon has traced the origins of a "creole" legal consciousness that blended elements of a unique Latin American experiences and concerns with the international legal traditions of the time. (21) The Latin American jurists and diplomats who promoted rights came from the periphery of the global system, but they were not at all peripheral to global debates on international law and institutions during their lifetime. (22)

It is important to keep these precursors in mind when considering the current situation of the promotion of human rights and the defense of democracy. In this sense, we can see the developments of the late twentieth and early twenty-first centuries not as an unusual break with the past, but rather as a resurrection of ideals and concerns that had been present in inter-American debates for many years and had not yet received majority support.

Historical Background

Before World War II, human rights were not considered an appropriate topic for international scrutiny and rule formation. The international precursors to the human rights issue included the movement for respect of human rights during armed conflict, the campaign for the abolition of the slave trade and slavery, the work within the League of Nations for the protection of minority rights, the early work on the rights of workers in the International Labour Organization, and the movement for women's suffrage. But each of these limited issue areas fell far short of a full-fledged demand for attention to human rights as a legitimate topic for international action.

Some Latin American politicians also called very early for international efforts at what we would name "democracy promotion" today. (23) Like the United States and France, Spanish America was a laboratory for early experiences in democratic rule, and was the first to experiment with universal male suffrage. (24) But countries in the region suffered more frequent interruptions of these democratic experiments, and thus began to think early about how international pressures might enhance democracies in neighboring states. For example, Juan Bautista Alberdi, framer of the Argentine constitution of 1853, proposed an American court with the right of collective intervention to oppose tyranny. (25) Ecuadorian diplomat, Carlos Tobar proposed in 1907 a policy of collective nonrecognition of governments coming to power by other than democratic means. (26) In the 1940s, the Betancourt government in Venezuela used and advocated a related Betancourt Doctrine, whereby diplomatic relations

with military regimes were severed. (27) None of these proposals led to any internationally agreed on policies of nonrecognition of authoritarian regimes, but they illustrate the early concern in the region with measures to promote democracy.

By the end of World War II, a consensus began to emerge that human rights and democracy would need to be an essential part of the postwar order. This consensus was particularly strong in Latin America, where an unprecedented wave of democratization had taken place in the mid-1940s, bringing to power various governments of the center left with strong support from labor unions. (28) Most scholars are familiar with the initiatives taken by the Allies during the war to stress the importance of human rights: in particular, Roosevelt's "Four Freedoms" speech and the inclusion of human rights language in the Atlantic Charter. But with the important exception of work by Johannes Morsink and Mary Ann Glendon, scholars are much less aware of the important role Latin American delegations and NGOs played in promoting the idea of international human rights, first at the San Francisco meeting where the UN Charter was drafted and later in drafting the UDHR. (29)

Although the Allies stressed human rights in their war aims, there were deep divisions within the US and UK governments about including human rights in the postwar order. US secretary of state Cordell Hull had been willing to use human rights during the war as part of the articulation of war aims, but he opposed any efforts to promote human rights that would undermine national sovereignty. (30) Other members of the US government, especially Under Secretary of State Sumner Welles, were more deeply committed to incorporating human rights into US foreign policy and into a new international organization. Welles chaired one of the most important subcommittees of the Advisory Committee on Postwar Foreign Policy. Under his leadership, the group produced an international bill of human rights in 1942, but the State Department never published or used the document. Hull eventually carried the day, and Welles was forced to resign in 1943. The US delegation to the Dumbarton Oaks meeting was instructed to avoid any detailed discussion of human rights. (31)

The initial US drafts of the UN Charter contained no reference to human rights, while the proposals that emerged from the Big Four meeting at Dumbarton Oaks to prepare for the San Francisco conference contained only one reference to human rights. (32) The failure of the great powers to include human rights language in the Dumbarton Oaks draft mobilized both the community of NGOs and a group of less powerful states, particularly in Latin America, but also including New Zealand and Australia. Latin American countries felt betrayed because they had not been involved in the Dumbarton Oaks discussion about a postwar organization, and also because the Dumbarton Oaks draft did not incorporate various ideals they supported, including human rights. (33) To promote their concerns and formulate a collective policy, Latin American countries called an extraordinary meeting at the Chapultepec Castle in Mexico City in February 1945, the Inter-American Conference on Problems of War and Peace, which ended just weeks before the opening of the San Francisco conference. Delegates at the meeting raised a series of important issues about great-power dominance, the importance of international law, regional agreements for security, and economic and social problems. Human rights issues figured prominently in the speeches and resolutions. (34)

At the 1945 conference in Mexico City, many Latin American states argued that World War II had created a worldwide demand that rights should be recognized and protected at the international level. (35) At an earlier meeting of the Inter-American Bar Association in Mexico City in 1944, resolutions had also emphasized the "necessity" of a declaration of rights of man, and the importance of international machinery and procedures to put the principles in the

declaration into action. Acting on these concerns, the delegates at Mexico City instructed the Inter-American Juridical Committee to prepare a draft declaration of the rights and duties of man. (36)

One key element of the creole legal consciousness that motivated many early Latin American advocates of rights was a doctrine of popular sovereignty in which sovereignty ultimately rested with the people. (37) For this reason, early Latin American advocates of both nonintervention and international protection of human rights did not necessarily see a contradiction in their positions. Sovereignty was essential to protect states from the unlawful intervention of outsiders, but was not always conceived of as a justification for the government to abuse the rights of citizens.

"The Uruguayan foreign minister Alberto Rodriguez Larreta recognized this in 1945 when he wrote ... [N]on-intervention is not a shield behind which crime may be perpetrated, law may be violated ... and binding obligations may be circumvented." (38) The Chilean delegation to the San Francisco conference made the relationship clearer. When discussing sovereignty, the Chileans clarified, "The State is lord of its territory, can grant itself whatever democratic form of government it may desire within standards which respect the inalienable rights of man." (39)

Latin America delegations--especially, Uruguay, Chile, Panama, and Mexico--brought these arguments in favor of the international protection of rights to the San Francisco conference in 1945. There, they were supported by a number of US-based NGOs present at the conference. Latin American countries made up twenty of the fifty states present at the San Francisco conference. (40) Because there were many democratic countries with a shared worldview at this historical moment in Latin America, they became the most important voting bloc at San Francisco. (41) The British government gave this Latin American bloc credit for changing the US government's position on human rights at San Francisco. (42) They were able to do this in part because they supported and reinforced a position already held by a minority faction with the US government that had lost influence in the drafting of the Dumbarton Oaks proposal. But without Latin American protagonism, it is unlikely that the Charter would have contained references to human rights.

The record of the success of the NGO lobbying effort and the efforts of Latin American delegations in favor of human rights find testimony in the Charter itself. The final UN Charter has seven references to human rights, including key amendments whereby promotion of human rights is listed as one of the basic purposes of the organization, and the Economic and Social Council (ECOSOC) is called on to set up a human rights commission, the only specifically mandated commission in the Charter. In particular, the initiatives of the Latin American countries helped extend the economic, social, and human rights objectives in the Charter, in particular Articles 55 and 56, on which so much later human rights work of the organization rested. (43)

If the Charter, adopted at a high point of postwar collaboration, had not contained references to human rights and specifically to a Human Rights Commission, it is quite likely that the Universal Declaration of Human Rights would not have been drafted in 1948. The inclusion of the human rights language in the Charter of the United Nations was a critical juncture that channeled the history of postwar global governance in the direction of setting international norms and law about the promotion of human rights. This language was not the language of the great powers, and it was finally adopted by the great powers only in response to pressures from small states and civil society.

The initial unwillingness of the great powers to include references to human rights in the UN Charter calls into question both a realist and a critical theory explanation for the origins of human rights norms. If human rights emerged primarily from the goals and needs of powerful states, as realists claim, then why did these powerful states not include human rights language in the Dumbarton Oaks draft? (44) Only China, the weakest of the four, pressed for inclusion of some human rights language. But China's effort to include an explicit statement against racial discrimination was rejected by the other great powers.

The two other key governmental actors, the USSR and the United Kingdom, shared the US concern to limit possible infringement on domestic jurisdiction. (45) Although the human rights provisions did not carry teeth at this early stage, states were wary of the sovereignty implications of the human rights issue. If human rights policy was the result of powerful states, as realist theory suggests, it simply cannot help us understand why these powerful states came to support international human rights norms so reluctantly.

If, as critical theorists suggest, human rights was a discourse that powerful states used to reaffirm their identity as superior to the weaker nations, and to promote monitoring and surveillance, why did more powerful states resist the adoption of human rights discourses and less powerful states promote it? (46) I believe that both realist and critical theory accounts have misunderstood and misrepresented the history of human rights ideas and human rights policies. Reading the history of the human rights policies reveals that these policies, especially multilateral policies, have often been embraced by the less powerful to try to restrain the more powerful. These less powerful groups are more likely to succeed, however, when they also have allies within powerful states.

Both states and NGOs demanded an international organization that would have more far-reaching power to enforce international human rights norms. The Uruguayan delegation, for example, proposed that the Charter itself should contain a "Declaration of Rights," and "a system of effective juridical guardianship of those rights." (47) Uruguay proposed to make it possible to suspend from the organization countries that persistently violated human rights. (48) The final language, however, called on the UN only to promote, encourage, and assist respect for human rights.

As a result, the Charter mandate on human rights is less firm than many states and NGOs desired because it calls on the UN to promote and encourage respect for human rights, rather than to actually protect rights (49) More far-reaching alternative visions were presented and articulated at the San Francisco conference, and the NGO consultants and a handful of democratic Latin American states were among the most eloquent spokespeople for them. These alternative visions continued to be further elaborated in the drafting of the American Declaration of the Rights and Duties of Man, which began as soon as the San Francisco conference ended.

The American Declaration of the Rights and Duties of Man and the UDHR

Most histories of human rights in the world emphasize the Universal Declaration of Human Rights, passed by the UN General Assembly on 10 December 1948, as the founding moment of international human rights. (50) The dramatic story of the drafting of the UDHR has been told well and at length elsewhere. (51) I do not repeat that history here, but rather stress a much less well-known story--the ways in which the the drafting of the American Declaration of the Rights and Duties of Man preceded the drafting of the UDHR.

The American Declaration was first approved by the Ninth International Conference of American States at Bogota, Colombia, in April 1948, eight months before the passage of the UDHR. The Organization of American States (OAS) did not yet exist at time of the Bogota meeting, and so the American Declaration was formally adopted later by a unanimous vote of the newly formed OAS, but still some three months before the General Assembly acted on the UDHR. (52)

Because Latin American states adopted the American Declaration of the Rights and Duties of Man before the General Assembly passed the UDHR, the American Declaration was in fact the "the first broadly detailed enumeration of rights to be adopted by an intergovernmental organization." (53) But because the two documents were being drafted around the same time, these two processes were overlapping and complementary, so it is useful to discuss them together.

But what I want to stress here is that the process of drafting the American Declaration of the Rights and Duties of Man was always a step ahead of the drafting of the UDHR. Because the American republics had requested a draft declaration of rights from the Inter-American Juridical Committee at the Mexico City conference in 1945 before the San Francisco conference, the American Declaration process had a head start over the process of drafting the UDHR that had to wait to get started until after the San Francisco meeting and after ratifications of the UN Charter. The Inter-American Judicial Committee worked rapidly to produce this complete draft declaration, including twenty-one articles and another fifty pages of full commentary, by 31 December 1945, only six months after the San Francisco conference had concluded. The document was published in March 1946, before the UN Preparatory Committee tasked with drafting the UDHR had even held its first meeting. (54) The American states expanded the final American Declaration beyond this draft declaration, adding eight additional articles on rights and ten additional articles on the duties of states, but all the core civil, political, economic, social, and cultural rights of the American Declaration were present in the draft. The Juridical Committee's justifications for rights in this document gives an idea of how some Latin American jurists were thinking about the relationship between sovereignty and human rights in this period:

In view of the widespread denial of these political rights by totalitarian governments in recent years it may be well to reinstate the basic theory underlying them. The state is not an end in itself, it is only a means to an end; it is not in itself a source of rights but the means by which the inherent rights of the individual person may be made practically effective.... Not only, therefore, are particular governments bound to respect the fundamental rights of man, but the state itself is without authority to override them. (55)

This is as clear a statement as possible of the doctrine of popular sovereignty that was part of the legal tradition in Latin America. The Inter-American Judicial Committee then went on to say that the broad principles of distributive justice provide a justification for the inclusion of economic and social rights in the draft declaration as "the complicated economic lives of modern states has made the old doctrine of laissez-faire no longer adequate." (56)

The American Declaration was completed before the second round of drafting of the UDHR, and it was influential in the text of the UDHR, particularly in the articles on social and economic rights. In his detailed book on the drafting of the UDHR, Morsink wrote that the American

Declaration "heavily influenced the drafting process and product of the universal one." (57) The American Declaration includes thirty-eight articles, of which twenty-eight are devoted to an enumeration of rights and ten to duties. This attention to duties sets the American Declaration apart from the UDHR, which does not enumerate specific duties, although it does mention them in Article 29. Of the twenty-eight articles on rights, approximately two-thirds of the articles address civil and political rights, and approximately one-third address economic, social, and cultural rights, including the rights to health, education, work and fair remuneration, culture, leisure, social security, and property. All of the rights in the UDHR also appear in the American Declaration, although the UDHR sometimes elaborates on these rights in greater detail. The American Declaration has a single right--that of petition--as well as the nine additional articles on duties that are not in the UDHR. (58)

This heavy influence of the American Declaration on the UDHR is not surprising because they had similar sources. When John Humphrey, the Canadian who served as the head of the UN Secretariat's Human Rights Division, wrote the Secretariat outline (a draft bill of rights) for the Human Rights Commission to use its deliberations in producing the eventual UDHR, he used for models the score of drafts the Secretariat had collected from law professors and legal and social NGOs as well as from other intergovernmental organizations, including the Pan-American Union. (59) Although the Secretariat outline was modified significantly during the debates, the influence of these diverse nongovernmental and intergovernmental sources are clearly seen in the final version of the Universal Declaration of Human Rights. Cuba, Panama, and Chile were the first three countries to submit full drafts of bills of rights to the commission. Each of these contained references to rights to education, food, and health care, and other social security provisions. (60) Humphrey, a social democrat, used these drafts extensively in preparing the Secretariat's draft for the commission to consider. "Humphrey took much of the wording and almost all of the ideas for the social, economic, and cultural rights from his first draft from the tradition of Latin American socialism by way of the bills submitted by Panama and Chile." (61) The research showing the impact of Latin American countries on the inclusion of economic and social rights in the UDHR corrected a long-held belief that the economic and social rights in the UDHR were primarily the result of Soviet pressure. (62)

In addition to their contributions to the economic and social rights in the UDHR, Latin American delegates made other important contributions. Latin American delegations, especially Mexico, Cuba, and Chile, almost single-handedly inserted language about the right to justice into both the American Declaration and the UDHR. The probable source for Latin American proposals on the need for accountability in the American Declaration and the UDHR are the amparo laws that existed in some, but not all, Latin American countries. (63) Since there is no equivalent of a full amparo law in common-law countries, it is difficult to translate. Habeas corpus is related, but it is only for protection against unjust detention, while amparo or tutela laws offer protections for the full range of rights violations that may occur as a result of "acts of authority." So, habeas corpus is like a "species" in a broader "genus" of protections, many of which are covered by amparo laws. (64) This is a clear example of normative innovation where Latin American delegations took legal procedures from their own constitutional tradition, one that was not present in the constitutions of the large common-law countries, and used it to craft an essential article of the new human rights declarations. Far from an example of norm localization or even vernacularization, this is a clearer case of norm protagonism or innovation from countries in the Global South. This idea of a right to justice would later serve as the backbone of Latin American efforts to secure accountability through the inter-American system. In this sense, there is genuine continuity from the normative and legal contributions

that Latin American states made to the UDHR and the American Declaration and the later work of the Inter-American Commission and the Inter-American Court of Human Rights on behalf of accountability for past human rights violations.

Conclusion

Why has Latin America's important role in the emergence of global human rights norms and law not been more broadly perceived or understood by international relations scholars, including even at times scholars from the Latin America region? There are a number of possible explanations. First, there was a paradox at the heart of Latin America defense of human rights that may have undermined its effectiveness. At the same time as many Latin American countries were advocating international human rights norms, practices on the ground in many countries fell far short of the human rights ideal. This paradox was graphically present even at the Ninth Inter-American Conference where the American Declaration was first approved by the American states.

In the midst of the conference, an important populist political leader in Colombia, Jorge Eliecer Gaitan, was assassinated on the streets of Bogota, leading to intense protests and violence that temporarily suspended the conference proceedings. Gaitan, a leader of the left wing of the Liberal Party, was an eloquent speaker greatly admired by the poor of the city who responded to his murder with riots, looting, and killings, which in turn led to a violent response by the state security forces. This riot is known as the Bogotazo (Bogota attack), in which thousands were killed and a large part of the city burned to the ground. The Bogotazo is now seen as the start of the period in Colombia known as La Violencia (the time of violence), in which hundreds of thousands of ordinary Colombians died.

So, we have this juxtaposition of a conference to set up a new regional organization and to proclaim the rights and duties of man and the importance of democracy in the region at the same time as the host government of the conference and the people in the streets are trampling on the rights of man. The response of the world community, and indeed many in the region, may have been to dismiss the noble words inside the conference that would appear to be contradicted by the practices outside of it. Or perhaps the events simply foreshadowed the pressing problems of security and violence that would dominate the Cold War period and lead to the disregard of general declarations.

But a second reason, and this is much more critical for IR scholars, is that many scholars of international relations have neither the training, the knowledge of other languages, nor the inclination to conduct field research in the developing world. So, they turn to sources in the Global North. There is yet a new paradox here: even scholars that critique how the Global North imposes norms on the Global South often do so on the basis of research conducted almost solely in the Global North, using sources available there. The research design of these scholars reproduces the very situation they critique. In their efforts to stress how the countries of the Global North have silenced voices in the developing world and imposed Northern values on them, they too have silenced the past by not carefully investigating sources from the developing world itself. Thus, this short article is a plea of sorts for attention to the possibility of Southern protagonism at many stages of global norm development and global governance.

This historical work tracing the origins of international norms helps shed light on current developments. In the case of Latin America, various developments on the international supervision of human rights and democracy in regional and international organizations can be

seen as manifestations of the ideas presented by Latin American states at the San Francisco conference and articulated in the American Declaration of the Rights and Duties of Man. Developments in the inter-American system that now allow the OAS to suspend from membership governments that come to power through military coups are the concrete realization of proposals that countries like Uruguay and Guatemala made in San Francisco in 1945. The International Criminal Court is the embodiment of the idea that the international system not only should promote rights, but also should provide actual enforcement and juridical protection of those rights. Latin American involvement in these recent initiatives therefore is not a puzzle or a result of great-power leadership, but a continuation of much longer traditions and activism on behalf of the international protection of human rights and democracy.

Notes

- (1.) Michael Barnett and Kathryn Sikkink, "From International Relations to Global Society," in Christian Reus-Smit and Duncan Snidal, eds., *The Oxford Handbook of International Relations* (New York: Oxford University Press, 2008), pp. 6283.
- (2.) Clifford Bob, *The Marketing of Rebellion: Insurgents, Media, and International Activism* (Cambridge: Cambridge University Press, 2005); Charli Carpenter, "Governing the Global Agenda: 'Gatekeepers' and 'Issue Adoption' in Transnational Advocacy Networks," in Debra Avant, Martha Finnemore, and Susan Sell, eds., *Who Governs the Globe?* (Cambridge: Cambridge University Press, 2010), pp. 202-237.
- (3.) Beth Simmons, Frank Dobbins, and Geoffrey Garrett, "Introduction: The International Diffusion of Liberalism," *International Organization* 60, no. 4 (2006): 781-810.
- (4.) Louise Fawcett, "Between West and Non-West: Latin American Contributions to International Thought," *International History Review* 34, no. 4 (2012): 679-704.
- (5.) Amitav Acharya, "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism," *International Organization* 58, no. 2 (2004): 239-275; Amitav Acharya, "Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism, and Rule-making in the Third World," *International Studies Quarterly* 55, no.1 (2011): 95-123.
- (6.) Sally Engle Merry, "Transnational Human Rights and Local Activism," *American Anthropologist* 108, no. 1 (2006): 38-51.
- (7.) Ibid.
- (8.) Kathryn Sikkink, "Reconceptualizing Sovereignty in the Americas: Historical Precursors and Current Practices," *Houston Journal of International Law* 19, no. 3 (Spring 1997): 705-729; Kathryn Sikkink, "From Pariah State to Global Protagonist: Argentina and the Struggle for International Human Rights," *Latin American Politics and Society* 50, no. 1 (2008): 1-29; Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (London: Norton, 2011).
- (9.) Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998): 887-917.
- (10.) See Eric Helleiner, "Southern Pioneers of International Development," in this issue.

- (11.) Jorge Dominguez, "International Cooperation in Latin America: The Design of Regional Institutions by Slow Accretion," in Amitav Acharya and Alastair I. Johnston, eds., *Crafting Cooperation: Regional International Institutions in Comparative Perspective* (Cambridge: Cambridge University Press, 2007).
- (12.) Dominguez, "International Cooperation in Latin America."
- (13.) See, for example, Amitav Acharya and Alastair I. Johnston, eds., *Crafting Cooperation: Regional Institutions in Comparative Perspective* (Cambridge: Cambridge University Press, 2007); Louise Fawcett and Monica Serrano, eds., *Regionalism and Governance in the Americas: Continental Drift* (London: Palgrave Macmillan, 2005); Pia Ruggirozzi and Diana Tussi, eds., *The Rise of Post-hegemonic Regionalism: The Case of Latin America*, United Nations University Series on Regionalism, vol. 4 (New York: Springer, 2011).
- (14.) See, for example, Fawcett, "Between West and Non-West." See also Ivan I. Jaksic and Andres Bello, *Scholarship and Nation-building in Nineteenth-Century Latin America* (Cambridge: Cambridge University Press, 2001), on the role of Andres Bello in international law, in particular.
- (15.) Dominguez, "International Cooperation in Latin America."
- (16.) Sikkink, "Reconceptualizing Sovereignty in the Americas"; G. Pope Atkins, *Latin America in the International Political System*, 2nd ed. (Boulder, CO: Westview, 1989); Dominguez, "International Cooperation in Latin America."
- (17.) From Resolution 40, "International Protection of the Essential Rights of Man" of the Final Act of the Inter-American Conference on Problems of War and Peace, as cited in Inter-American Juridical Committee, "Draft Declaration of the International Rights and Duties of Man and Accompanying Report" (Washington, DC: Pan-American Union, March 1946).
- (18.) Paolo Carozza, "From Conquest to Constitutions: Retrieving a Latin American Tradition of the Idea of Human Rights," *Human Rights Quarterly* 25, no. 2 (2003): 281-313.
- (19.) Christian Reus-Smit, *Individual Rights and the Making of the International System* (Cambridge: Cambridge University Press, 2013); Paulina Ochoa Espejo, "Paradoxes of Popular Sovereignty: A View From Spanish America," *Journal of Politics* 74, no. 4 (October 2012): 1053-1065.
- (20.) Fawcett, "Between West and Non-West."
- (21.) Liliana Obregon, "Between Civilization and Barbarism: Creole Interventions in International Law," *Third World Quarterly* 27, no. 5 (2006): 815-832.
- (22.) See Liliana Obregon, "Noted for Dissent: The International Life of Alejandro Alvarez," *Leiden Journal of International Law* 19, no. 4 (2006): 983-1016.
- (23.) See Sikkink, "Reconceptualizing Sovereignty in the Americas."
- (24.) Ochoa Espejo, "Paradoxes of Popular Sovereignty."

- (25.) G. Pope Atkins, *Latin America in the International Political System*, 2nd ed. (Boulder: Westview, 1989), p. 228. See also Pablo Rojas Paz, ed., "La Omnipotencia del Estado es la Negacion de la Libertad Individual," in Juan Bautista Alberdi, *El Pensamiento de Alberdi* (Buenos Aires: Editorial Lautaro, 1943), pp. 11, 35.
- (26.) Atkins, *Latin America in the International Political System*, p. 228.
- (27.) Steve Ellner, "Venezuela," in Leslie Bethell and Ian Roxborough, eds., *Latin American Between the Second World War and the Cold War, 1944-1948* (Cambridge: Cambridge Univeristy Press, 1992).
- (28.) Leslie Bethell and Ian Roxborough, "Introduction: The Postwar Conjuncture in Latin America: Democracy, Labor, and the Left," in Leslie Bethell and Ian Roxborough, eds., *Latin American Between the Second World War and the Cold War, 1944-1948* (Cambridge: Cambridge Univeristy Press, 1992), pp. 1-32; Heman Santa Cruz, *Cooperar o Perocer: El Dilema de la Comunidad Mundial* (Buenos Aires: Grupo Editor Latinoamericano, 1984), p. 57.
- (29.) See Sikkink, "Reconceptualizing Sovereignty in the Americas"; Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (Philadelphia: University of Pennsylvania Press, 1999); Mary Ann Glendon, "The Forgotten Crucible: The Latin American Influence on the Universal Human Rights Idea," *Harvard Human Rights Journal* 16 (2003): 27-39; also see Carozza, "From Conquest to Constitutions."
- (30.) Cited in Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 1998), p. 165.
- (31.) Lauren, *The Evolution of International Human Rights*, pp. 162, 164-165, 167.
- (32.) Jacob Robinson, *Human Rights and Fundamental Freedoms in the Charter of the United Nations* (New York: Institute of Jewish Affairs, 1946), p. 17.
- (33.) Lauren, *The Evolution of International Human Rights*, pp. 174-179; Sumner Welles, *Where Are We Heading?* (New York: Harper & Brothers, 1946), p. 34.
- (34.) "Final Act of the Inter-American Conference on Problems of War and Peace, Mexico City, February-March, 1945," in *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21-March 8, 1945* (Washington, DC: US Printing Office, 1946).
- (35.) *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21-March 8, 1945* (Washington, DC: US Printing Office, 1946); Morsink, *The Universal Declaration of Human Rights*, pp. 130-131.
- (36.) Inter-American Juridical Committee, "Draft Declaration of the International Rights and Duties of Man and Accompanying Report" (Washington, DC: Pan-American Union, March 1946), pp. 57-58.
- (37.) Ochoa Espejo, "Paradoxes of Popular Sovereignty."

- (38.) Alberto Rodriguez Larreta, "Inter-American Solidarity: Safeguarding the Democratic Ideal: Note from Uruguayan Foreign Minister to Secretary of State," Department of State Bulletin (25 November 1945): 865-866.
- (39.) Documents of the United Nations Conference on International Organization, San Francisco, 1945 (New York: UN Information Organizations, 1945), p. 293, emphasis added.
- (40.) Lauren, *The Evolution of International Human Rights*, p. 193; "Opinion of the Department of Foreign Relations of Mexico Concerning the Dumbarton Oaks Proposals for the Creation of a General International Organization," Documents of the United Nations Conference on International Organization, San Francisco, 1945: Volume 3 (New York: UN Information Organization, 1945), pp. 71-73.
- (41.) Morsink, *The Universal Declaration of Human Rights*, p. 130.
- (42.) Lauren, *The Evolution of International Human Rights*, p. 337, footnote 86.
- (43.) Santa Cruz, *Cooperar o Perecer*, p. 69.
- (44.) See, for example, Stephen D. Krasner, "Sovereignty, Regimes, and Human Rights," in Volker Rittberger and Peter Mayer, eds., *Regime Theory and International Relations* (New York: Oxford University Press, 1993).
- (45.) M. Glen Johnson, "The Contributions of Eleanor and Franklin Roosevelt to the Development of International Protection for Human Rights," *Human Rights Quarterly* 9, no. 1 (February 1987): 24.
- (46.) See, for example, Roxanne Doty, *Imperial Encounters: The Politics of Representation in North-South Relations* (Minneapolis: University of Minnesota Press, 1996), pp. 127-144.
- (47.) "New Uruguayan Proposals on the Dumbarton Oaks Proposals," Documents of the United Nations Conference on International Organization, San Francisco, 1945: Volume 3 (New York: UN Information Organization, 1945), p. 34.
- (48.) "Statement of Uruguayan Delegation of Its Position with Reference to Chapters I and II of the Charter as Considered by Committee 1/1," 15 June 1945, Documents of the United Nations Conference on International Organization, San Francisco, 1945: Volume 6 (New York: UN Information Organization, 1945), pp. 628-633.
- (49.) "Report of Rapporteur, Subcommittee I/IIA (Farid Zeineddine, Syria), to Committee 1/1," Documents of the United Nations Conference on International Organization, San Francisco, 1945 (New York: UN Information Organization, 1945), p. 705.
- (50.) Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2007); Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001); Morsink, *The Universal Declaration of Human Rights*.
- (51.) See, in particular, Lauren, *The Evolution of International Human Rights*, chaps. 6-7; Morsink, *The Universal Declaration of Human Rights*; Glendon, *A World Made New*.

(52.) Tom Farer, "The Rise of the Inter-American Human Rights Regime: No Longer a Unicorn, Not Yet an Ox," in David Harris and Stephen Livingstone, eds.. *The Inter-American System of Human Rights* (New York: Oxford University Press, 1998), p. 35.

(53.) Ibid.

(54.) Inter-American Juridical Committee, "Draft Declaration of the International Rights and Duties of Man and Accompanying Report" (Washington, DC: Pan-American Union, March 1946). The UN Nuclear Preparatory Committee held its first meetings in April and May 1946. Morsink, *The Universal Declaration of Human Rights*, p. 4.

(55.) Inter-American Juridical Committee, "Draft Declaration of the International Rights and Duties of Man," p. 21.

(56.) Ibid.

(57.) Morsink, *The Universal Declaration of Human Rights*, p. 130.

(58.) "Estudio Comparativo de la Declaracion Americana de los Derechos y Deberes del Hombre y la Declaracion Universal de Derechos del Hombre," unnumbered mimeographed document in file "human rights," archives of the Columbus Library, Organization of American States, Washington, DC.

(59.) John P. Humphrey, *Human Rights and the United Nations: A Great Adventure* (Dobbs Ferry, NY: Transnational, 1984), pp. 31-32.

(60.) The Panamanian draft was prepared by the American Law Institute and the Chilean draft was prepared by the Inter-American Juridical Committee of the OAS. Morsink, *The Universal Declaration of Human Rights*, p. 131.

(61.) Morsink, *The Universal Declaration of Human Rights*, p. 131.

(62.) Glendon, *A World Made New*; Morsink, *The Universal Declaration of Human Rights*; Humphrey, *Human Rights and the United Nations*.

(63.) Pan-American Union, *Human Rights in the American States* (Washington, DC: OAS, Department of Legal Affairs, 1960).

(64.) Ibid.

Kathryn Sikkink is the Ryan Family Professor of Human Rights Policy at Harvard Kennedy School and the Carol K. Pforzheimer Professor at the Radcliffe Institute for Advanced Study.