

REGIONAL IDENTITIES AND DYNAMIC NORMATIVE ORDERS
IN THE GLOBAL SOUTH: A COMPARATIVE STUDY

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List of Acronyms

ASEAN – Association of Southeast Asian Nations

DADM – Dynamic Analysis of Dispute Management

ECA – United Nations Economic Commission for Africa

ECOWAS – Economic Community of West African States

NAACP – National Association for the Advancement of Colored People

NGO – Non-governmental organization

NR – New Regionalism

OAS – Organization of American States

OAU – Organization of African Unity

R2P – Responsibility to Protect

SAP – Structural Adjustment Program

SEATO – Southeast Asian Treaty Organization

Chapter 1

Introduction

State sovereignty is a fundamental organizing principle of international relations.

Although always imperfectly respected, the sovereignty norm-set—most essentially territorial integrity, sovereign equality, and non-interference—carries enormous weight.

It is not, however, static. In fact, the current status of state sovereignty is the subject of some debate. Has globalization significantly eroded sovereignty? Have emerging norms like the Responsibility to Protect redefined sovereignty in important ways? Studies addressing these and related questions respond to an increasing recognition of the essentially constructed nature of state sovereignty and of the need for scholarship that historicizes and contextualizes it, illuminating the dynamics and texture of global order.¹

This dissertation examines an essential component of sovereignty, the norm of non-interference, arguing that—yes—sovereignty has evolved over time, and especially since the end of the Cold War, but that this evolution has been uneven; in fact, we can observe distinct regional patterns of shared understandings and practices of sovereignty. Furthermore, this regional variation is not simply defined by divergence between the global North and global South, but in fact exists across regions in the global South. Specifically, the norm of non-interference, a watchword in developing regions during the post-decolonization era, has nevertheless eroded over time in important ways in Latin America and Africa as intrusive regionalism has developed there. Non-interference has meanwhile been upheld and protected to a much greater degree in Southeast Asia.

¹ See Biersteker 2013; Weber 1995, 2.

I attribute divergence in normative trajectories to regional identity discourses in Latin America and Africa that have presented a challenge to Westphalian sovereignty. In the shorter term, regional democratic density and economic performance critically affected the development (or not) of intrusive regionalism, and the link between these factors and normative stasis or change is provided by the international ideational context.

Sovereignty Norms in the Global South

Because sovereignty is so fundamental to international society, we tend to think of it as constant (dating back to the Peace of Westphalia), but, if “anarchy is what states make of it,”² so is sovereignty. As Christian Reus-Smit explains, the “meaning and behavioral implications of the principle vary from one historical context to another” and, “Unless embedded within a larger complex of values, the principle of sovereignty cannot alone provide that state with a coherent social identity sovereignty has no purposive content.”³ The meaning of sovereignty varies across time and space.

In the nineteenth and early twentieth centuries, European states (and the United States) differentiated their own sovereign rights to freedom from interference from those rights of non-European states, the sovereignty of which was considered to be conditional on their ability to adhere to the ‘standards of civilization.’⁴ Indeed, non-European states struggled during this period to gain recognition and full admittance into the ‘family of nations’ and to oblige more powerful and established states to respect the norm of non-interference in their dealings with them. For example, as outlined in Chapter 3, Latin American states (which gained independence much earlier than most African and Asian

² Wendt 1992.

³ Reus-Smit 1997, 567, 565.

⁴ Glanville 2014, 112.

nations) sought to constrain U.S. interventionism through sovereignty-promoting regional law in the late 1800s and early 1900s. The United States resisted its southern neighbors' efforts to codify non-interference and other sovereignty norms, but it finally relented in the mid-1930s; the Seventh International Conference of American States of 1933 adopted the Convention on the Rights and Duties of States, establishing the principles of sovereign equality, non-intervention, territorial integrity, the peaceful settlement of disputes, and the "subjection of foreigners to local legal jurisdiction."⁵ According to Arnulf Becker Lorca, this convention "marked the dissolution of the standard of civilization" in the Americas.⁶

A decade later, World War II ended and the United Nations was established, and these events carried important implications for state sovereignty, generalizing Latin American states' acquisition of statehood and sovereign rights to the global level. The end of the war itself ushered in a wave of decolonization resulting in the creation of eighty new formally sovereign states over the next several decades, drastically altering the international landscape.⁷ Furthermore, the 1945 United Nations Charter established more clearly the meaning and status of sovereignty by "firmly and unambiguously" codifying sovereign states' rights to self-determination and non-interference.⁸ How would sovereignty function in a post-World War II world constituted by so many new (post-colonial) states? The short answer is that states in the global South expressed particular enthusiasm for strict interpretations of sovereignty, at least in the wake of decolonization. The post-colonial 'condition'—born of regime insecurity and the recent collective

⁵ Shaw 2004, 51.

⁶ Lorca 2014, 8.

⁷ United Nations n.d.

⁸ Glanville 2014, 8.

memory of colonialism and intervention (framed with ‘civilizing’ discourses) motivated Southern states to guard their external sovereignty and to push back against infringements on exclusive domestic jurisdiction made with reference to doctrines that are reminiscent of the language of the ‘standard of civilization.’

The idea that post-colonial international spaces operate according to different logics than does the First World is a common refrain. Jacqueline Braveboy-Wagner, for example, argues that states in the global South hold fast to their sovereignty, even as they attempt the expansion of international cooperation.⁹ Others characterize international relations in the global South—especially Africa—as dominated by realist logics of ‘might makes right’ and absent of shared commitments to liberal internationalism and human security (or shared norms more generally), in contrast to their Northern counterparts.¹⁰ Amitav Acharya and A.I. Johnston conclude in their 2007 edited volume on comparative regional institutions that “[t]he design of regional institutions in the developing world has been more consistently sovereignty-preserving than sovereignty-eroding,” relative to their counterparts in Europe and North America, and that “[t]he more insecure the regimes, the less intrusive are their regional institutions.”¹¹ In other words, regionalism in the global South hasn’t failed at European Union-style regionalism (with its sovereignty ceding or pooling) but rather functions for different purposes, supporting newly developing states as they face internal instability and external intervention and other forms of neocolonialism. Acharya explains in a separate article that while regionalism in Europe in part responded to “the declining legitimacy of nationalism” in the wake of a

⁹ Braveboy-Wagner 2009.

¹⁰ See brief but highly relevant literature review in Williams 2007, 253-255.

¹¹ Acharya and Johnston 2007, 262.

devastating war, nationalism and post-colonial regionalism were in fact mutually reinforcing in the global South.¹²

These assessments aren't exactly wrong, but they overlook important developments over time and important normative differences across post-colonial regions. Sovereignty norms are neither static nor monolithic, even in the global South. Beginning a few years before the end of the Cold War, a resurgence or 'second wave'¹³ of regionalism swept the globe; regionalist rhetoric became more prominent in international politics, new regional institutions emerged, and existing regional organizations took on new roles and deeper levels of cooperation and integration.¹⁴ This trend makes up part of what has been termed the 'new regionalism,' a phenomenon inspiring renewed scholarly interest in the regional level of global governance: "There is little doubt that the mid-1980s marked something of a turning-point in the fortunes of regionalism."¹⁵ The trend accelerated with the end of the Cold War, as international cooperation through intergovernmental organizations was reinvigorated at the global level as well. The most visible developments at the forefront of the new regionalist wave took place in Europe, where the 1986 Single European Act set as an objective the establishment of a single market by 1992 and set in motion the transformation of regionalism on that continent.

As regional cooperation widened and deepened across the globe, some regional groupings—like those in Latin America and Africa—became more willing to use *intrusive* means to promote and protect democracy, human rights, and (human) security

¹² Acharya 2007, 633.

¹³ Those who consider the regionalist trend beginning in the 1980s to be the 'second wave' consider the 'first wave' to encompass regional projects in the 1950s and 1960s.

¹⁴ Fawcett 1995.

¹⁵ Fawcett 1995, 9.

in their member states, thereby demoting non-interference within the regional normative hierarchy. Other groupings—like Southeast Asia’s—remained protective of strict sovereignty norms. By intrusive regionalism I mean actions carried out by states and regional organizations—located in the same region as the target state—that encroach upon domestic political or security matters, seeking to monitor or alter state action in some way or affect the outcome of a domestic crisis. In Latin America and Africa, activities including state monitoring (of human rights practices and electoral processes) as well a range of interference practices taken in response to domestic political and military crises (e.g., public condemnation, fact-finding missions, economic sanctions, peacekeeping missions) have been increasingly legitimized, institutionalized, and carried out since this second wave of regionalism. This is surprising in light of Acharya and Johnston’s formulation (above), given that Southeast Asian nations have arguably advanced the furthest in the project of state-building—boasting stronger state institutions and economies than their counterparts in Latin American and (especially) Africa—but have most maintained the attitude towards sovereignty norms that we associate with the insecurities of new post-colonial states.

This divergence in regional normative trajectories (uneven erosion of the norm of non-interference) since the second wave of regionalism beginning in the 1980s and accelerating in the 1990s is a puzzling phenomenon and the primary explanandum of this study. It is also the case, however, that (subtler) regional variation existed before the 1980s. For example, Latin America created a regional human rights commission to monitor state practices in 1959 and dispatched election observation teams to member states in an ad hoc fashion throughout the Cold War period. These and other intrusive

legal and practical developments during the Cold War—for which evidence is presented in Chapter 2—suggest that the more pronounced variation we find in the late 20th century has historical roots.

This dissertation has two main objectives: to establish underappreciated variation in sovereignty norms in the global South and to explain this variation. Chapter 2 speaks to the first objective and Chapters 3-7 to the second. The remainder of the present chapter presents my methodological approach and explanatory framework.

Methodological Approach

This dissertation takes an historical comparative approach,¹⁶ analyzing developments over time in the three world regions discussed above—Latin America, Africa, and Southeast Asia—in order establish that important variation exists and to draw conclusions about causal factors contributing to their divergent normative trajectories. I have selected these cases—defined by current membership in relevant regional organizations—because they represent diverse outcomes and together cover much of the global South:

¹⁶ See Mahoney and Rueschemeyer 2003; Bennett and George 2005.

Table 1.1 Case Overview

Region (Relevant Organization)	Membership	Population
Latin America (Organization of American States—OAS—minus the United States and Canada)	35 (North, Central, South America)	910 million
Africa (African Union)	54 (all African states except Morocco)	967 million
Southeast Asia (Association of Southeast Asian Nations—ASEAN)	10 (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam)	601 million

As already noted, I seek to answer two main questions: 1) how has the status of the norm of non-interference varied over time and across regions? and 2) what accounts for this variation? To answer the first question, I trace relevant regional law over time in the three regions as well as regional practices—state monitoring and intrusive responses to intrastate crises—that violate non-interference by assuming jurisdiction over domestic affairs. I compare practices with the use of an original dataset of domestic disputes rising to a ‘crisis level’ and intrusive regional responses to these crises. Chapter 2 provides more details on this quantitative component of the study. In the rest of the dissertation, I employ a qualitative case study method to investigate the causal processes contributing to normative stasis and change. Chapter 3 covers pan-movements and regionalist activities, beginning as early as the 1820s, leading up to the formation of formal regional organizations [the OAS, the Organization of African Unity (OAU, predecessor to the African Union), and ASEAN in 1948, 1963, and 1967, respectively]. Chapters 4-7 investigate developments relevant to non-interference that have taken place since the

establishment of these organizations. I am particularly interested in (uneven) normative change since the second wave of regionalism beginning in the mid-1980s.

The temporal and geographical scope of this project is vast, and the main dependent variable (the status of the norm of non-interference) subsumes many different practices (e.g. election monitoring, sanctions, peacekeeping) and issue areas (democracy, human rights, security) that are often considered separately. There are of course breadth-depth tradeoffs associated with this aspect of the research design. As I further argue in the concluding chapter (Chapter 8), though, the comparative regionalism literature is ripe for such a broadly comparative study because of the availability of excellent work on particular regions written by area experts and because of the general dearth of studies *directly* comparing multiple regions (as many existing studies take the form of the edited volume).

A Theory of Intrusive Regionalism from the Second Wave

I identify two kinds of variation in the status of the norm of non-interference—temporal and regional—and therefore seek to answer two questions: 1) Why did regional groupings in the developing world introduce (or enhance existing) interference practices at this particular time (beginning in the mid-1980s and especially after 1990), and 2) Why did some regions (Latin America and Africa) do so to a much greater degree than others (Southeast Asia)?

International ideational context

In order to begin addressing the question of timing, I turn first to the changing international ideational context, where we observe the rise of liberal internationalism beginning in the late 1970s (and especially with the end of the Cold War) and the emergence of the human security paradigm in the late 1980s and early 1990s. Because the intrusive regional practices we see during the second wave of regionalism are aimed at promoting and protecting democracy, human rights, and intrastate security, this context is relevant.

Liberal internationalism means different things to different people, but I define it as a doctrine favoring the international promotion and protection of liberal values (i.e. free markets, democracy and human rights), especially through multilateral institutions. In the late 1970s, democracy and human rights came to feature more prominently in individual states' foreign policies and in the agenda of international institutions. This incorporation took place alongside the growth of the international human rights movement. In 1975, the Conference on Security and Cooperation in Europe (of which the United States and Soviet Union were members) adopted the Final Helsinki Act, which aimed to promote East-West cooperation and set forth, among other things, commitments to human rights and democracy. The act facilitated the establishment of domestic human rights monitoring groups and initiated the Helsinki Process, a series of meetings over the course of several years where progress on the objectives of the act, including human rights and democracy, were assessed.¹⁷ These meetings provided opportunities for participating states to draw attention to other states' particular violations of Helsinki Act

¹⁷ Bloed 1990, 12-21.

commitments.¹⁸ When Jimmy Carter took office in 1977, his administration made human rights promotion an explicit priority of U.S. bilateral foreign policy, and European states followed suit a few years later.¹⁹ Entry into force of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights took place in 1976, followed by that of the American Convention on Human Rights in 1978. As discussed in Chapter 4, in the 1970s the Inter-American Commission on Human Rights took on a more influential role in regional politics, issuing highly critical reports of member states' systematic abuses of human rights.

The Third Wave of democratization swept the globe in the 1980s and 1990s, and the international human rights movement grew more powerful. During the Ronald Reagan administration, U.S. human rights commitments dropped out somewhat from its international priorities in favor of anti-communism, but, with the end of the Cold War, 'democratic enlargement' replaced anti-communism as the centerpiece of U.S. foreign policy. The "liberal zeitgeist" of the time was reinforced by this "appearance of a unipolar system presided over by a liberal democratic great power."²⁰ Writing in 1992, legal scholar Thomas Franck observed the emergence of a right to democratic governance supported by "international rules and processes by which the governance of nations is increasingly being monitored and validated."²¹ International financial institutions and Western countries increasingly tied loans and official development assistance to domestic political reforms beginning in the late 1980s. This conditionality was stronger in rhetoric

¹⁸ Huntington 1991, 90.

¹⁹ Ministry of Foreign Affairs of the Kingdom of the Netherlands 1979.

²⁰ Hobson 2009, 385.

²¹ Franck 1992, 50.

than in practice, but even the rhetorical shift contributed to pressure on developing countries to adhere to or at least pay lip service to liberal norms.²²

Human security is more difficult to pin down as a concept than liberal internationalism. Broadly speaking, it is defined *against* traditional understandings of state security that focus on external military threat. Instead, it is a people-centered notion; the human is the referent of security rather than the state, and the state itself may be the source of insecurity. Although many approaches to thinking about human security exist, we can generally differentiate between two basic definitions, one that identifies threats to human security narrowly and one broadly. The narrow version focuses on “violent threats to individuals and communities.” The broad version is more multidimensional or holistic and seeks to draw our attention to the intersection of issue areas that had traditionally been addressed separately in (international) policymaking, like economic development, environmental degradation, human rights, public health, et cetera. It considers “hunger, disease, pollution, affronts to human dignity, threats to livelihoods, and other harms in addition to violence” to be sources of human insecurity.²³

The term human security itself first gained widespread international attention when it appeared in the United Nation’s Development Program’s 1994 Human Development Report (where the broad definition was used), but, as I outline in Chapter 5, precursor or component policy discourses—which I term ‘human centrism’ and ‘holistic problem solving’—emerged in the 1980s as part of a critical response at the international and regional levels to the impact of economic structural adjustment programs (imposed on developing countries by international financial institutions). The United Nations

²² Dunning 2004; Bratton and van de Walle 1997, 135.

²³ Human Security Research Project 2010.

Economic Commission for Africa played a key role in leveling these critiques and promoting these new policy discourses. In the 1990s, calls for a redefinition of security went hand in hand with calls for a redefinition of sovereignty (“sovereignty as responsibility”²⁴), providing foundation for the emergence of the Responsibility to Protect doctrine.²⁵ According to the Responsibility to Protect, states forfeit their right to freedom from intervention when they fail to protect their populations from mass atrocities.

Regional identity discourses

In order to begin addressing the question of regional variation, I first turn to regional ideational structures. We can observe distinct sets of historically shared ideas about collective distinctiveness and community solidarity (identity or identification—see below). Ideas about legitimate behavior (norms) are discursively linked to these collective identities. I argue that these historically rooted regional identity discourses provided foundation for normative change over time and especially during the second wave of regionalism when these identity discourses interacted with more proximate causal factors (see below).

The study of collective identity has a long history in international relations. Karl Deutsch’s work emphasizes the importance of peaceful collective identities to the emergence of a security community.²⁶ Constructivists—particularly Emanuel Adler and Michael Barnett—later built on Deutsch’s concept of the security community.²⁷ Martha

²⁴ See Deng et al 1996.

²⁵ International Commission on Intervention and State Sovereignty 2001.

²⁶ Deutsch et al 1957.

²⁷ Adler and Barnett 1998.

Finnemore explains changes in patterns of humanitarian intervention over time in part with reference to changes in ‘identification,’ the degree to which states *identify with* peoples and therefore perceive them to be deserving of intervention. For Finnemore, identification differs from identity in that it “emphasizes the affective relationships between actors rather than the characteristics of a single actor.”²⁸ More recently, Jeffrey Checkel and Peter Katzenstein have investigated the construction of a regional identity in Europe.²⁹ Most work on identity in international relations, though, focuses on *national* identities to explain, for example, the foreign policies of individual states.³⁰

Ideas about identity don’t have to be universally sincerely held to matter. What is important is that these intersubjective ideas about group responsibility, solidarity, common values and collective distinctiveness (and their exchange or diffusion through discourse) structure relationships and constrain and enable actors who care about legitimacy. As Ronald Krebs and Patrick Jackson contend, social identity has causal weight “regardless of whether or not the actor internalizes the components constituting this identity.”³¹

Where do regional identity discourses originate? Pan (or macronational) movements like pan-Europeanism, pan-Asianism, pan-Americanism,³² pan-Arabism, and pan-Africanism emerged alongside nationalist movements in the 19th and 20th centuries.³³ Like nationalism, pan ideologies were based on ‘imagined communities,’ albeit broader

²⁸ Finnemore 1996.

²⁹ Checkel and Katzenstein 2009.

³⁰ Katzenstein 1996.

³¹ Krebs and Jackson 2007, 57.

³² Pan-Americanism emerged earlier (in the 1820s).

³³ Duara 1997, 1033.

ones.³⁴ In the global South, pan movements often played an important role in the decolonization struggle. The state and state sovereignty as they exist now were not inevitable. Latin American independence leader Simon Bolivar sought to form a federation of Hispanic-American states in the 1820s. According to historians Sven Saaler and Christopher W. A. Szpilman, ‘regional bloc’ thinking was highly influential globally in the 1930s. In the 1920s and 1930s, pan-Asianist activities led German general and academic Karl Haushofer to assert that there was “a trend toward a future world order that would be dominated by large, regional blocs, replacing the existing order characterized by the sovereign nation state.”³⁵ In the 1950s and 1960s, there was a campaign among radical pan-Africanist leaders to form a ‘United States of Africa’ modeled after the United States or Soviet.

Even though these political unions did not materialize, pan-ideologies with transnational or supranational threads, like pan-Africanism and pan-Americanism—and pan-Asianism prior to Japanese imperialism—exist in tension with nationalism and Westphalian sovereignty. Michael Barnett discusses this tension in his work on pan-Arabism; Arab nationalism and Westphalian sovereignty have been at times in conflict, but the construction of state-centric meanings for Arab nationalism accommodated Westphalian sovereignty, reducing this tension.³⁶ Historian Prasenjit Duara refers to this tension as cosmopolitanism versus competitive nationalism, and Southeast Asia scholar Amitav Acharya distinguishes ‘universalist’ regionalism from ‘nationalist’ regionalism. In 1966, then-president Julius Nyerere of Tanzania delivered his famous speech “The Dilemma of the Pan-Africanist” in which he discusses the tension between nationalism

³⁴ Anderson 1983.

³⁵ Saaler and Szpilman 2011, 8.

³⁶ Barnett 1995.

and statebuilding, on the one hand, and transnational and supranational pan-Africanism, on the other. This ‘dilemma’ is present in all three cases, but is resolved earlier in the Asian case (in favor of nationalism and state sovereignty).

Latin America: Decolonization came early to South and Central America (1820s), and liberalism and legalism feature prominently in the history of pan-Americanism, even before the United States became a participant in hemispheric conferences in the late 19th century. Latin American regionalism is distinctive in the global South for its legalist culture: a “transnational legal consciousness” developed among the revolutionary elite, and a pan-American community of jurists, diplomats and legal activists produced a body of regional law. This project was understood as a task that advanced the “completion” of “civilization” in the region, securing Latin American states entry into the “family of nations.”³⁷ The principle of non-interference became central to pan-American legal discourse, in part due to actual and potential U.S. interventionism, but other norms, based in the Western enlightenment ideals of the 19th century independence movements, were also highly salient. These included commitments to representative government and (later) human rights that were important to the collective identity of the Western hemispheric society of states, defined in part against “Old World absolutism.”³⁸

Tensions between non-interference and the regional promotion of democracy and human rights persisted over many decades. This tension is apparent in the founding charter of the Organization of American States (OAS) (1948), in which these norms are enshrined. In the post-World War II period, liberal values were embedded in institutions

³⁷ Obregon 2002, 253.

³⁸ Snyder 1984, 229.

and practices—a regional human rights commission and ad hoc election observation missions—but the rise of authoritarianism and U.S. Cold War interventionism stalled the further development of intrusive liberal regionalism in Latin America. When widespread democratization brought down the region’s dictators in the 1980s, and U.S. foreign policy transformed at the end of the Cold War, this allowed for the **renewal** of multilateralism generally and intrusive liberal regionalism specifically.

Africa: The bulk of African states gained independence in the late 1950s and 1960s,³⁹ over 100 years after decolonization in Latin America. In the decades leading up to independence, though, an active pan-African movement constructed and promoted an ideology of African transnationalism, which would later present a challenge to strict sovereignty norms in independent Africa. We might think of pan-African transnationalism as situated between cosmopolitanism and communitarianism; Africans are to identify with (and are responsible for) other Africans, even if they are geographically very distant and are not formally citizens of the same state. Pan-Africanism originated in the diaspora, where individuals of African ancestry (typically descendent from victims of the transatlantic slave trade) perceived Africa to be “one unity” since they could not “trace their particular roots.”⁴⁰ In the post-World War II period, radical pan-Africanists (including Ghana’s first president, Kwame Nkrumah) led a call to create a United States of Africa (noted above) that would merge all (former) colonial territories on the continent into one independent political unit and present a united front in the international sphere. The campaign against the apartheid regime in

³⁹ Decolonization continued into the 1970s

⁴⁰ Abdul-Raheem 1996, 1, quoting W.E.B. Du Bois.

South Africa also began during this post-war period, when most of Africa had not yet decolonized. The 1958 All-African People's Conference, in an act of pan-African solidarity, was the first international meeting to call for international sanctions against South Africa.

The pan-Africanist movement culminated in the establishment of the Organization of African Unity (OAU) in 1963. Although delegates rejected the United States of Africa proposal at this founding summit, the discourse of pan-African transnationalism endured beyond it in regional politics and continued to present a challenge to strict sovereignty norms. This tension contributed to the gradual erosion of the norm of non-interference over time.⁴¹ For example, the OAU's decades-long condemnation of and sanctions regime against South Africa—which evoked solidarity with oppressed African people and employed the language of universal human rights—exposed the OAU to accusations of hypocrisy, including those voiced by African leaders in favor of more intrusive regionalism. In the late 1970s and early 1980s, regional developments at the level of law and practice—including the OAU peacekeeping mission to Chad and the establishment of a regional human rights charter providing for a commission—reflected both the changing international ideational context and the effect over time of the challenge posed to non-interference by pan-African transnationalism. It wasn't until the late 1980s and early 1990s that a more substantial normative shift took place—the so-called 'shift from non-interference to non-indifference'—when economic crisis and the threat of international marginalization (see below) prompted policy-relevant

⁴¹ Williams 2007.

actors in Africa to engage in a collective ‘rethink’ of the regional normative order and to **reform** this order with reference to pan-African solidarities.

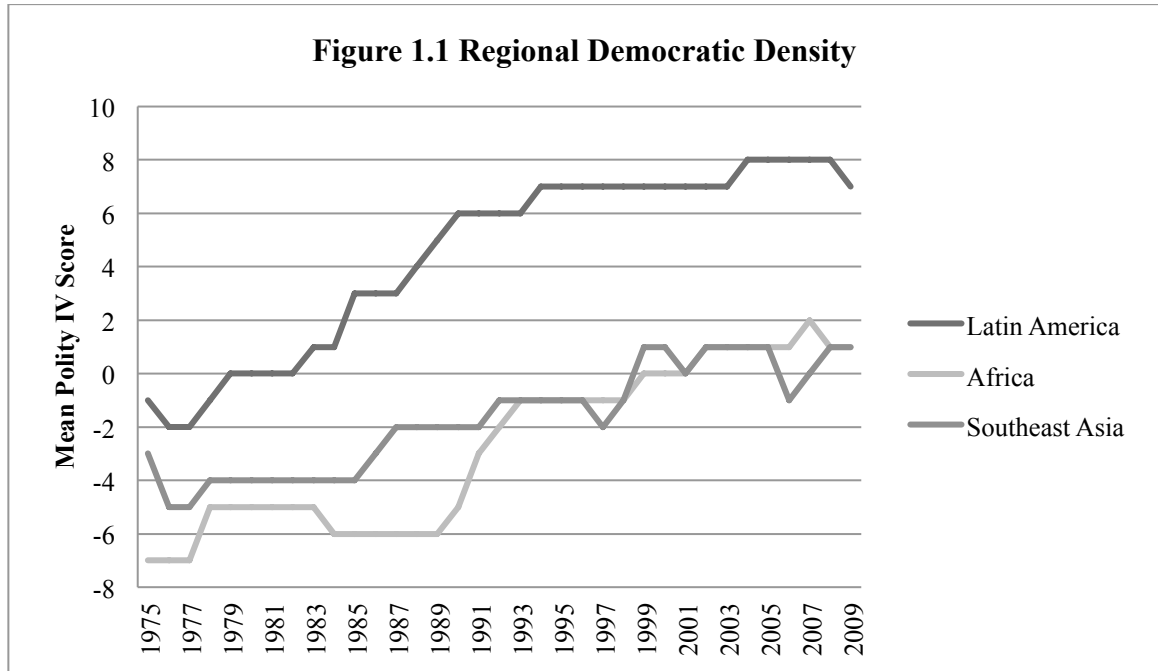
Southeast Asia: Pan-Asianism and liberal norms were not relevant to the founding of the Association of Southeast Asian Nations ASEAN (1967). The solidarity existing among the original ASEAN members was not transnational (but rather statist) and not pan-Asianist (but rather anti-communist). The original members of ASEAN (Indonesia, Malaysia, the Philippines, Singapore, Thailand) also shared an illiberal ideology; these states justified authoritarianism with their need to foster economic development and undercut the appeal of communism. Pan-Asianism as a movement and ideology had existed at the level of civil society in the late 19th and early 20th century. Japanese imperialist pan-Asianist schemes in the 1930s and 1940s invalidated the movement, though, and no concrete political projects came of it after this. Southeast Asian regional institution building didn’t take place until the region was sufficiently polarized along Cold War lines. The perceived and actual subversive activities of communist China contributed to a common threat of these non-communist states. In addition to anti-communism, the original ASEAN members shared a common belief that a capitalist authoritarian ‘developmental’ state would best foster economic growth. These commonalities, rather than competing with strict sovereignty norms, were actually quite compatible with strict sovereignty. Later, this distinctive Southeast Asian domestic social order would be framed in terms of “Asian Values” by those elites promoting it. The discourse of Asian Values, which emphasizes collectivism over individualism and economic development over civil and political rights, is reinforced rather than challenged

by the so-called ASEAN Way. The ASEAN Way is a set of procedural and regulative inter-state norms, the most important of which is non-interference. Southeast Asia's economic successes in the 1980s made it possible for ASEAN states to promote Asian Values and the ASEAN Way—against the growing hegemony of liberal internationalism—as distinctive and successful domestic and regional norms. During the second wave of regionalism, ASEAN **reasserted** rather than reformed its regional normative order.

Proximate factors: regional democratic density and economic performance

Given the international ideational context of the 1980s and 1990s, groups of democracies and states experiencing economic crisis or uncertainty were more willing or motivated to support intrusive regionalism than were authoritarians and high performing economies. The multidimensional logic of this argument is outlined below, but, broadly speaking, I assert that democracies and economically underperforming states are more vulnerable to domestic and international pressure (including pressure to adopt liberal internationalist foreign policies) and are more interested in international image management, including the improvement of their region's *collective image*.

1) Democratic density



Source: Center for Systemic Peace⁴²

Democratization in Latin America during the 1980s was wide and deep, and, by the end of this decade, the average Polity score of all its states was 6, reflecting a high ‘density’ of democracy in the region.⁴³ The achievement of this critical mass of democracies contributed to the renewal of the development of intrusive regionalism (especially democracy promotion) in the region, for the reasons I outline below. Neither Africa nor Southeast Asia has achieved this density. Although average democracy scores have been on the rise in the last twenty years, average scores remain in the ‘anocracy’ range.

Even though high democratic density was not achieved in these two regions, though, gradual liberalization (short of democratization) opened up more space for civil

⁴² Data accessed at <http://www.systemicpeace.org/inscrdata.html>

⁴³ Pevehouse 2005 uses the term ‘democracy density.’

society, and individual states democratized. Active civil society groups—some of which favor intrusive regionalism—contributed to regional reform, as did the protagonism of new democracies. This was especially consequential when the democratic protagonist was a more influential state with regional leadership aspirations, like South Africa and Indonesia.

In the abstract, the link between democracy and intrusive regionalism this is logical, because democracy is associated with the principle of popular sovereignty,⁴⁴ and this principle presents a challenge to absolute sovereignty. Furthermore, the intrusive regionalism that has developed since the second wave of regionalism is largely aimed at promoting *liberal* values related to democracy and human rights (rather than, say, economic redistribution or theocracy), and democracies would seem more likely to promote liberalism abroad than would non-democracies. The causal link between democracy and intrusive regionalism is perhaps more complicated and multifaceted, though, than it appears at first glance. Let's outline and unpack these facets.

First and most straightforwardly, some foreign policy decision-makers in democracies are 'true believers' in liberalism and therefore seek to spread liberal norms to their neighbors. Liberalism constitutes part of their identity and therefore shapes, to some degree, their beliefs and preferences. These could be beliefs about 'right and wrong', or what Judith Goldstein and Robert Keohane term 'principled beliefs' (e.g., "political imprisonment is immoral") and/or beliefs about 'cause and effect' (Goldstein and Keohane's 'causal beliefs,' e.g., "the spread of democracy promotes peace").⁴⁵ Regarding the first type of belief, a new democracy might be especially zealous about

⁴⁴ Ochoa Espejo 2012.

⁴⁵ Goldstein and Keohane 1993.

spreading liberalism, because the memory of the recently-evicted repressive regime motivates officials in the new government to work against similar repression of their regional ‘brothers and sisters’ in other countries. The existence of a prominent discourse of transnational solidarity (e.g., pan-Africanism) in the region strengthens this logic. We do find examples of new democracies justifying intrusive regionalism with reference to the crimes of a previous regime. For example, post-apartheid South Africa under Nelson Mandela (1994-1999) and later Thabo Mbeki (1999-2008) was a lead proponent of regional democracy promotion and institutional reform at the Organization of African Unity (OAU) in the late 1990s, and its leaders explicitly framed efforts to promote democracy and human rights in the region as a continuation of the African National Congress’s decades-long anti-apartheid campaign in South Africa.⁴⁶

‘Cause and effect’ beliefs about democracy also provide a link between regime type and support for intrusive regionalism. In his study of the role of regional organizations in member state democratization, Jon Pevehouse finds that the greater the ‘democratic density’ (the proportion of democracies) of a regional organization, the more likely it is to pressure its member states—through a variety of means—to transition to democracy and/or to consolidate democracy. He argues that democratic members of regional organizations are motivated to pursue regional democracy promotion, in part, by their belief that democracy brings economic and political advantages to the region; they buy into academic and policy discourses that make a connection between democracy on the one hand, and a laundry list of ‘goods’ on the other hand: interstate peace, trade, economic growth and stability, cooperation, and the formation of alliances.⁴⁷ These

⁴⁶ Mandela 1993, 88.

⁴⁷ Pevehouse 2005, 18

discourses, which have long existed, rose in prominence beginning in the 1980s and especially in the post-Cold War era, as liberalism ascended.

Second, democracies—particularly recently transitioned democracies—are sometimes motivated to create intrusive liberal regional institutions by their interest in creating international mechanisms to protect their own fragile regimes from non-democratic domestic challengers. This is the logic of Andrew Moravcsik’s ‘lock-in’ thesis, which he advances to explain the creation of the European human rights regime.⁴⁸ Key steps in the process of creating the Latin American democracy promotion regime beginning in the late-1980s were indeed championed by newly established democracies.⁴⁹ In 1991 and 1992, for example, the OAS adopted a resolution and a protocol⁵⁰ establishing investigation and sanctions procedures in the event of an unconstitutional change in government in a member state. And Chilean diplomat Heraldo Munoz has explained that Chile’s sponsorship of this resolution was driven, in part, by the new Chilean regime’s desire “to safeguard and consolidate the newly regained democracies against lingering authoritarianism.”⁵¹ Chile had transitioned to democracy in 1990.

Third, democracies sometimes support intrusive regionalism aimed at the promotion of democracy and human rights in order to legitimate themselves to domestic and international audiences. A regime might do so in direct response to pressure (from other states and/or civil society groups) to adopt specific liberal internationalist foreign policy positions, or it might be a good way to generally telegraph a liberal identity in order distance/distinguish itself from a former autocratic regime and/or to maintain or

⁴⁸ Moravcsik 2000.

⁴⁹ Legler and Tieku 2010, 477.

⁵⁰ OAS 1991b; OAS 1992.

⁵¹ Munoz 1998, 1.

capitalize on its international democratic image. According to Pevehouse, foreign policy reorientation towards liberal internationalism helps new democracies establish legitimacy “both internally and externally.” Liberal foreign policy moves can also reinforce an established democracy’s status as such.⁵²

Relatedly, democracies might face greater costs when they do not support intrusive regionalism than would non-democratic non-supporters. A democratic image is, in the post-Cold War era, a social or ‘soft power’ resource, and democracies want to preserve this resource; they have *more to lose* in this regard. Being seen to support regional policies that shield repressive states from international accountability might detract from this image. Thomas Risse argues that ratifying an international treaty increase’s a state’s “target vulnerability” to transnational and domestic pressure to comply with that treaty, because of the target state’s reputational concerns. A similar logic applies to states that want to protect their democratic image.⁵³ Furthermore, democracies are often less insulated than non-democracies from domestic pressure groups, some of which may voice criticism of seemingly illiberal foreign policy stances. In the mid-1990s, the Philippines and Thailand were the only democratic members of ASEAN, and they faced internal and external pressure to prevent Myanmar from joining the association because of Myanmar’s human rights record. Denying Myanmar’s membership based on its domestic situation would have contravened ASEAN’s strict interpretation of the norm of non-interference, but, for a period of time, both Thailand and the Philippines worked to postpone Myanmar’s accession. The Philippines, for its part, expressed concern about jeopardizing its own image as a “champion of human

⁵² Pevehouse 2005, 17-18

⁵³ Risse 2013, 437.

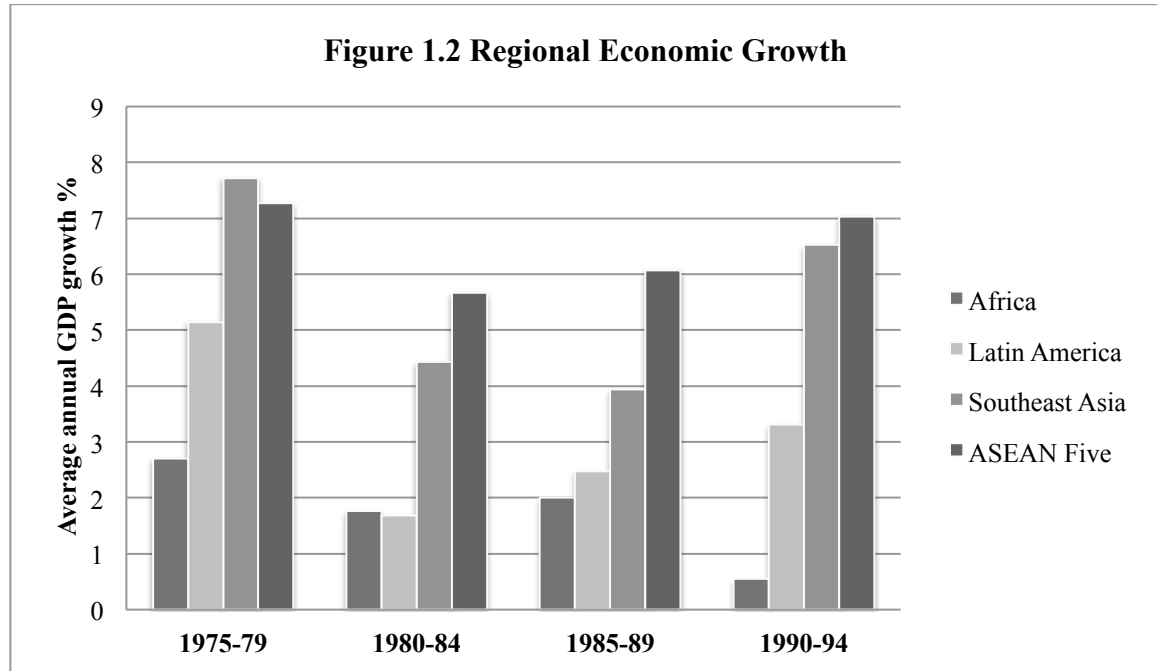
rights.”⁵⁴ Pressure from the international community only seemed to embolden the other ASEAN states to proceed with accession, and Myanmar became an ASEAN member in 1997.

Finally, democratic states sometimes promote intrusive regionalism in order to promote liberalization in the region, because they want to improve the region’s *collective* image or reputation. States interested in telegraphing a democratic image aren’t satisfied to promote their own domestic quality of democracy—they are also keen to manage the democratic image of their region. First of all, being a member of an organization with a reputation for being a ‘dictators’ club’—a term used to describe each of the OAS, the OAU, and ASEAN at various points in their histories—detracts from the democratic image of all member states vis-à-vis the international community. The illiberalism of some creates a *negative externality* for all. Therefore, despite the domestic and foreign policies of any particular member state, it may suffer (by association) from the negative perception extraregional actors have of the region and/or regional organization based on its illiberalism. South Africa’s second post-apartheid president, Thabo Mbeki, was particularly enthusiastic about democracy and human rights promotion on the continent, and he often justified his efforts with reference to Africa’s need to achieve a more liberal image in the world, in order to counter Afro-pessimism and attract foreign direct investment (among other things). He reasoned that firms are wary of investing in Africa, because its countries, as a group, have a reputation for not respecting rights, including property rights.⁵⁵

⁵⁴ Quoted in Ba 2009, 120.

⁵⁵ Tiekou 2004, 253.

2) Economic performance



Source: The World Bank⁵⁶

Poor economic performance renders states materially and socially vulnerable and can create legitimacy deficits (vis-à-vis domestic and international audiences). It contributes to an image of dysfunction (in the eyes of investors and the international community), and draws attention to/calls into question existing practices (of individual states and of regions as collective actors). Economic performance affects a state's international image as well as its susceptibility to formal conditionality and to less formal social pressure. Materially and socially vulnerable states are more open to reforming regional norms in order to correct an image of dysfunction and attract resources. Proponents of intrusive regionalism have promoted it as a strategy for addressing these problems of material and social vulnerability in the wake of economic crisis, and it has been adopted as such a

⁵⁶ Data accessed at <http://data.worldbank.org>

strategy in response to this framing. The logic of this strategy is far from obvious and only makes sense in light of the international and regional ideational context(s) discussed above.

Emerging international policy discourses in the 1980s—precursors to the human security paradigm—emphasized the interrelatedness of economic, governance, and security problems. Regional management of governance and security could therefore be pitched as a way to address economic problems. Furthermore, states (or groups of states) seeking to legitimate themselves to the international community are more likely to seek ways to communicate support for international norms, like the promotion of democracy, human rights, and human security. Economic crisis makes regimes more vulnerable to domestic pressures, including from groups in favor of liberal international foreign policy and intrusive regionalism. Finally, states interested in projecting an image of success, functionality, or low political risk (*vis-à-vis* investors) seek to improve the governance and security situation of its neighbors in order to not be associated with their dysfunction, illiberalism, et cetera.

The African norm shift emerged from regional policy processes responding to the economic crisis of the 1980s and the related problem of the continent's negative international image. Figure 1.2 shows Africa's poor economic performance compared to other regions, and especially compared to the original members of ASEAN (the ASEAN Five). Again, the international context of the 1980s and 1990s is crucial to understanding the logic of this response, because the rise of liberal internationalism and the human security paradigm created a link between economic development, on the one hand, and liberal governance and security on the other hand. In the post-Cold War era, part of

image management involves affirming hegemonic liberal norms. Furthermore, because of the economic crisis of the 1980s, African regimes faced waning legitimacy vis-à-vis domestic groups and a wave of political protest swept the continent. Some civil society activists at this time were pushing for greater civil society involvement in the OAU and for intrusive regional institutions to manage domestic governance and security.

Whereas Africa's economic crisis contributed to its image of dysfunction and rendered it materially and socially vulnerable, Southeast Asia's remarkable growth rates created an image of success for the region and bestowed upon ASEAN and its member states material and social security in the early 1990s. ASEAN states expressed satisfaction about the region's positive international image and conviction in Southeast Asia's distinctive set of regional norms, which emphasize state sovereignty over regional responsibility. However, when the 1997 Asian financial crisis hit, it damaged the region's international image of success, making ASEAN states more materially and socially vulnerable to liberalization pressures. In the late 1990s and early 2000s, we see a modest erosion of the norm of non-interference in Southeast Asia, and states have justified this move in terms of image management in the wake of the economic crisis.

While the Latin American norm shift is mostly attributable, in the short term, to widespread democratization in the region, I find evidence (discussed in Chapter 4) suggesting that economic uncertainty at the end of the Cold War (after a decade of poor economic performance) contributed to Latin American states' interest in cooperating with the United States on shared political goals (like democracy promotion) in order to strengthen their relationship with the United States and therefore bolster economic cooperation with it. This follows a similar (but not identical) logic to developments in

Africa at the end of the Cold War and (to a lesser degree) Southeast Asia in the late 1990s.

Alternative Explanations

In the empirical and concluding chapters of this dissertation, I address two important alternative arguments, one power-centric and one functionalist.

Great power influence and interventionism

Especially because these regions are populated by post-colonial ‘developing’ states, it is imperative to investigate the role that great powers—the Cold War superpowers, former colonial powers, and, in the case of Southeast Asia, China—have played in the development of regional normative orders. I consider the *influence* exerted by these powers on regional norms as well as the impact that perceived and actual great power *interventionism* has had on the regional construction of norms relevant to non-interference.

First, potential great power influence on the content of norms in the global South is multidimensional. Powerful states need not always directly compel weaker states to adopt or reject particular regional norms (through, for example, aid conditionality or shaming tactics), they might also build social structures (e.g. the “Washington consensus”) that affect the beliefs and preferences of these states and thereby influence them to adopt or reject certain norms. This latter exercise of power is what Steven Lukes has termed the ‘third face’ or power, the first and second faces referring to more direct

influence and agenda setting, respectively.⁵⁷ This third face is related to what Michael Barnett and Raymond Duvall term ‘structural power’⁵⁸ and to Antonio Gramsci’s notion of ‘hegemony.’⁵⁹ In tracing the development of law and practices relevant to the norm of non-interference in my three regions, I look for evidence of both direct great power influence as well as the effect of hegemonic discourses.

Second, and briefly, it is plausible that great power *interventionism* in the global South led to a decrease in the willingness of these targeted states to cede sovereignty to inter-governmental bodies, including their regional organizations. I examine perceived and actual great power intervention in the three regions as well as regional responses to it.

The changing nature of conflict

One of the most remarkable developments under study here is the rise of regional conflict management mechanisms in Africa. One simple explanation for this might be that intrastate conflict became a bigger problem in Africa in the 1990s, that it created negative externalities, and that states responded to new problems with new solutions. According to Mary Kaldor, the nature of warfare changed in the post-Cold War era, as wars became more internal and responsible for more human rights violations.⁶⁰ This is the ‘new wars’ thesis. I test this (partial) alternative explanation in Chapter 2 by measuring interference practices relative to ‘interference opportunities’ (domestic disputes rising to a ‘crisis’ level) and by comparing average regional scores across time on a measure called Civil

⁵⁷ Lukes 1974.

⁵⁸ Barnett and Duvall 2005.

⁵⁹ Gramsci 1971.

⁶⁰ Kaldor 1999.

Violence Magnitude and Impact. I further address this explanation in Chapter 6 by examining the timing of the African norm shift in relation to the so-called ‘new wars.’

Plan for the Dissertation

Chapter 2 introduces the reader to the repertoire of interference practices regional communities use to promote democracy, security, and human rights and systematically measures variation across time (1960-2009) and space in the strength or status of the non-interference norm. I find that non-interference has long been weaker in Africa and Latin America than in Southeast Asia, and that this variation became more pronounced from the 1980s onward. I also begin to test the functionalist explanation mentioned above by measuring interference practices relative to ‘interference opportunities’ (crisis-level domestic disputes) and by comparing the magnitude and impact of civil violence across time and regions.

Chapter 3 provides an historical overview of regionalist activity in Latin America, Africa, and Southeast Asia, leading up to the establishment of the OAS, OAU, and ASEAN. It introduces the regional identity discourses—pan-Americanism and pan-African transnationalism—that I argue present an enduring challenge to strict sovereignty norms over time in Latin America and Africa.

Chapters 4-7 examine the long- and short-term factors that produced different outcomes in the three regions during the second wave of regionalism. **Chapter 4** focuses on Latin America, showing how pan-American commitments to democracy and human rights were embedded in regional institutions and practices in the post-World War II era, how a general shift to authoritarianism and U.S. Cold War interventionism stalled the

further development of intrusive regionalism, and how the third wave of democratization and post-Cold War rapprochement between the United States and its southern neighbors enabled the reinvigoration or renewal of this development.

The African case is divided into two chapters. **Chapter 5** examines the relevance of pan-African transnationalism during the 1960s-1980s and related contestation of the norm of non-interference during this time. It also discusses the emergence of new international policy discourses in the 1980s that were promoted by regional bureaucrats in response to economic crisis (and structural adjustment programs) and later used to frame the post-Cold War campaign for regional normative reform in Africa. **Chapter 6** presents evidence of Africa's material and social insecurity vis-à-vis domestic and international audiences resulting from the economic crisis of the 1980s and shows how a coordinated regional reform campaign presented intrusive regionalism as a strategy for addressing Africa's problems. This campaign framed its appeals with pan-African transnationalism and the emerging international policy discourses outlined in Chapter 5.

Chapter 7 shows how the norm of non-interference was reaffirmed during the 1970s and 1980s in Southeast Asia, and how ASEAN entered the 1990s as a 'success story' due to ASEAN states' remarkable economic growth and apparent diplomatic successes. This success, and Southeast Asia's relative invulnerability to the third wave of democratization, contributed to the strength of non-interference in the region during the 1990s. The 1997 Asian financial crisis hurt Southeast Asia's (and ASEAN's) image and rendered its states more vulnerable to international and domestic pressures to circumscribe the non-interference norm. Modest normative reform resulted, championed by the region's democracies.

Chapter 8 discusses the usefulness of the alternative explanations outlined above and considered throughout the dissertation and makes the case that this project offers an important contribution to the comparative regionalism literature.

Chapter 2

(Non-)Interference Across Time and Space¹

We often look to the European Union for evidence of the transformation of state sovereignty. National borders have dissolved here, and we can now speak of European law and European citizenship. But then we're careful to note that our observations about changing sovereignty aren't globally generalizable—like many 'things Europe,' European regionalism is *sui generis*. Even if other regions are, through emulation or learning, becoming more like Europe, they are doing so slowly and/or superficially.² Until very recently, the bulk of comparative regionalism studies have focused on the European Union-Association of Southeast Asian Nations (ASEAN) dyad—as the latter grouping is considered by many to be the most 'advanced' of its kind in the global South—and these comparisons generally confirm the dichotomy between developed-world norms and developing-world norms. ASEAN's emphasis on informality, consensus, and consultation offers a stark contrast to European legalism and is attributed to ASEAN states' 'jealousy' of their sovereignty—a supposed condition of postcoloniality. The reasoning here is that postcolonial nations have more recently acquired statehood, that their statehood is underdeveloped, and that regimes in these states enjoy less security vis-à-vis internal and external threats. They are therefore more attached to external, juridical sovereignty and create institutions to preserve and promote it.³

¹ A version of this chapter was published as an article. See: Coe, Brooke. 2015. "Sovereignty Regimes and the Norm of Non-Interference in the Global South: Regional and Temporal Variation," *Global Governance* 21(2).

² Herbst 2007.

³ Acharya and Johnston 2007.

As this chapter demonstrates, though, Southeast Asia's steadfast commitment to sovereignty makes it more of an outlier than an exemplar in the global South. Other Southern regional groupings—like those in Africa and Latin America—have over time introduced more intrusive forms of multilateralism, violating the norm of non-interference and legalizing this violation through regional declarations and treaties. To begin substantiating this key claim, I first offer a recent illustrative example of such multilateralism from Africa—the region with the world's least developed economies and state institutions—in order to provide the reader with a better understanding of the nature of Third World regionalism outside of Southeast Asia.

Crisis in Cote d'Ivoire (2010)

Following eight years of civil war, Cote d'Ivoire held a nearly successful presidential election in November 2010. The process itself was relatively peaceful,⁴ featured high voter turnout,⁵ and delivered a clear result: challenger Alassane Ouattara had emerged victorious over incumbent Laurent Gbagbo in the second round of voting. President Gbagbo, however, refused to step down, generating a four-month post-election crisis situation that elicited heavy international and regional⁶ involvement in the name of popular sovereignty and civilian protection.

The Economic Community of West African States (ECOWAS) and the African Union—two regional organizations that count Cote d'Ivoire as a member—were quick to respond diplomatically. ECOWAS, the West African sub-regional grouping, convened a

⁴ At least in the first round of voting.

⁵ Apuuli 2012, 137.

⁶ Regional actors are, of course, international actors, but I generally use the term 'international' in this dissertation in reference to *extraregional* international actors and institutions.

series of extraordinary sessions where heads of state issued their condemnation of “any attempt to usurp the popular will of the people of Cote d’Ivoire,”⁷ officially recognized Outtara’s victory as “representing the freely expressed voice of the Ivorian people,”⁸ and suspended Cote d’Ivoire’s membership from the organization. For its part, the African Union—through its Peace and Security Council⁹—declared its “total rejection” of any efforts to “undermine the electoral process and the will of the people,”¹⁰ endorsed ECOWAS’ statements, and suspended Cote d’Ivoire’s membership “until such time the democratically-elected president assumes power.”¹¹

The African Union Commission chairman proceeded to exert diplomatic pressure on Gbagbo by sending special envoys to the country (firstly former South African President Thabo Mbeki and later Kenyan Prime Minister Raila Odinga).¹² Gbagbo was not persuaded, and a discouraged Odinga remarked in a statement to the media that “Cote d’Ivoire symbolizes the great tragedy that seems to have befallen Africa, whereby some incumbents are not willing to give up power if they lose.”¹³ The Peace and Security Council then formed a High Level Panel on Cote d’Ivoire in January 2011, made up of several African heads of state and the president of the ECOWAS Commission.¹⁴ This panel in turn created a team of experts to investigate the situation further, visiting Cote

⁷ ECOWAS 2010a.

⁸ ECOWAS 2010b.

⁹ The African Union Peace and Security Council is the central institution of the African regional security architecture, which also comprises the Chairperson of the African Commission, the Panel of the Wise, the Peace Fund, the African Standby Force, the Military Staff Committee, and the various mechanisms of the Regional Economic Communities (e.g. ECOWAS). The Peace and Security Council is “a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.” Powell 2005, 11.

¹⁰ African Union Peace and Security Council 2010a.

¹¹ African Union Peace and Security Council 2010b.

¹² Bassett and Straus 2011, 135.

¹³ Quoted in Apuuli 2012, 144.

¹⁴ Bassett and Straus 2011, 135.

d'Ivoire and meeting with both factions. It reported its findings and recommendations for a resolution to the crisis—a power transfer to Ouattara—but Gbagbo ignored these.¹⁵

During this same period, as Gbagbo remained unmoved by the condemnations and appeals of the regional community, ECOWAS proceeded to escalate its campaign against his obstinacy, organizing another extraordinary session in late-December 2010 that resulted in a communiqué calling for a travel ban, asset freeze, and “all other forms of targeted sanctions imposed by regional institutions and the international community on the outgoing president and his associates.”¹⁶ The communiqué further stated that, if Gbagbo would not comply with its demand to relinquish power, ECOWAS “would be left with no alternative but to take other measures including the use of legitimate force to achieve the goals of the Ivorian people.”¹⁷ As a follow up to this threat, the ECOWAS Committee of Chiefs of Defense Staff convened two sets of meetings in Abuja and Bamako to discuss and make preparations for a possible military intervention.¹⁸

Meanwhile, the situation on the ground in Cote d'Ivoire grew increasingly violent and complicated. In urban areas, pro-Gbagbo forces attempted to stamp out the opposition by targeting demonstrators, Muslims from the north of the country, and West African nationals with repressive violence. Conflict in rural areas was characterized by “a spiral pattern of reprisal killing, sometimes on a large scale, in which civilians of one group are collectively punished for the violence of their co-ethnics.”¹⁹ By late March, pro-Ouattara forces, who had been progressively capturing towns in the west, began moving southward and were quickly able to take the capital, Yamoussoukro, on their way

¹⁵ Apuuli 2012, 144.

¹⁶ ECOWAS 2010b.

¹⁷ ECOWAS 2010b.

¹⁸ Apuuli 2012, 142.

¹⁹ Straus 2011, 48.

to the commercial capital and largest city, Abidjan. During this offensive, both sides (pro-Outtara and pro-Gbagbo forces) were responsible for the killing of civilians.²⁰ United Nations and French peacekeepers—stationed in country since the beginning of the civil war in 2002—were on the ground but lacked a clear mandate. As Outtara forces moved in on Abidjan, and Gbagbo attempted to fortify himself there, the cornered president faced major military defections, including the defection of his army chief of staff. On April 1, the battle for Abidjan got underway.²¹

Due to multiple constraining factors, related to both capacity and political will, ECOWAS did not mount a military intervention. Instead, the Authority of the ECOWAS Heads of State and Government passed a resolution on March 25, 2011, lamenting “the rapidly deteriorating political, security and humanitarian situation in Côte d’Ivoire,” “the wanton violence against civilians leading to unacceptable loss of life and property,” and “the deliberate targeting of innocent Ivoirians, ECOWAS citizens and other foreigners,” and formally appealed to the United Nations Security Council to “strengthen the mandate of the United Nations’ Operation in Côte d’Ivoire...enabling the Mission to use all necessary means to protect life and property, and to facilitate the immediate transfer of power to Mr. Alassane Ouattara.”²² Heeding this call, the Security Council passed Resolution 1975, which authorized French and United Nations forces “to prevent the use of heavy weapons against the civilian population.”²³ French and United Nations operatives did just that, using helicopter power to take out the heavy weapons

²⁰ Bellamy and Williams 2011, 834.

²¹ Bassett and Straus 2011, 138.

²² ECOWAS 2011.

²³ United Nations Security Council 2011.

surrounding the president's residence. This enabled Outtara's forces to arrest Gbagbo.²⁴ Importantly, though, by the time United Nations and French forces intervened, Outtara had already assumed control 90 percent of Cote d'Ivoire and was closing in quickly on Abidjan. Upon Gbagbo's arrest, power transferred to Outtara, and, as of 2015, the latter remains president of Cote d'Ivoire.



The 2010-2011 Ivorian crisis offers us several insights into the state of African regionalism. Most generally, and most importantly for my purposes, inter-governmental organizations at the regional and subregional levels are prepared, at least in some circumstances, to interfere forcefully in a domestic dispute against the interests and wishes of a *de facto* ruler. African regional organizations' stances and actions in this case may have surprised some observers who are accustomed to thinking of African leaders as constituting a sort of mutual preservation club, interested in protecting each other's sovereignty and enjoying the reciprocity of this elite solidarity. African states' animosity towards the International Criminal Court due to the latter's supposed 'targeting' of African leaders comes to mind, for example, as does African leaders' defense of Zimbabwe's president, Robert Mugabe, against consistent criticism and condemnation from the broader international community for his perpetration of human rights abuses. But an understanding of continental politics focusing narrowly on elite solidarity and sovereignty protection—the logic of mutual preservation—fails to capture the complexity of African regionalism. As noted by Andrew Hurrell, regionalism contains “multiple and competing logics.”²⁵ Increasingly, the logic of mutual preservation competes with another

²⁴ Bassett and Strauss 2011, 138.

²⁵ Hurrell 2007, 130.

logic in African regionalism—the logic of regional responsibility. Specifically, this is a collective responsibility to promote popular sovereignty, the protection of civilians, and other values related to peace, democracy, and human rights. This norm-set has been developing over time (through regional law and practices) and has demoted—but not displaced—the traditional norm of non-interference within the regional norm hierarchy.

The second insight to be gleaned from the Ivorian episode is that there exists a *range* of interference practices (or tools) that are available to—and actually drawn upon by—regional actors in their pursuit of resolutions to intrastate crises that threaten peace, democracy and/or human rights. In the Ivorian case, regional actors did not, in the end, employ a military response (although they requested military intervention by the United Nations). Often, an undue focus on the use or non-use of force in crisis situations can blind students of intervention to the many other ways that outside actors seek to influence 1) a regime’s conduct (vis-à-vis domestic actors) and/or 2) the outcome of a domestic dispute. The African Union and ECOWAS drew on an impressive repertoire of interference practices including diplomatic sanctions (e.g. official condemnation, membership suspension), material sanctions (e.g. targeted asset freezes), mediation (e.g. special envoy appointments) and civilian deployments (e.g. investigatory commissions), and (potentially) military deployments (not used but threatened here).

And, perhaps contrary to popular conceptions, the application of these tools had an impact on the dispute. The interference activities of the African Union and ECOWAS were arguably as impactful as those of United Nations (and French) peacekeepers, since by the time the latter intervened, Outtara had already come to control 90 percent of the country and was closing in on Gbagbo, who himself was rapidly losing control of his own

forces. According to Thomas Bassett and Scott Straus, the consistency of the regional response mattered, because it “shrank the space for diplomatic maneuver for Gbagbo, a consummate and clever bargainer; allowed the Central Bank of West African States to cut off Gbagbo's money supply, which weakened Gbagbo's standing with his own military and the civilian government; and, crucially, proved essential in obtaining unanimous United Nations Security Council approval for military action against Gbagbo's positions in Abidjan.”²⁶ This raises the issue of regional gatekeeping—the role of regional organizations in legitimizing (or not) interventions by extraregional actors. Alex Bellamy and Paul Williams emphasize the gatekeeping role²⁷ of regional organizations in their assessment of the international management of the dispute: “In particular, the Security Council’s judgment about the election result was explicitly conditioned by the prior statements of ECOWAS and the [African Union]; the United Nations Secretary General was clearly guided by that regional support; and the specific language on the use of force for protection purposes in Resolution 1975 was facilitated by ECOWAS’s earlier announcement that force could be a legitimate means of responding to the crisis. Without strong regional support it is very unlikely that events would have unfolded in this manner.”²⁸

This is not to say that African regionalism doesn’t face important limitations, both in terms of capacity and political will, and the continued existence of these limitations is also a take-away from the Ivorian dispute. Indeed, the eventual United Nations-French

²⁶ Bassett and Strauss 2011, 131.

²⁷ The gatekeeping role of regional institutions (and the interaction between different levels of global governance, more generally) is underexplored and merits further research, but it is beyond the scope of this dissertation.

²⁸ Bellamy and Williams 2011, 837.

intervention added fuel to on-going debates among policy-relevant actors on the continent about African regional organizations' urgent need to increase their effectiveness and thereby obviate interventions by extraregional (and especially former colonial) powers in the future.²⁹ But African regionalism is all too often dismissed as meaningless and unworthy of study because of these limitations when, in fact, the rise of the intrusive regionalism has clearly transformed the very nature of sovereignty on the continent. As regional actors have assumed partial jurisdiction of domestic governance and security issues, non-interference—a core sovereignty norm—has been significantly circumscribed. This important shift is underappreciated and puzzling. The erosion of non-interference over time—and the differential adoption of intrusive regionalism across world regions—is this dissertation's object of study.

Background and Context: Regional Interference in Africa and Latin America

While the African Union/ECOWAS response to Gbagbo's illegal retention of power may have surprised some, it did not surprise close observers of African politics. Over time, and especially in the two decades leading up to this crisis, these organizations had been increasingly engaging in the interference practices outlined above, including the actual use of military deployment. One fairly well known example is the African Union's attempted management—with an aim to protect civilians—of the conflict in Darfur (Sudan). The Darfur conflict has been labeled a genocide by some in the international community, and there is broad agreement that crimes against humanity and war crimes have been committed here.³⁰ The African Union's interference activities in this case have

²⁹ For example, see Leijenaar 2014.

³⁰ Rankhumise 2006.

included, most importantly, mediation between the government of Sudan and rebels groups (resulting in an April 2004 ceasefire agreement), the deployment of ceasefire observers in June 2004, and the transformation of this observation mission into a peacekeeping mission in late 2004. The peacekeeping mission is notable for its explicit mandate to protect civilians, a mandate that encountered resistance from the government of Sudan but was retained (albeit in a watered down form).³¹ The Sudanese regime also objected to the expansion of the African Union peacekeeping mission in 2005,³² and its ‘consent’ was achieved through a United Nations Security Council resolution threatening sanctions.³³

The African Union (est. 2002) is a more visible and activist organization than its predecessor, the Organization of African Unity (OAU, est. 1963), and so there is a tendency to contrast African Union interventionism with the OAU’s lack thereof. In fact, however, over time, and especially in its last decade of existence (beginning in 1990) the OAU had become much more engaged in intrastate crises. For example, in the early 1990s, the OAU deployed two military observer missions to Rwanda (est. 1991) and to Burundi (est. 1993). Both deployments had to be carefully negotiated since the target states were resistant. The operation in Burundi was originally rejected by the state and only allowed to deploy after extensive negotiations between outside actors and the government.³⁴ This demonstrated a new willingness on the part of the OAU to behave intrusively.

³¹ Powell 2005, 44

³² From African Union Mission in Sudan (AMIS I) to AMIS II.

³³ United Nations Security Council 2004.

³⁴ Rodt 2011, 7-8.

In Africa, ECOWAS has been the most (but not only) active sub-regional grouping in response to domestic crises in its member states. In 1990, the West African organization took on a security function for the first time and intervened militarily in a member state, Liberia, in response to its civil war (see Chapter 6). ECOWAS continued to carry out interference activities in response to conflict and unconstitutional changes in government in its member states throughout the 1990s and beyond. Most coercively, it executed a post-coup regime change (reinstating the ousted president by force) in Sierra Leone in 1997.³⁵

The African regional community is not alone in its increasing willingness to violate non-interference in the name of peace, democracy, and human rights. Latin America—through the OAS and sub-regional organizations—has also engaged in intrusive regionalism more frequently since the second wave of regionalism, especially in response to unconstitutional changes in government (like coups d'état). One recent such unconstitutional change took place in Honduras in 2009, when the military forced Manuel Zelaya—the leftist president who was planning a popular referendum to change the constitution and extend his term—out of office and into exile in Costa Rica, an action legitimized by the Honduran Supreme Court and National Congress. The new *de facto* government received condemnation from a number of sub-regional organizations³⁶ in Latin America as well as from the OAS, who responded by suspending Honduras's membership in the organization and dispatching mediators to aid in the resolution of the crisis. The Central American Bank for Economic Integration provisionally froze credits

³⁵ Malan 1999.

³⁶ Association of Caribbean States, Caribbean Community, Southern Common Market (Mercosur), Union of South American Nations (UNASUR).

to Honduras,³⁷ and the Inter-American Development Bank paused new loans to the country.³⁸ These responses did not result in Zelaya's reinstatement, but the eventual signing of the 2011 "Agreement for National Reconciliation and Consolidation of the Democratic System in the Republic of Honduras"³⁹ by Zelaya and new president Porfirio Lobo Sosa led to an OAS General Assembly decision to lift the membership suspension.

The OAS response to Zelaya's ouster found precedent in several similar responses to democratic dilemmas in the 1990s and 2000s, sometimes with a more successful outcome. In 1993, for example, President Jorge Antonio Serrano of Guatemala executed a self-coup (*autogolpe*), shutting down the congress and removing high court justices, among other unconstitutional actions. The OAS convened a same-day meeting of their Permanent Council, who called for a meeting of the foreign ministers. The ministers in turn condemned Serrano's *autogolpe*, dispatched a fact-finding mission to Guatemala, and threatened diplomatic and economic sanctions. The combination of OAS pressure and domestic opposition resulted in Serrano's resignation and the peaceful transfer of power to a new president, appointed by the Guatemalan congress.⁴⁰ According to Richard Bloomfield, "the stance of the OAS bolstered widespread popular opposition to the coup and the threat of economic sanctions probably had a deterrent effect on those who might have been tempted to go along with President Serrano's" self-coup.⁴¹

A 2006 military coup in Thailand resembled in some ways the 2009 Honduran crisis discussed above, but the regional response was much different. Like President Zelaya, Prime Minister Thaksin Shinawatra was a democratically-elected populist

³⁷ Associated Press 2009.

³⁸ Farias et al 2009.

³⁹ Lohaus 2013, 38; OAS 2011.

⁴⁰ Arceneaux and Pion-Berlin 2007, 14-15

⁴¹ Bloomfield 1994, 14.

advancing redistributionist policies. With the support of the conservative middle class, some conservative opposition parties, and Thailand's monarchy, the Royal Thai Army deposed Thaksin during his 2006 visit to the United States. Rather than issuing statements of concern or attempting to bring about the reinstatement of the ousted leader, the Southeast Asian regional organization—ASEAN—quickly offered diplomatic recognition to the *de facto* regime, in line with the norm of non-interference.⁴²

This chapter has thus far attempted to introduce the reader to the ways in which regional actors interfere in domestic crises in the name of peace, democracy, and human rights. It has also provided some evidence that regional interference varies over time and space. In what follows, I will provide further—and more **systematic**—evidence of this variation by tracking regional interference practices and their legalization over time in Africa, Latin America, and Southeast Asia.

Cases and Dependent Variable

Although the Third World is often characterized as a space where Westphalian logics continue to carry the day, sovereignty has not remained unchanged in the South, and a range of interference practices—from public condemnation to fact-finding missions to economic sanctions and peacekeeping missions—have, over time, and especially since the second wave of regionalism (see Chapter 1), been increasingly legitimized, institutionalized, and put into practice by regional actors as part of state monitoring regimes and/or in response to domestic political and military crises. However, just as normative orders in the developing world are not static, neither are they monolithic. This

⁴² Feigenblatt 2009.

is the case despite an important common history of colonization and decolonization. As this chapter shows, the norm of non-interference has eroded to a much greater degree in Latin America and (especially) Africa than in Southeast Asia.

Before I proceed to present evidence of this regional and temporal variation, I will first clarify my cases and dependent variable. I compare the status of the norm of non-interference over time in three regions, which together make up a large portion of the global South: Latin America, Africa, and Southeast Asia. Since regions are not natural units, I use regional intergovernmental organizations to define their boundaries. Latin America is defined as those states currently composing the OAS. African Union membership defines Africa, as ASEAN membership does Southeast Asia. The one exception I make to this rule is that I exclude the United States and Canada from my definition of Latin America despite their membership in OAS. In addition to serving as proxy for the purposes of defining the cases themselves, these regional organizations are also important arenas and actors. That said, this project is interested in regional norms more generally, not just organizational norms, and so the practices of other actors—states, coalitions of states, and sub-regional organizations (e.g. ECOWAS)—are also within the scope.

Again, my variable of interest is the status of the norm of non-interference. A norm is a “standard of appropriate behavior for actors with a given identity.”⁴³ It is not only a pattern of behavior, then, but a “prescribed pattern of behavior which gives rise to normative expectations as to what ought to be done.”⁴⁴ But how does one ‘measure’ the strength or status of an international norm? First, and perhaps obviously, claims about

⁴³ Finnemore and Sikkink 1998, 891.

⁴⁴ Hurrell and Macdonald 2013, 69.

norm strength make more sense in relative rather than absolute terms. That is, asserting that the norm of non-interference is strong or weak only really makes sense if we're also specifying 'compared to what?' Or, 'compared to where and/or when?' Second, in order to make comparisons across time and/or space and support claims about the *relative* strength and meaning of that norm, it is useful to think about evidence falling into three (overlapping) categories relevant to a norm's status: discourse, law and practice. First, how do relevant interpretive communities talk about the norm? Second, what is the legal status of the norm and/or practices that violate the norm? Finally, how often and to what degree do relevant actors' practices comply with or violate the norm? Since the norm I examine is a prohibition (*non-interference*), and I argue that it has eroded over time, key pieces of evidence in this study include speech, laws and actions that violate the norm or promote practices that violate the norm. In this chapter, I analyze law and practices systematically, and incorporate speech or discourse as is useful.

Specifically, I'm interested in the affirmation, legalization, and execution of *regional interference practices*: actions carried out by states and regional organizations—located in the same region as the target state—that encroach upon domestic political or security matters. To qualify as interference, these practices are to some degree intrusive and/or critical of and/or materially costly to the target state, seeking to monitor or alter state action in some way or affect the outcome of a domestic crisis. I examine activities in two categories: regional monitoring regimes, and regional responses to intrastate crisis. The former refers to election observation missions and the monitoring activities of regional human rights institutions (e.g. the Inter-American Commission on Human Rights). The latter refers to a range of actions (e.g. condemnation, mediation, sanctions,

peacekeeping missions) carried out by regional organizations and/or regional states, in response to domestic political and military crises, especially unconstitutional changes in government, episodes of political violence, and civil conflict.

Table 2.1 Regional Interference Practice Types

Regional Monitoring Activities	Regional Responses to Intra-State Crisis
<p>Election observation</p> <p>Human rights monitoring</p>	<p>Diplomatic sanctions (condemnation, diplomatic non-recognition, membership suspension)</p> <p>Material sanctions (economic sanctions, military sanctions)</p> <p>Mediation (mediation, conciliation commissions, facilitation of negotiations, special envoys)</p> <p>Rebel support (military assistance to or training of rebels, deployment of troops in support of rebels)</p> <p>Civilian deployment (fact-finding missions, cease-fire monitoring missions)</p> <p>Military deployment (military deployment not in exclusive and explicit support of the regime in power)</p>

My definition and operationalization of interference, then, follows scholars who have conceptualized non-interference as a principle of ‘exclusive domestic jurisdiction.’⁴⁵ That is, states have exclusive jurisdiction over their domestic affairs, and it is therefore inappropriate for outside actors to concern themselves with these affairs. When outside actors do inquire about, take positions on, and/or attempt to affect the course of domestic events and political processes, this is interference. An important category of exception to the prohibition includes interference activities taking place in the explicit support of the regime in power (of the target state) *against* domestic opposition groups. Although these

⁴⁵ See, for example, Umozurike 1979.

activities have been considered by some to qualify as interference—African states have at times decried *pro-regime* foreign forces on the continent as violators of non-interference because they affect the outcome of domestic disputes—more widely accepted understandings of non-interference exclude these activities from the prohibition and consider it within the rights of a sovereign state to request and receive assistance in this way. Violations of non-interference need not be coercive to qualify as interference (although regional interference practices have become more coercive over time, as I demonstrate below). Interference occurs when outside actors *assume jurisdiction* over domestic affairs in some way.

The following section examines the norm of non-interference in Latin America, Africa and Southeast Asia from the mid-20th century to the present, highlighting key legal developments and therefore paying special attention to regional organizations. Next, I demonstrate that changes in actual practices have accompanied the legal regimes outlined below; that is, regional actors have over time, and especially since the second wave of regionalism, increasingly engaged in interference activities—monitoring state practices and responding to domestic political and military crises—that challenge state sovereignty by assuming partial jurisdiction over domestic concerns. Furthermore, even before the second wave of regionalism, variation in the status of non-interference existed across space; regionalism was more intrusive in Latin America and Africa than in Southeast Asia, even if the differences were less pronounced.

The Rise of Interference: Regional Legal Developments

Latin America

The OAS is the oldest regional organization examined here. The United States and twenty Latin American states established it in 1948, culminating decades of pan-American regionalist activities (see Chapter 3). It currently counts as members all nations in the Western Hemisphere except Cuba.⁴⁶ Although the organization's founding charter⁴⁷ affirms democracy, human rights, and noninterference as fundamental regional norms, the latter largely trumped the others during the 1960s and 1970s. For example, unconstitutional changes in government were routinely ignored as they were accepted as "part of the standard political repertoire of the region."⁴⁸ In general, these decades were a low-point for multilateralism in the region (see Chapter 4).

Despite this state of affairs, a regional human rights system—governed by OAS soft and (eventually) hard law—operated during this period. Unlike the OAU and ASEAN, the OAS launched this human rights system at its founding (1948) with the adoption of the American Declaration on the Rights and Duties of Man⁴⁹ (predating the adoption of the Universal Declaration of Human Rights⁵⁰ by several months). Although not binding, the American Declaration became the source of law for the Inter-American Commission on Human Rights, established by the OAS in 1959/1960.⁵¹ This was followed, ten years later, by the adoption of the American Convention on Human Rights, a binding legal document.⁵² This sequence of events sets the Inter-American system apart from other regional systems, since its commission was created before a relevant binding

⁴⁶ Cuba's suspension from the OAS was lifted in 2009, but it has not (as of the writing of this dissertation) rejoined the organization.

⁴⁷ OAS 1948a.

⁴⁸ Lutz and Sikkink 2000, 651.

⁴⁹ OAS 1948b.

⁵⁰ United Nations General Assembly 1948.

⁵¹ The Fifth Meeting of Consultation of Ministers of Foreign Affairs adopted a resolution approving of the creation of a commission in Santiago, Chile in 1959. The OAS Council formally approved the Inter-American Commission's statute in 1960.

⁵² OAS 1969.

convention emerged. When the Convention entered into force in 1978, the Commission began to operate on two tiers— using the 1948 American Declaration as its source of law vis-à-vis states that had not ratified the Convention and using the Convention as its source of law vis-à-vis those states that had ratified it. The entrance into force of the Convention also resulted in the creation of the Inter-American Court of Human Rights in 1979. The Commission has investigatory and state advisory roles and considers petitions submitted by individuals, while the Court issues opinions in cases referred to it by the Commission or a state party.⁵³ In addition to ratifying the American Convention, a state must submit to the compulsory jurisdiction of the Court in order for the Court to consider cases about that state. Individuals do not bring cases directly to the Court.

The legalization of the regional defense of democracy emerged in the 1980s, beginning with a 1985 protocol that amended the OAS Charter to establish democracy promotion as an “essential purpose” of the organization.⁵⁴ This was followed by more concrete measures, including a 1989 resolution mandating the secretary general to direct the development of election monitoring missions.⁵⁵ According to Craig Arceneaux and David Pion-Berlin, “During this time, a consensus was emerging in the OAS that the rights of democracy went hand in hand with rights to intervention; the former could not flourish without resort to the latter.”⁵⁶ Regional law adopted in the early 1990s further institutionalized these emerging norms by establishing regional procedures for responding to unconstitutional changes in government. A 1991 resolution created an automatic mechanism by which the OAS secretary general is required to convene the

⁵³ Lohaus 2013, 32.

⁵⁴ OAS 1985, Article 2.

⁵⁵ OAS 1989.

⁵⁶ Arceneaux and Pion-Berlin 2007, 4.

Permanent Council within ten days of a coup d'état in a member state, investigate the event, and "adopt any decisions deemed appropriate."⁵⁷ The following year (1992), the organization adopted the Washington Protocol, which amended the OAS Charter and established a sanctions regime through which a member state experiencing an unconstitutional change in government may be suspended from the organization.⁵⁸ The 1990s also saw the creation of bodies dedicated to democracy promotion⁵⁹ and the legalization and expansion a regional election-monitoring regime.⁶⁰ These efforts culminated in the adoption in 2001 of the Inter-American Democratic Charter,⁶¹ which further institutionalized regional responses to unconstitutional changes in government including various diplomatic actions and mandatory membership suspension after a set period of time. Compared to earlier instruments, the Inter-American Democratic Charter provides for a wider range of democracy-promotion tools including preventive diplomacy in addition to crisis response.⁶²

Africa

The Organization of African Unity was formed in 1963 in the midst of decolonization, and the language of its founding charter reflects newly independent African states' logical preoccupation with state sovereignty and the elimination of colonialism and neocolonialism on the continent.⁶³ The charter also expresses a commitment to the Universal Declaration of Human Rights, but, unlike the OAS, the OAU did not

⁵⁷ OAS 1991b.

⁵⁸ OAS 1992.

⁵⁹ Arceneaux and Pion-Berlin 2007, 4.

⁶⁰ Santa-Cruz 2005, 685. Election monitoring had taken place in an ad hoc manner during the 1960s-1980s.

⁶¹ OAS 2001.

⁶² Legler and Tiekou 2010, 466.

⁶³ OAU 1963.

promulgate regional human rights law at this stage. The organization adopted the African Charter on Human and Peoples' Rights in 1981, and this treaty entered into force in 1986, providing for the creation of the African Commission on Human and Peoples' Rights, which examines state reports, reviews individual petitions, and produces recommendations, among other activities.⁶⁴

The 1990s saw an increase in regional law providing for multilateral interference in support of peace, democracy, and human rights. As detailed in Chapter 5, prominent African statesmen and former statesmen began frequently making explicit calls in various forums in the late 1980s and early 1990s for a regional redefinition of sovereignty and a shift away from noninterference on the part of the African community,⁶⁵ and these calls were heeded. Concerning institutionalized responses to internal armed conflict, regional and subregional law sets Africa apart from other regions in the global South and global North. Based on a 1990 declaration calling for regional solutions to intrastate conflicts,⁶⁶ the OAU established in 1993 a new conflict mechanism mandated to address internal conflict for the first time.⁶⁷ Both ECOWAS and the African Union have adopted treaties (in 1999 and 2000, respectively) including articles allowing for nonconsensual military intervention pursuant to grave circumstances.⁶⁸ The transformation of the OAU into the African Union (completed in 2002) set in motion the spawning of a regional peace and security architecture, the most important body of which is the African Union Peace and Security Council, which is mandated to carry out a range of interference actions in response to political and military crises.

⁶⁴ OAU 1981.

⁶⁵ See, for example, Obasanjo and Mosha 1993; OAU 1992, 12–13, cited in Deng 1993, 17.

⁶⁶ OAU 1990b.

⁶⁷ OAU 1993b.

⁶⁸ OAU 2000a; ECOWAS 1999.

Regarding democracy promotion, Thomas Legler and Thomas Kwasi Tiekou point to the OAU's endorsement of the 1990 African Charter for Popular Participation in Development⁶⁹ as an important discursive shift.⁷⁰ Beginning in 1997, a series of regional decisions and declarations appeared condemning unconstitutional changes in government and outlining steps to be taken in response to them. A May 1997 decision of the Council of Ministers ('Harare Decision') condemned a coup d'état in Sierra Leone and called on the international community to refuse diplomatic recognition to the de facto regime.⁷¹ A July 2000 declaration of the Heads of State and Government ('Lome Declaration') generalized and expanded the Harare move by outlining anti-coup interference mechanisms including OAU membership suspension, nonrecognition of the de facto government, fact-finding missions, targeted sanctions, and multilateral mediation efforts.⁷² These mechanisms were most strongly institutionalized in the 2007 African Charter on Democracy, Elections and Governance, which was partially modeled after the 2001 Inter-American Democratic Charter. In 1999, Malian President Alpha Oumar Konaré (then President of the OAU as well) learned of OAS policy of suspending governments coming to power unconstitutionally and consulted the exact language of its democratic charter to be used in the African version.⁷³ Some have made the case, however, that the OAU and AU democracy-promotion regime now goes further than that of the OAS because it does not formally require invitation by the targeted country to deploy fact-finding missions and election observers.⁷⁴

⁶⁹ OAU 1990c.

⁷⁰ Legler and Tiekou 2010, 469.

⁷¹ OAU 1997; Elvy 2013, 59.

⁷² OAU 2000b.

⁷³ African Union 2007. See also McMahon 2007, 3–4.

⁷⁴ Legler and Tiekou 201, 480; Elvy 2013, 100.

Finally, in 1998, the OAU adopted the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights. It entered into force in 2004, but judges to the Court weren't appointed until 2006 and the court didn't become functional until 2008. The African Court can issue opinions under its contentious jurisdiction (in response to applications filed by the African Commission, state parties to the Protocol, African intergovernmental organizations, or individual citizens of states who have issued a relevant declaration) or its advisory jurisdiction (in response to requests for specific legal interpretations made by ratifying member states, organs of the African Union, or non-governmental organizations recognized by the African Union).⁷⁵ Sub-regional human rights courts operate in West Africa and East Africa as well (see Chapter 6).

Southeast Asia

Five founding members (Indonesia, Malaysia, the Philippines, Singapore, and Thailand) established ASEAN in 1967, and the organization now includes ten member states due to the accession of Brunei, Myanmar (Burma), Cambodia, Laos, and Vietnam. The 1967 Bangkok Declaration, ASEAN's founding document, emphasizes sovereignty-reinforcing norms in a way similar to those of the OAS and OAU, but doesn't mention commitments to democracy or human rights.⁷⁶ The organization's 1976 Treaty of Amity and Cooperation further institutionalized noninterference and the principles of what is known as the "ASEAN Way," a set of procedural norms emphasizing informality and consensus

⁷⁵ Nmehielle 2013.

⁷⁶ ASEAN 1967.

as opposed to legalistic, majority vote, confrontational regionalism.⁷⁷

The second wave of regionalism did not usher in a move away from non-interference for the ASEAN community. As discussed in Chapter 6, it was at this time that ASEAN states began to more forcefully promote the ASEAN Way, including and especially the norm of non-interference, as a viable alternative to Western liberal internationalism. We do not find a regional human rights system, democracy promotion regime, or conflict management regime emerging in the 1990s in Southeast Asia. In the late 1990s and early 2000s, however, we do see greater intra-ASEAN debate about the continued usefulness and appropriateness of the ASEAN Way and non-interference in particular as well as some very modest erosion of the norm of non-interference through regional legal developments. These developments are not as meaningful as those taking place in Latin America and Africa, but they are worthy of investigation (see Chapter 6).

A 1998 proposal put forward by Thai foreign minister Surin Pitsuwan challenged ASEAN's long-standing rule against the *public criticism* of a member state's internal affairs. In the first formal and direct challenge to ASEAN's discursive noninterference, Pitsuwan advocated a new policy of "flexible engagement," which would give ASEAN members permission to publicly raise and "collectively discuss" concerns about domestic policies if these policies could be shown to have regional implications.⁷⁸ Flexible engagement would not allow for unsolicited comment about domestic policies or situations without clear regional implications and would not allow for other kinds of interference in domestic affairs. Still, the policy proposal was rejected by ASEAN and, instead of "flexible engagement," the grouping agreed to a watered-down policy of

⁷⁷ASEAN 1976.

⁷⁸ Haacke 2005, 188–189.

“enhanced interaction” which, according to Alex Bellamy and Catherine Drummond, “permitted *individual states* to comment on their neighbors’ domestic activities if they affected regional concerns but reaffirmed the Association’s commitment to non-interference.”⁷⁹

Another initiative surfaced several years later during the drafting of plans for the ASEAN Security Community. In 2004, ASEAN committed to the creation of a so-called Security Community by 2020 as a way to formalize management of security matters and disputes. In the negotiation of the community’s configuration and mandate, the Indonesian delegate proposed provisions for an ASEAN peacekeeping force,⁸⁰ but this did not make it into the final Draft Plan adopted at the 2004 ASEAN summit.⁸¹ According to statements made to the press, the other ASEAN members rejected the establishment of such a force as an affront to sovereignty.⁸²

Another policy development relevant to noninterference was the adoption of the 2007 ASEAN Charter, which espouses a strong commitment to democracy and human rights and formally conditions ASEAN membership on adherence to charter standards.⁸³ While this might qualify as discursive movement away from noninterference, it does not, in fact, establish concrete mechanisms of enforcement that would qualify as interference. Southeast Asia has not developed a democracy-promotion regime like those in Africa and Latin America; the ASEAN Charter does not provide for election monitoring, fact-finding missions, or an anti-coup sanctions regime. It does provide for a human rights body, the Inter-governmental Commission on Human Rights established in 2009, but this

⁷⁹ Bellamy and Drummond 2011, 187 (emphasis added).

⁸⁰ Agence-France Presse 2004.

⁸¹ Acharya 2014a, 230.

⁸² Simamora 2004, 1.

⁸³ ASEAN 2007.

commission lacks investigative powers,⁸⁴ setting it apart in an important way from African and Latin American human rights institutions.

Overall, while individual member states have introduced failed or minor challenges to ASEAN's long-running noninterference policy and we see some discursive shifts around this norm, the erosion of noninterference at the discursive and policy levels in Africa and Latin America has been much more profound. I next examine actual practices—acts of interference carried out by states, groups of states, and regional organizations—through regional organization monitoring regimes or in response to domestic political and military crises.

First, though, I will the findings of a relevant 2013 study on governance transfer from member states to regional organizations. Tanja Börzel, Vera van Hüllen, and Mathis Lohaus have examined regional legal instruments in four categories—democracy, human rights, rule of law, and good governance—coding several organizations' bodies of law for the degree to which they prescribe precise and detailed standards for member states in each category. Although the adoption of law prescribing standards is not the same as legalizing the promotion or enforcement of these standards through interference practices, it is interesting to note that ASEAN stands out among this group of regional organizations (especially compared to the OAS and African Union) for its relative refusal to prescribe standards for democracy and human rights.⁸⁵

The Rise of Interference: Shifts in Practice

In what follows, I provide qualitative and descriptive quantitative evidence for the rise in

⁸⁴ Ramcharan 2010, 204.

⁸⁵ Börzel, van Hüllen, and Lohaus 2013, 12 (Figure 5).

two types of regional interference practices: (1) elections and human rights monitoring; and (2) domestic crisis management.

Monitoring

Regional institutions in Africa and Latin America have over time advanced their encroachment into member states' domestic affairs by monitoring of and reporting on member states' human rights situations and elections. The OAS had been monitoring elections in an ad-hoc manner since 1962,⁸⁶ but, before 1989, OAS observation missions were rare, small, short term, and not officially mandated by OAS law. The 1989 General Assembly resolution mandating the secretary general to direct the development of election monitoring missions resulted in a shift in practices, beginning with the 1990 Nicaraguan election, which was monitored by a joint OAS-United Nations team. Today, missions are dispatched systematically and are larger, more sophisticated, and of longer duration. In some cases⁸⁷ OAS observers have produced reports severely critical of an electoral process and/or have disputed the outcome.⁸⁸ Although these missions are formally invited, the fact that it has become the norm for states to invite monitors arguably indicates that sovereignty has been partially redefined.⁸⁹ Outside actors are assuming jurisdiction over domestic political processes.

The OAU did not monitor member state elections before the 1990s. Although some diplomats involved in the OAU's dispatch of a small consensual observation mission to the 1991 Zambian elections expressed strong reservations about what they

⁸⁶ Lohaus 2013, 40.

⁸⁷ These cases include: Dominican Republic 1994, Haiti 2000, Peru 2000, and Venezuela 2005.

⁸⁸ Lohaus 2013, 41

⁸⁹ Santa-Cruz 2005, 684.

understood to be a violation of noninterference, the move set a precedent for routine (invited) election monitoring missions on the continent throughout the 1990s.⁹⁰ Over time, the organization shifted away from the “invitation only” policy, and it now regularly deploys election monitors without the “express consent” of its member states. As Legler and Tieku note, this willingness to get involved in member states’ internal affairs without express consent also extends to other interference activities, including fact-finding missions and mediation missions.⁹¹

Latin America’s human rights monitoring body, the Inter-American Commission on Human Rights, has a long history; it has been operating since 1960. The regional body tasked with monitoring human rights in Africa, the African Commission on Human and Peoples’ Rights, began functioning in 1987. This commission began publishing its findings under the individual complaints procedure in 1994.⁹² Although the African human rights system by most accounts is considerably weaker than its inter-American counterpart, its state monitoring practices have, since the early 1990s, constituted a challenge to the noninterference norm.

ASEAN has only recently (since 2012) begun to coordinate election observers, and it is unclear whether this will become a more regular practice. At this point, its human rights body does not monitor individual state practices.

Crisis Management

In this subsection, I analyze patterns of activity in a second category of interference—regional responses to intrastate crises—over five decades in the three regions (see Tables

⁹⁰ Garber 1993, 55–56.

⁹¹ Legler and Tieku 2010, 480.

⁹² Vijoen and Louw 2007, 2–4.

2.2–2.4 for categories of activity).⁹³ In order to systematically assess patterns, I compare regional interference practices over time with reference to regional interference opportunities; that is, intrastate disputes rising to a crisis level. To generate my list of crisis-level disputes for each decade, I rely on intrastate dispute narratives (“narratives”) produced by the Dynamic Analysis of Dispute Management (DADM) project (directed by Mark Mullenbach).⁹⁴ These narratives contain information “collected from hundreds of different primary and secondary sources” and chronicle domestic-level disputes and attempts by external actors to manage these disputes.⁹⁵ They disaggregate disputes into five phases of which *preconflict*, *conflict*, and *postconflict* phases constitute the most serious levels of domestic crisis, and so I code disputes in these phases as “crisis-level.” I use the same source (the narratives) to code regional responses to these crisis-level disputes. Although the DADM is one of many existing data projects interested in interference and intervention,⁹⁶ it is uniquely suited to this inquiry since it offers data on intrastate crises not necessarily rising to the level of armed conflict as well as a wide range of outsider responses. The DADM narratives do not capture every instance of interference, but they are comprehensive enough to provide a good indication of the shape of patterns of interference practices over time and space. To analyze trends in the rate of regional interference in response to intrastate crisis, I draw on qualitative data found in the DADM narratives and secondary sources, as indicated.⁹⁷

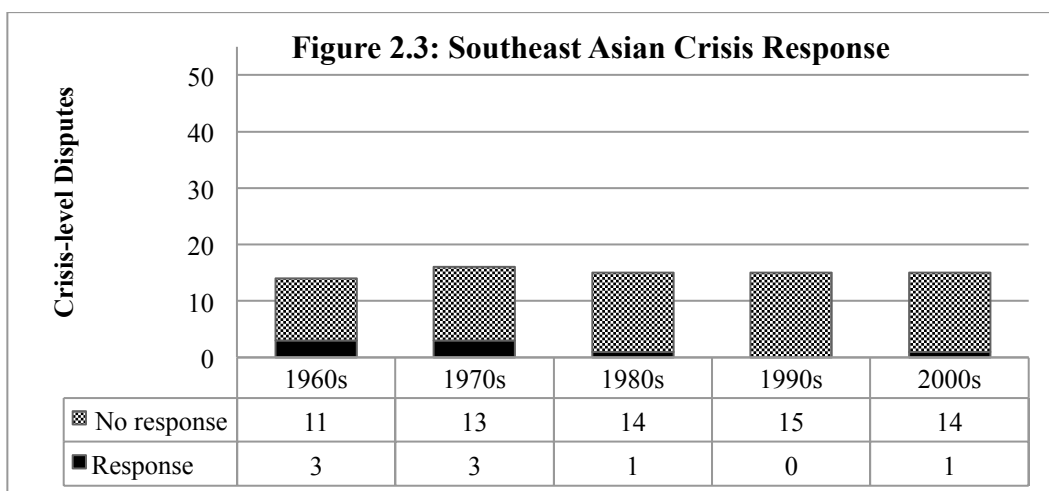
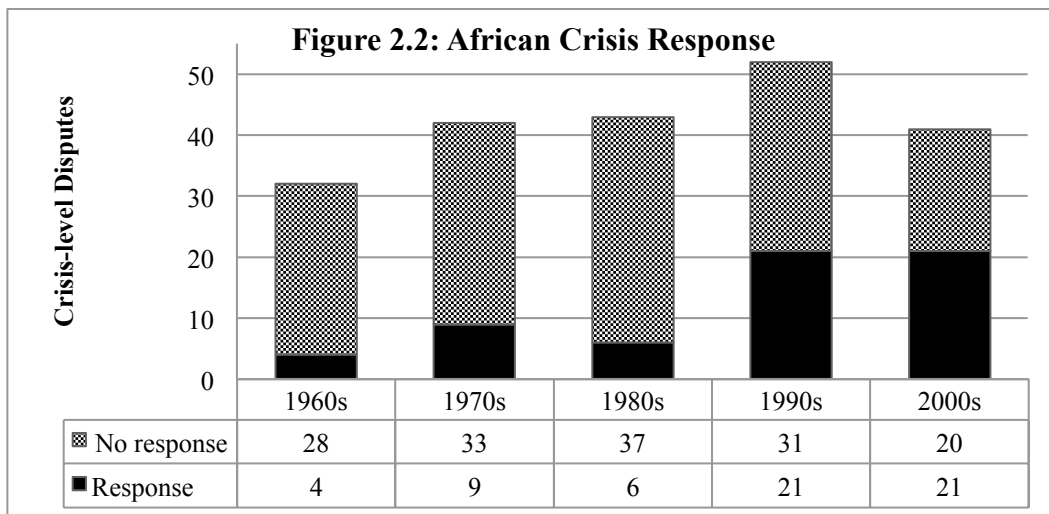
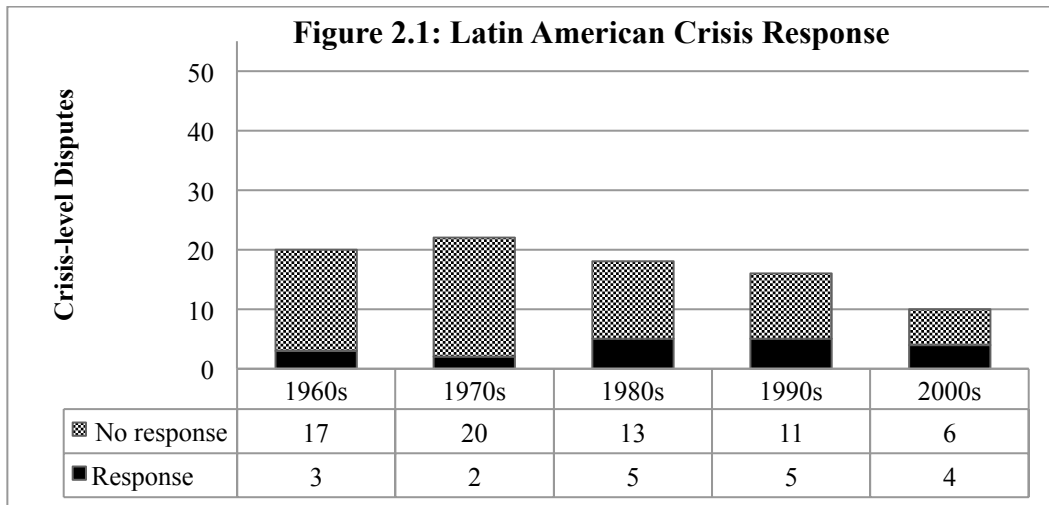
⁹³ See Table 2.1 (under section “Cases and Dependent Variable”)

⁹⁴ The Dynamic Analysis of Dispute Management (DADM) project is housed at the University of Central Arkansas and directed by Mark Mullenbach. The project website can be accessed at <http://uca.edu/politicalscience/dadm-project>.

⁹⁵ University of Central Arkansas, “Dynamic Analysis of Dispute Management—Intrastate Dispute Narratives,” <http://uca.edu/politicalscience/dadm-project/dadm-intrastate-dispute-narratives>.

⁹⁶ See DeRouen et al 2011; Regan et al 2009; Doyle and Sambanis 2000.

⁹⁷ I used secondary (non-IDN) sources to more accurately code regional responses to intrastate crises found in the IDN and to provide context for the qualitative analysis. I did not use secondary sources to find



regional responses to intrastate crises that were not already mentioned in the IDN (i.e., new cases).

Table 2.3 Types of Regional Crisis Response: Latin America

	1960s	1970s	1980s	1990s	2000s
Total crisis-level disputes	20	22	18	16	10
Number of crisis-level disputes eliciting:					
Diplomatic sanctions	3	2	3	4	2
Material sanctions	1	0	0	2	0
Rebel support (troops)	0 (0)	0 (0)	2 (1)	0 (0)	0 (0)
Mediation	1	1	2	1	3
Civilian deployment	1	1	1	3	4
Military deployment	1	0	0	0	0

Table 2.4 Types of Regional Crisis Response: Africa

	1960s	1970s	1980s	1990s	2000s
Total crisis-level disputes	32	42	43	52	41
Number of crisis-level disputes eliciting:					
Diplomatic sanctions	1	2	0	5	7
Material sanctions	0	0	0	2	1
Rebel support (troops)	2 (0)	6 (3)	4 (2)	3(2)	0 (0)
Mediation	2	4	3	19	18
Civilian deployment	0	0	0	3	3
Military deployment	0	1	1	6	4

Table 2.5 Types of Regional Crisis Response: Southeast Asia

	1960s	1970s	1980s	1990s	2000s
Total crisis-level disputes	14	16	15	15	15
Number of crisis-level disputes eliciting:					
Diplomatic sanctions	1	0	0	0	0
Material sanctions	0	0	0	0	0
Rebel support (troops)	2 (1)	0 (2)	0 (0)	0 (0)	0 (0)
Mediation	0	0	1	0	1
Civilian deployment	0	0	0	0	0
Military deployment	0	0	0	0	1

As Figure 2.1 shows, the number of crisis-level *disputes* has fallen rather dramatically in Latin America since the 1970s, whereas in Africa it steadily increased to a peak in the 1990s, falling in the 2000s (see Figure 2.2). The crisis level in Southeast Asia remained

rather uniform over the decades (and high, relative to the number of countries in the region—ten) (see Figure 2.3). The rate of regional *response* to these crisis-level disputes (that is, the percentage of crises eliciting a regional response) increased over time in both Latin America and Africa, but actually decreased in Southeast Asia. The increase in Latin America was more gradual (beginning in the 1980s) than in Africa, where change happened rather abruptly in the 1990s. These trends—together with the trends in regional law and monitoring practices outlined above—suggest that the norm of non-interference has eroded over time in Latin America and especially Africa, and that the same norm has been maintained to a much greater degree in Southeast Asia.

Tables 2.2 – 2.4 break down regional responses by type, illuminating qualitative differences in regional responses to crisis over time and across regions. One pattern to note is that regional interference practices in support of rebels took place more often during the Cold War period than during the post-Cold War period. These rebel support activities were generally carried out unilaterally and without the approval of the relevant regional organization. For example, (North) Vietnam actively intervened in support of rebels in several Southeast Asian countries during the 1960s and 1970s. These activities cannot really be said to reflect regional norms and certainly not ASEAN norms. In Africa, we see an increase in interference in the 1970s compared to the 1960s, but much of this activity involved clandestine aid to rebels carried out by a state acting alone. Over half of these subversive acts were carried out by one state that emerged with an interventionist foreign policy beginning in 1969—Libya. Although Libyan President Muammar Qaddafi’s relationship with other African leaders was certainly complicated, it is telling that following Libya’s military involvement in Chad during the 1970s and

1980s, sometimes in support of the government and sometimes in support of the opposition, many African states cut off diplomatic ties with Libya.⁹⁸ Furthermore, no regional law lent support to these subversive activities, and they do not constitute evidence of a competing norm. The norm of noninterference was arguably principally motivated by African states' desire to prevent this type of subversion or irredentism.

Regional activities in the 1970s do indicate variation in the strength of non-interference across regions. This norm is already stronger in Southeast Asia. For example, two major unilateral military interventions took place in 1979—Tanzania's intervention in Uganda and Vietnam's intervention in Cambodia—and both resulted in the ouster of regimes responsible for the mass murder of civilians, but the regional communities in which they took place responded differently to these gross violations of non-interference. Uganda's Idi Amin ruled from 1971 to 1979 and was responsible for the killing of hundreds of thousands of Ugandans during his reign. The Tanzania-Uganda War of 1979 started as a territorial dispute and escalated into an invasion resulting in the installation of a new Ugandan regime. Apart from Libya, no regional states or organizations provided Amin material support or came to his defense,⁹⁹ and, while not openly praised, Tanzania's intervention was met with muted reactions. Some observers have suggested that many African leaders were silently relieved that the embarrassing despot—who had chaired the OAU in 1975—had now been removed. The OAU summit meeting in July 1979 did not condemn the invasion, for example.¹⁰⁰

That same year, Vietnam ousted Cambodian ruler Pol Pot and sent the Khmer Rouge into exile, instating a new government. Although the Vietnamese didn't carry out

⁹⁸ Solomon and Swart 2005, 474.

⁹⁹ Tesón 1988, 164 [cited in Finnemore 1996, 179].

¹⁰⁰ Aluko 1981, 172.

this intervention in the name of humanitarianism, the Khmer Rouge had engaged in genocidal killings resulting in over 1,000,000 deaths during 1975-1979. Despite these atrocities, ASEAN's response to the Vietnamese intervention was a sharp condemnation of this violation of the norm of non-interference. For the next decade, ASEAN would be preoccupied with its diplomatic campaign—carried out in the name of upholding non-interference—to remove the Vietnamese-installed 'puppet regime.' (See Chapter 6)

Although a similar intervention did not take place in Latin America in 1979, a multilateral response to large-scale human rights violations—including extrajudicial killings and systematic torture—did take place in this year. A report on the situation in Nicaragua by the Inter-American Commission on Human Rights prompted the OAS to issue a resolution calling for the “immediate and definitive replacement” of the Nicaraguan regime.¹⁰¹ This move was extraordinary for the time period, and I am not claiming it to be typical. But, in combination with the human rights and election monitoring practices ongoing throughout the 1960s and 1970s, it supports my claim that regional variation in the status or strength of non-interference existed before the second wave of regionalism.

In the 1990s and 2000s, regional interference practices in Latin America and Africa converged on multilateral peace-, democracy-, and human rights-promoting modes of interference, reflecting changes in regional law and occurring in parallel to the rise (or expansion) of monitoring regimes. Multilateralism also became more coercive beginning in the 1990s, especially in Africa. In this post-Cold War period, we see an increase in Latin America and Africa in the imposition of sanctions and the deployment of civilian missions (fact-finding and cease-fire monitoring). The former is coercive, and the latter is

¹⁰¹ Hannum 1996, 470.

intrusive, sometimes involving diplomatic pressure to secure access.

In Africa during this period, we also see a sharp increase in mediation missions and military deployments. Importantly, Latin America has retained its norm against military intervention. Mediation activities have increased more than any other activity type in Africa. This trend constitutes an important challenge to noninterference because of the history of states' aversion to third-party mediation. As Mohammed Omar Maundi et al. explain, governments resist mediation because “in one way, it undermines [their] authority and in another, legitimizes the insurgency.”¹⁰² For example, in 1971, Ethiopian emperor Haile Selassie agreed to host negotiations between Sudanese rebels and the Sudanese government, but initially he refused to participate in said negotiations in order to not be seen as legitimizing the rebels, and so nonstate actors mediated the negotiations. According to Donald Rothchild and Caroline Hartzell, he may have been motivated by a desire to avoid his own secessionists insisting on mediations.¹⁰³

Military deployments, like civilian deployments—while usually formally consented to by the target state—sometimes involve diplomatic pressure and other forms of coercion. As noted in the introduction to this chapter, for example, the 1993 OAU peace operation in Burundi was originally rejected by the state and allowed to deploy only after extensive negotiations between outside actors and the government.¹⁰⁴ The Sudanese government opposed the deployment of African Union Mission in Sudan peacekeeping forces, and a 2004 UN Security Council resolution threatening sanctions against Sudan was necessary to secure consent for African Union Mission in Sudan II.¹⁰⁵

¹⁰² Maundi et al 2006, 7.

¹⁰³ Rothchild and Hartzell 1993, 84.

¹⁰⁴ Rodt 2011, 7-8.

¹⁰⁵ United Nations Security Council 2004.

Finally, some cases included in the DADM data have involved even greater coercion. In 1998, ECOWAS's mission to Sierra Leone achieved regime change through force (it reinstated a deposed leader). These activities were simply unthinkable during the immediate post-colonization period.

In Southeast Asia, one instance of regional response to crisis can be found in the DADM narratives during the 2000s—a 2004 civilian ceasefire monitoring mission (discussed in Chapter 6). In combination with changes taking place in ASEAN at the level of regional law outlined above, this suggests that *modest erosion* of the norm of non-interference has taken place in the 2000s. Chapter 6 analyzes this erosion.

Testing a Functionalist Explanation

If interference practices are simply a function of the level of conflict in a region, then there's little to puzzle about. Above, I measure regional interference activity *relative to* interference opportunities, in order to partially control for interference 'need.' To further address this alternative argument, I use an index developed by the Center for Systemic Peace measuring the 'magnitude of societal-systemic impact' of civil and ethnic violence and war in a given state in a given year (CIVTOT) to compare the severity of intrastate conflict across regions. CIVTOT is a scaled indicator of the destructive impact, or magnitude, of the violent episode on the directly affected society or societies on a scale of 1 (smallest) to 10 (greatest). Magnitude scores reflect multiple factors including "state capabilities, interactive intensity (means and goals), area and scope of death and destruction, population displacement, and episode duration." I take the mean score for

each region for each decade 1960s-2000s, therefore controlling for the number of states in a region. Table 2.5 displays the results.

Importantly, civil violence magnitude has been relatively high in the region with the least willingness to cede sovereignty—Southeast Asia.

Table 2.5 Civil Violence Magnitude and Impact

	1960s	1970s	1980s	1990s	2000s
Latin America	0.129	0.511	0.965	0.548	0.243
Africa	0.440	0.643	0.822	1.030	0.639
Southeast Asia	2.190	3.011	2.433	1.700	1.000
ASEAN Five	1.022	2.360	3.160	1.900	1.000

Source: Center for Systemic Peace ‘Major Episodes of Political Violence’ data set.¹⁰⁶

Conclusion

This chapter has established the distinct normative trajectories of the three regions with respect to the norm of non-interference. In Latin America, intrusive regionalism developed more gradually over time—regional monitoring began in the 1950s and 1960s, and a shift towards multilateral conflict resolution and democracy protection got underway in the 1980s and accelerated in the 1990s. Latin America has retained its norm against the use of military deployments to promote democracy, peace, or human rights. In Africa, the introduction of intrusive regionalism took place more abruptly in the 1990s, and it has introduced military deployments and other regional mechanisms to respond to domestic crises. Even before the second wave of regionalism, non-interference was strongest in Southeast Asia, and this contrast became starker from the mid-1980s and

¹⁰⁶ Accessed at <http://www.systemicpeace.org/inscrdata.html>. Codebook accessed at <http://www.systemicpeace.org/inscr/MEPVcodebook2014.pdf>.

onward. However, in the late 1990s and early 2000s, we do see some developments in law and practice that suggest that there has been modest erosion of non-interference, even in Southeast Asia. The following chapters seek to explain these normative trajectories.

Chapter 3

Pan-Movements and the Establishment of Regional Organizations

This chapter provides an historical overview of the development of regionalism in the three cases under study and introduces the regional identity discourses that, I argue, have presented an enduring challenge to strict sovereignty norms in Latin America and Africa. A (Southeast) Asian version of pan-Americanism—with its strong liberal and legalist components—or pan-African transnationalism was not relevant to the founding of ASEAN. Instead, the founders of ASEAN shared threat perceptions about communist insurgency and a commitment to a developmental-authoritarian state model. These shared beliefs and commitments reinforced rather than challenged the norm of non-interference.

This chapter also considers the role of great power influence and interventionism. In Latin America, liberal and legalistic aspects of pan-Americanism predate U.S. involvement in regionalism and so can't be attributed to U.S. influence. Furthermore, because the U.S. became a formal participant in hemispheric regionalism, its interventionism worked against norms that would dilute sovereignty. In Africa, (former) colonial powers opposed radical pan-Africanism, and those states which were most concerned about extraregional (neocolonial) intervention were those calling for the pooling of African states' sovereignties to combat this intervention. Finally, although I do not find support for a great power influence explanation in the Southeast Asian case, great power intervention did contribute *indirectly* to ASEAN norms.

I. Pan-Americanism & the Formation of the OAS¹

¹ Formal regionalism has a longer history in Latin America than in the other two regions, so I devote more space to it in this chapter than I do Africa or Southeast Asia.

The OAS was established in 1948, but the inter-American system—a set of regional institutions and a regional body of law—had existed for decades before this date, first as a Latin American project (1820s-1880s) and then as a U.S.-led hemispheric project (from 1889). Like radical pan-Africanists would later do, early pan-Americanists sought political integration—a Spanish-American federation—based on a perceived common cultural identity and in order to empower Latin America vis-à-vis Europe and (increasingly) the United States. A federation was not achieved, but the development of Latin American regional law was an important feature of early pan-Americanism. Later, the Latin American states attempted the use their participation in U.S.-led regionalism to constrain U.S. hegemony and were, again, partial to legalistic regionalism as a means of restricting U.S. interventionism.

Latin American legal scholarship was primarily concerned with institutionalizing sovereignty norms, like non-interference and the maintenance of colonially inherited borders. A strong liberal thread ran through this scholarship too, though, and liberal values [representative government and (later) human rights] featured consistently in diplomatic discourse over the years, even if liberal governance was inconsistently practiced by Latin American states. Enlightenment philosophy infused the discourse of the independence struggles of the 1820s, and representative government constituted an important feature of Latin American identity as distinct from Europe and its monarchies. Relatedly, Latin American diplomats subscribed to the idea that representative government contributed to inter-state peace.

At the founding of the OAS (1948), a tension existed between the strong norm of non-interference, on the one hand, and norms based on the legalistic and liberal

components of the Latin American regional identity, on the other hand. This tension manifested in debates about whether the regional community should create intrusive institutions to promote democracy and human rights, and also in arguments made by diplomats about the appropriate balance between competing regional values. Some insisted that democracy promotion and non-interference were not, in fact, incompatible, because non-democratic or repressive states were illegitimate and therefore didn't qualify for the right to exclusive domestic jurisdiction.

The importance and content of pan-Americanism cannot be attributed to the influence of the United States, as liberal and legalistic aspects of this identity discourse preceded U.S. hegemony in the region. Furthermore, after the United States assumed a leadership role in inter-American cooperation, it served as an inconsistent supporter of intrusive liberal multilateralism. Finally, the perceived and actual threat of U.S. interventionism made Latin American states sensitive to incursions on their sovereignty and wary of ceding sovereignty to regional institutions, because the United States was a formal participant. This wariness worked against the development of intrusive regionalism.

Before hegemony: pan-Hispanism, regional law & liberalism

Following revolutions in France (1789–1799) and the United States (1765-1783), and as Spain was weakened by French occupation during the Napoleonic Wars, the Central and South American colonies launched their own struggles for independence in the early 19th century. The leaders of these American revolutions—mostly local-born bourgeois men of European descent—framed their activities with the same Enlightenment ideas of their

French and North American counterparts.² A pan-Hispanic movement—sometimes referred to as the Bolivarian phase of pan-Americanism (1820s-1889) because of the leadership of independence leader Simon Bolivar—emerged during the period of these Spanish-American independence wars. Bolivar (1783-1830) was a Venezuelan military and political leader who contributed to the independence of several former Spanish colonies (Bolivia, Colombia, Ecuador, Peru, and Venezuela) and sought to form a confederation of Hispanic-American states,³ a project rooted in his desire to put forward a united front among the fledgling states against European interventionism.⁴

Carlos Stuetzer describes the Bolivarian effort as a “movement for a purely Spanish-American union, a kind of reconstruction of the old Spanish Empire in America, without Spain or the Spanish king, and based on a federal system. This, strictly speaking, is rooted in Bolivar’s political vision of the 1820s.”⁵

During this decade of Latin American decolonization and the birth of (Hispanic) pan-Americanism (the 1820s), U.S. President James Monroe delivered a message to the U.S. Congress in which he declared any future interference by European states in the Western Hemisphere to be acts of aggression requiring U.S. intervention to combat them. This declaration was later termed the Monroe Doctrine, which came to be synonymous with U.S. unilateralism and interventionism in the domestic affairs of its southern neighbors, but, at the time (1823), it was neither intended nor received in this way.⁶ On the face of it, Monroe’s message reflected solidarity with Latin America against its European oppressors, and Simon Bolivar (and Latin American leaders more generally)

² Kacowicz 2005, 62.

³ Shaw 2004.

⁴ Kacowicz 2005, 50.

⁵ Stuetzer 1993, 1-2.

⁶ Mace 1999, 21.

initially accepted and even supported the Monroe Doctrine, despite it being declared unilaterally, because the United States was not yet a powerful state, let alone a hegemonic power. Bolivar expressed gratitude in reaction to the Monroe Doctrine, but he did not take the commitment to be a serious one, because the United States did not at the time possess the requisite military power to police the region. Furthermore, throughout most of the 19th century, the Monroe Doctrine was not an important feature of United States foreign policy.⁷ As discussed below, however, Latin American states would grow increasingly wary of the concept of U.S. intervention to combat extra-hemispheric intervention—and its implications for their sovereignty—as U.S. economic and military power grew (leading up to the turn of the century) and as the Monroe Doctrine became more central to this rising power’s foreign policy.

In the intervening years before the first U.S.-organized inter-American conference (1889), the United States remained fairly isolationist and uninvolved in the pan-American movement and absent from pan-American conferences.⁸ Simon Bolivar convened the first such conference in 1826 in Panama, and delegations from Peru, Mexico, Gran Colombia (present day Colombia, Venezuela, Panama and Ecuador), and Central America (present day Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica) participated.⁹ Topics of discussion included the need for cooperation among former Spanish colonies and, more specifically, the potential for the development of common citizenship and common defense arrangements (a multinational force) to prevent

⁷ Crow 1992, 676.

⁸ Shaw 2004, 43.

⁹ Brazil, Argentina and Paraguay were invited but did not attend. Although Bolivar opposed it, Colombia did invite the United States. The latter sent two representatives, but they did not arrive in time for the conference.

European (especially Spanish) intervention and conquest in the hemisphere.¹⁰ Despite the failure of a Spanish-American political union, “the idea of a Latin American consciousness and identity, of a regional society based on a common history, culture, and language, never disappeared.”¹¹

The newly independent states continued to organize conferences over the next several decades and develop a body of regional law.¹² Latin America is unique among the three regions studied in this dissertation for its early decolonization and subsequent post-colonial development of a “transnational legal consciousness” among the revolutionary elite. This led to the creation of a distinctive body of Latin American regional law as well as contributions to global international law.¹³ Independence from colonial (mostly Spanish) rule and the production of law were both elite projects, carried out by the so-called creoles (like Simon Bolivar and Carlos Calvo, see below), who were South American-born but educated in Europe and of European descent. These creole (*criollo*) elite understood regional law as a task that advanced the project of the “completing of civilization.”¹⁴ Writing on the development of a creole legal consciousness, Liliana Obregon explains, “In the nineteenth century, *criollo* lawyers and intellectuals received and articulated international law as part of their nation-building projects and their search for recognition and legitimate participation of the new states in the ‘community of civilized nations.’”¹⁵ Latin American regionalism stands out for its “peculiar legal (or legalist) culture.” From independence in the 1820s, these states (later in cooperation with

¹⁰ Snyder 1984, 229.

¹¹ Kacowicz 2005, 50.

¹² Shaw 2004, 43.

¹³ Obregon 2009, 154.

¹⁴ Obregon 2002, 253.

¹⁵ Obregon 2009, 157.

the United States) have prioritized legal questions and have progressively constructed a “sophisticated and highly developed” regional legal system through the production of public and private regional law and through their inter-American institutions. The norm of employing legal frameworks instead of the use of force to settle disputes emerged as a key component of the discourse of Western hemispheric exceptionalism.¹⁶

Although these treaties went unratified by most of the signatories, and no permanent formal institutions were formed, the pan-American diplomatic and legal traditions established during this period formed a foundation for future, more formal, pan-American institutions. State sovereignty issues—like international recognition, non-interference, and the sanctity of colonially inherited borders—were of primary concern for early Latin American jurists.¹⁷ In fact, the global legal norm of *uti possidetis juris*—the recognition of colonial boundaries that became standard practice in the post-colonial world during the twentieth century—is attributed to the norm entrepreneurship of Latin American legal scholars in the nineteenth century.¹⁸ Other core principles developed during this stage included territorial integrity, arbitration, solidarity, and renunciation of war.¹⁹ The Calvo Doctrine, another well-known nineteenth-century Latin American legal doctrine—advanced by Argentine jurist Carlos Calvo in his *International Law of Europe and America in Theory and Practice* (1868)—declares an alien to be subject to the same local laws as a citizen and prohibits the application of diplomatic protections and interference—including military intervention—by the alien’s home state in the event of a

¹⁶ Kacowicz 2005, 46-47.

¹⁷ Obregon 2009, 159.

¹⁸ Dominguez 2007, 90.

¹⁹ Shaw 2004, 44.

dispute. The Calvo Doctrine set an important regional legal precedent about nonintervention and sovereign equality.²⁰

Although the regional legal tradition in Latin America is strongly associated with sovereignty norms in international relations, with a closer look we can observe “a strong, long-lasting, and under-studied tradition of formal support for democracy and human rights in the region.”²¹ For example, in his discussion of a distinct Latin American tradition of the idea of human rights, Paolo Carozza describes founding father Simon Bolivar—a man “who most clearly embodies the political consciousness of the time”—as a devotee of Enlightenment thinkers and especially the work of Jean-Jacques Rousseau, who inspired his philosophical commitments to constitutionally recognized individual liberty, equality, and material security.²² Bolivar’s expressions of Latin American exceptionalism contrast its republicanism to Europe’s monarchism.²³ Despite the history of illiberalism in practice in Latin America, “the consistency with which political leaders, elites and public opinion in general have adhered to these principles, such as republicanism and the rule of law, represents in itself an important political and social fact.”²⁴ On the individual state level, Latin American countries were, for example, early abolishers of the death penalty, beginning in the 1860s (decades ahead of any European state).²⁵

As Kathryn Sikkink explains, “Like the United States and France, Spanish America was a laboratory for early experiences in democratic rule, and was the first to

²⁰ Herz 2011, 8.

²¹ Kacowicz 2005, 62.

²² Carozza 2003, 301.

²³ Snyder 1984, 229.

²⁴ Kacowicz 2005, 62.

²⁵ Linde 2013, 6.

experiment with universal male suffrage. 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.”²⁶ Early examples of democracy and human rights promotion in pan-American legal scholarship and activism includes Chilean Pedro Felix Vicufia’s 1837 pamphlet proposing a “Great American Congress” that would work for democracy in the region and support popular revolution against dictatorship. “The regional organization would intervene on the side of constitutional governments, thus combining physical power with moral force.”²⁷ A supporter of Vicufia’s plan and principal designer of Argentina’s 1853 constitution, Juan Bautista Alberdi further proposed the establishment of an American Court empowered to intervene in states to enforce its rulings. “Alberdi believed in national sovereignty and nonintervention, but he argued that ultimate sovereignty and rights of collective intervention resided with the international community to protect humanity and oppose tyranny.”²⁸ These proposals were not enacted, but they constitute evidence of the historical importance of debates about the proper balance between non-interference and liberal values, debates that took place even before the United States became involved in pan-Americanism.

Rising U.S. power, U.S.-led regionalism, and growing tensions

An important shift took place in the 1880s: the United States emerged as the regional hegemon and assumed leadership over pan-Americanism, initiating the period (1890-

²⁶ Sikkink 2014, 392.

²⁷ Atkins 1989, 228.

²⁸ Atkins 1989, 228.

1933) that would be the “heyday of overt U.S. intervention in Latin America.”²⁹ As the power of the United States on the world stage grew in the late 1800s, and it emerged from its civil war (1861-1865), the Monroe Doctrine (1823)—which considered any extra-hemispheric interference in the affairs of independent Latin American states a threat to the United States—became central to U.S. foreign policy. While Europe was ‘scrambling’ for control of territory in Africa and Asia, the United States—fueled by the Second Industrial Revolution—grew attracted to its southern neighbors’ resources and markets.³⁰ Secretary of State James Blaine, who served as secretary of state under President Garfield (in 1881) and again in the Harrison administration (1889-1892), was instrumental in moving the United States out of its isolationist orientation and towards greater international trade and influence on the world stage, especially in the Pacific and in Latin America, and his expansionist inclinations resulted in the U.S. annexation of Pacific colonies and dominance of the Caribbean. Blaine harbored suspicions of the United Kingdom’s and other European powers’ designs on Latin America and believed in United States leadership in the Americas. He led the early initiatives for this leadership, and his agenda constituted “nothing less than a fundamental reorientation of American foreign policy. The United States was now to assume the moral and political stewardship of the entire Western Hemisphere.”³¹ According to Blaine, the Latin American states—the “younger sisters of this government”—ought to be sheltered by their “strong and

²⁹ Mares 1997, 205.

³⁰ Snyder 1984, 231.

³¹ Peskin 1979, 82.

disinterested” big brother.³² Blaine’s policies, including U.S. leadership of pan-American conferences, was a key step toward developing a U.S. sphere of influence in the region.³³

Within a decade of his first attempts to garner support for it within the United States, Blaine was able in 1889 to organize the first in a new series of pan-American conferences: the First International Conference of American States, held in Washington, D.C. The main topic of the 1889 conference was intra-regional trade, as the United States interpreted Latin Americans’ reliance on European trading partners as evidence of the “resurgent imperialism” of Europe.³⁴ The United States largely controlled agenda-setting at this and subsequent conferences, maintaining the focus on economic issues (e.g. transportation, communication, finance, commerce, industry, trademarks³⁵) and worked to move discussion away from political issues (e.g. sovereign equality and territorial integrity) and security (for which it had “already assumed responsibility” for the hemisphere).³⁶

A tension developed between Latin American and U.S. delegations, since Latin American states wanted to use pan-Americanism to constrain U.S. power and therefore sought to expand conference agendas to discuss political and security matters, especially sovereignty issues. Two of the key political and security issues that Latin American states attempted to get onto the pan-American agenda, against the interests of the United States, were the prohibition of debt collection by force and the peaceful settlement of disputes.³⁷

Growing U.S. interventionism in the Pacific and Caribbean, including its annexation of

³² Blaine to L.P. Morton, September 5, 1881, in U.S Department of State, Papers Related to the Foreign Relations of the United States: 1881 (Washington, 1882), 426-427, quoted in Peskin 1979, 82.

³³ 1919 is the “generally recognized date for the inception of U.S. hegemony” (Mares 1997, 202).

³⁴ Scheman 2007, 14.

³⁵ Snyder 1984, 232.

³⁶ Shaw 2004, 46.

³⁷ Mares 1997, 205.

Puerto Rico and the establishment of a protectorate over Cuba (both in 1898) heightened Latin American concerns and exacerbated this tension. As Louis Snyder describes it, “Washington saw its version of pan-Americanism as altruistic, while Latin Americans regarded it as North American domination...Pan-Americanism versus pan-Hispanic Americanism continued to be an awkward theme at the series of conferences.”³⁸ A treaty between the United States and United Kingdom in 1901 provided for the creation of the Panama Canal and for sole U.S. control of the canal, further cementing the U.S. domination and sphere of influence in the region.

Three years later, President Theodore Roosevelt announced the Roosevelt Corollary to the Monroe Doctrine in his 1904 State of the Union Address. This followed the 1902-1903 crisis in Venezuela, which highlighted a new threat to the hemisphere, from Roosevelt’s perspective: the threat of European powers’ intervening in Latin America to recover debts. Latin American countries had, in recent years, been accumulating major European debt. The Venezuelan crisis involved a dispute between Venezuela on the one hand, and Britain, Germany and Italy on the other. The European powers imposed a naval blockade against Venezuela in an effort to recover debts.³⁹ This led President Theodore Roosevelt to modify the Monroe Doctrine with his Corollary, stating: “Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in American as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere, the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an

³⁸ Snyder 1984, 233.

³⁹ Ricard 2006.

international police power.”⁴⁰ The Corollary would soon be used to justify U.S. intervention in response to instability in Latin American countries, and in practice had less to do with protecting the hemisphere from Europe than with justifying U.S. interventionism generally. With his new interpretation of the doctrine, Roosevelt “transformed the Monroe Doctrine from one of nonintervention by European powers to one of intervention by the United States.”⁴¹ Following this, the United States proceeded to intervene in Panama and a number of countries in the Caribbean.⁴² As an indication of the scope of United States interference in the region during the first few decades of the 20th century, consider a 1924 survey finding that fourteen out of twenty Latin American states were experiencing interference from the hegemon “in the form of official direction of financial policy or the presence of armed forces.”⁴³ Latin Americans grew more and more uneasy with the United States, but institution building continued in the form of formal bodies to carry out conference declarations. As Caroline Shaw explains, “To many Latin American governments...the value of this new Pan Americanism found in the Inter-American System was too high to be abandoned because of U.S. dominance.”⁴⁴

Despite Latin Americans’ concerns about sovereignty violations, diplomats continued to make proposals during this period for regional mechanisms to promote democracy and individual rights. In 1907, Ecuadoran diplomat Carlos Tobar proposed collective diplomatic non-recognition of governments coming to power through non-democratic means.⁴⁵ Although it did not catch on at the time, the Tobar Doctrine would

⁴⁰ Roosevelt 1904.

⁴¹ Snyder 1984, 234.

⁴² Scheman, 14.

⁴³ Shaw 2004, 47.

⁴⁴ Shaw 2004, 48.

⁴⁵ Sikkink 1997, 713.

be restated decades later as the Betancourt Doctrine (see Chapter 3) and the non-recognition norm was institutionalized in the OAS in the early 1990s. One proposal that did succeed (for a decade) was in the Central American region was the Central American Court of Justice, established in 1907. Very much ahead of its time, the Central American Court—purposed with maintaining peace and resolving disagreements among Central American states—was the first international tribunal to give individuals standing before it. It operated in San Jose, Costa Rica for ten years (1908-1918).⁴⁶ And, although the American Declaration on the Rights and Duties of Man wouldn't be adopted until after World War II, many treaties relevant to individual rights were passed before this.⁴⁷

The interwar years: Latin America pushes back

During the interwar years, Latin American states began to offer more forceful resistance to this dominance.⁴⁸ At the Fifth International Conference of American States (Santiago, Chile) in 1923, the pan-Hispanists proposed the creation of an all-American League of Nations with a “multilateral Monroe Doctrine” to replace the existing unilateral version, but the United States vetoed it, and Latin American delegates denounced it for this. At this conference, these states were more successful at putting forth “political” issues for

⁴⁶ Rescia and Seitles 1999-2000, 596. I find no reports, though, of actual cases brought by individuals.

⁴⁷ Atkins 1997, 123: “[B]etween 1901 and 1945 the Inter-American System adopted conventions and treaties that addressed certain elements [of the protection of human rights]. The 1901 Treaty for the Extradition of Criminals and for Protection against Anarchism focused on the rights of aliens. Six conventions followed that were concerned with questions of nationality and asylum: Convention Establishing the Status of Naturalized Citizens Who Take Up Residence in the Country of Origin (1906), Convention on Asylum (1928), Convention on the Nationality of Women (1933), Convention on Nationality (1933), Convention on Extradition (1933), and Convention on Political Asylum (1933). Three subsequent documents dealing with peace had clauses related to human rights: Convention on Rights and Duties of States (1933), Convention for the Maintenance, Preservation and Reestablishment of Peace (1936), and Convention concerning Peaceful Orientation of Public Instruction (1936).”

⁴⁸ Shaw 2004, 48.

discussion.⁴⁹ This forcefulness continued at the following conference in 1928, where open hostility toward the United States was apparent; unprecedented displays of disapproval occurred here: “Crowds in the galleries, roaring approval of critical remarks, hissed pro-American speakers.”⁵⁰ The most important bone of contention was the United States’ refusal to adopt resolutions establishing sovereignty norms like non-interference and the sovereign equality of states.⁵¹

Again, despite U.S. interventionism and Latin Americans’ interest in institutionalizing sovereignty norms, liberal values continued to form part of the language of pan-Americanism. During the inter-war period, international human rights promotion began to “enter the international scholarly discourse.”⁵² Already in 1928, Orestes Ferrara y Marino, a member of the Cuban delegation to the Sixth International Conference of American States (Havana, Cuba), articulated a critique of strict sovereignty norms, warning that “[i]f we declare in absolute terms that intervention is under no circumstances possible, we will be sanctioning all the inhuman acts committed within determined frontiers”⁵³

The Good Neighbor policy

Franklin Roosevelt’s 1933 Good Neighbor Policy (which emphasized nonintervention and self-determination) responded to Latin Americans’ increasingly vocalized concerns about sovereignty and helped to reestablish productive relationships.⁵⁴ As a result, at the

⁴⁹ Shaw 2004, 48.

⁵⁰ Snyder 1984, 236.

⁵¹ Shaw 2004, 50.

⁵² Sikkink 1997, 712.

⁵³ Sikkink 1997, 712.

⁵⁴ Scheman 2007, 15.

Seventh International Conference of American States (1933) in Montevideo (Uruguay), American states adopted the Convention on the Rights and Duties of States, laying out “juridical equality of states, nonintervention, peaceful settlement, nonrecognition of territorial conquest, and subjection of foreigners to local legal jurisdiction.”⁵⁵ As noted in Chapter 1, this conference marked a crucial turning point: “the dissolution of the standard of civilization, replaced by a formal definition of statehood and doctrine of recognition.”⁵⁶

Progress in the development of democracy and human rights norms also took place in the 1930s. At this same Seventh International Conference (1933), delegates worked on designing the right to political asylum, which Victor Rodriguez Rescia and Marc David Seitles refer to as an “extremely peculiar institution of our inter-American system.”⁵⁷ In 1936, the Declaration of Principles of Inter-American Solidarity and Cooperation identified “the existence of a common democracy” as foundational to the “political defense” of the Americas.⁵⁸ During this later half of the decade, “antidictatorial elements” became “disillusioned with the practice of opposing European dictators and tolerating Latin American ones” and made proposals “subordinate the principle of nonintervention to the ideal of democracy.” These did not, however, gain majority support.⁵⁹

The formation of the OAS: institutionalizing normative tensions

⁵⁵ Shaw 2004, 51.

⁵⁶ Lorca 2014, 8.

⁵⁷ Rescia and Seitles 1999-2000, 596.

⁵⁸ Pan-American Union 1936.

⁵⁹ Atkins 1998, 123.

After the end of World War II and subsequent developments in the international system that came along with it, pan-Americanism underwent a “substantial facelift” and the inter-American regional project became more “ambitious.”⁶⁰ In the 1940s, human rights and democracy-promotion became an even more important part of the regional order.

The language of some Latin American diplomats from this period indicates that they did not see necessarily a contradiction between non-interference and democracy and human rights promotion, and some even advocated that the concept of non-interference needed to be ‘harmonized’ with other legal principles so that non-interference did not become a shield for crimes committed by repressive states. This was not a total consensus, and debates surrounded the balance between non-interference and these liberal values. Reluctance to circumscribe non-interference was in large part motivated by a fear of United States interventionism, which was by no means an insignificant threat.

One instance of debate was a 1945 Uruguayan proposal advocating the use of regional collective intervention to oppose dictators and promote democracy and human rights. Arguing that “[N]on-intervention cannot be converted into a right to invoke one principle in order to violate all other principles with immunity,” Uruguayan foreign minister Eduardo Rodriguez Larreta advocated multilateral collective action in the defense of democracy. The United States and five other Latin American states endorsed Larreta’s proposal, but it did not win majority support.

The 1947 Inter-American Treaty of Reciprocal Assistance affirmed democracy and human rights, on the one hand, and non-interference on the other hand, stating that “the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals and to their will to cooperate” and that

⁶⁰ Mace et al 2007, 2.

“peace is founded on justice and moral order and, consequently, on the international recognition and protection of human rights and freedoms, on the indispensable well-being of the people, and on the effectiveness of democracy for the international realization of justice and security.”⁶¹

Both non-intervention and human rights/democracy featured prominently in the Charter of the Organization of American States (1948) coming out of the Ninth International Conference of American States (Bogota, Colombia). This explicit recognition of human rights and democracy as primary regional norms distinguishes the OAS Charter from the founding documents of ASEAN and the OAU (the latter references the Universal Declaration of Human Rights but does not mention democracy). The preamble of the OAS Charter states that “the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man.” In the section outlining ‘principles’ the Charter recognizes that “The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy.” Article 13 asserts that “Each State has the right to develop its cultural, political and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.”⁶²

The 1948 International Conference of American States also produced the American Declaration of the Rights and Duties of Man, the world’s first general

⁶¹ Pan-American Union 1947.

⁶² OAS 1948.

international document enumerating a comprehensive list of human rights. As Sikkink argues, the language of the draft declaration prepared by the Inter-American Juridical Committee provides insights into “how some Latin American jurists were thinking about the relationship between sovereignty and human rights” at this stage:

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.⁶³

Importantly, the United States did not take the lead on the American Declaration. Latin American states were in fact bigger proponents of the international formulation and enforcement of rights than was the United States at the time, as evidenced by the fact that these smaller, less powerful countries played a key role in getting human rights language institutionalized at the global level through the United Nations Charter, a move initially opposed by the United States.⁶⁴

II. Pan-Africanism & the Formation of the OAU

Pan-African transnationalism is an identity discourse rooted in the African diaspora that presents a challenge to Westphalian sovereignty, because it invokes solidarities among peoples rather than states and incorporates the language of universal human rights. In the decades leading up to independence, an active pan-African movement constructed and promoted this transnationalism. As stated earlier, we might think of pan-African transnationalism as situated between cosmopolitanism and communitarianism; Africans

⁶³ Inter-American Juridical Committee. 1946. “Draft Declaration of the International Rights and Duties of Man and Accompanying Report.” Washington, DC: Pan-American Union. March, page 21. [Quoted in Sikkink 2014].

⁶⁴ Sikkink 2014.

are to identify with (and are responsible for) other Africans, even if they are geographically very distant and are not formally citizens of the same state. A central pan-Africanist project for decades—the campaign against apartheid—originated before the formation of the OAU and, as I argue in Chapter 5, contributed in key ways to the erosion over time of the norm of non-interference.

The OAU was established in 1963, immediately following the rapid decolonization of most of the continent and culminating a decades-old pan-Africanist movement. Its members were very young states. The OAU itself was a compromise institution, a merger between a ‘conservative’ bloc (made up of leaders favoring closer ties with former colonial powers, especially France, and strict sovereignty norms among African states) and a smaller ‘radical’ bloc (those favoring greater independence from colonial powers and political integration among African states). The radical pan-Africanists were intent on combating neocolonialism and Africa’s marginalization. Continental unity was, for them, the solution to both problems; it would empower Africa vis-à-vis extraregional actors and within the international system. Ceding sovereignty to Africa would bolster African sovereignty *against* extraregional interference and domination. The conservative states shared the radical bloc’s concern about marginalization, but their preferred strategy was to maintain relationships with—and therefore economic support from—Europe. And they were wary of ceding their newly won sovereignty to other African states or reconsidering inherited boundaries.

Delegates present at the 1963 founding summit drew on pan-Africanist discourse in asserting their visions for African unity—whether they be minimalist and sovereignty-reinforcing (at least for the short term), or maximalist and sovereignty-diminishing. I

argue that these founding debates and discourses reflect contestation of sovereignty norms in Africa, contestation that would endure over time (see Chapter 5). Specifically, Westphalian sovereignty was challenged by pan-African transnationalism, and these competing ideas and identities were not resolved in 1963.

The African case does not support a great power influence or interventionism explanation, because those states with the closest ties to Western powers were the least supportive of radical pan-Africanism, and the radical campaigners framed their call for African states to cede sovereignty to the continental community in part as a strategy for managing external interference (neocolonialism) and reducing Africa's marginalization in the international sphere.

Diasporan pan-Africanism: the root of transnational solidarities

Pan-Africanism was both a practical movement for African unity, self-determination and other rights, originating in the African diaspora, as well as an identity discourse that would remain politically salient in continental politics during the post-colonial period. The movement predates decolonization (1950s-1970s) and the establishment of the OAU (1963). Frustrated in their struggles for racial equality in the New World, and therefore turning attention to the cause of voluntary repatriation to African soil, the 'Back to Africa' movement first appeared in the U.S., Brazil, and the Caribbean in the early 19th century. These initiatives laid some of the intellectual and networking foundation for what would become the pan-Africanist movement—a response to the transatlantic slave trade and related systems of exploitation.⁶⁵

⁶⁵ Abdul-Raheem 1996, 1.

As notable pan-Africanist W.E.B. Du Bois explained, such movements originated outside of the African continent because “Africans in the Diaspora tend to look to Africa as one united continent, one unity, mainly because they cannot trace their particular roots.”⁶⁶ A leading black activist and public intellectual in the United States, Du Bois (1868-1963) co-founded the National Association for the Advancement of Colored People (NAACP) in 1909 and served as a primary organizer of a prominent series of international pan-African ‘congresses’ beginning in the interwar years (during the diasporan phase of the movement). In the 1950s, he was the target of anti-communist persecution in the United States and subsequently moved to Accra, Ghana (in 1961) where he been invited by Ghana’s first president—Kwame Nkrumah—to develop an encyclopedia on the African diaspora—*Encyclopedia Africana*. Du Bois died in Ghana in 1963, a few months after the establishment of the OAU and a year ahead of the enactment of the Civil Rights Act in the United States.

The inaugural meeting in Du Bois’ series—the First Pan-African Congress—took place in Paris 1919, was attended by 60 delegates (few of them Africans of the continent), and was funded, in part, by the NAACP. It purposely ran parallel to the Paris Peace Talks held by the Allied victors of World War I.⁶⁷ More Pan-African Congresses followed in 1921, 1923, and 1927, each better attended than the last. These meetings produced various declarations and manifestos demanding political and economic rights for peoples of the African continent and their descendants abroad. The Fifth Pan-African Congress (discussed below) didn’t take place until after World War II.

⁶⁶ Quoted in *ibid*, 1 (footnote 2).

⁶⁷ Adejumobi 2001.

Another prominent (Jamaican) pan-Africanist active during the interwar years, Marcus Garvey, was the first to promote the idea of a 'United States of Africa': "a nation of our own, strong enough to lend protection to the members of the race scattered all over the world, and to compel the respect of the nations and the races of the Earth."⁶⁸ He campaigned both inside and outside Africa in the 1920s, and in response to Garvey's 'radical' activities on the continent, the colonial powers sought to further empower Africans who advocated closer relationships with colonial powers over closer relationships to other African states. One such figure, Senegalese politician (and first black African elected to the French Chamber of Deputies) Blaise Diagne, articulated this position by saying that "none of us aspires to see French Africa delivered exclusively to the Africans..."⁶⁹ This rejection of radical pan-Africanism by some African leaders during the final decades of colonial rule foretold divisions that would hinder a united pan-Africanist project among newly independent states in the 1950s and 1960s. According to historian Adekunle Ajala, it is nevertheless "indisputable that Garvey's idea of a united Africa has become the cardinal point of Pan-Africanism."⁷⁰

Continental pan-Africanism: the road to the OAU

Although Garvey's attempts to organize the continent in the 1920s were frustrated by the colonial powers, his vision for a United States of Africa remained influential within the movement and was taken up by Ghanaian independence leader and that country's first president, Kwame Nkrumah. While the visibility of the pan-Africanist movement had waned in the 1930s as fascism, communism and World War II dominated international

⁶⁸ Quoted in Ajala 1974, 97.

⁶⁹ Ibid, page 98.

⁷⁰ Ibid, page 101.

politics,⁷¹ it regained international prominence in the post-war period and took on new emphases. During the inter-war period, African nationalist organizing had emerged, especially in British West Africa.⁷² Nationalist campaigns at first sought greater African participation in government and then developed into independence movements.⁷³ The Fifth Pan-African Congress of 1945 (held in Manchester) was the first of the Congresses to be attended by many key African (as opposed to diasporan) leaders. The most important of these was Nkrumah, who was educated in the United States in the 1930s and 1940s and arrived in London after the war to organize with pan-Africanists through the pan-African Congress and the West African Students' Union. He returned to Ghana in 1947 where he became a political activist and independence leader, serving as prime minister of the Gold Coast (present-day Ghana) while it was still under British rule, and becoming independent Ghana's first head of state in 1958. He strongly identified with African socialism and hoped to see it replace colonialism across Africa.

Nkrumah identified 1945 as the year pan-Africanism became a "mass movement of Africa for the Africans"⁷⁴ and transitioned away from expressions of "Black nationalism" to expressions of "African nationalism." Indeed, the Manchester Congress launched the *liberation* stage of the movement; as the Cold War got underway and the struggle for independence began to see successes, the movement began to separate from its diasporan heritage.⁷⁵ Importantly for my argument, though, the meaning and implications of this emerging African nationalism was the subject of explicit debate among African independence leaders (most of whom would shortly become heads of

⁷¹ Uzoigwe 2014, 190.

⁷² Snyder 1984, 196.

⁷³ Snyder 1984, 183.

⁷⁴ Quoted in Jeng 2012, 140.

⁷⁵ Jeng 2012, 140.

state). We might distinguish among three versions of African nationalism advocated by these leaders (implying different political arrangements): radical or continental nationalism (i.e. the United States of Africa idea); sub-regional nationalism (e.g. the proposed East African Federation); and functionalist or statist nationalism (i.e. a system of sovereign states working towards greater cooperation).⁷⁶

Ghana's Nkrumah emerged as the most vocal advocate of the radical position, calling for immediate political union. He and his allies tended to embrace African socialism and were also the most vociferous opponents of neocolonialism. They advocated greater African unity in part as a way to encourage the severing of ties between individual African states and former colonial powers. Future Tanzanian President Julius Nyerere promoted sub-regional nationalism as a more practical intermediate step (although he would later assume a more radical stance, calling for more immediate continental union, as discussed in Chapter 5). Functionalists tended to be leaders of more 'conservative' (especially Francophone) states, generally more inclined to stronger ties with extra-regional powers and tending towards capitalist economic orientations.⁷⁷

By the end of the 1950s, a handful of African countries had achieved independence (starting with Ghana). The years 1960-1963 saw a cascade of decolonization resulting in twenty-five new states. Beginning in the 1950s, President Nkrumah campaigned for the United States of Africa project through activities at both the sub-regional and continental levels. Initially he pursued West African political unity (as a

⁷⁶ This typological is based on that presented by Mutiso and Rohio 1975, xiii.

⁷⁷ These layered divisions did not always align so neatly as I describe here.

stepping stone to continental unity) through the short-lived Ghana-Guinea Union of 1958. Mali joined the grouping in 1961, but it fell apart within a year.⁷⁸

Nkrumah was also a principal organizer of a series of All-African People's Conferences that convened African political parties and trade unions. The resolutions produced by these conferences included strong endorsements of the United States of Africa idea.⁷⁹ And, like the Pan-African Congresses organized by Du Bois, the All-African People's Conference of 1958 placed "great emphasis on the 'rights of man' and particularly the right of Africans to have the same opportunities for social and political development as the white race."⁸⁰ The relevance of transnational solidarities—not just inter-state solidarities—is evidenced by the content of these meetings, which became progressively radical over time. An All-African People's Congress Secretariat was established in Accra as well as an African Bureau—historian G.N. Uzoigwe refers to these together as a "propaganda base for disseminating Pan-African ideas both continentally and internationally."⁸¹

The first All-African Peoples Conference aimed to, among other things, "mobilize world opinion against the denial of political rights and fundamental human rights to Africans," and was the first international convention to propose international sanctions against South Africa.⁸² The second Peoples Conference, convened in 1960, placed special emphasis on the evils of neocolonialism and the threat of 'balkanization' created by foreign interference and advocated that the "African Personality" be prominent on the

⁷⁸ Ajala 1974, 20.

⁷⁹ Reprinted in Mutiso and Rohio 1975, 361-382.

⁸⁰ Andrain 1962, 10-11, quoted in Omotoso and Layode 2013, 190.

⁸¹ Uzoigwe 2014, 227

⁸² Uzoigwe 2014, 227

international stage.⁸³ The Third All-African People's Congress (March 1961) produced a four-page resolution on neo-colonialism, "a name that was perhaps first given collective recognition here."⁸⁴

According to Nkrumah's vision for Africa's future, the balkanization of the continent could best be avoided, and African socio-economic development achieved, though a politically united continent. He and like-minded African leaders⁸⁵ faced fierce opposition, though, from more conservative states that pushed back against supranational arrangements that would limit their newly won sovereignty. For example, at a 1959 press conference a Nigerian leader stated that "if for many years certain parties have fought for their sovereignty, it is unlikely that they will surrender that sovereignty to a nebulous organization simply because we feel it necessary to work together."⁸⁶ Divisions led to the formation of blocs that assembled separately and generated separate organizational documents. Ghana and allies formed a group more supportive of the immediate political unity of the continent, whereas the more conservative blocs advocated respect for the sovereignty of newly independent states and a gradualist approach to African unity.

This organizing and counter-organizing culminated in a 1963 summit where the OAU was founded. The OAU Charter produced through deliberations here did not establish a United States of Africa. The OAU might be described as a compromise institution, in that it did contain some supranational elements (e.g. a general secretariat). The Charter also pledged adherence of its member states to the 1948 Universal Declaration of Human Rights, a document that it affirmed would "provide a solid

⁸³ Uzoigwe 2014, 227

⁸⁴ Uzoigwe 2014, 227

⁸⁵ For example, Guinean President Ahmed Sékou Touré

⁸⁶ Ajala 1974, 23.

foundation for peaceful and positive cooperation among States.”⁸⁷ In so doing, the OAU’s founding document enshrined liberal values that would later be promoted through its regional human rights system and through intrusive regionalism in the 1990s. On the whole, though, the Charter emphasized sovereignty norms. Of the seven core principles enumerated here, three concern sovereignty explicitly [sovereign equality (Principle 1); non-interference (Principle II); territorial integrity (Principle III)] and a fourth condemns ‘subversive activities on the part of neighboring states’ (Principle V).⁸⁸

While this outcome might lead us to conclude that Westphalian sovereignty won the day and that the question was laid to rest, an examination of the actual content of 1963 summit speeches suggests otherwise; the question was, in a way, left open. The central theme of the summit was the shared goal of “African unity,” and attendees’ speeches revealed divergent positions on the meaning of this goal (for the short term). This is not surprising given the salience of these debates in African politics in the years leading up to the summit, as outlined above. What is surprising, perhaps, is the fact that so many of these speakers—even those statesmen rejecting Nkrumah’s vision for political unity—paid lip service to political unity of the continent *as a long-term goal* that should be realized after a period of transition.

Nkrumah distributed his manifesto, “Africa Must Unite,” as the common position of the radical group to the 1963 summit. He offered this detailed vision of the United States of Africa it as a strategy to counter the “divide and rule” tactics of the European powers (especially France). In his address to the assembly, he predictably insisted on the urgency of political unity, arguing that “African Unity is, above all, a political kingdom

⁸⁷ OAU 1963.

⁸⁸ OAU 1963, Article III.

which can only be gained by political means. The social and economic development of Africa will come only within the political kingdom, not the other way around. The United States of America, the Union of Soviet Socialist Republics, were the political decisions of revolutionary peoples before they became mighty realities of social power and material wealth.” He made this case with reference to transnational solidarities and the popular sovereignty of the people of Africa, asserting that “if we fail and let this grand and historic opportunity slip by then we should give way to greater dissension and division among us for which the people of Africa will never forgive us. And the popular and progressive forces and movements within Africa will condemn us. I am sure therefore that we should not fail them.” Nkrumah also advanced the idea that political unity would be necessary to address the threat posed by neocolonialism: “Unless we establish African Unity now, we who are sitting here today shall tomorrow be the victims and martyrs of neo-colonialism.”⁸⁹

Nkrumah’s calls were not heeded, but his contemporaries did assent to his vision as a long-term goal. For his part, Ethiopian Emperor Haile Selassie emphasized the necessity of a period of transition: “The union which we seek *can only come gradually*, as the day to day progress which we achieve carries us slowly but inexorably along this course. We have before us the examples of the U.S.A. and the U.S.S.R...[W]e recognize circumstances for what they are, temporary expedients designed to serve only until we have established the conditions which will bring African unity within our reach.”⁹⁰ This sentiment was echoed by similarly-minded states, like Senegalese President Leopold Senghor who argued for caution and called for African states to “move forward step by

⁸⁹ Nkrumah 1963.

⁹⁰ Haile Selassie 1963, emphasis mine.

step and stage by stage,” expressing his “fear that we should be heading rapidly for disaster if we tried to construct a federation or a even a confederation with its own parliament and military command *at the first attempt.*” In closing, he called on the states to accept “some sacrifices,” namely, “By accepting and applying in practice the general principles which are the strength of all international institutions: the equality of Member States, non-interference in the internal affairs of others, no resorting to violence to settle differences, and effective solidarity between all the African States.”⁹¹ Cameroon’s President Ahmadou Ahidjo similarly argued that “any rigid form of institution would be *premature at this stage.* And so, for the moment, let us have neither Federation or Confederation.”⁹² This language leaves questions about strict sovereignty and exclusive domestic jurisdiction open in the long run.⁹³

III. Anti-Communism and the Formation of ASEAN

ASEAN was established in 1967 by a group of five⁹⁴ non-communist states, most of which had gained independence a decade or more earlier. These states were older than the OAU’s founding members but younger than those of the OAS. And, although they had experimented with democracy at independence, they were no longer democratic by 1967. Pan-Asianism was not relevant to ASEAN’s establishment—it had been

⁹¹ Senghor 1963, emphasis mine.

⁹² Ahidjo 1963, emphasis mine.

⁹³ And rhetoric matters in Africa. As William Foltz has argued, “In this club of weak and fragile states, none possessed the military resources capable of coercing its fellows into compliance, or the economic resources to bankroll an enticing new order. Leadership was a matter of political rhetoric and reputation—in effect, the ability to establish and sustain norms” (Foltz 1991, 351).

⁹⁴ ASEAN did not encompass all ten Southeast Asian states until the 1990s (it only counted the non-communist states at its founding). When tracing Southeast Asian norms, though, I focus on ASEAN and its development because the other states acceded to ASEAN in the 1990s and endorsed its norms. Understanding the Southeast Asian normative trajectory in the 1990s and beyond requires attention to the history of ASEAN during the Cold War.

delegitimized by Japanese imperialism in the 1930s and 1940s; Japan used the language of pan-Asianism to frame its territorial conquests as part of a movement for solidarity among Asian peoples against the West. As ASEAN's formation was distant from decolonization and the human rights and democracy rhetoric that framed it, these liberal discourses were also less salient here than in Africa or Latin America. The ideological glue holding ASEAN together from the beginning was a shared commitment to anti-communism and a developmental-authoritarian state model. Like African and Latin American states, internal conflict was the primary threat to state power, but unlike these other regions, ASEAN states shared a particular threat perception: communist insurgencies supported by a local rising power (China). This common threat was more specific than the general problem of insurgency, and this bound the original ASEAN members together with a common cause. The original ASEAN members articulated the belief that rapid economic development led by strong states would undermine communism's appeal, and that a strong non-interference norm—and bilaterally coordinated counter-insurgency efforts—would allow each state to focus on economic development without the distraction of inter-state tensions and conflict. Theirs was not a liberal or transnational pan-Asian solidarity but a state-centric anti-communist solidarity. I argue that the foundational discourses of ASEAN *reinforced* rather than *challenged* Westphalian sovereignty and the norm of non-interference, which would only grow stronger over time (see Chapter 6).

Again, the Southeast Asian case does not support a great power influence explanation. It *is* the case that great power interventionism shaped the development of ASEAN in indirect ways; Japanese imperialism hastened the demise of pan-Asianism as

a political project, superpower rivalry led to the polarization of the region, and perceived and actual Chinese support for communist insurgents contributed to elite solidarity against domestic challengers and a strong commitment to non-interference within ASEAN in order to reduce inter-state tensions and allow governments to focus on economic development. Still, this response to external intervention and communist insurgency was greatly informed by *the lack of* liberal or transnational identity discourses. Latin American and African responses to internal and external threats were different. Furthermore, I argue that ASEAN norms were not influenced by the United States or China in a more direct way. I do not find evidence of China trying to prevent a more intrusive form of regionalism from developing here, and the United States' attempt to establish a Southeast Asian version of North Atlantic Treaty Organization failed because regional states wanted more autonomy.

Pan-Asianism and Japanese Imperialism

A pan-Asianist movement did exist at the level of civil society in the late 19th century and early 20th century, and it shared features with its African and American counterparts, but pan-Asianism did not progress to culminate in the creation of a continental body like the OAU or OAS. Transnational pan-Asianist identity discourses—challenging to the nation-state and its exclusive jurisdiction of domestic affairs—were not salient by the 1960s in Asia generally or Southeast Asia specifically. When the founding members of ASEAN (Indonesia, Malaysia, the Philippines, Singapore and Thailand) created the association in 1967, there was no debate over whether states should form a grand federation like the United States of Africa idea. ASEAN's establishment was not the product of a pan-Asian

movement, and it didn't follow decolonization in the region as quickly as did the OAU. Any tension between transnational regionalism in (Southeast) Asia and state sovereignty had been more fully resolved at the moment of ASEAN's establishment (1967) than was the tension between pan-Africanism and state sovereignty at the OAU's founding (1963). Before I examine the development of Southeast Asian regionalism, I will first discuss the broader pan-Asianist movements—some strands of which held sovereignty-challenging potential—that failed to reach institutionalization in the formation of a formal continental organization (e.g. the OAS or OAU).

Pan-Asianism didn't always have an exclusively statist manifestation. Pan-Asianism existed at the level of transnational civil society—a network of scholars, journalists, merchants and lawyers—beginning in the late 19th century, at a time when Asia was being “overrun” by outsiders.⁹⁵ Like pan-Africanism, it had a strong racial component, articulated in terms of the need for the “yellow race” to rise up in unity against white imperialism and economic exploitation.⁹⁶ Japan was a central node for these activities, but the Japanese state did not embrace pan-Asianism as part of its official foreign policy at this stage (or anytime prior to the 1930s) because it was eager to maintain good relations with Western powers. As Sven Saaler and Christopher Szpilman note in their introduction to an anthology of primary pan-Asian texts, “The popularity of transnational Pan-Asianism and the transnational political activities of revolutionaries...show that the nation was not, as it is often believed, an absolute and unquestioned value in Asia.”⁹⁷ At least one prominent pan-Asianist, Rabindranath Tagore of India (1861-1941), promoted a society-centric version of pan-Asianism “thriv[ing] on

⁹⁵ Snyder 1984, 203.

⁹⁶ Snyder 1984, 203.

⁹⁷ Saaler and Szpilman 2011, 5-6.

ideational and cultural flows as on economic links or political purpose.”⁹⁸ A writer and painter, Tagore won the 1913 Nobel Prize in Literature (he was the first non-European person to do so). His version of pan-Asianism opposed the nationalistic sovereign state system, but, although he was a celebrated thinker, his anti-nationalism did not gain support.⁹⁹ As historian Prasenjit Duara explains, “[N]ationalist ideologies sought to contain and, indeed, domesticate a variety of transnational phenomena in East Asia that potentially ran counter to the sovereign interests of the nation-state.”¹⁰⁰

The rise of Japan as a powerful state initially spurred the growth and prominence of pan-Asianism (at the transnational level), but Japan’s eventual endorsement and employment of a particular brand of pan-Asianism would, with a few decades, bankrupt it. Following Japan’s victory over Russia in the Russo-Japanese War (1905), Japan’s new status as a great power inspired nationalist movements throughout Asia, and these movements “adopted a vision of Asian or Eastern solidarity, potentially under Japanese leadership, as a possible path to overcoming Western hegemony.”¹⁰¹ These developments did not lead, however to concrete regional political projects¹⁰² and, due to the Japanese imperialist turn, they would not get a chance to.

Although the Japanese had been building an empire since the 1890s, and had annexed Korea in 1910, its extensive conquest of East Asia didn’t begin until the 1930s. It wasn’t until after the 1931 Manchurian incident—which resulted in Japanese occupation of Chinese territory—and Japan’s 1933 withdrawal from the League of Nations that it began officially promoting pan-Asianism and the idea of Japanese

⁹⁸ Acharya 2010, 1004.

⁹⁹ Duara 2010, 972.

¹⁰⁰ Duara 1997, 1030.

¹⁰¹ Aydin 2013, 77.

¹⁰² Aydin 2013, 151.

supreme leadership over Asia.¹⁰³ To carry out its expansionist policies, the Japanese Empire “appropriate[ed] an already existing alternative to the Eurocentric world order” [pan-Asianism], allowing it “to implement more rigorous and inclusive assimilation policies and exhibit a high level of international confidence and self-righteousness in an era when imperialism was globally delegitimized.”¹⁰⁴ These policies culminated in 1940 with Japan’s introduction of the concept of the Greater East Asian Co-Prosperity Sphere to occupied Asian territories. The Co-Prosperity Sphere was to be a hierarchical Asian political and economic bloc under the authority of Japan. Among historians, there is a strong consensus that “the subservience of pan-Asianism to Japanese militarist imperialism doomed its future in the twentieth century,”¹⁰⁵ discrediting the movement that came before and resulting in the “disappearance of pan-Asian discourse from the international relations arena.”¹⁰⁶

Decolonization and the Cold War

The end of World War II left Japan defeated and pan-Asianism irrelevant. As European colonial powers—driven out by Japan during the war—returned to Asia, they were met by stronger nationalist movements than they had encountered before, and the decolonization process, which would be mostly complete by the mid-1960s, began. Indonesia declared independence from the Netherlands in 1945, but it would take another four years (of violent conflict) for the Dutch to recognize this. The Philippines gained independence from the United States in 1946, and this was followed by Burmese

¹⁰³ Snyder 1984, 213

¹⁰⁴ Aydin 2013, 188-98.

¹⁰⁵ Duara 2010, 970.

¹⁰⁶ Saaler and Szpilman 2011, 27.

independence from Britain (1948) and the defeat of France in Indochina (1954), resulting in the division of Vietnam into the communist North and the Bao Dai government's South. British Malaysia and Singapore won independence later, in 1957 and 1965 respectively, and Brunei remained a British protectorate until 1984. Thailand was never formally colonized.

Independence struggles in Asia coincided with the emergence of the Cold War and the application of U.S. containment policy, and Asia soon became a primary battleground for Cold War competition. The 'loss' of China to communism in 1949—and the threat of the same outcome in Indochina—brought the United States' strategic focus to the Asian arena as opposed to other regions in the global South. Alarmed by the rise of communist parties (and armed groups) here, and concerned to bolster the strength and prosperity of its Western European allies, the United States was not an unambiguous supporter of decolonization, sometimes choosing to support colonial powers over nationalist groups. As Asian states did gain independence, the United States lobbied them to align with the West, aiming to build an anti-communist alliance in order to counter Chinese and Soviet influence and expansion.

That Southeast Asia existed as a front line of the Cold War matters for several reasons. First, the Cold War polarized the states in the region into communist and non-communist blocs. The original ASEAN states were not drawn into regionalism because of a shared pan-Asianist identity but rather because of their shared anti-communist ideology, and this was more conducive to strict sovereignty norms. Furthermore, the threat of communist insurgency in these original ASEAN states provided a justification for authoritarianism, and this authoritarianism fostered state-centric regionalism.

Relatedly, the shared threat perception about communist insurgency—backed by a rising China—contributed to regime-supportive practices among ASEAN states, including coordinated counter-insurgency efforts. When ASEAN was formed (1967), the ASEAN Five had converged on a common state model and anti-communist orientation. It was also during this time that these states were growing concerned about British and especially U.S. partial disengagement from the region because of and its implications for their security vis-à-vis communist China. Again, since the ASEAN states’ internal security concerns overlapped and were linked to a local power (China), these regimes were bound together in a way that American and African regimes were not (although they too faced insurgency), and this contributed to strong (less contested) sovereignty norms from the beginning.

The Korean War (1950-1953) was the first “major outright war”¹⁰⁷ of the post-World War II period, and a pivotal moment for the development of this alliance. U.S. aid programs to the region—including to states in Southeast Asia—were greatly expanded, and the war itself “created a ripple of apprehension” in Southeast Asia about the spread of communism.¹⁰⁸ This combination of increased aid and escalating fear among new regimes helped forge the alliance sought by the United States. By the mid-1950s, it had managed to form a strong anti-communist coalition of Asian states, including several Southeast Asian states.¹⁰⁹ U.S. bilateral defense treaties were strongest with Korea, Japan, and the Philippines (a former U.S. colony).¹¹⁰ In 1955, the Vietnam War (Second

¹⁰⁷ Acharya 2011, 102.

¹⁰⁸ Stubbs 1989, 521.

¹⁰⁹ Katzenstein 2005, 45.

¹¹⁰ Katzenstein 2005, 50.

Indochina War) got underway, and troop U.S. presence in the region intensified over the next decade.

There were limits to the anti-communist coalition, however, as evidenced by the rejection by most Southeast Asian states of the Southeast Asian Treaty Organization (SEATO), “the most important postwar U.S. effort to organize a multilateral collective defense organization in the entire Third World.”¹¹¹ SEATO was established in 1955—on the heels of the Geneva Accords settling the First Indochina War—with the purpose of containing communism and serving as an Asian version of the North Atlantic Treaty Organization. It never resembled the latter in any meaningful way and quickly proved irrelevant. Although headquartered in Bangkok (Thailand), the organization’s membership was majority extraregional: the United States, France, Great Britain, New Zealand, Australia, Pakistan. The only two Southeast Asian nations to participate, the Philippines and Thailand, were those with the strongest ties to the United States. For their part, the Indochinese states—Cambodia, Laos, and Vietnam—were barred from entering collective defense agreements by the terms of the 1954 Geneva Accords. Burma and Indonesia, founders of the Non-Aligned Movement—a group of post-colonial states seeking to extricate themselves from East-West bloc dynamics—rejected SEATO outright as a mechanism to draw post-colonial states into the Cold War. When Malaysia and Singapore gained independence, they chose not to join SEATO, despite their solidly anti-communist orientations and alliances with the West.

Pre-ASEAN attempts at indigenous regionalism in Southeast Asia did not succeed. Inter-state tensions and conflicts thwarted these efforts, which included 1) the Association of Southeast Asia, whose members included the Philippines, Malaysia, and

¹¹¹ Acharya 2011, 102.

Thailand (although it technically remained in existence 1961-1967, is considered a failure) and 2) the Greater Malayan Confederation, comprised of Malaya, the Philippines, and Indonesia (it lasted for one month in 1963). Most important among the inter-state conflicts thwarting regionalist organizing were those between Malaysia and Indonesia (the “Konfrontasi” period) and between Malaysia and the Philippines (a territorial dispute).¹¹² Apart from pan-Malay sentiments motivating the Greater Malayan Federation, Arfinn Jorgensen-Dahl asserts that “there existed in Southeast Asia no indigenous tradition of thinking which conceived of the region in general and the states that came to form [ASEAN] in particular as a political, economic, and cultural entity which could serve as an ideal alternative to traditional interstates politics and to which appeal could be made and from which inspiration could be received.”¹¹³ In other words, there was no pan-Asianism to build on.

1967: the formation of ASEAN

It wasn't until Southeast Asia became sufficiently polarized along Cold War lines and the original ASEAN members experienced a common ‘shift to authoritarianism’ that ASEAN emerged. ASEAN did not bring together the whole of Southeast Asia but rather a smaller group of very like-minded non-communist states, and these five states’ common ideology and strategic concerns constituted the foundations of regionalism moving forward. Their solidarity wasn't so much a pan-Asian solidarity as an authoritarian capitalist solidarity. The ASEAN Five shared a capitalist orientation and a common fear of communist insurgency. The strategic foundations of ASEAN (and its justification for non-

¹¹² Cabellero-Anthony 2002, 532.

¹¹³ Jorgensen-Dahl 1982, 70.

interference) were not only about regime security (a group of states with a shared interest in maintaining power vis-à-vis internal and external threats) but, more specifically, about a shared interest in preserving a very specific ‘social order’ (authoritarian capitalism).¹¹⁴

Indonesia was the largest state in the region and its orientation to regionalism was crucial. In 1966, when regime change took place in Indonesia, its foreign policy shifted in ways that made a regional organization with Indonesia as a member possible. While Indonesia’s first president, Sukarno, had focused Indonesia’s foreign policy activities on the international level (with major involvement in the Non-Aligned Movement and Afro-Asian cooperation), his replacement, Suharto, shifted focus to regional politics. While Sukarno’s focus had been anti-colonialism, Suharto’s focus was anti-communism.¹¹⁵ This regime change in Indonesia involved what is considered by some to be one of the worst atrocities of the 20th century. In October 1965, General Suharto blamed a failed coup attempt on the Indonesian Communist Party and proceeded, with the support of the armed forces, to carry out an anti-communist “purge” throughout the country, resulting in the estimated deaths of at least over 600,000 alleged communists.¹¹⁶

The original ASEAN Five shared the idea that the best way to work against communist insurgency was through economic development (in order to undermine communism’s appeal), and that interstate conflicts in the sub-region would have to be set aside in order to create the conditions for this growth. “All these states had pursued free-market policies and relied on rapid economic growth to combat communism. They perceived a common international threat and saw regional cooperation as an important way to combat it...In fact, one of the main catalysts of political cooperation among non-

¹¹⁴ Jones 2010, 485; Acharya 2013, 127

¹¹⁵ Acharya 2013, 131.

¹¹⁶ Snyder 1984, 219.

communist Southeast Asian countries leading to the formation of ASEAN was the development of joint counter-insurgency measures along their common borders.”¹¹⁷ The norm of non-interference was emphasized at ASEAN’s founding as a way to prevent intra-ASEAN tensions and conflict and to “insulate ASEAN societies from ‘subversive’ external influences to help stabilize capitalist social order.”¹¹⁸ Accounting for ASEAN’s founding, then prime minister of Singapore has written, “We had a common enemy—the communist threat in guerrilla insurgencies, backed by North Vietnam, China and the Soviet Union. We needed stability and growth to counter and deny the communists the social and economic conditions for revolutions.”¹¹⁹

The ASEAN Five shared an economic model, which created further ideological affinity. Their emphases were “rapid urban industrial development,” and “openness to the world economy” and “close alliances between the state, foreign corporations and domestic capitalists.” This common model fostered “a certain ideological commonality among them that provided for an important political foundation for ASEAN.”¹²⁰

The ASEAN Five also shared a shift away from democracy, and began to formulate economic justifications for authoritarianism. Non-interference did not have to compete with transnational pan-Asian discourses or liberal ideas about human rights and democracy that were more prominent in the African and Latin American cases. “[T]he decline of democratic experiments and the rise of authoritarianism... created the political basis for a common subregional political and ideological framework....A common thread running through the shift towards authoritarianism was its justification by the ruling

¹¹⁷ Acharya 2013, 126.

¹¹⁸ Jones 2010, 485.

¹¹⁹ Lee 2000, 370 [quoted in Jones 2010, 485].

¹²⁰ Acharya 2013, 162.

regimes in terms of communist threat, ethnic unrest and a belief that economic development required a certain amount of authoritarian control. And it is this thread that provided an important basis for regional cooperation in the 1960s and 1970s, especially through the ASEAN framework.”¹²¹ Not only was Southeast Asian regionalism not based on a pan-Asianist movement with transnational threads, its ideological basis was explicitly illiberal. This illiberalism is particularly compatible with non-interference, especially considering that the interference regimes that emerge in other regions in the 1980s and especially 1990s are based, in part, on liberal discourses of human rights and democracy promotion. As we might expect, the founding document of ASEAN, the Bangkok Declaration is a piece of soft law, reflecting ASEAN states’ wariness of formality and legalism, and makes no reference to human rights or democracy.

The main issue of debate at ASEAN’s founding summit was the question of defense alliances with extraregional powers. Indonesia was a strong proponent of self-reliance and the removal of foreign military bases, whereas the other states were, to varying degrees, committed to their defense arrangements with Western powers in order to guarantee their own security. In a way, then, this echoes debates at the OAU’s founding about regional autonomy versus extraregional (European) support. It differs in a critical way, though: no one was advocating the pooling of sovereignties in Southeast Asia.

Conclusion

One important point of variation in the history of regional orders is the importance and content of regional identity discourses. Pan-Americanism is characterized in part by a

¹²¹ Acharya 2013, 127.

shared commitment to liberal values and the development of regional and international law. Even before the formation of the OAS, the promotion of democracy and human rights had become an important feature of diplomatic discursive traditions. In the African case, pan-Africanism is distinctly transnational in that it emerged from the diaspora, served as the common language of the coordinated decolonization movement on the continent, and identified the struggle against Africa's remaining colonial and minority-led regimes to be one of its central expressions of transnational solidarity, in the name of universal human rights but also African 'brotherhood.' Regional identity discourses in Latin America and Africa were therefore both incompatible with strict interpretations of state sovereignty from an early stage. Pan-Asianism, on the other hand, was not important to the founding of ASEAN, and sovereignty norms therefore stood on firmer ground from the beginning. As I argue in the following case chapters, these regional identity discourses had an enduring effect on regional norms leading up to the second wave of regionalism in the mid-1980s.

Chapter 4

Latin America

Chapter 3 discussed the emergence in the 19th century of a pan-American identity discourse with strong liberal and legalist components, which preceded U.S. leadership in the region and existed in conflict with strict interpretations of non-interference. In the post-World War II era, intrusive liberal regional traditions became embedded in institutions and practices (the Inter-American human rights system and ad hoc election observation), and, while the further development of intrusive liberal regionalism was stalled by authoritarianism and U.S. interventionism during much of the Cold War period, human rights and election monitoring continued.

The third wave of democratization—which transformed the regime type makeup of the hemisphere—removed an important impediment to liberal multilateralism. During the interventionist Reagan administration years, Latin American states, which were becoming increasingly democratic, worked outside of the OAS framework to support peace and democracy in Central America. By the end of the 1980s, Latin America had achieved an unprecedentedly high democratic density, and a major shift in U.S. foreign policy facilitated rapprochement between the United States and its southern neighbors. These changes enabled a reinvigoration (but not origination) of intrusive liberal regionalism in the early 1990s, which primarily took the form of a defense-of-democracy regime. This supports my argument that the erosion of the norm of non-interference in Latin America beginning in the second wave of regionalism can be attributed to

historically rooted identity discourses and, in the shorter term, a significant increase in the democratic density of the region.

The United States was a proponent of the OAS defense of democracy regime, and this fact might at first glance lend support to power-centric explanations, but, given the history presented here, it's hard to make the case that the changes we see in the 1990s can be reduced to U.S. influence. Most importantly, the United States has not been a consistent supporter of intrusive human rights and democracy promotion in the region and has sometimes worked against efforts to develop intrusive practices, either purposefully or indirectly through its own interventionist practices (which made Latin American states wary of ceding sovereignty to the regional community).

Economic uncertainty associated with the end of the Cold War and following the economic crisis of the 1980s did, though, enhance Latin American states' motivation to cooperate with the United States on political matters (democracy and human rights) in order to improve their relationship with the hegemon and facilitate cooperation on economic issues. This offers support to my argument that materially vulnerable states are more willing to support intrusive liberal regionalism in the international normative context of the late 20th century and beyond.

Post-WWII democracy-promotion proposals & the emergence of state monitoring

As outlined in Chapter 2, intrusive liberal norms were institutionalized by the OAS in the post-war period through the development of monitoring regimes—the Inter-American human rights system and the practice of election observation. This was also a period (1948-1965) of active OAS debate about regional democracy promotion and the

appropriate balance between non-interference and the promotion and protection of pan-American liberal values. As Chapter 3 demonstrates, these debates had been part of the inter-American discourse for decades, but they became more salient after World War II as “a consensus began to emerge [at the global level] that human rights and democracy would need to be an essential part of the postwar order”¹ and because these sentiments were particularly strong in Latin America, where the second wave of democratization had recently brought to power many center-left governments.²

Although the argument I present in Chapter 1 about the impact of democratic density on intrusive regionalism is most applicable to the context of the late 20th century, evidence from the Latin American case suggests that regional regime type composition played a role in the decades preceding this. The second wave of democratization wave began during World War II. Some of these transitions were relatively short-lived, though, falling back into dictatorship by the early 1950s. The late 1950s saw some movement back to democracy. Some of these were, again, briefly maintained (e.g. Argentina, Peru), while others proved more sustainable over time (e.g. Colombia, Venezuela).³ Overall, transitions to democracy, and the orientation of these new democracies vis-à-vis the region’s dictatorships, contributed to debates about multilateral democracy-promotion. The OAS adopted the American Declaration on the Rights and Duties of Man in 1948, approved the statute of the Inter-American Commission on Human Rights in 1960, and began dispatching election observation missions in 1962. The timing of these events coincide with points of high democratic density in the region. Consider this helpful figure

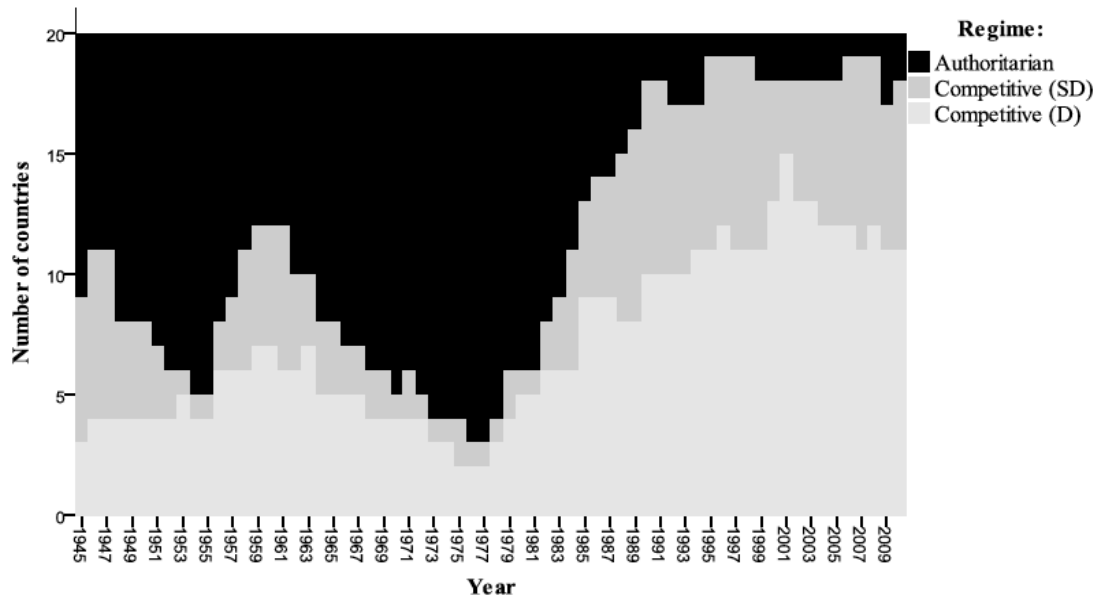
¹ Sikkink 2014, 392.

² Sikkink 2014, 392.

³ Huntington 1991, 18-19.

by Scott Mainwaring and Aníbal Pérez-Liñán [the authors code countries as either authoritarian, competitive semi-democratic (SD), or competitive democratic (D)]:

Figure 4.1 Evolution of Political Regimes in Latin America, 1945-2010⁴



Furthermore, contrary to expectations of power-centric explanations, the United States did not take a leadership role in the creation of the Inter-American human rights system or offer consistent support to those calling for more intrusive defense of democracy mechanisms.

Development of a regional human rights system and election monitoring

As noted elsewhere, the Ninth International Conference of American States (1948) produced the American Declaration on the Rights and Duties of Man, initiating a process that would eventually lead to a binding human rights convention and a regional human

⁴ Reproduced with permission from Mainwaring and Pérez-Liñán 2014b.

rights commission and court (discussed later in the chapter). The American Declaration enshrined civil and political rights as well as economic and social rights, and, while it did not outline specific mechanisms for enforcement, it did state that, “The international protection of the rights of man should be the *principal guide* of an evolving American law” and that the American states “should increasingly strengthen that system in the international field as conditions become more favorable.”⁵ Brazil proposed the creation of a regional human rights court at the 1948 summit and the Inter-American Juridical Committee was asked to draft a statute, but the Court’s creation was in fact postponed for many years as the Juridical Committee could not recommend its creation before the establishment of relevant hard law.

Not much progress was made on the human rights system front until 1959, when a meeting of the foreign ministers was convened. Democratic density had reached a new peak (see Figure 4.1), the Cuban revolution had recently taken place, and OAS member states were alarmed by the specter of revolution and subversion as well as the human rights abuses of the region’s remaining dictatorships (especially those of the repressive Dominican regime).⁶ In part as a response to these concerns, the foreign ministers voted to create a human rights commission to enforce the soft law of the 1948 American Declaration. In addition, the ministers instructed the Inter-American Council of Jurists to develop a binding human rights convention, human rights court, and “other vital protective systems.”⁷ Democratic reforms and the promotion of economic and social rights, it was hoped, would help to undermine the appeal of revolutionary movements. The OAS Council approved the statute of the Inter-American Commission on Human

⁵ OAS 1948b, emphasis mine.

⁶ Mecham 1961, 411-415.

⁷ Rescia and Seitles 1999-2000, 598.

Rights 1960. Negotiations over a binding convention (providing for a court) began at this time, but the convention wouldn't be adopted for another nine years and the court wouldn't come into being until 1978, when the convention entered into force. The United States did not take a leadership position in these negotiations.⁸

Despite the non-existence of relevant regional hard law at the time, the Commission's statute laid out for it wide-ranging activities: raising awareness about human rights, preparing human rights reports useful to governments, requesting reports from governments, and advising the OAS on human rights.⁹ The investigation of states' human rights practices and preparation of country reports on the human rights situation in each member state has been part of the Commission's activities since its founding, although "no single procedural norm exists" to support these investigations. They are taken up in response to individual communications, general petitions to the OAS, petitions by member states, or as a follow up to other investigations.¹⁰ The original Commission mandate did not include the reception of individual complaints, but this procedure was instituted in 1965 through the Protocol of Rio de Janeiro.¹¹

Nicaragua introduced a regional election observation proposal to the same 1959 ministerial meeting that voted for the Inter-American Commission,¹² and the foreign ministers in turn submitted a proposal to the OAS Council for the dispatch of election observers to member states upon request.¹³ The United States supported this development

⁸ Sikkink 2004, 44.

⁹ Rescia and Seitles 1999-2000, 601.

¹⁰ Rescia and Seitles 1999-2000, 601-602.

¹¹ Rescia and Seitles 1999-2000, 598.

¹² Santa Cruz 2005, 676. Same page: "But the issue of democracy as a legitimate concern for the organization did not vanish from the agenda after the 1959 meeting."

¹³ G. Pope Atkins 1997, 126.

but did not impose it on its neighbors.¹⁴ The OAS sent its first election observation mission in 1962. This mission was to Costa Rica, whose government requested observers of the OAS Secretary General. The three-member mission that was dispatched reported that the “electoral act” took place with “utmost order and without any incident.” The following day, the observation team met with the Costa Rican president, thanking him for “the trust deposited by the Government of Costa Rica in the OAS, as shown by its request for an electoral observation mission.”¹⁵

Over the next few years, the OAS dispatched observers to presidential elections in the Dominican Republic (1961 and 1962), Nicaragua (1963), Costa Rica (1962), Honduras (1963), Bolivia (1966), Costa Rica (1966), and the Dominican Republic (1966).¹⁶ The missions to the Dominican Republic were more controversial than the inaugural Costa Rican mission since the OAS foreign ministers had previously (in 1960) refused to send observers—despite the Dominican Republic’s consent—arguing that “this would constitute OAS intervention in the internal affairs of a member state.”¹⁷ In response to such concerns, an OAS Symposium on Representative Democracy (1961) produced a report—“with Latin American sensitivities in mind”—making the case that election observation (and human rights investigations by the Inter-American Commission on Human Rights) did not constitute a violation of the norm of non-interference, and that “countries with a clean democratic record will not object to having impartial observers present at the elections held on their territory.” The report further stated that:

[I]t does not surprise the Symposium to note that dictatorial governments, invoking the principle of nonintervention, should impede or obstruct visits by the Inter-American

¹⁴ Santa Cruz 2005, 677, 679

¹⁵ Quoted in Santa Cruz 2005, 677.

¹⁶ Atkins 1997, 126.

¹⁷ Santa Cruz 2005, 677.

Commission on Human Rights to their territories, or that they should consider requests for OAS electoral technical missions as contrary to that principle, and that, thereby, they should oppose activities which, as experience has demonstrated, strengthen the system of representative democracy.¹⁸

Electoral envoys were not simply rubber stampers. A 1963 mission to Honduras produced a lengthy report, including recommendations that “would imply comprehensive reforms that impact beyond the sphere of the vote” like changes in civil-military relations and in the voting method. The observers also commended the government for “voluntarily putting at the consideration of the American commonwealth its political performance,” given that Honduran elections constituted “a common cause of the continental democracy.”¹⁹ Despite it being a point of contestation, OAS election observation continued in an *ad hoc* manner, as no regional law officially governed it, throughout the Cold War period.

Debate over democracy promotion

Democracy-promotion was prominent in the regional discourse among state and non-state actors. Interestingly, during the late-1940s, the so-called ‘Caribbean Legion’²⁰—an informal pro-democracy group of Latin American leaders and (mostly Dominican) exiles—was engaged in plots to overthrow dictatorships in the region, especially U.S.-backed regimes in Costa Rica, the Dominican Republic and Nicaragua. According to historian Charles Ameringer, Uruguayan foreign minister Larreta’s failed 1945 proposal for multilateral action against dictatorships (see Chapter 3) “emboldened political groups

¹⁸ Quoted in Atkins 1997, 126.

¹⁹ Quoted in Santa Cruz 2005, 679.

²⁰ This was a term used by U.S. journalists

in exile to intensify their revolutionary efforts.”²¹ In 1947, the Caribbean Legion assembled forces in Cuba—with the support of Cuba’s president—planning to invade the Dominican Republic by sea and overthrow its dictatorship. The United States convinced Cuba to halt it, and the forces did not launch. At this point, Guatemala’s first democratically elected president (as of 1944), Juan Jose Arevalo, stepped in to support the Legion, providing a space for its members to assemble and organizing the signing of the Caribbean Pact,²² which called for the creation of a Democratic Alliance of the Caribbean and the overthrow of dictatorships in the region.²³ Arevalo maintained his sponsorship of the Caribbean Legion during its next two pro-democracy interventions, first in support of rebel forces in the Costa Rica civil war, resulting in the successful overthrow of the regime there (1948),²⁴ and second in another failed invasion of the Dominican Republic (1949).²⁵ This was its last major campaign before its dissolution.

At the inter-state level, two approaches to the question of diplomatic recognition competed during this period: the Betancourt Doctrine and Estrada Doctrine. Venezuelan President Romulo Betancourt followed and promoted a policy—the Betancourt Doctrine—of diplomatic non-recognition and the suspension of diplomatic relations with military regimes. This policy was to some degree a restatement of earlier versions including the 1907 Tobar Doctrine (see Chapter 3) and that found in a 1949 report of the Inter-American Juridical Committee (see below).²⁶ Betancourt served two non-consecutive terms, and in his inaugural speech at the beginning of a second term, in 1959,

²¹ Ameringer 2010, 8.

²² Gleijeses 1992, 108-109.

²³ Gleijeses 1989, 138.

²⁴ Gleijeses 1989, 140.

²⁵ Gleijeses 1992, 113-116.

²⁶ Atkins 1997, 127.

he famously declared that, “Regimes which do not respect human rights, which violate the liberties of their citizens and tyrannize them with political police ought to be subjected to a rigorous cordon sanitaire and eradicated by the collective peaceful action of the Inter-American juridical community.”²⁷ The president’s sentiments, according to Arturo Santa-Cruz, reflected “the mood of the hemisphere”²⁸ and drew upon an inter-American “stock of interpretive patterns.”²⁹

But there was not a consensus about the use of diplomatic sanctions to promote democracy and human rights. Another code of diplomatic recognition—the Estrada Doctrine—endorsed the practice of recognizing any *de facto* regime, regardless of the legality of its ascent to power or its respect for human rights. This policy of continuous diplomacy and automatic recognition of new governments had been put forward by Mexican Foreign Minister Genaro Estrada in 1930 but featured in inter-American debates long afterwards. Estrada reasoned that recognition itself did not communicate approval of the regime (or the manner in which it came to power) but simply responded to the fact of effective control.³⁰

The Ninth International Conference of American States (1948) adopted a resolution—“Exercise of the Right of Legation”—that affirmed the Estrada Doctrine, calling for continuous diplomatic relations among states in the hemisphere and justifying this by asserting that diplomatic recognition of a government in power does not imply endorsement of that government’s actions or of how it came to power. The United States

²⁷ Santa Cruz 2005, 676.

²⁸ Santa Cruz 2005, 676.

²⁹ Santa Cruz 2005, 676.

³⁰ Atkins 1989, 228.

advocated for this resolution, demonstrating its inconsistent position on intrusive liberal regionalism.³¹

The following year, the Inter-American Juridical Committee produced a report articulating a different point of view, more in line with what would later be called the Betancourt Doctrine. The report was commissioned by the Inter-American Conference on Problems of War and Peace (1945) and by the Ninth International Conference of American States (1948). It concluded that, in order to merit diplomatic recognition by the regional community, regimes must fulfill three requirements, including 1) effective control of territory “based on the acquiescence of the people manifested in an adequate manner,” 2) the ability to meet international obligations and 3) respect for human rights and fundamental freedoms. The report went on to argue that territorial control alone “is not sufficient to accredit [a government] as a legal regime,” because it is “indispensable” that some degree of popular sovereignty be achieved, that “public opinion... manifest itself freely and fully” and that the government “duly respect the exercise of the fundamental rights and liberties of the individual” in accordance with the OAS Charter.³² This report was not adopted by the OAS but received support from like-minded states.

Next, in response to conflicts in the Caribbean, the OAS Council debated in 1950 how to best reconcile, in practice, the values of representative democracy and non-interference. They ended up adopting a resolution that affirmed the importance of representative democracy to the peace and security of the hemisphere but stated that this affirmation should not be construed to “authorize any governments to violate inter-

³¹ Atkins 1997, 127.

³² Atkins 1997, 127.

American commitments relative to the principles of nonintervention.”³³ The Tenth Inter-American Conference (1954) similarly wrestled with the proper balance between liberal values and non-interference; states here considered ways to promote human rights while continuing to respect sovereignty.³⁴

At the 1959 ministerial meeting (where ministers voted in favor of the establishment of the Inter-American Commission), representatives of Venezuela and the new post-revolution Cuban regime argued forcefully for collective action against dictatorships, echoing the Uruguayan proposal of 1945 (put forward by foreign minister Eduardo Larreta—see Chapter 3). They reasoned that non-intervention should not apply to dictators, since the OAS Charter calls for “the consolidation of this continent, within the framework of democratic institutions, of a system of individual liberty and social justice.”³⁵ Like Larreta’s fourteen years earlier, their proposal did not gain majority support. More interested in containing communism than supporting transitions to democracy, the U.S. ambassador argued that “democratic progress which all of us seek requires among other factors a strict compliance with [the] principles of nonintervention and collective security...”³⁶

At this time, the Inter-American Council of Jurists was asked conduct a study on the “possible juridical relationship between respect for human rights and the effective exercise of representative democracy, and the right to set in motion the machinery of American international law in force.”³⁷ The study found human rights and democracy to be interrelated and the OAS Charter’s principles to be binding, but it concluded that

³³ Atkins 1997, 127.

³⁴ Goldman 2009, 861.

³⁵ Mecham 1961, 415.

³⁶ Mecham 1961, 415.

³⁷ Cited in Santa Cruz 2005, 676.

collective action to restore democracy was not permitted under the Charter.³⁸ Despite this setback for intrusive liberal regionalism, the 1959 ministerial meeting did also produce a declaration stating that “the existence of antidemocratic regimes is a violation of the principles on which the Organization of American States is founded and a danger to peace and unity in the hemisphere” and generated, for the first time, a list of specific standards of democratic government.³⁹

Contestation of strict non-interference did not end there.⁴⁰ Carrying the debate forward three years later, a group of delegates representing Costa Rica, Dominica, Honduras, and Venezuela issued this statement to the 1962 OAS ministerial meeting: “The exercise of representative democracy and respect for human rights has ceased to be an internal matter of each state but has become an international obligation.”⁴¹ In another attempt to resolve the tension between democracy and non-interference, delegates at the Second Extraordinary Inter-American Conference⁴² in 1965 adopted a resolution titled “Informal Procedure on the Recognition of De Facto Governments,” which called on member states to hold informal discussions in the event of an unconstitutional change in government, and, taking into consideration the new government’s disposition toward holding democratic elections and fulfilling its international obligations, “each individual government would decide whether to maintain diplomatic whether to maintain diplomatic

³⁸ Munoz 1998, 5

³⁹ Munoz 1998, 5.

⁴⁰ According to Munoz 1998, 5: “From 1959 on, the scope of the hemispheric organization’s democratic commitment came under intense discussion... Despite the Cold War, the impact of the Cuban revolution, and the prevalence of dictatorial regimes during the 1960s and 1970s, several interamerican meetings continued to reiterate, at least in theory, the concepts of freedom and representative democracy set forth in the charter and to discuss relevant proposals.”

⁴¹ Santa Cruz 2005, 678.

⁴² The International Conference of American States was renamed the Inter-American Conference when the OAS was founded in 1948.

relations with the de facto government.”⁴³ “Despite its substantive weakness, the resolution reflected a persistent concern about confronting antidemocratic regimes with a multilateral approach.”⁴⁴

Trends working against intrusive liberal regionalism

Although the promotion of democracy and human rights—through intrusive regionalism—figured prominently in inter-American discourse during the first couple decades of the post-World War II period, and, although these values were successfully institutionalized in some ways (e.g. monitoring regimes), efforts to further institutionalize them were thwarted by reversions to non-democracy in OAS member states and developments in U.S. foreign policy towards anti-communist interventionism.

First, between 1948 and 1954, six Latin American democracies fell and became military dictatorships, impeding progress on regional democracy-promotion.⁴⁵ This constituted the first of waves of democratic reversals in the post-World War II period (the second reverse wave would be even more widespread), as Figure 4.1 illustrates. Furthermore, from the mid-1950s, U.S. human rights policy came to be “collapsed into anti-communist policy,” and Latin American states were therefore suspicious that regional democracy and human rights mechanisms would be coopted by the United States as “instruments of pressure and undue interference”⁴⁶ (although, as noted above, the United States was certainly not a consistent supporter of intrusive liberal regionalism during the post-war period). During these years, an “ideational marriage” was created

⁴³ OAS 1965.

⁴⁴ Munoz 1998, 5.

⁴⁵ Munoz 1998, 5.

⁴⁶ Forsythe 1989, 104 [cited in Sikkink 1997, 727].

between the Monroe Doctrine (as it had been practiced before Roosevelt's 1933 Good Neighbor Policy) and containment. "Thus intervention in Central America and the Caribbean was built as a corollary of the principle of non-intervention. The logic behind this idea was understanding intervention in terms of the infiltration of alien, hostile, ideas."⁴⁷ U.S. diplomat George F. Kennan first introduced the strategy of containment in 1946, arguing that the Soviet Union's expansionism should be met by force if necessary in order to prevent the spread of communism around the world. Kennan's ideas inspired President Harry Truman to articulate the Truman Doctrine of containment the following year, and this doctrine provided a foundation for U.S. foreign policy during the next two decades (until President Richard Nixon's shift to a policy of *détente* in the 1970s). Containment principally involved the transfer of economic and military aid to anti-communist regimes experiencing threats from challengers, regardless of regime type or the human rights practices of the incumbent. During the containment period, the United States also provided aid to anti-communist challengers of leftist regimes and contributed U.S. troops to some conflicts. Unlike Asia, Europe and the Middle East, Latin America did not exist in the Soviet Union's immediate vicinity, but the geographic proximity of Latin America—especially Central America and the Caribbean—to the United States set it apart from Africa and meant that the states in the region "occupied a special place on the U.S. presidents' lists of what could hurt them."⁴⁸ U.S. threat perceptions vis-à-vis the Soviet Union and its intentions for the Western Hemisphere "catalyzed" its strategic interests there.⁴⁹

⁴⁷ Herz 2011, 12.

⁴⁸ Ullman 1994, 13.

⁴⁹ Belanger 1999, 101.

The United States has long employed pan-American processes and institutions as tools for expanding its influence in the hemisphere and furthering its foreign policy goals, while its southern neighbors have conversely approached these same institutions, and especially the formal legalization of shared principles, as mechanisms to constrain the hegemon. The Cold War—and disagreements about what constitutes a security threat—exacerbated this divergence of goals and the degree to which the two sides worked at cross-purposes. In the immediate post-World War II period, as Cold War logics and imperatives came to dominate U.S. foreign policy, Washington worked to expand and revise existing pan-American legal instruments in order to make them more flexible and therefore amenable to its anti-communist aims. Legal instruments progressively expanded the definition of aggression. The 1947 Inter-American Treaty of Reciprocal Assistance, for example, defined aggression broadly to include activities short of an armed attack.⁵⁰ At the Tenth Inter-American Conference (1954), the U.S. secretary of state was successful in passing a declaration that identified communist governments as threats to the hemisphere and therefore achieved legal support for interventions like those in Guatemala (see below) and the others that followed it.⁵¹

In a 1954 covert operation, the U.S. Central Intelligence Agency supported an exile rebel group in overthrowing a democratically-elected government in Guatemala that had itself just replaced a U.S.-backed dictator earlier that year. The Guatemalan regime was in the process of implementing a land reform program that endangered the holdings of the United Fruit Company (a U.S. firm). Because of inter-American legal developments over the past decade and a half, the United States was able to employ the

⁵⁰ Mace 1999, 25.

⁵¹ Herz 2011, 12.

“normative cloak of an OAS resolution declaring Marxist regimes a threat to peace and security” to make this norm-violating move.⁵² This move foreshadowed U.S. interventionism and the spread of autocracy that would characterize the 1960s and 1970s in Latin America.

The connection made between democracy and anti-communism was further manifest in a 1962 OAS resolution—which passed 14-2 with six abstentions—expelling Cuba from the organizations because of its “adherence...to Marxism-Leninism” and the incompatibility of this orientation with the values of the inter-American system.⁵³ The United States used the language of the 1947 Inter-American Treaty of Reciprocal Assistance to make this case.⁵⁴ According to Chilean diplomat Heraldo Munoz, Cuba’s expulsion showed that “The Cold War was giving an East-West twist to the promotion of democracy doctrine.”⁵⁵

Two ‘reversals’ paralyze multilateralism: military regimes and the Bad Neighbor

While authoritarianism and U.S. interventionism were already working against the further development of intrusive liberal regionalism in the 1950s, both of these factors were amplified in the 1960s and 1970s. The second reverse wave of democratization got fully underway, and U.S. interventionism paralyzed the OAS, making it largely irrelevant. Latin American arguably would have moved towards the kind of intrusive regionalism we see in the 1980s and 1990s earlier if it hadn’t been for these two related ‘reversals’ of the Cold War period: the reversal of President Roosevelt’s 1933 Good Neighbor policy

⁵² Farer 1996, 10.

⁵³ G. Pope Atkins 1997, 125.

⁵⁴ Atkins 1997, 124.

⁵⁵ Munoz 1998, 7.

with the resurgence of U.S. interventionism in Latin America and the reversal of the second wave of democratization with the general shift to authoritarianism across the region in the 1960s and 1970s.

U.S. interventionism and the rise of authoritarian regimes

The regional hegemon's Cold War foreign policy shift manifested in two major ways: 1) U.S. manipulation and cooptation of OAS processes in pursuit of its containment goals and 2) U.S. unilateral interventionism, sometimes resulting in (anti-democratic) regime change, contributing to the autocratic wave noted above. U.S. Cold War interventionism was responsible for the destabilization of governments it found threatening and the preservation of friendly dictatorships, both in order to contain communism. It also engaged in activities that fueled existing armed conflicts.⁵⁶ In the 1960s, at the OAS, the United States bullied Latin American states into supporting these interventions,⁵⁷ and this led to the emergence of "sharply divergent views...between the United States and Latin American nations regarding what constituted security threats" and ultimately the "progressive estrangement in U.S.-Latin American relations."⁵⁸ While Latin American states had traditionally seen formal regional institutions as a means of defending themselves from the United States, they came to see the OAS a tool of the United States.⁵⁹

The U.S. invasion of the Dominican Republic in 1965 was an important moment with respect to the complicated relationship between the United States and Latin

⁵⁶ Atkins 1997, 126.

⁵⁷ Parish and Peceny 2002, 235.

⁵⁸ Vaky 1993, 11.

⁵⁹ Vaky 1993, 32.

American states. President Lyndon Johnson made the decision to deploy troops and occupy the country because he feared the civil war taking place there would result in the creation of a “second Cuba” in the Caribbean. While this intervention was unilateral, OAS actions—especially the eventual establishment of an Inter-American Peace Force (made up of mostly U.S. forces)—created a perception that the OAS functioned as a tool of US interests. According to L. Ronald Scheman, “The resurgence of U.S. unilateralism in the Dominican Republic in 1965 broke [a] growing consensus and spawned a period of aimlessness” in pan-American regionalism.⁶⁰ Latin American states feared that the institutionalized promotion of human rights and democracy would only create opportunities for abuse by the United States.⁶¹ For the next two decades, multilateralism at the hemispheric level remained largely defunct.⁶²

Because the norms of democracy and human rights promotion were, according to Ellen Lutz and Kathryn Sikkink, “stalled and subordinated to anti-communism and the logic of national security doctrines” coups d’état continued to be “part of the standard political repertoire” and regional human rights pressure consistently provoked accusations of sovereignty violation.⁶³ As the region became increasingly populated by authoritarian regimes, the OAS turned a blind eye.⁶⁴ According to Javier Corrales, the paralysis of multilateralism in the region “served Latin American statesmen as well...provid[ing] an umbrella for impunity of action for the region’s authoritarians.”⁶⁵

The second reverse wave of democratization took place in Latin America beginning with

⁶⁰ Scheman 1987, 8.

⁶¹ Sikkink 1997, 727.

⁶² Mace et al 2007, 3.

⁶³ Lutz and Sikkink 2000, 657.

⁶⁴ Munoz 1998, 7.

⁶⁵ Corrales 1994, 4.

the intervention of Peru's military in 1962. This was followed by military coups in Brazil and Bolivia in 1964, Argentina in 1966, Ecuador in 1972, and Chile and Uruguay in 1973.⁶⁶ By the mid-1970s, the authoritarian trend had reached its peak (see Figure 4.1). Many of these have been classified as bureaucratic authoritarianism regimes, and Thomas Farer describes them thusly: “[G]overnment by a military institution staffed by a comparatively well-educated generation of officers and imbued with the economic ideas of Milton Friedman and, in many cases—ironically—with the social ideas of the antimodernist popes.”⁶⁷

As the number of non-democracies in the region expanded, the balance between intrusive liberal norms (like democracy-promotion) and the norm of non-interference shifted further in favor of the latter. The rate of regional interference in response to intrastate crisis during these decades reflects this hands-off tendency (see Chapter 2). Unlike the African case and (especially) Southeast Asian case, however, state monitoring activities did carry on during these years, through election observation practices and the Inter-American Commission on Human Rights. The activities of the Commission were occasionally quite impactful, since it benefited from a good deal of institutional autonomy. For example, individuals elected to the body continued to serve even if a regime change took place in their home country.

The regional human rights system continued to develop during this time, despite the paralysis of the OAS itself. In 1969, an Inter-American Specialized Conference on Human Rights produced the American Convention on Human Rights. This development can be attributed to the momentum of earlier efforts as well as the protagonism of

⁶⁶ Huntington 1991, 19.

⁶⁷ Farer 1996, 2.

advocate states (e.g. Chile, Uruguay, Costa Rica, Venezuela). Again, the United States did not take a leadership role and did not in fact ratify the Convention. The American Convention reiterated and extended the rights laid out in the 1948 American Declaration on the Rights and Duties of Man and clarified the procedures and competences of the Commission, whose membership consists of seven jurists (whom the OAS Council elects to four-year terms).⁶⁸ The American Convention also called for the creation of an Inter-American Court on Human Rights, which was established when American Convention entered into force (after sufficient ratification) in 1978. The American Convention also created a new role for the Commission. According to the division of labor established by the Convention, the Commission “collects information and advises member states, but most importantly responds to petitions filed by individuals,” while the Court “delivers judgments in contentious cases whenever the [Commission] decides that a petitions merits further attention, but an agreement could not be reached.”⁶⁹

Cross-cutting trends in the 1970s

The 1970s was in some ways a paradoxical decade for regionalism, U.S.-Latin American relations, and liberal norms. On the one hand, as stated above, multilateralism became less relevant, and Cold War tensions and the growing preponderance of authoritarian regimes continued to stifle liberal regional norms. The proportion of democracies to non-democracies hit its nadir in the mid-1970s (see Figure 4.1), and Latin American states had come to see the OAS as a tool of the United States. Because of the paralysis of the hemispheric body, the United States—disinterested in multilateralism generally and in

⁶⁸ Atkins 1989, 231.

⁶⁹ Lohaus 2013, 32.

the OAS specifically—increasingly conducted its diplomatic affairs bilaterally.⁷⁰ The Nixon administration’s turn away from the Alliance for Progress program, which he allowed to “die out,”⁷¹ is evidence of this shift. The Kennedy administration had established the Alliance—an economic cooperation program—during a period of high U.S. interest in hemispheric multilateralism. Democracy promotion was an initial part of the Alliance, but gave way when it came into conflict with anti-communism. The United States continued to promote democracy inconsistently, sometimes working to destabilize democratically elected governments—like that of Salvador Allende (the leftist president of Chile from 1970 to 1973)—and supporting authoritarian regimes—like that of Augusto Pinochet (who came to power after Allende’s overthrow in 1973).

On the other hand, some characteristics of the international atmosphere during this decade were favorable to forces committed to the strengthening of liberal norms (regionally and globally) and even contributed to the Third Wave of democratization beginning in the late 1970s. Richard Nixon’s détente policy dialed back Cold War tensions, opening up space for the prioritization of foreign policy goals not tied to Cold War threats.⁷² When Jimmy Carter took office, he made human rights promotion a central feature of his administration’s foreign policy, even reversing the U.S. stance on the Pinochet regime. Although the United States had previously supported Pinochet, under Carter it condemned his regime’s human rights violations and imposed diplomatic, economic and military sanctions in an effort to bring about improvements. These actions “helped to consolidate the international political isolation” of Pinochet.⁷³ At the global

⁷⁰ Vaky 1993, 11.

⁷¹ Deng and Zartman 2002, 80.

⁷² Sikkink 1996, 155.

⁷³ Frohmann 1996, 251.

level, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights both entered into force in 1976.⁷⁴ Related to these developments was the emergence of the international human rights movement and the rise of human rights non-governmental organizations at the global and regional levels, and, among regions in the global South, Latin America was the forefront of this organizational proliferation. The spread of military dictatorships and their repressive practices inspired the formation of these groups; the 1973 Chilean coup was, in particular, a “watershed event” in this regard.⁷⁵ Accordingly, the early human rights movement focused on gross human rights violations perpetrated by military dictatorships, especially violations of physical integrity rights like freedom from torture, political imprisonment, and extrajudicial killing.⁷⁶

As noted above, in this atmosphere, the Inter-American Commission on Human Rights—due to its institutional autonomy—managed to actively monitor member states’ human rights situations and contributed to the growing international salience of human rights violations as a political issue. “As the functioning of the overall Inter-American System declined in the 1970s to the late 1980s, the most positive area of activity was the increasing role and influence of the Inter-American Commission on Human Rights.”⁷⁷ Despite the predominance of authoritarian governments in the region, the promotion of the norm of non-interference by these governments, and the decline of the OAS itself, the Commission operated in an intrusive way and is notable for its contribution to burgeoning transnational human rights activism during the 1970s. As authoritarianism

⁷⁴ Sikkink 1996, 155.

⁷⁵ Sikkink 1996, 154-155.

⁷⁶ Sikkink 1996, 155.

⁷⁷ Atkins 1997, 125.

spread, the Commission worked to uncover and publicize the violations of human rights—especially physical integrity rights—carried out by these regimes. This demonstrates the importance of the history of intrusive liberal regionalism in Latin America, as well as certain aspects of the international political climate, since the activities of the Commission were not a function of the interests or ideologies of most of the OAS member state regimes at the time. As Thomas Farer observes, “Enumerating with vivid detail the terrorist methods of many governments, the commission regularly reaffirmed the founding liberal democratic premises of the OAS at a time when they seemed at odds with the convictions, hardly less than the practices, of many member state governments.”⁷⁸ Monica Herz echoes this assessment of the Commission’s activist and semi-autonomous role, pointing to its adoption of “positions critical to mass and systematic violations of human rights by Latin American dictatorships, in particular forced disappearance,” and its attention to “the situation of specific victims, although it did not have a mandate to do so, requesting information from member states, carrying out onsite visits and producing reports.”⁷⁹

The Third Wave of democratization & renewed pan-Americanism

As a reminder, I argue that erosion of the norm of non-interference in Latin America beginning in the second wave of regionalism can be attributed to historically rooted identity discourses and, in the shorter term, a significant increase in the democratic density of the region. It’s also the case that a shift in U.S. foreign policy away from anti-communism removed an impediment to developing intrusive regionalism at the level of

⁷⁸ Farer 1996, 11.

⁷⁹ Herz 2011, 63.

the OAS—the threat of U.S. anti-communist cooptation of OAS processes in the name of human rights and democracy. It's *not* that the United States *imposed* intrusive liberal regionalism on its neighbors, then, but that a change in its foreign policy priorities enabled the reinvigoration of the development of multilateralism based on historically rooted identity discourses that had already been embedded in regional institutions and practices.

Latin America is unique among the three regions studied in this dissertation because of the widespread democratization that occurred here in the 1980s (and because fewer of its democracies have undergone backsliding). The global Third Wave of democratization that began in Southern Europe in 1974 reached South America by the end of the decade. In quick succession, military regimes transferred power to civilian governments in Ecuador (1979), Peru (1980), Bolivia (1982), Argentina (1983), Uruguay (1984), and Brazil (1985). Central America experienced a similar trend with transitions in Honduras (1982), El Salvador (1984), and Guatemala (1985).⁸⁰ Mexico experienced some liberalization in the late 1980s, and democratic governments were elected in Chile in 1989 and in Haiti and Nicaragua in 1990 (again, see Figure 4.1).

A confluence of domestic, regional, and international factors contributed to this wave, including shifting perceptions about the legitimacy of authoritarianism, and the activities of the international human rights movement and the Inter-American Commission on Human Rights were part of this shift.⁸¹ Whereas the second reverse wave in the 1960s and 1970s (a shift to authoritarianism) had thwarted the further development of intrusive liberal regionalism in the region, democratization in the 1980s enabled the

⁸⁰ Huntington 1991, 22-23.

⁸¹ See Huntington 1991, Mainwaring and Perez-Linan 2014a.

renewal of multilateral initiatives to promote democracy and human rights. Another development, though, constrained this renewal from at the level of the OAS: the resurgence of U.S. interventionism in Central America under the Reagan administration. Latin American democracies turned to pan-Hispanism—pan-Americanism excluding the United States—and created multilateral venues outside of the OAS in order to “us[e] their newly won shared democracy to oppose U.S. initiatives in Central America and work for peace.”⁸²

As discussed in Chapter 1, John Pevehouse has shown that regional organizations with higher “democratic density”—a greater percentage of democratic states—are more likely to promote and protect democracy through stronger enforcement mechanisms.⁸³ This explanation is distinct from—but complementary to—Andrew Moravcsik’s “lock-in” theory of delegation to regional organizations. Moravcsik argues that newly established (recently transitioned) democracies are more likely to promote intrusive regional institutions because these institutions may help to protect them from non-democratic domestic rivals.⁸⁴ In the Latin American case, new democracies “willingly promoted some loss of their sovereignty in exchange for the reassurance of helping to ‘lock-in’ their new democratic constitutional orders by creating an international line of defense against the enemies of democracy.”⁸⁵ They were likely also motivated by a desire to promote a democratic image internationally and domestically to distance themselves from previous (authoritarian) regimes.⁸⁶

⁸² Parish and Peceny 2002.

⁸³ Pevehouse 2005.

⁸⁴ Moravcsik 2000.

⁸⁵ Legler and Tieku 2010, 477.

⁸⁶ Legler and Tieku 2010, 477.

As authoritarian regimes across the region increasingly gave way to elected governments, the new club of democracies that emerged moved to revitalize multilateralism based on liberal values. But alarmed by the resurgence of U.S. interventionism, and eager to resist and balance against it, Latin American states did not immediately return to the OAS as a primary site of this revitalization. By the 1980s, the United States had “adopted an essentially unilateralist foreign policy, both globally and regionally.”⁸⁷ The Reagan administration provided financial and military support to the Contra rebels against the leftist Sandinista government in Guatemala, actions the International Court of Justice later ruled to be in violation of international law (*Nicaragua v. United States*). The United States meanwhile supported the anti-communist governments of El Salvador and Guatemala in their wars against leftist insurgents, where both cases involved widespread human rights violations carried out by all sides. In 1983, the United States invaded the Caribbean island of Grenada in order to oust a military regime there, and, in 1989, the Bush administration invaded Panama and deposed its leader, General Manuel Noriega, with whom U.S. relations had deteriorated.

Latin American states responded to the problem of civil war in Central America by forming new groupings and processes outside the OAS framework, like the Rio Group and the Esquipulas Process. The Rio Group was established in 1986 to find negotiated solutions to the conflicts of the isthmus. Its participants were mostly democracies: Argentina, Brazil, Colombia, Peru, Uruguay and Venezuela (participants Mexico and Panama had not yet transitioned to democracy). Chile, Ecuador, Bolivia and Paraguay became members in 1990 (all had transitioned to democracy). The first goal of the group was to revive peace talks in Central America (this task was soon transferred to the

⁸⁷ Vaky 1993, 11.

Esquipulas Process), and the next goal became democracy promotion on a wider scale.⁸⁸ Like the OAS would in 1991 (see below), the Rio Group established democracy as a membership requirement and enforced this requirement through diplomatic sanctions in the 1990s.⁸⁹

The Esquipulas Process was a diplomatic initiative of Costa Rican President Oscar Arias aimed at achieving ceasefires, transitional justice processes, elections and demilitarization. Costa Rica was at this a point a well-established democracy. Randall Parish and Mark Peceny contrast the approach in the 1980s of the U.S., who “used the promotion of democracy in Central America as part of a counter-insurgency strategy to defeat leftist guerrillas and governments,” with that of President Arias, who “used democracy promotion as a means to resolve the region’s civil wars and limit U.S. hegemony in the region.”⁹⁰ Andrew Hurrell considers these regionalist activities that exclude the United States to be constitutive of a resurgence of the phase of regionalism that predates U.S. involvement (what others have identified as pan-Hispanism).⁹¹ In Arie Kacowicz’s similar evaluation, the initiatives of the Rio Group harkens back to the Bolivarianism of the 19th century, which had been displaced by U.S.-led pan-Americanism but reemerged in these multilateral peacemaking efforts operating outside of the inter-American system.⁹²

Although Latin America states sought venues outside of the OAS for their return to multilateralism, some activity within the OAS is worthy of note, especially that which

⁸⁸ Dent and Wilson 2014, 271.

⁸⁹ Cooper and Legler 2001, 110.

⁹⁰ Parish and Peceny 2002, 235.

⁹¹ Hurrell 1994, 168.

⁹² Kacowicz 2005, 50.

laid a foundation for the emergence of a defense-of-democracy regime in the early 1990s. Importantly, the OAS Assembly amended the organization's charter in 1985 with the Cartagena Protocol, which established democracy promotion as an explicit obligation of the OAS, thus "elevating the external advancement of representative democracy in terms of the inter-American system's hierarchy of purpose."⁹³ Argentina, as new democracy as of 1983, was an "important proponent" of the 1985 Cartagena Protocol. Thomas Legler and Thomas Kwasi Tiekou cite Argentina's leadership on the protocol as evidence in support of Moravcsik's lock-in thesis.⁹⁴

Along with democratization came the growth of human rights non-governmental organizations (NGOs) and the consolidation of human rights networks during the 1980s, and this also contributed to the development and effectiveness of intrusive liberal regionalism. NGOs lobbied governments and collaborated with regional institutions in order to increase monitoring, criticism and other pressures on repressive Latin American regimes.⁹⁵

Unprecedented regional democratic density and shifting U.S. foreign policy

The events constituting the end of the Cold War resulted in a transformation of U.S. foreign policy and coincided with the culmination of the Third Wave of democratization in Latin America (see Figure 4.1), removing the two impediments to the development of intrusive liberal regionalism in the preceding decades. Developments in the 1990s constituted a major sea change with respect to the norm of non-interference; the long-contested prohibition was effectively redefined to exclude peaceful multilateral activities

⁹³ Cooper and Legler 2001, 105.

⁹⁴ Legler and Tiekou 2010, 477.

⁹⁵ Sikkink 1996.

promoting security, democracy and human rights, especially when targeting non-democratic states. These developments principally included the expansion of election monitoring, the creation of an anti-coup d'état regime within the OAS and the deployment of multidimensional civilian peace missions. Democratization and rapprochement between the United States and its southern neighbors enabled this norm shift, but democracy and human rights promotion were not norms created out of thin air—old traditions and debates were renewed or revitalized to produce this shift.

1990: the Unit for Democracy Promotion and the Nicaraguan elections

The 1985 Cartagena Protocol recognized democracy promotion as an official obligation of the OAS, but it did not specify actions to be taken by the organization to fulfill this obligation. In the early late 1980s and early 1990s, the OAS Assembly produced a series of declarations and resolutions spelling out these specific actions. First, in late 1989, an Assembly resolution called for the more regular deployment of election observation missions. Several months later, in November 1990, the OAS created an official Unit for Democracy Promotion, an institution whose activities, in addition to oversight of election observation missions, have been as varied as, for example, “furthering the peace process in Guatemala, reintegrating combatants in Nicaragua, training and shaping young democratic leaders, [and] promoting effective local government.”⁹⁶

That same year, the OAS and United Nations jointly observed the Nicaraguan elections, in a case that, according to Arturo Santa Cruz, was “the largest and most comprehensive electoral observation missions ever in a sovereign country” and “proved crucial to the institutionalization of electoral observation” internationally. It built on OAS

⁹⁶ Cooper and Legler 2001, 107.

traditions—since the organization had been monitoring elections on an ad hoc basis since 1962, but it was also a new phase of election monitoring. The United Nations was a bit wary of sending observers, as “[i]t did not want to set the precedent of intervening in what was still considered a purely domestic issue.” The OAS did not share this reluctance, and the head of the Nicaraguan Supreme Electoral Council at the time attributed the organization’s comfort with the practice to the fact that it ‘was used to monitoring elections.’” Still, the Nicaraguan election mission marked the beginning of something new, since those coming before it in the region had been “limited in time, limited in objectives, limited in capacity, in technical terms,” according to one OAS spokesperson. For example, while the first such mission to Costa Rica (1962) had been composed of only three officials whose mandate was limited temporally and in scope, the 1990 mission counted 433 observers who monitored “the whole electoral process in detail.”⁹⁷

The Santiago Commitment, Resolution 1080, and the Washington Protocol

In 1991, the OAS moved forward with more coercive forms of democracy promotion, establishing a regional anti-coup regime. As noted in Chapter 2, the 1991 summit in Santiago (Chile) produced the “Santiago Commitment to Democracy and the Renewal of the Inter-American System,” which commits the OAS to “adopt efficacious, timely, and expeditious procedures to ensure the promotion and defense of representative democracy,”⁹⁸ and Resolution 1080 on “Representative Democracy,” which calls for a meeting of the OAS Permanent Council (which in turn convenes either a meeting of the

⁹⁷ Santa Cruz 2005, 684.

⁹⁸ OAS 1991a.

foreign ministers or a special session of the General Assembly) in response to an unconstitutional change in government in order to investigate the situation and to decide which actions to take. Importantly, this resolution sets up an automatic and rapid response (the meeting must be convened within ten days) and gives the ministers or delegates latitude in their response (they are to “adopt any decisions deemed appropriate”).⁹⁹ The 1992 Protocol of Washington (which entered into force in 1997) develops the anti-coup regime further by specifying that member states experiencing unconstitutional changes in government may be suspended from the OAS.¹⁰⁰ During the 1990s, sub-regional organizations in the hemisphere [e.g. the Andean Group, the Southern Common Market (MERCOSUR), the Caribbean Community (CARICOM)] also adopted mechanisms to respond to unconstitutional changes in government.¹⁰¹

Chile, which had held democratic elections in 1989, was a key proponent of the Santiago Commitment and Resolution 1080 and the Santiago Declaration.¹⁰² Then Chilean ambassador to the OAS, Heraldo Munoz, has attributed the successful adoption of these legal instruments to democracies’ desire to self-fortify, writing that there was “a common desire, particularly among the nations of Latin America, to safeguard and consolidate the newly regained democracies against lingering authoritarianism after long periods of dictatorship.”¹⁰³ Former U.S. diplomat Richard Bloomfield also emphasizes the importance of regime type to the Latin American norm shift: “The 1991 decision by the members of the OAS actually to do something about threats to democracy was the culmination of the wave of democratization that swept over Latin America in the 1980s,

⁹⁹ OAS 1991b. See also Cooper and Legler 2001, 106.

¹⁰⁰ OAS 1992.

¹⁰¹ Cooper and Legler 2001, 110.

¹⁰² Legler and Tiekou 2010, 477.

¹⁰³ Munoz 1998, 1.

when the dictatorships that had dominated the region for the previous two decades proved themselves incompetent to deal with the grave problems facing their societies.”¹⁰⁴ Later, in 2001, the OAS adopted an Inter-American Democratic Charter, further elaborating and institutionalizing regional democracy promotion mechanisms. It happens that the proposal for the Democratic Charter came from Peru’s newly democratic which “wanted to make sure that nobody would ever again be able to get away with the creeping authoritarianism practiced by the Fujimori government.”¹⁰⁵ Again, democracies have played a crucial role in promoting intrusive liberal regionalism.

The predominance of authoritarianism in the 1960s and 1970s wasn’t the only factor holding back the development of intrusive liberal regionalism during the 1960s-1980s; U.S. unilateralism and cooptation of multilateralism for interventionist purposes was also a major impediment. The end of the Cold War fundamentally altered U.S. foreign policy objectives and strategies as well as Latin American states’ assessment of their northern neighbor and their orientation to it. The implications of this shift to the Latin American regional order were manifold. While U.S. hegemony did not of course disappear at this juncture—and the potential for U.S. dominance of regional institutions remained—the disappearance of the communist threat dissolved the principal rationale for Washington’s unilateral interventionism and attempts to coopt OAS processes during the preceding four decades. The United States had been inconsistent at best in its commitment to liberal norms—since anti-communism often proved to be the overriding logic of its foreign policy—but it would now be able to become achieve greater consistency as a liberal power. A hemisphere-wide consensus in favor of representative

¹⁰⁴ Bloomfield 1994b.

¹⁰⁵ Legler and Tiekou 2010, 477.

democracy and free market capitalism at the end of the Cold War created the common ground necessary for cooperation, and the promise of a less threatening (less interventionist) hegemon facilitated a rapprochement between north and south.

Heraldo Munoz affirms the importance of the shift in U.S. foreign policy, writing that “the passing of [the Cold War] sharply reduced the risk that resolutions authorizing hemispheric action in favor of democracy could be treated as licenses for the pursuit of political ends related loosely, if at all, to the consolidation and preservation of representative democracy.”¹⁰⁶ In a 1994 piece, diplomatic historian and foreign policy scholar Richard Ullman echoes this, saying that Washington officials will no longer “be able to plausibly justify military assistance to repressive Latin American regimes by claiming that a lack of aid would allow Moscow another foothold in the hemisphere.”¹⁰⁷ In other words, hypocrisy became less sustainable, and so more consistent democracy-promoting behaviors became possible.

Another factor motivating Latin American states to build closer relationships with the United States was the economic uncertainty associated with the end of the Cold War and the threat of economic marginalization. While this uncertainty proved to be a much more important factor to the African norm shift (as African countries were much worse off economically and did not experience the kind of democratization that Latin America did), it does factor into regional developments in the Western hemisphere as well. Latin America experienced major economic crisis in the 1980s with low growth rates (low compared to Southeast Asia, higher than Africa: see Figure 1.2). The threat of political and economic marginalization associated with the end of the Cold War—especially the

¹⁰⁶ Munoz 1998, 1.

¹⁰⁷ Ullman 1994, 14.

diversion of investment to Central and Eastern Europe—increased Latin American states’ motivation to strengthen their relationship with the United States through cooperation on issues of common concern, like democracy, human rights, and economic liberalization. As Andrew Hurrell assessed the situation in 1994, “Though publicly applauded, the collapse of communism in Eastern and Central Europe has led to an acute fear of marginalization. Latin American governments have tended to see themselves as competing with the newly democratic states of Eastern and Central Europe for a limited pool of aid, loans, foreign investment, and technology.”¹⁰⁸ Writing in 1992 on the positive reception of Latin American states to President Bush’s 1990 Enterprise for the Americas proposal (a regional economic cooperation initiative), Peter Hakim of the Inter-American Dialogue group explains that “The timing of the initiative was, in fact, as important as its substance. The waning of the Cold War and the crumbling of communism in Eastern Europe a year earlier had produced new anxieties in Latin America. Many in the region feared that their countries, mostly still plagued by massive debt and deep depression, would become politically and economically marginal in the rapidly changing global context.”¹⁰⁹

Since “maintaining access” to the northern neighbor was “of dominant importance” to economically uncertain Latin American states, these states had a “strong incentive to prevent friction on *noneconomic* issues from disrupting economic relations.”¹¹⁰ This provided added impetus for cooperation on democracy-promotion at the level of the OAS, and may have motivated some more reluctant states to support (or at least acquiesce to) the circumscription of the non-interference norm. A group of what

¹⁰⁸ Hurrell 1994, 170.

¹⁰⁹ Hakim 1992, 93.

¹¹⁰ Hurrell 1994, 175 (emphasis mine).

Richard Bloomfield has labeled “non-interventionists” (as opposed to “activists” like Chile)—including Mexico, Colombia, Peru and Brazil—were indeed wary of adopting Resolution 1080, but these states voted in favor of it because they “did not want to be seen as to be ‘against democracy.’”¹¹¹

Finally, and importantly for the central argument of the dissertation, Heraldo Munoz has also emphasized that, although Resolution 1080 and the Santiago Commitment were “milestones,” they are only “the *most recent expressions* of a *long-term trend* toward the affirmation of democratic principles and purposes contained in the OAS Charter and countless other declarations, resolutions and measures adopted by the hemispheric organization.”¹¹² Indeed, the Santiago Commitment’s full title includes the phrase “Renewal of the Inter-American System.” As Chapter 3 and the first section of this chapter show, there is a long history of liberal pan-American norms existing in tension with strict sovereignty.

Multidimensional civilian missions in the 1990s

The OAS increasingly involved itself in the internal crises of its member states in the 1990s, in response to unconstitutional changes in government and/or episodes of political violence. Conflicts came to be “increasingly viewed as threats to the hemisphere’s peace and solidarity.”¹¹³ The OAS built its repertoire of responses to crisis and conflict through practice, and these response activities included, for example, diverse monitoring activities (election observation, investigation and reporting on human rights conditions, “internal verification” of peace accords, monitoring of “ongoing political processes and

¹¹¹ Bloomfield 1994a, 18.

¹¹² Munoz 1998, 2.

¹¹³ Vaky 1993, 43.

commitments,” short-term fact-finding missions, et cetera), mediation missions, and diplomatic and economic sanctions.¹¹⁴ Civilians rather than military personnel have staffed missions on the ground,¹¹⁵ as OAS member states harbor an “historical and deep-seated fear” that any legitimization of the use of force might be coopted by the United States to impose its political will in the region.¹¹⁶ The Rio Group, a “particularly important prodemocracy agent,” has rejected the use of force to protect democracy.¹¹⁷

Two early examples of post-Cold War OAS civilian deployments show the multidimensionality of these missions. First, the International Commission for Support and Verification in Nicaragua (1990-1997) was a peace mission primarily managed by the OAS but with the support of the United Nations. This commission worked to demobilize combatants and repatriate Nicaraguans residing in neighboring countries. It also delivered food and other supplies to 120,000 people and “monitored the security rights and guarantees that had been given to the former Nicaraguan Resistance” fighters. It mediated between the Nicaraguan government and the Catholic Church and investigated violations of human rights.¹¹⁸ Despite the civilian status of the mission, then, it was highly intrusive by Cold War understandings of state sovereignty.

A second early civilian mission of note was a joint OAS-United Nations undertaking - the International Civilian Mission in Haiti (1993-2000). After a coup d'état ousted the democratically elected government in Haiti, the OAS, pursuant to Resolution 1080, convened a meeting, condemned the coup, demanded the reinstatement of the legitimate government, and applied diplomatic and economic sanctions. The military

¹¹⁴ Vaky 1993, 43.

¹¹⁵ Vaky 1993, 43.

¹¹⁶ Vaky 1993, 44.

¹¹⁷ Cooper and Legler 2001, 110.

¹¹⁸ OAS Secretariat for Political Affairs n.d.

regime in Haiti was unmoved, so the OAS and the United Nations negotiated for the right to deploy a civilian mission to monitor human rights in the country and engage in political consultations. In 1994, a multinational military force led by the United States and authorized by the United Nations (outside of the OAS framework) succeeded in reinstating the former regime. The OAS-United Nations International Civilian Mission returned after this reinstatement and expanded its role to include “electoral observation, humanitarian aid, human rights monitoring, political negotiations, refugees, fuel supply and the economic recovery” efforts.¹¹⁹

The limits of democratic density: backlash against the Inter-American Commission

In 2013, several OAS member states attempted to weaken the powers of the Inter-American Commission on Human Rights in response to actions the Commission had taken against them. For example, Brazil proposed that the Commission’s ability to order ‘precautionary measures’ be taken away. Such measures allow for the issuance of directives “before examining the merits of an individual case, in order to prevent irreparable damage to fundamental rights.”¹²⁰ For example, in 2012, the Commission ordered that Brazil cease construction on the Belo Monte Dam, because of the damage the dam would do to lands upon which indigenous people depended. In addition to Brazil, some other states made similar proposals to curb Commission powers. However, a coalition of civil society organizations based in Latin and North America—Center for the Study of Law, Justice and Society (Dejusticia), Centro de Estudios Legales y Sociales (CELS), Institute for Legal Defense (IDL), Due Process of Law Foundation (DPLF), and

¹¹⁹ Herz 2008, 22.

¹²⁰ Human Rights and Governance Case Studies n.d.(a)

Fundar—countered these efforts by lobbying governments, raising awareness through media outreach, and maintaining a presence at OAS meetings on the subject. This coalition was successful in preventing the removal of Commission powers.¹²¹

This backlash against the Inter-American Commission (by democratic governments) suggests that there are limits to the explanatory power, *in the long run*, of democratic density for the strength of human rights monitoring. Specifically, once many highly repressive regimes no longer exist in the region, regional human rights bodies allocate more of their attention to the human rights practices of regional democracies, which may result in push back, as in this case. On the other hand, Latin America’s civil society organizations are arguably more able to affect regional policy *precisely* because they operate in democracies. In sum, then, enduring high democratic density may have paradoxical effects on certain kinds of intrusive regionalism—like human rights monitoring and enforcement—in the long term.

Conclusion

Democratization renewed regional liberalism and, in combination with the rapprochement between the United States and Latin America—facilitated by the end of the Cold War—provided for the development of regional mechanisms to promote democracy, peace, and human rights in the 1990s and beyond. These mechanisms built upon intrusive liberal regional traditions based on a pan-American identity discourse that became embedded in institutions and practices in the post-World War II era. High democratic density was not achieved in Africa or Southeast Asia, but, as Chapters 6-7

¹²¹ Human Rights and Governance Case Studies n.d.(a)

show, democratic states played key roles in promoting intrusive regionalism in both of these regions as well.

Chapter 5

Africa: Part I

Chapter 3 introduced pan-African transnationalism and made the case that this identity discourse presents a challenge to Westphalian sovereignty in Africa. In the present chapter, I argue that sovereignty norms remained contested beyond the formation of the OAU and that the importance of pan-African transnationalism endured, contributing to the erosion of the legitimacy of non-interference over time. A central pan-Africanist post-colonial undertaking—the continental campaign against apartheid South Africa—helped to undercut the norm of non-interference by exposing the OAU to charges of hypocrisy.

The second section of the chapter discusses the emergence in the 1980s of new international policy discourses—human-centrism, popular participation in development, and holistic problem-solving—that arose in response to the economic crisis of this decade and to the structural adjustment programs imposed on struggling African countries by international financial institutions. In combination with pan-African transnationalism, these discourses provided African proponents of intrusive regionalism with discursive tools that helped them to successfully frame the reform of African institutions as a strategy for managing problems associated with regional economic crisis. Chapter 6 picks up with this reform campaign and its result—the rise of interference practices beginning in the early 1990s.

This chapter presents two main challenges to a great power influence explanation. First, it provides evidence that the norm of non-interference was contested in Africa in the 1960s and 1970s before the incorporation of human rights into Western states bilateral foreign policies took place in the late 1970s. Second, it demonstrates the role of

regional actors—particularly Executive Secretary Adebayo Adedeji of the United Nations Economic Commission for Africa—in the emergence of international policy discourses in the 1980s that built the foundation for the human security paradigm, which called on the international community to redefine security and sovereignty.

Contestation of sovereignty norms: 1960s-1980s

Debates over diplomatic recognition in the 1960s

Disputes among OAU members in the mid 1960s about the diplomatic recognition of African governments revealed contestation about strict sovereignty norms. Regimes coming to power through coups d'état and/or propped up by extraregional powers did not enjoy universal diplomatic recognition on the continent during these initial years. Some states pushed for the non-recognition of what they considered to be neocolonial governments. This manifested itself in the OAU's approach to the Congo crisis (1960-65), since many heads of state considered the regime in power to be a 'neo-colonialist puppet' installed by outside powers and therefore undeserving of freedom from non-interference.¹ The Democratic Republic of Congo won independence from Belgium in 1960, but, with Belgian support, Moïse Tshombe led a secession movement of the mineral-rich Katanga province. This move was not successful, but Congo's prime minister was assassinated during the course of this stage of the conflict. Later, in 1964, Tshombe attempted another power grab, this time for the whole of the country, and, with the backing of the United States, Belgium, and foreign mercenaries from Rhodesia and South Africa, he succeeded. Fighting continued, and the OAU struggled to find its proper role in relation to this internal conflict. At one point, the continental organization

¹ Munya 1999, 575.

established an *ad hoc* commission that has been described as ‘bold’ for the time, since its final report recommended, against the Tsombe regime’s wishes, that a rebel group be given a seat at the negotiation table.² Although this did not come to pass, the recommendation itself was a violation of non-interference and controversial.

Two years later, some African leaders also accused coup-makers in Ghana (who ousted Kwame Nkrumah while he was visiting China) of coming to power through interference by extra-regional powers and, in response, imposed diplomatic sanctions against the new regime, calling for similar actions to be taken by the OAU. Rumors circulated that Western powers had aided Nkrumah’s challengers. In the end, though, those African states in favor of diplomatic recognition based on control of territory alone (and corresponding observance of a strict interpretation of non-interference) won the day on this question, and the OAU generally followed this policy thereafter.³ After Nkrumah’s ouster in 1966, he lived in exile until his death in 1972. This expulsion of the continent’s leading radical pan-Africanist, combined with the seeming settlement of the regime recognition question in 1966, might lead us to believe that radical pan-Africanism, and associated contestation over Westphalian sovereignty, would die out. It did not.

Nkrumah’s intellectual successors

Tanzanian president Julius Nyerere (1965-1985) became more radicalized after Nkrumah’s ouster, “assuming the mantle of Nkrumah’s militancy.”⁴ During the lead-up to the establishment of the OAU, Julius Nyerere had advocated sub-regional unions over

² Meyers 1974, 364.

³ Kufuor 2002, 375.

⁴ Agyeman 1992, 93.

of the immediate formation of a continental union. A dispute developed between Nyerere and Nkrumah who, after the 1961 failure of the West African union, took the position that sub-regional organizing would undermine rather than encourage continental unity. In 1963, Nyerere took a moderate position on African unity (relative to Nkrumah's) at the OAU summit and then accused Nkrumah of contributing to the failure of the East African Federation through sabotage. As evidenced through his speeches and writings from 1966 onwards, though, the Tanzanian president was not satisfied with the form of African unity taken by the OAU and sought to move things forward towards the long-term goal of pooled sovereignties.

Nyerere's famous "Dilemma of the Pan-Africanist" address to a 1966 assembly at the University of Zambia captures well the challenge that transnational solidarities present to the kind of nationalism associated with Westphalian statehood based on colonial borders. He delivered this speech at the invitation of Zambian President Kenneth Kaunda, and used the opportunity to reflect on the unattained vision of pan-Africanism. He opened the speech with reference to the failure of Africans to achieve political unity, lamenting that "we are a long way from achieving the thing we originally set out to achieve, and I believe there is danger that we might now voluntarily surrender our greatest dream of all." The core message of the speech was an acknowledgement of the difficulty of reconciling competing demands: "I do not believe the answer is easy. Indeed I believe that a real dilemma faces the Pan-Africanist. On the one hand is the fact that Pan-Africanism demands an African consciousness and an African loyalty; on the other hand is the fact that each Pan-Africanist must also concern himself with the freedom and development of one of the nations of Africa. These things can conflict. Let us be honest

and admit that they have already conflicted.” Nyerere did not advocate immediate continental unity here, then, but urged his audience not to be complacent: “But it is not enough for African states to cooperate in dealing with particular problems. We must deliberately move to unity.” He predicted that a time would come when “separate sovereignties” would cause progress on regional integration to plateau, “and thus damage our real hopes for Africa.” He insisted that, when that time comes, “we shall have to take the plunge into a merger of our international sovereignties.”⁵

In the 1970s and 1980s, scholars and regional bureaucrats proposed versions of Nkrumah’s United States of Africa plan, which he had laid out in his 1963 publication “Africa Must Unite.” In 1974, Senegalese scholar and prominent opposition leader Cheikh Anta Diop wrote a book proposing a federal political system in Africa. Frustrated with OAU member states’ refusal to cede sovereignty, he insisted that common security and economic problems could not be addressed outside of continental African political unity. He proposed a common African language, political unification, a common industrial infrastructure, and a common army.⁶ Later, OAU Secretary-General Edem Kodjo (1978-1983) proposed a follow-up to the federal blueprints of Nkrumah (1963) and Diop (1974) in 1985. His main concern was Africa’s marginalization, and he called Africans to “resolutely fight against the preservation of the artificial boundaries that divide them in favor of African unity...”⁷ In his proposal, African states would first

⁵ Nyerere gave the speech “The Dilemma of the Pan-Africanist” to the University of Zambia on July 13, 1965. It is printed in Langley 1979.

⁶ Martin 2002, 260.

⁷ Quoted in Martin 2002, 277.

integrate—economically and politically—at the sub-regional level, leading to an eventual United States of Africa.⁸

Pan-African Transnationalism

Post-Nkrumah challenges to Westphalian sovereignty in Africa were not restricted to proposals for formal political union put forward by prominent Africans. More important were the direct criticisms (outlined below) leveled at the African regional community for its failure to interfere in the domestic affairs of OAU member states in response to gross violations of the rights and security of their citizens. These criticisms, articulated most prominently (but not exclusively) by Julius Nyerere during the 1960s and 1970s, were often framed with reference to transnational solidarities (among African people rather than among African states).

The anti-apartheid campaign was central, up until 1994, to the pan-Africanist project. Writing in 1967, I. William Zartman described Africa as “highly sentimentalized” “identification area” in the discourse of African international politics. And this “sentimentalization,” he argued, was deployed most visibly in service of the continental anti-colonialist and anti-apartheid struggle.⁹ Critics often made use of an important contradiction in OAU policy in order to push for circumscription of the non-interference norm: its interference in South African affairs in the name of transnational African solidarity and human rights protection, on the one hand, and its unwillingness to criticize other African states’ atrocities in the name of non-interference, on the other hand. Official criticism of and sanctions leveled against minority-regime states like South

⁸ Martin 2002, 276-277.

⁹ Zartman 1967, 547.

Africa opened up the African community to charges of hypocrisy when they failed to interfere in these ways in independent African states whose regimes carried out atrocities against their own people.¹⁰

According to international legal scholar Rachel Murray, the human rights-related concerns of the OAU were, from the beginning, centered on two issues: self-determination (to be achieved through the complete decolonization of the continent) and apartheid/racial discrimination in southern Africa.¹¹ When the OAU was established, portions of Africa remained under colonial or white minority regimes, and the elimination of these regimes remained a primary focus of the organization for three decades. It adopted resolutions on decolonization, formed a Liberation Committee (materially supporting liberation movements), led international sanctions against South Africa, and worked to keep these issues on the United Nations General Assembly agenda. Later developments in regional human rights and democracy-promotion policy in part grew out of earlier regional efforts against colonialism and apartheid because these problems were framed in the language of human rights. For example, while the OAU Charter's (1963) only reference to human rights is its affirmation of the Universal Declaration of Human Rights (1948), the Lusaka Manifesto: A Policy Statement for Decolonization in Respect of Southern Africa (1969) states that "All men are equal, and have equal rights to human dignity and respect, regardless of color, race, religion or sex. We believe that all men have the right and the duty to participate as equal members of society, in their own government."¹²

¹⁰ See Welch 1981.

¹¹ Murray 2004, 8-9.

¹² The OAU endorsed the manifesto in 1969. It was originally adopted by the Conference of East and Central African States. See Murray 2004, 15.

Furthermore, OAU resolutions condemning colonial and apartheid regimes employed the language of human rights to denounce detainee abuse, unfair trials, undemocratic constitutions, racial discrimination, property damage, et cetera. That the anti-colonial and anti-apartheid movements were “seen as a struggle for democracy and human rights” provided foundation for the OAU to eventually take up these concepts more broadly.¹³ According to Christopher Clapham, “In bringing their outrage to the attention of an external and especially Western audience, however, African governments and other anti-apartheid campaigners both explicitly breached the frontiers of juridical sovereignty and raised issues relating to their own states. Once the human rights records of African-ruled states started to attract external attention, it was correspondingly harder to claim the protection of sovereign statehood.”¹⁴

Paul D. Williams similarly identifies “the OAU’s willingness to condemn the internal arrangements of European minority regimes such as those in Rhodesia and South Africa while its members remained silent in the face of abuses committed by African governments” as a contradiction in the OAU’s security culture that would eventually contribute to institutional reform.¹⁵ Relatedly, Elin Hellquist links the OAU pro-democracy sanctions regime that emerged in the 1990s to the organization’s history of imposing anti-apartheid sanctions on South Africa.¹⁶

The year following Nyerere’s “Dilemma of a Pan-Africanist Speech” saw the beginning of a two and a half year conflict in Nigeria, the Biafran War (1967-70). Following a series of military coups, the Eastern region attempted to secede and declared

¹³ Murray 2004, 17.

¹⁴ Clapham 1996 quoted in Murray 2004, 21.

¹⁵ Williams 2007, 268

¹⁶ Hellquist 2014, 20-23.

independence as the state of Biafra, leading to a civil war responsible for over two million civilian deaths.¹⁷ The OAU's response to this conflict was in keeping with the norm of non-interference, as the OAU commission charged with supporting its settlement was explicitly mandated to support the Nigerian government and did not even acknowledge the Biafran side by name. This official OAU policy—a strongly pro-regime mandate—masked divisions and debate, however, among member states about the OAU's proper role in response to internal conflict and human suffering. Four states extended diplomatic recognition and even aid to Biafra. The foreign minister of the Ivory Coast criticized the OAU for “playing the role of Pontius Pilate in such a crisis on the pretext of defending a principle [non-interference] ... It would be cowardly and hypocritical not to intervene in such a sad affair.”¹⁸ Sierra Leone attributed the inability of outsider actors to facilitate negotiations between the parties to the OAU's pro-regime mandate, based on the norm of non-interference.¹⁹ Finally, Nyerere spoke out about OAU inaction in response to the Biafran War, invoking the tension between state-centered regionalism and transnational solidarities: “The OAU is not a trade union of African heads of state. Therefore, if it is to retain the respect and support of the people of Africa, it must be concerned about the lives of the people of Africa. We must not just concern ourselves with our survival as heads of state; we must even be more concerned about peace and justice in Africa...”²⁰ In this way, the Tanzanian president not only criticized OAU policy on the Biafran conflict in particular, but made a broader point about the

¹⁷ Meyers 1974, 365.

¹⁸ Quoted in Akuchu 1977, 44.

¹⁹ Akuchu 1977, 45-46.

²⁰ Quoted in Akuchu 1977, 44.

purposes of pan-African cooperation and the objects of pan-African responsibility (people over states).

General Idi Amin came to power in Uganda following a 1971 coup d'état, and his regime grew infamous over the course of the next decade for atrocities committed against its citizens. According to Claude Welch, Amin's practices and Julius Nyerere's "increasingly sharp criticisms" of them pushed the OAU to become more willing to "delve into the domestic practices of member states."²¹ During this time, Julius Nyerere called upon the OAU many times to condemn Amin's massive violations of human rights, sometime referring to the OAU's need to maintain its moral authority in order to criticize South Africa's abuses, saying, for example, "Amin...has killed more Africans than the Boers under apartheid rule."²²

A group of four states—Botswana, Mozambique, Tanzania and Zambia—boycotted a 1975 OAU meeting in protest of Amin's upcoming succession to the post of Chairman of the OAU (summit hosts are automatically named Chairman). They cited Amin's "apparent disregard for human life" as justification for the protest. A July 1975 statement issued by the government of Tanzania lays out the case for boycott and restates Nyerere's earlier appeals for the prioritization of transnational solidarity over state solidarity:

"[The OAU] is an organization of States but its purpose is the service of the people of Africa- all the people... It is not surprising therefore that the whole of Africa cries out against the atrocities of the colonial and racist States. Individually as Africans, and through the OAU, we condemn the murderous acts of these regimes on every possible occasion and in every possible forum... But when massacres, oppression and torture are used against Africans in the independent States of Africa ... [T]he OAU acts like a trade

²¹ Welch 1981, 405.

²² Quoted in Aluko 1981,171.

union of the current Heads of State and Government, with solidarity reflected in silence if not in open support for each other.”²³

The statement goes on to point out that “The reasons given by African leaders for their silence about these things is the non-interference clause in the OAU Charter” and to criticize the hypocrisy of this reasoning:

“But why is it good for States to condemn apartheid and bad for them to condemn massacres which are committed by independent African Governments? ... We have come to our decision [to boycott the meeting in Kampala] because we are convinced that the [OAU] will deserve the condemnation of the world and of the peoples of Africa as an organization of hypocrites if it acquiesces, or appears to acquiesce, in the murders and massacres which have been perpetrated by the present Uganda Government.”²⁴

The 1975 boycott did not succeed in preventing Amin from assuming the chairmanship, but, as Claude Welch writes in 1981, it did help to ‘narrow the gap’ between the attention paid by regional actors to the practices of South Africa and that paid to the domestic practices of fellow OAU member states. According to Welch, OAU states had “begun to [look] increasingly at each others' records in fostering basic liberties. What was broached in 1975, with Tanzanian criticisms of Ugandan practices, was broadened by the 1979 O.A.U. summit to a unanimous resolution” to draft a regional human rights charter (see below).²⁵

In 1986, newly elected Ugandan President Yoweri Museveni echoed this reasoning in his first address to the OAU Heads of State and Government, relaying his “deep sense of betrayal that most of Africa kept silent while tyrants killed [three quarters of a million Ugandans]” in order to “supposedly” maintain respect for the non-interference principle, despite the existence of “explicit law” at the regional and global

²³ Quoted in Welch 1981, 405.

²⁴ Quoted in Welch 1981, 405.

²⁵ Welch 1981, 402.

levels “that enunciate the sanctity and inviolability of human life.” Non-interference, he argued, “should never be used as a cloak to shield genocide from just censure,” lest it “undermine our moral authority to condemn the excesses of others, especially South Africa’s racist regime.”²⁶

Signs of norm erosion: 1978-1982

Developments in the late 1970s and early 1980s foreshadowed the 1990s norm shift. At this point we find some evidence that this contestation at the discursive level may be translating into changes at the level of law and practice as well as discourse. First, as noted in Chapter 2, Tanzania’s 1979 invasion of Amin’s Uganda, while not praised, was met with muted reactions. Some observers have suggested that many African leaders were silently relieved that the embarrassing despot had been removed. The OAU summit meeting in July of that year did not condemn the invasion, for example.²⁷

An important discursive shift on the issue of the African refugee problem took place in 1979; a regional conference on refugees was held and many African speakers for the first time openly acknowledged that independent African states contributed significantly to refugee flows.²⁸ The refugee crisis, a consistent feature of independent Africa, was for many years attributed to the policies of minority and racist regimes. According to C.O.C Amate, “[M]any African speakers on the issue on the platform of the OAU tended to speak as if all the refugees in Africa originated from the territories that were still under colonial and white minority regimes. It was for many years part of the rhetoric of these African speakers to put all the blame...on [these] governments long after

²⁶ Museveni 1986.

²⁷ Aluko 1981, 172.

²⁸ C.O.C. Amate 1986, 469-470.

this could not be supported by any statistical evidence.”²⁹ If the OAU hadn’t for years been drawing attention to refugee flows as a means of criticizing South Africa and others, it may not have been forced, in a way, to eventually examine intrastate problems in independent African states that were contributing to refugee flows.

Also in 1979, after nearly two decades of calls for a regional human rights body from the transnational legal community, the OAU’s Assembly of Heads of State and Government commissioned a working group to draft an African human rights charter. The establishment of a regional human rights system “mark[ed] a radical departure from the OAU policy of the 1970s whereby issues pertaining to human rights were seen as internal affairs of member states.”³⁰ The first calls for a regional body tasked with the promotion and protection of human rights came in 1961 from participants at a rule-of-law themed conference of lawyers and other legal professionals in Lagos, Nigeria (sponsored by the International Commission of Jurists). This event sparked a series of other conferences, seminars and colloquia sponsored by the International Commission of Jurists and/or United Nations over the next two decades.³¹ These were typically attended by jurists representing African nations, representatives of international and non-governmental organizations, and delegates from countries outside Africa present as observers. It was not until 1979, however, that the OAU Assembly commissioned a working group to draft an African human rights charter. A version of this charter was passed by the OAU in 1981 and entered into force in 1986 after achieving sufficient ratifications (27). The charter itself established a regional human rights Commission tasked with the protection and promotion of human rights. The Commission came into

²⁹ C.O.C. Amate 1986, 469-470.

³⁰ Munya 1999, 581.

³¹ Evans and Murray 2008, 1-2.

being in 1986. The charter did not establish a regional court (this would take place in 1998—see Chapter 6). The omission of a court is one difference between the African system as established in 1981 and other regional systems existing at the time (the European and Inter-American systems). Other key differences include the enumeration of individual ‘duties’ in addition to ‘rights,’³² provisions for group (peoples’) rights, and a greater emphasis on economic, social and cultural rights than found in other regional charters.

Finally, the OAU mounted its first peacekeeping mission in Chad in 1981, and this operation (or rather set of operations) was exceptional for the Cold War period. The Chadian civil war began in the 1960s, but the OAU didn’t take any action to try to resolve it until the late 1970s, when it retroactively offered diplomatic support to a Nigerian peacekeeping operation there. The OAU became more concerned with the civil war when a proposed union between Chad and Libya was announced in 1981. This alarmed African states because of Libya’s extensive interventionism on the continent. Although the OAU peacekeeping mission (1981-1982) was mandated in a peace agreement to which the Chadian government was party, meaning the deployment was technically consensual, the *neutrality* of the force itself was unprecedented and faced resistance from the government of Chad, who expected the OAU forces to fight on the side of the government.³³ The mission is generally considered a failure—it was “fraught with problems from the outset,” including insufficient force size, financial shortcomings, and logistical problems stemming from an imprecise mandate.³⁴ The OAU was in

³² The ‘duties’ provisions distinguish the African human rights charter from the European human rights convention but not from the American version, which does include duties.

³³ May and Massey 1998, 52-53.

³⁴ Berman and Sams 2000, 53.

uncharted territory, as it had not experience with peacekeeping and was unsure of how to proceed in a way that would be in least violation of the non-interference norm. During the rest of the decade, economic problems preoccupied African regionalism, but in the early 1990s, the idea of regional security governance would resurface.

Economic crisis and the emergence of new international policy discourses

This section provides important context for Chapter 6 by discussing the development in the 1980s of regional and international policy discourses: those linking democracy, human rights, and security, on the one hand, to economic development, on the other hand, and those promoting human-centered concepts of development and security. These policy discourses emerged at the global and especially regional levels from push-back against structural adjustment programs imposed on struggling African countries in the 1980s. The regional reform campaign of the early 1990s would draw on this language and these ideas to frame its proposals and make the case that regional management of domestic political and security matters would contribute to economic recovery and combat Afro-pessimism and Africa's marginalization.

The 'Lost Decade': economic crisis in the 1980s

Although African states initially experienced relatively fast economic growth in the 1960s, by the end of the 1970s, it was apparent that the approaches to development taken since independence had not delivered positive results for African economies.³⁵ A world recession compounded existing problems and created new ones, resulted in a severe economic crisis on the continent beginning in the early 1980s. While other developing

³⁵ ECA 1989, 9.

regions, like Latin America, experienced crisis as well, sub-Saharan Africa suffered the worst. Although Latin American debt was higher in absolute terms, African debt as a proportion of national income was much higher. Prominent among the external adverse factors confronting Africa included a fall in prices primary commodities prices, ballooning external debt, and general decline in resource flows to the continent.³⁶

Environmental conditions leading to severe drought in some countries exacerbated these problems. Between 1980 and 1988, the continent's average GDP per capita fell by 25% and income per capita by 30%.³⁷ The 1980s are referred to as the Lost Decade for Africa.³⁸ In response to economic crisis in (especially sub-Saharan) African countries, the International Monetary Fund offered loan packages under the condition that these states undergo economic adjustment (structural adjustment programs), a set of neoliberal policies including especially deregulation, privatization, free trade and fiscal austerity.

Unsurprisingly, economic concerns soon became the primary focus of the OAU, and this decade saw many African economic treaties and entire summits devoted to economic crisis. This preoccupation shows up in both speeches and OAU declarations. This resulted in a series of OAU and United Nations Economic Commission for Africa (ECA) legal instruments aimed at economic development.³⁹ The ECA was established by the Economic and Social Council of the United Nations in 1958 to promote economic integration and development. Its membership consists of African states, so it is uniquely positioned as both a regional arm of the United Nations and an advocate for African

³⁶ ECA 1989, i.

³⁷ Ghai and Hewitt de Alcantara 1990, 26-27.

³⁸ See Deng and Zartman 2002, 106.

³⁹ For example, the Lagos Plan of Action (1980), the Priority Program for Economic Recovery (1985), the Common Position on External Debt (1987), the Khartoum Declaration on Human Centered Development (1988), and the African Charter for Popular Participation in Development (1990).

priorities. By the middle of the 1980s, African states came to understand the economic situation on the continent to be “a real emergency that had to be addressed urgently and vigorously,”⁴⁰ and they attempted to address it at the international level (see below) and at the regional level through organizations like the OAU, ECA, ECOWAS and the African Development Bank.

Under pressure from African states and others, the United Nations General Assembly held a Special Session on Africa’s Economic and Social Crisis in 1986.⁴¹ According to ECA officials, the session “afforded the continent a unique opportunity to put its case before the international community with a view to mobilizing international support for its efforts to surmount the crisis. Never before had a special session of the United Nations General Assembly been organized to discuss the problem of any one particular region of the world.”⁴² This unprecedented special session resulted in the launch of the United Nations Program of Action for African Economic Recovery and Development 1986-90 in cooperation with the United Nations Development Program and the ECA.

New policy discourses emerge in response to crisis and adjustment

African policy processes in response to economic crisis and structural adjustment programs produced new policy discourses. Beginning in the mid-1980s, the social impact of International Monetary Fund-imposed structural adjustment became an object of criticism from many sources (academics and bureaucrats, regional and global actors), and African institutions and processes were central to this push back and the search for

⁴⁰ Ake 1996, 26.

⁴¹ Ake 1996, 26.

⁴² Rasheed and Sarr 1991, 28.

alternative approaches to crisis management and development. The primary criticism leveled at structural adjustment is that it was not designed with attention to the ‘human dimension’ of development and that its implementation therefore brought a destructive social impact. At the global level, United Nations Children’s Fund is often credited for bringing this criticism into international focus, especially with its 1987 report “Adjustment with a Human Face,” which outlined the programs’ negative effects on health and education outcomes.⁴³ In the spring of 1989, Pakistani economist Mahbub Ul Haq proposed the idea of an annual report focused on ‘human development’ to the Administrator of the United Nations Development Program. The first such report came out in 1990. Haq has written that “The late 1980s were ripe for a counter-offensive. It was becoming obvious in several countries that human lives were shriveling even as economic production was expanding... The human costs of structural adjustment programmes ... had been extremely harsh. That prompted questions about the human face of adjustment ... At the same time, the strong forces of democracy started sweeping across many lands... raising new aspirations for people-centred development models.”⁴⁴

This ‘counter-offensive’ was especially active at the regional level in Africa, especially through the ECA. As a follow-up to the implementation of the United Nations Program of Action for African Economic Recovery and Development, and in collaboration with other UN agencies, the ECA’s Executive Secretary Adebayo Adedeji organized a series of international conferences on Africa’s economic situation (in 1987, 1988, and 1990) as well as the development of the 1989 “African Alternative Framework

⁴³ Cornia et al 1987.

⁴⁴ Haq 1995, pages 24-25.

to Structural Adjustment Programs for Socio-Economic Recovery and Transformation.”⁴⁵ Professor Adedeji held the Executive Secretary position from 1978 to 1991, before which he served in the Nigerian government as the federal commissioner for economic development and reconstruction. During his career as economic commissioner, he led negotiations among the West African states to form a sub-regional grouping and is therefore known as the ‘father’ of ECOWAS, an organization formed in 1975.

The speeches given at and statements produced by ECA conferences in the late 1980s critique orthodox structural adjustment from many angles and constitute evidence of the emergence of three inter-related policy discourses: human-centrism, popular participation in development, and holistic problem solving⁴⁶ (see Table 5.1). The emergence of these discourses is important because the regional reform campaign of the early 1990s would draw upon this language and these ideas to make the case that intrusive regionalism to promote peace, democracy, and human rights would help create the conditions for economic development, improve Africa’s image in the world, and attract investment and resources to the continent. These discourses also fed into the rise of the ‘human security’ paradigm among academics and practitioners in the 1990s. The human security concept presents a challenge to traditional notions of national security and state sovereignty.⁴⁷

⁴⁵ International Conference on Africa: The Challenge of Economic Recovery and Accelerated Development (1987, Abuja). The International Conference on the Human Dimension of Africa’s Recovery and Development (1988, Khartoum). The International Conference on Popular Participation in the Recovery and Development Process in Africa (1990, Arusha).

⁴⁶ “Human-centrism” and “holistic problem-solving” are my terms.

⁴⁷ Economist Mahbub ul Haq is credited with popularizing the concept of human security in United Nations Development Program's 1994 Human Development Report.

Table 5.1 Emerging International Policy Discourses

Policy Discourse	Content	Structural Adjustment Program (SAP) Critique	Relevance to 1990s Norm Shift
Human-Centrism	Human well being as primary policy objective; Protection of vulnerable populations	SAPs are inattentive to social impact	The human as referent of security; human security over national sovereignty (the shift from non-interference to ‘non-indifference’)
Popular Participation in Development	Grassroots initiatives, democratization, popular buy-in, political reform	SAPs are imposed top-down (and from outside) against the will of the masses	Democracy and human rights promotion
Holistic Problem-Solving	Interrelation among problems previously addressed separately	SAPs fail because they are narrowly targeted at macroeconomic indicators	Security and democracy as development prerequisites

Human-centrism was the focus of United Nations Children’s Fund’s “Adjustment with a Human Face” report and the impetus behind the launch of the United Nations Development Program’s Human Development Report. The idea is that public policy should be designed to promote and protect the well being of humans (especially ‘vulnerable populations’), in the short- and long-term. The concept of ‘human security’—which became an international policy buzzword after Mahbub Ul Haq devoted the 1994 Human Development report to it and is central to the ‘Responsibility to Protect’ principle that emerged in the late 1990s—melds together human-centrism and holistic problem-solving (see below). **Popular participation in development** promotes grassroots development initiatives and democratic policy-making processes, emphasizing the importance of popular participation as both a ‘means’ (to better and more sustainable development policy) and an ‘end’ (as a human right). Those calling for popular participation did so in part as a response to structural adjustment policies that they critiqued for being imposed top-down and from outside, against the popular will. The Third Wave of democratization and a rising international human rights movement—and

the related emphasis on democracy and human rights in Western foreign-policy making—reinforced these ideas. **Holistic problem-solving** is the most important of the three for the later regional reform campaign. It pushes back against the structural adjustment programs' narrow focus on macroeconomic indicators and calls for policy-making that recognizes the multidimensionality of underdevelopment and the relationship between the economic, political, security, social, and cultural spheres.

The first ECA conference on African development (1987), co-sponsored by the OAU and the African Development Bank, broadly considered the “Challenge of Economic Recovery and Accelerated Development” and produced the “Abuja Statement on Long-Term Development in Africa,” which was subsequently endorsed by the ECA Council of Ministers (representatives of African states). The Abuja Statement draws attention to the problem of Africa’s marginalization: “In a situation where rapid changes are taking place in the geopolitical and technological world order...One of the major challenges that faces Africa is how to sustain international public interest on Africa’s long-term development through continuous and effective communication that will reach all levels of society.”

The Abuja Statement also promotes popular participation in government by linking “a viable development strategy” to “the democratization of the African society and increased accountability of those entrusted with power” and identifying these conditions as “vital for the mobilization of greater participation.” It emphasizes human-centrism by declaring “the need to minimize the adverse social impact of [structural adjustment] measures and to take into account the human dimension of adjustment” and holistic problem solving by asserting that “peace, security and stability are necessary pre-

conditions for Africa's development" and that "the political, social, administrative and cultural dimensions that are conducive to long-term development must be created to ensure the success and sustainability of the development process."⁴⁸

The sequel to the 1987 Abuja conference, the "International Conference on the Human Dimension of Africa's Economic Recovery and Development," took place the following year (1988) in Khartoum, and emphasized the same themes as Abuja did. It produced the "Khartoum Declaration Towards a Human-Focused Approach to Socio-Economic Recovery and Development in Africa," (endorsed by the ECA Council of Ministers) which identifies the "human condition" as "the only final measure of development" stating that "a basic test for all stabilization, adjustment, and development programs is whether they will improve the human condition...or worsen it" and that "economic issues have overshadowed social concerns and have prevented African countries from according the needed centrality of the human dimension and the human factor." It goes on to emphasize holistic problem-solving, asserting that "survival and rehabilitation assistance to the most vulnerable groups is an importance element in reversing production losses," that "progress in advancing the human condition in Africa depends on the structure, pattern and political context of socio-economic development," and further that this political context "has been marred, for more than two decades, by instability, war, intolerance, restrictions on the freedom and human rights of individuals and groups..."⁴⁹

The Khartoum Declaration also foreshadows calls for regional solutions to these interrelated problems with statements like "Governments in each sub-region should

⁴⁸ ECA 1987.

⁴⁹ ECA 1988.

devise policies and plans for collectively dealing with the root causes of problems of refugees and displaced persons” and “Regional organizations should accord the highest priority to the human dimension in the design and implementation of the recovery and development programs of the continent, including the resolution of regional conflicts so that scarce resources are further saved to protect the human dimension.”⁵⁰

During the same year as the Khartoum conference (1988), and with the financial support of the United Nations Development Program, ECA Executive Secretary Adebayo Adedeji initiated the development of the “African Alternative Framework to Structural Adjustment Programs for Socio-Economic Recovery and Transformation,” which his team produced in January 1989. This initiative fit into a tense inter-institutional conflict between the ECA and the Bretton Woods institutions (International Monetary Fund and World Bank).⁵¹ The African Ministers of Economic Planning and Development adopted the Alternative Framework in April 1989. Like the Abuja and Khartoum statements, this framework is critical of orthodox structural adjustment: “The impact of [structural adjustment programs] on well-being...has been the subject of considerable discussion and debate as attested by...studies carried out by the [International Monetary Fund] and World Bank, and by the [International Labor Organization] and [United Nations Children’s Fund]...It is not surprising...that there is an agonizing reappraisal and rethinking on the part of many, including the Bretton Woods institutions themselves...”⁵²

The framework also picks up on the policy discourses discussed above, including human-centrism (“Above all, at the center of the alternative framework is the human dimension”), popular participation in development (“...as a human-centered framework,

⁵⁰ ECA 1988.

⁵¹ Ake 1996, 34.

⁵² ECA 1989.

[the framework] implies full democratization of all aspects of economic and social activities in all stages from decision-making to implementation”), and holistic problem-solving (“...this quintessential human aspect of development underlies all other objectives that Africa will have to pursue, be they economic, social, cultural or political.”) All of this is then linked to combating marginalization: “...the [framework] should constitute a basis for constructive dialogue between African countries and their development partners in the implementation of financing of country programs...[T]he resources provided by the international community...urgently must be augmented...”⁵³

Conclusion

In part because of the political salience of pan-African transnationalism, sovereignty remained contested after the formation of the OAU, and the norm of non-interference eroded over time. In combination with the global ascendance of liberalism and the emergence in the 1980s of international policy discourses that built the foundation for the human security paradigm, pan-African transnationalism made regional actors’ response to the economic crisis of the 1980s and the uncertainties of the post-Cold War world—the development of intrusive regionalism (see Chapter 6)—possible and even likely.

⁵³ ECA 1989.

Chapter 6

Africa: Part II

Africa experienced unprecedented and unparalleled economic crisis in the 1980s. As I argue in Chapter 1, poor economic performance makes states (and groups of states) materially and socially vulnerable, since it increases their material needs, reduces their legitimacy vis-à-vis domestic and international audiences, contributes to an image of dysfunction (in the eyes of investors and the international community), and draws attention to/calls into question existing practices (of individual states and of regions as collective actors).

In the African case, at the close of this decade of crisis, the Cold War ended, and this major global structural shift only exacerbated Africa's vulnerabilities: it introduced rival recipients for international aid and investment (Central and Eastern European states); it ended superpower clientelism based on East-West competition; it increased the attachment of (liberal) political conditionalities to Western loans and aid; and it brought a wave of domestic protest (a response to economic crisis and a 'demonstration effect'¹ of global liberalization and democratization trends).

In explicit response to the economic crisis and the events constituting the end of the Cold War—and drawing on the language of pan-African transnationalism and the emerging international policy discourses discussed in Chapter 5—a *regional reform campaign* was launched in the early 1990s by the secretariats of the OAU and the ECA in collaboration with a civil society organization headed by a former Nigerian military leader—Olusegun Obasanjo. The campaign called for a redefinition of sovereignty in Africa and for the creation of intrusive regional institutions to manage domestic

¹ Huntington 1991, 100.

governance and security problems. The logic of these proposals was this: in order to combat and compensate for Africa's (and the OAU's) image of dysfunction and indifference to human suffering, to attract international investment and resources, and to create the conditions for economic development, Africa must take collective responsibility for the problems of the continent and, through its regional institutions, promote peace and democracy.

This was **not an obvious or necessary response** to economic crisis, domestic protest, and the threat of international economic and political marginalization. It was 1) the international ascendance of liberalism, 2) the emergence of policy discourses emphasizing the 'human dimension' of policy outcomes and the contribution of democracy and security to economic development, and 3) the enduring political relevance of pan-African transnationalism that made this response possible and even likely. These features of the regional and international ideational context informed the causal beliefs and legitimacy-seeking strategies of African states and regional bureaucrats.

As a result of the regional reform campaign, African states adopted law affirming a regional role for democracy promotion and creating a conflict management mechanism mandated to address *intrastate* conflict. A new slogan—"the shift from non-interference to non-indifference"—accompanied these moves. And this wasn't just rhetoric—a rise in regional interference practices accompanied developments in discourse and law in the early 1990s.

As the 1990s progressed, this normative shift accelerated. In the late 1990s, several key developments took place, including the introduction of an OAU anti-coup regime, the replacement of the OAU with the more interventionist African Union, and the

adoption of a protocol providing for a regional human rights court. These developments should be seen as both a continuation of processes originating in the early 1990s—promoted by some of the same key players and framed in the same logics and appeal to pan-African transnationalism—as well as the result of gradual political liberalization and (some) democratization in Africa. Liberalization opened up space for civil society groups to pressure regional and subregional bodies to become more intrusive and the newly democratized South Africa became a major protagonist for regional reform.

An explanation focusing on great power influence has some purchase here. First, the dominance of liberal internationalism shaped African legitimization strategies (although, as I argue in Chapter 8, we shouldn't see this as a doctrine emanating exclusively from the 'developed world'). Second, powerful states and international financial institutions began to increasingly apply political reform conditionalities to loans and aid, worsening African states' material vulnerability. Relatedly, I find at least one example of donor pressure for states to accept intrusive multilateralism (in the form of election observers). However, most great power pressure seems to be directed at *domestic* reforms, not *regional* practices. That African states would pursue intrusive regionalism as a strategy to manage economic crisis and related problems points to the importance of collective identity, collective image consciousness (*vis-à-vis* domestic and international audiences, especially investors) and a desire to manage this collective image.

With respect to the changing nature of conflict, I find that important developments in discourse, law and practice relevant to non-interference took place immediately following the end of the Cold War, and before the 'new wars' trend could be

identified, and this finding does not support an explanation based on the level of civil conflict.

Major problems facing African states in the 1980s and 1990s

Africa's material needs, international image problem, and marginalization

As Chapter 5 discussed, Africa's economic situation in the 1980s and into the 1990s was dire. Additionally, and relatedly, throughout the 1980s and especially during the 1989-1991 period, African states and regional bureaucrats increasingly articulated concerns about Africa's image abroad and the consequences of this negative image, mainly the further economic and political marginalization of the continent. Conflict, poverty, disease, instability, and governance issues dominated headlines and painted the entire continent with one brush despite empirical variation. Crises in some African states created a negative externality—a bad image—for all African states. Image consciousness is a clear theme in regional venue speeches during this decade, where states and regional bureaucrats lamented “the image of Africa as a backward continent,”² and the problem of “bad publicity.”³

In a statement at a 1988 conference organized by the African Leadership Forum (a civil society group organized by a former Nigerian leader—see below) titled “For Improving the Economic and Social Situation in Africa,” ECA Executive Secretary Adebayo Adedeji raised concerns about Europe's increasingly “inward-looking” orientation as it moved towards a single market⁴ (scheduled for 1992), warning that “By 1992, Europe is going to be even more unfriendly as far as Africa is concerned... Thus,

² Mengistu Haile-Mariam 1984, 14.

³ OAU 1984, 10.

⁴ The 1986 Single European Act called for a single market by 31 December 1992.

Africa will become even more marginalized in the 1990s.”⁵ During the discussion period, Adedeji expanded on this point: “There is a complete and cynical change in the attitude of the international community towards the development process, implying that since in any case developing countries will never make it, why should one bother about them? When I recently met two US Congressmen, both wondered why more American taxpayers’ money should be devoted to the development of Africa...In 1986, the countries of the world agreed for the first time at a special session of the UN General Assembly that something had to be done to improve the situation of Africa. Yet, just three months later, the USA reduced its Official Development Assistance to Africa by 40 per cent in spite of all pleas...”⁶ Later in the session he called for Africa to “get our house in order to attract the foreign aid we need to get ourselves out of the woods.”⁷

The events of 1989-1991 exacerbated Africa’s material and social vulnerability that originated in the economic crisis of the 1980s. The events that constituted the end of the Cold War—starting with regime changes in Central and Eastern Europe in 1989 and ending with the dissolution of the Soviet Union in 1991—amplified and made more urgent African policy-relevant actors’ existing interrelated concerns about economic underdevelopment, international image, and marginalization. Concerns included superpower disengagement (cutting off client states) and changing relations with France; increase in political conditionalities to Western loans and aid; the acceleration of regional economic integration projects (e.g. the progression toward the European Single Market); and, most importantly, the diversion of trade and investment to Central and Eastern European.

⁵ African Leadership Forum 1988, 19.

⁶ African Leadership Forum 1988, 39.

⁷ African Leadership Forum 1988, 43.

That African states should respond to the end of the Cold War with apprehension is perhaps counterintuitive considering the devastation caused by superpower-sponsored proxy wars during the Cold War period. Also, at the global level, the end of the Cold War was celebrated as an event that would usher in a new world order of peace and prosperity (although disillusionment about this promise set in within a half decade). But African states did respond to the events of 1989-1991 with apprehension, articulating concerns about the continent's economic and political marginalization in the post-Cold War period. Specifically, the content of speeches, declarations and reports at venues such as African Leadership Forum events and the OAU reveal these articulated concerns. Some examples provide illustration.

For example, in April 1990, the newly-established African Leadership Forum convened a high-level experts meeting with the Organization for Economic Co-operation and Development in Paris "on the implications of the events in Eastern Europe." As then-Prime Minister of Mozambique Mario Machungo recalls:

The sheer enormity of the political, strategic, economic and social upheavals resulting from the disappearance of the Cold War was bound to redefine the entire global power configuration, with significant spin-offs and reverberations for the future of our continent, Africa. The collapse of communism meant not only the termination of the Cold War; it also signified the preponderance of liberal democracy and market economy on a global scale. The participants at the Paris meeting, however, sensed that the end of the Cold War also had ominous consequences for Africa. With the cessation of the Cold War now, would Africa now be left in the cold and be on its own?⁸

The language of the outcome document of the 1990 Paris conference ties concerns about marginalization to international perceptions about Africa:

Perceptions on political instability are perhaps the greatest impediments to FDI in Africa. ... To a large measure, the present level of FDI in Africa is also a reflection of certain negative, but not necessarily correct perceptions of Africa by potential investors ... it should be emphasized that the pervasive negative perception of Africa seems to have

⁸ Machungo 2000, page 4

eclipsed, considerably, foreign direct investment opportunities in Africa. The negative perceptions Western investors tend to have concerning Africa as a whole combine to create a rather unpromising situation. African Governments should therefore combat these negative perceptions concerning the overall investment climate on the continent. This may have to be done at the level of individual countries, the OAU and international organizations.”⁹

Domestic protest and civil society movements

The economic crisis left African states with major revenue shortages, balance of payment problems and mountains of debt to service.¹⁰ The associated inability of these states to meet their domestic commitments—including the provision of public services and the maintenance of public works, administration, and infrastructure—“thoroughly undermined...their legitimacy and efficacy.”¹¹ The implementation of structural adjustment programs’ austerity measures further reduced public sector employment and public services, including education, health, and security services. Without adequate “distributive resources,” African leaders found themselves increasingly unable to “maintain control of clientelist networks” and sustain acquiescence from the masses, whose living conditions had seriously worsened.¹² Superpower disengagement from the continent and weakening ties between France and Francophone states left certain regimes with even fewer relative resources.

As Michael Bratton and Nicolas van de Walle detail in their book, in the late 1980s and early 1990s, an unprecedented wave of popular economic protest swept the continent. These protests followed a common pattern, beginning with student demonstrations and then incorporating more sectors of society and becoming increasingly

⁹ African Leadership Forum 1990, 8, 22

¹⁰ Dharam and Hewitt de Alcantara 1990, 26.

¹¹ Dharam and Hewitt de Alcantara 1990, 28.

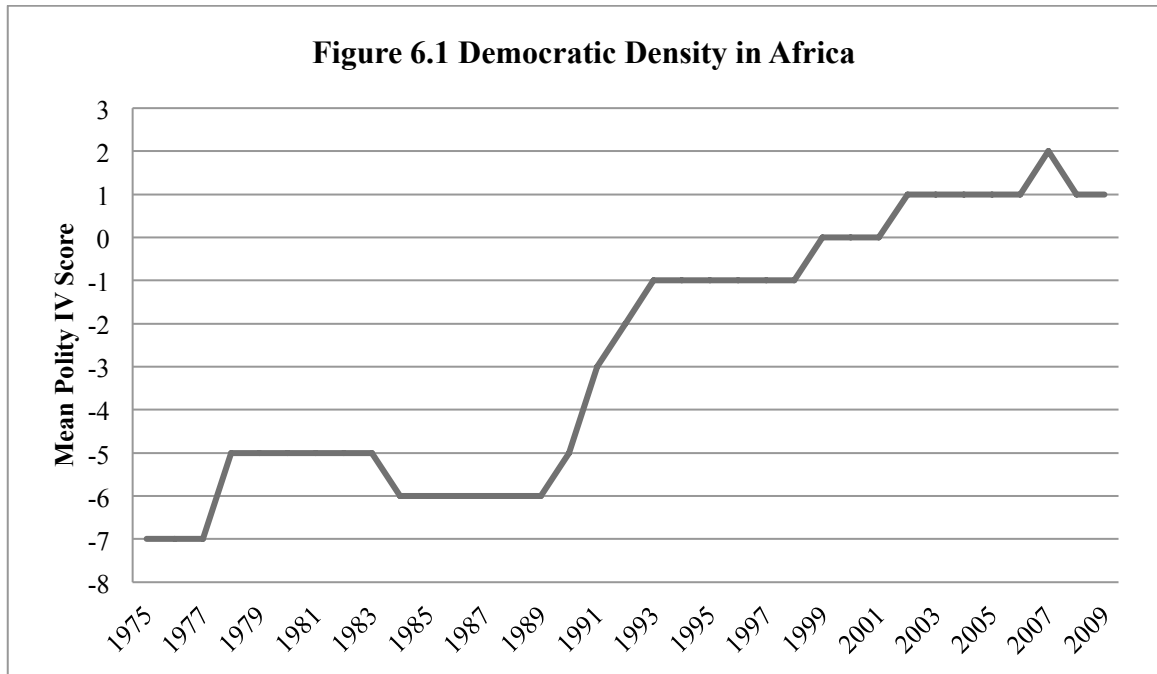
¹² Bratton and van de Walle 1997, 100.

politicized. Coalitions formed between urban groups. In countries with strong labor unions, general strikes were enforced. Governments initially responded with either repression or minor concessions. This was ineffective. “Spurred by deepening economic distress and reacting against heavy-handed government tactics, protesters began to insist on political change. For the first time, narrow economic interests were superseded by widespread calls for the ejection of national leaders and the reintroduction of plural politics.”¹³ Protest took aim at the one-party state, and African governments responded to this escalation with liberalizing reforms, including the introduction of civil liberties, to “palliate the need for real democratization.” According to the authors, violating human rights had become more costly at this time because of the international and regional normative context—evidenced by the widespread ratification of the African Charter on Human and Peoples’ Rights—and the associated increase in attention paid to violations.¹⁴

In many countries, the liberalization trend was followed by constitutional reforms, and then the announcement of multiparty elections. Despite the trend of holding multiparty elections, though, democratization in Africa proved incomplete and reversible. Just as many incumbents survived these elections as didn’t, and many candidates were drawn from the same social and political milieu as those in power. As Figure 6.1 shows, average democracy scores increased in Africa after 1989, but they plateaued in the 0-2 range on the Polity IV scale (on the border of ‘closed anocracy’ and ‘open anocracy’) by the late 1990s. Today, Africa is populated by a mix of closed and open anocracies as well as some democracies in the 6-9 range.

¹³ Bratton and van de Walle 1997, 104.

¹⁴ Bratton and van de Walle 1997, 108-109.



Source: Center for Systemic Peace¹⁵

In parallel to these domestic protests, national and transnational African NGOs were working to influence the OAU and sub-regional organizations to become more ‘people-centered’ (open themselves to civil society participation) and to promote democracy, human rights and security through regional mechanisms. One non-governmental organization—unusual in that it was founded by a former head of state and included civil society, regional bureaucrat, and state actor participation—was the African Leadership Forum. In collaboration with the OAU and ECA Secretariats, the African Leadership Forum organized the Kampala Forum of 1991, bringing together over 500 participants including representatives of NGOs, inter-governmental organizations, and OAU member states, and producing the Kampala Document, a framework for the regional promotion and protection of democracy, human rights, security, and

¹⁵ Data accessed at <http://www.systemicpeace.org/inscrdata.html>

development. Although the OAU did not adopt the Kampala Document, many of its central ideas were reflected in declarations that were adopted. A couple years later, regional civil society groups in West Africa were successful in getting ECOWAS member states to include provisions for civil society participation—to allow regional groups to “observe public meetings, make presentations, and circulate documents”—in the 1993 treaty that replaced the organization’s 1975 founding charter.¹⁶

Governments in Africa were more vulnerable to domestic and transnational pressure at this time because of their economic problems, and supporting regional democracy-, human rights-, and peace-promotion was one way to legitimate themselves to domestic audiences (in addition to international audiences). The 1990 Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World, which, as I argue below, marked an important turning point in the process of regional normative reform, calls on the OAU Secretary General, in its final paragraph to “to ensure the widest possible dissemination of this Declaration and to sensitize African public opinion and the international community on its content,”¹⁷ suggesting that the adoption of the declaration was in part a legitimization strategy.

The regional reform campaign

Beginning in 1989, the heads of three African organizations—the African Leadership Forum, the OAU, and the ECA—campaigned to reform the continent’s regional norms and institutions through their various platforms and in collaboration with one another. They appealed for changes to sovereignty norms in Africa and for the development of

¹⁶ Alter et al 2013, 743-745.

¹⁷ OAU 1990b.

regional institutions mandated to manage domestic-level governance and security problems. They framed these appeals as a response to economic crisis and international marginalization, drawing on the emerging regional policy discourses discussed in Chapter 5 and pan-African transnationalism to make their case. The framing of the campaign—how proponents attempted to convince other policy relevant actors—is important, because it clues us into shared values and understandings of the African regional community. Martha Finnemore has argued that justification “speaks directly to normative context,” because when states justify their actions “they are drawing on and articulating shared values and expectations held by other decision makers and other publics...”¹⁸ The framing of the reform campaign was, in a way, a justification for a proposal, and as such, reveals something about the content of social structures.

First, as noted above, former Nigerian president Olusegun Obasanjo launched the African Leadership Forum in 1988. Obasanjo had been the military ruler of Nigeria from 1976 to 1979 when he became the first Nigerian military head of state to hand over power to a civilian government. Civilian rule didn’t last long in Nigeria, though, and a series of military regimes ruled from 1983 to 1999, during which time Obasanjo was active in regional politics and served in various United Nations positions. During the Abacha regime (1993-1998), Obasanjo criticized the government for human rights violations and was imprisoned in 1995 for allegedly participating in a coup attempt. In 1999, he won the presidency in a democratic election and held office until 2007.

The African Leadership Forum’s 1988 inaugural program in Ota (Nigeria) was titled “For Improving the Economic and Social Situation in Africa.” Obasanjo proposed the Forum to be a series of meetings, the purpose of which was “to enhance the

¹⁸ Finnemore 1996, 159.

knowledge and awareness of current and young, potential African leaders, placing special emphasis on diagnosing apparent failures of the past; on understanding multiple dimensions and complex interrelations of local, national, regional and global problems, and on seeking possible approaches to solutions.”¹⁹

The African Leadership Forum continued to convene conferences of state and non-state actors; these meetings were framed as opportunities for interested parties to consider and debate strategies for responding to the new post-Cold War global environment in light of Africa’s dire *economic* situation. African Leadership Forum conferences provided a platform for some of the first prominent examples of explicit calls for a redefinition of sovereignty in Africa and for the development of intrusive regional institutions.²⁰ For example, in a speech at one of these conferences, Obasanjo remarked:

An urgent aspect of security need is a re-definition of the concept of security and sovereignty. For instance, we must ask why does sovereignty seem to confer absolute immunity on any government who commits genocide and monumental crimes of destruction and elimination of a particular section of its population for political, religious, cultural or social reasons? ... We need a regional security based on common and collective security rather than one-sided national security... Our regional organization... must have effective conflict prevention and conflict resolution capability, including mediation, peace-making, peace-keeping and reconciliation.²¹

Ugandan President Museveni’s speech at the same forum echoed these sentiments:

Internal wars have taken a heavy toll in Africa in the last thirty years; serious abuses of human rights have accompanied these wars; but because they were internal affairs, the OAU is helpless. ... If the European countries can surrender some of their sovereignty for further development, African states can similarly surrender some sovereignty for greater security, both at the intra and inter-state levels...²²

¹⁹ African Leadership Forum 1988, 51.

²⁰ Obasanjo and Mosha 1993.

²¹ Obasanjo and Mosha 1993, 260-61.

²² Obasanjo and Mosha 1993, 266.

The most well-known conference of the African Leadership Forum series was the 1991 Kampala Forum that produced the Kampala Document (mentioned above), whose central theme is holistic problem-solving, makes the case that “the serious and multifarious problems which are crippling Africa’s *economic* survival and progress” require collective responses at the regional level.²³ It establishes behavioral standards for African governments based on a “common humanity” and calls for regional mechanisms to manage intrastate conflict. The document also stresses the themes of human-centrism and popular participation in development, and it articulates an expansive definition of security in line with what would come to be termed ‘human security.’²⁴ The Kampala initiative received support from the OAU and ECA secretariats.

The second major player in the reform campaign was the OAU Secretariat. The newly appointed Secretary General Salim Ahmed Salim (1989-2001) both actively supported the African Leadership Forum and carried out similar efforts within the OAU itself, promoting an African redefinition of sovereignty and related reforms of the OAU in order to make it more effective in managing intrastate conflict and political crises as well as promoting human rights and good governance, all with the economic crisis and Africa’s place in the world in mind. Secretary Salim’s career has spanned a wide variety of diplomatic and other governmental positions in Tanzania (including Prime Minister, 1984-1985), in the United Nations, and in African institutions (including African Union Special Envoy to the Darfur Conflict 2004-2008).²⁵

In his 1990 New Year’s message, Salim taps into the theme of holistic problem-solving, making an explicit connection between insecurity and underdevelopment—he

²³ Obasanjo and Mosha 1993, 310 (emphasis mine).

²⁴ Hussien 2011, 218.

²⁵ United Nations 2002.

refers to the “huge losses in material and human terms” caused by internal conflicts, which “further deprive the continent of the previous energies and resources which should be used in the socio-economic upliftment which is sorely needed by the peoples of Africa”—and dedicating the OAU to contribute to conflict resolution.²⁶

That same year, Salim presented a critical report to the OAU Assembly titled “Fundamental Changes Taking Place in the World and Their Implications for Africa: Proposals For an African Response.”²⁷ In it he expressed the same concerns as those of the African Leadership Forum’s 1990 Paris conference participants, including, for example: the loss of the Soviet Union and Eastern Bloc countries as “traditional partners” for African states; the diversion of resources—especially foreign direct investment—from Africa to Eastern Europe; potential price competition between Africa and Eastern Europe for Western European markets; and the global trend toward the establishment of trading and economic blocs—especially the planned Single European Market for 1992—and associated trade diversion from Africa.

Salim’s report went on to draw attention to the problem of intrastate conflict and the OAU’s inability to manage it, due to the “lack of legal mechanisms.” He proposed a more active role for the OAU in conflict prevention, management and resolution supported by a reinterpretation of the non-interference principle.²⁸ While the report mainly concerns the threat of *economic marginalization*, it forcefully promotes regional conflict management:

The necessity to speedily bring to a halt all the fratricidal conflicts, to establish peace and to harness available resources to build an enabling environment for development remains an inescapable duty of African governments. The problem of conflict resolution within

²⁶ OAU 1989, 4.

²⁷ OAU 1990a.

²⁸ OAU 1990a, 4, 14-15.

the framework of the OAU deserves a lot more consideration than ever before. To this end, member states should recommit themselves to peaceful resolution of all conflicts, internal or interstate, within the spirit of African solidarity and brotherhood and enable to Organization to play a more active role in conflict prevention, management and resolution...[t]he principle of non-interference...should...not be construed to mean or used to justify indifference on the part of the OAU.²⁹

The third principal voice of the reform campaign was the ECA Secretary General, Adebayo Adedeji. In February 1990, the ECA convened the International Conference on Popular Participation in the Recovery and Development Process, producing the African Charter for Popular Participation in Development and Transformation. The Charter, which newly appointed OAU Secretary General Salim helped develop,³⁰ emphasizes the increasing seriousness of the marginalization problem, noting that “This Conference has taken place during a period when the world continues to witness tumultuous changes in Eastern Europe,” and “...given the current world political and economic situation, Africa is becoming further marginalized in world affairs, both geopolitically and economically.”³¹ The Charter stresses holistic problem-solving and popular participation in development, asserting that “We are united in our conviction that the crisis currently engulfing Africa is not only an economic crisis but also a human, legal, political and social crisis...At the same time the political context of socio-economic development has been characterized, in many instances, by an over-centralization of power and impediments to the effective participation of the overwhelming majority of the people in social, political, and economic development.”³²

²⁹ OAU 1990a, 14-15.

³⁰ Legler and Tiekou 2010, 469.

³¹ OAU 1990c.

³² OAU 1990c.

As some examples have already suggested, the economic crisis (and related concerns) principally drove the reform campaign, the framing of which drew heavily on policy discourses that emerged from policy processes responding to the so-called Lost Decade of the 1980s and to the imposition of structural adjustment programs on African economies. What is also clear is that Africa's collective image or reputation constituted a major concern, and reform of regional institutions was pitched as a solution. Obasanjo's speech at the 1991 Kampala conference reflected these concerns. He argued that "The image of Africa portrayed by the outside media is one of endless disasters, diseases, senseless wars, corruption and mismanagement. It is essentially the image we presented. Our situation is now treated more by silence and neglect than by effective response... We have to project positive thinking and a positive image of Africa." He followed these words with a discussion of the urgent need for a redefinition of security and state sovereignty (quoted above).³³

The regional reform campaign was also framed as a pan-African transnationalist project. As Bjorn Moller puts it, pan-Africanism remains a "Foucauldian 'regime of truth'" that compels African states "into a symbolic competition with each other, each trying to surpass the others in terms of pan-African credentials and necessitating a framing of political objectives ... as incremental steps towards the pan-African ideal."³⁴ Writing in support of the creation of an intra-state conflict management mechanism, OAU Secretary General Salim wrote in his June 1992 OAU Report of the Secretary General on Conflicts in Africa that "Given that every African is his brother's keeper, and that our borders are at best artificial, we in Africa need to use our own cultural and social

³³ Obasanjo and Mosha 1993, 260.

³⁴ Moller 2009, 5.

relationships to interpret the principle of non-intervention in such a way that we are able to apply it to our advantage in conflict prevention and resolution.”³⁵

In his speech at the 1991 African Leadership Forum conference in Kampala, in which he calls for normative reform in Africa, former Tanzanian President Julius Nyerere made explicit reference to the 1963 OAU summit and the historical “mistake” of making it an organization of states instead of African peoples:

When we met in Addis Ababa in 1963 to establish the [OAU], I think we made a mistake... We were, all of us who met there, leaders of political organizations. Already a coup had taken place in Togo; and you may want to know that is one of the explanations of the strict rule of non-interference ... But as I say, we were all political leaders who met there, but unlike the founders of the [UN], we did not say ‘we the peoples of Africa.’ ... [W]e made it an organization of independent states, not an organization of peoples of Africa...”³⁶

At the same venue, President Museveni of Uganda referred to the idea of continental security mechanism (something once championed by radical pan-Africanists) as one that had “unfortunately, remained as mere dream.” He followed this by stating that “It was understandable that at the time the charter of the [OAU] was written, the newly independent states guarded their newly one sovereignty jealously. Sovereignty became a sacred cow and many crimes have been committed in its name.”³⁷ In his Kampala speech, Adedeji also tied the goal of sovereignty ceding to a return to pan-Africanism: “But above all, the solidarity and spirit of Pan-Africanism, which made the struggle for the independence of one country the struggle of all countries in Africa, would have been recaptured, and we can then all see in the need for economic development, co-operation

³⁵ Quoted in Martin 2002, 238.

³⁶ Obasanjo and Mosha 1993, 254-55.

³⁷ Obasanjo and Mosha 1993, 265-66.

and integration of Africa a common cause for action.”³⁸ For his part, OAU General Secretary Salim Ahmed Salim called upon Africa to “revisit the past and rekindle the spirit of Pan-Africanism of the 1950s.”³⁹

Results of the reform campaign

The African Leadership Forum presented the Kampala Document to the OAU General Assembly and hoped that it would be integrated into OAU frameworks, but it was considered many times without adoption. The OAU did, however, adopt other declarations reflecting the ideas of the Kampala Movement. At its June 1990 summit, the OAU Heads of States and Government endorsed the ECA’s African Charter for Popular Participation in Development and Transformation,⁴⁰ which identifies national political reforms to be undertaken in order to achieve sustainable economic development, including greater freedoms of association and expression and other rights; greater “political accountability of leadership at all levels measured by the use of checks and balances”; greater “representation of the people and their organizations in national bodies”; et cetera. Although it did not establish any enforcement mechanisms, it did affirm a role for the regional community in promoting these goals and proposed (but, again, did not establish) regional monitoring mechanisms.⁴¹ According to Thomas Legler and Thomas Kwasi Tiekou, this Charter is notable for “introduc[ing] the language of democracy promotion into African multilateralism.”⁴² Adebayo Adedeji identifies the

³⁸ Obasanjo and Mosha 1993, 300.

³⁹ Obasanjo and Mosha 1993, 353.

⁴⁰ Bakwesegha 1998.

⁴¹ OAU 1990c.

⁴² Legler and Tiekou 2010, 469.

Charter's endorsement as the first "explicit recognition" by the African regional community that the continent's economic crisis has political origins.⁴³

At the 1990 summit, the heads of state also adopted the Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World,⁴⁴ directly responding to Secretary General's critical report published earlier that year. This declaration affirmed that the troubling concerns outlined by Salim "constitute major factors which should guide Africa's collective thinking about the challenges and options before her in the 1990s in view of the real threat of marginalization on the continent." The document focused on the precarious nature of Africa's "socio-economic situation," but then linked this to domestic governance and security problems. It was the first Assembly declaration to make an explicit connection between economic development and intrastate conflict management, concluding that "it is only through the creation of stable conditions" that Africa can achieve development, and vowing to "work together towards the peaceful and speedy resolution of all the conflicts on our continent."⁴⁵

According to former Nigerian Ambassador Sam Ibok, the 1990 Declaration "marked a decisive turning point for us in Africa" because the OAU for the first time recognized that internal conflicts demanded "a more dynamic approach, given the African preoccupations with concepts such as sovereignty and non-interference in the internal affairs of member states, as enshrined in the OAU Charter."⁴⁶ The Declaration "provoked" a debate among African leaders about the relationship among governance,

⁴³ Obasanjo and Mosha 1993, 294.

⁴⁴ OAU 1990b.

⁴⁵ OAU 1990b.

⁴⁶ Ibok 2000, 3.

conflict and economic development, “set the stage for a review of past OAU approaches to conflict resolution,” and brought about an “improved environment, which no doubt facilitated the extensive consultations” carried out between Secretary General Salim and member states about the creation of a permanent conflict management mechanism (established in 1993).⁴⁷ In a 1993 address, Salim echoed the importance of the 1990 Declaration as a critical juncture leading up to the establishment of the conflict mechanism, stating that the former’s adoption reflected and facilitated a “fundamental transformation in how our countries view conflicts—those within and among states. There is now a qualitative change of attitude and perception. Increasingly there is agreement that we should not for any reason remain aloof and indifferent to acute human suffering.”⁴⁸

Following the 1990 Declaration, Salim proceeded to consult with member states about operationalizing a regional conflict management role, and in 1992 generated a report providing recommendations for the specifics of a conflict management mechanism. In 1993, the heads of state adopted a declaration formally establishing a permanent Mechanism for Conflict Prevention, Management, and Resolution. This mechanism not only replaced the organization’s defunct Mechanism for Mediation, Arbitration and Conciliation (provided for by the 1963 OAU Charter) but, importantly for the purposes of this investigation, expanded its competences to include intrastate (as well as interstate) conflict.⁴⁹ “Rather remarkably for an organization that hitherto has avoided

⁴⁷ Ibid. 6-7.

⁴⁸ OAU 1993a.

⁴⁹ OAU 1993b.

involvement in internal conflicts, the new OAU Mechanism has a clear mandate to concern itself with such conflicts.”⁵⁰

The 1990-1993 period saw an important rise in regional interference practices: the OAU dispatched its first election observation mission, the African Commission for Human and People’s Rights began publishing country reports, mediation became a prominent tool of the OAU, two OAU military missions were deployed, and ECOWAS took on a security function for the first time, intervening militarily in the Liberian civil war. This trend in practices—along with their legalization—accelerated over the course of the decade.

OAU Missions

First, the OAU did not monitor member state elections during the Cold War period. As the former Head of the OAU Conflict Management Division has written, “It must be emphasized that prior to 1990, nobody ever imagined that any member State of the OAU would ever invite the OAU Secretary General to send a team of people to observe elections in a *sovereign state*.”⁵¹ Although some diplomats involved in the OAU’s dispatch of a small observation mission to the 1991 Zambian elections expressed strong reservations about what they understood to be a violation of non-interference, the move set a precedent for routine election monitoring missions on the continent throughout the 1990s.⁵² Zambia held these elections in 1991 in response to popular protests.⁵³ Pressure from the donor community was also a factor here—with the end of the Cold War, it was

⁵⁰ Martin 2002, 197.

⁵¹ Bakwesegha 1995, cited in Berman and Sams 2000, 57.

⁵² Garber 1993, 55-6.

⁵³ Bratton and van de Walle 1997, 104-114.

more important for states seeking development assistance to “show willingness to observe human rights...and hold genuinely competitive elections.”⁵⁴ Donor pressure also factored into the decision to permit regional and international observation teams to monitor electoral processes. “African governments initially displayed extreme reluctance to accept this innovation, but usually relented in the end, often in an effort to align themselves with donor preferences.”⁵⁵

In Chapter 2 I make the case that the non-interference norm constrained mediation activities during the Cold War period but that regional mediation activity (in response to African domestic crises) increased several-fold in the 1990s. While only two crisis-level internal disputes elicited mediation from regional actors in the 1980s (out of 43 such disputes), 19 out of 52 disputes elicited mediation from regional actors in the 1990s. This trend took off in the early 1990s; regional actors responded to eight crises with mediation in the years 1990-1993, some multiple times. Furthermore, regional actors responded to six crises with military deployment during the decade, and three of these took place in the 1990-1993 period. Two were OAU deployments, one to Rwanda (established in 1991) and one to Burundi (established in 1993). I present an overview of these two here.

In the Rwandan case, Secretary Salim “seized upon” the Rwandan Patriotic Front’s rebellion in 1990 “as an important test case by which to test the preparedness of Organization to embark on a new, more interventionist path.”⁵⁶ The rebel group entered Rwanda from across the border in Uganda, resulting in an outbreak of conflict and

⁵⁴ Bratton and van de Walle 1997, 136.

⁵⁵ Bratton and van de Walle 1997, 201. Footnote 14: “In addition to providing support for voter registration and electoral administration, the United Nations or Western donor consortia commonly underwrote the full costs of international and domestic election-monitoring efforts.”

⁵⁶ Berman and Sams 2000, 58.

population displacement as the conflict spread.⁵⁷ Salim held meetings with the Tutsi-led rebels and the Hutu government, as well as regional leaders, producing a 1991 agreement providing for the deployment of a Military Observer Team. Burundi, Uganda, and Zaire (now the Democratic Republic of the Congo) agreed to provide troops, but, because Rwanda perceived these countries to be biased, another agreement was brokered later that year for a different observer group (the Neutral Military Observer Group), this time constituted by troops from Mali, Nigeria, Senegal and Zimbabwe. This peacekeeping force monitored a four-kilometer neutral zone and reported violations by both sides of a 1992 ceasefire agreement. Salim arranged for an expanded Neutral Military Observer Group II in 1992, but, because of its limited capacity, this mission was integrated into the United Nations Assistance Mission for Rwanda in 1993. Throughout the 1990-1993 period, the OAU and individual African states (Zaire and Tanzania) were actively engaged in the peace process as mediators.⁵⁸ In the wake of the 1994 genocide in that country, the OAU commissioned an investigation of the events leading up to it, and the resulting 296-page report places particular blame on the United Nations Security Council for being able but unwilling to prevent the atrocities.⁵⁹

In 1993, civil war broke out in neighboring Burundi following the first multiparty elections in thirty years and the subsequent assassination of the newly elected Hutu president by Tutsi extremists. Seeing the missions to Rwanda as constituting a “useful precedent,” the OAU decided to send a peacekeeping mission—the Observer Mission in Burundi. It was approved under the organization’s new Mechanism for Conflict Prevention, Management and Resolution, but it encountered an obstacle in the

⁵⁷ Mays 2010, 166.

⁵⁸ DADM Rwanda narrative (see Chapter 2).

⁵⁹ International Panel of Eminent Personalities 2000.

government of Burundi, as the Burundian military was strongly opposed to the deployment.⁶⁰ The OAU was able to negotiate for Burundi's consent, but for a considerably smaller force than was originally planned. Tunisia commanded this force (deployed in 1994), which was composed of observers from Burkina Faso, Cameroon, Guinea, Mali, Niger and Tunisia. It was withdrawn in 1996 following a coup d'état. Seven countries (Tanzania, Uganda, Ethiopia, Congo-Kinshasa, Kenya, Rwanda, and Zambia) imposed economic and military sanctions against the government in response to the coup, and individual African leaders remained active in mediation roles.⁶¹

ECOWAS Missions

In 1990, one of the continent's regional economic communities, ECOWAS, took on a security function for the first time and intervened militarily in a member state, Liberia, in response to its civil war. The creation and deployment of the ECOWAS Monitoring Group was indicative of, and probably helped to push forward, the shift away from strict adherence to non-interference in Africa. ECOWAS was formed in 1975 to promote economic integration, and its founding treaty contained no security-related provisions. Its 1978 Protocol on Non-Aggression introduced security issues to the grouping, and its 1981 Protocol Related to Mutual Assistance on Defense provided for the creation of a security framework including a joint standby force (to respond to inter-state conflict), but this architecture was not in fact established, and the defense protocol wasn't invoked until the 1990 Liberian situation.⁶²

⁶⁰ Berman and Sams 2000, 69. See also Rodt 2011, 7-8.

⁶¹ DADM Burundi narrative (see Chapter 2).

⁶² Berman and Sams 2000, 78-83.

The 1990 deployment to Liberia was an “improvised response” and had no basis in ECOWAS law—since the civil war was an internal conflict—but the 1981 defense protocol was nonetheless referenced in the decision to deploy. Although it was illegal, “humanitarian imperative and concerns about the war’s destabilizing effects” on the region motivated the grouping, led by Nigeria (the clear sub-regional hegemon), to carry out the intervention.⁶³ The ECOWAS Monitoring Group intervened several months after a rebel group—the National Patriotic Front of Liberia—first launched its offensive against the government, but the intervention did not work to prop up that government but rather facilitated the installation of the Interim Government of National Unity. Since the Interim Government “laid claim to power when [the president] and the rump of his government still occupied the presidential mansion,” the ECOWAS Monitoring Group was essentially allied with one rebel faction in its effort to counter another rebel faction.⁶⁴ The ECOWAS decision to create and deploy a force to Liberia garnered it praise from other African states and from then-OAU Secretary General Salim.⁶⁵ Many pointed to ECOWAS as an example for other sub-regional groupings and for the OAU itself to take on new functions. For example, in his 1991 speech at the African Leadership Forum’s Kampala Forum (which he hosted), Ugandan President Museveni pointed to the ECOWAS mission as a sign of progress towards regional solutions to domestic security problems:

Already we have made an impressive beginning. The regional economic organizations are making some progress. ECOWAS has gone a step further by trying to take in stride the tragedy that struck a member country, Liberia, through its [Monitoring Group]. The

⁶³ Berman and Sams 2000, 83-84.

⁶⁴ Kufuor 2002, 387.

⁶⁵ OAU 1991.

ECOWAS experiment could indeed be emulated...[and] should be congratulated for having prevented a bad situation from getting worse.⁶⁶

According to Karen Alter et al, “Subsequent military missions to quell civil wars and armed conflicts in Sierra Leone in 1997, Guinea Bissau in 1999, and Cote d’Ivoire and Liberia in 2003 increased the political salience of security and humanitarian activities in ECOWAS,” contributing to the adoption of the 1999 Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security. This protocol authorizes ECOWAS to intervene in the event of mass atrocities without the consent of a member state.⁶⁷

Further Institutional Development in the Late 1990s and Early 2000s

In the late 1990s, some important regional institutional developments occurred that accelerated the process of normative change presented above. These include the establishment of an OAU anti-coup regime, the replacement of the OAU with the more intrusive African Union, and the adoption of a protocol providing for a regional human rights court (and later the establishment of this court as well as sub-regional human rights courts). These developments should be seen as part of a continuation of earlier developments, promoted by some of the same key players (e.g. Obasanjo and Salim) and similarly framed as part of a strategy to address economic underdevelopment and international national marginalization, drawing upon pan-Africanist transnationalism and emerging human-centered and holistic policy discourses.

These developments also reflect some important changes on the continent,

⁶⁶ Obasanjo and Mosha 1993, 269.

⁶⁷ Alter et al 2013, 744.

including gradual political liberalization (see Figure 6.1), which opened space for civil society organizing (e.g. to push for regional human rights courts), and the democratization of a powerful state with leadership aspirations, South Africa. Post-apartheid South Africa, as a new democracy, has been a strong proponent of intrusive liberal regionalism, for the reasons discussed in Chapter 1.

Obasanjo returns to regional politics

After becoming a prominent civil society leader in the 1980s and early 1990s (as discussed above), Obasanjo was imprisoned during the dictatorship of Sani Abacha (1993-1998) for his criticism of the regime's human rights abuses and for his alleged participation in an attempted coup. Abacha's death in 1998 led to Obasanjo's release. He ran for president in the 1999 elections—the first held in sixteen years—and scored a decisive victory. Drawing directly on the work of the African Leadership Forum from the late 1980s and early 1990s, Obasanjo pushed for the further development of intrusive regional institutions on the continent to promote democracy, human rights, peace, and development. In addition to carrying forth his policies priorities from the Kampala Movement, Obasanjo also wanted to see reforms at the OAU that would “make it the primary institution for resolving conflicts in Africa,” since ECOWAS—and therefore Nigeria—had become burdened by its peacekeeping role in West Africa.⁶⁸

Post-apartheid South African foreign policy

When Nelson Mandela took office in 1994, ending decades of apartheid and minority rule in South Africa, his administration immediately worked to reorient South African foreign

⁶⁸ Tiekou 2004, 260.

policy, seeking to reintegrate the former pariah state into international and African society and end its isolation. Mandela was quick to establish democracy and human rights as central pillars of this new foreign policy, along with neoliberal economics. Regional democracy promotion was, for the new South Africa, a way to both enhance its own democratic image on the world stage (a new source of soft power) and to work toward a more democratic continent. The international image of Africa as populated by repressive and non-democratic regimes, the Mandela administration reasoned, contributed to the continent's economic marginalization, and this hurt South Africa's economy. According to Peter Vale and Sipho Maseko's 1998 assessment, "In a globalizing world, the need for Africa to shed its Hobbesian image remains pressing. The success of a negotiated political settlement followed by the democratic election of a black-led government has seen an African country, South Africa, elevated to an unprecedented status in the eyes of the world's powerful."⁶⁹

Mandela reasoned that, as South Africa was "one of the most isolated states on earth," recovery would require "developing those policies which will be necessary to take South Africa into the new world order as a responsible global citizen."⁷⁰ As an African nation, its position was especially precarious in the post-Cold War period, since international attention to Eastern Europe "increased Africa's marginalization and

⁶⁹ Vale and Maseko 1998, 286. They also write: There was, however, another—almost omnipresent—pressure upon South Africa to engage with the continent: this has been exerted by the international community. The 1990s opened with some international optimism over the prospects of a third wave of democracy in Africa, but this was quickly dissipated after the debacle in Somalia and the genocide in Rwanda. In addition, there seemed no prospect, outside of South Africa, of linking the continent with the rapidly developing economies of the world...Amid deepening Afro-pessimism South African commentators went to some lengths to remind the government that Mandela had promised that 'South Africa...[could not]...escape its African destiny' (273).

⁷⁰ Mandela 1993, 86-87.

weakened the continent's economic position.”⁷¹ He identified human rights, democracy, international law, peace, pan-Africanism, and development based on “regional and international economic cooperation in an interdependent world” as the pillars of his foreign policy,⁷² and particularly emphasized human rights.⁷³ Tying the history of domestic politics in South Africa and the values of the African National Congress to international politics and the new South African foreign policy, he declared that because “the anti-apartheid campaign was the most important human rights crusade of the post-World War II era,” it follows that “South Africa will not be indifferent to the rights of others.”⁷⁴ Further tying the South African struggle to global struggles, he explained that, since “Only true democracy can guarantee rights,” the African National Congress took up arms in order to bring democracy and therefore rights to the people of South Africa. “We have always embraced the cry for democracy across the world and South Africa will therefore be at the forefront of global efforts to promote and foster democratic systems of government.”⁷⁵ Mandela’s foreign minister echoed this connection between the history of apartheid and the new South Africa’s foreign policy in a speech delivered to a 1994 meeting of the Non-Aligned Movement, saying “human rights are the cornerstone of our government policy and we shall not hesitate to carry the message to the far corners of the world. We have suffered too much ourselves not to do so.”⁷⁶

In a 1994 address to the U.S. Congress, Mandela picked up on themes from the early 1990s African reform campaign, stating “in an age such as this...much revision will

⁷¹ Mandela 1993, 90.

⁷² Mandela 1993, 87.

⁷³ Mandela 1993, 97. “South Africa's future foreign relations will be based on our belief that human rights should be the core concern of international relations, and we are ready to play a role in fostering peace and prosperity in the world we share with the community of nations.”

⁷⁴ Mandela 1993, 88.

⁷⁵ Mandela 1993, 88.

⁷⁶ Quoted in Landsberg 2000, 108.

have to be done of ideas that have seemed as stable as the rocks, including such concepts as sovereignty and national interest.”⁷⁷ Mandela also stressed pan-Africanism in pronouncements of foreign policy, declaring in his famous “Because I Am African” speech that “In forging links with our neighbors, the [African National Congress] will draw on an African tradition, of which we are a part, of promoting greater continental unity.”⁷⁸

This was not just talk. Mandela indeed became an outspoken critic of fellow African leaders for their undemocratic and repressive practices.⁷⁹ And, following an August 1994 military coup in neighboring Lesotho that toppled a democratically elected government, Mandela spearheaded mediation efforts and threatened economic sanctions against the de facto regime. Meanwhile, the South African military engaged in exercises along the Lesotho border meant to communicate the threat of military intervention. These initiatives resulted in the reinstatement of the deposed leader.⁸⁰

Mandela was succeeded in 1999 by his vice president, Thabo Mbeki, who carried forward Mandela’s liberal internationalism—with a stated long-term objective of creating an Africa “characterised by the establishment of democratic systems in all our countries”⁸¹—in an effort to develop South Africa’s democratic image and to work against the continent’s negative international image, ultimately with the aim to attract investment to South Africa (and Africa more broadly). Because the African continent’s

⁷⁷ Quoted in Crawford 1995, 96.

⁷⁸ Crawford 1995, 97.

⁷⁹ For example, Mandela publicly criticized the Nigerian government’s persecution of the Ogoni people—an ethnic minority whose land in the Niger Delta has suffered extreme environmental damage due to oil extraction—and especially the killing of Ogonia activist Ken Saro-Wiwa. He went so far as to call for an international boycott against the Abacha regime, despite a general lack of support from other African leaders. Vale and Maseko 1998, 272.

⁸⁰ Crawford 1995, 99.

⁸¹ Quoted in Landsberg 2000, 117.

international reputation regarding the protection of rights—including property rights—was “tainted,” the ruling party in South Africa was motivated to seek out ways to improve this collective image.⁸² Early on in his term, Mbeki vehemently criticized one-party and personal rule on the continent, even encouraging citizens of African countries to “resist all tyranny,” because “[i]n Africa, the people must govern.”⁸³

In July 1998, Mbeki introduced his idea for an ‘African Renaissance’ initiative to a gathering of African leaders. Broadly speaking, the African Renaissance is about the revitalization of African polities and economies.⁸⁴ The doctrine shares much with the African Leadership Forum’s Kampala Document (1991)—it is, according to the South African Foreign Affairs Department, a “holistic vision...aimed at promoting peace, prosperity, democracy, sustainable development, progressive leadership and good governance.”⁸⁵ It is furthermore a manifestation of the leader’s “grand design to re-invent South Africa as a global trading state with strong regional and continental interests,” thereby translating South Africa’s “international profile” into “tangible material pay-offs.”⁸⁶ Just because there are strong material incentives for promoting peace, democracy, and human rights on the continent doesn’t mean these leaders aren’t also promoting these things for their own sake. These are not mutually exclusive motivations. One South Africa analyst with ties to the South African regime reportedly stated in the late 1990s that Mbeki “takes Africa seriously and he is emotionally and intellectually committed to prove Afro-pessimism wrong.”⁸⁷

⁸² Tiekou 2004, 253.

⁸³ Quoted in Landsberg 2000, 108.

⁸⁴ Landsberg 2000, 118.

⁸⁵ Quoted in Tiekou 2004, 255.

⁸⁶ Evans 1999, 627. Evans also writes that South Africa seeks to project an “image as a responsible and reliable leading player in the politics of the global South” (628).

⁸⁷ Quoted in Vale and Maseko 1998, 285.

The anti-coup regime

In line with the policy objectives outlined above, South Africa was a lead proponent, in collaboration with OAU General Secretary Salim, of regional mechanisms to respond to unconstitutional changes in government. These efforts resulted in regional law outlined in Chapter 2, including a May 1997 decision of the Council of Ministers ('Harare Decision') condemning a coup d'état in Sierra Leone and calling on the international community to refuse diplomatic recognition to the de facto regime,⁸⁸ a July 2000 declaration of the Heads of State and Government ('Lome Declaration') which generalized and expanded the Harare move by outlining anti-coup interference mechanisms including OAU membership suspension, nonrecognition of the de facto government, fact-finding missions, targeted sanctions, and multilateral mediation efforts,⁸⁹ and the 2007 African Charter on Democracy, Elections and Governance, which more strongly institutionalized these mechanisms.⁹⁰

The replacement of the OAU with the African Union

The limitations of the current system helped move Africa towards the creation of this new regional body. First, the Rwandan genocide (1994), in which approximately 800,000 people were killed in 100 days, exposed the incapacity of the regional community (as well as the global community, for that matter) to prevent mass atrocity. The OAU was unprepared to manage the conflict, due to limitations related to finances, the OAU's mandate, and willingness of member states to contribute forces. The OAU had set up an

⁸⁸ OAU 1997.

⁸⁹ OAU 2000b.

⁹⁰ African Union 2007.

African Peace Fund in 1993 to facilitate international donations. In July 1995, the OAU heads of state decided to create an Early Warning System on Conflict Situations in Africa, and, in 1996, held a planning seminar for the system.⁹¹ But money wasn't the only issue. By the late 1990s, analysts called for "serious reforms and reorganization" of the OAU, including a revised charter and a strengthened general secretariat,⁹² in order to give regional institutions the tools needed to manage governance and security on the continent.

As noted in Chapter 2, the Constitutive Act of the African Union is innovative in part because it includes a provision mandating the Union to intervene, militarily and non-consensually, in a member state pursuant to grave circumstances like the commission of war crimes, genocide, and crimes against humanity.⁹³ The replacement of the OAU with the African Union also involved the creation of an African Peer Review Mechanism to monitor state practices with respect to governance, and the creation of a Peace and Security architecture with broad competences. The content of the African Union's mandate reflects proposals put forward by Mbeki and Obasanjo, who were more so allied than competing with one another. A rival proposal by Libya's Muammar Gaddafi would have involved greater continental integration, aimed at protecting Africa from outside interference. Both sides promoted their plans as the fulfillment of the vision of the OAU's pan-Africanist founding fathers. Bjorn Moller partially credits Mbeki and Obasanjo's success in "rhetorically outmanoeuvr[ing] the obstinate defenders of the former principles of sovereignty and non-interference such as Libya and its allies" to their ability to frame "their favoured policies in the discursive garments of pan-

⁹¹ Martin 2002, 198.

⁹² Packer and Rukare 2002, 367-369.

⁹³ OAU 2000a.

Africanism, thus ‘out-casablancking the neo-Casablancans.’”⁹⁴ The Casablanca Group was the radical pan-Africanist bloc headed by Kwame Nkrumah in the late 1950s. I disagree that Gaddafi’s plan would have kept sovereignty norms in tact, as I explain below, but it is the case that the Libyan leader’s aim was to prevent the further development of intrusive liberal regionalism.

According to Thomas Kwasi Tiekou, South Africa’s push for a new continental body had been, since Nelson Mandela’s administration, “at the core” of post-apartheid South Africa’s principal goal of “improv[ing] the image of Africa in order to attract foreign investment and make the new South Africa an important global trading nation.”⁹⁵ At the 1999 OAU summit in Algeria, Obasanjo and Mbeki both put forward OAU reform packages based on their similar regional policy platforms, the Kampala Document and the African Renaissance, respectively. Both proposals aimed to broaden the OAU’s mandate and capacity in its promotion of democracy, human rights, and intrastate security, employing a “comprehensive concept of security including ‘human security.’”⁹⁶

At this point, Libya’s Muammar Gaddafi, a long-time opponent of efforts to water down the non-interference norm including the reform campaign of the early 1990s, sensed that Nigeria and South Africa were quickly moving to take control of the OAU agenda. He therefore proposed to host an extraordinary summit in Sirte (Libya) later that year. The summit indeed took place, and Gaddafi introduced his own reform proposal here. Drawing on the legacy of Nkrumah, he used the language of the “United States of Africa” to propose a form of political integration including a continental presidency, a

⁹⁴ Moller 2009, 10.

⁹⁵ Tiekou 2004, 253.

⁹⁶ Moller 2009, 10.

joint military force, and a common African currency.⁹⁷ Gaddafi's proposal indeed drew on Nkrumah's vision (if cynically) and would have implied pooling of sovereignties. It is distinct from the other proposals, however, in its aim to protect African states from certain kinds of interference and rejected liberal internationalism. As Antonia Witt explains, Obasanjo and Mbeki's proposals were in line with a vision of a 'People's Union,' a community of values based on rule of law, popular and transparent governance, democratic leadership, and respect for human rights. Gaddafi's plan was to create a 'Defense Union' to present a common front against neocolonialism. By the late 1990s, then, the debate about sovereignty in Africa had evolved from simply a question of *if* sovereignty should be ceded to the regional community to also include the question of *upon which normative grounds* sovereignty is ceded.⁹⁸

The Constitutive Act of the African Union adopted at the 1999 Sirte summit was a great disappointment to Gaddafi as it enshrined the liberal norms and interventionist priorities of Nigeria and South Africa.

Regional and Sub-Regional Human Rights Courts

As noted in Chapter 5, the adoption of the African Charter on Human and People's Rights—which provided for the creation of the African Commission on Human and People's Rights—in part responded to two decades of calls from the transnational legal community for a regional human rights system. It would take almost two more decades before the adoption of a 1998 Protocol to the African Charter providing for the African Court of Human and People's Rights (African Court), and another decade after that to see

⁹⁷ Tiekou 2004, 261.

⁹⁸ Witt 2013, 29.

the court become functional. African civil society groups were active in pushing for the African court during the 1990s.⁹⁹ The court is mandated to make binding decisions about human rights violations in Africa (see Chapter 2). For example, in 2013, the court ruled that the government of Tanzania had violated the right to free association by banning independent candidates from elections and ordered the government to remedy the violation through legislation.¹⁰⁰

Civil society groups were also active in lobbying for the Community Court of Justice of the Economic Community of West African States (ECOWAS Court—est. 1993) to assume jurisdiction over human rights complaints (in 2005). Karen Alter et al attribute their success to the 1993 Revised Treaty of the Economic Community of West African States, which provided for civil society participation in ECOWAS (mentioned above) and to the 1999 Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security, which “underscored the importance of protecting human rights,” “put regional intervention on a firmer legal footing,” and “contributed to a growing mobilization around human rights in West Africa” (also mentioned above).¹⁰¹ The ECOWAS Court is remarkable in that individuals have standing before it and there is no requirement that they exhaust domestic remedies. In 2008, it ruled that the government of Niger had violated a woman’s rights by not protecting her from being sold into slavery and ordered Niger to compensate her \$19,000.¹⁰²

⁹⁹ Nmehielle 2013, 318

¹⁰⁰ *Tanganyika Law Society and the Legal and Human Rights Centre and Reverend Christopher Mtikila v The United Republic of Tanzania*. Discussed in Nmehielle 2013, 327-328.

¹⁰¹ Alter et al 2013, 744-745.

¹⁰² *Hadijatou Mani Kouraou v. Niger*. Polgreen 2008.

The (Regional) Responsibility to Protect and the 2005 World Summit

International developments related to the emerging doctrine of the Responsibility to Protect (R2P) reveals both Africa's leadership on regional R2P and continued debate among African states about the meaning of sovereignty and security. In general, democratic regimes are more likely to support the idea of sovereignty as responsibility.

As mentioned elsewhere, Article 4(h) of the African Union Constitutive Act can be labeled a Responsibility to Protect (R2P) provision. R2P was first put forward by a Canadian government sponsored commission (International Commission on Intervention and State Sovereignty) in September 2000.¹⁰³ A watered-down¹⁰⁴ version of R2P was subsequently spelled out in the 2005 United Nations World Summit Outcome Document¹⁰⁵ and, after intense debate, this Outcome Document's "protection clause" achieved United Nations endorsement in the form of a Security Council resolution "reaffirming" World Summit R2P provisions in 2006.¹⁰⁶ It was not an easily won victory for R2P advocates and exposed a great deal of disagreement and some firm opponents, but it was a victory nonetheless.¹⁰⁷

In preparation for the 2005 World Summit, the African Union held an Extraordinary Session of the Executive Council of March 2005, in Addis Ababa, Ethiopia, and here produced another document with R2P implications: the "Ezulwini Consensus."¹⁰⁸ In this report, the African Union lays out its position on R2P, which is one of support. Specifically, it calls on the international community to recognize the primary

¹⁰³ International Commission on Intervention and State Sovereignty 2001.

¹⁰⁴ The most important difference between the ICISS version and the 2005 Outcome Document version is that the former leaves open the possibility for intervention *not* authorized by the UNSC while the latter does not.

¹⁰⁵ United Nations General Assembly 2005.

¹⁰⁶ United Nations Security Council 2006.

¹⁰⁷ Bellamy 2010, 145.

¹⁰⁸ African Union 2005.

role that regional organizations can and should play in R2P, to finance these organizations' operations, and to empower organizations like the African Union to take action when the United Nations Security Council is undermining R2P. It proposes that in certain urgent situations it might be necessary to obtain United Nations Security Council approval for military intervention "after the fact."¹⁰⁹

However, African delegates' speeches at the World Summit reveal continued disagreement over issues of sovereignty and security. In Antonia Witt's analysis of debate at the 2005 World Summit, she notes that eighteen African delegates directly addressed the issues of "sovereignty, responsibilities of states, or new notions of security." She argues that these speeches indicate the existence of two "opposing frames"—one that conceives of sovereignty as responsibility and one that conceives of sovereignty as possession. Components of the 'sovereignty as responsibility' frame include "states bear a performative responsibility that constrains sovereignty," "security refers to human well-being," and "responsibility is transferable and consequential." Components of the 'sovereignty as possession' frame include "states need to be functional," "states function in the interest of the people they represent," and "security refers to the state's ability to perform."¹¹⁰ In general, the group affirming the first frame tends to be more democratic (although not all in this group are democratic) and the group affirming the second frame is exclusively non-democratic.

In 2009 United Nations Secretary-General Ban Ki-moon issued a report, "Implementing the Responsibility to Protect,"¹¹¹ which again reaffirmed the 2005 Outcome Document version of the doctrine and advanced certain specific proposals for

¹⁰⁹ Ibid., 6.

¹¹⁰ Witt 2013, 19-20

¹¹¹ United Nations 2009.

implementation including building stronger United Nations early-warning mechanisms. It also put forward the ‘three-pillar’ approach to R2P where Pillar 1 involves state-level responsibilities, Pillar 2 international assistance in capacity building, and Pillar 3 international intervention as last resort.¹¹² This report was the subject of a summer 2009 United Nations General Assembly plenary debate that revealed a fairly broad consensus of approval around the report’s contents,¹¹³ as well as lingering concerns among detractors and supporters alike about, among other things, the role of the Security Council and the potential for abuse by great powers.¹¹⁴

There has been a good deal of talk in forums that take up the issue of the R2P about its regional implementation. R2P carried out by regional security organizations might help allay some fears about R2P’s use as an imperialist tool of the West. And, although R2P officially requires United Nations Security Council approval for all military interventions, it is reasonable to suggest that such an intervention bypassing the Security Council might be seen as more legitimate if carried out by a regional community rather than by the United States, for example. The African Union’s position on the matter supports this view.

During the 2009 United Nations General Assembly plenary meeting debating the merits of the secretary-general’s R2P implementation report, a prominent theme proved to be the need for international support of regional organizations and their standby forces in order to most effectively support the three Pillars. Although such statements were delivered by representations of Member States from diverse regions, much attention was given to the developments of R2P inspired institutions in Africa, specifically African

¹¹² Gierycz 2010, 116.

¹¹³ International Coalition for the Responsibility to Protect 2009.

¹¹⁴ Bellamy 2010, 148.

Union institutions.¹¹⁵ The African Union is held up as the most promising example of R2P institutionalization at the regional level.

Conclusion

Africa responded to its devastating economic crisis of the 1980s—and associated material and social vulnerability—with the development of intrusive regional institutions to govern domestic governance and security problems. This was not an obvious or automatic response to the continent’s problems and can only be understood in light of the enduring relevance of pan-African transnationalism, the international ideational context (the ascendance of liberal internationalism) and emerging international policy discourses emphasizing human-centered policy making and the relationship between democracy and security, on the one hand, and economic development on the other. African states were responding to both direct pressure from international and domestic actors as well as the problem of the continent’s negative image in the eyes of investors and the international community. Furthermore, although a high democratic density has not been achieved in Africa, as the 1990s progressed, gradual political liberalization and the full democratization of some states—including, importantly, South Africa—contributed to further institutional reform via civil society activism and democratic state protagonism.

¹¹⁵ International Coalition for the Responsibility to Protect 2009, 10.

Chapter 7

Southeast Asia

ASEAN was established with strong sovereignty norms, and these norms were reaffirmed rather than challenged over the course of the second half of the Cold War, because there existed no powerful regional identity discourses that would contribute to the contestation of sovereignty norms. Economic and diplomatic successes in the 1980s further explain the maintenance of non-interference in Southeast Asia in the post-Cold War period. In the early 1990s, ASEAN states *reasserted* or promoted their regional normative order (the ‘ASEAN Way’), the cornerstone of which is non-interference. This contrasts with Africa’s efforts to *reform* their regional normative order and Latin America’s efforts to *renew* dormant aspects of their regional normative order (democracy and human rights promotion). I argue that Southeast Asia reasserted and internationally promoted non-interference, because ASEAN did not experience widespread democratization (as Latin America had) and because its (especially economic) successes in the 1980s reaffirmed the ASEAN Way. The ‘performance legitimacy’ of these states served to bolster their norms and emboldened Southeast Asia to offer their norm-set as a viable alternative to Western liberal internationalism.

The ASEAN Way was called into question, however, by the 1997 Asian financial crisis. In the final section of this chapter, I discuss how economic crisis damaged Southeast Asia’s international image and made these states more vulnerable to international pressure and domestic push-back against illiberal policies, including foreign policies. These processes, which mirror those in the African case, have led to the *modest* erosion of the norm of non-interference in Southeast Asia, as evidenced by developments

in regional institutions and practices. Democratic states within ASEAN led the charge for normative reform, supporting the idea that regime type affects states' interest in promoting intrusive regionalism.

With respect to great power influence and interventionism explanations, I find, as stated in Chapter 3, that ASEAN's strong non-interference norm is neither attributable (directly) to Chinese intervention or to Chinese influence. Again, the threat of Chinese supported communist insurgency did shape ASEAN norms by creating further incentive for these states to reduce inter-state tensions among themselves in order to focus on economic development and thereby combat revolution. This rationale continued to be relevant during the 1970s, and the 1980s were characterized by a "de facto alignment" with China against Vietnam. In the 1990s, a rising China of increasing economic might became more threatening again, especially in its activities in the South China Sea. I maintain however, that ASEAN states would have no reason to believe a strong ASEAN norm to be a way to deter Chinese interference. On the question of influence, while one might argue that China has grown more influential as it has become so economically powerful, and it is the case that China embraces non-interference as a central pillar of its foreign policy, the strength of non-interference in ASEAN reflects a convergence of interests with China but does not imply that China has influenced ASEAN to embrace non-interference.

Finally, it is the case that powerful Western states have pressured ASEAN states to develop a more intrusive form of regionalism (especially on Myanmar); I find more evidence of this in the Southeast case of the than the African case, perhaps because ASEAN had become a global 'laggard' in this respect by the late 1990s. International

pressure is indeed part of my explanatory framework, and it interacts with states' material and social vulnerability.

ASEAN during the Cold War

As argued in Chapter 3, ASEAN's genesis in 1967 was not characterized by tensions between sovereignty norms and other norms or identities in the same way that the genesis of the OAS or OAU had been. Events over the next two decades reinforced and further institutionalized non-interference rather than calling it into question. Western withdrawal from the region accelerated, making the communist threat (manifested in domestic insurgency and perceived to be supported by China) seem more urgent and further solidifying the solidarity among ASEAN states against their domestic challengers. ASEAN member state practices—including successful third-party mediation governed by ASEAN norms and bilateral coordination in counter-insurgency activities—further engrained state-centric regionalism and bolstered the credibility of the ASEAN approach to regionalism. When Vietnam invaded Cambodia in 1979, ASEAN's unified response and prominent diplomatic activities at the global level, all in the name of upholding non-interference, boosted the international status of the organization. And as ASEAN states began to successfully grow their economies, they credited the norm of non-interference for its role in improving interstate relations and thereby creating an atmosphere for economic development. All of these processes and developments served to reaffirm the non-interference norm.

The development of the 'ASEAN Way': 1967-1976

As discussed in Chapter 3, ASEAN was founded in 1967 with the primary aim of reducing inter-state tensions and increasing cooperation among a group of like-minded states—the ASEAN Five—in order to allow these anti-communist Southeast Asian regimes to focus on economic development with fewer regional distractions and internal disturbances. The ASEAN Five agreed that economic development was the best line of attack against their common problem of communist insurgency. Interference in the domestic affairs of fellow member states was prohibited, as interference exacerbated both intra-state and inter-state conflict, damaging the shared economic cause. So, again, it's not that non-interference was promoted in order to deter Chinese (or Vietnamese) interference—China wasn't subject to ASEAN norms.

The norm of non-interference was strong among the ASEAN Five relative to the OAS and OAU, even during the Cold War, but ASEAN states did in some instances violate the norm, unilaterally, in their relations with non-ASEAN states in Southeast Asia. These violations predictably followed Cold War logics. At times, they covertly supported anti-communist insurgents “in an attempt to contain perceived revolutionary threats.”¹ Most of their efforts to contain communism were carried out in *support of regimes* facing threats (which does not count as interference for my purposes), but we can find examples of subversion as well. For example, Thailand supported right-wing rebel groups in Cambodia, Laos, and Myanmar.² Another seemingly important violation of the non-interference norm was Indonesia's 1975 annexation of East Timor (half of the island of Timor), which had been a Portuguese colony until 1974. At this point, West Timor (the other half of Timor) had long been part of Indonesia, and Indonesia campaigned for East

¹ Jones 2010, 486.

² At that time, Burma.

Timor's integration, in part because it feared the emergence of a communist state within its archipelago. When the campaign failed, Indonesia invaded East Timor. The other ASEAN states were fairly supportive of the annexation, and did not accuse Indonesia of violating the norm of non-interference. In fact, they treated it as a matter internal to Indonesia, perhaps because of the geographic configuration of the territory and because East Timor had not been long established as its own state.³

Despite these violations, which demonstrate that non-interference, like any norm, was not sacrosanct, ASEAN members upheld the norm of non-interference rhetorically and practically⁴ in their relations with one another. It is the most important component of the 'ASEAN Way,' a set of sovereignty-promoting regulative and procedural norms practiced by ASEAN states since 1967 and later formalized in the 1976 Treaty of Amity and Cooperation. The norm set includes, most essentially, non-interference, the peaceful settlement of disputes, and consultation and consensus in decision-making (as opposed to more formal, legalistic, or confrontational styles of diplomacy).⁵ During the first decade of ASEAN's existence, the ASEAN Way became further ingrained in ASEAN's culture for several reasons.

First, ASEAN's founding threat and partial justification for a strong non-interference norm—communist insurgency supported by China—was made more threatening by the withdrawal of Western forces from the region. In January 1968, Britain announced its plan to withdraw all remaining troops from military bases in

³ Amer 2013.

⁴ The exception is subversive activities related to the Malaysia-Philippines territorial dispute mentioned below. Malaysia allegedly provided military assistance to the Moro National Liberation Front—a rebel group in the Philippines—from 1968 to 1972.

⁵ Jones 2014, 73.

Southeast Asia by 1971, a move that would most affect Malaysia and Singapore.⁶ Quickly following the British announcement came indications of “imminent changes” in the United States’ Vietnam policy, and then, in 1969, U.S. President Nixon announced his Guam Doctrine (also known as the Nixon Doctrine), the first articulation of a move to ‘Vietnamization,’ Nixon’s “strategy of improving South Vietnamese military capabilities while withdrawing U.S. troops.”⁷ Talk of U.S. withdrawal from Vietnam and other language coming out of the Nixon administration communicated “a complete reappraisal of policies towards East and Southeast Asia”⁸ and was considered by the ASEAN states to threaten decreased commitment on the part of the United States to its allies in the region.⁹ These shifts in the regional balance of power, which threatened to empower China, reinforced ASEAN’s original justification for elite solidarity and a strong non-interference norm.

Second, ASEAN made possible greater coordination between member states in their counter-insurgency operations, and this practice further developed elite solidarity among ASEAN member governments. This coordination existed before ASEAN but expanded after its formation. For example, Malaysia and Thailand agreed in 1969 to allow one another’s security forces (police and military troops) to cross their shared border in “hot pursuit” of insurgents. Malaysia and Indonesia engaged in similar cross-border operations starting in 1971.¹⁰

Third, the creation of ASEAN resulted in a reduction in interstate tensions among its members, and ASEAN states in part credited the norm of non-interference. Non-

⁶ Narine 1998, 198.

⁷ Prentice 2015, 1.

⁸ Jorgensen-Dahl 1982, 77.

⁹ Narine 1998, 198.

¹⁰ Acharya 2013, 169.

interference and the procedural norms of consultation and consensus (which, as stated above, can be contrasted with more formal, adversarial or legalistic approaches) are said to have made member states less wary of one another and more willing to submit to third-party mediation of interstate disputes. For example, a mere six months after ASEAN's establishment, in 1968, a territorial dispute between Malaysia and the Philippines dating back to 1961 reemerged. Reports surfaced that the Philippines was organizing an invasion of Sabah—a disputed territory on the island of Borneo at that time in Malaysia's possession—and, although Manila denied these reports, tensions quickly escalated between the two ASEAN member states. After bilateral talks failed, Indonesia's Suharto mediated a more successful round of negotiations, and, according to Yuen Foong Khong, "Reconciliation between Malaysia and the Philippines was greatly facilitated by the institutional context of ASEAN, which made third-party mediation legitimate and unthreatening. Suharto's intervention, for example, was consultative and sought to move Malaysia and the Philippines toward a consensus."¹¹

In 1975, communist victories in Cambodia and Vietnam (and the fear that Vietnam would arm communist insurgency throughout Southeast Asia) further altered the regional landscape and "forced ASEAN's further institutional development."¹² In 1976, ASEAN held the Bali Conference, its first meeting of heads of states (there had only been ministerial meeting before this), and adopted its first treaty (there had only been declarations before this). The 1976 Treaty of Amity and Cooperation is a non-aggression pact that codified existing norms—those that constitute the so-called ASEAN Way—established at the founding of ASEAN and reaffirmed through practices and successes.

¹¹ Khong 1997, 330.

¹² Narine 1998, 200.

Its fundamental principles enumerated in the treaty reflected and reinforced the sovereignty-promoting ethos of ASEAN. They include “mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations,” “the right of every State to lead its national existence free from external interference, subversion or coercion,” “non-interference in the internal affairs of one another,” “settlement of differences or disputes by peaceful means,” “renunciation of the threat or use of force,” and “effective co-operation.”¹³

The Cambodian crisis: 1979-1991

The 1970s was a particularly violent decade in Southeast Asia, even after the Vietnam War ended. Two cases of mass murder, the Cambodian genocide (1975-1979) and the Indonesian anticommunist counterinsurgency campaign in East Timor (1975-1980), took place during roughly the same time period. The Khmer Rouge came to power in Cambodia in 1975 and perpetrated a genocide targeting ethnic minorities and political dissidents, killing at least one million people and causing many more deaths through land reform schemes that resulted in famine. Indonesia’s violent campaign in East Timor (after its 1974 annexation of the territory) killed over 100,000 people. Both cases resulted in deaths totaling 21-26 percent of the population of the territory in question,¹⁴ and in neither case did ASEAN states criticize these regimes, let alone investigate or impose sanctions on them.¹⁵

In late 1978, after a few years of mostly low-level conflict between Vietnam and Cambodia (which was at that point called Democratic Kampuchea), Vietnam invaded

¹³ ASEAN 1976.

¹⁴ Kiernan 2003.

¹⁵ Drummond 2010, 6.

Cambodia and defeated its army in a matter of weeks, sending the Khmer Rouge regime into exile. In early 1979, it helped establish a pro-Vietnamese government in the capital, and Cambodia remained effectively under Vietnamese occupation for the next decade. During this time, ASEAN presented a strong voice of condemnation on the international stage against this occupation, consistently calling on Vietnam to withdraw and organizing international efforts to this effect. Indeed, ASEAN was principally responsible for “ensuring Cambodia’s seat at the [United Nations] was kept for Pol Pot and the Khmer Rouge” until free elections could be held in the early 1990s.¹⁶

During the 1980s, evicting Vietnam from Cambodia became ASEAN’s primary concern, and its perceived successes in this regard earned the association a reputation as “an important and effective international actor,” important because of its ability to lead global efforts and effective because of its member states’ ability to cooperate and take a united stance on the issue.¹⁷ In the immediate wake of the Vietnamese intervention, although there was not initially a consensus among ASEAN member states about how to respond, ASEAN norms of “accommodative diplomacy” facilitated the development of such a consensus, and the association succeeded in speaking with one voice on the issue in international arenas.¹⁸ Indonesia’s and Malaysia’s initial reaction to the intervention was one of less concern than that of Singapore and Thailand. Rather quickly, though—after Vietnamese troops chased “Cambodian guerrillas” into Thai territory—the latter two were able to convince Indonesia and Malaysia to treat the norm violation as a serious violation of international law and to pursue the resolution of the conflict at the

¹⁶ Drummond 2010, 6.

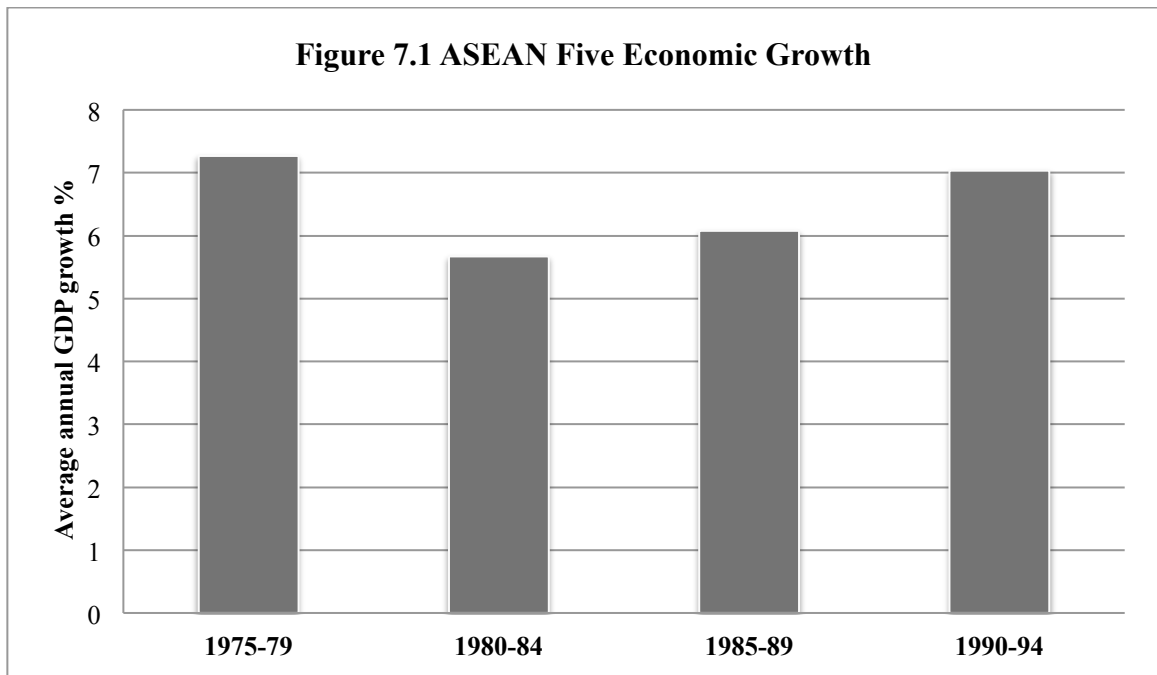
¹⁷ Narine 1998, 204.

¹⁸ Khong and Nesadurai 2007, 35.

international (global) level by organizing an international conference.¹⁹ ASEAN was then able to effectively frame the conflict as a breach by Vietnam of the “accepted principles of international order, namely sovereignty and national self-determination.”²⁰ “Indeed, ASEAN’s international prominence was founded on its defense of the ‘sanctity of sovereignty’” in this case.²¹

Economic growth in the 1980s

The economic performance of the ASEAN Five proved an even more important contributor to the development of ASEAN’s and Southeast Asia’s international image or reputation as effective and legitimate.



Source: The World Bank²²

¹⁹ Khong and Nesadurai 2007, 42-43.

²⁰ Khong and Nesadurai 2007, 43.

²¹ Jones 2010, 481 (cites Leifer 1989, 14).

²² Data accessed at <http://data.worldbank.org>.

Starting in the mid-1970s, ASEAN member states started seeing remarkably high economic growth. Although these numbers dipped a bit in the early 1980s, high growth rates continued into the 1990s “fueled by foreign direct investment and growth in exports.”²³ What does economic growth matter for the norm of non-interference? It matters because, in the case of non-communist Southeast Asian states, economic success helped bolster the performance legitimacy of these “soft authoritarian” regimes²⁴ as well as the legitimacy of ASEAN itself. Performance legitimacy served to reaffirm so-called Asian Values—a discourse deployed by elites which emphasizes collectivism over individualism and economic development over civil and political rights—and the ASEAN Way, the cornerstone of which is non-interference.²⁵ While economic crisis in the 1980s called African regional norms into question, economic success had the opposite effect in Southeast Asia. Non-interference is credited for a reduction in the inter-state tensions that supposedly allowed the ASEAN Five to focus on economic development. By the end of the Cold War, ASEAN had not achieved much in the arena of economic integration per se. Its accomplishments included two joint industrial projects and a slight reduction of trade tariffs.²⁶ This reality did not stop ASEAN states from articulating satisfaction with the economic accomplishments of the association, though. ASEAN’s role in the reduction of inter-state tensions like those surrounding the Sabah dispute (noted above) is credited with member states’ economic accomplishments, despite ASEAN making very little progress on economic integration itself. “Southeast Asia is

²³ Yukawa 2011, 260.

²⁴ Stubbs 2001.

²⁵ But, see Amartya Sen’s critique of claims about the positive relationship between authoritarianism and development. Sen 1999.

²⁶ Khong 1997, 327.

one of the most economically dynamic regions in the world. ASEAN contributed to this success by alleviating intra-ASEAN conflict, thereby helping to create a politically stable and peaceful environment attractive to foreign investors.”²⁷

The end of the Cold War and the reaffirmation of the ASEAN Way

ASEAN entered the 1990s as an international success story, principally due to the incredible economic performance of its member states but also to some degree due to the association’s rising diplomatic clout as a driving force behind the international Cambodia-Vietnam negotiations. Whereas Africa’s economic crisis contributed to its image of dysfunction and rendered it materially and socially vulnerable, Southeast Asia’s remarkable growth rates created an image of success for the region and bestowed upon ASEAN and its member states material and social security. ASEAN states expressed satisfaction about the region’s positive international image and conviction in Southeast Asia’s distinctive set of domestic and regional norms (so-called ‘Asian Values’ and the ASEAN Way, respectively). In the face of the West’s proclamation of the “unabashed victory of economic and political liberalism”²⁸ and the rise of liberal internationalism in the wake of the Cold War’s end, the ASEAN states were empowered by their performance legitimacy to insist upon an alternative—illiberal political systems protected by sovereignty-reinforcing regionalism—and they did. Economic success also empowered ASEAN to expand its membership (by incorporating Vietnam, Myanmar, Laos and Cambodia), to assume a leadership position in East Asia through the ASEAN Regional Forum, and to promote the ASEAN Way by encouraging extra-ASEAN

²⁷ Narine 1998, 202.

²⁸ Fukuyama 1989, 3.

accession to the 1976 Treaty of Amity and Cooperation in which these norms are formalized.

Suharto's address at the 23rd ASEAN Ministerial Meeting (July 1990) speaks to the rise of ASEAN's image and the need to "reassert" itself:

Today, ASEAN has not only survived but has grown into a vigorous entity, with its presence, potentials and achievements appreciated, not only in our own region of East Asia but in the world at large. However, given the speed and scope of changes around us and the nature of the challenges and opportunities that need to be met and seized, there can be no room for self-satisfaction. In these circumstances, ASEAN will inevitably be challenged to *re-assert its identity and basic purposes*.²⁹

He went on to identify the developing Single European Market (with its potential external trade barriers) and the political and economic developments in Central and Eastern Europe (with their potential financial, investment, and trade diversion implications) as challenges to address. But, instead of proposing a collective 'rethink' of regional norms and institutions as prominent voices in Africa were doing, Suharto's plan to "improve the internal functioning as well as the external effectiveness" of ASEAN involved expanding its existing institutions while keeping their norms intact:

In managing the changing relationships with our major economic partners, we should actively contribute to developing [Asia-Pacific Economic Cooperation] into an outward-looking, mutually beneficial forum, for wider regional consultation and cooperation among the countries of the Asia-Pacific, on the basis of principles and modalities which *strengthen rather than dilute ASEAN's identity*, cohesion, and cooperation with other countries.³⁰

ASEAN's 1987 Manila Declaration speaks of the "achievements of ASEAN in the last two decades, particularly in creating a political environment conducive to the development of its members, and in carving out a distinct identity recognized and

²⁹ Suharto 1990, 7. [Emphasis mine]

³⁰ Suharto 1990, 8. [Emphasis mine]

respected in the community of nations.”³¹ The 1987 Joint Press Statement of the Meeting of the ASEAN Heads of Government states that “ASEAN has grown into a viable and dynamic organization fostering the spirit of regional cooperation and solidarity and strengthening national and regional resilience...ASEAN has also developed a distinct identity and has become an effective vehicle for joint approaches to regional and international issues.”³² In a 1992 speech, Prime Minister Ramos of the Philippines referred to ASEAN as the “most successful case of regionalization among developing countries.”³³

Singapore and Malaysia’s promotion of the so-called Asian Values discourse should be considered part of these efforts to promote non-interference—as part of a distinctly Asian normative order—as a legitimate and successful alternative to Western norms. The Asian Values perspective is most associated with its challenge to universal human rights, but embedded in claims about distinctive or relativistic approach to human rights are claims about sovereignty and specifically non-interference. According to Thomas Risse and Stephen Ropp, “The Asian values debate demonstrates that some states command *sufficient international legitimacy* to establish a counter-discourse to Western-led human rights arguments.” Because Southeast Asian states “command powerful social resources which allow them to fight off external pressure,” they are less ‘socially vulnerable’ than they otherwise would be.³⁴ The assertion of Asian Values can be read in the 1993 Bangkok Declaration, a document produced by a group of Asian states in preparation for the World Conference on Human Rights held in Vienna (also

³¹ ASEAN 1987a.

³² ASEAN 1987b.

³³ Quoted in Yukawa 2011, 264.

³⁴ Risse and Ropp 2013, 21 (emphasis mine).

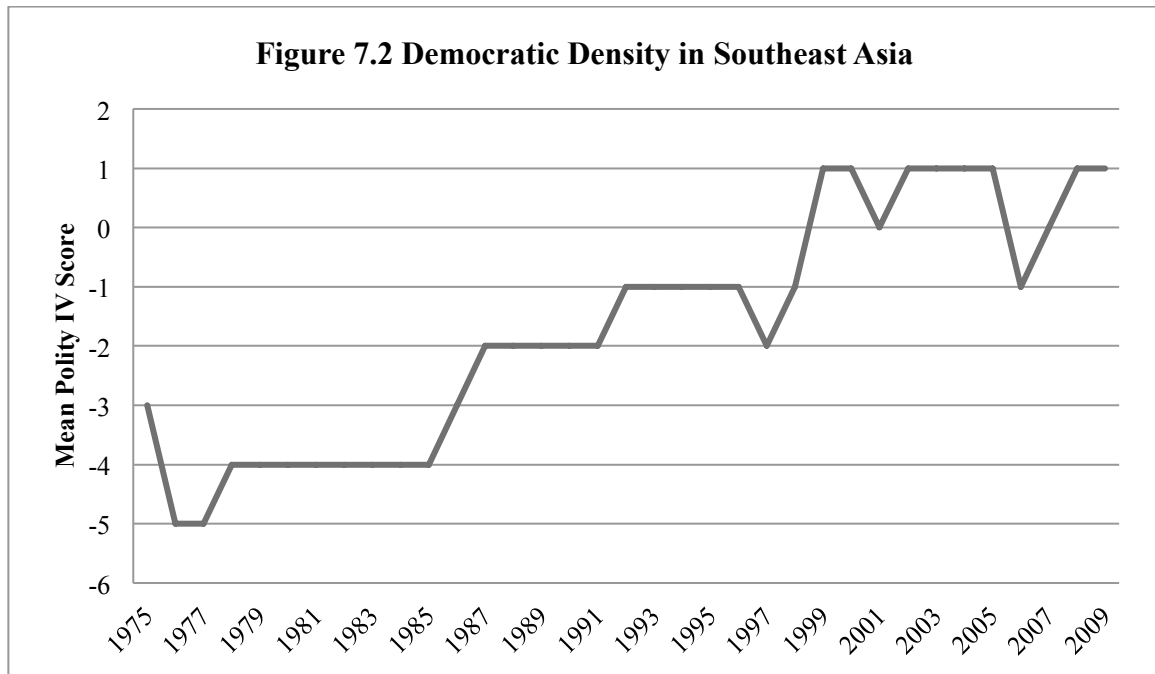
1993). In addition to the sovereignty emphasis of the document, the promotion of social and economic rights is important, because economic development had become a point of pride of a handful of (Southeast) Asian states, providing them with greater legitimacy and legitimizing a normative order that had supposedly made possible these advances. Non-interference is affirmed as part of a normative order that leads to success and calls into question the hegemony of Western models. Lee Jones sums this up nicely:

[I]n the years following the end of the Cold War, the Association of Southeast Asian Nations (ASEAN) was widely regarded as the world's most successful third-world regional institution, and as a model for wider cooperation. In a context where regional policymakers were announcing an 'Asian renaissance' and aggressively promoting 'Asian values' as a superior, contextualised alternative to the West's liberal triumphalism, analysts heralded the 'Pacific century' and singled out ASEAN in particular as offering a better route to cooperation than Western 'legalism'. This route was the so-called 'ASEAN way' to regionalism, supposedly a bundle of norms that had created peace and stability in Southeast Asia which included traditions of consultation and consensus-building and, in particular, the norm of non-interference in each other's internal affairs.³⁵

The Asian Values discourse emerged from a period of high growth in the 1980s, growth that legitimized illiberalism. In 1992, Lee Kuan Yew explicitly made a link between non-democracy and development, stating that "the exuberance of democracy leads to undisciplined and disorderly conditions which are inimical to development."³⁶ Relative to Latin America, Southeast Asia proved mostly immune to the Third Wave of democratization. In the 1980s, only one Southeast Asian state, the Philippines, transitioned to democracy (it did so in 1986). Thailand followed in 1992 (although the military would re seize power in 2006), and Indonesia democratized in 1999.

³⁵ Jones 2009a, 2.

³⁶ China News (Taipei), November 21, 1992. Quoted in Acharya 1999, 421.



Source: Center for Systemic Peace³⁷

This relative immunity from the Third Wave of democratization is puzzling. In his seminal book on the waves, Samuel Huntington argues that higher levels of economic development are conducive to a more highly educated public, a larger middle class, and certain attributes of civic culture—“trust, satisfaction, and competence”—all of which generate support for democratization.³⁸ He also submits that particularly rapid economic growth, like that experienced by some of the ASEAN Five, can lead to social unrest and political mobilization, destabilizing authoritarian regimes and therefore facilitating regime change, possibly democratization.³⁹ Huntington’s thesis doesn’t hold here; counterintuitively, growth provided non-democracies in Southeast Asia with the rhetorical and material tools to justify their forms of rule and coopt the middle class,

³⁷ Data accessed at <http://www.systemicpeace.org/inscrdata.html>

³⁸ Huntington 1991, 65-68.

³⁹ Huntington 1991, 69.

bolstering their regimes.⁴⁰ When Lee Kuan Yew made his statement about democracy and disorder, the only country of the ASEAN Five to have transitioned to democracy was the Philippines, and it was also the worst performer economically. In 1986, the nonviolent Filipino People Power Revolution succeeded in removing authoritarian President Ferdinand Marcos, who had held power since 1965. Polity IV rates the Philippines 8 in 1990, which indicates that it was a high-quality democracy compared to the others, who ranged from Indonesia's -7 to Malaysia's 4.⁴¹ This fits nicely into the Asian Values narrative, since the Philippines had the lowest average annual growth rate of the ASEAN Five during the 1987-1991 period: 3.9 per cent. The other members of ASEAN Five boasted much higher growth rates: 7.7 per cent (Indonesia), 8.6 per cent (Malaysia), 9.8 percent (Singapore), and 11 per cent (Thailand).

At the end of the Cold War, some predicted that ASEAN's importance would lessen—that it would “lose its *raison d'être*”—but the opposite occurred.⁴² Like other regional groupings, ASEAN's institutions widened and deepened. It also took on a leadership role in wider regional (East Asian) activities. Yuen Foong Khong and Helen Nesadurai characterize Asia-Pacific developments beginning in the late 1980s as a “frenzy” of regional institution building, noting that, perhaps unexpectedly, ASEAN—an organization made up of a handful of middle powers—initiated and led many of these regional initiatives and transferred their distinctive norm set—the ASEAN Way—to them.⁴³ It sought to bring other states under the ASEAN normative umbrella (by

⁴⁰ Acharya 1999, 420-421.

⁴¹ <http://www.systemicpeace.org/polity/polity4.htm>

⁴² Khong 1997, 335.

⁴³ Khong and Nesadurai 2007, 32.

expanding ASEAN's membership and inviting non-ASEAN members to accede to its 1976 Treaty of Amity and Cooperation).

Bringing on new signatories to the 1976 Treaty of Amity and Cooperation in effect extends the ASEAN Way. We see movement on this front with the 1987 Protocol Amending the Treaty,⁴⁴ which was aimed at “enabl[ing] states outside of Southeast Asia to accede to the Treaty.”⁴⁵ The Treaty currently has twenty seven signatories including China, the United States, and the European Union. The establishment of the ASEAN Regional Forum should also be considered part of ASEAN's efforts to promote ASEAN norms beyond ASEAN and the region. According to Amitav Acharya, seizing a leadership role was seen as a way of “underscoring the continued and broader relevance of ASEAN's norms.”⁴⁶ Similarly, ASEAN's role in promoting the ASEAN Regional Forum “reflected its growing self-confidence about the relevance of its norms of regional cooperation.”⁴⁷ The Regional Forum was established in 1993 as a formal dialogue group for political and security issues, whose membership now includes, in addition to the ASEAN states, several other Asian countries (including China) and extraregional members including the United States and the European Union. As Yukawa has argued, “[U]sing the image of success that it had attained in the 1980s as a platform, ASEAN greatly expanded its role in overseeing the regional order of the Indochina and Asia Pacific region in the 1990s, through the institutionalization of ... the [ASEAN Regional Forum].”⁴⁸ Shaun Narine attributes ASEAN's “assertiveness on the international stage” to a “confidence born of economic success.” That ASEAN would lead and set the agenda

⁴⁴ ASEAN 1987c.

⁴⁵ ASEAN 1987b.

⁴⁶ Acharya 2014a, 168.

⁴⁷ Acharya 2014a, 199.

⁴⁸ Yukawa 2011, 266.

for the [ASEAN Regional Forum], despite the small size of its states, was justified by the grouping's "collective economic potential and how that potential might translate into military clout in the future."⁴⁹

One aspect of Southeast Asia's material and social security relative to Africa was that international community was less interested (although not uninterested) in applying pressure for liberalization and intrusive regionalism here. According to Amitav Acharya, because of its exceptional economic performance,

Southeast Asia was spared the kind of vigorous democratization campaign directed by Western countries and financial institutions at the economically less vibrant African and Latin American states. Western opposition to authoritarian rule in Southeast Asia was balanced by a pragmatic recognition of trade and investment opportunities available in the region...A popular argument against the use of sanctions remains the view that economic growth and liberalization, partly fostered through Western trade and investment, will ultimately promote democratization.⁵⁰

When the international community *did* apply its democratization and liberalization campaign to Southeast Asia (e.g. on the issue of Myanmar's membership in the association—see below), the ASEAN Way "was found to be a useful *modus vivendi* for engaging with the West."⁵¹

China in the 1990s

China's economic growth and threatening activities in the South China Sea raise questions about the rising great power's impact on ASEAN norms. Economic reforms following Mao Zedong's death in 1976 set China on a path to economic might. Economic growth sharply accelerated in the 1990s. China became more powerful and arguably more influential, and non-interference has long been a foreign policy priority of China, in

⁴⁹ Narine 2002, 184.

⁵⁰ Acharya 1999, 423-24.

⁵¹ Khong and Nesadurai 2007, 35.

rhetoric if not always in practice. But it does not follow that China influenced ASEAN to maintain the non-interference norm, as non-interference is a foundational ASEAN norm and has only grown stronger over time. That China's and ASEAN's position on non-interference have converged does not mean that China has influenced ASEAN (or vice versa, for that matter).

Then there is the question of Chinese threat, given that territorial disputes over islands in the South China Sea were reinvigorated in the 1990s among China, Taiwan, Brunei, Malaysia, the Philippines and Vietnam. Again, though, I would again emphasize that, because China is not a member of ASEAN, creating and maintaining a strong non-interference norm within ASEAN is not a viable strategy for reducing a Chinese interventionist threat.

The question of Myanmar's accession to ASEAN

Western states did pressure ASEAN to isolate and sanction Myanmar in the mid-1990s, but ASEAN admitted Myanmar in part to send a message to its North American and European dialogue partners that this type of bullying would not be accepted. The two ASEAN members that did, at least temporarily, reconsider supporting Myanmar's accession were the association's two democratic states: the Philippines and Thailand. This reluctance on the part of the democracies to associate with an infamously repressive state foreshadowed the role that they would play in encouraging the reform of ASEAN norms in the aftermath of economic crisis later that decade.

During the 1990s, ASEAN (who, at the end of the 1980s, counted the ASEAN Five and Brunei as members) embarked on a process of membership expansion in the

name of achieving the founders' 'One Southeast Asia' vision: an ASEAN encompassing all ten Southeast Asian nations.⁵² Vietnam, which transitioned to a mixed economy with market elements beginning in the late 1980s, was the first to accede in 1995, followed by Laos (1997), Myanmar (1997), and Cambodia (1999). But expansion challenged the norm of non-interference by raising the issue of membership criteria: should the domestic politics of a candidate member state have bearing on ASEAN's decision to admit it? This was an especially pertinent question in regards to Myanmar because of its human rights record, making the Myanmar accession question "the first major test of ASEAN's non-interference doctrine in the post-Cold War setting."⁵³

In 1994, ASEAN began seriously debating Myanmar's candidacy. Up to this point, the Philippines and Thailand had supported its inclusion in ASEAN, but from 1994, there emerged "a new liberal–illiberal divide" within the association,⁵⁴ as the Philippines (democratic since 1987) and Thailand (democratic since 1992) began questioning the wisdom of Myanmar's immediate inclusion as a member. The Burmese junta had by this point become the target of increasing international criticism for its human rights record and for blocking democratization. In 1990, the country had held its first multiparty elections since 1960, but, when opposition leader Aung San Suu Kyi's National League for Democracy won 59% of the national vote and 81% of the parliamentary seats, the regime refused to acknowledge the outcome or transfer power. A crackdown on pro-democracy forces followed. Even before the elections, Suu Kyi had been placed under house arrest, and she would remain a political prisoner until 2010.

⁵² Ba 2009, 103.

⁵³ Acharya 2014a, 102.

⁵⁴ Ba 2009, 118.

The United States and European countries publicly criticized ASEAN for its accommodating approach to Myanmar, and, for a time, ASEAN's democracies were more susceptible to this criticism than were ASEAN's non-democracies. The Philippines and Thailand became more reluctant to move forward with Myanmar's membership. An argument that emerged at this time was that a formal association with Myanmar would hurt ASEAN's (and its members') reputation,⁵⁵ and these democracies had more to lose than their illiberal neighbors; they wanted to maintain a democratic image vis-à-vis international and domestic audiences.

In 1996, after Myanmar's military junta had arrested hundreds of pro-democracy activists in a major crackdown, Philippine President Fidel Ramos argued that the membership process should be postponed. This position was in part based on the government's awareness that "its own domestic political system and NGO community wanted it to take a hardline stand on Burma."⁵⁶ Beginning in the late 1980s, NGOs in the Philippines grew rapidly, and by the late 1990s, the Philippines was home to the third largest NGO community in the global South.⁵⁷ The Thai government was meanwhile also experiencing pressure from above and below, as domestic groups became "increasingly outspoken" in their opposition to Myanmar's accession and Thai newspapers frequently published editorials expressing this opposition.⁵⁸ Compared to countries like Malaysia and Singapore, where the state exacted more control over the media and political mobilization, more space existed (at this time) in Thailand for vocal opposition to Thai

⁵⁵ Ba 2009, 118.

⁵⁶ Acharya 2014a, 106.

⁵⁷ Clarke 1998, xxv.

⁵⁸ Ba 2009, 119.

foreign policy,⁵⁹ and, as a new democracy, the Thai government had incentive to distance itself from the previous, authoritarian regime.

In the end, the Philippines and Thailand relented, and ASEAN unanimously agreed to grant full membership to Myanmar during its May 1997 summit. The norm of non-interference unsurprisingly emerged as a primary justification. Singapore's prime minister asserted that "we have always taken the position that the internal situation of a country is that country's concern" and that "as far as the internal politics within each country, well, we did not begin ASEAN by examining that and excluding those that had a different system from ours."⁶⁰ Indonesia's foreign minister echoed this, saying it would be "impossible for ASEAN to apply criteria and conditions for Burma's entry which have never been applicable for other members in the past."⁶¹ Similarly, Vietnam (a member since 1995) offered non-interference as its main rationale for moving forward with membership. In an October 1996 statement, a representative of the Vietnamese foreign ministry stated "A fundamental principle of ASEAN calls for respect for independence and sovereignty and non-interference in each other's internal affairs. Based on this principle, the member countries regard events that have taken place in Myanmar as entirely that country's internal affair."⁶²

Furthermore, the decision to defy Western criticism and move forward with accession was arguably taken *because of* rather than *in spite of* intensifying pressure in the lead-up to the 1997 summit; ASEAN states wanted to continue to assert the ASEAN Way as a viable alternative to liberal internationalism and did not want to be perceived to

⁵⁹ Clarke 1998.

⁶⁰ Quoted in Acharya 2014a, 105.

⁶¹ Quoted in Acharya 2014a, 105.

⁶² Quoted in Acharya 2014a, 105.

be under a Western thumb. As Alice Ba explains, “[W]hile Western objections did initially persuade Bangkok and Manila to reconsider their original positions, their very public efforts to pressure ASEAN states to deny membership to Myanmar ultimately had the opposite effect.”⁶³ In 1996, the United States and European Union suspended high-level visits to Myanmar and placed a ban on members of Myanmar’s military regime from visiting them, and, in April 1997, the United States imposed economic sanctions on Myanmar. ASEAN states understood these policies not only to be aimed at influencing Myanmar to liberalize but also ASEAN to postpone accession. One Indonesian analyst concluded in an editorial that “[I]t is consistent with ASEAN’s objective to establish an autonomous regional order free from external interference that the association refuses to bow to outside pressure about which nations are eligible for membership.”⁶⁴ One former Thai foreign minister (and ASEAN founder) attributed the achievement of “unanimity where divided opinion existed” to the West’s “heavy handed, even brutal move,” which “galvanized ASEAN members who balked at the unjustified interference.”⁶⁵

It’s notable, however, that the Philippines agreed to Myanmar’s admission at the 1997 summit in part because the summit itself was hosted by Malaysia, in Kuala Lumpur. The next year’s summit was to take place in Manila, and the Philippine government reasoned that, if the Myanmar question were postponed to the 1998 summit, Myanmar’s accession would have been “more tightly and problematically linked” to Manila.⁶⁶ One Philippine official indicated that having this event take place on Philippine soil would

⁶³ Ba 2009, 122.

⁶⁴ Quoted in Ba 2009, 124.

⁶⁵ Quoted in Ba 2009, 124.

⁶⁶ Ba 2009, 120.

have been “a disaster, at least for the Philippines, as the ‘champion of human rights.’”⁶⁷

Again, this indicates that, for the democracies, their liberal image was at stake here. After the fact, a Thai parliamentarian criticized the decision to admit Myanmar in reference to ASEAN’s international image, explaining:

Because image is important, ASEAN’s ability to maintain and enhance its status as an influential diplomatic community will be determined not by the number of members but by the perceived quality of membership, which in turn, is likely to be determined by the quality of new members... Many groups in the West believe ASEAN to be a ‘club of dictators’: it is an unjust label, but an early admission of Burma will simply give sustenance to this prejudice... Why should the ASEAN governments and peoples have to bear the costs of the [junta’s] folly and intransigence?⁶⁸

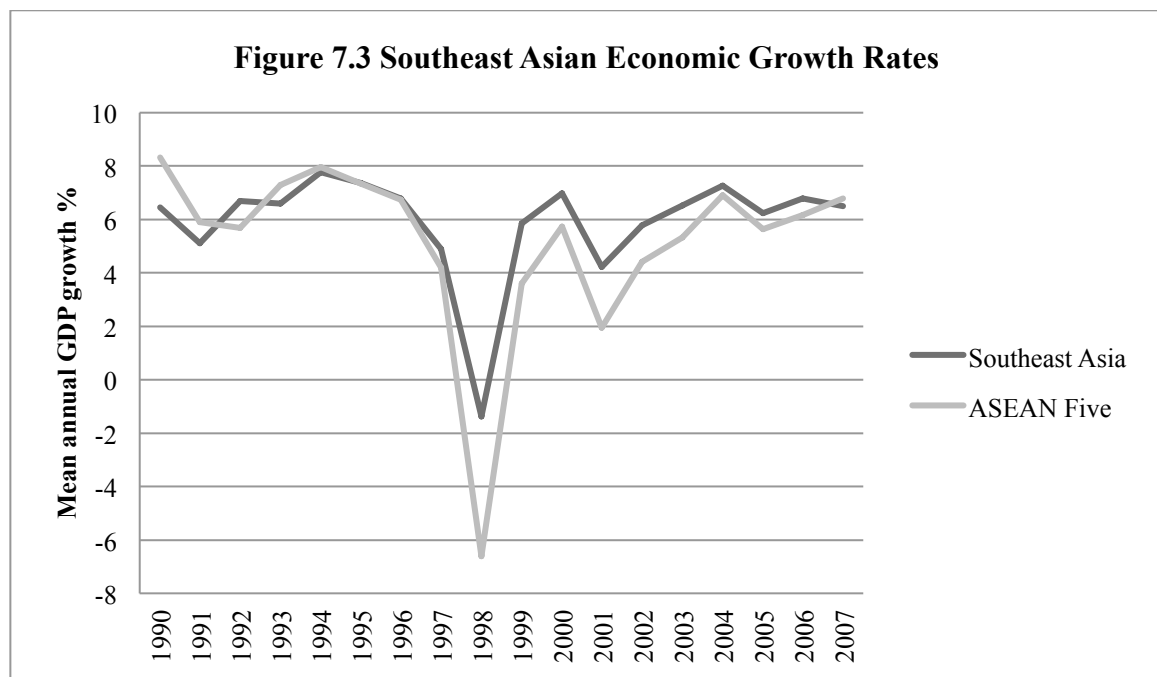
1997 Asian Financial Crisis and Modest Erosion of Non-Interference Norm

In the 1980s and early to mid 1990s, low democratic density and exceptional economic growth in the region (and the material and social security it brought) worked against circumscription of the ASEAN Way—and therefore non-interference—in Southeast Asia. In 1997, the Asian financial crisis caused growth rates to tumble and damaged the region’s international image of success, making ASEAN states more materially and socially vulnerable to liberalization pressures. In the post-1997 era, Southeast Asia became the target of greater pressure from the international community and growing civil society groups to liberalize domestically and promote this liberalization through regional institutions. Its states became more interested in international image management, including the improvement of ASEAN’s collective image. In this environment, aided by the protagonism of Southeast Asia’s democracies, some changes in law and practice did result, constituting modest erosion of non-interference.

⁶⁷ Quoted in Ba 2009, 120.

⁶⁸ Quoted in Acharya 2014a, 106.

The 1997 Asian financial crisis began with currency collapse in Thailand and developed into a serious economic crisis affecting many countries in the Asia Pacific and resulting in “investor panic” and the diversion of foreign funds out of the region.⁶⁹ Growth rates plummeted, many firms were bankrupted, and several countries in the region were forced to request “costly and politically humiliating [International Monetary Fund]-led bailouts.”⁷⁰ Figure 6.1 displays average annual GDP growth rates in Southeast Asia and in the group of the original ASEAN Five.



Source: The World Bank⁷¹

The crisis contributed to domestic political change in some countries. A new government came to power in Thailand in 1997 and enacted the so-called “People’s Constitution,” the

⁶⁹ Narine 2002, 183.

⁷⁰ “Ten Years On” 2007.

⁷¹ Data accessed at <http://data.worldbank.org>

country's first constitution to be drafted under a democratically elected government. Indonesia's Suharto resigned in response to public pressure in 1998, and his resignation led to democratization in Indonesia and independence for East Timor in 1999.

The 1997 crisis weakened the Asian Values discourse sermonized by authoritarian leaders in the region by calling into question the supposed positive relationship between the kinds of illiberalism practiced by some Asian regimes and the incredible growth experienced by their economies in the pre-1997 years. Two democratic regimes—Thailand and South Korea—managed recovery better than did authoritarian Indonesia. Southeast Asian states became more vulnerable to international pressure—from the International Monetary Fund and Western donors—to liberalize (economically and politically) than they had been when their economies were strong.⁷²

Western governments and international institutions pointed to “market-distorting connections between Asian governments and business” as responsible for the crisis,⁷³ and, whereas earlier economic successes had been attributed to—and authoritarian rule justified by—Asian Values, the 1997 economic crisis was blamed in part on these same Asian Values.⁷⁴ In June 1998, U.S. Secretary of State Madeleine Albright delivered a speech attributing the relative success of Korea, the Philippines and Thailand in managing the economic crisis to their democratic governance, specifically, that “their people were able to elect new governments, which started work in a climate of openness and trust, and with the moral legitimacy to call for shared sacrifice.”⁷⁵ Similar attributions came from within the region as well. For example, Filipino President Fidel Ramos

⁷² Acharya 1999, 419.

⁷³ Narine 2002, 185.

⁷⁴ Acharya 1999, 419.

⁷⁵ Quoted in Acharya 1999, 421.

asserted publicly that “the present economic crisis proves that in choosing democracy over authoritarianism, we Filipinos were on the side of history, rather than outside of it as earlier believed.”⁷⁶

The Asian financial crisis also hurt ASEAN’s reputation as a successful regional organization. First, it called into question the rationale for the grouping’s growing leadership role in the region. ASEAN’s economic growth and diplomatic accomplishments in the Cambodia-Vietnam conflict had served to justify its post-Cold War agenda-setting position in broader regional institutions like the ASEAN Regional Forum and the Asian Pacific Economic Commission. The economic crisis and ASEAN’s “organizational disunity” in the face of this crisis therefore challenged the foundations of ASEAN’s international influence and prestige.⁷⁷ ASEAN states articulated concerns about changing international perceptions leading to the association’s marginalization. For example, Singapore’s foreign minister lamented that growing perceptions of ASEAN as an “ineffective...sunset organization...are political facts. Perceptions can define political reality—if we continue to be perceived as ineffective, we can be marginalized as our Dialogue Partners and international investors relegate us to sidelines.”⁷⁸

Furthermore, the crisis challenged the association’s core norms—the ASEAN Way. While this dissertation focuses on non-interference in the political and security arenas, ASEAN’s norm of non-interference also applied to the economic arena, and the crisis was attributed in part to ASEAN’s “elite-centered regionalism” that inhibited the exchange of “vital economic information about their national economies as an early

⁷⁶ Quoted in Acharya 1999, 422.

⁷⁷ Narine 2002, 184.

⁷⁸ Quoted in Jones 2010, 494.

warning system.”⁷⁹ Economic failure made the grouping more vulnerable to pressure from the international community to promote human rights and democracy norms. ASEAN norms protecting illiberal practices—the ASEAN Way—had long been justified by the region’s economic performance.

The economic crisis undermined this justification and opened the association up to criticism, not just for its ineffectiveness, but for its accommodation of illiberalism. “[R]egional groupings of authoritarian states, or groupings that reluctantly tolerate authoritarianism out of deference to the principle of non-interference, are unlikely to find sympathy and support from international donors...more aid is now available to regional groupings which promote democracy and human rights.”⁸⁰ Writing in 1999, Acharya observed: “[T]he crisis has undermined regional norms shielding authoritarian rule from foreign, especially neighborly criticism. The retreat of the doctrine of noninterference in [ASEAN] has created space for a more open form of regionalism in Southeast Asia, which could aid the cause of human rights and democracy.”⁸¹

Southeast Asian states now had to manage “pressures accompanying rescue packages from international financial institutions...and Western donors, who had tolerated authoritarian rule during the years of the cold war geopolitics and the so-called Asian economic miracle.”⁸² For example, in 2005, the United States threatened that its relations with ASEAN would “suffer” if Myanmar became chair of the association the following year.⁸³ This international pressure was reinforced by pressure from civil society, as ruling groups in ASEAN states “faced an upsurge in opposition from...forces

⁷⁹ Acharya 2003, 382.

⁸⁰ Acharya 2003, 378.

⁸¹ Acharya 1999, 420.

⁸² Acharya 1999, 419.

⁸³ Khong and Nesadurai 2007, 47.

including rioting peasants and workers, middle-class reformists, and Islamist and separatist movements,⁸⁴ and some of these forces favored greater liberalization and liberal internationalist ASEAN policies.⁸⁵

According to Mely Caballero-Anthony, semi-authoritarianism and high economic performance (which gave states “performance legitimacy”) both served to stifle civil society organizing in the Southeast Asia, but in the wake of the 1997 economic crisis, civil society organizations’ “numbers rose dramatically and their visibility increased.” Since the crisis, the most prominent groups have been those working on human rights, democracy, and “advocacy against globalization,” including the Asian Forum for Human Rights and Development and the Asian Cultural Forum for Development. National and regional organizations have increasingly formed coalitions and networks and developed more sophisticated strategies for influencing governments and ASEAN.⁸⁶

When the economic crisis hit, two democracies, the Philippines and especially Thailand, took the lead in pushing for the revision of regional norms. Beginning in 1997, Thai foreign minister Surin Pitsuwan initiated debate within ASEAN about the continued utility and appropriateness of strict non-interference. In the lead-up to the July 1998 ASEAN Ministerial Meeting, he put forward a proposal for a revision of the non-interference policy: “flexible engagement.” Flexible engagement would permit ASEAN to collectively discuss and publicly comment on member states’ domestic problems if these problems could be shown to have regional implications.⁸⁷ The proposal was aimed at both economic and political issues, as it would allow for peer review of economic

⁸⁴ Jones 2010, 484.

⁸⁵ Mohamed 2002.

⁸⁶ Caballero-Anthony 2005, 237-238. See also Acharya 2014a on civil society networks targeting ASEAN.

⁸⁷ Haacke 1999, 583.

policies as well as criticism of “unacceptable internal conduct” (related to violations of human rights and democracy norms).⁸⁸ For Surin, flexible engagement was to shift emphasis from member state *rights* to member state *responsibilities*: “responsibilities for engagement, that is for contributing to the achievement of common regional goals.”⁸⁹

Several (related) concerns motivated Thailand’s proposed departure from the ASEAN Way. Like other members, it considered the financial crisis to be a threat to the Association’s international standing and relevance. The reasoning was that crisis exposed the need for liberal economic and political reforms in ASEAN states, and that these reforms would be necessary to regain the confidence and support of investors—and the international community more broadly—and to achieve economic recovery. Minister Surin insisted that “we either reform ourselves to meet international standards, or we can resist and be overwhelmed in the end, with no control over the pace or direction of change.” Echoing this, Surin’s deputy minister has argued that “States or groups of states which hope to play an influential role in the international political arena...cannot blatantly and cynically ignore or violate [international norms] on a sustained basis.” Instead, they must “do their utmost to make themselves acceptable in the eyes of the international community.” Furthermore, in affirmation of the “principle and practice of sovereign accountability,” ASEAN members member states should have the “right to encourage fellow members to become more accountable to the region and to the international community.”⁹⁰

Thailand was, at the time, one of two democracies in the region (the other being the Philippines). This mattered in two ways. First, there was domestic pressure for

⁸⁸ Acharya 2003, 382.

⁸⁹ Quoted in Jones 2008, 275.

⁹⁰ Quoted in Jones 2008, 275.

liberalizing reforms and a more “liberal” foreign policy, as discussed above in relation in to the question of Myanmar’s 1997 accession. This was especially the case in Thailand, where the financial crisis had resulted in a change in government. The Democrat Party that came to power was “predominantly urban, middle-class party espousing (neo)liberal values” and was eager to enact reform policies “aimed at ‘internationalizing’ both Thailand and ASEAN.”⁹¹ Second, and relatedly, Thailand was eager build up its democratic image internationally. As Acharya explains, although Thailand’s criticism of the ASEAN Way “was initially inspired by ASEAN’s perceived inability to respond effectively to the Asian economic crisis,” flexible engagement “was partly inspired by a desire to project its own democratic credentials” as the new government “did not want to be seen as part of a ‘club of dictators.’”⁹² Thailand was interested in the reputation of Southeast Asia as a whole; its own reputation was linked to the region’s. As Jurgen Haacke argues, “there was sufficient reason...to calculate that it would be inadequate to merely take steps aimed at the reform of domestic political and economic institutions. Indeed, perceptions of Thailand within the [United States] and European Union would almost certainly be influenced by Thailand’s foreign policy.”⁹³

The Philippines, a supporter of Surin’s proposal, was also motivated by a desire to improve ASEAN’s international image and reasoned that the association’s continued refusal to engage with human rights and other issues would hurt this image.⁹⁴ Apart from the Philippines, the rest of the ASEAN member states rejected flexible engagement. Instead, though, they adopted a diluted version: “enhanced interaction.” Enhanced

⁹¹ Jones 2008, 275.

⁹² Acharya 2003, 381, 383.

⁹³ Haacke 1999, 587.

⁹⁴ Katsumata 2004, 249.

interaction would allow for public criticism of domestic problems and policies, but not at the level of ASEAN, only at the individual state level. This is still a departure from non-interference as it had been practiced previously, but it was considered to be less threatening to regime security.⁹⁵

Changes in practice since 1998 do suggest that non-interference is eroding in Southeast Asia, albeit more slowly than in other regions, and the financial crisis and Surin's reform advocacy appear to have initiated this change. Evidence of the effect of the new enhanced interaction policy on practice can be found high profile instances of public criticism by ASEAN member states each other beginning in the late 1990s. For example, when the Malaysian prime minister dismissed and jailed the deputy prime minister in 1998, Indonesia and the Philippines publicly criticized Kuala Lumpur for violating the official's due process and other human rights. According to Acharya, this incidence "may have been the first time that the head of state of an ASEAN state had complained directly about human rights violations in a fellow member state."⁹⁶

The East Timor crisis of 1999 tested ASEAN norms. When Indonesian President Suharto stepped down in 1998, the new president moved to grant East Timor greater autonomy. The United Nations organized a special referendum in the territory on the question of self-determination, resulting in majority approval of East Timorese independence. Anti-independence militia within East Timor responded with violence, and a humanitarian emergency developed. Under pressure from the international community, and especially vulnerable to this pressure because of its precarious economic situation, Indonesia consented to the deployment of a United Nations peacekeeping force. A

⁹⁵ Haacke 1999.

⁹⁶ Acharya 1999, 430.

Security Council resolution then authorized a multinational force to “restore peace and security in East Timor, to protect and support the United Nations Mission in East Timor (UNAMET) and to facilitate humanitarian assistance operations there.”⁹⁷

ASEAN states initially held reservations about the peacekeeping force; they were wary of the decision to allow the mission to operate under a Chapter XII mandate (which involves greater coercion than Chapter XI), and they worried that it would set a precedent for future Western-initiated interventions.⁹⁸ Within ASEAN, Thailand and the Philippines were “the most sympathetic” to humanitarian intervention in East Timor.⁹⁹ In the end, though, Malaysia and Singapore joined Thailand and the Philippines in contributing troops to the multinational force. Because ASEAN’s “initial low key response” to the violence in East Timor had “deepened skepticism in the West about the organization’s usefulness,” Southeast Asian states were concerned about their reputation, which was “on the line” because of ASEAN’s “inability to respond effectively to the economic crisis or ameliorate the anti-democratic behavior of Burma.”¹⁰⁰

Other developments since the 1997 crisis reflect a diluted norm of non-interference, but, in part due to changes in government, leadership within ASEAN shifted somewhat over the 2000s on the issue of reforming the ASEAN Way in favor of human rights and democracy promotion. Although Thailand didn’t revert to authoritarianism until its military coup in 2006, a new government came to power in 2001 with different set of foreign policy priorities, and the foreign ministry backed away from its ASEAN reform campaign. This shows that a democratic regime type doesn’t necessarily produce

⁹⁷ United Nations Security Council 1999.

⁹⁸ Dupont 2000, 164.

⁹⁹ Khong and Nesadurai 2007, 46.

¹⁰⁰ Dupont 2000, 167-168.

pro-interventionist foreign policy orientations—even if it is a very causally relevant factor—since many factors are at play. If Thailand became less of a leader on these issues at this time, though, a recently democratized Indonesia assumed its place.

According to Rizal Sukma, while Indonesia’s transition to democracy (which began in 1999) was tenuous for the first few years, democratization has had a “significant impact” on its foreign policy. By 2003, Indonesia’s democratic identity had become cemented, and the aspiring regional leader began to push for Southeast Asian states to incorporate more human rights and democracy promoting institutions and practices into ASEAN. Indonesian foreign minister during this time, Hassan Wirajuda (2001-2009), stated that “We have to reflect democracy in our region. That is why we are active in promoting democracy in ASEAN.”¹⁰¹ The new regime sought to legitimize itself internationally and domestically by “project[ing] its new democratic credentials.”¹⁰² In the wake of the 1997 financial crisis and associated political and social upheaval, Indonesia was eager to repair its international reputation with respect to political stability and economic dynamism. Telegraphing a democratic and responsible image through foreign policy became part of its strategy; this was aimed at rebuilding “pride and confidence” as well as “its ability to reinvigorate the economy.”¹⁰³ It was also meant to communicate to domestic audiences, since “academics, activists, NGOs, and parliamentarians have strongly supported the inclusion of democracy and human rights in Indonesia’s foreign policy.”¹⁰⁴

¹⁰¹ Quoted in Sukma 2011, 111.

¹⁰² Acharya 2014a, 221.

¹⁰³ Sukma 2011, 112.

¹⁰⁴ Sukma 2011, 117.

ASEAN has increasingly put pressure on Myanmar to make political reforms. According to Lee Jones, “ASEAN states’ efforts to regain international political and economic ‘relevance’ and to restore domestic legitimacy in the wake of the crisis has core ASEAN states to try to discipline Myanmar when its actions endanger this process of renewal.”¹⁰⁵ Domestic and regional transnational groups added to the pressure for a tougher ASEAN stance on Myanmar. For example, in 2004, a transnational group of parliamentarians formed the ASEAN Inter-Parliamentary Myanmar Caucus, the goal of which was to “to campaign for their governments to adopt liberal-interventionist policies on Myanmar.”¹⁰⁶ According to Lee Jones, these campaigns have been most influential in Indonesia and the Philippines.¹⁰⁷ Some progress was made toward this goal, but it fell short of the Caucus’ demands. ASEAN denied Myanmar its turn at the association’s chairmanship in 2006 because it had not made sufficient progress on democratic reforms (this was considered a “minor defeat for the non-interference doctrine”). Malaysia even suggested that Myanmar might risk expulsion if it continued on its current path (although this harsh approach was never seriously considered by the group).¹⁰⁸ Over the next several years, ASEAN increasingly issued critical statements and applied “mild pressure” on the repressive regime. This constitutes a change in its non-interference policy (but not a major change).¹⁰⁹

ASEAN also engaged in institution building in attempt to improve its image. The establishment of the ASEAN Economic, Security, and Socio-Cultural Communities and the ASEAN Charter are good examples of this. These initiatives were motivated in part

¹⁰⁵ Jones 2010, 484.

¹⁰⁶ Jones 2009b, 388.

¹⁰⁷ Jones 2009b, 402.

¹⁰⁸ Acharya 2014a, 223.

¹⁰⁹ Acharya 2014a, 223.

by ASEAN states' desire recapture the association's "economic and political relevance" and to "project a reformist, progressive image" of the region as a whole.¹¹⁰ In 2003, Indonesia proposed the creation of an ASEAN Security Community in order to intensify cooperation on common security problems. Controversial aspects of the proposal included the establishment of a peacekeeping force, an ASEAN human rights commission, and measures to promote democracy and good governance. The October 2003 Declaration of ASEAN Concord II endorsed the creation (by 2020) of the ASEAN Community, made up of three 'pillars' of integration and cooperation: the ASEAN Security Community (later renamed ASEAN Political-Security Community), the ASEAN Economic Community, and the ASEAN Socio-Cultural Community.

Since Indonesia held the chair of the ASEAN Standing Committee at this time, it was tasked with drafting a proposal for a blueprint of the Security Community. Democracy and human rights featured prominently in Indonesia's February 2004 draft plan, and, after several months of "painstaking negotiations," the final version adopted by ASEAN reflected some of this emphasis but in a watered-down form. For example, while Indonesia had proposed language reading "ASEAN member countries shall not tolerate unconstitutional and undemocratic changes in government," the adopted text read "ASEAN Member Countries shall not condone unconstitutional and undemocratic changes in government..." While Indonesia's version included the creation of a regional human rights commission, the final version called for the establishment of "a network among existing human rights mechanisms" (a human rights body would, though, be

¹¹⁰ Jones 2010, 494.

approved later that decade). Finally, Indonesia's proposed peacekeeping force was dropped.¹¹¹

Traditionally averse to legalistic regionalism, ASEAN did not adopt a charter at its founding in 1967. It finally did so forty years later, providing the association with a more formal legal status and institutional framework.¹¹² The 2007 ASEAN Charter (which entered into force in 2008) was proposed in 2005. The ASEAN Eminent Persons Group was formed to develop the document. Echoing Thailand's former foreign minister's 'flexible engagement' proposal, Indonesia's representative to the group argued for "an agreed mechanism through which member states could work together to help a member country in addressing internal problems with clear external implications" and more broadly that, although "respect for sovereignty must remain a basic principle of ASEAN," a more flexible interpretation of non-interference should be adopted ("we have to be non-doctrinaire in some of these things").¹¹³ In general, the ASEAN Charter codifies existing norms, and the working group's least conservative recommendations, including sanctions for member non-compliance with ASEAN rules and majority voting procedures (to replace consensus decision making) were not incorporated. The charter does, however, contain several affirmations of ASEAN's commitment to democracy and human rights, which is novel for the association even if not accompanied by enforcement mechanisms. The Charter also provided for the establishment of a regional human rights body.

The association created the ASEAN Intergovernmental Commission on Human Rights in 2009. According to Amitav Acharya, this development "illustrates the proactive

¹¹¹ Acharya 2014a, 229-230.

¹¹² ASEAN 2007.

¹¹³ Sukma 2011, 113.

role of civil society in human rights norm diffusion in Southeast Asia.”¹¹⁴ Regional human rights groups had been advocating for a regional human rights body since the early 1990s, but ASEAN didn’t seriously consider it until the late 1990s. Indonesia was also, unsurprisingly, a proponent. In a press briefing a few months prior to the commission’s creation, the Indonesian foreign minister stated that “violations of human rights in a country can no longer be seen as internal matters. ASEAN should not hide behind the principle of non-interference.”¹¹⁵ The commission was tasked with the development of a human rights declaration, and ASEAN adopted the ASEAN Human Rights Declaration in 2012.

The Commission is relatively very weak. It is distinct from its Inter-American and African counterparts in that it is not authorized to investigate or publish reports on the human rights situation of specific countries. Its 2010-2015 “work plan” primarily involves the preparation of studies on priority thematic issues including, for example, corporate social responsibility and migration.¹¹⁶ It is not the “watchdog” that civil society groups were pushing for; it engages in human rights promotion but not protection.¹¹⁷

Despite its very limiting mandate, the Commission is reported to have held a closed-door meeting in March 2013 on the problem of the persecuted Rohingya people of Myanmar, a Muslim minority group in the western Rakhine state.¹¹⁸ Ethnicity-based citizenship laws in Myanmar have left many of the 1.33 million Rohingya stateless, and coordinated attacks on the Rohingya by members of the Buddhist community (with the acquiescence or even participation of the authorities) has involved killings, the

¹¹⁴ Acharya 2014a, 243.

¹¹⁵ Sukma 2011, 113.

¹¹⁶ Yuyun 2014.

¹¹⁷ Acharya 2014a, 245.

¹¹⁸ Southwick 2015, 148.

destruction of villages, torture, and rape, and has resulted in massive population displacement.¹¹⁹ Apart from the 2013 meeting, ASEAN has done very little to address the situation, even though it has been labeled a genocide by some and has created a major refugee crisis in Southeast Asia.¹²⁰ This is an excellent illustration of ASEAN's modest normative change but persistent exceptionalism: it has created a human rights body which has considered a specific human rights problem in a specific member state, but it remains far from as intrusive as its Latin American and African counterparts.

Finally, it is important to note that, since 2004, a Malaysia-led unarmed international monitoring group has been deployed to the Philippine island of Mindanao, with the consent of the government, to observe a ceasefire between the state and an Islamic separatist group that has been active since the 1960s. This deployment follows Malaysian efforts to mediate the conflict under the auspices of the Organization of Islamic Cooperation (Malaysia is a majority Muslim state). It is quite exceptional considering the low rate of regional response to internal crisis in Southeast Asia (see Chapter 2) and ASEAN's continued general aversion to intrusive regionalism. It suggests that non-interference has indeed eroded but also that an important identity discourse—Islam—might provide basis for intrusive regionalism even if pan-Asianism cannot.

Conclusion

The timing and justification of the erosion of non-interference in Southeast Asia have many parallels with African reforms in the 1990s following a decade of crisis in the 1980s and also demonstrates the importance of regime type. Still, as Chapter 2 clearly

¹¹⁹ Human Rights and Governance Case Studies. n.d.(b)

¹²⁰ Surin and Prashanth 2015.

shows, these changes are “little and late” compared to developments in other regions. What accounts for the relative maintenance of non-interference? Most importantly, because of the lack of a regional identity discourse challenging sovereignty norms, non-interference had remained relatively uncontested over the decades of ASEAN’s existence, and, in fact, the legitimacy of non-interference only grew stronger over time because of ASEAN successes. Non-interference was therefore a ‘stickier’ norm by 1997 in Southeast Asia than in was in Africa in 1990. The 1997 crisis called ASEAN and its norms into question, but it did not erase history. Furthermore, the Asian crisis was not as long and devastating as the African economic crisis of the 1980s—recovery in Southeast Asia began as early as 1999, and growth rates had mostly bounced back within a decade (see Figure 6.1).¹²¹ Finally, the resilience of the ASEAN Way can in part be attributed to the “absence of genuine democracies in parts of ASEAN”¹²² as Southeast Asia did not experience the widespread democratization that Latin America did.

¹²¹ “Ten Years On” 2007.

¹²² Khong and Nesadurai 2007, 48.

Chapter 8

Conclusion

The foregoing chapters have made the case that non-interference has eroded over time (and especially since the second wave of regionalism) in Latin America and Africa as the regional promotion and protection of democracy, security, and human rights has demoted but not displaced this fundamental sovereignty norm. Non-interference has meanwhile been maintained to a much greater degree in Southeast Asia, where its erosion has taken place later (post-1997) and has been much more modest. I argue that regional identity discourses in Latin America and Africa—liberal and legalistic pan-Americanism and pan-African transnationalism—have long presented a challenge to strict interpretations of sovereignty, and that similar identity discourses in Southeast Asia have not been strong enough to facilitate the contestation of non-interference in the same way. In the shorter term (ahead of and during the second wave of regionalism), high regional democratic density and poor economic performance (and the material and social vulnerability it brings) contributed to the reinvigoration of intrusive liberal regionalism in Latin America and the reform of the African regional normative order, *respectively*. I also find that, in Africa, gradual political liberalization (short of democratization) and the full democratization of some states—especially South Africa—contributed to the further development of intrusive regional institutions due to the expanded activity of civil society groups and the protagonism of these democratic states. In the wake of the 1997 Asian financial crisis, I find a similar (but muted) effect of poor economic performance on regional norms, as ASEAN’s commitment to non-interference softened. Southeast Asia’s

democracies have generally been those pushing for relevant reforms, and civil society has also been impactful.

I dedicate this concluding chapter to a discussion of the alternative explanations presented in Chapter 1 as well as to my case for the added value of this study to the comparative regionalism literature.

Alternative/Complementary Arguments

In general, my findings do not support the argument that a rise in civil conflict (the so-called ‘new wars’) in the 1990s accounts for the greater normative change taking place in Africa than elsewhere. First, civil conflict leading to massive human rights violations and refugee flows was not a new problem in Africa at this point, even if the 1990s were somewhat more conflictual than previous decades (see Figure 2.2 and Table 2.6). Edward Newman makes this claim—that the ‘newness’ of the ‘new wars’ is exaggerated—in his 2004 study, with special attention to Africa.¹ Second, civil conflict is not a problem unique to Africa even if though it constitutes an important part of the continent’s image. Southeast Asia’s crisis-level dispute levels and Civil Violence Magnitude and Impact scores are higher than Africa’s (see Figure 2.3 and Table 2.6). Finally, as I argue in Chapter 6, the African normative shift of the 1990s started right at the beginning of the decade, before a ‘new wars’ trend could be identified (and before the Rwandan genocide, which is often cited as a ‘wake up call’ moment with respect to the need for regional or

¹ Newman 2004.

international conflict management mechanisms). It *is* the case that the Rwandan genocide exposed capacity deficits in regional conflict management, and that this contributed to the push for a new regional organization (the African Union), but norm change was already well underway. None of this is to say that regional groupings aren't in fact responding to real problems with real spillover effects—they are. The point, though, is that the nature and level of conflict can't account for the temporal and regional variation I am investigating in the intrusiveness of regionalism.

With regard to the causal importance of great power interventionism and influence, my findings are more mixed. In general, they do not support the argument that the (perceived or actual) threat of great power intervention creates a stronger regional non-interference norm. In Southeast Asia, great power intervention did *indirectly* shape the regional normative order via its effect on an emerging regional identity discourse, pan-Asianism. Japanese imperialism made pan-Asianism less politically important, and therefore prevented it from presenting a challenge to sovereignty norms in Southeast Asia. Furthermore, the threat of Chinese support for communist insurgencies in Southeast Asian states during the Cold War did contribute to ASEAN's founding (and sustained) commitment to non-interference, but, again, only indirectly. For the original ASEAN Five, observing non-interference constituted part of a coordinated strategy against this common threat external-internal threat: it would reduce intra-ASEAN inter-state tensions, thereby allowing states to focus on domestic tasks, mainly economic development, in order to undermine the appeal of communist revolution. It seems implausible, however, that Southeast Asian states would believe that a strong ASEAN norm against interference would in any way deter Chinese interference or that China would consider itself bound to

respect ASEAN norms, either in the Cold War period or in the 1990s, when ASEAN states grew concerned about Chinese activities in the South China Sea.

In the Latin American case, the United States was in fact a formal member of the OAS (and the Pan-American Union before 1948), and so U.S. interventionism did make Latin American states wary of creating mechanisms through which the United States could further interfere in their domestic affairs. They attempted to use regionalism to secure sovereignty norms and thereby constrain the hegemon. U.S. interventionism during the Cold War, sometimes through the cooptation of OAS processes, contributed to period of decline for multilateralism. Great power interventionism did affect the norm of non-interference in this case, then, because of U.S. membership in the OAS, but this does not help us understand variation across regions.

Africa does not have a ‘local’ great power in the way that the other regions do, and Africa was more marginal to superpower interests during the Cold War. Its leaders did express concern, though, about extraregional intervention and neocolonialism, broadly defined. Interestingly, however, early on it was those states most concerned about neocolonial intervention—and most in favor of severing ties between African states and former colonial powers—that advocated for Africans to pool their sovereignty and create a United States of Africa. The argument that these three regions have been the targets of differing levels of extraregional intervention and have therefore become sensitive about their sovereignty to differing levels is therefore unconvincing.

Great power influence is more causally relevant than is interventionism to the variation I seek to explain. In Chapter 1, I identify two broad types of influence—one

more indirect (i.e. Luke's 'third face' of power—influence through hegemonic ideas) and more direct (e.g. material pressure, social shaming). With respect to the former, it is the case, as I assert in Chapter 1, that the international ideational context during the second wave of regionalism—the ascendance of liberal internationalism beginning in the late 1970s and the human security paradigm in the 1990s—is a critical component of the rise of intrusive regionalism, since the types of practices constituting this regionalism were aimed at promoting democracy, human rights, and more broadly defined security objectives (including civilian protection). To reduce this story to 'great power influence' is reductive and misleading for two reasons.

First, as Chapters 3-5 show, the regional identity discourses that I argue present a challenge to sovereignty norms in Latin America in Africa had emerged and were already shaping the development of regional norms before the late 1970s. These identity discourses interacted with (and arguably contributed to) the international ideational context. Second, during the last quarter of the 20th century, actors in the global South engaged in the construction and promotion of liberal internationalism and human security. For example, Latin American human rights organizations and the Inter-American Commission on Human Rights responded in the 1970s to the repressive practices of authoritarian regimes in the region by advocating for international accountability. Likewise, African regional bureaucrats like the ECA's Adebayo Adedeji responded to the imposition of structural adjustment programs by calling for human-centered and holistic international policy making, helping to lay the foundation for the

human security paradigm, and it was Sudanese diplomat Francis Deng who later coined the phrase ‘sovereignty as responsibility.’²

With respect to more direct forms of great power influence, I do not find evidence for this influence on the emergence or content of the regional identity discourses that I identify as causally relevant in Latin America or Africa. While some might suppose the United States to be responsible for the liberal commitments of pan-Americanism, these originated in the hemisphere’s independence period, before the United States assumed leadership of pan-American cooperation. Also, the United States has since been an inconsistent supporter of intrusive liberal regionalism in Latin America. Furthermore, in Africa, former colonial powers like France opposed radical pan-Africanism, as it weakened relationships between African states and former colonial powers.

In the case of Southeast Asia, China’s (rhetorical) commitment to non-interference (against Western liberal internationalism) does not account for ASEAN’s commitment to it. ASEAN embraced non-interference at its founding, and a convergence of values among the ASEAN states and China does not imply Chinese influence.

It is the case, however, that powerful states in the global North and international financial institutions have pressured states in the global South to liberalize, politically and economically, especially during the second wave of regionalism and beyond. While this pressure—both material and social—has mostly targeted *domestic* policy, I also find evidence of states being pressured to adopt liberal *foreign* policy orientations. For example, the ASEAN states have been heavily criticized for not taking a harder stance, individually and as a group, on the Myanmar regime. This pressure, in combination with

² Deng et al 1996.

domestic pressure, indeed constitutes part of my theoretical framework, since democratic states and materially and socially vulnerable states are more susceptible to this very pressure and therefore more likely to create intrusive regional institutions. Great power pressure is only one aspect, however, of the link between material and social vulnerability (caused by economic crisis or uncertainty), on the one hand, and the emergence or expansion of intrusive regionalism, on the other hand. States' consciousness of and desire to manage their region's collective image—vis-à-vis investors and the international community—is a perhaps more important aspect. In the wake of economic crisis, states in Africa and Southeast Asia articulated concerns about outsiders' perceptions of their regions' states and regional organizations as illegitimate, dysfunctional, illiberal, irresponsible, bad for business, et cetera. The regional promotion and/or protection of democracy, human rights, and security was pitched as a collective image management strategy—a way to project responsibility and legitimacy and avoid economic and political marginalization. Again, the ideational context is important here, since the idea that democracy and security promote economic development has not always and everywhere been prominent.

Although there is a growing literature on *collective identity*, including the impact of identity on regional norms and institutions and the reverse (the impact of regional institutions on identity)³, there is relatively little work being done on the role of *collective image*, or how regions are perceived by extraregional actors and how regional actors understand these perceptions. The findings of this dissertation suggest that more attention should be paid to the role of collective image consciousness and management.

³ See, for example, Checkel forthcoming.

Scholarship on soft power, public diplomacy, and ‘nation branding’⁴ provides a useful starting place for thinking about collective image management. Currently, these concepts are (nearly exclusively) applied to activities of the nation state, which is a more unitary actor than are regional groupings, so a careful application to the regional level will need to address issues of collective action problems and ‘actorness.’

Furthermore, the notion that extraregional actors’ perceptions of countries in a particular region are tied to the reputation or image of other countries in that region is supported by the findings of Julia Gray’s recent book, *The Company States Keep: International Economic Organizations and Investor Perceptions*. Gray concludes that one ‘short cut’ investors use (when evaluating political risk in a candidate country) is the reputation of other countries that ‘keep company’ with the candidate country (through membership in a regional organization). In other words, states bear the costs or reap the rewards of the reputations of those states with whom they formally associate, because investors have incomplete information.

The Comparative Regionalism Literature

Why study regions? Over the last three decades, the management of security has increasingly been approached through diverse regional cooperation schemes, and, according to some accounts, over half of international commerce now takes place within regional preferential trading arrangements (ranging from free trade agreements to

⁴ See Anholt 2007.

economic unions).⁵ Scholars of diverse theoretical orientations have in recent years urged us to pay greater attention to the regional level of global governance as we seek to understand existing and emerging governance challenges and responses. Charles Kupchan calls for the devolution of power to regional bodies as a way to manage a global turn away from Western dominance.⁶ Andrew Hurrell predicts that regions will play a central role in the “coming struggle for global political legitimacy,”⁷ and Amitav Acharya sees the policies of regional actors, emerging powers, and the United States as key to the promotion of stability in the approaching “multiplex world.”⁸ Yet, relatively little scholarship works to compare norms and institutions across regions in the global South.

The late 20th century resurgence of regionalism referenced in Chapter 1 has inspired renewed academic interest in regional dynamics, but the resultant body of work has been inadequate with respect to the developing world. Some have labeled this most recent wave⁹ the ‘new regionalism,’ arguing that it is qualitatively different from regional integration patterns of the 1950s and 1960s, in part because of its ‘multidimensional’ nature: no longer just a matter of free trade agreements and security regimes, integration has interwoven economic, cultural, political and social dimensions.¹⁰ The term ‘new regionalism’ is used not only to describe this real world development, but also to label the dominant approach to its study which also emerged in the 1990s—the New Regionalism (NR). The NR approach is not so much distinguished by a coherent theory¹¹ or framework for studying regionalism but rather by a shared normative commitment to

⁵ Mansfield and Solingen 2010, 147.

⁶ Kupchan 2012.

⁷ Hurrell 2007, 146.

⁸ Acharya 2014b.

⁹ Mansfield and Milner 1999.

¹⁰ Farrell 2005, 8.

¹¹ Soderbaum and Shaw 2003.

regionalism, an emphasis on its multidimensionality, the attention it pays to the importance of sub-state as well as state actors, and its understanding of the project of regionalism as a response to globalization.¹²

One of the many professed aims of this new wave of scholarship is to correct the Eurocentric tendencies of ‘old’ regionalism by broadening the object of study to include regional institutions and processes in the developing world. But much of this work maintains a European Union-focus. For example, a recent edited volume’s concluding chapter, titled “Regionalism and World Order,” re-emphasizes this special attention to European developments, arguing that “To understand the future world order is...to consider the relative strength of...two competing world order projects,” that of the United States and that of Europe, both aiming to “restructure the world in accordance with a certain set of values.”¹³ It is unclear where developing world regionalism fits in to either of these projects. The bulk of empirical NR work continues to either look exclusively at the European or to compare the European Union to other regional projects. For example, there is a growing comparative literature on the European Union and ASEAN. NR work on ASEAN makes up the biggest percentage of that done on regionalism in the Third World.¹⁴ This contributes to conventional wisdom about ‘developed world norms’ versus ‘developing world norms’ by taking ASEAN as representative of the developing world.

The NR’s normative commitment to regionalism is propped up by the actual achievements of the European regional project, and so we find the NR scholars returning again and again to the particular European experience in order to theorize regionalization

¹² Hettne 1999.

¹³ Hettne 2005.

¹⁴ For example, see Nesadurai 2003.

generally. The European Union often remains the implicit (and sometimes explicit) standard toward which developing regions might progress, despite language professing an attention to the ‘diversity’ of regional models, and the importance of avoiding the imposition of one region’s ‘model’ onto another’s. Regional projects that don’t look like the European Union are often dismissed as irrelevant or at least much less interesting. Even if not dismissed as irrelevant, they are studied for the purpose of discovering how they might perform the functions of European institutions. Their features are analyzed in terms of ‘strengths’ and ‘weaknesses.’

Amitav Acharya and A.I. Johnston’s comparative study¹⁵ on regional institutional design improves upon some of the problems of the NR, primarily by doing more to consider Third World regional projects ‘on their own terms.’ The editors asked their group of experts on Southeast Asia, Latin America, Africa, North America, the Arab world and Europea to structure their chapters according to a more or less common framework, examining both the causes and effects of regional institutional features and considering a list of potentially important causal factors (drawing on a variety of theoretical approaches laid out by Acharya and Johnston in their introduction). Although seeking to produce systematic comparative work, the editors are also wary of working too deductively, imposing a framework that may or may not apply to every region. They therefore instruct their contributors not to restrict their analyses too much to the common framework, in the hopes of producing inductively generated findings. As a result, the book’s conclusion looks slightly different than the introduction. For example, they change their second dependent variable from ‘quality of cooperation’ to ‘nature of

¹⁵ Acharya and Johnston 2007.

cooperation.¹⁶ This seems to be an effort to avoid the sort of ‘success’ vs. ‘failure’ framework that I critiqued in my discussion of the NR approach. However, like so much of existing work on comparative regionalism (work that is not a single case study), this is an edited volume and therefore does not engage in truly *direct* comparison. One of the conclusions of the volume, as noted in Chapter 1 of this dissertation, is that regional institutions in the developing are sovereignty-preserving rather than sovereignty-effacing, but the book does not identify important variation across the global South on this question because there is no systematic comparison of sovereignty norms across regions.

A more recent (2015) comparative study on ‘governance transfer’ to regional organizations employs a much more systematic framework and does recognize important variation across Southern regions.¹⁷ The editors, Tanja Börzel and Vera van Hüllen, and contributors ‘map’ this governance transfer to twelve regional and sub-regional organization in the global, with special attention to regional legal instruments. In order to explain persistent differences across regions in transfer patterns, they offer a menu of ‘supply’ and ‘demand’ factors that contribute to transfer. Contributors focus on a particular regional organization and draw upon these supply and demand factors to explain particular outcomes. This volume makes a significant and timely contribution to the comparative regionalism literature and has offered me a useful resource in the later stages of this dissertation. It is still, however, still not a truly direct comparison of regional normative orders aimed at deriving a central, generalizable causal argument.

¹⁶ Ibid. 263.

¹⁷ Börzel and van Hüllen 2015.

The New Regionalism—and area studies work that predates the NR by many years—has produced a wealth of single-case studies that offer tremendous resources to students of comparative regionalism like me who seek to address the shortage of broader theory building in the literature by putting analyses of individual regions in conversation with one another. This present study is my first contribution in this regard, and I look forward to building on it in future research endeavors.

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