

**Institutional Change and the Inter-American Human Rights System:
Introduction to a Special Issue of the *International Journal of Human Rights***

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Abstract: This article introduces the special issue of the *International Journal of Human Rights* on institutional change in the Inter-American Human Rights System (IAHRS). In doing so, it identifies the main concepts and ideas central to understanding the institutional change the IAHRS has experienced over the past six decades. Since the adoption of the American Declaration of the Rights and Duties of Man by the Organization of American States (OAS) in 1948, the IAHRS has undergone a series of institutional changes and transformations that have affected and been affected by the System's normative leanings, rules of procedure and institutional design, as well as by the position of the System within the broader landscape of the Americas. This special issue explores these changes from a variety of angles, including the process of change in historical context, normative and legal changes in the Inter-American Court's jurisprudence, and the changing relationship between the IAHRS and other regional and international human rights institutions. This special issue features contributions and insights from the disciplines of history, law, and political science, among others.

Keywords: Inter-American Commission on Human Rights, Inter-American Court of Human Rights, institutional change, international courts, international norms, Latin America

Introduction

When the members of the Organization of American States (OAS) agreed on the American Declaration on the Rights and Duties of Man in 1948, there was little indication that the Declaration would ultimately yield a highly institutionalized system comprised of a quasi-judicial commission, an international court and a set of rapporteurs and other special envoys. And yet, as the result of both small, incremental changes as well as major overhauls of the system, the Inter-American Human Rights System (IAHRS) has transformed from a singular declaration to the legalized and judicialized network it is today. The trajectory of the IAHRS is a study in the proliferation of international bureaucracies designed to oversee states' human rights performances, as well as in the persistent struggle to consolidate human rights norms in the face of political resistance.

There is a dominant narrative in much international legal scholarship that conceives of, either explicitly or implicitly, institutional or legal change as progress. Not all institutional change and innovation, however, may lead to demonstrably increased levels of protection and promotion of human rights, and the IAHRS is an illustrative case of these inconsistent causes and consequences of change. The uneven application of the system's norms, the start-and-stop nature of the reform and strengthening processes the system has experienced and the variable stature of the IAHRS within the region all speak to the fact that institutional change is a *process* but not necessarily *progress*.

The changes that the IAHRS has experienced are neither uniform nor teleological. Instead, they have their roots in political transformations at the individual, institutional, regional and international level. For example, political elites within OAS member states, as well as bureaucrats working within the system have advocated for and against change. Similarly,

changes in regional power dynamics, including but not limited to the region's turn to the left in the early 2000s, have contributed to the uneven application of the IAHRS' norms, recommendations and rulings throughout the Americas. These changes have led, in some instances, to increased engagement with the Inter-American System, as was the case with Argentina and Peru in the early 2000s and with Mexico over the past decade. At the same time, these changes have also contributed to the rejection of the IAHRS in places like Brazil, Venezuela and Paraguay, among others.

This special issue focuses on three particular forms of change: 1) changes in the institutional design and rules of procedure of the IAHRS; 2) changes in the system's jurisprudence and norm promotion; and 3) changes with respect to the role of the IAHRS vis-à-vis other regional and international human rights institutions and instruments. The contributors to this issue explore the concept of institutional change on the individual, institutional, and regional/international levels, from a variety of disciplines, including history, law, political science and sociology. Taken together, the articles in this special issue advance two distinct but related arguments: first, institutional change in the IAHRS has shaped and been shaped by geopolitics. Even as human rights norms have evolved and expanded in both depth and scope, geopolitical concerns continue to thwart the full realization of rights in the region. At the same time, however, the IAHRS and the norms it espouses have tempered the effect of *realpolitik* in Latin America. Second, and relatedly, the IAHRS has developed concurrently with other regional and international integration and institutionalization efforts, as well as global shifts in human rights norms, practice and jurisprudence. The IAHRS has been one piece of an evolving human rights landscape, and while it has shaped what the landscape looks like, it, too, has been defined by these larger trends.

This article proceeds as follows. The following section provides a brief overview of the history of the IAHRS. The next section outlines an overarching theoretical framework for thinking about institutional change and the final section discusses the three main lines of inquiry that guide the rest of this special issue.

The Inter-American Human Rights System and Its Historical Context

The Inter-American Human Rights System has its roots in the 1948 American Declaration on the Rights and Duties of Man. The 1948 Declaration was one of the first international instruments designed to articulate and promote shared human rights standards. The first addition to the Declaration took place when the OAS created the Inter-American Commission on Human Rights in 1959.¹ In creating the Commission, the OAS established a monitoring body designed to oversee the protection of human rights in the region, albeit one with weak enforcement abilities. Some of the weaknesses of the early Commission derived from the fact that there was no binding international convention on human rights in the regional until 1969, when the OAS adopted the American Convention on Human Rights, which entered into force in 1978. In addition to providing a binding human rights instrument, the Convention outlined the provisions for the Inter-American Court of Human Rights, which now regularly hears cases alleging violations of the Convention and serves as another layer of enforcement beyond and in addition to the Commission.²

Today, the Court works together with the Commission, hearing cases in which the Commission has found the state responsible for a human rights violation but in which the state has not adequately remedied such violations. More specifically, once an alleged victim has exhausted domestic remedies for his or her rights claim, he or she can take a petition to the Inter-

American Commission on Human Rights. The Commission considers admissibility, merits and, as needed, reparations in a given case. The Commission also works to facilitate friendly settlement agreements when appropriate. If the Commission deems that a state has failed to implement its recommendations after a violation, the Commission then pursue adjudication at the Inter-American Court, which also considers the admissibility, merits and reparations of the case at hand.³ In addition to acting as the interlocutor and prosecutor, the Commission fulfils a monitoring function of the Court's cases.

The IAHRS has emerged as an integral part of the regional institutional landscape of the Americas since the mid-20th century.⁴ Even before the adoption of the OAS Charter in 1948, however, Latin American republics, in particular, displayed a widespread acceptance of human rights principles. As Forsythe highlights, “a small number of Latin states in the 1940s tried to exert moral leadership in support of precise legal obligations and a capacity for regional action on human rights. This handful of Latin American states - Panama, Uruguay, Brazil, Mexico, the Dominican Republic, Cuba, and Venezuela - also pushed for binding human rights commitments at the San Francisco conference which led to the establishment of the United Nations.”⁵ Moreover, these regional developments reflected a widespread liberal tradition of constitution-making in Latin America with countries generally adopting an ambitious range of human rights principles and protections in their national constitutions.⁶

At the same time, the system was born in a region marked by the Cold War and long periods of repressive and authoritarian rule. With the general turn to democracy in the region of Latin America, the IAHRS experienced change on multiple fronts. In response to the various democratic transitions in the region, the system became engaged in debates concerning ‘transitional justice’, or the political calculations made by transitional governments with regards

to how to deal with human rights abuses under previous (predominantly military) regimes. Moreover, since the mid-1990s onwards, the system became increasingly shaped by institutional efforts to address human rights challenges in a regional context where electoral democracy has made significant advances, but where widespread human rights abuses persist.⁷

Although organisational funding continues to be scarce, the resources made available to the system have increased over the years. The IAHRS is a visible institutional and authoritative presence on the regional political and human rights landscape in the Americas, though clearly this is unevenly manifested across the region. The IAHRS has developed extensive human rights expertise, and the number and types of mechanisms it has created to promote and protect human rights has expanded significantly. The system has also accumulated significant political legitimacy over the years through its work. And yet, despite these developments, the absence of robust institutional mechanisms for enforcement, combined with the general lack of political support from OAS member-states, remain notable.⁸

For some, the normative and institutional evolution of the IAHRS has led to an increased interaction between the system and domestic political processes and national legal orders.⁹ These processes of regionalization provide opportunities for domestic and transnational human rights actors to bring pressure for change in their domestic political and legal systems. Indeed, the system provides an important platform for human rights NGOs, for example; some of which have been very adept at integrating the IAHRS into their advocacy strategies.¹⁰ For others, however, the IAHRS continues to represent a form of neoliberal hegemony or, perhaps worse, the unrealized promises of human rights law and discourse.

Classifying Institutional Change

The international relations literature provides a number of different explanations for how and why institutions change and to what effect. These arguments tend to cluster around three different levels of analysis: individual bureaucrats and change-makers; the institution and its bureaucracy; and the broader political context. On the individual level, for example, international bureaucrats can play powerful roles in shaping the direction of international organizations. Tana Johnson argues that individual bureaucrats have multiple incentives, ranging from job security to authority over policy, to insulate international organizations from member states, and that the more independence international bureaucrats have, the more able they are to distance themselves from states and to pursue the policies they prefer.¹¹ Individuals can also play important roles in shaping the rhetoric and meaning of particular practices, which, in turn, can shape the direction of the international organizations more generally. These norm entrepreneurs can work both with and within organizations like the IAHRS to mould operating procedures as well as the normative commitments of the institution.¹²

This is not to say, however, the individual bureaucrats can readily or easily change the dynamics of a given institution. Instead, international bureaucracies, like the IAHRS, develop their own ethos and pathologies, which can make reform and change quite difficult. Institutional culture, coupled with individuals' preferences and the relationship between states and institutions can militate against institutional reform.¹³ Moreover, cultures of scepticism and doubt can hamper change or push it in a direction that might result in the weakening of the institution.¹⁴ At the same time, self-assessment and institutional review can prompt reform processes.¹⁵

Pressure for and against change can also derive from the regional and international politics that shape human rights institutions and their given context. State politicking can hamper or block major institutional changes.¹⁶ Moreover, geopolitical changes can render

institutions obsolete or impotent to deal with current problems.¹⁷ And yet, a shifting world order can give rise to new institutions or force existing ones to transform to meet current challenges.¹⁸

The articles in this special issue build on this literature by providing a typology for institutional change that complements and intersects with the existing level of analysis frame. While the international relations and international law literature has done a commendable job explaining the factors that lead to change (or the independent variables), it has provided less systemic theorizing or typologizing about the various *types* of institutional change. This is particularly true with respect to the literature on regional and international human rights systems, which are often considered in isolation rather than through a comparative lens.

In particular, the articles that follow consider the different forms of institutional change that the IAHRS is subject to and identify three types: 1) changes in institutional design and process; 2) legal and normative changes; and 3) changes in the relationship between the IAHRS and other international human rights institutions. The drivers for (and against) these changes transcend the individual, institutional and system levels of analysis and, as the following articles show, sometimes work at cross-purposes. The remainder of this article will explain the different types of changes and situate the empirical articles that comprise this special issue.

Changes in Institutional Design and Process

Today, the degree of autonomy enjoyed by the IAHRS within the broader institutional structures of the OAS is unparalleled among other international and regional human rights bodies. The independence and productivity that the IAHRS now enjoys are the result of a slow but deliberate expansion of the Commission's and Court's respective mandates. For example, the Commission has built a large repertoire of mechanisms, including quasi-adjudication and

mediation of friendly settlements; regular site visits to trouble spots throughout the region; and country reports. Since its founding to the time of writing (March 2018), the Commission has published 54 thematic reports and 69 country-specific reports. The slow accumulation of reports, visits and recommendations has expanded the Commission's authority and legitimacy. The Commission has also experienced more sudden changes in its mandate. For example, one of the most profound changes that the IAHRS has experienced took place early on in its history, when, in 1965, the Commission was invested with power to hear and consider complaints alleging human rights abuses from petitioners throughout the region. This petitioning mechanism provides the framework for the bulk of the Inter-American System's work today: processing, investigating and adjudicating individual petitions. The establishment of the Inter-American Court of Human Rights in 1978 further consolidated the individual petitioning mechanism.

Access to the system has strengthened over time as the IAHRS has evolved into a judicial regime with a procedural focus on the force of legal argumentation and the generation of regional human rights jurisprudence. And yet, the system is able to process only a small number of the petitions submitted. Given the vast human rights challenges facing contemporary societies in the region, moreover, only a minuscule proportion of the violations committed on a daily basis are presented to the IAHRS. This reality raises several thorny yet important questions concerning the accessibility of the system, particularly for marginalised and vulnerable individuals and groups, who, arguably, are those most in need of the system's support for the realisation of their human rights.

By the late 1990s and early 2000s, the IAHRS began to emerge as a key actor on the regional human rights landscape. Constituents from around the region started using the

individual petitioning with more frequency and the Commission expanded the role of special rapporteurs and other thematic modes of inquiry. This is not to suggest that the earlier problems regarding compliance, enforcement and legitimacy of the institution were solved, but rather, in the words of Tom Farer, that the Inter-American system was “no longer a unicorn, but not yet an ox.”¹⁹ In 2012, the Inter-American System undertook a comprehensive reform agenda, known as the strengthening process, to revisit and improve its rules of procedure. The reform process, and the contentious politics surrounding it, revealed that the IAHRS is an evolving, living institution.²⁰

The IAHRS has institutionally responded to the changing demands on it, and changes in the human rights landscape more broadly, in ways that underline both the potential of and limitations on the system. In its practice, the IAHRS is concerned with a wide range of human rights challenges, including issues ranging from transitional justice and first-generation civil and political rights to structural and on-going violence (e.g. abuses committed by police and security forces, indigenous groups’ rights to ancestral lands). Moreover, the IAHRS has become increasingly ambitious not only in terms of the types of human rights challenges it deals with, but also in terms of what it demands from states. In particular, the Inter-American Court’s evolving policies of reparations now span from monetary compensation to victims, symbolic reparations (e.g. memorials), to demands for state reforms and criminal prosecutions of individual perpetrators. The IAHRS’ evolving status in the region is, arguably, best understood by considering the normative and legal changes it has inspired over the past six decades.

Normative and Legal Change

As noted above, one of the most notable and important changes that the IAHRS has experienced since its founding nearly 60 years ago is its transformation from a quasi-judicial oversight body into a normatively intrusive regime with a far-reaching human rights mandate. Over the decades the IAHRS has established states' legal obligation under regional and international human rights law to respect and ensure the rights of individuals and groups, and in the light of the failure to do so, the international obligation to hold states accountable. In the process, the human rights system has developed regional standards incorporating a wide range of human rights norms that seek to regulate the relationship between the state and its citizens.

One particularly noteworthy area is the central role the IAHRS has played in the construction of a set of rules, norms and principles that bridge international human rights law with the field of transitional justice. The Inter-American Court of Human Rights, in particular, has stressed the importance of accountability in post-transition and post-conflict states, and has furthered advocated for the *erga omnes* effects of its rulings on accountability and transitional justice.²¹ But the role of the IAHRS in the development of regional and international human rights standards goes certainly beyond transitional justice. This is evidenced in the broad range of issues that the system currently engages in from, for example, freedom of expression through rights of indigenous groups to LGBTI rights.²² The IAHRS has also exercised its jurisdiction to explicitly advocate the strengthening of regional democracies as the strongest guarantees for the protection of a wide range of human rights.

Yet, this normative expansion of the system risks obfuscating the fact that developments have been more significant and far-reaching in some issue-areas as opposed to others. The recent decision by the Inter-American Commission to create an Office of the Special Rapporteur on Economic, Social, and Cultural Rights only serves to illustrate the relative lack of normative

progress to date by the IAHRS in this broad cluster of rights. Similarly, the IACtHR has shown a deeper commitment to the development of certain legal mechanisms, such as reparations and victim participation, than others, such as measures of non-repetition.

The changes that the IAHRS has experienced and advanced in terms of the norms it promotes and the legal instruments upon which it relies are part of the larger international human rights architecture. As such, the articles that follow raise a set of questions concerning the extent to which, on the one hand, the IAHRS is shaped by extra-regional normative and legal developments, and, on the other, the IAHRS contributes to the development of international human rights law beyond its region.

The Inter-American System in the Regional and International Context

The IAHRS has emerged as the central human rights reference point in the region. Today, the reach of the IAHRS is truly hemispheric, covering all 35 OAS member states. Twenty-five states have, at some point, ratified the American Convention²³, and out of the 23 states that currently have the status of ratifiers of the Convention, 20 states²⁴ recognize the contentious jurisdiction of the Inter-American Court. In this sense, an indication of the institutional development of the regional human rights system as it has extended its reach across a variety of human rights issue-areas could be seen in the increasing number of ratifications of regional human rights instruments.

Yet, there is significant variation with regards to the formal adherence to the system. This is reflected in the uneven adoption of regional human rights instruments by OAS member states. Indeed, one of the contentious issues surrounding the IAHRS is precisely its uneven ratification record. While most Latin American states demonstrate a high degree of formal commitment to

the IAHRS, the US, Canada, and most of the English-speaking Caribbean have not ratified the American Convention and have not accepted the jurisdiction of the Inter-American Court. Moreover, Trinidad and Tobago denounced the American Convention in 1998, and Venezuela did the same in 2012.

The significant political tensions surrounding the IAHRS in recent years highlight that processes of institutional development are not necessarily progressive, nor unidirectional. In particular, if you accept that normative understandings and institutional structures are prone to change, there will also be the potential for pushback, reversal and stagnation. True, there may be a basic recognition of certain fundamental human rights principles in the Americas. To put this (thin) consensus in a simplified, yet illuminating, regional contrast, the region is not the Middle East, nor South-East Asia, or Africa. Still, beyond this basic normative consensus, however important it may be, recent debates within the OAS concerning the scope and direction of IAHRS reforms suggest that some states question the institutional direction of travel of the IAHRS. Trenchant criticisms in recent years from the governments in Bolivia, Brazil, Colombia, Ecuador, and Venezuela, may suggest that the IAHRS is on the verge of overstretaching its institutional mandate. Efforts by states to constrain or rein in the IAHRS may need to be seen, moreover, in the broader context of an uncertain future for the global human rights regime in light of the wider implications of shifting global power balances that the Americas as a region is not immune from.

As power shifts globally, as well as regionally in the Americas, competing understandings of sovereignty that emphasize sovereign equality may reassert themselves challenging the demands and expectations of human rights advocates. Indeed, debates within the OAS in the context of the IAHRS reform process reflect an enduring and deep disquiet towards

external monitoring and sanction of the human rights record of governments. From this perspective, it may be argued that it is precisely the institutional development of the IAHRS, in ways that have escaped the control of states, which has prompted significant pushback by certain groups of states within the OAS.

It is worth noting, too, that the IAHRS is part of a larger international architecture of human rights institutions. The growth and development of the IAHRS has coincided with the explosion of international human rights instruments and institutions on the global scale. As the article by Cristiane Carneiro and Simone Wegmann in this special issue explains, states must navigate a dense network of international human rights commitments, of which the IAHRS is only part. This is particularly salient for Latin American states as they tend to be, in the phrasing of Beth Simmons “serial ratifiers.” That means that Latin American states tend to ratify most human rights agreements—and international legal agreements more generally—even when their patterns of human rights practices deviate from the treaties’ expectations.²⁵ The dense international architecture of human rights treaties also means that states sometimes confront vaguely contradictory messages from the different human rights institutions of which they are a part. This has implications for the implementation of and compliance with these institutions’ rulings, recommendations and norms.²⁶

The dense institutional architecture of which the IAHRS is part has also affected the system directly and been affected by it. The IAHRS has been on the leading edge of the legalization and adjudication turns in international politics more generally and international human rights more specifically.²⁷ The role of individual petitioners within the Inter-American and European systems have been models for the African human rights system, and had significant influence on the role and prominence of individual petitioning mechanisms within the

United Nations, as well. Similarly, the reform processes of the European Court of Human Rights in the early 1990s and again in the late 2000s, have prompted the IAHRS to re-examine their own rules of procedure. While the IAHRS opted to keep the dual commission-court structure that their European counterpart abandoned, this decision to maintain their chosen institutional design was prompted by larger trends on the international landscape.²⁸

The analytical aim here is related to understandings of the directions of the institutional changes the IAHRS has undergone, and the broader regional order in which it is embedded. To what extent is the system's development a story of progress, when observed over time, with only minor reversals in recent years? Or has the system entered into a period of (irreversible?) decline, after the rather remarkable institutional growth of the 1990s in particular? Or are we witnessing a recurrent story of ebbs and flows? Approaching the institutional development of the IAHRS as a historically and politically contingent phenomenon, as a deeply contextual story, requires an understanding of the actors involved in shaping the system's institutional process of change at various levels, including legal, political, and societal.

Outline of the Special Issue

The special issue will proceed in three sections. The first section, *Institutional Change in Historical Perspective*, features contributions from Bruno Boti Bernardi and Luis Van Isschot and considers the ways in which changing domestic and regional political dynamics affect the IAHRS and conversely, how changing relationships within the system affected its role in the region. The second section, *Normative and Legal Change in the IAHRS*, highlights the ways in which the jurisprudence of the IAHRS has developed over time. The contributions in this section by Jorge Contesse, Clara Sandoval, and Geneviève Lessard examine the causes and

critical junctures that contributed to these jurisprudential developments. The articles in this section also consider consequences of these normative and legal changes for the development of international human rights laws and for the place of victims of human rights abuse in society.

The third and final section features work by Cristiane Carneiro and Simone Wegmann and Gabriela Kletzel. The contribution by Carneiro and Wegmann situates the changes that the IAHRS has experienced within the broader international context and consider how the IAHRS interfaces with other institutions, like the United Nations. The concluding chapter by Kletzel examines the Inter-American Commission's most recent institutional reform process and asks: to what extent have the institutional changes that the IAHRS has undergone enabled it to affect positive domestic human rights change?

Conclusion

The evolution of the Inter-American Human Rights System is inextricably linked with political, legal and normative developments in the region and beyond. While six decades of institutionalization have created a judicial and quasi-judicial system that responds to individual cases of human rights abuses, facilitates reparations for victims, and advances the cause of human rights more broadly, the IAHRS faces many of the same challenges today as it did when it first began. States continue to underfund the system, threatening its very existence. Political elites continue to threaten to withdraw from the IAHRS when it moves in a direction they find unhelpful. And, of course, some leaders continue to insist that the IAHRS is a tool of neo-imperialism and should, as such, be roundly rejected.

The articles that follow in this special issue address both the promises and limits of institutional change in the Inter-American Human Rights System. The contributors in this

special issue unpack fundamental premises about institutional progress, consider the varying implications of changes in the IAHRS's jurisprudence, and put all of these changes into a broader context. While the articles that follow will undoubtedly be of interest to scholars of human rights in Latin America, they should also inform the thinking of scholars, activists and policymakers interested in understanding why and how institutions change and to what effect.

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³ Jo M. Pasqualucci, *The Practice and Procedure of the Inter-American Court of Human Rights* (Cambridge: Cambridge University Press, 2003); Inter-American Commission on Human Rights, *Basic Documents Pertaining to Human Rights in the Inter-American System* (Washington, D.C.: Organization of American States, 2007); OAS, *Inter-American Commission on Human Rights: What Is the IACHR?*, n.d.

⁴ Dulitzky, Ariel (2011). The Inter-American Human Rights System Fifty Years Later. *Quebec Journal of International Law*, 127

⁵ David Forsythe, 'Human Rights, The United States and the Organization of American States', *Human Rights Quarterly*, vol. 13, pp.75-6.

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⁷ Engstrom, Par (2016). The Inter-American Human Rights System and U.S.-Latin American Relations. In Andrew Tillman and Juan Pablo Scarfi (Eds.). *Cooperation and Hegemony in U.S.-Latin American Relations*. London, Palgrave Macmillan.

⁸ Abramovich, Victor (2009). From Massive Violations to Structural Patterns: New Approaches and Classic Tensions in the Inter-American Human Rights System. *Sur: International Journal on Human Rights*, 6, 11. For a recent assessment of the impact of the IAHRS, see the contributions to Par Engstrom (ed.), *The Inter-American Human Rights System: Impact Beyond Compliance*, New York: Palgrave Macmillan (2018)

⁹ Huneeus, Alexandra (2016). Constitutional Lawyers and the Inter-American Court's Varied Authority. *Law and Contemporary Problems*. 79.

¹⁰ Par Engstrom and Peter Low, 'Mobilising the Inter-American Human Rights System: Regional Litigation and Domestic Human Rights Impact in Latin America', in Par Engstrom (ed.), *The Inter-American Human Rights System: Impact Beyond Compliance*, New York: Palgrave Macmillan (2018)

¹¹ Tana Johnson, "Institutional Design and Bureaucrats' Impact on Political Control," *The Journal of Politics* 75, no. 1 (2013): 183–97; Tana Johnson and Johannes Urpelainen, "International Bureaucrats and the Formation of Intergovernmental Organizations: Institutional Design Discretion Sweetens the Pot," *International Organization* 68, no. 1 (2014): 177–209.

¹² Martha Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force* (Ithaca: Cornell University Press, 2003); Martha Finnemore, "International Organizations as Teachers of Norms: The United Nations Educational, Scientific, and Cultural Organization and Science Policy," *International Organization* 47, no. 4 (1993): 565–97.

¹³ Kate Weaver, "The Hypocrisy of International Organizations: The Rhetoric, Reality, and Reform of the World Bank" (University of Wisconsin, 2003).

¹⁴ Hanna Beate Schöpp-Schilling, “Treaty Body Reform: The Case of the Committee on the Elimination of Discrimination Against Women,” *Human Rights Law Review* 7 7, no. 1 (2007): 201–24.

¹⁵ Michael O’Flaherty and Claire O’Brien, “Reform of UN Human Rights Treaty Monitoring Bodies: A Critique of the Concept Paper on the High Commissioner’s Proposal for a Unified Standing Treaty Body,” *Human Rights Law Review* 7, no. 1 (January 1, 2007): 141–72.

¹⁶ C. Mahon, “Progress at the Front: The Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,” *Human Rights Law Review* 8, no. 4 (October 2008): 617–46. Allehone Mulugeta Abebe, “Of Shaming and Bargaining: African States and the Universal Periodic Review of the United Nations Human Rights Council,” *Human Rights Law Review* 9, no. 1 (January 1, 2009): 1–35.

¹⁷ Celeste Wallander, “Institutional Assets and Adaptability: NATO after the Cold War,” *International Organization* 54, no. 4 (2000): 705–35.

¹⁸ Michael Williams and Iver B. Neumann, “From Alliance to Security Community: NATO, Russia, and the Power of Identity,” *Millennium*, no. 29 (2000): 2.

¹⁹ Tom Farer, “The Rise of the Inter-American Human Rights Regime: No Longer a Unicorn, Not Yet an Ox,” *Human Rights Quarterly* 19, no. 3 (1997): 510–46.

²⁰ Camila Barreto Maia et al., *Desafíos Del Sistema Interamericano de Derechos Humanos: Nuevos Tiempos, Viejos Retos* (Bogotá: Ediciones Antropos, n.d.).

²¹ Particularly prominent rulings in this regard by the Court include *Barrios Altos v. Peru*, *Almonacid-Arellano et al. v. Chile*, and *Gomes Lund et al. (Guerrilha do Araguaia) v. Brazil*.

²² High-profile rulings by the Court on this wide range of human rights themes include: *Fontevecchia and D’Amico v. Argentina* (on freedom of expression); *Norín Catriman et al. v. Chile* (on the right to protest); *Mayagna (Sumo) Awas Tingni Community v. Nicaragua* and *Pueblo Indígena Kichwa de Sarayaku v. Ecuador* (on indigenous rights and, respectively, collective land rights, and the right to free, prior and informed consent); and *Atala Riff and Daughters v. Chile* (on sexual orientation rights).

²³ Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Suriname, Trinidad & Tobago (subsequently denounced), Uruguay, and Venezuela (subsequently denounced).

²⁴ Costa Rica, Peru, Venezuela (subsequently denounced), Honduras, Ecuador, Argentina, Uruguay, Colombia, Guatemala, Suriname, Panama, Chile, Nicaragua, Paraguay, Bolivia, El Salvador, Haiti, Brazil, Mexico, Dominican Republic, and Barbados.

²⁵ Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (New York: Cambridge University Press, 2009).

²⁶ Eric Posner, *The Twilight of Human Rights Law* (New York, NY: Oxford University Press, 2014).

²⁷ Kenneth W. Abbott et al., “The Concept of Legalization,” *International Organization* 54, no. 03 (June 2000): 401–419, <https://doi.org/10.1162/002081800551271>; Martha Finnemore and Stephen J. Toope, “Alternative Views to ‘Legalization’: Richer Views of Law and Politics,” *International Organization* 55, no. 3 (2001): 743–58; Karen J. Alter, *The New Terrain of International Law: Courts, Politics, Rights* (Princeton, New Jersey: Princeton University Press, 2014).

²⁸ For a comparative perspective on regional human rights systems, see Frans Viljoen, “Impact in the African and Inter-American Human Rights Systems: A Perspective on the Possibilities and Challenges of Cross-Regional Comparison”, in Par Engstrom (ed.), *The Inter-American Human Rights System: Impact Beyond Compliance*, New York: Palgrave Macmillan (2018).